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**HINCKLEY & BOSWORTH  
BOROUGH COUNCIL**



**Hinckley & Bosworth  
Borough Council**

**AGENDA FOR THE  
MEETING OF THE COUNCIL**

**TO BE HELD ON**

**TUESDAY, 5 OCTOBER 2021**

**at 6.30 pm**

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- *There are two escape routes from the Council Chamber – at the side and rear. Leave via the door closest to you.*
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- **Do not** stop to collect belongings.

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Thank you

Date: 27 September 2021



**Hinckley & Bosworth  
Borough Council**

Dear Sir/Madam

I hereby summon you to attend a meeting of the Hinckley & Bosworth Borough Council in the Council Chamber at these offices on **TUESDAY, 5 OCTOBER 2021** at **6.30 pm**

Yours faithfully

A handwritten signature in black ink, appearing to read 'RK Owen'.

Miss RK Owen  
Democratic Services Manager

**AGENDA**

1. Apologies
2. Minutes of the previous meeting (Pages 1 - 2)  
To confirm the minutes of the meeting held on 10 August 2021.
3. Additional urgent business by reason of special circumstances  
To be advised of any additional items of business which the Mayor decides by reason of special circumstances shall be taken as matters of urgency at this meeting. Items will be considered at the end of the agenda.
4. Declarations of interest  
To receive verbally from Members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the Agenda.
5. Mayor's Communications  
To receive such communications as the Mayor may decide to lay before the Council.
6. Questions  
To deal with questions under Council Procedure Rule number 14.

7. Petitions

To deal with petitions submitted in accordance with Council Procedure Rule 15.

8. Leader of the Council's Position Statement

To receive the Leader of the Council's Position Statement.

9. Minutes of the Scrutiny Commission (Pages 3 - 4)

To receive for information only the minutes of the Scrutiny Commission meeting held on 16 September 2021.

10. Gambling Act Policy (Pages 5 - 42)

To consider the refreshed Gambling Policy as required under the Gambling Act 2005.

11. Arrangements for Appointing the External Auditors (Pages 43 - 50)

To approve the arrangements for appointing external auditors.

12. Motions received in accordance with Council Procedure Rule 17

Motion proposed by Councillor M Mullaney and seconded by Councillor Pendlebury

Making the Universal Credit Uplift permanent

Council notes that the £20 a week Universal Credit uplift is coming to an end on 6 October.

According to the Joseph Rowntree Trust, 6,790 families locally will be hit by the £20 a week Universal Credit reduction.

The cut in Universal Credit comes at a time when many people are struggling to meet the costs of rising energy bills and many low income working people will also be hit by National Insurance rises from April 2023.

Council calls on the government to drop its plans to reduce Universal Credit and to make the Universal Credit Uplift permanent.

Council resolves to write to the Chancellor of the Exchequer calling for the Universal Credit uplift to be made permanent.

# Agenda Item 2

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

10 AUGUST 2021 AT 6.30 PM

PRESENT: CLLR E HOLLICK - MAYOR  
CLLR DT GLENVILLE – DEPUTY MAYOR

Cllr DC Bill MBE, Cllr SL Bray, Cllr MB Cartwright, Cllr JMT Collett,  
Cllr MA Cook, Cllr DS Cope, Cllr MJ Crooks, Cllr WJ Crooks,  
Cllr DJ Findlay, Cllr REH Flemming, Cllr A Furlong, Cllr SM Gibbens,  
Cllr L Hodgkins, Cllr C Ladkin, Cllr MR Lay, Cllr KWP Lynch,  
Cllr K Morrell, Cllr LJ Mullaney, Cllr MT Mullaney, Cllr K Nichols,  
Cllr RB Roberts, Cllr MC Sheppard-Bools, Cllr BR Walker,  
Cllr R Webber-Jones and Cllr P Williams

Officers in attendance: Matthew Bowers, Bill Cullen, Julie Kenny, Rebecca Owen, Sharon Stacey and Ashley Wilson

### 91 APOLOGIES

Apologies for absence were submitted on behalf of Councillors C Allen, R Allen, Boothby, O'Shea, Pendlebury, Smith and H Williams.

### 92 MINUTES OF THE PREVIOUS MEETING

It was moved by Councillor Lay, seconded by Councillor W Crooks and

RESOLVED – the minutes of the meeting held on 22 June be approved as a correct record.

### 93 DECLARATIONS OF INTEREST

No interests were declared at this stage.

### 94 MAYOR'S COMMUNICATIONS

The Mayor spoke about former councillor John Collins who had passed away recently and led a minute's silence. Other members spoke in remembrance of Mr Collins who was well respected and worked hard both within the Council and in the community.

The Mayor informed members that he had sent a letter to the Mayor of Herford to express condolences about the recent devastating flooding in the area. He also reported on events he had attended including Armed Forces Day and a presentation to war veteran Gordon Bennett of Earl Shilton.

### 95 LEADER OF THE COUNCIL'S POSITION STATEMENT

In his position statement, the Leader referred to:

- The successful outcome of the motion to the last meeting of Council in relation to fibre optic broadband
- The success of Team GB at the Olympics
- Music in the Mead
- Armed Forces Day
- Feast Hinckley
- Proms in the Park
- The Making a Difference Awards

- The HGV driver shortage, in which he thanked officers in Street Scene and Customer Services and also the public for their patience and understanding whilst the garden waste bin service was paused.

The Leader thanked officers in Cultural Services for running successful events, such as the Snapdragon festival and Feast Hinckley, for the benefit of residents. Other members echoed this sentiment and asked that thanks be passed onto officers.

## 96 FINANCIAL OUTTURN

Consideration was given to the draft financial outturn for 2020/21. The Head of Finance and his team were thanked for their hard work during a challenging time. During discussion, the following points were raised:

- The importance of continued financial support from the government
- The human cost of covid in addition to the financial implications
- The need to give greater consideration to the climate implications within the report.

It was moved by Councillor Lynch, seconded by Councillor Bray and

### RESOLVED –

- (i) The general fund outturn for 2020/21 be approved;
- (ii) The transfer to earmarked reserves and balances as outlined in the report be approved;
- (iii) The general fund revenue carry forwards of expenditure and income to 2021/22 be approved;
- (iv) The housing revenue and housing repairs account outturn for 2020/21 and transfers to and from balances be approved;
- (v) The capital programme outturn for the general fund and housing revenue account from 2020/21 be approved;
- (vi) The HRA carry forwards be approved;
- (vii) The capital carry forwards be approved;
- (viii) A £1.950m affordable housing budget be approved;
- (ix) A virement of £200,000 from the electrical rewires budget to doors and windows replacement be approved.

(The Meeting closed at 7.21 pm)

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MAYOR

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### SCRUTINY COMMISSION

16 SEPTEMBER 2021 AT 6.30 PM

PRESENT: Cllr MR Lay - Chairman  
Cllr C Ladkin and Cllr P Williams – Vice-Chairmen

Cllr JMT Collett, Cllr MJ Crooks, Cllr SM Gibbens, Cllr K Morrell, Cllr A Pendlebury and Cllr R Webber-Jones

Also in attendance: Councillor CM Allen, Councillor RG Allen, Councillor KWP Lynch, Councillor RB Roberts and Councillor HG Williams

Officers in attendance: Matthew Bowers, Bill Cullen, Malcolm Evans, Julie Kenny, Rebecca Owen, Sharon Stacey and Ashley Wilson

#### 146 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Cope and Sheppard-Bools.

#### 147 MINUTES

It was moved by Councillor Gibbens, seconded by Councillor Pendlebury and

RESOLVED – the minutes of the meeting held on 22 July be confirmed as a correct record.

#### 148 DECLARATIONS OF INTEREST

No interests were declared.

#### 149 PLANNING ENFORCEMENT UPDATE

Members were provided with an update on planning enforcement including staffing, case numbers and relevant legislation.

Councillor Crooks entered the meeting at 6.32pm.

During discussion on the presentation, the following suggestions were made:

- Preparation of a guide for developers to show how they should behave
- Supporting recruitment by approaching the local police to encourage recruitment amongst police officers due to retire
- Consideration of reasons for losing staff and identification of any trends
- Working with other authorities to increase resilience
- An update be brought to the December meeting.

#### 150 FIVE YEAR HOUSING LAND SUPPLY UPDATE

The Scrutiny Commission was updated on the five year housing land supply. It was noted that all members had been sent the current position (4.46 years supply) and annual report which had been finalised since preparation of the agenda. During discussion, the following points were raised:

- An application for Earl Shilton SUE was expected in October
- The impact of the government's planning reforms was currently unknown
- The importance of infrastructure to enable development
- Current difficulties in relation to inflation and lack of materials which made it difficult for builders to start work
- The importance of supporting the neighbourhood planning process.

151 DATE OF JUNE 2022 MEETING

It was agreed that the meeting scheduled for 2 June 2022 be moved to 9 June 2022.

152 MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

On the motion of Councillor Crooks seconded by Councillor Sheppard-Bools, it was

RESOLVED – in accordance with section 100A(4) of the Local Government Act 1972, the public be excluded from the following item of business on the grounds that it involves the disclosure of exempt information as defined in paragraphs 3 and 10 of Part I of Schedule 12A of that Act.

153 HINCKLEY CRESCENT - UPDATE

Members were updated on the Crescent development including the background, positive economic impacts and outcomes and current letting position. During presentation and discussion, the following points were raised:

- Smaller units had been easier to let than the larger ones
- The number of other businesses attracted to the area due to the Crescent which also increased income from business rates
- The difficulty in calculating the specific financial return on investment due to many factors including the approved objectives for the scheme and that the financing of the project and loan was not directly linked as the loan also supported some of the expenditure on the leisure centre project being developed at the same time
- The need to consider the success of the project against the council's initial ambitions and objectives for the site which were to transform and regenerate the former run down bus station area, improve the retail and leisure shopping offer and physical environment of this key gateway area in the town and to generate new jobs.

The Executive member agreed to arrange for a breakdown of costs and return on investment to be sent to members.

(The Meeting closed at 8.46 pm)

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CHAIRMAN



## Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Licensing Committee                      31 August 2021  
Council                                              5 October 2021

Wards affected:                                      [all wards]

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### The Gambling Act 2005 – Statement of Principles (Refresh)

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#### Report of Director of Environment & Planning

##### 1. Purpose of report

- 1.1 To consider the refreshed Gambling Policy (Statement of Principles) as required under the Gambling Act 2005.

##### 2. Recommendation

- 2.1 The Gambling Policy be adopted by the Council.

##### 3. Background to the report

- 3.1 The responsibility for regulatory activity on gambling is split between the local authority and the national regulator, the Gambling Commission. The Commission issues licences to gambling operators and individuals and issues guidance to local authorities as to how we should exercise our powers under the legislation. The Commission can impose conditions on operators, develop codes of practice and investigate claims of illegal gambling or any breaches of the requirement of the legislation. Where it considers such action appropriate it will suspend or revoke licences and issue unlimited financial penalties. Certain activities such as the National Lottery and spread betting remain separate from this regime and the responsibility of the Gambling Commission and Financial Services Authority respectively.
- 3.2 Local Authorities designated as licensing authorities are responsible for issuing premises licenses to casinos, betting offices, race tracks, bingo clubs, adult gaming facilities (for over 18s only) and family entertainment centres

where children are allowed. The local authority also issue permits for gaming machines and small society lotteries.

3.3 Under the provisions of the Gambling Act 2005 Hinckley & Bosworth Borough Council is the Licensing Authority for the administration and enforcement in specified circumstances of 'gambling', defined as betting, gaming and participating in a lottery.

3.4 Section 349 of the Gambling Act 2005 requires that the Licensing Authority prepare and publish a statement of principles every three years and the Borough Council's Statement of Principles is due for renewal by January 2022.

3.5 The statement of principles is required to clearly place the promotion of the licensing objectives of the Act as central to its purpose. These are:

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

3.7 The statement must be produced in consultation with persons and bodies stipulated by the Act, these are:

- Chief Officer of Police for the authority's area;
- Persons who appear to the authority to represent the interests of gambling businesses in the area;
- Persons who appear likely to represent or have interests likely to be affected by the exercise of the authority's functions under the Act.

A full list of consultees is shown under section 8 of the report.

3.8 In determining its policy the authority must have regard to the guidance and give appropriate weight to representations made with regard to:

- Interest and expertise of person making the representation;
- The motivation of those making representations;
- How many people have expressed similar views;
- How far representations relate to matters that should be included in the policy.

3.9 The policy was approved by the Licensing Committee and is recommended for adoption by the Council.

#### **4. Exemptions in accordance with the Access to Information procedure rules**

4.1 The report is to be taken in open session.

## **5. Financial implications [AG]**

5.1 None.

## **6. Legal implications [MR]**

6.1 The legal requirements relating to the Statement of Principles, the consultations to be carried out before any changes are made, and the procedure for agreeing to any amendment are set out adequately in the body of the report.

## **7. Corporate Plan implications**

7.1 The Statement of Principles will contribute to the Councils Corporate Plan objective of supporting people to take measures to reduce crime and antisocial behaviour and protect people from harm.

## **8. Consultation**

8.1 Consultation has taken place with the following persons and bodies:

- The Chief Constable, Leicestershire Constabulary;
- Leicestershire & Rutland Safeguarding Partnership;
- The Gambling Commission;
- HM Revenue & Customs;
- Leicestershire Fire & Rescue Service;
- The Planning Authority;
- Environmental Health;
- Community Safety;
- Hinckley & Bosworth Borough Council elected Members;
- Parish and Town Councils;
- Hinckley BID;
- Association of British Bookmakers;
- Existing licensees;
- Gam Care & Gamblers Anonymous
- Gamble Aware

8.2 Hinckley BID thanked the Council for sharing the comprehensive policy with them and commented that the policy was appropriate.

8.3 Gamcare were unable to make comment on the specific policy but they did respond providing generic advice, sent leaflets and posters and directed officers to a number of publications.

8.4 Gamble Aware work in partnership with the Gambling Commission and the Responsible Gambling Strategy Board. Although resource constraints meant that they were unable to offer specific feedback on the policy they fully support the work of all local authorities.

8.5 The Town and Parish Councils thanked the Borough Council for notice of the review and gave their support with no additional comments to be added to the policy.

## 9. Risk implications

9.1 It is the council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Reputation from negative press coverage from enforcement	Ensure enforcement carried out competently and proportionately and in accordance with enforcement policy.	Mark Brymer
Knowledge and skills of staff	Ensure adequate training given to compliance staff.	Mark Brymer
Legal compliance	Ensure the licensing service is compliant with legislation.	Mark Brymer

## 10. Knowing your community – equality and rural implications

10.1 The Gambling Act 2005 will have equal impact on all areas of the Borough.

10.2 An Equality Impact Assessment has been undertaken and is available.

## 11. Climate implications

11.1 There is no climate impact as a result of this policy.

## 12. Corporate implications

12.1 By submitting this report, the report author has taken the following into account:

- Community safety implications – The third licensing objective links to community safety in the Corporate Plan by supporting vulnerable people.
- Environmental implications
- ICT implications
- Asset management implications

- Procurement implications
  - Human resources implications
  - Planning implications
  - Data protection implications
  - Voluntary sector
- 

Background papers:

Gambling Commission - Guidance to Licensing Authorities  
Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales)  
Regulations 2006 (S.I 636 of 2006)

Contact Officer: Mark Brymer, ext. 5645

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Hinckley & Bosworth  
Borough Council

Gambling Act 2005  
Statement of Principles

## Foreword

The [Gambling Act 2005](#) has now been in force since 1<sup>st</sup> September 2007 and this is Hinckley & Bosworth Borough Councils sixth Statement of Principles.

Under the Act, the Licensing Authority is required to prepare and publish a Statement of Principles (Policy). Since the introduction of the Act, the policy has assisted in promoting the three licensing objectives detailed under the Act:

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

The Licensing Authority has considered and evaluated the effectiveness of the current policy and has decided no amendments are necessary.

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## Glossary of Terms

Licensing Objectives:	As defined in Part 4 of the Statement of Principles
Licensing Authority	Hinckley & Bosworth Borough Council
Borough:	The area administered by Hinckley & Bosworth Borough Council is shown at Appendix C
Licensing Authority Functions:	Are defined in section 1.4
Notifications:	Means notification of temporary and occasional use notices
Act:	The Gambling Act 2005
Regulations:	Regulations made under the Gambling Act 2005
Premises:	Any place, including a vehicle, vessel or moveable structure
Code of Practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005
Mandatory Condition:	Set by the Secretary of State (some set out in the Act) and some to be prescribed by regulations.
Default Condition:	To be prescribed in Regulations made by the Secretary of State to be attached to all classes of premises licence, unless excluded by Hinckley & Bosworth Borough Council
Specific Condition	Conditions that can be attached to an individual premises by the Licensing Authority. (However these conditions cannot prevent compliance with operating licence conditions.)
Responsible Licensing Authority:	The following are responsible authorities: <ol style="list-style-type: none"> <li>1. The Licensing Authority in whose area the premises are wholly or mainly situated (HBBC)</li> <li>2. The Gambling Commission;</li> <li>3. The Chief Officer of Police for Leicestershire;</li> <li>4. Leicestershire Fire and Rescue Service;</li> <li>5. The Local Planning Licensing Authority (HBBC)</li> <li>6. A Licensing Authority with functions in relation to pollution of the environment or harm to human health;</li> <li>7. A designated body to advise on the protection of children;</li> <li>8. HM Customs and Excise.</li> </ol>
Interested Party:	For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the license or to which the application is made, the person:- <ol style="list-style-type: none"> <li>a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;</li> <li>b) Has business interests that might be affected by the authorised activities;</li> <li>c) Represents persons who satisfy a) or b) above.</li> </ol>
Categories of machines	A= Unlimited, B1 = £10000 B2 = £500 B3 = £500 B4 = £400, C = £100, D = £ 5 cash to £50 non-monetary prize.

## **Licensing Objectives under the Gambling Act 2005**

The Gambling Act 2005 (The Act) sets out three clear licensing objectives which are:-

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

This Licensing Authority is aware that, under Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant Codes of Practice under section 24 of the Act.
- in accordance with any relevant Guidance issued by the Commission under section 25 of the Act.
- in accordance with this Statement of Principles, and
- reasonably consistent with the licensing objectives.

### **1.1 Introduction**

Hinckley & Bosworth Borough Council became the Licensing Authority under the Gambling Act 2005. The Council's Geographical area is shown in Appendix C.

Licensing authorities are required by the Gambling Act 2005 to publish a statement of principles to apply when exercising their functions. The statement must be published every three years. This statement will come into effect one month after adoption by the Council and will be valid for three years; the statement must also be reviewed from time to time. The statement would then be re-published.

### **1.2 Declaration**

The Licensing Authority declares that this Statement of Principles has been prepared having regard to the provisions of the Guidance issued by the Gambling Commission (the Commission) and the licensing objectives of the Gambling Act 2005.

This Statement of Principles can be viewed on Hinckley & Bosworth Borough Council's website: - [www.hinckley-bosworth.gov.uk](http://www.hinckley-bosworth.gov.uk)

### **1.3 Consultees on the Statement of Principles**

The Statement of Principles has been subject to formal consultation with:-

1. Leicestershire Constabulary;
2. Representatives of the holders of the various licences for premises within the Borough who will be affected by this Policy;
3. Persons/bodies representing the interests of persons likely to be affected by this policy.

A full list is shown in Appendix A.

### **1.4 Licensing Authority Functions**

The Licensing Authority is required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences.
- Issue Provisional Statements (a premises that is expected to be constructed; altered; or where a person acquires a right to occupy).
- 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 pubs licensed, under the Licensing Act 2003, where there are more than two gaming machines.
- Register small society lotteries below prescribed thresholds.
- Issue Prize Gaming Permits.
- Receive and endorse Temporary Use Notices.
- Receive and acknowledge Occasional Use Notices.
- Provide information to the Gambling Commission regarding details of licences issued (see section below on 'information exchange').
- Maintain registers of the permits and licences that are issued under these functions.

It should be noted that local licensing authorities are not be involved in licensing remote gambling (internet gambling). The Gambling Commission licence remote gaming via operators licences.

Spread betting is regulated by The Financial Services Authority and the National Lottery is now regulated by The Gambling Commission.

## **1.5 Information exchange**

In fulfilling its functions under sections 29, 30 and 350 of the Act with respect to the exchange of relevant information with other regulatory bodies the Council will establish protocols in this respect. In exchanging such information, the Council will conform to the requirements of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 in accordance with the Council's existing policies.

Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their details will be disclosed.

## **1.6 Enforcement**

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified. This licensing authority's principles are that: It will be guided by the Gambling Commission's Guidance and will endeavour to be:

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

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 implemented a risk-based inspection programme, based on;

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

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. Concerns about manufacture, supply or repair of gaming machines should be notified to the Gambling Commission.

The licensing authority will keep itself informed of developments as regards the work of the Office for Product Safety & Standards (OPSS) in its consideration of the regulatory functions of local authorities.

### **1.7 Responsible Authorities**

In exercising this licensing authority's powers under Section 157 of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm, the following principles have been applied:

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

In accordance with the guidance this authority designates the Leicestershire and Rutland Safeguarding Children Partnership.

### **1.8 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 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 It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the Councillor / MP represent the Ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these bodies the Council will require written evidence that a person/body represents someone who either lives or works sufficiently close to the premises to be affected by the authorised activities.

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.

## **1.9 Local Risk assessment**

The Gambling Commission's [Licence Conditions and Codes of Practice](#) (LCCP) require licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures in place to mitigate those risks.

As part of the application process licensees are required to submit a local risk assessment.

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

The council requires the licensee to keep a copy of the local area risk assessment (LARA) on site to share with licensing officers upon request during compliance visits. The risk assessment will set out the measures the licensee has in place to address specific issues where concerns exist over new or existing risks. By adopting this proactive approach the Council and licensees will be able to reduce the occasions on which a premises review may be required.

The council will expect the local risk assessment to consider as a minimum:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather.
- the demographics of the area in relation to vulnerable groups.
- whether the premises is in an area subject to high levels of crime and/or disorder.
- local risk assessments should show how vulnerable people, including people with gambling dependencies are protected.

## 1.10 Local Area Profile

The following area profile has been included to facilitate operators being able to better understand the environment within Hinckley & Bosworth Borough Council and therefore proactively mitigate risks to the licensing objectives. At the time of publication the Borough of Hinckley & Bosworth has a total of six gambling premises licences. All premises licensed under the Gambling Act 2005 within the borough may be accessed by adults (over 18's) only.

The breakdown of licences are given below by Electoral Ward:

Hinckley Castle	2 Betting Premises	1 Adult Gaming Centre
Grobby	1 Betting Premises	
Earl Shilton	1 Betting Premises	
Burbage Sketchley	1 Betting Premises	

### Local Area Overview

#### Betting Premises

There are currently five betting premises within the Borough. We have contacted all betting premises in relation machines known as fixed odds betting terminals (FOBT). The information obtained shows that there is no excessive use of the machines and proper control and monitoring of these machines by licence holders are in place. Although no complaints have been received about any betting premises since 2007 the LA is aware that people with problem gambling behaviours, committing criminal / antisocial behaviours or minors trying to access gambling are unlikely to complain. Officers will continue to monitor premises through proactive visits to ensure compliance.

#### Adult Gaming Centre (AGC)

There is one AGC in Hinckley town centre. The premises are able to make category B, C and D gaming machines available for use. Only persons over the age of 18 can enter the premises and play the machines.

#### Casino

There are no licensed casinos in the borough.

#### Tracks

There are no licensed track betting premises in the borough.

#### Family Entertainment Centre (FEC)

There are no family entertainment centres in the borough.

#### Bingo Hall

There are no licensed bingo halls in the borough.

## **Part 2 – Premises Licensing**

### **2.1 General Principles**

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

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

- in accordance with relevant code of practice issued by the Commission.
- in accordance with any relevant guidance issued by the Commission.
- reasonably consistent with the licensing objectives and
- in accordance with the Licensing Authority's Statement of Principles.

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

### **2.2 Definition of Premises**

In the Act, "premises" is defined as including "any place". Section 152 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 will pay particular attention if there are issues about sub-divisions of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed.

The guidance states 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 note that: care should be taken 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 officers should be aware of the following:

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

Officers will take into account the following factors:

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

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

**The relevant access provisions for each premises type is as follows:**

### **Casinos**

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

### **Adult Gaming Centre**

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

## **Betting Shops**

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

## **Tracks**

No customer should be able to access the premises directly from:

- a casino.
- an adult gaming centre.

## **Bingo Premises**

No customer must be able to access the premise directly from:

- a casino.
- an adult gaming centre.
- a betting premises, other than a track.

## **Family Entertainment Centre**

No customer must be able to access the premises directly from:

- a casino.
- an adult gaming centre.
- a betting premises, other than a track.

## **Premises “ready for gambling”**

A licence to use premises for gambling will 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.

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

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

- First, whether the premises ought to be permitted to be used for gambling.
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

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

### **2.3 Location of Premises**

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. This authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

### **2.4 Planning**

In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This authority will not take into account irrelevant matters and notes the following excerpt from the Guidance:

When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings comply with the necessary planning or building consents. 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.

### **2.5 Duplication with other regulatory regimes**

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 and must not form part of the consideration for the premises licence.

## **2.6 Casinos**

There are currently no casinos operating within the Borough.

There is no resolution to prohibit casinos in the Borough at present. However the Council reserves the right to review this situation and may resolve not to permit casinos.

Should the Licensing Authority choose to make such a resolution under section 166 of the Act, this will be a resolution of Full Council following considered debate, and the reasons for making the resolution will be given. There is no right of appeal against this resolution.

## **2.7 Bingo Premises**

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

This authority also notes that regarding the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate eight category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

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.

## **2.8 Betting Premises**

Betting machines - This licensing authority will, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

## **2.9 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. At present there are no tracks within the Borough.

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.

The licensing authority may consider the following measures to meet the licensing objectives:

- 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 leaflets 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, 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 (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.

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.

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

The authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place.

### **2.10 Adult Gaming Centre (AGC)**

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 for organisations such as GamCare.

## **2.11 Family Entertainment Centre (FEC)**

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:

- 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 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.

## **2.12 Travelling Fairs**

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

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.

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

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

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

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

## 2.14 Licence Review

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

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.

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

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

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:-

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

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

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 must, as soon as possible, notify its decision to:

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

## **2.15 Reasons for a Decision**

It is a requirement of the Act that a licensing authority gives reasons for a rejection of an application but it is good practice for reasons to be given in relation to all decisions.

A failure to give reasons may result in an appeal of the decision or the suggestion that the licensing authority did not have regard to all the relevant information when making its decision, in line with its obligation under s.153 of the Act.

## **2.16 Appeals**

An appeal against a decision of this licensing authority has to be made to the Magistrates' Court for the local justice area in which the premises concerned are situated.

To begin an appeal, the appellant must give notice of their appeal within 21 days of their having received notice of the relevant decision. During that period, and until any appeal that has been brought has been finally determined, a determination or other action by the licensing authority will not have effect unless the licensing authority so directs.

If the licence holder or the person who made the application appeals, the licensing authority will be the respondent. If the appeal is made by someone else, then the licence holder / applicant will be a respondent to the appeal along with the licensing authority.

There is a further right of appeal from the Magistrates' Court to the High Court in England and Wales.

## **Part 3 - Permits / Temporary & Occasional Use Notice**

### **3.1 Unlicensed Family Entertainment Centres (UFEC)**

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

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.

This Licensing authority will want applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres.
- 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.

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

#### **Statement of Principles**

This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

### **3.2 Alcohol Licensed premises - Automatic entitlement: two machines**

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.

To promote best practice Hinckley & Bosworth Borough Council produce a summary document and request that premises licence holders (Licensing Act 2003) display it as good practice. By displaying a summary of gaming machine entitlement the designated premises supervisor (DPS) is showing co-operation with the fair & open objective of the Gambling Act 2005 by letting people know what the machines actually are that they may be playing and that the premises is licensed to operate those machines. The summary also contributes towards keeping crime out of gambling by letting people see that if a premise is licensed for two machines but has four on the premises there is an avenue to raise that with the Local Authority and/or the Gambling Commission.

<http://www.gamblingcommission.gov.uk/pdf/code-of-practice-for-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence.pdf>

The licensing authority can remove the automatic authorisation in respect of any particular premises if:

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

### **Alcohol Licensed Gaming Machine Permit: 3 or more machines**

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

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 harmed 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 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.

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

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.

### **3.3 Club Gaming Permits & Club Machine Permits**

The Licensing Authority may grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits which authorise the establishments to provide gaming machines, equal chance gaming and games of chance as prescribed in regulations.

Club machine permits allow the provision of no more than three gaming machines. These may be from categories B, C or D. The club is permitted to choose the combination of machines on its premises. The Licensing Authority may grant or refuse a permit, but it may not attach any conditions to a permit. The Authority only refuses an application for a machine permit if the:

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

### **3.4 Prize Gaming & Prize Gaming Permits**

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

A prize gaming permit is a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specified premises.

An application for a permit can only be made by a person who occupies or plans to occupy the premises an individual, must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises.

### **3.5 Temporary Use Notices**

Temporary Use Notices (TUN) 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 TUN, according to Commission, would include hotels, conference centres and sporting venues.

The licensing authority can only grant a TUN to a person or company holding the 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: 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.

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

### **3.6 Occasional Use Notices**

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

## **Part 4 - The Licensing Objectives**

### **4.1 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.

#### **4.2 Preventing gambling from being a source of crime and disorder; being associated with crime and disorder or being used to support crime**

The 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 that such gambling applications be refused. This licensing authority is aware of the distinction between crime, disorder and nuisance and will consider factors so as to make that distinction.

#### **4.3 Ensuring gambling is conducted in a fair and open way**

The licensing authority notes that the Gambling Commission states that it does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

#### **4.4 Protecting children and other vulnerable persons from being harmed or exploited by gambling – Licensing Objective**

The licensing authority notes 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, the commission's guidance, whether specific measures are required at particular premises, with regard to this licensing objective.

Nationally there is now evidence available to show that gambling is being used as a way to normalise adult behaviours and gain favour by those grooming children. The risk is higher around online gambling products but also exists with regards to premises based gambling and as such operators and staff should be aware of individuals associating with children in the vicinity of their premises or attempting to access their premises in the company of children with concerns being reported as appropriate according to local Policing guidelines.

There is no evidence of child sexual exploitation in licensed premises within the Borough of Hinckley & Bosworth.

## **Vulnerable Persons**

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

## **5 COMPLAINTS AGAINST PREMISES LICENSED UNDER THE ACT**

This Licensing Authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about licensed premises or a valid application for a license to be reviewed, this Licensing Authority may initially arrange a conciliation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the Licensing Committee consider their valid objections or for any licence holder to decline to participate in a conciliation meeting. Due consideration will be given to all relevant representations.

## **Equal Opportunities Statement**

In developing this policy, the Council has recognised its responsibility under the Equality Act 2010 to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

The Act and the Council seeks to outlaw unlawful discrimination against a person or group of people because of their:

- Age.
- Disability.
- Gender reassignment.
- Marriage and civil partnerships (in respect of the requirement to have due regard to the need to eliminate discrimination)
- Pregnancy and maternity.
- Race.
- Religion.
- Sex or Sexual orientation.

The Council will not be affected by improper or undue influence from any source. To assist in this:

- The Policy and associated documents will be available on the Internet, and in other formats upon request.
- Multi-language sections may be included in leaflets upon request.
- Support will be offered to individuals who are socially excluded to assist in their understanding of legislation and legal requirements.
- Action will be taken to ensure that all enforcement action, particularly against those individuals from disadvantaged groups or who share protected characteristics, is dealt with fairly.

An equality impact assessment has been completed for this policy.

## **6 FURTHER INFORMATION**

In order to comply with section 26 of the Counter Terrorism and Security Act 2015, which places a duty on “specified authorities” (including Hinckley and Bosworth Borough Council) to have “due regard in the exercise of their functions, to the need to prevent people from being drawn into extremism/extremist activities or terrorism.”

Therefore, in complying with this duty, gambling premises and or resources should not be utilised to aid/support extremist activity, or the dissemination of extremist views.

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

The Licensing Service  
Hinckley & Bosworth Borough Council  
Hinckley Hub  
Rugby Road  
Hinckley  
LE10 0FR

Tel: 01455 238141  
E-mail: [esadmin@hinckley-bosworth.gov.uk](mailto:esadmin@hinckley-bosworth.gov.uk)  
Website: [www.hinckley-bosworth.gov.uk](http://www.hinckley-bosworth.gov.uk)

The Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Tel: 0121 230 6500  
Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

## Appendix A – Consultees On Policy

The Licensing Authority has sent copies of the policy to the following to consult on the content of this Statement of Principles:-

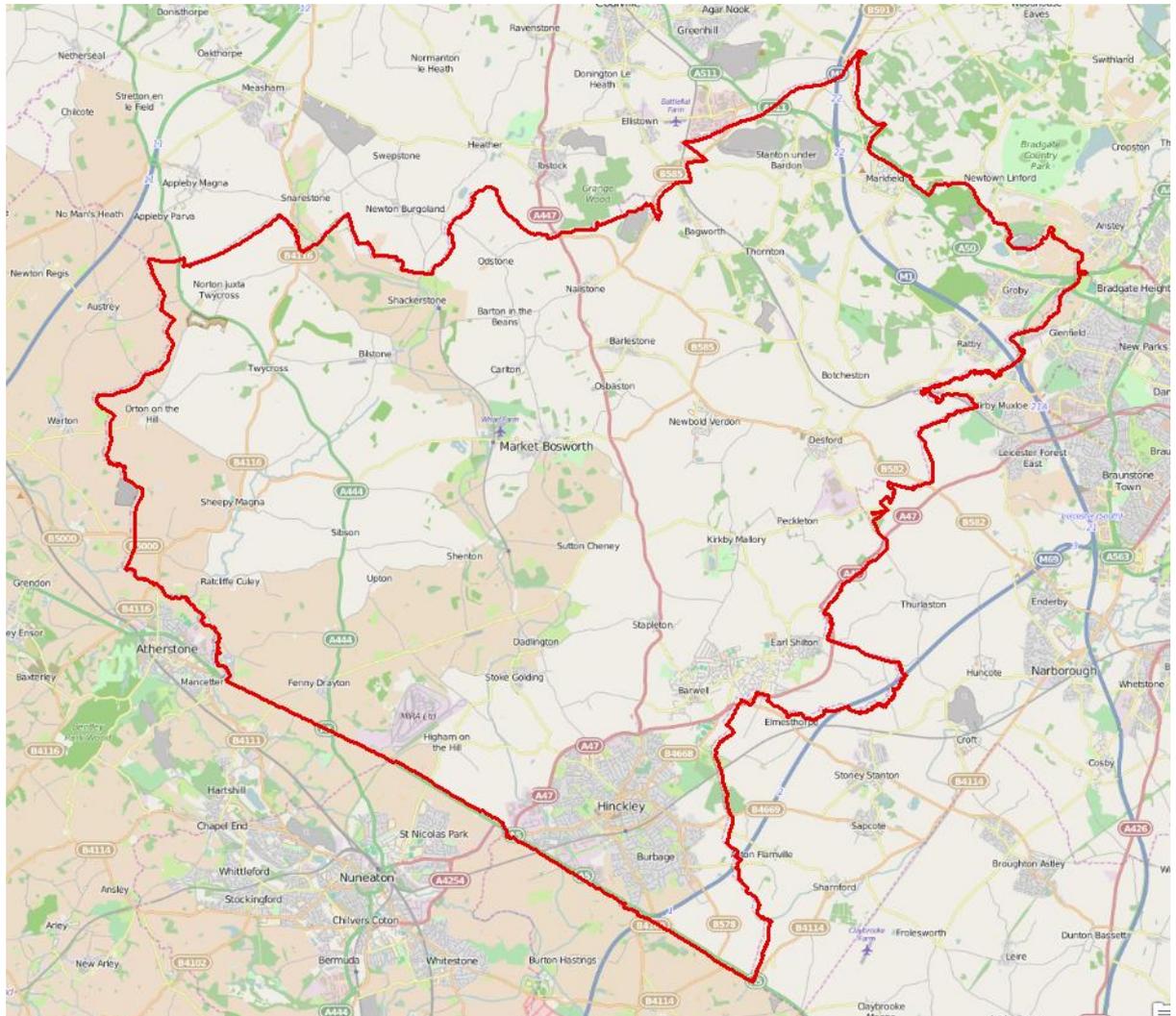
- Leicestershire Police.
- Leicestershire and Rutland Safeguarding Partnership.
- Leicestershire Fire & Rescue Service.
- Hinckley BID.
- The Planning Authority.
- Environmental Health.
- The Gambling Commission.
- HMRC.
- Association of British Bookmakers.
- Hinckley & Bosworth Borough Council Members.
- Parish and Town Councils within the Borough.
- Holders of existing premises licences.
- GamCare & Gamblers Anonymous.
- Gamble Aware

## Appendix B - Gambling Act 2005 Scheme of Delegation

Matter to be dealt with	Full Council	Committee / Sub-Committee	Officers
Final approval of the 3 year Statement of Principles	X		
Review of 3 year Statement of Principles		X (Full Committee only)	
Policy not to permit casinos	X		
Fee setting (when appropriate)		X (Full Committee only)	
Application for premises licences		Where representations have been received and not withdrawn (Sub-Committee)	Where no representations received / representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn (Sub-Committee)	Where no representations received / representations have been withdrawn

<b>Application for a transfer of a licence</b>		Where representations have been received from the Commission or responsible authority  (Sub-Committee)	Where no representations received from the Commission or responsible authority
<b>Application for a provisional statement</b>		Where representations have been received and not withdrawn  (Sub-Committee)	Where no representations received / representations have been withdrawn
<b>Review of a premises licence</b>		<b>X</b>  (Sub-Committee)	
<b>Application for club gaming/club machine permits</b>		Where objections are made and not withdrawn	Where objections are not received or are withdrawn
<b>Cancellation of club gaming/club machine permits</b>		<b>X</b>  (Sub-Committee)	
<b>Applications for other permits</b>			<b>X</b>
<b>Cancellation of licensed premises gaming machine permits</b>			<b>X</b>
<b>Applications for small scale lotteries registration</b>		Where objections are made and not withdrawn (Sub)	Where objections are not made or are withdrawn
<b>Consideration of temporary use notice</b>			<b>X</b>
<b>Decision to give a counter notice to a temporary use notice</b>		<b>X</b>  (Sub-Committee)	
<b>Determination of vexatious or frivolous representations or representations which will certainly not influence the authority under the 2005 Act</b>			<b>X</b>

## Appendix C – Map of the Borough of Hinckley & Bosworth



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## Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Audit Committee	25 August 2021
Council	5 October 2021

Wards affected: All

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### Arrangements for appointing External Auditors

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Report of Section 151 Officer

#### **1. Purpose of report**

- 1.1 This report summarises the arrangements for appointing External Auditors
- 1.2 The Council has a statutory responsibility to appoint an external auditor to audit its accounts. During the autumn of 2021 all local government and police bodies will need to make important decisions about their external audit arrangements for the period commencing from the financial year 2023/24.

#### **2. Recommendation**

- 2.1 That Council agree the Audit Committee's preferred option to continue to be an opted-in authority for the appointment of External Audit.

#### **3. Background to the report**

- 3.1 The Local Audit and Accountability Act 2014 (the Act) brought to a close the Audit Commission and the arrangements for the appointment of external auditors and the setting of audit fees for all local government and NHS bodies in England.
- 3.2 The Council's current external auditor Ernst & Young LLP, were appointed under a contract managed by Public Sector Audit Appoints Ltd (PSAA). PSAA was set up by the Local Government Association (LGA) with delegated authority from the Secretary of State for Communities and Local Government.

This appointment comes to end in the year 2022/23, with a new appointment being needed for the year 2023/24.

- 3.3 The Council will have to make arrangements to appoint auditors when the current contract comes to an end. There are a number of options by which this can be achieved. This requires the Audit Committee to recommend an option to full Council for the final decision to be made a decision by the full Council.

#### **Current option used for the appointment of External Audit (Audit Committee's preferred Option)**

- 3.4 As noted above, our current External Audit provider was appointed under the PSAA procurement contract. Current scale fees are based on rates negotiated by PSAA and reflect market share offered in framework contracts. If the Council wishes to remain in the PSAA framework, and allow PSAA to continue to manage the appointment of the external auditors, it can do so. PSAA are sending an to "opt in" to the PSAA scheme email in September 2021 to the Section 151 Officer, and ideally require a decision before the end of the calendar year, but the latest we can leave it is the 4 March 2022. PSAA operate a sector-wide procurement that they argue would produce better outcomes and will be less burdensome for the Council than any procurement undertaken locally. More specifically:

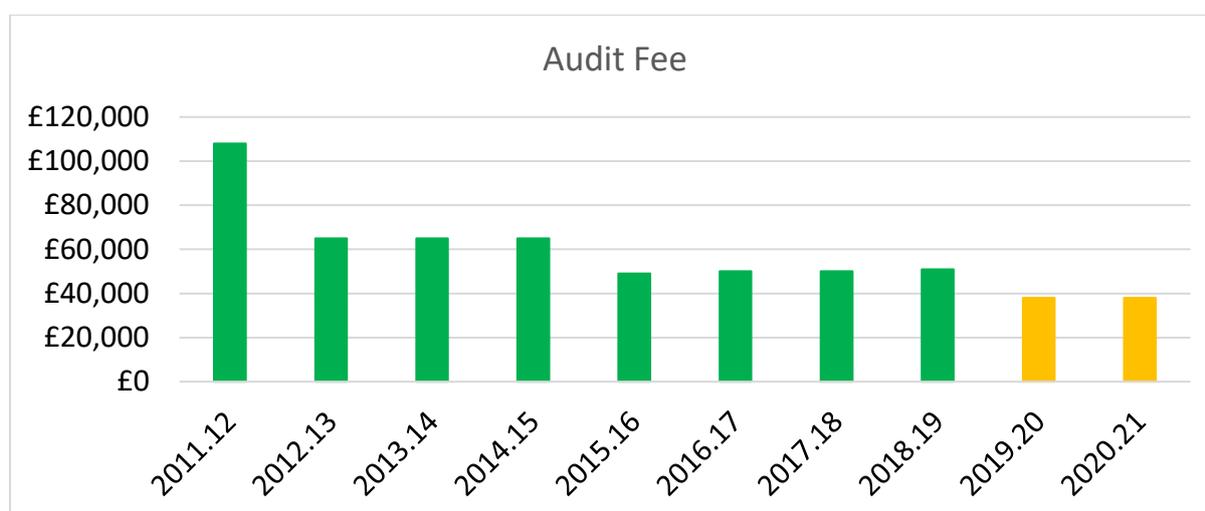
- The audit costs are likely to be lower than if the Council/Authority sought to appoint locally, as national large-scale contracts are expected to drive keener prices from the audit firms;
- Without the national appointment, the Council would need to establish a separate independent auditor panel, which could be difficult, costly and time-consuming;
- PSAA can ensure the appointed auditor meets and maintains the required quality standards and can manage any potential conflicts of interest much more easily than the Council/Authority;
- Supporting the sector-led body will help to ensure there is a vibrant public audit market for the benefit of the whole sector and this Council/Authority going forward into the medium and long term.

#### **Advantages / benefits**

- 3.17 The costs of setting up the appointment arrangements and negotiating fees would be shared across all opt-in authorities. By offering large contract values, the firms would be able to offer better rates and lower fees than are likely to result from local negotiation. Any conflicts at individual authorities would be managed by the Sector-led Body who would have a number of contracted firms to call upon. The selection process would not be ceded to locally appointed independent members. Instead a separate body is set up to act in the collective interests of the 'opt-in' authorities.

## Disadvantages / risks

- 3.18 Individual elected members will have less opportunity for direct involvement in the appointment process other than through the LGA and / or stakeholder representative groups.
- 3.19 In order for the Sector-led Body to be viable and to be placed in the strongest possible negotiating position it will need Councils to indicate their intention to opt-in before final contract prices are known.
- 3.20 There is less control over the contract length and deciding who will be the external auditors appointed.
- 3.21 In practice, the lower scale fees have not always been delivered, due to local variations, but the fees have remained much lower than prior to the PSAA involvement, and EY have delivered the lowest level of fees since 2011/12 even with local variations. Therefore the cost of Audit fees is lower than historical comparators to the last years of the Audit Commission regime, and during the transition to PSAA being established (See Graph and Table below).



	2011. 12	2012. 13	2013. 14	2014. 15	2015. 16	2016. 17	2017. 18	2018. 19	2019. .2	2020. 21
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
External Audit Fee	108	65	65	65	49	50	50	38	38	38
Variations	0	0	0	0	0	0	0	13	TBC	TBC
<b>Total Audit Fee</b>	<b>108</b>	<b>65</b>	<b>65</b>	<b>65</b>	<b>49</b>	<b>50</b>	<b>50</b>	<b>51</b>	<b>38</b>	<b>38</b>
External Auditors	PWC	PWC	PWC	PWC	EY	EY	EY	EY	EY	EY
Audit Contract	AC	AC	AC	AC	PSAA	PSAA	PSAA	PSAA	PSAA	PSAA

Note: AC= Audit Commission

## **Other Options for local appointment of External Auditors**

Option One: To make a stand-alone appointment

- 3.4 In order to make a stand-alone appointment the Council will need to set up an Auditor Panel. The members of the panel must be wholly (or a majority) of independent members as defined by the Act. Independent members for this purpose are independent appointees; this excludes current and former elected members (or officers) and their close families and friends. This means that elected members will not have a majority input to assessing bids and choosing which firm of accountants to award a contract for the Council's external audit. A new independent auditor panel established by the Council will be responsible for selecting the auditor.

Advantages / benefits

- 3.7 Setting up an auditor panel allows the Council to take advantage of the new local appointment regime and have local input to the decision. Also, the Council will have full control over which external audit company will be appointed.

Disadvantages / risks

- 3.8 Recruitment and servicing of the Auditor Panel, running the bidding exercise and negotiating the contract is estimated by the LGA to cost in the order of £15,000-£20,000 plus ongoing expenses and allowances.
- 3.9 The Council will not be able to take advantage of reduced fees that may be available through joint or national procurement contracts compared to trying to make a local appointment.
- 3.10 The assessment of bids and decision on awarding contracts will be taken by independent appointees and not solely by elected members.
- 3.11 It is highly unlikely that a lower fee will be obtained than if PSAA were used, and we may not get any interest from External Auditors not present at other local authorities. This would mean effectively having to use PSAA appointed auditors that had won regional audits in the area as firms would not want to service a small number or cluster of audits unless fees were significantly higher.

Option 2: Set up a Joint Auditor Panel/local joint procurement arrangements

- 3.11 The Council can join with other authorities to establish a joint auditor panel. Again this will need to be constituted of wholly or a majority of independent appointees (members). Further legal advice will be required on the exact

constitution of such a panel having regard to the obligations of each Council under the Act and the Council would need to liaise with other local authorities to assess the appetite for such an arrangement.

#### Advantages/benefits

- 3.12 The costs of setting up the panel, running the bidding exercise and negotiating the contract will be shared across a number of authorities.
- 3.13 There is greater opportunity for negotiating some economies of scale by being able to offer a larger combined contract value to the firms.

#### Disadvantages/risks

- 3.14 The decision-making body will be further removed from local input, with potentially no input from elected members (where a wholly independent auditor panel is used) or possibly only one elected member representing each Council, depending on the constitution agreed with the other bodies involved.
- 3.15 The choice of auditor could be complicated where individual Councils have independence issues. An independence issue occurs where the auditor has recently or is currently carrying out work such as consultancy or advisory work for the Council. Where this occurs some auditors may be prevented from being appointed by the terms of their professional standards. There is a risk that if the joint auditor panel choose a firm that is conflicted for this Council, for example PWC who supply Internal Audit services, then the Council may still need to make a separate appointment with all the attendant costs and loss of economies possible through joint procurement.
- 3.16 It is highly unlikely that a lower fee will be obtained than if PSAA were used, and we may not get any interest from External Auditors not present at other local authorities. This would mean effectively having to use PSAA appointed auditors that had won regional audits in the area as firms would not want to service a small number or cluster of audits unless fees were significantly higher.

#### **4. Exemptions in accordance with the Access to Information procedure rules**

- 4.1 This report can be taken in open session

#### **5. Financial implications (AW)**

- 5.1 There is an expectation that current external fees levels are likely to increase when the current contracts ends irrespective of how appointed.
- 5.2 The cost of establishing a local or joint Auditor Panel outlined in options 1 and 2 above will need to be estimated and included in the Council's budget in 2022/23. This will include the cost of recruiting independent appointees

(members), servicing the Panel, running a bidding and tender evaluation process, letting a contract and paying members fees and allowances.

- 5.3 Opting-in to a national SLB provides some opportunity to limit the extent of any increases by entering in to a large scale collective procurement arrangement and would remove the costs of establishing an auditor panel. However, additional work is required to establish who would be included. It is likely many council's will remain with PSAA due to ease of appointment procedures.

## **6. Legal implications (MR)**

- 6.1 Local Audit and Accountability Act 2014 (Part 3) gives powers to appoint auditors. In July 2016, the Secretary of State for Housing Communities and Local Government specified PSAA as an appointing person for principal local government and police bodies for audits from 2018/19, under the provisions of the Local Audit and Accountability Act 2014 and the Local Audit (Appointing Person) Regulations 2015.
- 6.2 The implications arising therefrom in relation to the audit of the council's accounts are set out in the report

## **7. Corporate Plan implications**

- 7.1 Adoption of the proposal in this paper will contribute to the achievement of the following Corporate Aim of Empowering communities

## **8. Consultation**

- 8.1 At the time of writing the report, initial views from some of the other local councils in the Leicestershire area are they will be remaining with PSAA.

## **9. Risk implications**

- 9.1 It is the council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.
- 9.3 There is no immediate risk to the Council, however, early consideration by the Council of its preferred approach will enable detailed planning to take place so as to achieve successful transition to the new arrangement in a timely and efficient manner.

## **10. Knowing your community – equality and rural implications**

10.1 The Financial Statements and the audit process will allow local communities and groups to review the financial performance and stewardship of the Council.

## **11. Climate implications**

11.1 The Financial statements can be used as a mechanism for the reporting of the council impact on climate change via sustainability reporting. The public sector reporting requirements on this issue are likely to move more towards those in the private sector over time. Action would be needed to introduce this non-financial element to the financial statements to report to members and local residents how the council was performing against its declared climate emergency targets.

## **12. Corporate implications**

12.1 By submitting this report, the report author has taken the following into account:

- Community safety implications
- Environmental implications
- ICT implications
- Asset management implications
- Procurement implications
- Human resources implications
- Planning implications
- Data protection implications
- Voluntary sector

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Background papers: None

Contact officer: Ashley Wilson  
Executive member: Councillor Lynch

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