

Folkestone

Hythe & Romney Marsh
Shepway District Council



Agenda

Meeting: **Council**
Date: **26 October 2016**
Time: **7.00 pm**
Place: **Council Chamber - Civic Centre Folkestone**

To: **All Members of the Council**

YOU ARE HEREBY SUMMONED to attend a meeting of the Council on the date and at the time and place shown above. The meeting will be open to the press and public.

Anyone who wishes to have information on any matter arising on the Agenda which is not fully covered in these papers is requested to give notice prior to the meeting to the Chairman or appropriate officer.

Chief Executive

1. **Apologies for absence**
2. **Declarations of interest**

Members of the Council should declare any discloseable pecuniary interest or any other significant interests in any item/s on this agenda.

3. **Minutes (Pages 5 - 24)**

To receive the minutes of the meetings of the council held on 20 July and 14 September 2016 and to authorise the Chairman of the Council to sign them as correct records.

4. **Chairman's communications**

Queries about the agenda? Need a different format?

Contact Sue Lewis – Tel: 01303 853265
Email: committee@shepway.gov.uk or download from our website
www.shepway.gov.uk

5. **Petitions**

There are no petitions to be presented.

6. **Questions from the public**

There are 4 questions from the public:

QUESTION 1

From Sue Hannah to Councillor David Monk, Leader of the Council

Would the Council agree that six weeks is an insufficient period of time on which to consult on detailed plans for the proposed lorry park at Stanford? The plans include a 269 environmental assessment and have been released during the summer holidays. Does Council agree that this goes against the spirit and against the letter of the Government's consultation principles? Will the Council be taking this up with the Department for Transport and the Cabinet Office?

QUESTION 2

From Nick Southgate to Councillor David Monk, Leader of the Council

Given the change in national Tory policy away from an austerity agenda can you highlight who has been hardest hit by this policy of austerity and what moves you will be making to ameliorate its consequences?

QUESTION 3

From David Plumstead to Councillor David Monk, Leader of the Council

On 13th January 2016 report A/15/20 was presented to Council in which the Councillors were advised of the Chief Executive's use of urgent powers to purchase farmland for the sum of approximately £5 million within the area now referred to as Otterpool Park. In exercising his urgent powers to make a bid to purchase the land, the Chief Executive consulted with the Leader and Chairman of the Council, and also noted that the Monitoring Officer had consulted with the Chairman of the Scrutiny Committee. Can the Leader please advise this meeting of the exact dates when the following sequence of actions took place and whether the Chairman of the Scrutiny Committee gave his consent as required by the Constitution:

1. Date of consultation with the Leader
2. Date of consultation with the Chairman of Council
3. Date of consultation with the Chairman of the Scrutiny Committee
4. Date consent given by Chairman of the Scrutiny Committee for the decision to be taken as a matter of urgency

5. Date of submission of the bid to purchase the land.

QUESTION 4

From Matthew Norwell to Councillor David Monk, Leader of the Council

Why is the Council – after repeated requests – refusing to make public the legal advice which confirmed to them that the Highways Act 1980 provides sufficient grounds to permit the construction of the proposed lorry park at Stanford? There is a clear public interest in explicitly demonstrating to local residents – and Council Tax payers – that the Council has rigorously challenged Highways England’s approach to such a significant construction project. The Council has concluded the legal permission required by Highways England to build a 250 acre lorry park at a cost of £250m is less onerous than the permission needed to build a conservatory or put up a satellite dish. Shepway District Council needs to publicly explain how they have come to that conclusion.

7. Questions from councillors

(Questions can be found under the date of the Council meeting - www.shepway.gov.uk from noon 2 days before the meeting).

Up to 45 minutes is allowed for questions from councillors.

8. Announcements of the Leader of the Council

To receive a report from the Leader of the Council on the business of the cabinet and on matters that the leader considers should be drawn to the council’s attention. The leader shall have 10 minutes to make his announcements.

The opposition group will have an opportunity to reply to the leader’s remarks. The opposition group leader shall have 5 minutes to respond after which the Leader of the Council will have a right of reply. Any right of reply will be for a maximum duration of 5 minutes.

9. Opposition business

There is no opposition business.

10. Motions on notice

The following motions have been placed on the agenda in the order received; up to 60 minutes shall be allowed for debates on motions on notice:

From Councillor Rory Love –

This Council calls upon South Eastern Railway to ensure:

1. That the best value train tickets are available at all times for Shepway's residents to purchase from the station ticket machines, and
2. That such tickets for the most popular journeys are as prominently displayed as possible on the machines, and require the fewest possible number of 'taps' on the touchscreen to select them.

11. Licensing Act 2003 - Licensing Policy Statement Revision (Pages 25 - 66)

Report A/16/18 sets out the proposed revisions made to our Licensing Policy Statement. This Policy will cover the period 2016 to 2021.

12. Committee membership changes (Pages 67 - 68)

Under the Shepway District Council Constitution, Part 8.1 'Delegation to Officers', paragraph 3.16, the Head of Paid Service is authorised to make appointments to committees or sub-committees at the request of the relevant political group leader. Report A/16/19 sets out the appointment made, under these powers, at the request of the Leader of the Council, since the last Council meeting.

*Explanations as to different levels of interest

(a) A member with a discloseable pecuniary interest (DPI) must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares a DPI in relation to any item must leave the meeting for that item (unless a relevant dispensation has been granted).

(b) A member with an other significant interest (OSI) under the local code of conduct relating to items on this agenda must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares an OSI in relation to any item will need to remove him/herself to the public gallery before the debate and not vote on that item (unless a relevant dispensation has been granted). However, prior to leaving, the member may address the meeting in the same way that a member of the public may do so.

(c) Members may make voluntary announcements of other interests which are not required to be disclosed under (a) and (b). These are announcements made for transparency reasons alone, such as:

- membership of outside bodies that have made representations on agenda items, or
- where a member knows a person involved, but does not have a close association with that person, or
- where an item would affect the well-being of a member, relative, close associate, employer, etc. but not his/her financial position.

Voluntary announcements do not prevent the member from participating or voting on the relevant item

Public Document Pack Agenda Item 3

SHEPWAY DISTRICT COUNCIL

Minutes for the meeting of the Council held at the Council Chamber - Civic Centre Folkestone on Wednesday, 20 July 2016

Present: Councillors Mrs Ann Berry, Miss Susan Carey, John Collier, Malcolm Dearden, Alan Ewart-James, Peter Gane, Clive Goddard, David Godfrey, Miss Susie Govett, Ms Janet Holben (Chairman), Mrs Jennifer Hollingsbee, Mrs Claire Jeffrey, Mrs Mary Lawes, Len Laws, Rory Love, Philip Martin, Frank McKenna, Ian Meyers, David Monk, David Owen, Paul Peacock, Stuart Peall, Damon Robinson, Carol Sacre, Mrs Susan Wallace, Mrs Rodica Wheeler and Roger Wilkins

Apologies for Absence: Councillors Michael Lyons and Dick Pascoe

126. Declarations of interest

There were no declarations of interest.

127. Minutes

The minutes of the meeting held on 16 March 2016 were submitted, approved as a correct record and signed by the Chairman.

128. Chairman's communications

The Chairman reported that since the last Full Council Meeting so much has happened in this Country and around the world: The EU referendum and the issues following this, numerous tragic incidents across the world and because of these tragic events she felt it was better to focus on the good.

The Chairman started by focussing on the stories of excellence in the district namely the achievement of three students from East Kent College who were achieving excellence. She introduced the students to allow the Council to congratulate them.

The Chairman went on to tell the Council about musical excellence in the District and informed of her attendance at 6 musical event:

- The fabulous Band of the Brigade of Gurkhas Military Concert
- The very first Sandgate Musical Festival
- A lovely performance of Rossini by the Folkestone Choral Society which was held in St Leonards church, Hythe.
- Hythe Canal Concert – a musical extravaganza provided by a Concert Brass Band, the Shorncliffe Military Wives Choir, The Medway Town Band, The Railway Swing Band which was held along the Military Canal.
- Jam on the Marsh, curated by the internationally renowned composer Paul.
- Folkestone & Hythe Orchestral Summer Concert.

She finished by saying all these musical events, some professional and some amateur, mostly put on by volunteers is the level of excellence in their performance. She suggested other members look for these events across the District.

129. **Petitions**

There were no petitions.

130. **Questions from the public**

Questions asked by members of the public and the answers given, including supplementary questions, are set out in schedule 1 to these minutes.

131. **Questions from councillors**

Questions asked by councillors and the answers given, including supplementary questions are set out in schedule 2 to these minutes.

132. **Announcements of the Leader of the Council**

The Leader of the Council, David Monk welcomed everyone to the meeting and began by talking about the Otterpool Park project.

He highlighted that the chance to masterplan the District's housing and employment requirements for the next thirty years plus is a singular opportunity not to be missed, flagging that it has come about by a unique series of events that has enabled us to, in collaboration with the owners of Folkestone Racecourse, assemble a significant area of land and respond to an invitation from central government to submit a bid for a Garden Settlement.

He explained that the Council's bid is encompassed in an Expression of Interest document and is for a Garden Town with capacity of up to 12,000 homes and 85 hectares of employment land. The Expression of Interest document will be available online from tomorrow morning.

The Leader explained that as the Council is both the landowner and the planning authority it is important that, in the interest of transparency, these two internal functions are split.

The Chief Executive has identified Susan Priest to lead the planning side and Jeremy Chambers to lead the land owner side. He explained that to facilitate this from the Executive he had relinquished responsibility for planning policy to Cllr John Collier and land ownership issues in the Otterpool Park project area to Cllr Phillip Martin.

The Leader stressed how important the ability to masterplan this project is; without it there the identified area of search will be the subject of many piecemeal planning applications, none of which will provide the level of control over coordinated garden design principles, infrastructure, public realm improvements and housing mix. He highlighted that full engagement of residents will be undertaken across the district and their suggestions will be considered as the project progresses. Study tours to other housing projects to see both the best and the worst of what is around will be organised.

The Leader also announced that the Council will be, following consultation with Port Lympne Wild Animal Park, investigating the case for building a superior and complementary holiday village on land near to Otterpool Park thereby enhancing the District's tourism offer.

Finally he said that the Otterpool Park project is of such strategic importance to Council that even if the Government does not support our Expression of Interest we will still proceed with the project albeit it would take longer to implement.

Proposed by Councillor David Monk
Seconded by Councillor Rory Love and

RESOLVED: That the Leader's report be received and noted.

(Voting: For 26; Against 0; Abstentions 0).

133. **Opposition business**

There was no opposition business.

134. **Changes to Committee Membership**

Report A/16/12 Under the Shepway District Council Constitution, Part 8.1 'Delegation to Officers', paragraph 3.16, the Head of Paid Service is authorised to make appointments to committees or sub-committees at the request of the relevant political group leader. This report sets out the appointments made, under these powers, at the request of the Leader of the Council, since the last Council meeting.

Proposed by Councillor David Monk
Seconded by Councillor Rory Love and

Resolved:

1. To receive and note report A/16/12.

(Voting: For 26; Against 0; Abstentions 0)

135. Update to the General Fund Capital Programme

Report A/16/15 proposes an update the General Fund capital programme to include the Coronation Parade coast protection works scheme and the Hythe Pool essential enhancements scheme. Both schemes were considered and endorsed by Cabinet on 30 June 2016 and the council's Constitution now requires formal budget approval by Full Council.

Proposed by Councillor Ms Susan Carey
Seconded by Councillor Alan Ewart-James and

Resolved:

- 1. To receive and note report A/16/15.**
- 2. To approve the changes to the General Fund capital programme set out in this report.**

(Voting: For 26; Against 0; Abstentions 0)

136. Annual Scrutiny Programme 2016-17

Report A/16/13 presents recommendations for the work programme for the overview and scrutiny committee for 2016/17.

It was noted that fly tipping was not shown as an individual item but this will be picked up through the Environmental enforcement review.

Proposed by Councillor Peter Gane
Seconded by Councillor Mrs Claire Jeffrey and

Resolved:

- 1. To receive and note report A/16/13.**
- 2. To approve the annual scrutiny work programme for 2016-17 attached to this report.**

(Voting: For 26; Against 0; Abstentions 0)

137. Community Infrastructure Levy (CIL): Adoption of the Council's CIL Charging Schedule

Report A/16/16: The Community Infrastructure Levy (CIL) Regulations (2010) as amended, outlines the process for establishing a CIL scheme in an area.

At its meeting of 8th July 2015, following two rounds of public consultation, Cabinet approved submission of a CIL draft Charging Schedule, for Independent Examination in Public (EIP). The Inspector's March 2016

report on the EIP concluded that the SDC CIL Charging Schedule provides an appropriate basis for the collection of the levy in the District.

Cabinet subsequently considered the outcome of the EIP at its meeting of 25th May 2016, and as per the requirements of the Government's CIL Regulations, agreed a recommendation to submit the CIL Charging Schedule for adoption by Council at its meeting of 20th July.

Proposed by Councillor John Collier
Seconded by Councillor Rory Love and

Resolved:

- 1. To receive and note Report A/16/16.**
- 2. To note the findings of the Inspector's report on the Council's CIL Draft Charging Schedule.**
- 3. To adopt the Council's CIL Charging Schedule and set a commencement date for the collection of CIL from the 1st August 2016.**
- 4. To adopt the final drafts of the Regulation 123 list, CIL Instalments Policy, and CIL Discretionary Payments in Kind Policy.**

(Voting: For 26; Against 0; Abstentions 0)

138. Exploring the merger of the five East Kent Councils

Report A/16/14 seeks approval in principle, based on the jointly agreed Statement of Intent attached as Appendix 1, to explore the merger of the five East Kent District Councils of Ashford, Canterbury, Dover, Shepway and Thanet. This is in response to financial challenges facing local government and the opportunity to drive improvements and growth in the East Kent area.

Council is therefore asked to consider the information provided within the report:

- a) To approve the Statement of Intent; and
- b) To commission the production of a Business Case in order to further explore the possibility of merging the five East Kent districts. The Business Case will be brought back to each Council for formal consideration.

Proposed by Councillor David Monk
Seconded by Councillor Alan Ewart-James and

Resolved:

- 1. To receive and note Report A/16/14.**
- 2. To consider and approve the Statement of Intent (outlined in Appendix 1);**

3. **Agree to the recommendation that the five councils explore the merger of the East Kent district councils based on the following arrangements:**
 - a) **That the Chief Executives of the councils jointly commission work to prepare a Business Case to examine the advantages, disadvantages and potential mechanism of a merger of the five East Kent district councils;**
 - b) **The provision of up to £20,000 funding, from each council, to support the preparation of the Business Case (background information is provided in Appendix 2 for developing the draft Business Case).**
 - c) **The delegation to the Councils' Chief Executives, in consultation with the Leaders to agree the specification and management of the Business Case**
4. **If recommendations 2 and 3 are agreed, for each Council to raise specific points and issues they would like to be considered as part of the specification of work to be covered by the Business Case.**
5. **That the final version of the Business Case should be reported back to each council once completed before any formal commitment is made to any further decisions or process.**

(Voting: For 24; Against 0; Abstentions 2)

139. **Motions on notice**

Proposed by Councillor Mrs Mary Lawes
Seconded by Councillor Suzy Govett

“To stop planning applications allowing homes to be turned into bedsits and flats (especially in Harbour Ward, including some streets in East Ward).

To reduce overcrowded living conditions and to reduce the ill health of residents and to stop areas becoming slums”.

Councillor John Collier as Cabinet Member for the District Economy welcomed the opportunity to visit and walk around Harbour Ward with Councillor Mrs Mary Lawes and to speak with officers with a view to seek and manage/control loss of private houses within the planning controls.

Proposed by Councillor John Collier
Seconded by Councillor Alan Ewart-James

“In considering Places and Policies Local Plan that there is local provision made to improve the standard of residential communities”.

As the motion put forward was not clear as a replacement or amendment it was WITHDRAWN.

AMENDMENT:

Proposed by Councillor Mrs Suzie Govett
Seconded by Councillor Mrs Mary Lawes

“To review planning policy which allows homes to be changed into bedsits and flats”.

(Voting: For 3; Against 20; Abstentions 4)

The amendment was LOST.

In considering the original motion proposed Councillor Mrs Mary Lawes and seconded by Councillor Suzie Govett the voting was as follows:

(Voting: For 3; Against 20; Abstentions 4)

The motion was LOST.

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Council – 20 July 2016

QUESTION 1

From Mr J W Kitson to Councillor Stuart Peall, Cabinet Member for the Environment

Why do so many Councillors continue to say how wonderful Folkestone is? And claim new development – few of which exist and claim how clean the area is when most streets are disgusting!

ANSWER:

Whilst I am unable to answer the first part of the question with regard to development in response to the highlighted text.

The Environmental Protection Act 1990 imposes duties under section 89(1) and (2) on certain landowners and occupiers to keep specified land clear of litter and refuse and in addition on local authorities to keep public highways clean.

Shepway District Council is the principle litter authority and is duty bound to keep land within acceptable cleanliness standards. The emphasis is on the consistent and appropriate management of an area to keep it clean and not on how often it is cleaned.

We work with local groups such as The Dover Road Association, Central Gardens residents group and with the Town Sprucer, to understand the issues presented on a daily basis. We work together to improve the environment and to look at ways to overcome the social challenges of dropped litter, fly tipping and waste placed out early in the Folkestone area.

Under the communities team officers have been involved in litter picks and clean ups across the District including work with the Princes Trust and National Citizenship service involving young people. Other examples include Clean for the Queen that involved a Ghurkha regiment.

There are ward walkabouts planned with Councillors and enforcement officers.

Enforcement officers patrol areas across Shepway on a daily basis.

For dog control work some of the FPNs issues are shown below:

Year	No. Of FPN's	Value
2013	6	£390
2014	11	£660
2015	17	£790
2016	18	£930

For Patrol hours and other data some recent statistics are provided below:

Fixed Penalty Notices

FPN Type	April 2016	May 2016
Cigarette	1	1

Dog Off Lead – Designated area	3	
Failure to remove dog faeces	2	1
Litter Clearing Notice	1	1

Officer Patrols April 2016

Area	Total Time Spent
	255
Area A: Folkestone East /Sunny Sands	31
Area B: Folkestone Central/Mermaid Beach	56
Area C: Folkestone West/Sandgate/The Esplanade/Cheriton	38
Area D: Hawkinge	18
Area E: Hythe/Beach Adj to Fisherman's Beach/Murco Garage	32
Area F: Dymchurch/Dymchurch Beach/St Mary's Bay Beach	27
Area G: New Romney/Littlestone/Greatstone Beaches	8
Area H: Lydd	7
Area I: Other	38
Total Hours	255

Officer Patrols May 2016

Area	Total Time Spent
	239
Area A: Folkestone East /Sunny Sands	31
Area B: Folkestone Central/Mermaid Beach	79
Area C: Folkestone West/Sandgate/The Esplanade/Cheriton	21
Area D: Hawkinge	18
Area E: Hythe/Beach Adj to Fisherman's Beach/Murco Garage	37
Area F: Dymchurch/Dymchurch Beach/St Mary's Bay Beach	11
Area G: New Romney/Littlestone/Greatstone Beaches	9
Area H: Lydd	4
Area I: Other	29
Total Hours	239

Stray Dogs

Type	April 2016	May 2016
Dogs Returned to Owner	5	5
Not Claimed	2	4
Completed	7	10
Total	14	19

Just in the last month 3 Flytipping prosecution files have been prepared and statements for court are being undertaken by relevant officers to present to court.

There is a specific initiative in Dover Rd where officers are targeting problematic households with a range of education advice and initiatives including extra cleansing regimes and more enforcement as well as looking at appropriate bin storage.

Complaints around waste out early overflowing bins etc are dealt with on a daily basis and additional cleansing undertaken as appropriate

Veolia UK is contracted to this authority to ensure that these standards are maintained, however should you feel that these standards are not being met in a particular road or area please report it through our website www.shepway.gov.uk and selecting 'report a problem' or by telephoning 01303 858660.

Cllr Stuart Peall as the Cabinet Member for the Environment would be happy to meet and discuss any issues that you may have with the cleanliness of streets in Folkestone.

QUESTION 2

From Mr Bryan Rylands to Councillor David Monk, Leader of the Council

How many times has any officer of SDC or Cllr met with or communicated with any representative of Arena Racing Corporation up to and including the 20th July.

ANSWER:

There is no one record of the number of meetings with Arena Racing Corporation and to try to establish the number of such meetings over the years is not possible. In addition the council does not keep a note of how many telephone conversations, if any, there have been. The council's IT system does show that 397 emails were sent or received up to and including 20 July.

Supplementary Question:

Will you be able to inform of the number of telephone conversations and emails for the coming year from 21 July 2016?

ANSWER:

This will not be possible to do.

QUESTION 3

From Mr Graham Corr to Councillor David Monk, Leader of the Council

What is the total spend and underspend for all s106 agreements between 2010 and June 30th 2016?

ANSWER:

For the period from 1st January 2010 to 30th June 2016 total payments of £1,887,404 have been made from S106 sums already held or received by the council.

At 30th June 2016 the council held £1,881,988 in unapplied S106 receipts.

Supplementary Question:

How many s106 agreements have been entered into between the years 2010 and 2016?

ANSWER:

A written answer would be provided.

COUNCIL – 20 JULY 2016

Councillor questions:

1. **By Councillor Mrs Suzie Govett of Councillor David Monk, Leader of the Council**

Does the Leader feel that it's morally acceptable for the Chief Executive to spend £320 on lunch with the Transport Secretary?

ANSWER: The Chief Executive, on behalf of the Council, paid for a lunch with the Secretary of State and three of his staff, together with a representative from KCC and myself, 7 in total to discuss to discuss local transport issues, including the railway line, and the impact of Operation Stack and illegal overnight lorry parking on local roads. It was also an opportunity to show the secretary of state, whilst lunching at one of the Districts prestigious restaurants a view of the harbour.

It was a productive meeting and excellent value which also allowed the to show what the district can offer.

Supplementary Question:

If the Council offers hospitality then can draft guidelines for provision of hospitality and venues be made so that tax payers have peace of mind?

ANSWER: The Council has managed without guidelines so far. I am happy for this to be referred to the appropriate committee.

2. **By Councillor Peter Gane of Councillor John Collier, Cabinet Member for District Economy**

Would the Cabinet member for planning please confirm that for the economic benefit to the district for tourism and job creation, that Shepway Council should adhere to the original masterplan for Shorncliffe and involve White Cliffs and the Shorncliffe Trust in managing the land and not manage the land themselves.

ANSWER: The interim management plan for the Backdoor Training area was formally submitted to Shepway District Council Planning on Monday 11th July and is receiving consideration.

Supplementary Question:

Can the Council have reassurance that the White Cliffs and Shorncliffe Trust be kept up to date.

ANSWER: Yes.

3. **By Councillor Damon Robinson of Councillor Alan Ewart-James, Cabinet Member for Housing**

How many residents of Shepway, at present, are on the Social Housing List comprising of Categories “A” “B”& “C”?

ANSWER: Number of households on the housing list as at 30 June 2016 - 1520 of which;

Band A	53
Band B	384
Band C	643

These are all applicants on the Shepway Housing list in Band A to Band C.

Supplementary Question:

Could the Cabinet Member confirm, in light of the EU referendum, if housing has been offered to refugees to the detriment of local people?

ANSWER: Not that I am aware.

4. **By Councillor Mrs Mary Lawes of Councillor David Monk, Leader of the Council**

Councillor Monk had previously stated that there was no difference in costs between building a Leisure centre at Nickolls Quarry and Princes Parade.

Please can I have a breakdown of costs carried out by Shepway District Council on Nickolls Quarry & Princes Parade?

ANSWER: I recall Cllr Lawes asked a very similar question at the Council meeting of 16th March. At that time I advised her that, “*The costs of developing a Recreation Centre have not been compared in the way that the question implies.*” I also directed her to all of the appropriate background reports on the subject.

I have nothing to add on that matter and the Council is focussed on preparing a planning application for a new recreation centre and other uses at Princes Parade. It is intended to submit the planning application in November, following consideration of the detail and nature of the application by Cabinet.

Supplementary Question:

Could the Leader confirm I will be provided with the paperwork I have requested?

ANSWER: If we have it, you can have it.

5. **By Councillor Mrs Mary Lawes of Councillor David Monk, Leader of the Council**

Why did Shepway District Council commit to maintaining the Playground at Sothern way in Harbour Ward but fail to meet that commitment?

ANSWER: We are committed to maintaining the Playground at Southern Way; Grassed areas are cut on a monthly schedule, 8 times a year, and the trees are re-staked and tied on a regular basis.

The Monster Play Rock and Cross Seesaw have recently had new bushes fitted and the wet-pour safety surface around the Wicksteed roundabout, which is continually being torn up through misuse, is due to be repaired later this week.

Replacement swing hangers are being sought to repair the flat swing set; This process has been delayed as the original manufactures, Monster Play, no longer provide maintenance or parts to the UK. Please be assured that as soon as suitable replacement parts are obtained they will be fitted without delay.

Supplementary Question:

Could the Leader confirm that this will be done?

ANSWER: Once the Council has located the correct size then they will be fitted.

6. By Councillor Mrs Carol Sacre to Councillor David Monk, Leader of the Council

Is the provision of public toilets in the bus station, which serves Folkestone, part of the original planning conditions and how can we ensure that these public toilets are fully operational?

ANSWER: There was a condition on the permission Y04/0416/SH for the shopping centre, requiring them to construct toilets and make them available for public use in accordance with a management plan which was approved.

The Management Company decided to close the toilets in 2014 due to anti-social behaviour and excessive vandalism. At this point we do not believe this was approved by Shepway District Council.

SDC planning officers will investigate the planning condition further. Discussions have taken place with Folkestone Town Council who have shown an interest in reopening and maintaining the toilets.

Supplementary Question:

Has the Council considered using offenders on probation to maintain and repair the toilets?

ANSWER: Whilst well intentioned, this is unlikely to be practicable and it is far better to have control.

Public Document Pack

SHEPWAY DISTRICT COUNCIL

Minutes for the meeting of the Council held at the Council Chamber - Civic Centre Folkestone on Wednesday, 14 September 2016

Present: Councillors Mrs Ann Berry, Miss Susan Carey, John Collier, Malcolm Dearden, Alan Ewart-James, Peter Gane, Clive Goddard, David Godfrey, Miss Susie Govett, Ms Janet Holben (Chairman), Mrs Jennifer Hollingsbee, Mrs Claire Jeffrey, Len Laws, Rory Love, Philip Martin, Frank McKenna, Ian Meyers, David Monk, Dick Pascoe, Paul Peacock, Stuart Peall, Damon Robinson, Carol Sacre, Mrs Susan Wallace and Roger Wilkins

Apologies for Absence: Councillors Mrs Mary Lawes, Michael Lyons, David Owen, Peter Simmons and Mrs Rodica Wheeler

140. Declarations of interest

There were no declarations of interest.

141. Medium Term Financial Strategy 2017/18 to 2020/21

Report A/16/17 The Medium Term Financial Strategy (MTFS) is the Council's key financial planning document. It puts the financial perspective on the council's Corporate Plan priorities, expressing the aims and objectives of various plans and strategies in financial terms over the four year period ending 31st March 2021. It covers both revenue and capital for the General Fund and the Housing Revenue Account. Also included are the Council's reserves policies. The MTFS is a key element of sound corporate governance and financial management.

This report was considered by Cabinet 14 September 2016.

Councillor Len Laws, Leader UKIP, spoke on the following:

- Efficiency plan – recognised that the Efficiency Plan was a robust response to Government policy and providing elements, many of which are defined elsewhere in the MTFS. He referred to the plan stating it clearly overlapped with the MTFS and also with the process of reducing Central Government funding by reduction in the Revenue Support Grant. He noted that the levels of RSG support in this MTFS are lower than those envisaged in the previous year and it is partly thanks to the Efficiency Plan that shortfalls are compensated.
- Devolution – He felt the business case for devolution was strong with savings particularly in economies of scale, although he felt there should be some attempt to look at some of the likely financial implications of devolved spending and build these into strategic planning now.
- Otterpool Park – Although it is mentioned in the efficiency plan it is too early for inclusion in the MTFS planning, it will still require financial resources to effectively plan the development.

- Housing Revenue Account Business Plan - He understood the plan had been amended as a result of a change of Government policy which imposed a 1% cut in council rents year on year, therefore agreed that it was a sensible move to cut projected house building from 300 to 200 during the next ten years, although he did suggest that the Council looks at this again to see if there is any room for increasing the figure.
- Risk Analysis – following on from above Councillor Laws raised the issue in respect of risk analysis in the business plan and the effects of inflation both on maintenance and likely rental income, suggesting it might be prudent to model the effects of falling property prices on rental income for HRA.
- Council Tax - he asked whether the increase of 2% was necessary following the freeze on council tax being lifted in 2016/17.

Members agreed the following amendments to the Medium Term Financial Plan:

Introduction - Paragraph 3 Page 8 will now read 'The 'BREXIT' vote to leave the EU will have consequences on the UK and the political landscape but the Chancellor's assurance to continue long term grant funding won before the UK leaves will protect the council's position on any potential EU funded projects. (deleting the word 'Profound' before consequences).

Risks and Sensitivities – Bullet point 2 will now read 'Impact of "Brexit"'. Whilst the government has underwritten EU funding agreed prior to the 2016 Autumn Statement, the impact of any departure from the EU by the UK is one that is unclear and may impact both politically and economically. (inserting the words 'by the UK').

Members made the following recommendations:

Proposed by Councillor David Monk
Seconded by Councillor Ms Susan Carey and

Resolved:

1. To receive and note Report A/16/17.
2. To recommend that the Medium Term Financial Strategy, as appended to this report, is adopted.
3. To agree to the MTFS and Efficiency Plan for submission to DCLG as set out within the documents.
4. To agree the flexible use of capital receipts as set out in the report to fund the digital delivery programme.

Council - 14 September 2016

(Voting: For 25; Against 0; Abstentions 0)

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This report will be made public on 18 October 2016

Folkestone

Hythe & Romney Marsh
Shepway District Council



Report **A/16/18**

To: Council
Date: 26 October 2016
Head of Service: Sarah Robson, Head of Communities

Subject: Licensing Act 2003 – Licensing Policy Statement Revision

Summary: This report sets out the proposed revisions made to our Licensing Policy Statement. This Policy will cover the period 2016 to 2021.

Recommendations:

In accordance with the requirements of the Licensing Act 2003 the Licensing Authority is required to publish a statement of policy every successive five year period. Council is therefore asked to approve the following recommendations:

1. To receive and note Report A/16/18.
2. To approve the revised Licensing Policy Statement for the period 2016 to 2021 and agree to it being published. (Appendix 1).

1. Background

- 1.1 The Licensing Act 2003 requires that the Council, in its role as a licensing authority, determines its Licensing Policy Statement with respect to the exercise of its licensing functions every five years.
- 1.2 The current Policy has been in force since 2005 when the Council took on its role as the licensing authority for the Licensing Act 2003.
- 1.3 The Policy was reviewed in 2011 and no amendments were made to it following a period of consultation.
- 1.4 In accordance with the requirement to keep the Policy under review the Policy has now been updated for the five year period 2016 to 2021.
- 1.5 The revised Policy contains additional supportive information, and is in accordance with Section 13 of the Revised Guidance issued under section 182 of the Licensing Act 2003. It also contains the updates to the Licensing Act 2003 issued by the Home Office since 2011 and includes the relevant updates brought in by the Deregulation Act 2015.

2. Consultation

- 1.1 Consultations on the draft Policy have taken place over a 10 week period following CMT & Licensing Committee approval. The Licensing Team consulted with Responsible Authorities, Parish and Town Councils and local businesses.
- 1.2 The draft Licensing Policy Statement was also displayed on the council's website throughout the consultation period. This was accompanied by an invitation to submit relevant comments.
- 1.3 No recommendations for amendment were received during this consultation period. It is therefore proposed that the draft policy statement be adopted and published.

2. Implications

1.1 Legal Officer's Comments (DK)

Legal Services confirm that under section 4 of the Licensing Act 2003 the Council (as a licensing authority) must carry out its functions with a view to promoting the following licensing objectives:

- (a) The prevention of crime and disorder
- (b) Public safety
- (c) The prevention of public nuisance
- (d) The prevention of children from harm

The Council must ensure that its policy is based on these objectives and in accordance with section 5 of the Licensing Act, for each five year period, the Council must (a) determine its policy with respect to the exercise of its licensing functions,

and (b) publish a statement of that policy before the beginning of each five year period. The policy must be kept under constant review by the Council.

1.1 **Finance Officer's Comments (DB)**

There are no financial implications arising from this report.

1.2 **Diversities and Equalities Implications (ST)**

There are no diversity or equalities implications arising from this report.

3. **Contact Officers and Background Documents**

Councillors with any questions arising out of this report should contact the following officer prior to the meeting:

Dr Sarah Robson – Head of Communities

Telephone: 01303 853426

Email: sarah.robson@shepway.gov.uk

Briony Williamson - Licensing Officer

Email: briony.williamson@shepway.gov.uk

The following published documents have been relied upon in the preparation of the report:

Licensing Act 2003

Revised Guidance issued under section 182 of the Licensing Act 2003 – March 2015

Deregulation Act 2015 – March 2015

Appendices:

Appendix 1 – Shepway District Council - Licensing Policy Statement 2016-2021

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Shepway District Council

Licensing Policy Statement

Licensing Act 2003

January 2016



Folkestone

Hythe & Romney Marsh
Shepway District Council



www.shepway.gov.uk

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Foreword

The Licensing Act 2003 (henceforth known as the Act) requires that each licensing authority publishes a “Statement of Licensing Policy” that sets out the policies the authority will apply in the exercise of its licensing functions under the Act. Each licensing authority is obliged by the Act to review this policy every five years.

This policy has been prepared in accordance with the provisions of the Act and having regard to the statutory (amended March 2015) guidance issued under Section 182 of the Act (“the Guidance”). This policy will take effect on 15th September 2016 and will remain in force for a period of not more than 5 years, during which time it will be kept under review.

Dr Sarah Robson
Head of Communities
Shepway District Council
January 2016

Consultation

This policy has been consulted on by members of the public, community stakeholders, specific groups and individuals as listed in section 5(3) of the 2003 Act. These are:

- The Chief Officer of Police for the area;
- The Fire and Rescue Authority for the area;
- Each Local Authority's Director of Public Health in England;
- Persons/bodies representative of local premises licence holders;
- Persons/bodies representative of local club premises certificate holders;
- Persons/bodies representative of local personal licence holders;
- Persons/bodies representative of businesses and residents in its area;
- The Child Protection Agency, and
- Advertised on Shepway District Council's website.

The views of all these bodies, and evidence presented, were given due weight in the determination of this policy.

This policy was put before Council for approval in April 2016.

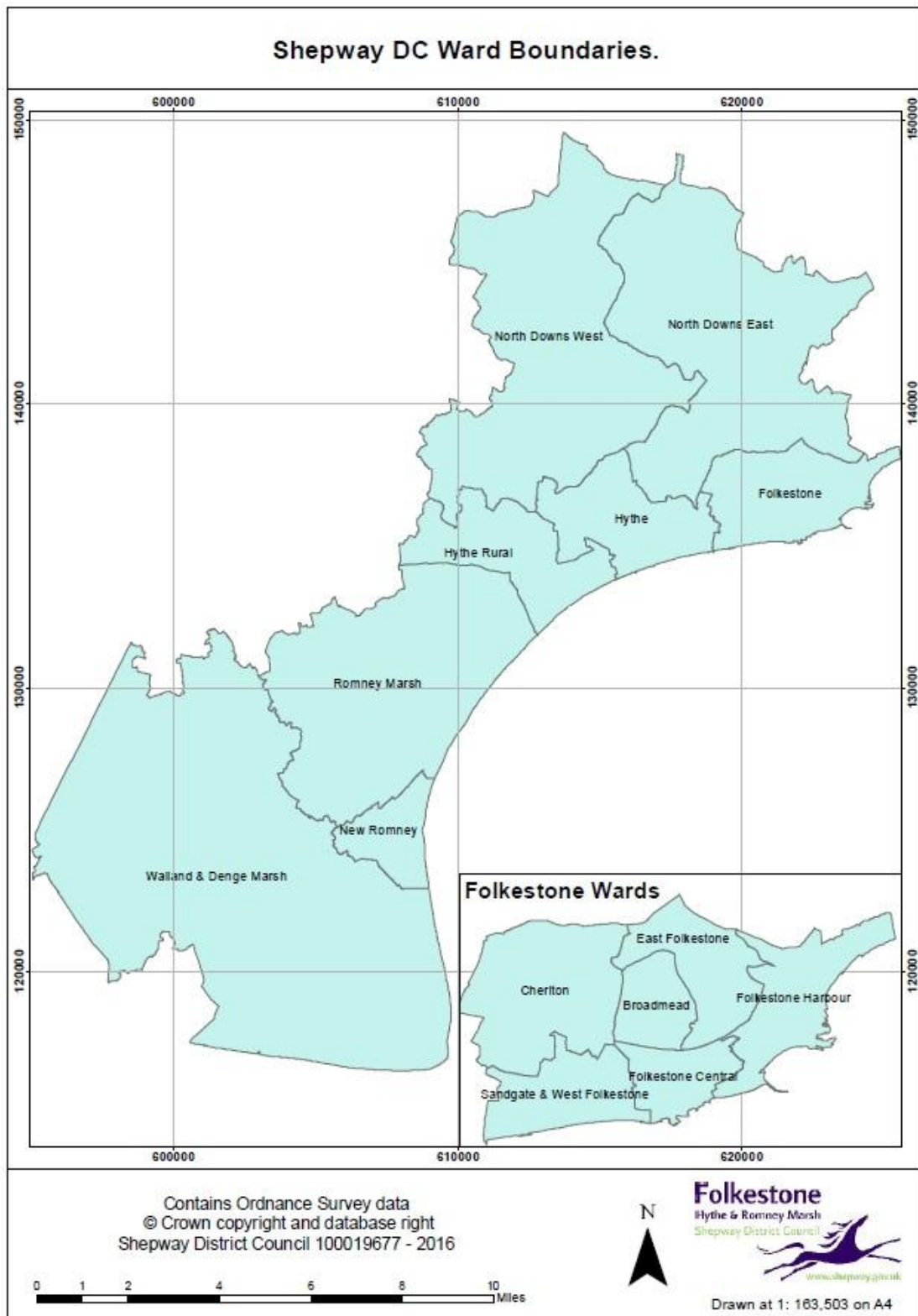
Further details on the requirements that need to be met can be obtained from the licensing authority.

About Shepway District

Shepway District covers an area of 35,670 hectares (140 sq. miles) on the east Kent coast about 75 miles from London. It has a population of around 109,500 (2014) most of whom live in the Folkestone and Hythe Urban area, but there are also settlements at Lydd and New Romney and along the coastal strip.

The District occupies a key strategic position between the United Kingdom and mainland Europe at the end of the M20 motorway and with the Channel Tunnel, the port of Folkestone and Lydd Airport providing gateways to continental Europe. The location of the District is set out in the map below.

Shepway District Council is situated in the County of Kent, which contains 12 District Councils and 1 Unitary Authority in total. Each is represented on the Kent & Medway Regulatory Licensing Steering Group (K&MRLStGp) whose role includes the identification of issues on which a consistent countywide approach is considered essential and the formulation of recommended policy that establishes a minimum standard on these identified issues.



There are approximately 550 licensed premises in the District, of which 500 hold premises licences and 50 hold club premises certificates. Premises licensed include shops, village and community halls, pubs, bars, nightclubs, restaurants, open spaces, takeaways, barns, vineyards, hotels and private member clubs. In addition the licensing authority has granted over 1450 personal licences.

Part A – Introduction

Shepway District Council, the licensing authority for the District of Shepway, makes this Statement of Licensing Policy in accordance with Section 5(1) Licensing Act 2003.

The Act requires that the licensing authority carry out its various licensing functions so as to promote the following four licensing objectives:-

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

Each objective is of equal importance and there are no other licensing objectives. These four objectives are of paramount consideration at all times. These four licensing objectives are considered in more detail in Part B.

Licensable Activity

The policy relates to all those licensing activities identified as falling within the provisions of the Act, namely:-

- Retail sale of alcohol
- Supply of alcohol to club members
- Provision of 'regulated entertainment' – to the public, to club members or with a view to profit
- A performance of a play
- An exhibition of a film
- An indoor sporting event before 08.00 or after 23.00 or to more than 1000 spectators
- Boxing or wrestling entertainment
- Performance of live music on an unlicensed premise or on a licensed premise before 08.00 or after 23.00 or to more than 500 people
- Any playing of recorded music on an unlicensed premise or on a licensed premise before 08.00 or after 23.00 or to more than 500 people
- A performance of dance before 08.00 or after 23.00 or to more than 500 people
- Provision of facilities for making music
- Provision of facilities for dancing
- The supply of hot food and/or drink from any premises between 23.00 to 05.00 hours (late night refreshments)

Applications

The scope of the policy covers new licence applications, transfers and variation of operating schedules and temporary events.

Due to the similarity between the application processes for both premises licences and club premises certificates, a reference to a premises licence in this section will also be a reference to an application for a club premises certificate.

All applications for new premises licences and variations must be accompanied by an operating schedule. The schedule should specify (amongst other things) the steps which the applicant proposes to promote each of the four licensing objectives.

If no responsible authority or 'other person' lodges an objection (known as a 'relevant representation') to the application, the licensing authority must grant the application as set out in the operating schedule, subject only to mandatory conditions under the Act. The steps proposed by the applicant will become interpreted in to legally enforceable licence conditions. The licensing authority will have no discretion to refuse the application or to alter or add to the conditions arising from the operating schedule.

Where, however, there are relevant representations, then a hearing of the opposed application before a licensing sub-committee will normally follow. At the hearing the sub-committee will, having regard to the representations, take such steps as it considers appropriate to promote the four licensing objectives. These may include granting or refusing the application or adding to or modifying the conditions proposed in the operating schedule.

In exercising its discretion, the licensing sub-committee will have regard (amongst other things) to this Policy. Therefore, in drawing up their operating schedule, applicants would be well advised to read this Policy carefully. Where an operating schedule complies with this Policy, it is generally less likely that any 'other person' or responsible authority will object to it, or that an objection will succeed. Therefore, compliance with this Policy is likely to assist the applicant to avoid the delay and expense of a contested licensing hearing, and the risk of a refusal or the addition of unwanted conditions.

This is not to say that an opposed application which complies with this Policy will necessarily be granted or that an opposed application which does not comply with it will necessarily be refused. Where there have been relevant representations, the licensing authority will always consider the individual merits of the case, and interfere with the operating schedule only when, and to the extent, appropriate to promote the four licensing objectives. Blanket or standard conditions will not be applied without regard to the merits of the individual case. So, for example, the licensing authority will not interfere with an operating schedule which does not comply with this Policy where the steps proposed are sufficient to meet the four licensing objectives in the individual circumstances of the case.

However, this Policy represents the licensing authority's view of the best means of securing the four licensing objectives in most normal cases. It has been drawn up in consultation with other expert bodies and responsible authorities, together with community stakeholders. While the contents of the

operating schedule are a matter for the applicant, where there is objection to a schedule which departs from this Policy, the licensing sub-committee, hearing an opposed application, will normally expect to be given a good reason for the departure if it is asked to make an exception to this Policy.

In this Policy, there are a number of references to the licensing authority's expectation of applicants. As explained above, this Policy is only engaged where the licensing authority has a discretion following the receipt of a relevant representation. In such cases, the licensing authority will not apply this Policy rigidly, but will always have regard to the merits of the case with a view to promoting the four licensing objectives.

Further, the licensing authority may use this Policy when exercising other licensing functions. For example, when considering an application for review of a licence, the licensing authority is likely to view with concern premises which are being operated in clear breach of the terms of this Policy.

Nothing in this Policy will:-

- Undermine the rights of any person to apply under the Act for a variety of permissions and have each such application considered on its individual merits; and/or,
- Override the right of any person to make representations on any application or seek a review of a licence or certificate where provision has been made for them to do so under the Act.

A prime responsibility of the licensing authority in licensing activities in premises is to work with the business community to maintain the level of business activity in towns and villages in a manner that has due regard for public enjoyment, tourism and commerce, while balancing this with the promotion of the four licensing objectives.

Licensing is also about regulating licensable activities on licensed premises, by qualifying clubs or at temporary events within the terms of the Act. The conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity. Whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case.

In addressing this matter, the licensing authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the vicinity concerned.

The licensing authority acknowledges that licensing law is not the primary mechanism for the general control of nuisance or anti-social behaviour by individuals once they are away from the premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control

and licensing law will always be part of a holistic approach to the management of the daytime, evening and night-time economy.

The Act requires applicants to consider carefully this Policy when drafting their applications. Applicants should show that they have considered the practical effects of managing their business to accord with this Policy.

Shepway District Council expects holders of a premises licence, club premises certificate or temporary event notice to make every effort to minimise the impact of their activities and any nuisance or anti-social behaviour by their patrons within the vicinity of their premises.

The Human Rights Act 1998, incorporating the European Convention on Human Rights, makes it unlawful for a local authority to act in a way, which is incompatible with a Convention right. The licensing authority will have regard to the Human Rights Act when exercising its licensing functions, with particular reference to the following relevant provisions of the European Convention on Human Rights:-

Article 6 – In the determination of civil rights and obligations every person is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

Article 8 – Everyone has the right to respect for his private and family life, his home and his correspondence.

Article 1 of the First Protocol – Every person is entitled to the peaceful enjoyment of his or her possessions.

Determining a Licence Application

Where an application is properly made and no responsible authority or other person makes representations, the licensing authority must grant the application, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions in the act. This should be undertaken as a simple administrative process by the officers of the licensing authority.

If representations are made by a responsible authority or other person, it is for the licensing authority to decide whether those representations are relevant to the licensing objectives and not frivolous or vexatious. If the licensing authority decides that any representations are relevant, then it must hold a hearing to consider them, unless the representations are withdrawn with agreement of all parties before a hearing.

At a hearing, the licensing authority may:

- Grant the application subject to modifying conditions that are consistent with the operating schedule in a way it considers appropriate for the promotion of the licensing objectives;
- Reject one or more requested licensable activities;

- Reject the application; and/or
- Refuse to specify a person as a designated premises supervisor.

All decisions of the licensing authority, and any conditions imposed, must be appropriate for the promotion of the licensing objectives. Parties that disagree with the licensing authority's decision, have a right of appeal to the magistrates' court.

Administration, Exercise and Delegation of Functions

The powers of the licensing authority under the Act may be carried out by Shepway District Council's licensing committee, by its licensing sub-committees or by one or more officers acting under delegated authority.

In the interests of speed, efficiency and cost-effectiveness to all parties involved in the licensing process, the Council has established a scheme of delegation to deal with applications received under the Act.

This form of delegation is without prejudice to the officers referring an application to the licensing sub-committee, or the sub-committee to the licensing committee, if considered appropriate in the circumstances of any particular case, and only in accordance with the Act.

The Council's approved table of delegation, showing the decision-making process for applications under the Licensing Act 2003, is attached at Appendix B to this Policy document.

Partnership Working

The licensing authority will seek proper integration with local crime prevention, planning, transport, employment, tourism and cultural strategies. In reviewing this policy the Council is consulting with the public and representative bodies and the views of all those responding to the consultation will be given appropriate weight when determining this policy.

The licensing authority will endeavour to work with other local authorities, particularly where licensing authority boundaries meet, to try and ensure a consistent approach is taken to licensing matters while respecting the differing needs of individual communities throughout the county.

Planning

The use of any licensed premises or places may be subject to planning controls which differ to that of licensing. Licensing is concerned with the fitness of the operator and detailed issues concerning the operation and management of the premises that are not addressed by the planning process, which relates to the use of the premises.

There is no legal basis for a licensing authority to refuse a licence application because it does not have the relevant planning permission.

Promoting Cultural Life

Licensing is not solely about control but about promoting a diverse and vibrant cultural life for all. A well-regulated, varied day-time, evening and night-time economy can benefit both residents and businesses and contribute to the promotion of the licensing objectives. This statement of licensing policy will therefore also support through integration with other strategies a number of other aims and purposes:

- The use of proportionate regulation to give business greater freedom and flexibility to meet their customers' expectations;
- Greater choice for consumers, including tourists, about where, when and how they spend their leisure time;
- The encouragement of more family friendly premises where younger children can be free to go with the family;
- The maintenance of a safe and family friendly environment within the District, particularly within town centres;
- The further development within communities of our rich culture of live music, dancing and theatre, and other forms of entertainment both in rural areas and in our towns;
- The regeneration of areas that need the increased investment and employment opportunities that a thriving and safe night-time economy can bring; and
- The necessary protection of local residents, whose lives can be blighted by disturbance and anti-social behaviour associated with the behaviour of some people visiting places of entertainment.

This policy will seek to reflect local requirements and recognise the need to encourage and promote live music, dancing, theatre and other forms of entertainment for the wider cultural benefit of communities generally. The potential for limited disturbance in neighbourhoods will be carefully balanced with these wider benefits. Through consultation the licensing authority will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing.

Enforcement

The Council delivers a wide range of enforcement services aimed at safeguarding the environment, the community and at providing a 'level playing field' on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. The licensing authority will aim to ensure effective and efficient public protection services and practice by carrying out its regulatory functions in a fair, open and consistent manner.

Shepway District Council will continue to support and participate in the Kent & Medway Licensing Steering Group – a county forum which aims to:-

- Help develop consistency between the statutory agencies responsible for licensed premises;
- Develop potential for a joint approach to implementation and administration;

- Act as a strategic forum for licensing in Kent;
- Develop liaison with agencies and other relevant organisations;
- Promote best practice; and
- Enhance the potential for sharing resources.

The licensing authority recognises the need to avoid duplication with other regulatory regimes as far as possible. This Policy is not intended to duplicate existing legislation and regulatory regimes that place duties upon employers and operators. In the event that conduct of activity related to the business has been found to be in contravention of other regulatory regimes the licensing authority will have regard to such conduct in considering licensing applications.

Some regulations do not cover the particular circumstances that arise in connection with entertainment. The licensing authority may (when its discretion is engaged), for example, attach conditions to premises licences and club premises certificates where these are considered appropriate for the promotion of the four licensing objectives and are not already provided for in any other legislation.

Cumulative Impact

A cumulative impact policy creates a rebuttable presumption that applications within a particular area of the District for new premises licences or club premises certificates or material variations thereto will normally be refused, if relevant representations are received about the cumulative impact on the four licensing objectives.

The licensing authority will review the need for a special policy on cumulative impact at least every five years in line with the review of this policy to see if circumstances have changed and one is needed.

In addition to the review each five years the licensing authority may consider a special policy on cumulative impact at any time if circumstances changed and evidence supported this course of action.

No area of the District is currently covered by a special policy on cumulative impact.

Early Morning Restriction Orders (EMRO)

An EMRO enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12 a.m. and 6 a.m. in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.

EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.

The licensing authority will review the need for an EMRO at least every five years in line with the review of this policy to see if circumstances have changed and any are needed.

In addition to the review each five years the licensing authority may consider an EMRO at any time if circumstances changed and evidence supported this course of action.

No area of the District is covered by an EMRO at present.

Late Night Levy

A Late Night Levy enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy.

The decision to introduce the levy is an option available to all licensing authorities in the whole of their respective areas. The levy will be payable by the holders of any premises licence or club premises certificate ("holders"), in relation to premises in the authority's area, which authorise the sale or supply of alcohol on any days during a period (the "late night supply period") beginning at or after midnight and ending at or before 6am.

The licensing authority will review the need for a Late Night Levy at least every five years in line with the review of this policy to see if circumstances have changed and one is needed.

In addition to the review each five years the licensing authority may consider a Late Night Levy at any time if circumstances changed and evidence supported this course of action.

No area of the District is covered by a Late Night Levy at present.

Variation of Licences

When considering an application for the variation of a licence, the licensing authority will consider the impact of the variation in terms of the policies in this document and the four licensing objectives. It will not use such an application as a means to review the licence terms and conditions already granted.

Minor Variations

A premises licence/club premises certificate holder may apply under the minor variation procedure for small variations that will not impact adversely on the four licensing objectives.

A minor variation may be appropriate in cases:

- Where there is a minor change to the layout of a premises that would not affect public safety or nuisance;

- A reduction in the hours of operation of a premises;
- The removal of conditions that have become obsolete due to changes in legislation;
- The addition of voluntary conditions.

Minor variations are not permitted to increase the hours for the sale or supply of alcohol. There is no right to a hearing if the minor variation application is rejected, although an application for a full variation application may be made.

Removal of Designated Premises Supervisor from a Community Premises

Where community premises hold a premises licence allowing the sale/supply of alcohol, the licence holder can apply to have the mandatory condition requiring a designated premises supervisor to be appointed, be removed. This passes the responsibility for the sale/supply of alcohol to the premises' management committee.

Licensing Hours

The Act does not promote or prohibit longer licensing hours, however the licensing authority recognises that the statutory guidance issued by the Secretary of State emphasises that the aim through the promotion of the four licensing objectives should be to reduce the potential for concentrations of and a slower dispersal of, people from licensed premises through flexible opening times. This may be important to ensure that large concentrations of people do not leave premises at the same time and it may reduce the friction at late night hot food outlets, taxi ranks, taxi or private hire operators' offices and other sources of transport that can lead to disorder and disturbance.

The licensing authority will not set fixed opening hours within certain areas, as this may lead at particular times to the movement of significant numbers of people seeking premises opening later, resulting in concentrations of disturbance and noise.

The licensing authority may consider imposing stricter conditions in respect of noise control where premises are situated in areas that have dense residential accommodation and/or are close to sensitive areas, for example hospitals, schools, places of worship, nursing homes. However, regard will be given to the individual merits of any application, and the licensing authority would only have discretion to consider attaching such conditions where a relevant representation is received in respect of an application, and then only where considered appropriate for the promotion of the four licensing objectives.

Transfer of Licenses

When considering an application for the transfer of a premises licence, the licensing authority will only have regard to the exceptional circumstances of the case as set out in any objection raised by the police on the grounds that the transfer will undermine the crime prevention objective. The effect on the

crime prevention objective will be considered against the background of the policies contained in this document.

Provisional Statements

An application for a provisional statement will be considered in the same way as would an application for a premises licence or club premises certificate, on the assumption that the works are completed as per the schedule of works submitted by the applicant.

Sexual Entertainment Venues

Where premises are to be used on twelve or more occasions within a 12 month period for relevant sexual entertainment, the premises must also be licensed as a Sexual Entertainment Venue under the Local Government (Miscellaneous Provisions) Act 1982. Relevant sexual entertainment includes lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows..

Complaints, Reviews and Appeals

The licensing authority will investigate complaints relevant to the four licensing objectives in relation to licensed premises. In the first instance, complainants will be encouraged to raise the complaint directly with the licensee or business concerned. Where a responsible authority or any 'other person' has made:

- valid representations about licensed premises; or
- a valid application for a licence to be reviewed

Then the licensing authority may initially arrange a mediation meeting to address, clarify and try to resolve the issues of concern.

This process will not override the right of any responsible authority or any 'other person' to apply for a review of the premises licence or club premises certificate, or for any licence holder to decline to participate in a mediation meeting.

Applicants and those making representations in respect of applications and reviews to the licensing authority have a statutory right of appeal to the magistrates' court against the licensing authority's decisions.

Shops, Stores and Supermarkets

The licensing authority will normally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping.

The licensing authority may consider whether there are very good reasons for restricting those hours. For example, a limitation of opening hours may be appropriate following relevant representations from the police in the case of

shops known to be the focus of disorder and disturbance because people gather there and engage in nuisance and/or anti-social behaviour.

Mandatory Conditions

The Licensing Act 2003 provides Mandatory Licensing Conditions that apply to all relevant premises in England and Wales. These conditions are amended from time to time by Statutory Instruments. Current Mandatory Conditions can be viewed by visiting our website, www.shepway.gov.uk/licensing or requesting a copy by post.

Deregulation Act 2015

The Deregulation Act 2015 introduced a number of changes to the Licensing Act 2003. This Act was to make provision for the reduction of burdens resulting from legislation for businesses or other organisations or for individuals; make provision for the repeal of legislation which no longer has practical use; make provision about the exercise of regulatory functions; and for connected purposes.

An overview of key points relevant to this policy is below.

- Temporary Event Notices - increased maximum number of events at a premises from 12 to 15 per calendar year
- Personal licences – it is no longer a requirement to renew a personal licence
- Sale of liqueur confectionery to children under 16 - this offence has been abolished
- Late night refreshment – a Local Authority may exempt supplies by designating areas, descriptions of premises and times specified
- Removal of requirement to report loss or theft of licence etc to police before copies may be issued – this applies to premises licence or summary, club premises certificate or summary, temporary events notice and personal licence
- Exhibition of films in community premises - the provision of entertainment consisting of the exhibition of a film at community premises is not to be regarded as the provision of regulated entertainment for the purposes of this Act, a number of conditions have to be satisfied

PART B – The Licensing Objectives

Each Licensing Objective is of Equal Importance

Prevention of Crime and Disorder

The prevention of crime and disorder objective is to protect the public from crime and anti-social behaviour caused by irresponsible licensed premises.

Best Practice in Crime Prevention

The licensing authority strongly encourages the implementation of best practice in licensed premises in the District in order to promote the crime prevention objective. Types of premises vary throughout the District, as do the types of licensable activities carried on at those premises, and therefore the steps appropriate to promote this objective will vary by premises.

When preparing their operating schedules, applicants are encouraged to carry out a risk assessment of their premises by reference to the following items of best practice:-

- Training given to staff in crime prevention measures appropriate to the premises;
- The physical security features installed in the premises. This may include matters such as the position of cash registers; the place where alcohol is stored in “off-licences”; the standard of CCTV that is installed and the retention period for images; the use of plastic, toughened or similar safety drinking glasses in pubs and clubs; and the secure storage of waste which could potentially be used as weapons;
- Measures to prevent the supply and consumption of illegal drugs, including any search procedures, entry policies and retention of seizures;
- Measures to raise staff awareness of, and discourage and prevent the use of, drugs on the premises;
- Arrangements to provide secure facilities to store seized drugs in a secure place;
- Additional to age verification requirements, the licensing authority and partners supports the Challenge 21 and 25 initiatives;
- The likelihood of any violence, public order or policing problem if the licence or certificate is granted;
- Whether the applicant is a member of the Pubwatch scheme (or similar) within the District.

Applicants are expected to include the above items of best practice in their operating schedules, where relevant to the premises. Where they elect not to do so, they are advised to include information explaining the omission. This might be because a risk assessment has shown that the step is unnecessary or because the item is already the subject of another consent, e.g. a planning permission or statutory obligation. If such information is not included, it may

result in a relevant representation being made, leading to the cost and delay of a hearing before a licensing sub-committee.

The steps volunteered in the operating schedule will become conditions of the licence or certificate, and therefore applicants should consider carefully the steps appropriate for the promotion of the four licensing objectives at their particular premises.

The licensing authority will work in partnership with local Pubwatch initiatives in supporting licence holders to actively prevent crime and disorder and to form strategies to reduce current levels by meeting as necessary with members of the initiative. The strategies seek to address matters such as under-age sales, problems associated with drunken individuals, use of illegal drugs, violent and anti-social behaviour.

Public Safety

The public safety objective is concerned with the physical safety of the people, including any performers appearing at the premises, attending licensable activities at the relevant premises.

The licensing authority is committed to ensuring public safety across the District by working in close partnership, in particular with Kent Police, Kent Fire and Rescue Service, licensees, and with any other relevant bodies.

Best Practice in Public Safety

The licensing authority strongly encourages the implementation of best practice in licensed premises in the District in order to promote the public safety objective. Types of premises vary throughout the District, as do the types of licensable activities carried on at those premises, and therefore the steps appropriate to promote this objective will vary by premises.

When preparing their operating schedules, applicants are reminded that it is a requirement of legislation that any licensed premises carry out a fire risk assessment and to record the significant findings in writing (Regulatory Reform (Fire Safety) Order 2006 Article 9 paragraph 6).

When preparing their operating schedules, risk assessments of the premises should make reference to the following items of best practice:-

- Occupancy Limits – The authority will not generally impose conditions as to occupancy levels where these are adequately addressed by other controls but may do so in any other case where relevant representations are made. Capacities should be addressed in the fire risk assessment;
- Fire Safety – The fire risk assessment completed in relation to the use of the premises, should assist applicants in satisfying Kent Fire and Rescue Authority that the public safety objective will be met;
- Levels of door supervision adequate to control access to and egress from premises in order to ensure the public safety;

- Training for current and future staff in matters relating to public safety, where not already required by other legislation;
- Prevention of injury – Where there is evidence of a current or past problem in relation to particular premises or a particular locality, or in all circumstances it is considered likely that such a problem might occur, and/or premises are to be used primarily for the sale or supply and consumption of alcohol on premises (particularly if those premises have little seating for patrons relative to their size/capacity). Applicants should give consideration to a policy of using plastic, polycarbonate or toughened glass, and a policy not to pass glass bottles over the bar, either throughout the period of operation or at certain times or on certain occasions;
- Measures to reduce the impact of noise both in terms of staff safety and protection of hearing of the public and staff at the premises, where such measures are not already required by other legislation;
- Measures to ensure that litter does not cause a nuisance or a health hazard to the public or a fire hazard to the vicinity, as generated by the activity at or near to the premises.

Applicants are expected to include the above items of best practice in their operating schedules, where relevant to the premises. Where they elect not to do so, they are advised to include information explaining the omission. This might be because a risk assessment has shown that the step is unnecessary or because the item is already the subject of another consent, e.g. a planning permission or statutory obligation. If such information is not included, it may result in a relevant representation being made, leading to the cost and delay of a hearing before a licensing sub-committee.

The steps volunteered in the operating schedule will become conditions of the licence or certificate, and therefore applicants should consider carefully the steps appropriate for the promotion of the four licensing objectives at their particular premises.

Prevention of Public Nuisance

In considering the promotion of this licensing objective, the licensing authority will focus on impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate or unreasonable.

The licensing authority is likely to be concerned with noise nuisance, light pollution, noxious smells and litter.

Under the Act, “public nuisance” retains its broad common law meaning. The prevention of public nuisance could therefore include low-level nuisance perhaps affecting a person living locally as well as major disturbance affecting the whole community. It may also include, in appropriate circumstances, the reduction of the living and working amenity and environment of any other person.

Best practice in the Prevention of Public Nuisance

The licensing authority strongly encourages the implementation of best practice in licensed premises in the District in order to promote the prevention of public nuisance objective. Types of premises vary throughout the District, as do the types of licensable activities carried on at those premises, and therefore the steps appropriate to promote this objective will vary by premises.

When preparing their operating schedules, applicants are encouraged to carry out a risk assessment of their premises by reference to the following items of best practice:

- Measures to prevent noise and vibration escaping from the premises, including; music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning (though this may add to the problem, especially if left on overnight), acoustic lobbies and sound limitation devices;
- Measures to prevent disturbance by patrons/customers arriving at or leaving the premises, particularly between the hours of 11.00 pm and 7.00 am;
- Measures to prevent queuing or, if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise to manage the queue to prevent disturbance or obstruction;
- Measures to ensure that customers/patrons and staff leave the premises quietly;
- Arrangements for parking by patrons/customers, and minimisation of the effect that parking will have on local residents and businesses;
- Measures to reduce the impact that the use of gardens or other open-air areas will have on local residents and businesses;
- The positioning of external lighting, including security lighting that is installed appropriately;
- Accessibility to local public transport services, including taxis and private hire vehicles;
- Measures to minimise the impact of refuse storage or disposal (including noise associated with bottle delivery and disposal), or additional litter (including fly posters and unauthorised placards) in the vicinity of the premises;
- Measures to minimise noxious smells omitting from the premises.

Applicants are expected to include the above items of best practice in their operating schedules, where relevant to the premises. Where they elect not to do so, they are advised to include information explaining the omission. This might be because a risk assessment has shown that the step is unnecessary or because the item is already the subject of another consent, e.g. a planning permission or statutory obligation. If such information is not included, it may result in a relevant representation being made, leading to the cost and delay of a hearing before a licensing sub-committee.

The steps volunteered in the operating schedule will become conditions of the

licence or certificate, and therefore applicants should consider carefully the steps appropriate for the promotion of the four licensing objectives at their particular premises.

Protection of Children from Harm

The protection of children from harm includes the protection of children from moral, psychological and physical harm, and this would include the protection of children from too early an exposure to strong language, sexual imagery and sexual expletives, for example, in the context of film exhibitions or where adult entertainment is provided. However, in the context of many licensed premises such as pubs, restaurants, café bars and hotels, the licensing authority recognises that the development of family friendly environments should not be frustrated by overly restrictive measures in relation to children.

The licensing authority also recognises that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions unless the Act itself imposes such a restriction or there are good reasons to restrict entry or to exclude children completely. The licensing authority will focus on enforcing the law concerning the consumption of alcohol by minors.

Access to Licensed Premises

The Act prohibits unaccompanied children from entering certain premises and between certain hours. It is an offence under the Act to:-

- a) permit children under the age of 16 who are not accompanied by an adult (aged 18 or over) to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises under the authority of a premises licence, club premises certificate or temporary event notice, and
- b) permit the presence of children under the age of 16 who are not accompanied by an adult between midnight and 5.00 am at other premises supplying alcohol for consumption on the premises under the authority of a premises licence, club premises certificate or temporary event notice.

Other than set out above, and subject to the licence holders, the Act does not prevent unaccompanied children from having free access to any licensed premises where the consumption of alcohol is not the exclusive or primary activity.

The licensing authority will consider the individual merits of each application, and then only when an application attracts relevant representations, before deciding whether it is appropriate to limit the access of children to any given premises. The following are examples of premises that will raise particular concern:-

- Where there have been convictions for serving alcohol to minors or with a reputation for under-age drinking;
- Where there is a known association with drug taking or drug dealing;
- Where there is a strong element of gambling on the premises;
- Where entertainment of an adult or sexual nature is provided;
- Where films with age-restricted classifications are to be shown.

Where relevant representations are received in respect of an application, the licensing authority may consider the following additional measures (which may be adopted in combination) for limiting the access of children to licensed premises in order to prevent harm:-

- Limitations on the hours when children may be present;
- Limitations on ages below 18;
- Limitations or exclusion when certain activities are taking place;
- Restrictions or exclusions in respect of parts of premises;
- Requirements for an accompanying adult;
- Full exclusion of all persons under 18 years of age from the premises when any licensable activities are taking place.

Children and Cinemas

In the case of premises giving film exhibitions, the licensing authority expects licence holders or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification.

Illegal Sales of Restricted Goods

The licensing authority, Kent County Council's (KCC) Trading Standards and the police take a serious view of the sale to minors of age-restricted goods. Trading Standards in Kent will continue to seek to ensure that there is no illegal sale of age restricted goods. The work of KCC Trading Standards in setting up systems to avoid sales to minors taking place is acknowledged and welcomed by the licensing authority. This work will continue and the licensing authority will welcome reports from KCC Trading Standards on any relevant licensing matter. The licensing authority has particular regard to addressing problems caused by the link between alcohol sales to minors and crime and disorder issues.

Best Practice in the Protection of Children from Harm

The licensing authority strongly encourages the implementation of best practice in licensed premises in the District in order to promote the protection of children from harm objective. Types of premises vary throughout the District, as do the types of licensable activities carried on at those premises, and therefore the steps appropriate to promote this objective will vary by premises.

When preparing their operating schedules, applicants are encouraged to carry out a risk assessment of their premises by reference to the following items of best practice:-

- Staff training on the law with regard to restricted sales;
- Training records and documentation to be kept available for inspection;
- Staff training to include; checking identification (ID) for proof of age, through a secure system. Ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark;
- A responsible person (as identified by Section 153 (4) of the Act) who is present and responsible for transactions made through staff that may be under 18 years of age;
- Procedures in place to record refusals of sales, with such records kept available for inspection;
- Vending machines dispensing age-restricted goods to be positioned to allow for proper supervision at all times;
- Arrangements for restricting children from viewing age-restricted films, classified according to the recommendations of the British Board of Film Classification (BBFC) or the licensing authority.

Where the majority of the intended audience at regulated entertainment is expected to be children or the entertainment offered is of a nature likely to be of interest to children (e.g. theatre productions or film shows), the following are considered best practice arrangements in order to control their access and egress and to assure their safety:-

- Each event/facility to assess requirements has undertaken specific risk assessments to identify ratios/regulations required for applicant may be asked to provide proof of risk assessment;
- A “lost child” policy which identifies arrangements for the safe care of lost children until they are reunited with the parent/guardian;
- A staff-to-children ratio which will ensure adequate supervision.

Applicants are expected to include the above items of best practice in their operating schedules, where relevant to the premises. Where they elect not to do so, they are advised to include information explaining the omission. This might be because a risk assessment has shown that the step is unnecessary or because the item is already the subject of another consent, e.g. a planning permission or statutory obligation. If such information is not included, it may result in a relevant representation being made, leading to the cost and delay of a hearing before a licensing sub-committee.

The steps volunteered in the operating schedule will become conditions of the

licence or certificate, and therefore applicants should consider carefully the steps appropriate for the promotion of the four licensing objectives at their particular premises.

Applications which Receive Objections

If a relevant representation is made, the licensing authority will have discretion to take such steps as are appropriate to promote the four licensing objectives. In exercising its discretion, it may where relevant, take into account whether the applicant proposes to follow the best practice set out above.

The licensing authority recognises the need to avoid duplication with other regulatory regimes as far as possible, including avoiding replicating offences set out in the Act and other legislation. The Licensing Authority will, when considering an application following receipt of relevant representation, consider attaching conditions to licences and certificates intended to promote the licensing objectives, and these should reflect the general principles regarding licence conditions set out in Chapter 1 of the Guidance issued under section 182 of the Act.

Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected/permitted/licensed to take place there.

PART C – Temporary Event Notices

Where a person wishes to use premises for one or more licensable activities for a period not exceeding 168 hours, that person can serve a;

- Standard temporary event notice (TEN) must be served on the licensing authority, the police and the local authority exercising environmental health functions (EHA) on whose area the event is held, no later than ten clear working days before the event is to begin. To avoid confusion, the ten working days does not include weekends, public holidays, the day of receipt of the TEN and the day of the event itself.
- Late temporary event notices (late TEN) can be served up to five working days but no earlier than nine working days before the event. The late TEN must be served on the licensing authority, the police and the local authority exercising environmental health functions (EHA) on whose area the event is held, no later than five clear working days before the event is to begin. To avoid confusion, the five working days does not include weekends, public holidays, the day of receipt of the TEN and the day of the event itself.

The maximum number of persons allowed on the premises at the same time during the temporary event is 499.

If alcohol is to be supplied, all supplies must be carried out by or under the authority of the person serving the TEN, and that person need not hold a personal licence.

Only the police and EHA may object to the staging of a temporary event. If they believe that any of the four licensing objectives will be undermined by the event they will issue an 'objection notice'.

Where an objection notice is received in relation to a standard TEN, if required the licensing sub-committee will convene within seven working days of it being issued. The licensing authority will notify all relevant parties of the time and venue for the hearing. A hearing will not always be necessary if an agreement can be reached beforehand.

Where an objection notice is received in relation to a late TEN, the event will automatically be refused authorisation. There is no right of appeal in this instance.

There are limitations on the number of TENs that individuals can give and which can be given in relation to a particular premises:

- Any premises can only be used for 15 temporary events per calendar year, up to a total maximum of 21 days;
- Personal licence holders can give 50 TENs (made up of standard and late TENs) a year; non personal licence holders can only give 5 (made up of standard and late TENs);

- Personal licence holders can give 10 late TENs a year; non personal licence holders can only give 2;
- There must be at least 24 hours between temporary events organised by the same person or an associate in relation to the same premises.

The 2003 Act provides that only the licensing authority can impose conditions (from the existing conditions on the premises licence or club certificate) to a TEN. The licensing authority can only do so:

- If the police or EHA have objected to the TEN;
- If the objection has not been withdrawn;
- If the licensing authority considers it appropriate for the promotion of the four licensing objectives to impose one or more conditions.

Where the limitations on a temporary event cannot be fulfilled, for example due to the large numbers attending, a premises licence will be required. The licensing authority would strongly advise applicants to submit early notice of such a major event to allow responsible authorities to discuss and agree operating schedules.

PART D – Club Premises Certificate

Members' clubs can operate under club premises certificate instead of premises licence. This means, for example, that they are not required to have a designated premises supervisor, and sales of alcohol do not need to be authorised by a personal licence holder.

Qualifying Clubs

To be classified as a club for the purpose of this certificate, a group must meet several conditions. These include:

- Legitimacy - each applicant must be a real club with at least 25 members;
- A membership process that takes at least two days between application and acceptance;
- Alcohol must not be supplied on the premises other than by the club;
- Alcohol must be purchased by a committee made up of members all of whom are at least 18 years old;
- Alcohol for the club must be purchased legally.

Other legal restrictions for clubs operating under a club premises certificate are in the Act and applicants are advised to contact the licensing authority for advice.

PART E – Personal Licences and Designated Premises Supervisors (DPS)

Personal Licences

A personal licence is not required in order to be employed in a pub or other business that sells alcohol. Premises licensed to sell alcohol must have a designated premises supervisor, who holds a personal licence.

The one exception is a community premises that has successfully applied to waive the DPS requirement under section 41(d) of the Act.

Anyone who does not hold a personal licence must be authorised to sell alcohol by a personal licence holder. There is no such requirement for the supply of alcohol in a members' club.

Personal licences allow you to sell alcohol on behalf of any business that has a premises licence.

In order to apply, you must be aged 18 years or over, and hold a licensing qualification - for example, a BII Level II examination certificate for Personal Licence holder and a basic criminal conviction check, no more than three month old showing no relevant convictions.

The aim of the qualification is to ensure that licence holders are aware of licensing law and the wider social responsibilities involved in the sale of alcohol.

The personal licence is designed to ensure that anybody running or managing a business that sells alcohol will do so in a professional fashion. Only holders of personal licences can become designated premises supervisors for any business that sells **alcohol**.

Designated Premises Supervisors

A designated premises supervisor (DPS) is normally the person who has been given the day-to-day responsibility for the running of the premises by the premises licence holder.

All businesses and organisations selling **alcohol**, except certain community premises must have a designated premises supervisor.

Whoever holds this role must be named in the operating schedule, which needs to be completed as part of the application process when applying for a premises licence or by submitting an application to vary a premises licence to specify an individual as a DPS.

The DPS will act as primary contact for the licensing authority and the responsible authorities, including the police. They must understand the social issues and potential problems associated with the sale of alcohol, and also have a good understanding of the business itself. While they need not be on

site at all times, they are expected to be involved enough with the business to be able to act as its representative.

If the licensing authority or police have any questions or concerns about the business, they will expect to be able to reach the DPS.

Each business may have only one supervisor selected for this role, but the same person may act as the designated supervisor at more than one business.

The Act requires the DPS and all personal licence holders take responsibility for the sale and supply of alcohol. This is because of the impact alcohol has on the wider community, on crime and disorder, and antisocial behaviour. Because of these issues, selling alcohol carries greater responsibility than licensing regulated entertainment and late night sales of food and non-alcoholic drinks.

Further Information

If you need more details about the licensing process or making an application please contact the Licensing Department, Shepway District Council, Civic Centre, Castle Hill Avenue, Folkestone CT20 2QY. Tel: 01303 853000. licensing@shepway.gov.uk

Appendix A – Responsible Authorities

Appendix B – Delegation table

Appendix C – Useful addresses

Appendix A: Responsible Authorities

Below is a list of Responsible Authorities:

- The relevant licensing authority and any other licensing authority in whose area part of the premises are situated
- Chief Officer of Police
- The local Fire & Rescue Authority
- The relevant authority under the Health & Safety at Work Act 1974
- Local authority exercising environmental health functions (EHA)
- The local Planning Authority
- A body that represents those who are responsible for or interested in matters relating to the protection of children from harm (Kent County Council social services)
- Each local authority's Director of Public Health (DPH) in England (Kent public health department)
- The local Weight and Measures Authority (Kent County Council trading standards)

Addresses for these bodies can be found in **Appendix C**

Appendix B: Exercise and Delegations of Functions

All decisions on licensing matters under the 2003 Act, with the exception of the approval and review of its Statement of Licensing Policy, will be taken in accordance with the following scheme of delegation aimed at underlining the principles of timely, efficient and effective decision-making.

These delegations are without prejudice to Officers referring an application to a Sub-Committee, or a Sub-Committee to Full Committee, if considered appropriate by the Licensing Officer or Sub Committee in the circumstances of any particular case and where permitted by legislation.

Matter to be dealt with	Sub Committee	Officers
Application for grant licence	If Police representation made	If no representation made
Decision whether to revoke personal licence when convictions come to light after grant	All cases	
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If representation made	If no representation made
Application for provisional statement	If representation made	If no representation made
Application to vary premises licence/club premises certificate	If representation made	If no representation made
Application to vary designated premises supervisor	If Police representation made	All other cases
Request to be removed as designated premises supervisor		All cases
Application to transfer premises licences	If Police representation made	All other cases
Applications for Interim Authorities	If Police representation made	All other cases

Application to review premises licence/club premises certificate	All cases	
Decision whether a representation is irrelevant, frivolous, vexatious etc		All cases
Decision to object when local authority is a consultee and not the lead authority	All cases	
Determination of a police representation to a temporary event notice	All cases	
Determination of application for the alternative licence condition to be included in the licence instead of the conditions in section 19(2) and (3))	If police representation made	<i>If no police objection is made</i>
Determination of application by community premises to disapply the mandatory conditions for alcohol on a premises	If police representation made	<i>If no police objection is made</i>
Determination of application for a review: supply of alcohol from community premises	If police representation made	
Determination of application for expedited reviews	If police representation made	
Determination of application for Interim steps	If police representation made	
Determination of application for a review of premises licence following review notice	If police representation made	

Application for a Minor Variation of a Premises Licence		<i>All cases including if representation is made</i>
Application for a Minor Variation of a Club Premises Certificate		<i>All cases including if representation is made</i>

Appendix C: Useful Addresses

Licensing Team
Shepway District Council
Civic Centre
Castle Hill Avenue
Folkestone
Kent CT20 2QY
01303-853526 / 853407
licensing@shepway.gov.uk

Responsible Authorities

Police

Police Licensing (East Division)
CSU
Canterbury Police Station,
Old Dover Road,
Canterbury
Kent CT1 3JQ
01622 690690

Fire

Fire Safety Officer
Folkestone Fire Station
Park Farm Road
Folkestone
Kent CT19 5DH
01303-227201

Environmental Health

(Health & Safety)
Mr A Atkins
Environmental Health
Shepway District Council, Civic
Centre, Castle Hill Avenue,
Folkestone, Kent
CT20 2QY
01303-850388

Planning Control

Planning
Shepway District Council, Civic
Centre, Castle Hill Avenue,
Folkestone, Kent
CT20 2QY
01303-850388

(Noise Pollution)

Mrs S Hogben,
Environmental Health
Shepway District Council, Civic
Centre, Castle Hill Avenue,
Folkestone, Kent
CT20 2QY
01303-850388

Trading Standards

Kent County Council, Trading
Standards, Invicta House, County
Hall, Maidstone, Kent ME14 1XX
01622-221012

Social Services

Kent County Council - Social
Services
Queens House, Guildhall Street,
Folkestone, Kent CT20 1DX
01303-253476

Primary Health Care Trust

Kent Public Health
Room 1. 60 Sessions House,
County Hall, Maidstone Kent ME14
1XQ
01622 694175

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This report will be made public on 18 October 2016

Report Number **A/16/19**

To: Council
Date: 26 October 2016
Status: Non- Executive Decision
Chief Executive: Alistair Stewart

SUBJECT: COMMITTEE MEMBERSHIP CHANGES

SUMMARY: Under the Shepway District Council Constitution, Part 8.1 ‘Delegation to Officers’, paragraph 3.16, the Head of Paid Service is authorised to make appointments to committees or sub-committees at the request of the relevant political group leader. Report A/16/19 sets out the appointment made, under these powers, at the request of the Leader of the Council, since the last Council meeting.

REASONS FOR RECOMMENDATIONS:

The Council is asked to agree the recommendation set out below because the Constitution requires any committee membership changes to be reported to the Council.

RECOMMENDATION:

1. To receive and note report A/16/19.
2. To note the change of committee membership to the Planning and Licensing Committee.

1 INTRODUCTION

- 1.1 Under the Shepway District Council Constitution, Part 8.1 'Delegation to Officers', paragraph 3.16, the Head of Paid Service is authorised to make appointments to committees or sub-committees, at the request of the relevant political group leader, subject to the conditions that (a) the appointed member shall be a replacement for a committee or sub-committee member from the same political group or the appointee is to fill a vacant seat on the committee/sub-committee allocated to the political group of which he/she is a member and (b) the changes shall be reported to the next available meeting of the Council.
- 1.2 This report sets out the appointment made.

2. APPOINTMENTS TO COMMITTEES/SUB-COMMITTEES

The following appointments to committees has been made:

Committee/Sub-Committee	Previous Committee Member	New Committee Member
Planning and Licensing Committee	Councillor Len Laws	Councillor Damon Robinson

3 LEGAL, FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

- 3.1 **Legal Officer's comments**
There are no legal issues arising from this report.
- 3.2 **Finance Officer's comments**
There are no financial implications arising from this report.
- 3.3 **Diversity and Equalities Implications**
There are no diversity and equality implications arising from this report.

4 CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting:

Amanda Brooks
Committee Services Team Leader
Tel: 01303 853495
E-mail: amanda.brooks@shepway.gov.uk

The following background documents have been relied upon in the preparation of this report:

None