



10 October 2017

Dear Sir/Madam

You are hereby summoned to attend a meeting of the Broxtowe Borough Council to be held on Wednesday 18 October 2017 in the New Council Chamber, Town Hall, Beeston commencing at 7:00pm.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

Yours faithfully

Chief Executive

To: Members of the Council

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda.

3. MINUTES

PAGES 1 - 17

To approve as a correct record the minutes of the Council meeting held on 19 July 2017.

4. MAYOR'S ANNOUNCEMENTS
5. PRESENTATION OF PETITIONS
6. LEADER'S REPORT
7. PUBLIC QUESTIONS
8. MEMBERS' QUESTIONS
10. MEMBERS' SPEECHES ON WARD ISSUES
11. QUESTIONS ON OUTSIDE BODIES
12. UPDATE ON THE HEALTH AND WELLBEING BOARD
13. NOTICE OF MOTION

The following Notice of Motion has been received from Councillor S J Carr on behalf of the Liberal Democrat Group:

“This Council acknowledges Citizens Advice Broxtowe’s report ‘Good work in Broxtowe. Improving employment in the light of the Taylor Report.’ Based on our experience at Citizens Advice Broxtowe, this Council believes that many of the Taylor recommendations would be particularly beneficial to residents of Broxtowe. Specifically:

- The right to a written statement of employment particulars from day one for all workers
- A higher rate of NMW for workers on non-guaranteed hours (ie zero-hours workers)
- Agency workers to receive more transparent information regarding pay and the identity of the employer
- Enforcement of payment of holiday pay by HMRC
- Government enforcement action for unpaid Employment Tribunal awards
A presumption of employee/worker status (with safeguards).

We urge this Council to support this report and write to the Secretary of State to ask him to work towards implementing the following Citizens Advice recommendations:

- The types of employment and people's rights at work should be clear and transparent
- The system of employment rights and protections should be accessible and responsive, ensuring rights adapt to changing labour market practices
- A broad and long term commitment by government and employers is needed to create stable and decent jobs
- The establishment of one 'Fair Work Authority' – currently several agencies (including HMRC, Employment Agency Standards Inspectorate, and gangmasters and Labour Abuse Authority) have responsibility for enforcing employment rights and standards.”

14. APPOINTMENTS TO COMMITTEES AND WORKING GROUPS

15. REFERENCES

- 15.1 Jobs and Economy Committee PAGES 18 - 27
 6 July 2017
Consent Streets in Beeston

The Committee discussed the possibility of introducing a consent streets scheme for Beeston. It was noted that there had been a number of complaints about aggressive sales people around the centre of Beeston. The implementation of the Consent Streets Scheme would give the Council the ability to control unwanted trading on public highways.

RECOMMENDED to Council that the proposed change to the Scheme of Delegation in appendix 1 be approved.

RESOLVED that:

1. **Consent streets be introduced in Beeston and the Council's intentions be advertised accordingly.**
2. **The proposed charges given in the report be approved.**
3. **The Consent Street policy in appendix 2 be approved.**

16. LIBERTY LEISURE PAGES 27 - 34

To inform members of a number of issues relating to the board of directors, the appointment of the Managing Director and increasing accountability to Council members.

17. COMMON SEAL

The Council is asked to RESOLVE that the Common Seal be affixed to or the Proper Officer do sign on behalf of the Council, where appropriate, any orders, deeds or documents necessary to give effect to any resolutions of the Council or Committees.

BROXTOWE BOROUGH COUNCIL

COUNCIL MEETING

19 JULY 2017

Councillor H G Khaled MBE, Mayor

Councillors:	E H Atherton	A Harper
	D Bagshaw	G Harvey
	S A Bagshaw	R I Jackson
	L A Ball BEM	E Kerry
	J S Briggs	S Kerry
	T P Brindley	L A Lally
	M Brown	P Lally
	D A Burnett	G Marshall
	S J Carr	R D MacRae
	M J Crow	J K Marsters
	E Cubley	J W McGrath
	T A Cullen	J M Owen
	R H Darby	P J Owen
	J A Doddy	J C Patrick
	S Easom	M E Plackett
	D A Elliott	M Radulovic MBE
	L Fletcher	C H Rice
	J W Handley	P D Simpson
	M Handley	A W G A Stockwell

Apologies for absence were received from Councillors B C Carr, J C Goold, W J Longdon, K E Rigby and R S Robinson.

The Mayor referred to the recent tragic deaths of Tony Bird and Owen Jenkins. Members and officers held a minute's silence as a mark of respect.

15. **DECLARATIONS OF INTEREST**

Councillor M Radulovic MBE declared an interest in item number 22 due to his own legal action over a breach of data protection, minute number 35 refers.

16. **MINUTES**

The minutes of the meeting held on 17 May 2017 were confirmed and signed subject to the resolution on item number 11 being amended to 18 May 2017.

17. MAYOR'S ANNOUNCEMENTS

The Mayor gave a résumé of her engagements since the last Council meeting, which included her attendance at birthday parties and a variety of fundraising events. The Mayor thanked the outgoing Deputy Chief Executive, Mr Shane Flynn, for his efforts during his time with the Council.

Mr Paul Syson, who had completed 40 years' service with the Council, was presented with a long service award. The Mayor congratulated Paul on his achievement.

18. YOUTH MAYOR'S REPORT ON BROXTOWE YOUTH VOICE ISSUES

There was no report from the Youth Mayor.

19. PRESENTATION OF PETITIONS

Mr Robert Aldred presented a petition which contained 1,370 signatures and called for the Council to reconsider its position to keep Stapleford Community Centre open. It was suggested that the situation would be taken account of at a meeting of the appropriate committee and that Mr Aldred be informed of the outcome.

20. LEADER'S REPORT

The Leader presented his report and expressed his condolences to the families and friends of those who lost their lives in the fire at Grenfell Tower as well as to those who lost their homes and possessions.

He stated that this was a tragedy that should never have happened, and the findings of the public enquiry would be monitored to ensure that this Council was able to continue to protect those for whom it has responsibility, and to provide information to others so that they can take action to ensure that their properties are as safe as the Council can make them.

This Council had ensured that 'hard wired' smoke detectors were installed in the Council's retirement living properties. Fire risk assessments were performed on an annual basis and an external provider was carrying out a more in depth fire risk audit this month. In addition, the Housing Committee has instructed officers to examine the agreement in place for leasehold flats to ensure that appropriate safeguards were built into this agreement to protect those living in the Borough.

Planning permission had been given for 250 dwellings on the Barton's site at Chilwell. This was an exemplar scheme, with a high level of community engagement to secure a very high quality architectural finish and layout. Furthermore, 297 houses were built in 2016/17 in Broxtowe; this was a substantial increase on the previous year and almost four times the figure of 78 that this administration inherited in 2014/5. This was the result of

more proactive work to bring sites forward and land being allocated for housing development.

There had been mixed news regarding railways, with the Government confirming the route of HS2 and the hub station site at Toton. Whilst this was to be welcomed it also confirmed that the route north from the station behind Stapleford and through Trowell would be on a viaduct up to 50 feet high, which was disappointing as is the confirmation that there will be no changes to the line through and under Strelley village and north through Nuthall.

21. REPRESENTATION ON OUTSIDE BODIES

RESOLVED that Councillor J C Goold be the Council's representative to Relate and Councillor L A Ball BEM be the Council's representative on the Health and Wellbeing Board.

22. PUBLIC QUESTIONS

There were no questions from members of the public.

23. MEMBERS' QUESTIONS

23.1 The following question was submitted by Councillor M Radulovic MBE:

"Could the Chair of the Finance and Resources Committee please give an update into the latest position of the government's proposal to move towards Business Rates Retention?"

The Chair of the Finance and Resources Committee responded that the Department for Communities and Local Government had informed the Council that it was making a flat rate contribution of £12,000 to all Councils in order to meet new burdens funding.

The supporting small businesses scheme was to ensure that any business that lost small business rates relief, as a result of the revaluation, had to pay no more than £50 per month in comparison to last year. Full guidance was supplied to the Council on 20 June 2017 of the qualifying criteria. It had been identified that there will be a maximum of eleven NNDR accounts that fall within this category, according to the software supplier. The Council still awaited the software upgrade to enable the processing of these.

The Support for Pubs Scheme allows the Council to reduce a pubs charge by £1,000 if their rateable value was under £100,000 and they did not exceed the state aid requirements. Thus far, 42 properties had been identified as being likely to fall within this category. A software upgrade was required to action these changes.

Each authority was required to create its own Discretionary Scheme to support business in the area. Schemes were currently being worked on and it is hoped that in the next two weeks there would be options available for members to make a decision. The Council was working with other Nottinghamshire authorities to create a similar scheme across the County and was required to consult with the Fire Service and the County Council prior to seeking agreement from members.

A supplementary question was submitted by Councillor Radulovic MBE which requested clarification on government grants and financial projections.

The Chair of the Finance and Resources Committee stated that Business Rates Retention was not factored into medium term finances unless there were guaranteed figures. Although financial projections were reasonable the Council was on course to have a balanced budget within three years.

23.2 The following question was submitted by Councillor S A Bagshaw:

“Could the Chair of the Housing Committee please allay the fears of many staff and residents about his intention to further cut the number of retirement living officers and reduce the service to many older residents across Broxtowe?”

The Chair of the Housing Committee responded that as part of the Housing Strategy, the Housing Department was committed to considering the needs of older residents in the Borough and through a review of retirement living, the team was analysing the information provided by residents to assess what the needs and demands were for the service and how best this demand could be met in the future.

Particular consideration was being given to age categories, specialist schemes and schemes with different levels of support being offered. This would ensure the Council was delivering the right level of support to individuals and groups of tenants.

The Retirement Living Team provided 1,135 hours of contact management weekly. This was delivered through a retirement living team of three team leaders, 20 full-time and 13 part-time retirement living officers. Additionally, the retirement living schemes are covered by the 24 hour emergency call system.

Requests to reduce working hours from retirement living officers were approved following careful consideration, and the decision not to recruit to the vacant hours was based on demand for services in a particular scheme or area.

There were tenants who had specific needs or may be particularly vulnerable and the retirement living service forms part of their support network. This would not change. However, there were also tenants in Retirement Living that found the service intrusive and overbearing, but had no other option but to accept a property in a Retirement Living scheme.

To meet those changing needs and reflecting individual circumstances, the service would be resourced appropriately and continue to support those in greatest need whilst providing autonomy to those who wished to be independent.

The Housing team were piloting projects on how to meet individual needs for all residents who were elderly or in need of support through Assistive Living. One such project included undertaking community visits to residents who may be private tenants or homeowners and it was hoped that the experience and expertise delivered by the Retirement Living team could be utilised beyond the boundaries of Retirement Living. The ambition was to be more expansive and responsive and deliver services to Broxtowe's residents. As the demand for services changed, this Council must be responsive in order to provide sustainable services to those in need.

A supplementary question was submitted by Councillor Bagshaw which stated that with the uncertainty surrounding the Homelessness Reduction Act 2017 detail not having yet been published, the Housing and Planning Act 2016 of which details were awaited, the impact of the sale of high value properties on housing waiting lists and the detail on lifetime tenancies still awaited, the Chair was asked how the problems around housing waiting lists would be resolved.

The Chair of the Housing Committee responded that the Council would respond as necessary by understanding needs and undertaking measures that were appropriate.

23.3 The following question was submitted by Councillor J W McGrath:

“Without reference to specific names of tenants, I have four cases on file – two of which have serious health issues. Could the Chair of the Housing Committee outline the banding system as of today and are there any proposals to refine and/or redefine the banding system?”

The Chair of the Housing Committee responded that all applicants who were accepted onto the Housing Register would have their application assessed and placed into one of the four 'bands' in line with their current housing need. Within each band there was no other hierarchy of the categories within the bands. However, if two people in a particular band place a bid for a property the applicant who had been on the register for the longest time would win the bid. Should any resident feel that the banding allocated was not appropriate, there was an appeal system.

In direct response to medical issues associated with applicants, the housing team understood that these could be complex and work closely with, and take advice from, a variety of professionals such as GPs, consultants and the County's Occupational Therapist team. All relevant information obtained was used in order to make fair and consistent assessments of the housing needs of applicants.

The Housing team undertook an annual review of the Housing Allocations Policy, to ensure that it complied with any changes in legislation. Where significant changes were required, a full consultation process was carried out and a reported to the relevant committee. The last full Allocations Policy review was in 2012.

However, with the recent Royal Assent of the Homelessness Reduction Act and considering the actions agreed within the Housing Strategy, there would be a need to undertake a full revision of the Policy. No date had been confirmed for this, but a full review would be conducted in the lifetime of the current Housing Strategy.

23.4 The following question was submitted by Councillor D A Elliott:

“Could the Chair of the Jobs and Economy Committee provide an update on our plans for medium and long term regeneration in Beeston?”

It was stated that as the topic had been considered by the Policy and Performance Committee; it would be more suitable for the Chair of that Committee to provide an answer. In doing so, the Chair stated that progress was being made and a leisure led development for the town centre was desirable, but in the interim a beach attraction was to be installed for the summer.

A supplementary question was submitted by Councillor Elliott which requested information regarding progress at Mushroom Farm and Bennerley Sidings. The Chair stated that the Council was currently in discussions with the developer over Mushroom Farm and plans were progressing with regard to bringing the Bennerley Viaduct back to full use.

23.5 The following question was submitted by Councillor G Marshall:

“Would the Chair of the Jobs and Economy Committee outline the timescale for implementing Phase 2 of the Core Strategy?”

The Chair responded that following the decision of Jobs and Economy Committee on 6 July, the Plan would be published for a minimum period of six weeks for consultation. This period would be arranged to allow sufficient time after the summer holidays to ensure that everyone affected was able to comment. The consultation would run through September and into early October. This would lead to the comments received and proposed changes to the Plan being reported to Jobs and Economy Committee before Christmas. The Plan would then be submitted to the Planning Inspectorate to start the public examination, which would be likely to take between six and eight months which would lead to adoption in late 2018.

A supplementary question was submitted by Councillor Marshall which asked for clarification over the Council’s plans to ensure requirements are met to provide housing across the Borough which will meet the needs of the entire community.

Councillor Harper responded that the Council was meeting its legal requirements and it was important that houses are put in place and that the regulations are adhered to.

24. MEMBERS' SPEECHES ON WARD ISSUES

There were no members' speeches on ward issues.

25. QUESTIONS ON OUTSIDE BODIES

There were no questions on outside bodies.

26. NOTICE OF MOTION

The following notice of motion had been received from Councillor R I Jackson and was seconded by Councillors M J Crow and D A Elliott:

"The Council expresses its sympathies to the family and friends of Owen Jenkins who tragically lost his life trying to help others. This Council will play a leading role in coordinating all other agencies to ensure that such a tragedy can never happen again and give support to Owen's family and friends as they grieve."

The motion, on being put to the meeting, was carried.

27. AD HOC COMMITTEE AND LICENSING AND APPEALS COMMITTEE – SUBSTITUTES

The Council at its meeting on 1 March 2017 considered appointments to the Ad Hoc Committee, Licensing and Appeals Committee and an Investigating and Disciplinary Committee. On that occasion the Council put in place arrangements for the membership of those Committees including resolving to appoint a named substitute from each political group to act in the event of a conflict of interests. Upon reflection it was considered that there may not be sufficient named substitutes

RESOLVED to:

- 1. Appoint the following number of additional named substitutes from each political group to each Committee from a prioritised list from the Conservative, Labour and Liberal Democrat groups tabled at the meeting: Ad Hoc Committee – 3 Conservative, 1 Labour and 1 Liberal Democrat, Investigating and Disciplinary Committee – 3 Conservative, 2 Labour and 1 Liberal Democrat, Licensing and Appeals Committee – 3 Conservative, 2 Labour and 1 Liberal Democrat.**
- 2. Amend the Constitution at Council Procedure Rule 22 to state that "Only Rules 4-7, 10-21 and 23 apply to meetings of Committees and Sub Committees" to make it clear that the**

- Council's arrangements for substitutes do apply to Committees.**
3. **Confirm that the quorum of the Ad Hoc Committee is three members.**

28. ARRANGEMENTS FOR THE DISCHARGE OF FUNCTIONS

Appointments to committees and working groups

RESOLVED that in accordance with the powers set out in the **Local Government Act 2000** and all and every power enabling, the following be appointed with the powers appropriate to each as set out in the scheme of delegation or as approved by Council:

Alcohol and Entertainments Licensing Committee

Conservative

D A Burnett (Chair)
W J Longdon (Vice Chair)
E H Atherton
M J Crow
M E Plackett
P D Simpson
A G W A Stockwell

Labour

T A Cullen
R H Darby
P Lally

Liberal Democrat

K E Rigby

Independent

R D MacRae

Community Safety Committee

Conservative

J G Goold (Chair)
M Brown (Vice Chair)
E Cubley
G Harvey
S Kerry
J M Owen

Labour

T A Cullen
J C Patrick
D Bagshaw

Liberal Democrat

B C Carr

Finance Committee

Conservative

P D Simpson (Chair)
T P Brindley (Vice Chair)
E Cubley
S Easom
P J Owen
A W G A Stockwell

Labour

S A Bagshaw
P Lally
G Marshall

Liberal Democrat

S J Carr

Governance, Audit and Standards Committee

Conservative

J W Handley (Chair)
E H Atherton (Vice Chair)
T P Brindley
J C Goold
S Kerry
J M Owen

Labour

S A Bagshaw
J W McGrath
J C Patrick

Liberal Democrat

K E Rigby

Housing Committee

Conservative

E Kerry (Chair)
A W G A Stockwell (Vice Chair)
L A Ball BEM
J C Goold
G Harvey
J M Owen

Labour

S A Bagshaw
J W McGrath
J C Patrick

Liberal Democrat

J K Marsters

Jobs and Economy Committee

Conservative

A Harper (Chair)
M J Crow (Vice Chair)
E Cubley
L Fletcher
J W Handley
M Handley

Labour

T A Cullen
P Lally
R S Robinson

Liberal Democrat

B C Carr

Leisure and Environment Committee

Conservative

S Easom (Chair)
M E Plackett (Vice Chair)
J S Briggs
E Cubley
P J Owen
C H Rice

Labour

R H Darby
L A Lally
R S Robinson

Liberal Democrat

S J Carr

Licensing and Appeals Committee

Conservative

D A Burnett (Chair)
W J Longdon (Vice Chair)
E H Atherton
M J Crow
M E Plackett
P D Simpson
A W G A Stockwell

Substitutes

1. L A Ball BEM
2. T P Brindley
3. M Brown
4. J W Handley
5. A Harper
6. G Harvey
7. E Cubley

Labour

D Bagshaw
T A Cullen
J C Patrick

Substitutes

1. S A Bagshaw
2. J W McGrath
3. L A Lally

Liberal Democrat

K E Rigby

Substitute

1. S J Carr

Independent

R D MacRae

Planning Committee

Conservative

M Handley (Chair)
L A Ball BEM (Vice Chair)
J S Briggs
T P Brindley
M Brown
A Harper
P J Owen

Substitutes

1. W J Longdon
2. G Harvey
3. S Kerry
4. J M Owen
5. J W Handley
6. A G W A Stockwell
7. E Cubley

Labour

D Bagshaw
G Marshall
R S Robinson

Substitutes

1. J C Patrick
2. J W McGrath
3. T A Cullen

Liberal Democrat

J K Marsters

Substitute

1. B C Carr

Independent

R D MacRae

Policy and Performance Committee

Conservative

R I Jackson (Chair)
M J Crow (Vice Chair)
S Easom
J C Goold
A Harper
E Kerry
P D Simpson

Labour

D A Elliott
G Marshall
J W McGrath

Liberal Democrat

S J Carr

Ad-Hoc Committee

Conservative

J W Handley (Chair)
L Fletcher
S Kerry

Substitutes: 1. D A Burnett
2. T P Brindley
3. M Brown
4. E Cubley

Labour

D A Elliott (Vice Chair)

Substitutes: 1. T A Cullen
2. S A Bagshaw

Liberal Democrat

J K Marsters

Substitutes: 1. B C Carr
2. S J Carr

Independent Members

L Ogilvie
H Salisbury

Investigating and Disciplinary Committee

Conservative

T P Brindley (Chair)
M Handley (Vice Chair)
M Brown

Substitutes: 1. W J Longdon
2. L A Ball BEM
3. J C Goold
4. G Harvey

Labour*

G Marshall
R S Robinson
J C Patrick

Substitutes: 1. S A Bagshaw
2. D Bagshaw
3. J W McGrath

**One member to attend listed in order of priority.*

Liberal Democrat

K E Rigby

Substitutes: 1. S J Carr
2. J K Marsters

Computer Working Group

Conservative

E H Atherton
D A Burnett
E Cubley
L Fletcher
S Kerry

Labour

R H Darby
L A Lally

Liberal Democrat

B C Carr

Energy Efficiency Working Group

Conservative

M Brown
J A Doddy
G Harvey
C H Rice
P D Simpson

Labour

G Marshall
R S Robinson

Liberal Democrat

J K Marsters

Housing Performance Group

Conservative

L A Ball BEM
J S Briggs
E Cubley
J C Goold
E Kerry

Labour

D Bagshaw
J C Patrick

Liberal Democrat

J K Marsters

Local Joint Consultative Committee

Conservative

E H Atherton
J S Briggs
D A Burnett
J C Goold
A Harper
W J Longdon
C H Rice

Labour

D Bagshaw
T A Cullen
R H Darby

Liberal Democrat

K E Rigby

Bramcote Bereavement Services Joint Committee

Conservative

R I Jackson
S Easom

Labour

M Radulovic MBE

29. REFERENCE

Bramcote Bereavement Joint Services Committee – 22 June 2017
ONLINE PUBLICATION OF CEMETERY RECORDS

RESOLVED that this be delegated to the Joint Committee to progress.

30. REFERENCE

Policy and Performance Committee – 4 July 2017
SCHEME OF DELEGATION – PROPERTY LETTINGS AT BEESTON SQUARE

RESOLVED that Financial Regulation 14.4 be amended to include: ‘In respect of properties in Beeston Square only, lettings, negotiations and settlement of leases and rent for Council owned land or property where the annual rental exceeds £100,000 shall be referred to the Policy and Performance Committee for approval.’

31. REFERENCE

Housing Committee – 5 July 2017
HOUSING REVENUE ACCOUNT – UPDATE TO BUSINESS PLAN MODEL

Members expressed concern over changes to retirement living officers and automation for alarm calls. It was suggested that the correct measures would be taken when necessary.

RESOLVED that the updated financial model for the Housing Revenue Account be approved.

Councillors S J Carr and J K Marsters requested that it be shown in the minutes that they voted against the resolution.

32. MEMBER APPOINTMENT PANEL

RESOLVED that five councillors, including the three group leaders or their nominees, be nominated to form an appointment committee to fill the position of Managing Director of Liberty Leisure following an external advertisement.

33. RECOGNITION OF INTERIM DEPUTY CHIEF EXECUTIVE AND SECTION 151 OFFICER

RESOLVED that the unanimous recommendation of the Member Appointment Panel to appoint Zulfiqar Darr as the Council's interim Deputy Chief Executive and section 151 Officer until further notice be approved.

34. EXCLUSION OF PUBLIC AND PRESS

RESOLVED that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Schedule 12A of the Act.

35. DELEGATION TO RECEIVE REPORT

RESOLVED that the current incumbent Chief Information Officer (SIRO) of Broxtowe Borough Council, Newark and Sherwood District Council and Rushcliffe Borough Council receives the Investigation Report, takes appropriate steps and refers its contents to appropriate decision-takers.

(Councillor M Radulovic MBE left the meeting before discussion or voting thereon, in addition to all Council Officers except for the Democratic Services Manager and the Deputy Monitoring Officer.)

36. COMMON SEAL

RESOLVED that the Common Seal be affixed to or the Proper Officer do sign on behalf of the Council, where appropriate, any orders, deeds or documents necessary to give effect to any resolutions of the Council or Committee.

Report of the Director of Housing, Leisure and Property Services

CONSENT STREETS IN BEESTON1. Purpose of report

To recommend that the Council resolves to introduce consent streets in Beeston and to approve the associated charges and policies.

2. Background

The detailed background and justification for the introduction of Consent Streets in Beeston was given in the report to Policy and Performance Committee of 10 November 2016. Members are reminded that this policy controls the sale of goods and services on the highway, and is not a control of activities such as political campaigning, religious proselytization, or the gathering of signatures for petitions.

3. Consultation

As required by the relevant legislation, consultation was undertaken via means of an advertisement in a local newspaper of wide circulation (The Evening Post was selected) and by writing to the Police and County Council as highway authority. No responses were received within the 28 day period for representations, and so the next stage of the process is that the Council must resolve to introduce Consent Streets as per the advertisement, and publicise such for two consecutive weeks in a local newspaper, giving a further notification period of 28 days.

4. Charges

The proposed charges are as follows:

- Unsuccessful application – no charge
- Annual consent - £3,000
- Monthly consent - £400
- Weekly consent - £150
- Daily consent - £50

5. Scheme of delegation and policy

- Appendix 1 gives details of the proposed scheme of delegation
- Appendix 2 contains the proposed Consent Street policy

Recommendation

The Committee is asked to RESOLVE that:

- 1. The Council introduces consent streets in Beeston and advertises its intentions accordingly.**
- 2. The scheme of delegation given in appendix 1 be approved.**
- 3. The proposed charges given in the report be approved.**
- 4. The Consent Street policy given in appendix 2 be approved.**

Background papers – Nil

APPENDIX 1a

Proposed scheme of delegation

Consent Street applications and renewals will be determined by the relevant Director against the policies given in appendix 2.

Equality Impact Assessment

An EIA of the proposed policies has been undertaken by the Head of Service. The only issue identified was a potentially positive one – a potential reduction in street clutter benefitting people with mobility and eye sight impairments.

APPENDIX 2

Legislation, consent streets, prohibited streets, definitions and relevant offences

Broxtowe Borough Council has under section 3 of the Local Government (Miscellaneous Provisions) Act 1982 adopted Schedule 4 of that Act with regard to Street Trading within the district.

Consent Streets

A Consent Street is a street where street trading isn't allowed without the consent of the Council. Within the Broxtowe Borough the following are designated as Consent Streets.

Beeston:

Chilwell Road, Chilwell/High Road, High Road, Wollaton Road, Station Road, Foster Avenue, Derby Street, Acacia Walk, City Road, Regent Street, Willoughby Street, Union Street, Villa Street, Stoney Street, Marlborough Road and Broadgate.

Definitions

Consent Street – means a street in which street trading isn't allowed without the permission of the council.

The Council - Broxtowe Borough Council.

News vendor – means a person trading where, the only articles sold or exposed or offered for sale are newspapers or periodicals and provided that they are not sold from a stall or similar structure or, if they are, that the structure stands on the carriageway of a street and its dimensions do not exceed 1metre in length or width, 2metres in height and it does not occupy a ground area of more than 0.25 square metres.

Prohibited street – means a street in which trading is banned.

Street – includes any road, footway, or other area to which the public have access without payment, and a service area as defined in section 39 of the Highways Act 1980.

Street trading – means the selling or exposing or offering for sale of any article (including a living thing) in a street but does not include:

1. trading as a pedlar under the authority of a 'Pedlars Certificate'
2. anything done at a market or fair which have a right to be held
3. trading as a news vendor
4. trading at a petrol filling station or shop

5. selling things, or offering or exposing them for sale as a roundsman
6. trading in a street adjoining a shop provided it is part of the business of the shop

Relevant Offences

The Local Government (Miscellaneous Provisions) Act 1982 provides as follows: Schedule 4, paragraph 10 A person who:

- a) engages in street trading in a prohibited street; or
- b) engages in street trading in a consent street without being authorised to do so under this Schedule: or
- c) contravenes any of the principal terms of a street trading licence; or
- d) being authorised by a street trading consent to trade in a consent street, trades in that street:
- e) from a stationary van, cart, barrow or other vehicle; or
- f) from a portable stall,

without first having been granted permission to do so under paragraph 7 (8) (of this schedule); or

- g) contravenes a condition imposed under paragraph 7 (9) (of this Schedule), shall be guilty of an offence.
- h) It shall be a defence for a person charged with an offence under subparagraph (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence
- i) Any person who, in connection with an application for a street trading consent, makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, shall be guilty of an offence
- j) A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale

Policy

1. All applications will be considered individually on their merits.
2. Pitches will be allocated on a first come first served basis.
3. All street trading permits will be limited to daily trading hours between 8am and 8pm.
4. On the occasions that permits are issued to commence before 10.15am then if the permit holder has not occupied the pitch for which they hold a valid permit by 11.45am on any day when trading is permitted the council may re-let the pitch for the remainder of the trading hours of that day.
5. Applications will be encouraged provided they are for goods to be sold from a stall, cart, barrow or other non-motorised vehicle that is in sympathy with the surroundings, adds colour and character to the locality and complies with all relevant legislation.
6. The position and operation of any stall, barrow operated by a permit holder or people employed by them shall not cause any problems of road safety, obstruction to users of the road, or conflict with the requirement of emergency vehicles.
7. The appearance of associated equipment or structures shall be of good quality and a photograph of the stall shall be sent to the Council before a permit is granted.

8. The use of the pitch shall not be likely to cause problems of noise, smell or litter, or be inappropriate to the character of the event with which the permit is connected.
9. The Council will not permit trading unless the permit holder or people employed by them have a current insurance policy against public liability and third party risks. The minimum insurance cover shall be £2 million, and must cover the use of the permit holder's vehicle, stall, barrow and any additional equipment under they may be using.
10. The Council will not permit trading unless, where necessary, a road closure order has been obtained by the event organiser or individual applicant.
11. Standard conditions will be imposed unless circumstances dictate otherwise. Additional conditions may be imposed at the discretion of the Council.
12. Where the addition of extra conditions is not adequate to control potential problems, applications will be refused.
13. Refusal or withdrawal of street trading permits will be normal in the following circumstances:
 - a. That there aren't enough pitches available in the street for the applicant to trade without causing undue interference or inconvenience to people using the street.
 - b. An applicant or operator of the stall is under the age of 18 years.
 - c. That a permit holder or people employed by them have failed to comply with the conditions attached to the permit.
 - d. That the street trading may damage the structure or surface of the street.
14. The Council may at any time revoke a permit or vary the conditions of an existing permit where there are reasonable grounds for so doing.
15. Double pitches will only be issued in exceptional circumstances where demand for permits does not exceed the number of pitches available.
16. The fees for individual pitches will be charged at the current rate.
17. Pitches may be booked for a single day or for the duration of an event.

Application process

- Only fully completed applications will be considered.
- Applications will be considered and permission to trade from pitches will be issued on a first-come first-served basis.
- Correctly completed applications consist of:-
 - Completed application form, giving full details of the stall, goods to be sold.
 - A photograph of the stall, vehicle or barrow to be used.
 - Application fee.
 - Proof of public liability insurance (minimum of £2 million) being in place.
- Completed applications should be forwarded to the Council.
- Consultation
Details of all applications for street trading permits may be circulated to the following bodies and comments may be invited.
 - The police
 - Trading standards

- The highway authority
- The Council's environmental health service, local residents and businesses who may be affected by your application may also be consulted before any street trading consent may be granted
- Tacit consent does not apply - i.e. a lack of reply from the Council does not mean a licence has been granted.

Cancellation:

- The Council may cancel a street trading consent after it has been granted. This may be for a variety of reasons. For example: non-compliance with the conditions, non-payment of the fee or because other agencies, for example, the highway authority or a statutory undertaker require access to the trading location.
- Should the Council cancel a street trading permit the Council shall not in any circumstances whatsoever be liable to pay any compensation to the permit holder or people employed by them in respect of the cancellation.
- If an application is refused or a street trading consent cancelled there is no statutory right of appeal against the Council's decision other than seeking the high court's permission for judicial review.

Conditions

1. The Local Government (Miscellaneous Provisions) Act 1982 provides for councils when granting a street trading permit to "attach such conditions to it as they consider reasonably necessary". Conditions may also be imposed which limit the location of trading and the hours of trade.
2. A list of standard conditions that the Council may seek to apply to any street trading permit is included in the Appendix.

Inspections

An authorised officer of the Council may inspect any stall, van, barrow cart or other non-motorised vehicle from which it is intended to trade.

Appendix - Standard conditions

1. The permit holder or people employed by them must produce this street trading permit on demand when asked required an authorised officer of Broxtowe Borough Council, a police officer or a police community support officer.
2. The permit holder or people employed by them must return this permit to Broxtowe Borough Council immediately on cancellation or surrender of this permit.
3. The permit holder or people employed by them must trade strictly in accordance with this permit.
4. The permit holder or people employed by them must notify the Council, immediately, of any convictions or proceedings arising out of the use of the permit.
5. The permit holder or people employed by them must not cause any obstruction of the street or danger to people using it, and must not allow people to gather around

them or any cart, barrow, other vehicle or stall included in this permit. The permit holder or people employed by them must not cause a nuisance or annoyance or danger to any people using the street.

6. The permit holder or people employed by them must not allow any music playing, music re-production or sound amplification equipment or any musical instruments radio or television receiving sets whilst trading under this permit. Unless endorsed on the permit by the Council.
7. The permit holder or people employed by them must not place on the street or fix any equipment placed on the street or advertising material of any description whatsoever except with the previous consent in writing of the Council.
8. The permit holder or people employed by them must not make any holes or indentations of any description in the surface of the street or place or fix any equipment of any description in the surface.
9. The permit holder or people employed by them shall not do anything in or on the street, which in the opinion of the Council, may be or become a danger, nuisance or annoyance, cause damage or inconvenience to the Council or to the owners or occupiers of any premises within the locality or to members of the public.
10. The permit holder or people employed by them must keep their trading position and the adjacent area in a clean and tidy condition during the permitted hours and also leave it clean, tidy and clear of any obstacles at the end of each day under the terms of the permit.
11. The permit holder or people employed by them must at all times whilst trading provide at their own cost and expense suitable containers for the deposit of rubbish and remove them and their contents from the site at the end of each day's trading. Any litter or food waste coming from the business and dropped on the highway by customers shall be collected by the permit holder or people employed by them.
12. Any stall, or authorised vehicle used for street trading must be immediately removable at all times in the event of an emergency or at any other time be removed at the request of any officers of the emergency services or officer of the Council.
13. All stalls must be removed within 30 minutes of the end of the trading (consent) hours for the day.
14. The permit holder or people employed by them are not allowed to hold any auction sale.
15. The permit holder or people employed by them or their employees are expressly forbidden to sell, display or wear any article which is or is intended to be offensive either in writing or pictures.
16. The permit holder or people employed by them shall not trade in or issue any glass items or vessels.
17. The permit holder or people employed by them must comply with all reasonable requirements of any other authorised officer of the council, a police officer or a police community support officer.

APPENDIX 3

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	HLPS	Lead officer responsible for EIA	Matt Batterham
Name of the policy or function to be assessed:	Consent Streets		
Names of the officers undertaking the assessment:	Matt Batterham		
Is this a new or an existing policy or function?	New		
<p>1. What are the aims and objectives of the policy or function? To reduce and control the number of stalls selling products/services in Beeston town centre.</p>			
<p>2. What outcomes do you want to achieve from the policy or function? To ensure stalls are located in specific areas in Beeston reducing their impact on visitors to raise revenue from the stalls in Beeston.</p>			
<p>3. Who is intended to benefit from the policy or function? Beeston visitors. Beeston businesses. Broxtowe Borough Council.</p>			
<p>4. Who are the main stakeholders in relation to the policy or function? Stall holders Broxtowe Borough Council Beeston visitors</p>			
<p>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands? There is no baseline data relating to the different equality strands.</p>			
<p>6. What baseline qualitative data do you have about the policy or function relating to the different equality strands? There is no direct evidence of the effect on different equality strands.</p>			
<p>7. What has stakeholder consultation, if carried out, revealed about the nature of the impact? The policy has been produced following complaints from Beeston businesses and visitors. Consultation has been conducted through the Nottingham Post. No responses were received within the 28 day period for representations. There will be a further consultation period should the policy be adopted which will be publicised for two consecutive weeks in the local press.</p>			
<p>8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways? In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:</p>			
<ul style="list-style-type: none"> • Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified? 			
No.			
<ul style="list-style-type: none"> • Is the policy or function likely to be equally accessed by all equality 			

<p>groups or communities? If no, can this be justified?</p> <p>Yes.</p>
<p>• Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?</p> <p>No.</p>
<p>• Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?</p> <p>A reduction in stalls could be of benefit to those with mobility issues as it reduces and obstructions in the town and this will also benefit people with visual impairments.</p>
<p>• What further evidence is needed to understand the impact on equality?</p> <p>None.</p>

<p>9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?</p>
<p>Age: None.</p>
<p>Disability: Ensure the policy is user accessible.</p>
<p>Gender: None.</p>
<p>Gender Reassignment: None.</p>
<p>Marriage and Civil Partnership: None.</p>
<p>Pregnancy and Maternity: None.</p>
<p>Race: None.</p>
<p>Religion and Belief: None.</p>
<p>Sexual Orientation: None.</p>

<p>Head of Service: I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.</p> <p>Signature of Head of Service: <i>John Delaney</i></p>
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Report of the Interim Strategic Director

LIBERTY LEISURE1. Purpose of report

To inform members of a number of issues relating to the board of directors, the appointment of the Managing Director and increasing accountability to Council members.

2. Background

Information on the appointment of the Managing Director is included in appendix 1, whilst information on the make-up of the Board of Directors is included in appendix 2.

3. Accountability arrangements

It is recognised that there can be improved consistency of communication between the Council officers, representatives of Liberty Leisure and Council members, in order to improve understanding and allow for greater accountability. It is proposed that regular monthly meetings are held between the Chair of the Leisure and Environment Committee and the Managing Director in addition to the submission of operational and finance reports of Leisure and Environment Committee meetings. Councillors will also receive an annual report which will detail attendance and membership figures, details on income and expenditure, the satisfaction survey and progress on developments that have taken place during the year.

4. Financial implications

There are no financial implications contained within the report.

Recommendation**Council is asked to:**

1. **RESOLVE** that the appointment of a Managing Director of Liberty Leisure to discharge the duties as set out in the job description be approved and the appointment panel, with the addition of the Chair of the Leisure and Environment Committee, be convened.
2. **RESOLVE** that the appointment of an external Board member be approved.
3. **RESOLVE** that the Chair of the Leisure and Environment Committee be added to the Board.
4. **NOTE** the interim appointment of the Head of Public Protection to the Board.
5. **NOTE** the replacement of the Head of Finance with the Commercial Manager on the Board.
6. **NOTE** the reinstatement of the (Interim) Managing Director to the Board.
7. **NOTE** the arrangements for increased accountability.

Background papers

Nil

APPENDIX 1

Appointment of the Managing Director for Liberty Leisure

Following the retirement of the previous Managing Director, the role has been filled in the interim by the Council's Leisure Centre Manager.

At the Council meeting held on 19 July 2017, members resolved that five councillors, including the three group leaders or their nominees, be nominated to form an appointment committee to fill the position of Managing Director of Liberty Leisure following an external advertisement. The Job Evaluation process has now been completed and the role is ready to advertise following members' approval. The job description is included below.

JOB DESCRIPTION

POST TITLE **Managing Director**

GRADE

DATE **August 2017**

RESPONSIBLE TO Board of Directors

RESPONSIBLE FOR All employees of Liberty Leisure Limited

PURPOSE OF JOB To be responsible for the company's performance, to formulate, implement, lead and review strategic business planning to meet the requirements of Liberty Leisure and Broxtowe Borough Council

To develop a positive business culture within Liberty Leisure Limited by enabling employees through support, guidance and leadership to contribute positively towards the companies objectives

MAIN DUTIES & RESPONSIBILITIES:

1. To develop strategic plans for Liberty Leisure to ensure that the company embraces change to continually meet the levels of performance agreed with Broxtowe Borough Council including an operational strategy, sports and events strategy and a culture strategy
2. Responsible for the overall management of the employees of Liberty Leisure including the consistent implementation of Liberty Leisure Human Resource policies

3. To generate new business and partnerships to progress the company's aims and objectives ensuring that any new business partnerships reflect the Council's values
4. To lead and oversee the management of the DH Lawrence Museum; promoting the service to the public, businesses and specialist interest groups as well as developing strategies and business plans to ensure continual growth.
5. Provide leadership and direct Liberty Leisure staff in sales and marketing techniques and procedures which increase attendances at Broxtowe Borough Council's leisure centres and events.
6. Review and progress the company's Business Plan implementing appropriate action planning and monitoring to enable its successful delivery with detailed reporting
7. To develop, implement and review a robust performance management framework with measurable targets reflecting the business plan objectives. To provide progress and performance reports to the Liberty Leisure Board and relevant Council Committees.
8. Continually develop the senior management team, to enable them to consistently provide proactive support and development to Liberty Leisure employees
9. Ensure effective communication throughout the company, to ensure that all teams understand how their work links in and contributes to the company's objectives and development
10. Responsible for working with the Council to ensure new and updated policies are agreed and consistently implemented by Liberty Leisure
11. Responsible for the development, implementation and management of budgets whilst ensuring adherence to Liberty Leisure's financial regulations and all relevant legislation
12. Have full responsibility for all day to day decisions made within the company ensuring that Liberty Leisure's Articles of Association are followed and that relevant information is communicated to the Liberty Leisure's Board of Directors
13. To liaise with Liberty Leisure Board members, Council members and Council Officers and to attend board meetings and appropriate Broxtowe Borough Council committee meetings to ensure that consistent and relevant information is provided to enable effective decision making and action at all levels.
14. Ensure that all of the company's activities comply with Liberty Leisure's Articles of Association
15. Responsible for the identification of operational and strategic risks, and for ensuring that appropriate approaches are in place to manage and mitigate any risks. Also to ensure that appropriate risk assessment of existing and future

business initiatives are implemented, and responsible for the management of finances and facilities

16. To be fully responsible for the Company's Health and Safety Policy, ensuring it complies with all relevant health and safety legislation to include safe operation of pools, safeguarding of children and vulnerable adults and effective management of legionella
17. Responsible for ensuring the safe management and maintenance of physical assets and associated equipment including leisure centres, museum and heritage facilities
18. To oversee information security by ensuring that effective policies and procedures which meet international standard ISO 27001 have been implemented across a whole range of areas including strategies, ICT systems and data, physical and environmental security and HR.
19. To be the ambassador for Liberty Leisure, promoting the Liberty Leisure brand and celebrating the success and achievement of the partnership with Broxtowe Borough Council
20. To represent Liberty Leisure and Broxtowe Borough Council when providing professional support and direction to relevant sports, arts and cultural groups within the Borough of Broxtowe

RISK MANAGEMENT

Liberty Leisure Limited is committed to the effective management of risk. It is the responsibility of all employees to carry out their duties and responsibilities with adequate regard for risk management, as outlined within the Company Risk Management Strategy and Policy.

SAFEGUARDING

The Company has a statutory obligation to safeguard and promote the welfare of children and vulnerable adults. This responsibility sits with all those individuals who provide services on behalf of Liberty Leisure Limited, including all those who work with children, young people and families; those who manage staff within this work; staff who work with mothers, fathers, carers and other adults who have contact with children; staff who have both direct and indirect contact with children, including administration, support and back office staff; contractors; volunteers, community groups and the general public.

When required, Liberty Leisure will also facilitate emergency rest centres at suitable locations. Liberty Leisure will also be full participants in Broxtowe Borough Council's emergency planning and civil contingencies and call out processes.

EQUAL OPPORTUNITIES

You will uphold the Company Equal Opportunities Policy in Service Delivery and Employment, thereby promoting a fair and quality service to all. This will include the promotion of inclusion and participation in leisure, sport and culture amongst under represented groups.

TRAINING

You will keep under review your own development needs. Learning needs should be discussed and determined at your annual appraisal and you will be required to undertake training as identified and as appropriate, for the individual, or as required for effective performance of the duties of the post.

This Job Description represents a statement of the duties of the post but does not include all minor duties. It is inevitable that over time the nature of any individual job will change and existing duties may be lost or others gained without changing the general character of the duties or the level of responsibility entailed. As a result the Company will expect this Job Description to be subject to revision.

Liberty Leisure Limited is committed to equal opportunities. As part of its policy it has been agreed that applicants wishing to work on a 'Job Share' basis will be considered on an individual basis. Since it is not possible for all posts to operate in this way, if you wish to enquire about 'Job Sharing' you should contact the Human Resources Section in the first instance.

Signature of Postholder

Date



PERSON SPECIFICATION

POST TITLE **Managing Director**

DATE **August 2017**

FACTOR	ESSENTIAL OR DESIRABLE	METHOD OF ASSESSMENT
QUALIFICATIONS	Educated to Postgraduate level in a Sport, Leisure or Business Qualification	Application form / Certificates
RELEVANT EXPERIENCE	<p>Demonstrable experience of managing a leisure businesses or other related customer facing industries such as the hospitality industry</p> <p>Experience of developing facilities, leading teams, managing performance and budgets</p> <p>Leading the development, implementing and monitoring of strategies and business plans and the associated decisions</p> <p>Develop and manage budgets</p> <p>Lead and manage stakeholders and staff</p> <p>Develop implement and manage work programmes</p> <p>Lead and motivate a team</p> <p>Use initiative to find creative solutions to problems</p> <p>Deliver to tight deadlines</p> <p>Communicate effectively with stakeholders, board directors and employees</p> <p>Passion for providing excellent customer service</p> <p>Knowledge and understanding of performance standards, management systems and marketing in the leisure industry</p> <p>Understanding of national initiatives and trends in the commercial sporting and leisure sector</p>	<p>Application form / interview</p> <p>Application form / interview/Test</p> <p>Application/ interview</p>

PERSONAL ATTRIBUTES	Effective leadership skills with the ability to motivate a workforce including influencing, negotiation and diplomacy skills Organisational skills	Application form / interview
WORK CIRCUMSTANCES	Work flexibly (including hours and location) to ensure effective service delivery To hold a current driving licence	Interview Application form
INTERESTS	An interest in the sports and leisure industry Experience and understanding of sports and leisure related issues	Application form / interview

N.B. The above specification defines the minimum essential requirements of the job, but Liberty Leisure Limited will have regard to the Disability Discrimination Act and will make "reasonable adjustments" to help applicants with a disability achieve these standards. Compliance with all the requirements of the job description and person specification does not guarantee an interview. However, disabled candidates who meet the minimum essential criteria will be guaranteed an interview. It may be necessary to use additional criteria at the short listing stage.

APPENDIX 2

Formation of the Board of Directors

The Liberty Leisure Board is currently composed of three Directors, each Broxtowe officers. Board meetings are also attended by the Managing Director, a Staff Representative, Company Secretary and the Council's Commercial Manager (acting as the Contract Manager) all of whom have no voting rights.

Formerly the Board was comprised of two officers. At the Council meeting on 17 May 2017 members resolved that a third director be appointed to the Board to ensure that in the event of a tied vote between the current directors, a deciding vote could be cast. Following the resolution the Head of Public Protection was appointed to ensure that the Board was quorate should a current director be unavailable.

Members had previously considered the benefits of having an external Board member. Councillors will recall that an external member with relevant experience would enable a truly impartial viewpoint as well as providing advice on a wide range of topics and different methods of working. It is suggested that this role be appointed to as previously stated, in addition to reinstating the Interim Managing Director as a voting member of the Board, as was the role of the previous Managing Director. This will remain the case once a permanent appointment has been made to the role.

A further amendment to the Board will be the replacement of the Head of Finance with the Commercial Manager. Additionally, it is proposed that the Chair of the Leisure and Environment Committee be added to the Board. It is for the Board to decide who should chair meetings, but it may be beneficial for the Council member to act as Chair.