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**HINCKLEY & BOSWORTH
BOROUGH COUNCIL**



Hinckley & Bosworth Borough Council

**AGENDA FOR THE
MEETING OF THE COUNCIL**

TO BE HELD ON

TUESDAY, 26 NOVEMBER 2024

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** use the lifts.
- **Do not** stop to collect belongings.

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To minimise disturbance to others attending the meeting, please switch off your phone or other mobile device or turn it onto silent or vibrate mode.

Thank you



Date: 18 November 2024

Dear Member

I hereby summon you to attend a meeting of the Hinckley & Bosworth Borough Council in the Council Chamber at these offices on **TUESDAY, 26 NOVEMBER 2024 at 6.30 pm**

Yours sincerely

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

Miss RK Owen
Democratic Services Manager

A G E N D A

1. **Apologies**
2. **Minutes of the previous meeting (Pages 1 - 6)**
To confirm the minutes of the meeting held on 1 October 2024.
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. **Gambling Act 2005 - statement of principles (Pages 7 - 42)**

To recommend re-adoption of the statement of principles as required by the Gambling Act 2005

10. **Renewal of lease for rear of Castle Street car park, Hinckley (Pages 43 - 48)**

To seek approval for the renewal of the lease for the rear of Castle Street car park, Hinckley.

11. **Overview and Scrutiny Annual Report (Pages 49 - 60)**

To seek approval of the overview & scrutiny annual report.

12. **Recommendations of the Ethical Governance & Personnel Committee (Pages 61 - 66)**

To refer recommendations of the Ethical Governance & Personnel Committee to Council.

13. **Motions received in accordance with Council Procedure Rule 17**

Motion proposed by Councillor R Allen, seconded by Councillor C Allen:

Hinckley and Bosworth is a rural borough, with many family owned and operated farming businesses.

The announcements in the recent Labour budget pose an existential threat to the continuance of these family businesses that have historically passed from generation to generation.

This motion proposes Council notes that:

The recent 2024 autumn budget change to inheritance tax relief announced by the Labour Government will introduce a family farm tax, which will have a devastating impact on family farms and farmers' ability to pass on their farms to the next generation of farmers.

A study by the Farm Safety Foundation found that 95% of farmers under the age of 40 rank poor mental health as the biggest hidden problem they face

today, with farmers working in an industry recognised as having high rates of suicide.

Council believes that:

- The Labour Government has committed a shameful betrayal and let down farmers by breaking its promise to not introduce a family farm tax. Only last year, Secretary of State Steve Reed said: “We have no intention of changing APR (Agricultural Property Relief)”.
- At last year’s NFU conference, Sir Keir Starmer stated that “losing a farm is not like losing any other business, it can’t come back”. He was absolutely right, it can’t. And neither can its ability to produce food for the nation.
- The family farm tax will damage the ability of farmers to pass on their farms to the next generation.
- Labour’s family farm tax will threaten food security by forcing the sale of family farms.
- Numerous rural and farming organisations such as the National Farmers Union and Country Land and Business Association have warned that countless farms will be harmed, threatening food security, progress on measures to tackle climate change, and the rural way of life.
- The comments made by Secretary of State Steve Reed that already struggling farmers will have to “do more with less” are deplorable.
- At a time when many farmers in Hinckley & Bosworth are struggling with soaring costs and energy prices, this sudden tax rise will endanger the future of their farms.

Council resolves:

1. To request that the Chief Executive of HBBC writes to the Secretary of State for the Department of Environment, Food and Rural Affairs to outline the Council’s dismay at this decision and calls on the Government to reverse its decision to impose family farm tax.
2. That this Council engages with local farmers and community representatives to assess what measures and actions Council can take to support them.
3. That a list must be published by Government of affected farms in Hinckley & Bosworth, Leicestershire and nationally so that the extent of the impact of these proposals can be fully demonstrated and appreciated.

14. Matters from which the public may be excluded

To consider the passing of a resolution under Section 100A(4) of the Local Government Act 1972 excluding the public from the undermentioned item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 and 10 of Schedule 12A of the 1972 Act.

15. Council Depot update (Pages 67 - 78)

To seek approval of a lease to provide depot accommodation for the Street Scene and Housing Repairs services.

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

1 October 2024 AT 6.30 pm

PRESENT: CLLR R WEBBER-JONES - MAYOR
CLLR REH FLEMMING – DEPUTY MAYOR

Cllr RG Allen, Cllr MC Bools, Cllr SL Bray, Cllr MB Cartwright,
Cllr MJ Crooks, Cllr WJ Crooks, Cllr C Gibbens, Cllr CE Green,
Cllr C Harris, Cllr L Hodgkins, Cllr C Lambert, Cllr KWP Lynch,
Cllr LJ Mullaney, Cllr MT Mullaney, Cllr LJP O'Shea,
Cllr A Pendlebury, Cllr MJ Surtees, Cllr A Weightman and
Cllr P Williams

Officers in attendance: Ilyas Bham, Bill Cullen, Julie Kenny, Rebecca Owen,
Caroline Roffey and Sharon Stacey

189. Apologies

Apologies for absence were submitted on behalf of Councillors C Allen, Cook, Cope, S Gibbens, Glenville, Hollick, Moore, Stead-Davis, Sutton and Walker.

190. Minutes of the previous meeting

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

RESOLVED – the minutes of the meeting on 3 September be confirmed
as a correct record.

191. Declarations of interest

No interests were declared.

192. Mayor's Communications

The Mayor provided an update on events that he and the Deputy Mayor had attended recently.

193. Questions

(a) From Councillor R Allen

“There has been repeated mention of a promise to provide an NHS ‘walk-in centre’ for Hinckley.

I would like to learn more about this proposal for the benefit of borough residents, as my own enquiries have produced little information.

I would very much appreciate if the Executive member could confirm when this promise was made and who made it, plus provide me with all and any supporting correspondence and documentation please”.

Response from Councillor Bray, Leader of the Council:

“Reference to the provision of a walk-in centre was mentioned in Conservative election literature as far back as 2015 that was distributed in Barwell, Burbage and Hinckley so I suggest Cllr Allen checks his archive. In addition to comments about a walk-in centre, his colleagues also talked about improving GP access, which again many residents believe is a broken promise.

Everyone will also remember the visit of the disgraced former Health Secretary Matt Hancock in December 2018 which included the announcement to relocate ‘the out-of-hours primary care service from Hinckley & Bosworth Community Hospital into the new developed urgent care hub in Hinckley Health Centre providing out-of-hours urgent care for local patients’. The former Conservative Council Leader updated the Council on this in the following January. Cllr Allen was a member of Mr Hall’s Executive at the time so I’m surprised he doesn’t remember this”.

By way of supplementary question, Councillor Allen asked for confirmation about whether the development of a walk-in centre had been mentioned as a wish or a promise. In response, Councillor Bray stated he felt that was irrelevant whether it was an aspiration or a promise as expectations had been raised as a result.

(b) From Councillor R Allen

“Can the Leader provide residents of the borough with an update on the crematorium project please?”.

Response from Councillor Lynch, Executive member for finance:

“I’m surprised to receive this question as the Scrutiny Commission was fully appraised of the current position at its meeting on 9 May 2024.

Officers have engaged consultants to identify the best options for the council to progress this project. Officers are currently appraising these options and will engage with members when due diligence has been applied to the options presented.

The administration inherited this project from the previous Conservative administration and is determined to ensure it succeeds”.

By way of supplementary question, Councillor Allen requested the current position following progress since the Scrutiny Commission meeting mentioned. In response, Councillor Lynch said he hoped further information would be available within the next few weeks.

194. **Leader of the Council's Position Statement**

In his position statement, the Leader referred to:

- Devolution deals
- Cineworld Hinckley which would be remaining open following intervention by the council
- The rural strategy

- The launch of the free tree scheme
- The cultural strategy
- The solar panel project for the leisure centre which had been granted planning permission
- The success of the Macmillan coffee morning which raised over £300.

Members expressed thanks to officers from across the authority.

195. **Minutes of the Scrutiny Commission**

The chair of the Scrutiny Commission presented the minutes of the last meeting.

196. **Procurement of HGV fleet**

Members were advised of the requirement to replace the HGV fleet. It was noted that whilst disappointing that it wasn't feasible to procure an all-electric fleet due to the cost of purchase and the infrastructure requirements, the move to using HVO had proven to be a good compromise. It was moved by Councillor Hodgkins, seconded by Councillor Bray and unanimously

RESOLVED –

- (i) The procurement of the replacement HGV fleet from 1 September 2025 be approved;
- (ii) The following supplementary budgets be approved:
 - (a) A supplementary capital budget of £4,422,608 for the fleet;
 - (b) A supplementary revenue budget of £420,616 for the annual financing cost and additional maintenance;
 - (c) An increase in the council's capital financing requirement of £4,422,608 to allow for the purchase of the HGVs.

197. **Corporate Plan annual achievements 2023-24**

Consideration was given to the annual report summarising achievements against the council's corporate plan 2024 to 2028. Members thanked officers from across the organisation for their hard work. It was moved by Councillor Bray, seconded by Councillor Bools and unanimously

RESOLVED –

- (i) The annual summary of achievements be endorsed;
- (ii) The positive work being undertaken to deliver the corporate plan on behalf of the community be noted.

198. **Local Government Boundary Commission Review - Council Size Submission**

The proposed submission to the Local Government Boundary Commission for England (LGBCE) in relation to Council size was presented. It was noted that this was part of the full review of electoral boundaries within the district. In relation to the proposal to establish a working group to look at ward boundaries as the next stage of the review, it was confirmed that the group would be politically balanced. It was moved by Councillor Bray, seconded by Councillor Bools and unanimously

RESOLVED –

- (i) The submission to the Local Government Boundary Commission on Council size be approved;
- (ii) The proposed request to the LGBCE to increase the number of members from 34 to 36 be approved;
- (iii) The creation of a member working group for completion of the next stage of the review to consider ward boundaries be approved.

199. **Motions received in accordance with Council Procedure Rule 17**

Councillor M Mullaney, seconded by Councillor Bools, proposed the following motion:

“The two-child limit to benefit payments was introduced by the Conservative government in 2017 and is supported by the current Labour government. It prevents families from claiming child tax credit or universal credit for more than two children in the household.

Council notes the recent [research](#) conducted by the End Child Poverty Coalition which has found that:

- 1.5 million children in the UK live in households subject to the two-child limit on benefit payments. That is roughly one in ten children in the UK
- In 2023/24, the two-child limit cost families up to £3,235 per child each year
- There is a strong correlation between families affected by the two-child limit and those who are living in poverty
- Scrapping the two-child limit would lift 250,000 children out of poverty overnight, and significantly reduce the level of poverty that a further 850,000 children live in
- Scrapping the two-child limit would cost £1.3 billion, however it is estimated that child poverty costs the economy £39 billion each year.

In Hinckley & Bosworth, 1,680 children in 470 households are currently affected by the two-child limit to benefit payments. That is 7% of all children in the authority area. At the same time, 6, 427 local children are living in poverty.

Council strongly believes that the two-child limit to benefit payments is a cruel and armful policy that should be scrapped. [Research from the University of York](#) has shown its introduction has had no positive impacts on employment and earnings. Instead, it has dragged thousands of local families into poverty.

Council notes the Liberal Democrats have consistently opposed the two-child limit to benefit payments since it was introduced – calling for it to be axed in their 2017, 2019

and 2024 manifestos. Council notes with concern the stance of the Labour government which is committed to keeping the cap – going as far as suspending the whip from MPs who rebel against this position.

Council resolves to:

- Instruct the Chief Executive to write to the Chancellor of the Exchequer and the Prime Minister indicating Hinckley & Bosworth Borough Council's strong belief that the two-child limit to benefit payments should be scrapped, which would help 1,680 children living in Hinckley & Bosworth
- Ensure the number of children a family has is considered when a hardship grant is given out by the council”.

During debate, the matter of balancing financial concerns with the risk of child poverty was highlighted.

Councillor Bray along with eight further members stood to request voting on the motion be recorded. The vote was taken as follows:

Councillors Bools, Bray, Cartwright, J Crooks, W Crooks, Flemming, Gibbens, Green, Hodgkins, Lynch, L Mullaney, M Mullaney, Pendlebury, Webber-Jones, Weightman and Williams voted FOR the motion (16);

Councillors Allen, Harris, Lambert, O’Shea and Surtees abstained from voting.

The motion was therefore declared CARRIED and it was

RESOLVED –

- (i) The Chief Executive be instructed to write to the Chancellor of the Exchequer and the Prime Minister indicating Hinckley & Bosworth Borough Council’s strong belief that the two-child limit to benefit payments should be scrapped, which would help 1,680 children living in Hinckley & Bosworth;
- (ii) Officers be requested to ensure that the number of children a family has is considered when a hardship grant is given out.

(The Meeting closed at 7.18 pm)

MAYOR

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Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Licensing Committee	5 November 2024
Council	26 November 2024

Wards affected: All wards

Gambling Act 2005 – Gambling Policy known as a “Statement of Principles” (Refresh)

Report of Director of Community Services

1. Purpose of report

- 1.1 To inform members of the review of the statement of principles as required under the Gambling Act 2005, noting no material changes have taken place and to agree to the re-adoption of the statement of principles as required by the Gambling Act 2005.

2. Recommendation

- 2.1 The Licensing Committee notes that there are no material changes and recommends to Council the re-adoption of the Statement of Gambling Principles.

3. Background to the report

- 3.1 In April 2023 there were several updates to the Gambling Act 2005 of which many of the changes were to make the Act more consistent, changing local authorities to licensing authorities through the Act. There were several changes that relate to online gambling and the responsibilities of those holding an operator's licence. These are areas controlled and managed by the gambling commission for which the Licensing Committee have no responsibility for, or power to amend. These changes in national gambling regulation and policy do not require any amendments to the statement of principles presented to this Committee.

- 3.2 The responsibility for regulatory activity on gambling is split between the licensing 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.
- 3.3 Local Authorities designated as licensing authorities are responsible for issuing premises licenses to casinos, betting offices, bingo clubs, racecourses, adult gaming centres (AGC for over 18s only) and family entertainment centres (FEC) where children are allowed. The local authority also issues gaming machine permits for gaming machines and small society lotteries.
- 3.4 Section 349 of the Gambling Act 2005 requires that the Licensing Authority prepare and publish a statement of principles every three years.
- 3.5 The statement of principles 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.
- 3.6 In determining its statement of principles the authority must have regard to the guidance and give appropriate weight to representations made regarding:
- 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 statement of principles.
- 3.7 Whilst the refreshed statement of principles introduces no specific changes to legislation, the council is required to re-adopt the statement of principles every 3 years. As such, the Council is recommended to further endorse the statement of principles outlined in Appendix A.

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 [MT]

5.1 There are no financial implications arising for the Council from the above proposal.

6. Legal implications [ST]

6.1 Contained within 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 The statement of principles was published on the Councils website and consultation has taken place with the following persons and bodies:

- The Chief Constable, Leicestershire Constabulary
- Leicestershire and Rutland SCP and SAB
- The Gambling Commission
- HM Revenue & Customs
- Leicestershire Fire & Rescue Service
- The Planning Authority
- Environmental Health
- Hinckley & Bosworth Borough Council elected Members
- Parish and Town Councils
- Existing licensees, Hinckley BID
- Gam Care, Gamblers Anonymous & Gamble Aware

8.2 Hinckley BID, Parish Councils and Councillors thanked the service for sharing the statement of principles with them.

8.3 Gamcare were unable to make comment on the specific statement of principles, but provided generic advice, directed officers to several publications.

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

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 table shows the risks associated with these report /decisions:

Reputation from negative press coverage from enforcement	Ensure that any enforcement carried out is in accordance with the relevant enforcement policy.	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 will be no additional climate implications as a result of this decision.

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
- Planning implications
- Data protection implications
- Voluntary sector

Background papers:

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

Contact Officer: Mark Brymer, ext. 5645
 Executive Member: Councillor MB Cartwright



Hinckley & Bosworth
Borough Council

Gambling Act 2005
Statement of Principles

Foreword

The [Gambling Act 2005](#) has now been in force since 1st September 2007 and this is Hinckley & Bosworth Borough Councils seventh 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"> 1. The Licensing Authority in whose area the premises are wholly or mainly situated (HBBC) 2. The Gambling Commission. 3. The Chief Officer of Police for Leicestershire. 4. Leicestershire Fire and Rescue Service. 5. The Local Planning Licensing Authority (HBBC) 6. A Licensing Authority with functions in relation to pollution of the environment or harm to human health. 7. A designated body to advise on the protection of children. 8. HM Customs and Excise.
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"> 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. c) Represents persons who satisfy a) or b) above.
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 the Gambling Commission Guidance.
- 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.

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 2023 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

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 involved in licensing remote gambling (internet gambling). The Gambling Commission licence remote gaming via operator's 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 if the Councillor / MP represent the Ward likely to be affected. Likewise, parish councils likely to be affected will 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 seven 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 is given below by Ward:

Hinckley Castle 2 Betting Premises 1 Adult Gaming Centre

Groby 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 and must provide photo I.D.

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 Premises

There is one premises in Hinckley town centre.

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 can 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. 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 near 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 consider 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 are 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 about 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 consider 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 consider 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 considering 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 consider whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be considered, 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 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 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 tracks. 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 will 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 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 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 considered 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 deciding.

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 based on 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 based on 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. A permit is held by Twycross Zoological Park.

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 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 premises, regarding this licensing objective.

Nationally there is now evidence available to show that gambling is being used 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

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
Website: 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

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: -

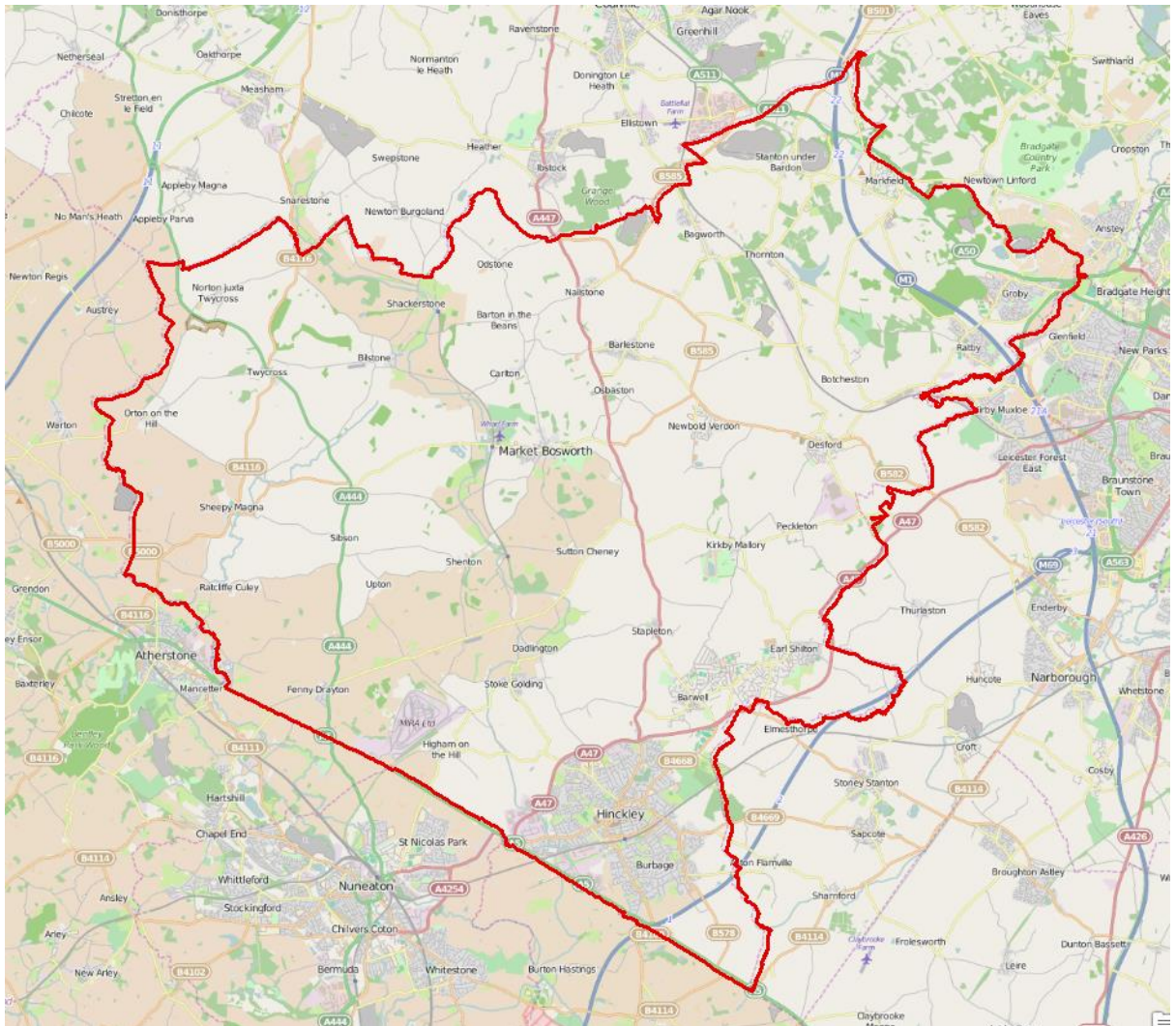
- Leicestershire Police.
- Leicestershire and Rutland Safeguarding Partnership.
- Leicestershire Fire & Rescue Service.
- Hinckley BID.
- The Planning Authority.
- Environmental Health.
- The Gambling Commission.
- HMRC.
- Association of British Bookmakers.
- Hinckley & Bosworth Borough Council Members.
- 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

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

Appendix C – Map of the Borough of Hinckley & Bosworth



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Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Council 26 November 2024

Wards affected: Hinckley Castle

Renewal of lease for Rear of Castle Street car park, Hinckley

Report of Director Corporate and Street Scene Services

1. Purpose of report

- 1.1 To seek approval for the renewal of the lease for the Rear of Castle Street Car Park, Hinckley for a further five years.

2. Recommendation

- 2.1 Council approves the renewal of the lease for the Rear of Castle Street Car Park from 1 May 2025 for five years and delegates authority to the Head of Street Scene Services and the Estates and Asset Manager to approve the terms on which the lease is to be agreed.

3. Background to the report

- 3.1 The Council has leased the land to the rear of 46-54 Castle Street for many years and operated it as the Rear of Castle Street pay and display car park. The site provides popular short term car parking in the middle of the prime retail area in Hinckley and has high usage with 30 standard bays and 4 reserved bays. A location plan is provided in appendix 1.
- 3.2 A new 5-year lease has been offered on the same terms with a 1.5% annual rental increase which is in line with an independent rental valuation carried out in 2015.

1 May 2025 – 30 April 2026	£17,722.55
1 May 2026 – 30 April 2027	£17,988.38
1 May 2027 – 30 April 2028	£18,258.21
1 May 2028 – 30 April 2029	£18,532.08
1 May 2029 - 30 April 2030	£18,810.06

- 3.3 The 2024/2025 annual expenditure associated with operating and maintaining this car park is approximately £6,271 which is contained within the maintenance budgets for the Councils car parks. No significant expenditure is envisaged within the next 5 years period.
- 3.4 Income for the last financial year was £38,160 (excluding VAT) and it is assumed this will be maintained in future years.
- 3.5 Assuming income levels remain static, and expenditure levels increase by 3% per year then the estimated operating surplus per year is:

	Surplus	Return on expenditure
1 May 2025 – 30 April 2026	£13,978.64	57.81%
1 May 2026 – 30 April 2027	£13,519.02	54.86%
1 May 2027 – 30 April 2028	£13,049.59	51.97%
1 May 2028 – 30 April 2029	£12,570.13	49.12%
1 May 2029 - 30 April 2030	£12,080.40	46.32%

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

- 4.1 This report is to be taken in public session.

5. Financial implications [AA]

- 5.1 If lease is approved, the estimated increase will have to be met from existing budgets and future increase will be updated in the annual budget setting.
- 5.2 Budgets for Street scene services are monitored monthly and costs have been covered by current budget and any changes to it have to be approved in line with financial procedure rules.

6. Legal implications [SK]

- 6.1 The Council have negotiated new heads of terms with the registered proprietor. The current lease expired on 30 April 2021, and the Council is currently holding over under the terms of that lease until the new lease is entered into. The new lease term is proposed to begin from 1 May 2025.

Upon instruction Legal shall undertake all necessary due diligence reviews and searches. The term of lease is 5 years, as such the lease is not required to be registered at the Land Registry.

The Council, as tenant, will need to act in compliance with the tenant's obligations under the agreed lease.

7. Corporate Plan implications

- 7.1 Retaining this car park contributes to the Corporate Plan Places objective to enhance our town centres.

8. Consultation

- 8.1 None. The 2023 Car Parks study recommended retaining existing numbers of car parks spaces.

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:

Management of significant (Net Red) risks

Risk description	Mitigating actions	Owner
Failure to renew lease could result in car park being developed or operated by another operator on different terms.	Renewing lease retains this as a car park for use by high street shoppers and businesses	Caroline Roffey

10. Knowing your community – equality and rural implications

- 10.1 The car park allows suitable access to the main Hinckley retail area for the benefit of all residents. At present there are no disabled spaces within this car park as access is limited and adequate provision is made at Church Walk car park, Castle car park and St Marys car park. Any blue badge holders who chose to park in this car park can park free of charge.

11. Climate implications

- 11.1 By renewing the lease the status quo on carbon emissions is maintained and therefore the impact will be neutral. However, by providing car parks we are not promoting the shift to sustainable transport. Given the length of the lease and the capital investment required this site will also be unsuitable for the installation of electric vehicle charge points.

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

Background papers: Appendix 1 – location plan

Contact officer: Caroline Roffey 5782 / Lisa Rees 5971

Executive member: Councillor S Bray

Appendix 1: location plan showing car park off chapel yard (between Castle Street and Stockwell Head Hinckley)



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Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Scrutiny Commission	31 October 2024
Council	26 November 2024

Wards affected: All wards

Overview & Scrutiny annual report 2023-24

Report of the chair of the Scrutiny Commission

1. Purpose of report

1.1 To present the annual report outlining the work of the overview & scrutiny function in 2023/24.

2. Recommendation

2.1 The report be approved.

3. Background to the report

3.1 Part 2e of the council's constitution requires an annual to be prepared by the overview & scrutiny function and presented to Council.

3.2 Annual reports provide assurance to Council that the work of overview & scrutiny is effective and impactful by outlining work undertaken and the outcomes of that work.

3.3 The annual report was endorsed by the Scrutiny Commission on 31 October 2024.

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

4.1 To be taken in open session.

5. Financial implications (IB)

5.1 None.

6. Legal implications

6.1 None.

7. Corporate Plan implications

7.1 This report supports all objectives as the Scrutiny Commission's work covers all areas of the council.

8. Consultation

8.1 The chair and vice-chairs of the Scrutiny Commission were involved in drafting the report and the Scrutiny Commission has endorsed it.

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 No significant risks associated with this report were identified from this assessment

10. Knowing your community – equality and rural implications

10.1 This report does not impact any community or group, however the work of the overview & scrutiny function aims to encourage public participation and review those matters that are important to the community.

11. Climate implications

11.1 There are no implications for climate change within the report.

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
-

Background papers: None

Contact officer: Becky Owen, Democratic Services Manager

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Hinckley & Bosworth
Borough Council

Overview & Scrutiny annual report 2023-24

Introduction

Welcome to Hinckley & Bosworth Borough Council's Overview & Scrutiny annual report for 2023-24.

Following the elections in May 2023, the overview & scrutiny function benefitted from several new members, including a new chair and vice-chair to work with the remaining vice-chair who was continuing in the role.

The overview & scrutiny function consists of the Scrutiny Commission and Finance & Performance Scrutiny. The function is led by a minority group member who chairs the Scrutiny Commission. Two vice-chairs are appointed from the majority group and the largest opposition group. This arrangement helps to ensure that scrutiny's work is free from party politics and able to effectively scrutinise the Executive. One of the vice-chairs is chair of Finance & Performance Scrutiny.

As a new triumvirate, we have had a strong start to our term, starting to shape the function to meet future challenges by:

- raising the profile of scrutiny amongst councillors, officers and the public
- strengthening the role of overview & scrutiny in policy development
- working more closely with the Executive whilst acting as a critical friend
- considering matters which are of most importance to the public.

In July 2023, the work of the new overview & scrutiny function began with a training event and workshop for all non-Executive members which considered matters of importance to the public, members and officers which were then prioritised in order to inform the work programme for 2023 to 2027. Creation of a work programme to cover the four-year term of office is a new concept and is assisting in planning future reviews to spread workload.

This report aims to measure progress against the work programme, set out the achievements of the overview & scrutiny function and consider how the function will adapt to meet future challenges.

We would like to take this opportunity to thank fellow overview & scrutiny councillors for their hard work and commitment, Executive members for their support and attendance and officers for supporting the function. We look forward to continuing to work together to build on our successes in the coming year.

Councillors Chris Lambert, Miriam Surtees and Paul Williams Chair and Vice-chairs of the Scrutiny Commission



Councillor Chris Lambert
Chair of the Scrutiny
Commission



Councillor Miriam Surtees
Vice-chair of the Scrutiny
Commission and Chair of
Finance & Performance
Scrutiny



Councillor Paul Williams
Vice-chair of the Scrutiny
Commission

Scrutiny Commission

The Scrutiny Commission covers a varied range of work in either items requested by members or those brought by officers to seek support, showcase positive work or provide information. The Scrutiny Commission's work in 2023-24 included:

- Detailed work to develop a work programme which met expectations of stakeholders and supported the aims within the corporate plan
- Consideration of the Environmental Improvement Programme and schemes recommended for approval under the programme
- Scrutiny of the proposed changes to the Parish & Community Initiative Fund to reflect the council's priorities in relation to climate change
- A discussion on the Planning Policy Member Working Group in order to raise awareness and encourage engagement
- Updates on the Hinckley Crematorium project following requests of members for information on progress of this key capital project
- Receipt of the annual infrastructure funding statement to inform members of developer contributions
- A review of work undertaken to fulfill the aims of the Economic Regeneration Strategy
- Analysis of planning appeal performance including the financial implications and the impact of appeals
- Scrutiny of the annual position in relation to affordable housing delivery
- Receiving an update on key achievements arising from the borough's voluntary & community sector (VCS) partnership arrangements
- Understanding the work undertaken by the authority in response to the cost of living crisis to raise awareness and enable members to signpost residents to services
- An update on the safe spaces project – a countywide project to support those struggling with hoarding
- Consideration of allocation of grants as part of the Parish & Community Initiative Fund
- Agreeing the scope for future scrutiny reviews including:
 - Review of adoptions of infrastructure on new developments
 - Review of housing matters with a view to reduce homelessness
 - Preparedness of utility companies for future growth.

Pre-decision Scrutiny

Hinckley & Bosworth Borough Council has traditionally favoured pre-decision scrutiny of items due for decision by the Executive. Providing comments and recommendations on reports before a decision is taken by the Executive reduces the need for call-in of decisions and ensures that decisions can be implemented expediently after the Executive has made its decision. The Scrutiny Commission also occasionally considers reports that are due for consideration by Council to allow for debate in a less formal forum and to enable comments to be considered and incorporated at an earlier stage. The following pre-decision scrutiny has taken place during 2023-24:

- Young People's Strategy 2023 – 2026
- Medium Term Financial Strategy
- Budget reports
- Pay policy statement
- Social Housing Regulation Act 2023 and Damp & Mould policy.

Finance & Performance Scrutiny

Finance & Performance Scrutiny's key roles are monitoring performance of services and financial performance. It receives reports from frontline services annually, as well as quarterly performance and financial monitoring reports. In 2023-24, Finance & Performance Scrutiny considered:

- The performance management framework along with quarterly and annual performance and risk management updates
- Quarterly financial outturn reports and the annual outturn for 2023/23
- Treasury management quarterly reports
- Quarterly business rates and pooling updates
- Quarterly sundry debt reports
- Frontline service reviews for:
 - Housing
 - Planning
 - Street Scene Services
 - Hinckley Leisure Centre.

Reviews

The Scrutiny Commission may undertake reviews into matters that are of interest to the community or support the council in achieving its objectives. During 2023/24, three reviews were scoped:

- Review of adoptions on new developments
- Review of housing matters with a view to reduce homelessness
- Preparedness of utility companies for future growth.

The Scrutiny Commission can establish scrutiny working groups, task & finish groups or panels in order to undertake reviews on specific topics. These groups are provided with an agreed scope and are designed to undertake a time-limited review including undertaking research as appropriate. It was agreed that the housing review and the review of adoptions on new developments would be undertaken by task & finish groups and the review of utility companies' preparedness for future growth would be undertaken by the full Scrutiny Commission.

Housing Task & Finish Group

At its meeting in December 2023, the Scrutiny Commission agreed the scope of a review into housing matters due to concern about the shortage of social housing and the levels of homelessness. The scope was agreed as:

- Understand the pathways that people use to access housing and the barriers
- Develop a strategy to increase the availability of private rented accommodation
- Lobby government for more funding for affordable housing, in particular making it easier for councils to increase their own housing stock
- Consideration of how empty homes can help with the housing shortage.

It was agreed that the review would take place by way of task & finish group, membership of which would roughly follow the political balance.

Meetings of the group took place on 14 March, 8 May, 1 August and 5 September with a final report currently being prepared for the Scrutiny Commission.

Adoptions of infrastructure Task & Finish Group

In October 2023, the Scrutiny Commission agreed the scope of a review which would cover adoption of open space, adoption of roads and the role of management companies in relation to new developments. The review is due to commence in autumn 2024.

Review into preparedness of utility companies for future growth

At the meeting of Council on 30 January 2024, the following motion was approved:

"The main service suppliers for water / sewage, electricity and gas be called upon to provide assurance that they have the resources and infrastructure in place to provide for existing households and business premises and future housing, warehousing and business developments".

The Scrutiny Commission subsequently agreed to take responsibility for the review, inviting Cadent Gas, National Grid and Severn Trent Water to a meeting of the Scrutiny Commission. A representative of National Grid attended the Scrutiny Commission meeting on 9 May and representatives of Severn Trent Water attended on 29 August where they informed members of their work to prepare for future demand.

A date for Cadent Gas to attend is yet to be confirmed.

Previous reviews

The above programme builds on successful thematic reviews of recent years including reviews of the in-house refuse collection service, healthcare provision in Hinckley, reconfiguration of health services across Leicestershire, the garden waste service, NHS dental services within the borough and a review of the council's planning service which was instrumental in identifying weaknesses and making significant improvements in the service.

Scrutiny of the budget

Scrutiny of the annual budget prior to decision by Council is an important part of overview & scrutiny. This work is undertaken at a joint meeting of the Scrutiny Commission and Finance & Performance Scrutiny in late January or early February and involves consideration of the following reports:

- General fund budget
- Housing revenue account budget
- Fees & charges
- Capital programme
- Treasury management strategy and prudential indicators.

Community Safety Partnership

Since the Blaby District and Hinckley & Bosworth Borough Community Safety Partnerships joined together formally in 2016/17, a Joint Community Safety Partnership Overview & Scrutiny Committee meeting has taken place annually. Membership consists of the Scrutiny Commissions of both authorities and the venue and chairing alternates between Blaby District Council and Hinckley & Bosworth Borough Council. The meetings receive annual crime figures and updates on prevention work and are well attended by the local police.

Looking to the future

Having planned a four-year work programme in 2023, the overview & scrutiny function has plenty of work planned! The work programme is, however, a living document which is reviewed at each meeting and updated, with requests for reports and reviews added regularly.

During 2024-25 the housing review will be concluded, with recommendations being submitted to the Executive or Council as appropriate. The review of adoptions on new developments will take place by way of task & finish group, and the review into preparedness of the utility companies for future growth will come to a conclusion. In addition, the following reviews are planned:

- Digital poverty / cashless society
- Bus services / public transport
- Healthcare: lack of GPs and dentists, services at Hinckley Hospital
- Housing associations.

As part of the Audit Committee self-assessment, work is being undertaken to ensure the audit and the overview & scrutiny functions complement each other. To this end, the chair of the Scrutiny Commission has been a member of the Audit Committee since its inception, but we are looking at ways of strengthening the link. Another aspect of the work involves reviewing the risk management functions of Finance & Performance Scrutiny to ensure it supports the Audit Committee's responsibilities in relation to risk management but avoids duplication. This work will be concluded during 2024-15.

More information

If you would like to suggest a topic for the Scrutiny Commission to review, would like more information about the overview & scrutiny function or require this document in a different format, please contact:

Democratic Services

Email: democraticsupport@hinckley-bosworth.gov.uk

Tel: 01455 255879.



Democratic Services
democraticsupport@hinckley-bosworth.gov.uk
01455 255879.



Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Council 26 November 2024

Wards affected: All wards

Recommendations of the Ethical Governance and Personnel Committee

Report of Monitoring Officer

1. Purpose of report

1.1 To seek approval of a recommendation of the Ethical Governance and Personnel Committee.

2. Recommendation

2.1 That Council approves the recommendations of the Ethical Governance and Personnel Committee and that:

- Councillor CW Boothby be removed from his position on Planning Committee for a period of twelve months
- Councillor Boothby be censured

3. Background to the report

3.1 On 21 October 2024, the Ethical Governance & Personnel Committee found that Councillor Boothby had breached the council's code of conduct by failing to treat with people with respect when he challenged a school teacher and coach driver as they were making arrangements to escort children onto coaches for a school trip. A copy of the decision notice is attached.

3.2 The Ethical Governance and Personnel Committee agreed the following sanctions:

- (i) Formal apology to be written by Councillor Boothby to the teacher/school
- (ii) Additional training on the code of conduct be undertaken by Councillor Boothby

- (iii) A formal letter be written to Councillor Boothby concerned highlighting the failings in their conduct
 - (iv) A recommendation be put to council to remove Councillor Boothby from Planning Committee for 12 months
 - (v) A press release be issued on the nature of the complaint and the committee's decision and the same information be published on the council's website
 - (vi) A recommendation be put to Council that Councillor Boothby be censured
- 3.3 Four of the above sanctions are within the remit of the committee, however (iv and vi) require a resolution of Council. This report is therefore laid before Council for their consideration.
- 3.4 Since the meeting of the Ethical Governance and Personnel Committee representations have been received from Ratby Parish Council and "Rise for Ratby" claiming that removing Councillor Boothby from Planning Committee would be unlawful and will prevent their views being heard at a time they are objecting to development. In response, they have been advised and reassured that appointments to Planning Committee are not on a ward by ward basis, it is entirely lawful and Councillor Boothby would still be able to represent them and speak at Planning Committee meetings as their ward councillor.
- 3.5 At the time of writing this report Councillor Boothby had refused to apologise to the teacher as requested as he feels the whole complaint was politically motivated.
- 4. Exemptions in accordance with the Access to Information procedure rules**
- 4.1 This report is to be taken in public session as all information relating to the decision is in the public domain.
- 5. Financial implications [IB]**
- 5.1 None.
- 6. Legal implications [ST]**
- 6.1 As set out within the body of this report, a resolution is required by Council in accordance with the proposed recommendation. This is the sole matter that is required to be determined, and in accordance with the Council's constitution, this decision is reserved for Council.
- 7. Corporate Plan implications**
- 7.1 The recommendations within this report do not have corporate plan implications.

8. Consultation

8.1 This report results from a decision of the Ethical Governance & Personnel Committee and as such, no consultation is necessary.

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:

Management of significant (Net Red) risks

Risk description	Mitigating actions	Owner
Reputational risk to the authority of not taking action where necessary	Ensure action is taken to address conduct issues	Julie Kenny

10. Knowing your community – equality and rural implications

10.1 This decision does not impact any particular parishes, communities or groups.

11. Climate implications

11.1 The recommendations within this report do not have climate plan implications.

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

Background papers: Minutes of the Ethical Governance and Personnel
Committee meetings.

Contact officer: Julie Kenny
Executive member: Councillor S Bray

Ethical Governance and Personnel Committee

DECISION NOTICE: BREACH OF THE CODE OF CONDUCT

Reference 2024/01

Subject Member: Councillor CW Boothby, Hinckley & Bosworth Borough Council

We notify all concerned parties in writing once we have determined a complaint. This decision notice will be sent to

- The person making the allegation
- The Subject Member

Complaint

The Ethical Governance and Personnel Committee considered a complaint that Councillor Boothby had allegedly breached the Hinckley & Bosworth Borough Council Code of Conduct by failing to treat the complainant with respect.

It was alleged that the subject member had failed to comply with the above by:

- (i) verbally attacking a member of school teaching staff while they were supervising young children attending a pantomime.
- (ii) Being rude and aggressive to the drivers of the coaches that were in attendance whilst challenging their parking

Decision

Following a full investigation and a hearing, members were in agreement that the subject member had been acting in an official capacity and their interactions with the teacher and the coach driver had breached the code of conduct in terms of disrespect. They felt, however, that the subject member's behaviour had not reached the bullying and harassment threshold.

SANCTIONS AGREED

1. Formal apology to be written by the subject member to the teacher/school
2. Additional training on the code of conduct be undertaken by the subject member
3. A formal letter be written to the member concerned highlighting the failings in their conduct
4. A recommendation be put to council to remove the subject member from Planning Committee for 12 months
5. A press release be issued on the nature of the complaint and the committee's decision and the same information be published on the council's website
6. A recommendation be put to Council that the subject member be censured.

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By virtue of paragraph(s) 3, 10 of Part 1 of Schedule 12A of the Local Government Act 1972.

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