



Agenda

Meeting: **Council**
Date: **13 March 2019**
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.

This meeting will be webcast live to the council's website at <https://folkestone-hythe.public-i.tv/core/portal/home>. Although unlikely, no guarantee can be made that Members of the public in attendance will not appear in the webcast footage. It is therefore recommended that anyone with an objection to being filmed does not enter the council chamber.

Head of Paid Service

1. **Apologies for Absence**
2. **Declarations of Interest**

Members of the Council should declare any discloseable pecuniary

Queries about the agenda? Need a different format?

Contact Jemma West – Tel: 01303 853369
Email: committee@folkestone-hythe.gov.uk or download from our
website
www.folkestone-hythe.gov.uk

interest or any other significant interests in any item/s on this agenda.

3. **Minutes (Pages 5 - 26)**

To receive the minutes of the meeting of the council held on 20 February 2019 and to authorise the Chairman of the Council to sign them as a correct record.

4. **Chairman's Communications**

5. **Petitions**

There are no petitions to be presented.

6. **Questions from the Public**

There are no questions from the public.

7. **Questions from Councillors**

(Questions can be found on www.folkestone-hythe.gov.uk from noon 2 days before the meeting, on Modern.gov, under the agenda for this 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**

The UKIP Group has raised the following matter,:

"We wish to present our view of some of the strategies for the regeneration of High Street Shops and shopping centres and ask the Council to adopt these".

Debates on opposition business shall be limited to 15 minutes. If the time limit is reached or the debate concludes earlier, the leader of the group raising the item shall have a right of reply.

The Council shall:

- a) Note the issue raised and take no further action;
- b) Refer the issue to the cabinet or relevant overview and scrutiny committee, as the case may be for their observations before deciding whether to make a decision on the issue;
- c) Agree to examine the matter as part of a future scrutiny programme;
- d) Adopt the issue raised by opposition business provided that the decision so made is within the policy framework and budget.

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:

Councillor Meyers:

“I move that this council introduces into its planning policy the mandatory requirement that all ‘New Build Developments’ including Otterpool Garden Town & Princes Parade, make provision for nesting birds. This to be achieved by installing nesting boxes in the form of a ‘Swift Brick’ in all buildings in order to halt the decline of this species in our district”.

Councillor Robinson:

“As you know we councillors get problems given to us from our ward about East Kent Housing mostly due to a poor complaints procedure or repairs.

Is reform needed with East Kent Housing.”

11. Statement of Principles - Gambling Act 2005 (Pages 27 - 86)

This report sets out the proposed Statement of Principles under the Gambling Act 2005 for the period April 2019 – 2022.

12. Pay Policy Statement 2019/20 (Pages 87 - 102)

This report considers the recommendation from the Personnel Committee and presents an updated pay policy statement for 2019/20 for approval.

13. St Mary in the Marsh Neighbourhood Development Plan (Pages 103 - 112)

The St Mary in the Marsh Neighbourhood Development Plan has had a successful planning referendum with 87% of those who voted, voting in favour of using the Plan for planning purposes. Following a successful referendum the District Council, as the local planning authority, must now bring the Plan into force (or as the legislation terms it, ‘make’ the plan).

14. Exclusion of the Public

To exclude the public for the following item of business on the

grounds that it is likely to disclose exempt information, as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 –

‘Information relating to the financial or business affairs of any particular person (including the authority holding that information). “Financial or business affairs” includes contemplated as well as current activities.’

Part 2 – Exempt Information Item

15. Investment Opportunity (Pages 113 - 128)

This report considers the recommendation of the Cabinet on the opportunity to make an investment to the council's advantage.

*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

FOLKESTONE AND HYTHE DISTRICT COUNCIL

Minutes for the meeting of the Council held at the Council Chamber - Civic Centre Folkestone on Wednesday, 20 February 2019

Present: Councillors Mrs Ann Berry, Miss Susan Carey, John Collier, Malcolm Dearden, Alan Ewart-James, Peter Gane, Clive Goddard, Miss Susie Govett, Mrs Claire Jeffrey, Mrs Mary Lawes, Len Laws, Rory Love, Michael Lyons (Vice-Chair), Philip Martin, Frank McKenna, Ian Meyers, David Monk, David Owen (Chairman), Dick Pascoe, Paul Peacock, Stuart Peall, Russell Tillson, Mrs Susan Wallace, Mrs Rodica Wheeler and Roger Wilkins

Apologies for Absence: Councillors David Godfrey, Ms Janet Holben, Mrs Jennifer Hollingsbee, Damon Robinson and Mrs Carol Sacre

68. Declarations of Interest

There were no declarations of interest at the meeting.

69. Minutes

The minutes of the meeting held on 19 December 2018 were submitted, approved and signed by the Chairman.

70. Chairman's Communications

The Chairman reported the following:

“A few words only from me this evening as we have other excitements ahead!

Firstly, I would like to mention Holocaust Memorial Day and the observation of this by Folkestone Town Council. Holocaust Memorial Day is an internationally recognised day to remember the millions who were murdered by the Nazis during the Second World War. It also recognises other genocides including those more recently in Cambodia, Rwanda, Bosnia and currently in Darfur, Sudan and Syria. Pupils from Folkestone Academy, Folkestone School for Girls, Harvey Grammar School and Brockhill Park Performing Arts College researched each of these atrocities and made moving presentations to the assembled guests. While many Towns and Cities observe Holocaust Memorial Day, Folkestone is apparently the only town in the UK to have a permanent Holocaust Memorial Stone.

Back at the end of January, I was pleased to welcome a group of students from Stella Maris Primary School Folkestone to the Civic Centre. I think that this was the third time that they had visited, the first visit having been suggested by Councillor Mrs Jeffrey who if I may digress for a moment, has I understand a milestone birthday today which she is spending here with us this evening rather than with her family! To return to the School visit, the children are all Members of their School Council and I was able to explain how this council works. They tried on the Civic Chain for photographs. I then chaired a debate here in the Chamber on the subject of “Should the lunch break be extended from 45 minutes to 1 hour?”. I am pleased to report that democracy was seen to take

place and it was wonderful to see the level of debate that was achieved. Voting was unanimously in favour!

For a number of years, the Chairman of this council has regularly attended the AGM of the Shepway Volunteer Centre to acknowledge this council's recognition of the voluntary sector here in our district. The past month has seen the announcement of a new organisation, Kent Coast Volunteers. Our local group have now therefore merged with similar organisations in Thanet and Dover with a streamlined management structure. Kent Coast Volunteers are part of the Stronger Kent Communities consortium who have the KCC contract to deliver community support in our Area. I have spoken of my strong support for the Voluntary sector before, and it was a pleasure to re-demonstrate this on this occasion.

Thank you".

71. Petitions

There were no petitions to be presented to the meeting.

72. Questions from the Public

The questions asked, including supplementary questions (if any), and the answers given are set out in Schedule 1, appended to these minutes.

73. Questions from Councillors

The questions asked, including supplementary questions (if any), and the answers given are set out in Schedule 2, appended to these minutes.

74. Announcements of the Leader of the Council

The Leader made the following announcements:

"Good evening to all,

The first thing I must do is to congratulate Councillor Rory Love on the award of his OBE that was given in recognition of his service to Local Government. I must say that it is well deserved with his long service to South Eastern Employers and of course currently his chairmanship of the CCA. Well done Rory!

As you have just heard in the answer to Councillor Goddard's question, our Area Officer Team is making a tremendous impact on the appearance of the District. I am pleased to announce that they have made it to a short list for this year's iESE Awards in two categories: "Community Focus – Place" and "Transforming Environmental Services". The awards will take place on 6 March in London and I am sure that we all wish them well.

On the subject of the Area Officers, we are recommending to the council that the team is made permanent and is included in the base budget. We are also in negotiation with KCC to take over the cleansing of the road traffic signs that are so often dirty or obscured and so detract from the appearance of the District.

I am also pleased to announce that finance having done some calculations after the Government lifting the cap on HRA borrowing, we are now able to revert to our target 300 new council homes in ten years up from 200 that the rent reduction caused us to adopt.

Now for an update on Otterpool Park Green Town. I am promised that outlined planning permission will be applied for before the end of this month. Formal consultation will start about mid-March. It seems to be taking forever, but I am assured that in fact we are doing extremely well when compared to the other green towns. This is probably reflected in the further £1.25million grant the Government has given us to assist our Masterplanning.

Finally, hot off the press, our Head of Paid Service has managed to negotiate an extra £136,000 over and above the original £35,000 for Brexit Planning. Well done!"

The Leader of the Opposition, Councillor Meyers, responded and stated that as usual, there was little in the Leaders announcements which he could disagree with. He passed his personal congratulations on to Councillor Love for a well-deserved award, and added that Councillor Love had spent a lot of time serving the community, both as a politician and as a community champion.

He stated that the lifting of the cap on the HRA borrowing was welcomed, as was the reversion to the new target of 300 Council homes. He hoped that they could be delivered.

With regard to Otterpool Park, although it would not be good news for everyone, but for young families seeking a home, it would be good news.

Regarding Brexit, a lot of people were nervous as what was to come, and living in close proximity to the EU made the potential impact for our district even greater. It was sensible to make some planning to cope with what may happen, and he was pleased to see that the Head of Service had obtained some additional funding towards this.

The Leader responded that the new Council House target was on target. Not only this, but the council were on target to do some Shared Equity houses (around 30), which was also very good news.

Proposed by Councillor Monk,
Seconded by Councillor Love; and

RESOLVED:

That the announcements of the Leader be noted.

(Voting figures: 25 for, 0 against, 0 abstentions).

75. Opposition Business

There was no opposition business submitted to the meeting.

76. Motions on Notice

There were no motions on notice.

77. Empty Homes Premium

From 1 April 2019, billing authorities will be given the ability to amend long term empty home Council Tax premiums. The report reviewed these proposals and recommended that some changes be introduced from the new financial year 2019/20.

Proposed by Councillor Dearden,
Seconded by Councillor Ewart-James; and

RESOLVED:

- 1. That report A/18/18 be received and noted.**
- 2. That the new Council Tax empty home premiums from the 2019/20 financial year onwards as demonstrated in Table 1 of the report be adopted.**
- 3. That the exemption of a property when it is 'actively marketed' if it meets the premium criteria rules (3.3 to 3.5), be removed.**

(Voting figures: 23 for, 0 against, 2 abstentions).

78. Update to the General fund Medium Term Capital Programme and Budget Monitoring 2018/19

The report updated the General Fund Medium Term Capital Programme for the five year period ending 31 March 2024. The report provided a projected outturn for the General Fund capital programme in 2018/19, based on expenditure to 30 November 2018. The General Fund Medium Term Capital Programme was required to be submitted to full Council for consideration and approval as part of the budget process. The report also set out both the Prudential Indicators for capital expenditure and the Minimum Revenue Provision Statement for 2019/20 to be approved by full Council. The Overview and Scrutiny Committee and Cabinet had both considered the report to be submitted to Full Council.

Proposed by Councillor Dearden,
Seconded by Councillor Monk; and

RESOLVED:

- 1. That report A/18/19 be received and noted.**

2. That the updated General Fund Medium Term Capital Programme as set out in appendix 2 to the report be approved.
3. That the Prudential Indicators for capital and borrowing set out in the appendix 3 to the report be approved.
4. That the Minimum Revenue Provision (MRP) Policy Statement for 2019/20 set out in appendix 4 to the report be approved.

(Voting figures: 22 for, 3 against, 0 abstentions).

79. **General Fund Budget & Council Tax Requirement 2019/20**

The report concluded the budget setting process for 2019/20. It set out recommendations for setting the council tax after taking into account the district's Council Tax requirement (including town and parish council requirements and special expenses in respect of the Folkestone Parks and Pleasure Grounds Charity), the precepts of Kent County Council, the Kent Police & Crime Commissioner and the Kent & Medway Fire & Rescue Service.

The Cabinet Member for Finance, Councillor Dearden, advised on the following amendments to the recommendations set out in the report:

- Recommendation 3(h) had contained a minor formatting error, and a replacement table had been provided and put before Members.
- Recommendation 5 had contained some minor rounding errors, and a replacement table had been provided and put before Members.
- At the Cabinet Meeting held earlier that evening, Cabinet had resolved to add an additional recommendation to report C/18/74 as follows:
"To agree the establishment of an earmarked reserve titled "High Streets Regeneration" to support the delivery of regeneration projects within the Folkestone and Hythe district area. To earmark £3 million to be transferred from the Council's forecast general reserve balance". This recommendation would replace recommendation 2 of the Council report. The revised recommendation read "To approve the District Council's budget for 2019/20 as presented in the revised Appendix 1 to this report and the Council Tax requirement for 2019/20, to be met from the Collection fund, of £12,598,350". The revised appendix 1 had been put before Members at the meeting.

Proposed by Councillor Mrs Lawes,
Seconded by Councillor Miss Govett;

That the Overview and Scrutiny Committee had not had an opportunity to consider the additional recommendation put forward by Cabinet, and therefore the report should be rejected, and put back before the Overview and Scrutiny Committee for consideration.

(Voting figures: 3 for, 22 against, 0 abstentions).

The motion was therefore LOST.

Proposed by Councillor Dearden,
Seconded by Councillor Monk; and

RESOLVED:

1. That report A/18/22 be received and noted.
2. That the District Council's budget for 2019/20 as presented in the revised Appendix 1 to the report and the Council Tax requirement for 2019/20, to be met from the Collection Fund, of £12,598,350, be approved.
3. That the following amounts be now calculated by the Council for the year 2019/20 in accordance with sections 31 to 36 of the Local Government Finance Act 1992 (the Act), be approved:
 - a) £97,090,012 – being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) (a) to (f) of the Act (as in Appendix 2).
 - b) £84,491,662 – being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) (a) to (d) of the Act (as in Appendix 2).
 - c) £12,598,350 – being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its council tax requirement for the year (as in Appendix 2).
 - d) £322.56 – being the amount at 3(c) above divided by the tax base of 39,057.21 calculated by the Council, in accordance with Section 31B(1) of the Act, as the basic amount of its council tax for the year.
 - e) £2,864,903 – being the aggregate of all special items (including parish precepts) referred to in Section 34(1) of the Act.
 - f) £249.21 - being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by the tax base of 39,057.21 calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no special item relates, ie Old Romney and Snargate.
 - g) Part of the Council's area

Folkestone	338.60	Being the amounts given by adding to the amount at 3(f) above the special items relating to
Sandgate	322.92	
Hythe	302.24	
Lydd	310.94	

New Romney	367.72	 dwellings in those parts
		of the Council area
Acrise	251.46	mentioned here divided in
Elham	274.32	each case by the
Elmsted	260.61	appropriate tax base
Hawkinge	347.01	calculated by the Council,
Lyminge	283.11	in accordance with
Lympne	294.66	Section 34(3) of the Act,
Monks Horton	258.63	as the basic amounts of
Newington	295.70	its council tax for the year
Paddlesworth	259.89	for dwellings in those
Postling	277.16	parts of its area to which
Saltwood	274.47	one or more special items
Sellindge	308.36	relate.
Stanford	286.36	
Stelling Minnis	270.62	
Stowting	265.89	
Swingfield	300.74	
Brenzett	294.54	
Brookland	322.17	
Burmarsh	283.61	
Dymchurch	312.10	
Ivychurch	300.24	
Newchurch	283.01	
Old Romney	249.21	
St Mary in the Marsh	283.31	
Snargate	249.21	

(h) Part of the Council's area

Parish	Valuation Bands							
	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Folkestone	225.73	263.35	300.97	338.60	413.84	489.08	564.33	677.20
Sandgate	215.28	251.16	287.04	322.92	394.68	466.44	538.20	645.84
Hythe	201.49	235.07	268.65	302.24	369.40	436.56	503.73	604.48
Lydd	207.29	241.84	276.39	310.94	380.03	449.13	518.23	621.88
New Romney	245.14	286.00	326.86	367.72	449.43	531.15	612.86	735.44
Acrise	167.64	195.58	223.52	251.46	307.34	363.22	419.10	502.92
Elham	182.88	213.36	243.84	274.32	335.28	396.25	457.21	548.64
Elmsted	173.74	202.70	231.65	260.61	318.53	376.44	434.35	521.22
Hawkinge	231.34	269.90	308.46	347.01	424.13	501.24	578.36	694.02
Lyminge	188.74	220.20	251.65	283.11	346.02	408.94	471.85	566.22
Lympne	196.44	229.18	261.92	294.66	360.14	425.62	491.10	589.32
Monks Horton	172.42	201.16	229.89	258.63	316.10	373.58	431.05	517.26
Newington	197.13	229.99	262.85	295.70	361.41	427.12	492.84	591.40
Paddlesworth	173.26	202.14	231.01	259.89	317.64	375.39	433.15	519.78
Postling	184.77	215.57	246.36	277.16	338.75	400.34	461.93	554.32
Saltwood	182.98	213.48	243.97	274.47	335.47	396.46	457.45	548.94
Sellindge	205.57	239.83	274.10	308.36	376.88	445.41	513.93	616.72
Stanford	190.91	222.73	254.54	286.36	350.00	413.63	477.27	572.72
Stelling Minnis	180.42	210.49	240.55	270.62	330.76	390.90	451.04	541.24
Stowting	177.26	206.80	236.35	265.89	324.98	384.06	443.15	531.78
Swingfield	200.49	233.91	267.32	300.74	367.57	434.40	501.23	601.48
Brenzett	196.36	229.09	261.81	294.54	359.99	425.45	490.90	589.08
Brookland	214.78	250.58	286.37	322.17	393.77	465.36	536.95	644.34
Burmarsh	189.07	220.59	252.10	283.61	346.63	409.66	472.68	567.22
Dymchurch	208.07	242.75	277.43	312.10	381.46	450.82	520.17	624.20
Ivychurch	200.16	233.52	266.88	300.24	366.96	433.68	500.41	600.48
Newchurch	188.68	220.12	251.57	283.01	345.90	408.80	471.69	566.02
Old Romney	166.14	193.83	221.52	249.21	304.59	359.97	415.35	498.42
St Mary in the Marsh	188.88	220.35	251.83	283.31	346.27	409.23	472.19	566.62
Snargate	166.14	193.83	221.52	249.21	304.59	359.97	415.35	498.42

Being the amounts given by multiplying the amounts at 3(f) and 3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

4. That it be noted that for the year 2019/20 Kent County Council, Kent Police and Crime Commissioner and the Kent & Medway Fire & Rescue Service have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Kent County Council	866.28	1,010.66	1,155.04	1,299.42	1,588.18	1,876.94	2,165.70	2,598.84
Kent Police and Crime Commissioner	128.77	150.23	171.69	193.15	236.07	278.99	321.92	386.30
Kent & Medway Fire & Rescue	51.84	60.48	69.12	77.76	95.04	112.32	129.60	155.52

Major preceptor amounts remained subject to confirmation at the time of preparing this report.

5. That, having calculated the aggregate in each case of the amounts at 3(h) and 4 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of council tax for the year 2019/20 for each of the categories of dwelling shown below:

(i) Part of the Council's area Valuation Bands

	A	B	C	D	E	F	G	H
Parish	£	£	£	£	£	£	£	£
Folkestone	1,272.62	1,484.72	1,696.82	1,908.93	2,333.13	2,757.33	3,181.55	3,817.86

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Sandgate	1,262.17	1,472.53	1,682.89	1,893.25	2,313.97	2,734.69	3,155.42	3,786.50
Hythe	1,248.38	1,456.44	1,664.50	1,872.57	2,288.69	2,704.81	3,120.95	3,745.14
Lydd	1,254.18	1,463.21	1,672.24	1,881.27	2,299.32	2,717.38	3,135.45	3,762.54
New Romney	1,292.03	1,507.37	1,722.71	1,938.05	2,368.72	2,799.40	3,230.08	3,876.10
Acrise	1,214.53	1,416.95	1,619.37	1,821.79	2,226.63	2,631.47	3,036.32	3,643.58
Elham	1,229.77	1,434.73	1,639.69	1,844.65	2,254.57	2,664.50	3,074.43	3,689.30
Elmsted	1,220.63	1,424.07	1,627.50	1,830.94	2,237.82	2,644.69	3,051.57	3,661.88
Hawkinge	1,278.23	1,491.27	1,704.31	1,917.34	2,343.42	2,769.49	3,195.58	3,834.68
Lyminge	1,235.63	1,441.57	1,647.50	1,853.44	2,265.31	2,677.19	3,089.07	3,706.88
Lympne	1,243.33	1,450.55	1,657.77	1,864.99	2,279.43	2,693.87	3,108.32	3,729.98
Monks Horton	1,219.31	1,422.53	1,625.74	1,828.96	2,235.39	2,641.83	3,048.27	3,657.92
Newington	1,244.02	1,451.36	1,658.70	1,866.03	2,280.70	2,695.37	3,110.06	3,732.06
Paddlesworth	1,220.15	1,423.51	1,626.86	1,830.22	2,236.93	2,643.64	3,050.37	3,660.44
Postling	1,231.66	1,436.94	1,642.21	1,847.49	2,258.04	2,668.59	3,079.15	3,694.98
Saltwood	1,229.87	1,434.85	1,639.82	1,844.80	2,254.76	2,664.71	3,074.67	3,689.60
Sellindge	1,252.46	1,461.20	1,669.95	1,878.69	2,296.17	2,713.66	3,131.15	3,757.38
Stanford	1,237.80	1,444.10	1,650.39	1,856.69	2,269.29	2,681.88	3,094.49	3,713.38
Stelling Minnis	1,227.31	1,431.86	1,636.40	1,840.95	2,250.05	2,659.15	3,068.26	3,681.90
Stowting	1,224.15	1,428.17	1,632.20	1,836.22	2,244.27	2,652.31	3,060.37	3,672.44
Swingfield	1,247.38	1,455.28	1,663.17	1,871.07	2,286.86	2,702.65	3,118.45	3,742.14
Brenzett	1,243.25	1,450.46	1,657.66	1,864.87	2,279.28	2,693.70	3,108.12	3,729.74
Brookland	1,261.67	1,471.95	1,682.22	1,892.50	2,313.06	2,733.61	3,154.17	3,785.00
Burmarsh	1,235.96	1,441.96	1,647.95	1,853.94	2,265.92	2,677.91	3,089.90	3,707.88
Dymchurch	1,254.96	1,464.12	1,673.28	1,882.43	2,300.75	2,719.07	3,137.39	3,764.86
Ivychurch	1,247.05	1,454.89	1,662.73	1,870.57	2,286.25	2,701.93	3,117.63	3,741.14
Newchurch	1,235.57	1,441.49	1,647.42	1,853.34	2,265.19	2,677.05	3,088.91	3,706.68
Old Romney	1,213.03	1,415.20	1,617.37	1,819.54	2,223.88	2,628.22	3,032.57	3,639.08
St Mary in the Marsh	1,235.77	1,441.72	1,647.68	1,853.64	2,265.56	2,677.48	3,089.41	3,707.28
Snargate	1,213.03	1,415.20	1,617.37	1,819.54	2,223.88	2,628.22	3,032.57	3,639.08

- 6. That the District Council's basic amount of Council Tax for 2019/20 be determined as not excessive in accordance with principles approved under Section 52ZB of the Local Government Finance Act 1992.**

The motion was put to a recorded vote in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 as set out below:

FOR: Councillors Mrs Berry, Mrs Carey, Collier, Dearden, Ewart-James, Gane, Goddard, Mrs Jeffrey, Laws, Love, Lyons, Martin, Meyers, Monk, Owen, Pascoe, Peacock, Peall, Tillson, Wallace, Wheeler and Wilkins (22)

AGAINST: Councillors Miss Govett, Mrs Lawes and McKenna (3).

ABSTENTIONS: (0)

(Voting: For 22; Against 3; Abstentions 0).

80. Housing Revenue Account Revenue and Capital Original budget 2019/20

The report set out the Housing Revenue Account Revenue and Capital Budget for 2019/20 and proposed a decrease in weekly rents and an increase in service charges for 2019/20.

Proposed by Councillor Ewart-James,
Seconded by Councillor Dearden; and

RESOLVED:

- 1. That report A/18/20 be received and noted.**
- 2. That the Housing Revenue Account Budget for 2019/20 (refer to paragraph 2.1 and Appendix 1) be approved.**
- 3. That the decrease in rents of dwellings within the HRA on average by £0.83 per week, representing a 1.0% decrease with effect from 1 April 2019 (refer to paragraph 3.2), be approved.**
- 4. That the increase in service charges (refer to section 3.5), be approved.**
- 5. That the Housing Revenue Account Capital Programme budget 2019/20 (refer to paragraph 4.1 and Appendix 2), be approved.**

(Voting figures: 24 for, 0 against, 1 abstentions).

81. Capital Strategy 2019/20

The report set out the council's proposed strategy in relation to capital expenditure, financing and treasury management in 2019/20.

Proposed by Councillor Dearden,
Seconded by Councillor Monk; and

RESOLVED:

- 1. That report A/18/23 be received and noted.**

- 2. That the 2019/20 Capital Strategy set out in the appendix to the report be adopted.**

(Voting figures: 23 for, 2 against, 0 abstentions).

82. Investment Strategy 2019/20

The report set out the council's proposed strategy for its service and commercial investments in 2019/20. The Overview and Scrutiny Committee had considered the report on 29 January 2019 ahead of Cabinet approving it on 30 January 2019.

Proposed by Councillor Dearden,
Seconded by Councillor Monk; and

RESOLVED:

- 1. That report A/18/21 be received and noted.**
- 2. That the 2019/20 Investment Strategy, including the Investment Indicators, set out in the appendix to the report be approved.**

(Voting figures: 23 for, 0 against, 2 abstentions).

Council – 20 February 2019

Public questions:

- 1. From Mr Rylands to Councillor Berry, Cabinet Member for Transport and Commercial**

What are the numbers of FoI/EiR requests which have not been made applicant blind when sent onto the relevant departments and the number which have for the period April 1st 2017 through to present?

ANSWER:

While there is no statutory obligation to do so, the Council does customarily anonymise all requests before they are internally circulated. A very small minority of cases will not be subject to anonymization for technical reasons, i.e. those requests submitted on company watermarked PDFs. The specific number of cases not anonymised is not easily retrievable due to the tiny number of requests affected and the fact that anonymization is not a recorded statistic. Anonymization is presumed to be the default position.

SUPPLEMENTARY QUESTION:

What are the numbers of FOI/EiR requests which have had privacy notice links embedded in the responses since 25 May 2018?

ANSWER:

I do not have this information to hand, but will provide a written answer at a later date.

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Full Council – 20 February 2019

Councillor questions:

1. From Councillor Mrs Jeffrey to Councillor Peall, Cabinet Member for the Environment

Can you provide an update on how this administration is improving the appearance of the district through the use of targeted resources?

ANSWER:

I am happy to respond to Cllr Mrs Jeffrey's question.

As the cabinet member responsible for both the waste and street cleansing service and the environmental enforcement service, I can confirm the council's commitment to Appearance Matters is at the heart of everything we do. Resources do need to be targeted and the street cleansing and environmental services have needed to respond to the steady and welcome growth of visitors and residents to the district.

Examples of how resources have been targeted to improve the appearance of the district include:

In terms of street cleansing we started the council year by reviewing our seasonal plans. This resulted in more resources being allocated to street cleansing particularly over the bank holiday weekends. More temporary bulk bins were installed notably along Coronation Parade/Sunny Sands for the summer which were successful in meeting the demands of the hot summer and record visitor numbers.

The street cleansing service also supported with bulk bins and additional cleansing to a number of our popular public events; notably the air show and Sandgate Festival of the Sea. The street cleansing service, as a result of its activities, has been publically thanked by town and parish councils, which is greatly appreciated by the service/

At the end of the summer the council again targeted its resources by introducing 12 Big Belly Solar Compactor Bins into the Coastal Park. As members may recall this was in direct response to the increasing visitor numbers to this popular location which was stretching the existing bin capacity at this location and making vehicle access difficult.

The new bins were introduced before the last August bank holiday have proven successful with the compaction technology reducing the number collections needed with performance exceeding expectations. The new electronic monitoring has given us a glimpse of the future of how our streets can be managed. For example I can tell you today that the new bins have in the last six months collected 51,785 litres of rubbish.

The pilot has proven to be so successful that our neighbours in Dover have followed our lead and introduced their own pilot scheme.

Other highlights of how resources have been targeted include: -

- The replacement and addition of 30 litter bins across the district.
- The continued specialised cleansing of the Leas embankment, which is a challenge to keep clean. This will next take place in April.
- The street cleansing service has carried out jet washes of the memorial arch area in advance of the WW1 centennial events.
- The service will be supporting the Great British Spring Clean in March and any members looking to organise supporting events should contact me (Cllr Peall).

The street cleansing service will reviewing its seasonal activities again in anticipation of another busy summer.

Turning to the activities of the Environmental Protection team, the past year has seen an increased ramping up of environmental enforcement activity across the district.

In addition to the work the enforcement team does in co-ordinating the removal of unauthorised encampments across the district; a service that it carries out with great professionalism and I know is appreciated by members and the public. The enforcement team has also issued a record number of Fixed Penalty Notices, 189 in total and increase of 71 on the previous year. This includes the targeting of fly-posting, with 93 FPNs issued.

Furthermore in the past year, the team concluded 5 successful prosecutions for environmental offences including fly-tipping. These are often long and complex cases in terms of evidence gathering, often requiring joint working with other authorities. I pass my thanks to officers and supporting authorities for their hard work on this.

Another standout incident was when the team, whilst investigating a noise complaint from a property in Etchinghill, discovered in the process an illegal puppy farm. At this location they witnessed 30 dogs being held in poor conditions in kennels. Joint visits with Police were made and the land owner agreed to surrender the dogs and they were removed from the property.

Over the summer, targeted patrols were carried out during early mornings, late and evening patrols in hotspot areas to try and catch offenders with dogs off leads and dog fouling.

Enforcement Officers were on duty during Bank Holidays and weekends to focus on prime locations such as beaches, the Coastal Park, the Leas and the Harbour. We felt it important to ensure the officers are seen and engaging with the public during these busy times. It also backed up the work by the Waste Team ensuring litter bins were reported if overflowing and ensuring the appearance of the district was at its best. This worked very well, with several residents thanking the staff for being in the area.

But it is not simply about enforcement. The environmental protection team is also involved in educational initiatives like pop-up events promoting responsible dog ownership.

Events were planned in June at the Coastal Park in Folkestone, with nature trails, quizzes and drawings for the children, identifying how many people have dogs on and off leads and giving general advice to the public. Other events took place in July at Lympne where the team joined forces with a local dog show. These have proven to be popular and more will be planned later in the year.

The Enforcement Team also participated in the Lydd Community event day. The team shared educational information about responsible dog ownership, including ensuring dogs are chipped and details updated, feeding gulls, lighting bonfires and discarding rubbish and keeping the district looking clean.

In November the Enforcement Team conducted a Dog Fouling operation to say "Thank You" to all the responsible dog owners who picked up after their dogs. All local parks and gardens were checked in all 13 wards and the owners were invited to enter a prize draw for a £50 shopping voucher which was drawn in December. During this time, no one was found walking away from their dogs and leaving their mess behind.

Finally the Environmental Protection Team continues to lead on the district's response to unauthorised encampments.

In the autumn the Environmental Protection Team Leader organised a very successful training day around encampments. This involved around 50 senior representatives from Kent Police, MOD, KCC Gypsy and Traveller unit, Councillors, Parish and Town Clerks. This allowed all parties to be trained at the same time and to discuss new ways of dealing with unauthorised campers, which has led to the use of Community Protection Warnings and has now been served on the current encampments within the district.

THERE WAS NO SUPPLEMENTARY QUESTION.

2. From Councillor Goddard to Councillor Monk, Leader of the Council

Has the introduction of Area Officers been successful in reducing the amount of graffiti, litter and dog mess which cause numerous complaints from our residents?

ANSWER:

The short answer is 'yes'. The introduction of the Area Officer initiative as part of the wider transformation project has been a resounding success. In its first phase of just 3 months, the team have tackled and cleaned over 2,000 items of graffiti, cleared 34 fly tips, removed 771 fly-posters, taken down over 450 planning and parking notices and cleaned 16 further instances of litter and 1 instance of dog fouling. The team have also attended and helped to organise 28 community litter picks and a further 6 corporate social responsibility events where over 500 black bin bags of rubbish have been cleared from the district.

The presence of the Area Officers is helping to discourage further instances of graffiti and low level anti-social behaviour and is encouraging communities to come together and help tackle these issues.

It is gratifying to see the increase in community and corporate engagement in clearing litter.

The scheme had even gained regional recognition by the BBC.

It is a shame that so much is dropped and I would urge anyone seeing any of this antisocial behaviour to report it to the council.

THERE WAS NO SUPPLEMENTARY QUESTION.

3. From Councillor Mrs Berry to Councillor Monk, Leader of the Council

Jake Berry, Parliamentary Under secretary for Housing, Communities and Local Government, is promoting the Governments efforts to boost the Nations High Streets.

He highlights the £675 million future high street fund to co-fund innovative proposals around Transport, Housing and Public Services to, improve infrastructure and access to high streets and make the Towns fit for the future.

Can the Leader say if the Folkestone and Hythe District Council has applied for some of the said funding, bearing in mind the possible loss of Debenhams, and have we already started to plan ahead to make the Towns High Streets a more interesting place to visit.

ANSWER:

The Council is aware of the Government's recently announced Future High Streets Fund and is going to submit an Expression of Interest, which is the first stage of an application, by the deadline of the 22nd March. The Economic Development team, headed by Dr Katharine Harvey, is leading on this with the Corporate Director of Place and Commercial, John Bunnnett.

I can also report that Cabinet has, just this evening, considered making available a special earmarked reserve of £3m for the purpose of supporting the regeneration of our High Streets. These funds will be available as match funding to any relevant bid we make to the Future High Street Fund, and to support the economic improvement of these important areas of our district. You will be asked to endorse the amendment tonight.

In addition, the Council has established the Folkestone and Hythe Regeneration Board, and has already earmarked £250,000 to support the initial work of this board. The board will be Chaired by our Member of Parliament, Damian Collins, and the inaugural meeting is being held on the 1st March 2019. I'm delighted to report that key stakeholders from Homes England, Kent County Council, the Creative Foundation, Strand House, Invicta Chamber of Commerce, Network Rail, the Folkestone & Hythe Business Advisory Board, and Pillory Barn are joining us as members of the board so

that a strategic and purposeful approach is taken to support the regeneration of our district.

Finally, I'm aware of speculation about the future of Debenhams in Folkestone. I can report that our Corporate Director of Place & Commercial, John Bunnett, has already made contact with the owners of the building, along with other landowners of key sites in the town, and we are well placed to respond swiftly to any news of store closure.

THERE WAS NO SUPPLEMENTARY QUESTION.

4. From Councillor Wilkins to Councillor Monk, Leader of the Council

Can the Leader confirm that the expense of changing the name of the District Council last April was kept within £10,000 as promised?

ANSWER:

To date costs of £6,921.87 have been incurred or committed in respect of the name change, so I can confirm they have remained within the £10,000 budget allocated.

I think that as Visit Kent are able to report on the record number of visitors to the district it is due in part to the name change. I certainly have been congratulated by a number of local businesses on the change.

THERE WAS NO SUPPLEMENTARY QUESTION.

5. From Councillor Gane to Councillor Ewart-James, Cabinet Member for Housing

Can the cabinet member please tell me what actions have been taken regarding derelict buildings and bringing them back into action?

ANSWER:

The Council is committed to working to bringing long-term empty and derelict properties back into use across the district. Bringing empty properties back into use is a key priority within the Council's current Corporate Plan.

During 2017/18, intervention by the Council resulted in 74 empty properties being brought back into use in the district. This was achieved through Shepway No Use Empty Loans, enforced sale (where sufficient council tax debt has arisen) and subsequent owners bringing homes back into use, and other enabling work completed by the Council to encourage the owners of empty homes to bring them back into use or to sell them on to buyers who do want to refurbish and bring them back into use. In appropriate circumstances, the Council's Planning enforcement officer also intervenes to tackle any properties that pose a detriment to the amenity of the area.

The Council works closely with Kent County Council to provide loans to the owners of long-term empty properties so that they can be brought back into

use. The award winning Folkestone and Hythe “No Use Empty Plus” loan scheme provides a local top-up to the KCC loans so that we can work with property owners to bring some of the most problematic empty properties back into use in the district. The scheme has been recognised as a national example of good practice. Over the last two years, the Council has provided loans totalling approximately £700,000, which has resulted in 46 long-term empty properties being brought back into use in the district. This would not have been possible without the loan funding made available by the Council. The loans will be repaid back to the council over the next three years, enabling us to fund further loans for other problematic empty properties in the district.

As you can see, the Council is fully committed to dealing with the problem of long-term empty and derelict properties across the district. They represent a wasted resource and once returned to use, provide much needed additional homes for the local community.

SUPPLEMENTARY QUESTION:

Was anything being done with regard to two long-term empty properties in Cheriton – ie the Old Chinese Takeaway and the White Lion pub?

ANSWER:

I am aware of these empty properties. There are some issues but these are being looked into.

6. From Councillor Mrs Lawes to Councillor Love, Cabinet Member for Customer and Digital Delivery

Why when you report a problem on FHDC website, do you no longer receive a report/Job number? How can the problem be chased or tracked without any reference? It states that the reporters contact details are optional. However if you do not leave details there is no record of the report ever being received.

ANSWER:

The previous system that was used would create a worksheet number as it directly integrated into the back office system. However, the system had reached its end of life and was no longer supported by the supplier (Northgate) and therefore was not available after the 31st March 2018. Whilst a long term replacement was being considered as part of the Council's Transformation Programme, an interim solution was developed to enable customers to continue to report issues, easily and conveniently, on line. If the customer provides an email address then they are sent a copy of the report they have made as an acknowledgement. If they do not supply an email address, there is still a record of the report, and the report still initiates action by this Council. Once the request has been reviewed by the Customer Services team, a reference is emailed to them prior to the respective issue being addressed by the appropriate team. Once the issue has been investigated, the respective team will respond accordingly.

In considering a future replacement, this Council's Transformation Programme will introduce a "My Account" function, which will enable customers to track the progress of any report, should they wish to do so. As a further extension of the service, the aim is also to enable automatic updates to be sent by text, which some customers may find more convenient. This improved service is targeted to be introduced by the end of this calendar year.

However, I must stress that there will be no compulsion on customers to supply contact details to this Council should they not wish to do so. It would be quite inappropriate to say to someone who simply wants to report a problem to us that they cannot do so unless they register. I want to make it easy for people to get in touch, and this Administration will not put barriers in people's way to bringing to our attention matters upon which they think we should act.

THERE WAS NO SUPPLEMENTARY QUESTION.

7. From Councillor Mrs Lawes to Councillor Ann Berry, Cabinet Member for Transport

Following on from your consultation in January on CPZ extended for zones F + G. Is it not the case that this survey was weighted in favour of approval as in some cases only 3 people replied given 100%, with most streets parking fine during the day but terrible in the evening?

ANSWER:

The consultation gave residents the opportunity to voice their concerns about parking issues in their roads. Residents had the option to participate in the consultation. In a few roads i.e. Cambridge Terrace, Harvey Place, Margaret Street, and New Street, the responses received were fewer than 5 for each road. However, with the exception of Margaret Street, this response rate for a parking consultation was very good. The number of properties in each of these roads are quite few. The table below shows a breakdown of the responses for each road. Officers have assumed that residents who did not respond to the consultation have 'no opinion' about the parking proposals.

ROAD NAME	NUMBER OF RESPONSES	NUMBER OF PROPERTIES	RESPONSE RATE %	YES	NO
Cambridge Terrace	4	8	50	3	1
Harvey Place	2	2	100	2	
Margaret Street	1	18	5.6	1	
New Street	4	16	25	4	

SUPPLEMENTARY QUESTION:

There were two deprived areas in the proposals. Why would you do this when you could cause serious hardship, and many of the residents don't understand the proposals?

ANSWER:

I realise some streets have difficulties, but we have to consider everyone. The consultation is to ask for people's views, and we can only take the views of those who responded. If the response is mainly 'no's', such as in the east of Blackbull Road, these roads would not be taken into consideration. The proposals would still need to go through KCC, and another survey would be done.

This Report will be made public on 5 March 2019



Report Number **A/18/25**

To: Full Council
Date: 13 March 2019
Status: Non-Executive
Responsible Officer: Amandeep Khroud, Assistant Director - Governance, Law & Regulatory Services

SUBJECT: STATEMENT OF PRINCIPLES – GAMBLING ACT 2005

SUMMARY: This report sets out the proposed Statement of Principles under the Gambling Act 2005 for the period April 2019 – 2022.

RECOMMENDATIONS:

1. To receive and note the report
2. That the revised Statement of Principles (April 2019-2022) is adopted.

1. BACKGROUND

- 1.1 Gambling Activities (except the national lottery) are regulated by the Gambling Act 2005. The council is a licensing authority for the purposes of the Act. Its main functions concern the granting of licences for premises where gambling activities take place, issuing permits for gaming machines and receiving notifications of use of gaming machines in premises licenced under Licensing Act 2003
- 1.2 Within the District, there are currently 15 Betting Shops, 4 Bingo premises, 2 Family Entertainment Centres and 4 Adult Gaming Centres. There are 11 premises with gaming machine permits (including 2 unlicensed family centres) and 44 premises licensed under the Licensing Act 2003 who have given notice of use of up to 2 gaming machines.
- 1.3 The Gambling Act 2005 requires the Council, in its role as a licensing authority, to prepare a Statement of Principles with respect to the exercise of its licensing functions.
- 1.4 This Statement of Principles must be reviewed at least every 3 years. The Authority's Gambling Statement of Principles was last renewed in April 2016. The Statement of Principles has now been updated for the three year period (April) 2019 – 2022
- 1.5 There has been recent attention given to B2 Category Gaming Machines (Fixed Odds Betting Terminals) which currently allow maximum stakes of £100. These are permitted in casinos, Betting shops and tracks with pool betting. The maximum stakes and prizes on machines, and the types of premises where machines are permitted is set by Regulations and is therefore not a matter for local authorities to determine. However, following a review, regulatory changes will come into effect from 1st April 2019, reducing the maximum stake on B2 machines from £100 to £2.

2.0 CONSULTATION

- 2.1 A draft statement was presented to Planning & Licensing Committee .The committee accepted the draft and agreed that a 6 week consultation period commence. (P&L Committee 27 November 2018 Minute 54)
- 2.2 The consultation ran from 30th November 2018 until 11th January 2019. Details of the consultation were published on the Council's website. Notices were displayed at all the public libraries within the District. In addition, the following were written to directly about the consultation:
 - Responsible Authorities (Police, Fire Service, FHDC Environmental Protection , Planning and Health & Safety teams, HMRC , Gambling Commission, KCC Social Services)
 - Town and Parish Councils within the District
 - District Ward Councillors
 - Operators of Premises Licences and gaming machine permit holders within the District

- Gamble Aware
- Association of British Bookmakers
- British Amusement Catering Trade Association
- Public Health England

2.3 Gamble Aware did not comment on the Statement but responded to highlight recent LGA guidance documents available to Local Authorities to assist in dealing with gambling issues. The contents of which were noted and will help guide future work.

2.5 HMRC responded to amend contact address details given in the draft.

2.6 No other responses were received. No changes to the draft statement are proposed.

3. OPTIONS

3.1 It is recommended that the revised Statement of Principles (April 2019 - 2022) is adopted.

4. RISK MANAGEMENT ISSUES

4.1 There is not a great deal of risk management involved in this issue

5. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

5.1 Legal Officer's Comments (DK)

There are no legal implications arising directly out of this report. The Council must, as a licensing authority, before each successive period of three years, prepare a statement of the principles that they propose to apply in exercising their functions during that period in accordance with the Gambling Act 2005 (as amended).

5.2 Finance Officer's Comments (LH)

There are no financial implications arising directly from this report.

5.3 Diversities and Equalities Implications (GE)

There are no equalities implications arising directly from this report

5.4 Human Resources (PR)

There are no human resources implications arising directly from this report.

6. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

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

Sarah Pinkstone – Environmental Health & Licensing Team Leader

Telephone: 01303 853347

Email: sarah.pinkstone@folkestone-hythe.gov.uk

Appendices:

Appendix 1: Revised Statement of Principles 2019 - 2022

Folkestone & Hythe District Council

STATEMENT OF PRINCIPLES FOR GAMBLING

Under Section 349 Of The Gambling Act 2005

Effective April 2019 – April 2022



Folkestone & Hythe District Council Statement of Principles for Gambling

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Foreword

Folkestone and Hythe District Council Statement of Principles for Gambling

This is the fifth edition of Folkestone and Hythe District Council's Statement of Principles for Gambling under the Gambling Act 2005. This edition has been comprehensively revised to reflect clearly the expectations of Folkestone and Hythe District Council in its role as a Licensing Authority.

We are required under the Gambling Act 2005 to produce a new policy on our approach to premises used for gambling every three years.

This Statement of Principles endeavours to carefully balance the interests of those who provide facilities for gambling and people who live, work in, and visit the Folkestone and Hythe district. Its focus is to aim to permit gambling, as required by section 153 of the Gambling Act 2005, in so far as it is (a) in accordance with the Gambling Commission's Licence Conditions and Codes of Practice; (b) in accordance with the Gambling Commission's Guidance to Licensing Authorities that is in effect at the time the application is considered; (c) reasonably consistent with the licensing objectives and (d) in accordance with this Statement of Principles. The three licensing objectives are:

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

Chapter One

Introduction and Overview

This Policy document includes the Statement of Principles for Gambling of the Folkestone & Hythe District Council effective from 12 April 2019.

Definitions Used in this Policy

‘the Act’ means the Gambling Act 2005

‘the Council’ means the Council of the Folkestone and Hythe DC

‘the Commission’ means the Gambling Commission established under the Gambling Act of 2005

‘the Guidance’ means the Guidance to Licensing Authorities published by the Gambling Commission

‘Licensing Authority’ means the Council of the Folkestone and Hythe DC

‘Licensing Committee’ refers to the Committee of the Folkestone and Hythe DC to consider licensing matters (Planning and Licensing Committee)

‘licensable activities’ means those activities that are required to be licensed by the Council under the Gambling Act 2005

‘Licensing Sub Committee’ refers to a Sub Committee of the Licensing Committee to consider licence applications

‘relevant representations’ means a representation conforming to the legal requirements of the Gambling Act 2005

‘Regulations’ refers to Regulations under the Gambling Act 2005 issued by the Secretary of State

‘responsible authority’ means the bodies designated under the Gambling Act 2005 and described in the Introduction to this Statement of Principles

‘the Statement’ refers to this Statement of Principles for Gambling

Introduction

1. Under Section 349 of the Gambling Act 2005, the Council is required to publish a Statement of Principles it proposes to apply when exercising its functions under the Act. The form of the Statement of Principles is set out in the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2007 and further guidance on what should be contained in the Statement of Principles can be found in the Gambling Commission’s Guidance to Licensing Authorities.
2. The Licensing Authority is required by virtue of section 153 of the Gambling Act 2005 to aim to permit gambling in so far as it is (a) in accordance with the Gambling Commission’s Licence Conditions and Codes of Practice; (b) in accordance with the Gambling Commission’s Guidance to Licensing Authorities that is in effect at the time the application is considered; (c) reasonably consistent with the licensing objectives and (d) in accordance with this Statement of Principles.

3. The Gambling Commission issues Licence Conditions and Codes of Practice for gambling operators. Social Responsibility Codes have the force of a licence condition. The Gambling Commission also issue Ordinary Codes, which set out best industry practice. They are not licence conditions, but operators are expected to follow them unless they have alternative arrangements in place which they can demonstrate are equally as effective.
4. The Licensing Authority, when carrying out inspections of gambling operators, reserves the right to assess compliance with such matters set out in the Gambling Commission's Licence Conditions and Codes of Practice as it sees fit, and will share intelligence with the Gambling Commission about any issues of non-compliance in this respect.
5. The licensing objectives under the Gambling Act 2005 are:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
6. The Council consulted widely upon this revised Statement of Principles from 30th November 2018 – 11th January 2019. A list of persons consulted on the revised Statement can be found at Appendix One.
7. The Act requires the following to be consulted in the revision of the statement:
 - the Chief Officer of Police;
 - people and bodies representing the interests of persons in gambling businesses in the area;
 - people and bodies who represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
8. Nothing in this Statement of Principles overrides the right of any person to make an application, make representations about an application or apply for a review of a licence. Each will be considered on its own merits and in accordance with the statutory requirements of the Act.
9. In reviewing this Statement of Principles, the Council has had regard to the licensing objectives under the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission and to the responses arising from our consultation.

Responsible Authorities

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

The principles are:

- the need for the body to be responsible for an area covering the whole of the Council's area; and
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
11. The Council designates Kent County Council Social Services to advise on the protection of children from harm under the Gambling Act 2005.
12. The full list of Responsible Authorities for Folkestone and Hythe District Council are as follows:

Chief Constable

Kent Police Headquarters
Sutton Road
Maidstone
ME15 9BZ

Kent Fire & Rescue Service

South Kent Group Fire Safety Office
Park Farm Road
Folkestone
CT19 5LT

Environmental Protection Team

Folkestone & Hythe District Council
Castle Hill Avenue
Folkestone
CT20 2QY

Licensing Team

Folkestone & Hythe District Council
Castle Hill Avenue
Folkestone
CT20 2QY
licensing@folkestone-hythe.gov.uk

Planning Team

Folkestone & Hythe District Council
Castle Hill Avenue
Folkestone
CT20 2QY
Planning@folkestone-hythe.gov.uk

Kent Social Services

County Hall
Maidstone
ME14 1XQ
Social.services@kent.gov.uk

Health & Safety Team

Folkestone & Hythe District Council
Castle Hill Avenue
Folkestone
CT20 2QY
foodteam@folkestone-hythe.gov.uk

The Gambling Commission

Victoria Square House
Victoria Square
Birmingham B2 4PB
info@gamblingcommission.gov.uk

HM Revenue and Customs

Excise Processing Teams
BX9 1GL
UK
nrubetting&gaming@hmrc.gsi.gov.uk

Interested Parties

13. Interested parties are persons who may make representations to applications or apply to the Council for the review of an existing licence. These parties are defined in section 158 of the Act as a person who:
 - (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
 - (b) has business interests that might be affected by the authorised activities, or
 - (c) represents persons who satisfy paragraph (a) or (b).
14. When determining whether a person is an interested party for the purposes of the Act, the Licensing Authority will not apply rigid rules but will treat each case on its merits.
15. In considering whether a person lives sufficiently close to a premises to be considered to be an interested party the following matters will be taken into account:
 - the size of the premises
 - the nature of the premises
 - the distance of the premises from the home or workplace of the person making the representation
 - the potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises)
 - the circumstances of the person and nature of their interests, which may be relevant to the distance from the premises.
16. In determining whether a person or organisation "has business interests" the Licensing Authority will adopt the widest possible interpretation and include trade associations, trade unions, partnerships, charities, faith groups, voluntary organisations such as hostels and medical practices, bodies for Gambling Addiction, as appropriate.
17. The Licensing Authority will regard bodies such as trade associations, trade unions, residents' and tenants' associations and professional advisors such as solicitors, barristers and consultants as capable of representing interested parties where they are satisfied that the interested party has asked for representation. The Licensing Authority will only regard representative bodies as interested parties in their own right if they have a member who can be classed as an interested person under the terms of the Act.
18. In principle, the Licensing Authority will allow any person to represent an interested party but will seek confirmation that the person genuinely represents the interested party. We will generally require evidence that a person/body (e.g. an advocate or relative) 'represents' an interested party. If persons representing interested parties are Councillors, Members of Parliament or Members of the European Parliament, then no specific evidence of being asked to represent an

interested person will be required so long as they represent the area likely to be affected.

19. If individuals wish to approach Councillors to ask them to represent their views those Councillors shall not sit on a Licensing Sub-Committee that meets to determine the licence application. If there are any doubts then either interested parties or Councillors should contact the Licensing Authority for advice.

Geographical Area Covered by this Statement of Principles

20. A map showing the geographical area covered by this Statement of Principles can be viewed at Appendix Two.

List of Bodies Consulted on this Statement of Principles

British Amusement Catering Trade Association (BACTA)
Association of British Bookmakers
Gamble Aware
The Gambling Commission
Kent County Council Public Health
Public Health England
Operators of Betting Premises in Folkestone and Hythe District
Operators of Adult Gaming Centres in Folkestone and Hythe District
Operators of Family Entertainment Centres in Folkestone and Hythe District
Operators of Bingo Premises in Folkestone and Hythe District
Holders of Gaming Machine Permits in Folkestone and Hythe District
Holders of Club Gaming Permits in Folkestone and Hythe District
Holders of Club Machine Permits in Folkestone and Hythe District
Folkestone and Hythe DC Ward Councillors
Town and Parish Councils within the district

Exchange of Information

21. The Council will act in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission.
22. Section 29 of the Gambling Act 2005 enables the Gambling Commission to require information from Licensing Authorities (including the manner in which it is compiled, collated and the form in which it is provided), provided that it:
 - forms part of a register maintained under the Gambling Act 2005;
 - is in the possession of the Licensing Authority in connection with a provision under the Gambling Act 2005.
23. Section 350 of the Gambling Act 2005 allows Licensing Authorities to exchange information with other persons or bodies for use in the exercise of functions under the Act. These persons or bodies are:
 - A constable or Police force

- An enforcement officer
 - A Licensing Authority
 - HMRC
 - The First Tier Tribunal
 - The Secretary of State
 - Scottish Ministers
24. Information requests from such parties should be made to the Licensing Authority in writing, setting out clearly what information is required and the reason the information is required. The requirements of the Data Protection Act 1998 will be complied with. Freedom of Information requests can be submitted online at:
- <http://www.folkestone-hythe.gov.uk/your-council/council-information/request-council-information>
25. The Licensing Authority will also have regard to Guidance issued by the Gambling Commission to local authorities as well as any relevant regulations issued by the Secretary of State under the powers provided for in the Act.

Enforcement

26. The primary aim of enforcement is to achieve compliance. Though enforcement may be taken to mean the formal approach, it may also include advice and support to business to achieve compliance.
27. Inspections will be carried out on a risk basis. New premises, premises under new management, premises where complaints have been received or intelligence received relevant to the licensing objectives and premises or operators where compliance failings have been identified previously will be viewed as higher risk. Premises located in areas where there have been incidents of crime affecting or relating to gambling premises, or where the premises themselves have been the victims or involved in such crime, shall also be considered higher risk.
28. Compliance may be achieved through encouraging a sense of community, improved communication, and proactive work with licensees and businesses. Such proactive work may include project work, giving advice and information, and initiatives that educate, inform and encourage partners and stakeholders to work together efficiently and effectively. The principal objective in taking a holistic approach to managing the gambling industry is to prevent problems from occurring before they begin.
29. However, it is recognised that such aims cannot always be achieved, and that active enforcement of the law may be the only effective means of securing compliance. To this end the following enforcement options are available to the Licensing Authority:

- verbal or written advice
 - verbal warning
 - written warning
 - mediation between licensees and interested parties
 - licence review
 - simple caution
 - prosecution
30. These actions are not mutually exclusive and it may be that one course of action follows another, depending on the individual circumstances.
31. The Licensing Authority operates a partnership approach to dealing with enforcement matters concerning licensed premises. This may include working with the Police or any of the other responsible authorities under the Act, or working with colleagues from other Council departments or outside agencies.
32. The Kent & Medway Licensing Steering Group has formulated an Enforcement Protocol which each licensing authority and responsible authority has agreed. The purpose of the protocol is to facilitate co-operation and co-ordination between enforcement agencies and sets out general enforcement principles.
33. The Licensing Authority needs to be satisfied premises are being run in accordance with the provisions of the Act, the licensing objectives, the Licence Conditions and Codes of Practice issued by the Gambling Commission and any conditions attached to the Premises Licence. To achieve this, the Licensing Authority will inspect premises, look at gambling facilities, gaming machines and policies and procedures, meet with licence holders and carry out general monitoring of areas as necessary.
34. Inspection and enforcement under the Act will be based on the principles of risk assessment, a graduated response and the targeting of problem premises. The frequency of inspections will be determined on risk-based criteria with high risk operations receiving more attention than premises carrying lower risk.
35. Premises found to be fully compliant will attract a lower risk rating. Those where breaches are detected will attract a higher risk rating.
36. The Licensing Authority will take appropriate enforcement action against those responsible for unlicensed premises/activity. Action will be carried out in accordance with these enforcement principles.
37. Before deciding which course of action to take, the Licensing Authority shall consider the following matters:
- the history of the premises
 - the history of the offender
 - the offender's attitude
 - the circumstances of the offence
 - whether the offender has a statutory defence to the allegations

- the impact or potential impact of the breach on the public
 - the quality of the evidence against the offender
 - the likelihood of achieving success in a prosecution
 - the likely punishment that will be incurred if the case goes to Court
 - whether the course of action proposed is likely to act as a deterrent
 - whether the course of action, if it is publicised, is likely to have a beneficial effect on the behaviour of others
38. The Licensing Authority will operate within the principles of natural justice and take into account the Human Rights Act 1998. This includes, in particular:
- Every person is entitled to the peaceful enjoyment of his possessions – a licence is a possession in law and persons may not be deprived of their possessions except where it is in the public interest;
 - Every person is entitled to a fair hearing.
39. The Licensing Authority officers are committed to the principles of good regulation as set out in the Regulators Code. This means our inspection and enforcement activities will be carried out in a way that is:
- Proportionate: only intervening when necessary. Remedies will be appropriate to the risk posed, and costs identified and minimised;
 - Accountable: able to justify our decisions, and be subject to public scrutiny;
 - Consistent: implementing rules and standards fairly in a joined-up way;
 - Transparent: acting in open way, and keeping conditions placed on Premises Licences simple and user friendly; and
 - Targeted: focusing on the problems, and aiming to minimise the side effects.

The Council's Functions

40. Councils, when acting as Licensing Authorities are required under the Act to:
- license premises where gambling activities are to take place by issuing Premises Licences
 - issue Provisional Statements
 - regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
 - issue Club Machine Permits to commercial clubs
 - grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
 - receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
 - issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
 - register small society lotteries below the prescribed thresholds

- issue Prize Gaming Permits
 - receive and endorse Temporary Use Notices
 - receive Occasional Use Notices for betting at tracks
 - provide information to the Gambling Commission regarding details of licences, permits and other permissions issued
 - Maintain registers of the permits and licences that are issued under these functions.
41. Councils are not involved in licensing online gambling, which is the responsibility of the Gambling Commission.

Duplication with Other Regulatory Regimes

42. The Licensing Authority will seek to avoid duplication with other statutory and regulatory regimes where possible, including planning. The Licensing Authority will not consider planning permission or building regulations approval when making decisions under the Gambling Act. Nor will it regard the granting of a licence, permit or permission as fettering the Council's ability to consider planning applications independently on their planning merits.
43. Applicants should be aware that the granting of a Premises Licence does not permit the operator to provide gambling facilities where to do so would breach other legislative requirements such as the requirement for appropriate planning consent to be held. It is the operator's responsibility to ensure all relevant legal requirements are met and to seek their own independent legal advice.

Gambling Prevalence and Problem Gambling

44. Research commissioned by the Gambling Commission as part of the Health Survey for England in 2016 found the following:
- 56% of people in England gambled in 2016
 - 42% of people in England (excluding those who had only played National Lottery draws) gambled in 2016
 - 0.7% of people in England identified as problem gamblers
 - 1.2% of gamblers in England identified as problem gamblers
 - 3.6 % of people in England were at low or moderate risk of developing problems with their gambling
 - 6.6 % of gamblers in England are at low or moderate risk of developing problems with their gambling

45. Problem gambling can have a detrimental effect on personal finances as the attempt to chase losses becomes unmanageable. As well as spending wages, savings and spare cash, debts can also be a feature of problem gambling as a result of borrowings and loans to cover gambling losses. However, the effects of problem gambling can cost more than money. Problem gamblers often say they feel isolated as a result of their solitary pursuits of chasing losses. There is a tendency to stay away from school, college or work in order to gamble. In addition, there is often a preoccupation with gambling, a lack of interest in maintaining relationships and a lack of motivation to engage in social activities. There is often reluctance amongst gamblers to spend money on items of clothing or household goods as this expenditure is often seen as funds for gambling. There can also be an unwillingness to pay utility bills as money would rather be used for gambling purposes. Problem gambling can be progressive in nature and problem gamblers can end up engaging in criminal activity to fund their gambling. This can lead to lifelong consequences with criminal convictions.

Chapter Two

Welcome to Folkestone and Hythe District Council

This section gives a description of Folkestone and Hythe District

General Description

46. The council is situated in the County of Kent, which contains 12 district councils and one unitary authority.
47. Folkestone and Hythe 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 111,200 (2016) most of whom live in the Folkestone and Hythe urban area, but there are also towns at Sandgate, Sellindge, Hawkinge, Lydd and New Romney. The north of the district is mainly rural and includes the villages of Lyminge and Elham.
48. 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 and Lydd Airport providing gateways to continental Europe.
49. Demographics of the population are that it is 97.3% white and 1.5% Asian, 1.2% other. Folkestone and Hythe District has an older age profile with a higher proportion of residents in the working age group from 45 years to retirement compared to the rest of Kent and Medway while there is low representation of residents in younger working age groups.
50. Folkestone and Hythe District Council is comprised of 13 wards. The main centre of population is in Folkestone. Folkestone has a town centre with a shopping complex. The Council manages many parks and open spaces. These include the Coastal Park, Radnor Park and The Leas. There are 32 miles of coastline from Folkestone to Dungeness. The beaches attract many tourists in season. There are caravan parks along the coast where many of the tourists stay.
51. Folkestone and Hythe District has a relatively low economic and employment rate. The skills and qualifications profile of the district working age population is poor in comparison with similar areas having the lowest percentage of residents qualified to NVQ level 4 (degree level).
52. Wage levels are relatively low for both residents and workers in Folkestone and Hythe District, being significantly lower than the south east and England averages. Short term unemployment is fairly high in Folkestone and Hythe District. Longer term unemployment is relatively low.
53. At the end of 2017 the crime rate was about the same as the average crime rate across similar areas.

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Chapter Three

Licensing Objectives and Local Area Risk Assessments

54. The Gambling Act 2005 contains three licensing objectives. In this revision of its Statement of Principles, the Licensing Authority seeks to assist applicants by setting out the considerations we will apply when determining applications under the Act.
55. Though Licensing Authorities are required to 'aim to permit' gambling, there is wide scope for them to impose conditions on Premises Licences or to reject, review or revoke Premises Licences where there is an inherent conflict with the relevant Licence Conditions and Codes of Practice issued by the Gambling Commission, the Guidance to Licensing Authorities issued by the Gambling Commission, the licensing objectives or this Statement of Principles.
56. Licensing Authorities are able to request any information from an operator they may require to make licensing decisions. The Gambling Act 2005 requires a minimum level of information to be provided, but the Gambling Commission state in their Guidance to Licensing Authorities that this does not preclude reasonable requests from Licensing Authorities for any additional information they may require to satisfy themselves their decisions accord with the licensing objectives and Codes of Practice.

Risk Assessment

57. The Licensing Authority expects applicants to have a good understanding of the area in which they either operate, or intend to operate. The applicant will have to provide evidence that they meet the criteria set out in this Statement of Principles and demonstrate that in operating the premises they will promote the licensing objectives.
58. The Gambling Commission introduced a Social Responsibility Code of Practice requiring operators of premises used for gambling to conduct local area risk assessments and an Ordinary Code stating this should be shared with the Licensing Authority in certain circumstances from May 2016.
59. The Licensing Authority expects applicants for Premises Licences in its area to submit a risk assessment with their application when applying for a new premises licence, when applying for a variation to a premises licence or when changes in the local environment or the premises warrant a risk assessment to be conducted again.
60. The risk assessment should demonstrate the applicant has considered, as a minimum:
 - local crime statistics;
 - any problems in the area relating to gambling establishments such as anti-social behaviour or criminal damage;

- the location of any nearby sensitive premises, such as hostels and other facilities used by vulnerable persons e.g. drug and alcohol addictions;
 - whether there is a prevalence of street drinking in the area, which may increase the risk of vulnerable persons using the premises;
 - the type of gambling product or facility offered;
 - the layout of the premises;
 - the external presentation of the premises;
 - the location of nearby transport links and whether these are likely to be used by children or vulnerable persons;
 - the customer profile of the premises;
 - staffing levels;
 - staff training, knowledge and experience;
 - whether there is any indication of problems with young persons attempting to access adult gambling facilities in that type of gambling premises in the area.
61. It is recommended that operators liaise with other gambling operators in the area to identify risks and consult with any relevant responsible authorities as necessary.
62. This Statement of Principles does not preclude any application being made and every application will be decided on its individual merits, with the opportunity given for the applicant to show how potential concerns can be overcome.
63. The Licensing Authority expects applicants to keep a copy of the local area risk assessment on the licensed premises and to ensure that all staff have seen the risk assessment, have received training in respect of its content, and are able to produce the risk assessment on request by an authorised officer of the Council, the Police or the Gambling Commission.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

64. The Licensing Authority will consider whether the premises make, or are likely to make, a contribution to the levels of crime and disorder in an area and whether the applicant has demonstrated that he has, or intends to, implement sufficient controls to prevent the premises being a source of, and/or associated with crime or disorder, or being used to support crime, if the application is granted.
65. Where an area is known for high levels of crime (particularly crime associated with premises used for gambling), the Licensing Authority will consider whether gambling premises are suitable to be located there, and whether additional conditions may be necessary, such as the provision of CCTV, minimum levels of staffing and licensed door supervisors.

66. In terms of disorder, the Guidance to Licensing Authorities published by the Gambling Commission states, "Licensing Authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether Police assistance was required and how threatening the behaviour was to those who could hear or see it. There is not a clear line between nuisance and disorder and the Licensing Authority should take the views of its lawyers before determining what action to take in circumstances in which disorder may be a factor".
67. The Licensing Authority will consider whether the layout, lighting, staffing and fitting out of the premises have been designed so as to minimise conflict and opportunities for crime and disorder.
68. The Licensing Authority will consider whether sufficient management measures are proposed or are in place to prevent the premises being a source of, or associated with crime or disorder, or used to support crime either as a place of association or to avoid apprehension.

Ensuring that gambling is conducted in a fair and open way

69. Though this licensing objective is primarily the responsibility of the Gambling Commission, the Licensing Authority will have a role in respect of the licensing of tracks (defined in section 121), where an Operator's Licence from the Gambling Commission is not required. Matters to be taken into account will include:
- whether the layout, lighting and fitting out of the premises have been designed so as to ensure gambling is conducted in a fair and open way.
 - whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way.
 - whether the management and operation of the premises is open and transparent.
 - whether the operators of the premises have been or will be fully cooperative with enforcement agencies.
 - whether the operator has a transparent procedure in place for dealing with consumer complaints that are available to all customers and implemented where necessary.
 - whether gaming machines are compliant with Gambling Commission Technical Standards in respect of machine livery requirements such as clear display of stakes, prizes, machine category and RTP.
 - whether the terms and conditions on which gambling products and promotions are offered and rules are clear and readily available to customers.
 - whether the Gambling Commission's Licence Conditions and Codes of Practice have been complied with.

Protecting children and other vulnerable persons from being harmed or exploited by gambling

70. The Licensing Authority will consider the following when taking this licensing objective into account:
- whether the operator has a specific training programme for staff to ensure they are able to identify children and vulnerable people and take appropriate action to promote this objective to exclude them from the premises or parts of the premises;
 - if the premises is an adult only environment, whether the operator has taken effective measures to implement a proof of age scheme such as Think 21 to ensure no one under the age of 18 is admitted to the premises or restricted areas;
 - whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling;
 - whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling;
 - whether any promotional material associated with the premises could encourage the use of the premises by children or young people;
 - whether the operator can produce a record of underage challenges and action taken to establish age and prevent underage persons from being able to gamble;
 - whether the premises are located near to facilities that may encourage their use by vulnerable people, such as hostels for those with mental illness and/or addiction problems.
71. The Licensing Authority expects applicants to consider the measures necessary to promote the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. It is noted that neither the Act nor the Gambling Commission Guidance define the term 'vulnerable persons'. The Licensing Authority consider the term 'vulnerable persons' to include people who gamble more than they want to; people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, changes in circumstances such as bereavement, loss of employment or ill health or due to alcohol or drugs. This can cover anyone who, for physical or mental reasons, is unable to look after themselves or their finances.

Chapter Four

Premises Licences

72. Any person or business that wishes to offer gambling for which an Operating Licence from the Gambling Commission is required, and which is premises based, must apply to the Licensing Authority for a Premises Licence.
73. Premises Licences can authorise the provision of facilities on:
- (a) casino premises,
 - (b) bingo premises,
 - (c) betting premises including tracks and premises used by betting intermediaries,
 - (d) adult gaming centre premises, or
 - (e) family entertainment centres.
74. Matters the Licensing Authority may not take into account include:
- the expected demand for gambling premises in the area;
 - planning or building law restrictions;
 - moral or ethical objections to gambling as an activity;
 - dislike of gambling;
 - a general notion that gambling is undesirable.
75. All licences will be subject to mandatory and/or default conditions and conditions imposed by the Licensing Authority. The Licensing Authority may consider that conditions other than the mandatory or default conditions are necessary to ensure the premises are reasonably consistent with the licensing objectives, the Gambling Commission's Codes of Practice and this Statement of Principles.
76. The Licensing Authority will take decisions in accordance with the Gambling Commission's Guidance and Licence Conditions and Codes of Practice and will have regard to the advice which it issues from time to time. The Licensing Authority will monitor the operation of premises and report any potential breach of Operating Licence conditions to the Gambling Commission. Applicants for new Premises Licences or variations to existing ones should be clear that the premises are intended to be used for the primary gambling activity proposed. For example a betting Premises Licence application that has four gaming machines but no betting counter or associated betting facilities shown on the proposed plans would not be considered as offering the primary gambling activity in accordance with that indicated on the application.
77. The majority of Premises Licences will have mandatory and/or default conditions attached to the licence. The Licensing Authority can attach its own conditions to a Premises Licence if it believes this will promote the licensing objectives. Any conditions attached will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - relate to the scale and type of premises; and
 - reasonable in all respects.
78. Certain matters set out in the Act may not be the subject of conditions. These are:
- conditions which make it impossible to comply with an Operating Licence
 - conditions as to gaming machines that contradict the provisions in the Act
 - conditions making activities, premises or parts of them operate as a membership club
 - conditions on fees, winnings, stakes or prizes.
79. Conditions will be attached to individual licences on the basis of their merits. However, there will be a number of measures the Licensing Authority will commonly consider utilising in order to pursue the licensing objectives. These may include measures such as:
- the supervision of entrances;
 - separation of gambling from non-gambling areas frequented by children;
 - the supervision of gaming machines in premises not specifically for adult gambling and
 - appropriate signage for adult only areas.

The Licensing Authority will expect the applicant to propose how the licensing objectives can be met effectively through the use of conditions.

Split Premises

80. The Gambling Commission's Guidance states that a building can, in principle, be divided into more than one premises and be subject to more than one Premises Licence provided they are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises. An example is given of units within a shopping mall, where each unit is separate self-contained premises contained within one building. It is also possible for licensed premises to be located next to each other.
81. The Gambling Commission state they do 'not consider that areas of a building that are artificially separated, for example by ropes or moveable partitions, can properly be regarded as separate premises'.
82. Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the Licensing Authority will need to be satisfied the premises are genuinely separate premises, and not an artificially created additional part of single premises.

83. In considering whether different areas of a building are genuinely separate premises the Licensing Authority will take into account factors which will include:
- whether there are separate registrations for business rates in place for each premises;
 - whether separate sets of staff work in the individual premises;
 - whether there is a separate cash desk/reception for each of the premises;
 - whether each premises has its own postal address;
 - whether the premises are owned or operated by the same person;
 - whether each of the premises can be accessed from a street or public passageway;
 - whether the premises can only be accessed from any other gambling premises.
84. When considering proposals to divide a building into separate premises, the Licensing Authority will also need to be satisfied that the form of separation between the premises is appropriate.
85. The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another.
86. It may be acceptable for staff working in adjacent premises to have access through barriers between premises. The applicant must demonstrate that in providing staff access there are suitable control measures in place that will ensure the safety and security of staff and will prevent the public from using the same access point to enter the other premises.
87. The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises, the Licensing Authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions relating to access between premises.
88. The Guidance at paragraph 7.22 states “There is no definition of ‘direct access’ in the Act or Regulations, but Licensing Authorities may consider that there should be an area separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access.”
89. It is the Licensing Authority’s opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.
90. The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are

separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or cashpoint machines.

91. Where the Licensing Authority is satisfied that a building can be divided into separate premises it will expect applicants to ensure that:
- the premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part;
 - the premises are not configured so children are likely to enter an adult only area to join a parent gambling in that adult only area,
 - entrances and exits from parts of a building covered by one or more Premises Licences are separate and identifiable so the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit;
 - customers should be able to participate in the activity named on the Premises Licence.

This is not an exhaustive list and the Licensing Authority will consider other aspects based on the merits of the application.

Access to Premises

92. The Gambling Act 2005 (Mandatory and Default Conditions) Regulations set out access provisions for each type of licensed gambling premises. The broad principle is there can be no direct access from one licensed gambling premises to another, except between premises which allow those aged under-18 to enter and with the further exception that licensed betting premises may be accessed via other licensed betting premises.
93. 'Direct access' is not defined, but the Licensing Authority will consider there should be an area such as a street or café to which the public attend for purposes other than gambling for there to be no direct access.

Type Premises	of Access Provisions
Casino	<ul style="list-style-type: none">• The principal access to the premises must be from a 'street';• No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;• No customer must be able to access a casino directly from any other premises which holds a gambling premises licence.

Adult Gaming Centre	<ul style="list-style-type: none"> No customer must be able to access the premises directly from any other licensed gambling premises.
Betting Shop	<ul style="list-style-type: none"> Access must be from a 'street' or from other premises with a betting licence; No direct access is permitted from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be any entrance to a betting shop from a shop of any kind unless that shop is in itself a licensed betting premises.
Track	<ul style="list-style-type: none"> No customer must be able to access the premises directly from a casino or Adult Gaming Centre.
Bingo Premises	<ul style="list-style-type: none"> No customer must be able to access the premises directly from a casino, an Adult Gaming Centre or a betting premises, other than a track.
Family Entertainment Centre	<ul style="list-style-type: none"> No customer must be able to access the premises directly from a casino, an Adult Gaming Centre or a betting premises, other than a track.

Plans

94. The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 state that a plan to accompany an application for a Premises Licence must show:

- the extent of the boundary or perimeter of the premises
- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
- where the premises forms part of a building, the location of any external or internal walls of the building which are included in the premises
- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel which are included in the premises
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which exit leads.

95. The Regulations also state that other than in respect of a track, the plan must show 'the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence'. The Licensing Authority may, however, consider that these minimum requirements are insufficient to satisfy them in respect of the licensing objectives at tracks, Gambling Commission Guidance, Codes of Practice or its own Statement of Principles. In such cases, the Licensing Authority may ask for such additional information to be shown on the plan as it deems necessary to enable it to

discharge its duties effectively. Information shown on the plan that is not required by Regulations will not form part of the Premises Licence and will only be used by the Licensing Authority to help it make a considered decision on the application.

96. If plans change in any material respect during the lifetime of the licence, the applicant will be in breach of their licence and would either need to make a fresh application under s.159 or to seek an amendment to the licence under s.187 of the Gambling Act 2005. If the changes are substantial, this may, in the opinion of the Licensing Authority, render the premises different to those to which the licence was granted. In such cases, variation of the licence under s.187 would not be possible and an application for a new application would be required under s.159.

General Requirements for All Premises

97. The Licensing Authority expects all applicants for gambling Premises Licences to ensure there is adequate provision for staff to supervise persons using the licensed premises. This is to identify those who have self-excluded, vulnerable persons, under age persons, persons gambling beyond limits they have set for themselves, person who may be involved in crime, persons who may be prone to anti-social behaviour, persons who are drinking alcohol where this is prohibited and persons who are showing signs of distress in respect of their gambling.
98. Applicants must take the structure and layout of the premises into account when considering their own policies and procedures. For example, where it is not possible for counter staff to supervise persons using gambling facilities such as gaming machines, the Licensing Authority would expect applicants to volunteer conditions that floor walkers will be used or that counter staff will be able to view all areas of the premises on CCTV provided to the counter area where it can be clearly seen.
99. Arrangements must be made for how staff will deal with customers who become aggressive and for ejecting patrons who are, for example, self-excluded, vulnerable or under age. This will include staff training and ensuring there are appropriate numbers of staff to deal with problems.
100. Staff should be in a position to monitor entrances and gaming machines and challenges should be initiated at the earliest opportunity.
101. Where access to premises is age restricted, the Licensing Authority expects applicants to have a Think 21 policy in place and to train its staff in recognising acceptable forms of identification. Posters should also be displayed stating that the relevant policy is in place and that users may be challenged.
102. Licence holders should record details of persons who have self-excluded, persons who have been ejected or refused admission, persons who have been barred by the operator, and any instances of crime or disorder that occurs on, or in association with, the licensed premises.

103. Applicants should demonstrate how they will identify self-excluded persons.
104. Where applicable, operators shall be able to demonstrate they are participating effectively in the relevant multi-operator self-exclusion scheme.

Casinos

105. There are currently no licensed casinos in the district and permission has not been granted for any.

Bingo

106. This policy applies to applications for a Bingo Premises Licence. Bingo has its ordinary and natural meaning and includes any version of the game irrespective of by what name it is described. A holder of a bingo Premises Licence will be able to offer bingo in all its forms.
107. Children and young persons are permitted in bingo premises, but may not participate in the bingo. If any Category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.
108. The Licensing Authority expects that where children are permitted in bingo premises, any Category B or C machines are located in an area which is separated from the rest of the premises by barriers or in a separate room, where it is made clear that entry is permitted only for those aged 18 or over. Appropriate signage should be provided to this effect and the area should be monitored by staff, either through direct supervision or by monitored CCTV.
109. To avoid a situation where a premises holds a bingo Premises Licence primarily to benefit from the gaming machine allowance, the Licensing Authority will need to be satisfied that bingo is regularly played in any premises for which a Premises Licence is issued and that the premises presentation is clearly that of a bingo premises and readily identifiable as such to any customer using the premises.
110. In determining applications for bingo premises, the Licensing Authority shall consider the following:
 - proof of age schemes
 - CCTV
 - entry control system
 - staff numbers
 - staff training
 - supervision of entrances/ machine areas

- whether children are permitted on the premises and, if so, how the operator intends to prevent them from playing bingo or being able to access adult only machine areas
- notices/ signage
- opening hours
- the times and frequency of which bingo is offered
- whether bingo is offered by a caller or only electronically
- whether the premises are clearly identifiable as being licensed for the purposes of offering bingo facilities
- provision of responsible gambling information

This list is not exhaustive, and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

111. Young persons, aged 16 and 17, may be employed in bingo premises provided their duties are not connected with the gaming or gaming machines. The Licensing Authority will not grant licences unless the applicant demonstrates how they intend to meet this licensing objective and identify appropriate measures they will take to protect young employees.
112. Where hand held gaming devices are to be used on bingo premises, the Licensing Authority expects applicants to demonstrate how use of these devices will be monitored by staff.

Betting Premises

113. This policy applies to applications for off-course betting premises. This is betting that takes place other than at a track, typically in a betting shop.
114. The Licensing Authority must be satisfied that the primary use of the premises is to operate as betting premises. The applicant will be expected to demonstrate they are offering sufficient facilities for betting or otherwise should not make gaming machines available on the premises.
115. In determining applications for betting premises, the Licensing Authority shall consider the following:
 - proof of age schemes
 - CCTV
 - entry control system
 - staff numbers
 - staff training
 - counter layout
 - supervision of entrances/ machine areas
 - machine privacy screens
 - notices/ signage
 - opening hours

- provision of responsible gambling information

This list is not exhaustive, and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

116. Betting machines made available at betting premises that accept bets on live events such as horse racing (SSBT's or self-service betting terminals) are not gaming machines and therefore do not count towards the total number of gaming machines that may be permitted at betting premises. However, where a machine is made available to take bets on 'virtual' races (e.g. results/images generated by a computer to resemble a real race or event), that IS a gaming machine and counts towards the maximum permitted number of gaming machines, and is subject to the relevant statutory limits on stakes and prizes.
117. Section 181 of the Gambling Act 2005 permits the Licensing Authority to restrict the number of SSBT's, their nature and the circumstances in which they may be made available by attaching a relevant condition to a Premises Licence for a betting office. When considering whether to do so, the Licensing Authority will consider, among other things, the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.
118. The Licensing Authority when considering the number, nature and circumstances of self-service betting terminals an operator wants to offer will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.
119. Where an SSBT includes functionality to be marketed or presented in languages other than English, the Licensing Authority will seek to ensure the operator has considered the ordinary code provision set by the Gambling Commission about making the following information also available in the relevant languages:
 - information on how to gamble responsibly and access the help referred to in the Gambling Commission's Licence Conditions and Codes of Practice;
 - the player's guide to any game, bet or lottery under the provisions of the Gambling Commission's Licence Conditions and Codes of Practice;
 - the summary of the contractual terms on which gambling is offered, which is a condition of the licence holder's Operating Licence issued by the Gambling Commission.

Betting Tracks and Other Sporting Venues

120. Tracks include premises where a race or other sporting event takes place, or is intended to take place. These may be subject to one or more than one Premises Licence, provided each licence relates to a specified area of the track. The Gambling Commission Guidance identifies that operators of track betting

premises will not necessarily hold an Operating Licence issued by the Commission. The Licensing Authority will have particular regard to proposals and measures to ensure the environment in which betting takes place is suitable for betting and that betting is conducted in a fair and open way.

121. Examples of tracks include:

- Horse racecourses
- Greyhound tracks
- Point to point meetings
- Football, cricket and rugby grounds
- Athletics stadia
- Golf courses
- Venues hosting darts, bowls or snooker tournaments
- Premises staging boxing matches
- Sections of river hosting fishing competitions
- Motor racing events

122. The offence of permitting a child or young person to enter gambling premises under section 47 of the Act does not apply to tracks. Therefore the Licensing Authority will consider the impact upon the objective of protection of children and vulnerable persons, the need to ensure that entrances to each type of licensed premises within the sporting venue are distinct, and that children are excluded from gambling areas which they are not permitted to enter.

123. The possibility of multiple licences at tracks is noted in Part 20 of the Gambling Commission Guidance. The Licensing Authority will expect the applicant for a Premises Licence to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities. Children and young persons are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but are still prevented from entering areas where gaming machines (other than Category D machines) are provided. Children and young persons are not prohibited from playing Category D machines on a track.

124. In determining applications for betting at tracks, consideration will be given to appropriate measures/licensing conditions to address the matters listed below:

- proof of age schemes such as Think 21
- CCTV
- entry control system
- supervision of entrances/ machine areas
- physical separation of areas
- notices/ signage
- opening hours
- provision of responsible gambling information
- provision of policies and procedures in relation to social responsibility measures as set out below
- staffing levels

- staff training and records of staff training
- recording of incidents such as underage challenges, customer interactions for problem gambling, self-exclusions and complaints and disputes relating to gambling
- details of action to be taken where an on course bookmaker has breached their Gambling Commission Operating Licence conditions repeatedly, for example where children have been able to gamble.

This list is not exhaustive, and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

125. Track betting operators must be able to demonstrate their adoption of socially responsible gambling policies and procedures. Such policies and procedures must ensure that track betting activities promote the licensing objectives of ensuring that gambling is conducted in a fair and open way and children and other vulnerable people are not harmed or exploited by gambling.
126. A track Premises Licence does not in itself entitle the holder to provide gaming machines. However, by virtue of section 172(9) of the Act, track owners who hold both a track Premises Licence AND a pool betting Operating Licence issued by the Gambling Commission (this currently only applies to greyhound tracks) may provide up to four Category B2 to D gaming machines on the track.
127. The Licensing Authority will consider the location of gaming machines at tracks, and applicants for track Premises Licences will need to demonstrate that, where the applicant holds or seeks a pool betting Operating Licence and is going to use their full entitlement to gaming machines, these machines are located in areas from which children are excluded. The applicant will be required to provide information as to what measures it will put in place around the gaming machines to ensure that children are excluded.
128. The Licensing Authority will expect applicants to include detailed plans for the track itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”), pool betting, and any other proposed gambling facilities. Plans should make clear what is being sought for authorisation under the track betting Premises Licence and what, if any, other areas are to be subject to a separate application for a different type of Premises Licence. Any such plans must also contain the information prescribed by regulations.
129. In respect of staff training, the Licensing Authority would expect staff involved with the provision of gambling facilities at the track to be trained in social responsibility measures including, but not limited to, age verification, problem gambling indicators and action to be taken, self-exclusion, complaints procedures and money laundering indicators and action to be taken. Records of such training should be retained by the track management showing the subjects the staff member was trained in and the date training took place. These should be signed off by the staff member and training should be refreshed at least annually.

130. The Licensing Authority expects track operators to have policies and procedures in place to deal with age verification, self-exclusion, money laundering, complaints and disputes and problem gambling as a minimum and to ensure that all staff involved in the provision of gambling facilities are aware of these policies and procedures and have been trained in their implementation.
131. The Licensing Authority expects track management to ensure appropriate problem gambling information is provided commensurate to the size and layout of the premises. This should be in the form of posters and also leaflets which a customer can take away. Leaflets should be provided in areas where they can be taken away discreetly by the customer.
132. Section 152 of the Act permits tracks to be the subject of multiple Premises Licences.
133. Access between premises licensed for gambling and non-gambling areas will be considered carefully by the Licensing Authority for the following reasons:
- To prevent operators from attempting to circumvent the Act by artificially sub-dividing premises and securing separate Premises Licences for its composite parts;
 - To ensure operators do not circumvent the regulations governing the maximum number of gaming machines that may be provided at specific premises;
 - To ensure people who have entered premises to take part in one form of gambling are not exposed to another form of gambling;
 - To ensure there is no direct access between gambling premises to which children have access and those which they are prohibited from entering;
 - To ensure all gambling premises have publicly accessible entrances;
 - To ensure gambling premises are not developed in 'back rooms' of other commercial premises.

Adult Gaming Centres (AGC's)

134. Adult gaming centre (AGC) Premises Licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a relevant Operating Licence from the Gambling Commission and must seek a Premises Licence from the Licensing Authority. Gaming machines are a form of gambling attractive to children and AGC's may contain machines of a similar format to the Category D machines on which children are allowed to play. However, persons under the age of 18 are not permitted to enter an AGC.
135. Because gaming machines provides opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The Licensing Authority in considering Premises Licences for AGC's will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy

the authority that there will be sufficient measures to, for example, ensure that under 18 year olds are not attracted to, or gain access to, the premises.

136. The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures / licence conditions may cover issues such as:

- proof of age schemes
- CCTV
- entry control system
- supervision of entrances/ machine areas
- physical separation of areas
- notices/ signage
- opening hours
- staffing levels
- staff training
- provision of problem gambling information
- self-exclusion schemes

This list is not exhaustive, and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

Family Entertainment Centres (FEC's)

137. Generally, FEC's must be operated by a person or body having an Operating Licence from the Gambling Commission. Unlicensed Family Entertainment Centres do not require the operator to have a Gambling Commission Operator's Licence or Premises Licence from the Licensing Authority, but do need to have a gaming machine permit as set out in the section on Permits. Unlicensed Family Entertainment Centres may only be used to provide Category D gaming machines.

138. Gaming machines are a form of gambling which is attractive to children and licensed FEC's will contain both Category D machines on which they are allowed to play, and Category C machines on which they are not. Because gaming machines provide opportunities for solitary play and for immediate payouts, they are more likely to engender repetitive and excessive play. The Licensing Authority, in considering applications for FEC Premises Licences, will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

139. The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/ licence conditions may cover issues such as:

- CCTV

- supervision of entrances/ machine areas
- physical separation of areas for Category C machines
- location of entry
- notices/ signage
- opening hours
- staffing levels
- staff training
- self-exclusion schemes
- provision of problem gambling information
- measures and training for dealing with children on the premises suspected of truanting.

This list is not exhaustive, and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

140. The Licensing Authority expects applicants to demonstrate adequate separation between the area in which Category C gaming machines are made available and areas of the premises to which children may have access. This will include whether physical separation is provided, staff supervision, signage and layout and presentation of the premises as a minimum. Operators should be aware of the risk of children entering adult only areas to speak to a parent who may be gambling in that area for example and have appropriate controls in place to reduce the risk of this.

Door Supervisors

141. The Gambling Commission Guidance advises that Licensing Authorities may consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, but there can also be a need for supervision to stop premises becoming a source of crime. Door supervisors at casinos or bingo premises are not required to be registered by the Security Industry Authority (SIA) under the Private Security Industry Act 2001. Door supervisors not directly employed by a casino or bingo operator do however have to be SIA registered.
142. For betting offices and other premises, the operator and/or the Licensing Authority may decide that supervision of entrances or machines is appropriate in particular cases. The Licensing Authority will make door supervision a requirement where there is evidence, from the history of trading at the premises or in the area that the premises cannot be adequately supervised by counter staff or that problem customers cannot be dealt with effectively by counter staff alone and that door supervision is both necessary and proportionate.

Provisional Statements

143. Following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional

statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the Premises Licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which in the authority's opinion reflect a change in the operator's circumstances.

Reviews

144. Requests for a review of a Premises Licence can be made by interested parties or responsible authorities, including the Licensing Authority. However, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- any relevant Code of Practice issued by the Gambling Commission;
- any relevant guidance issued by the Gambling Commission;
- the licensing objectives;
- this Statement of Principles.

145. The Licensing Authority may reject an application for review if it thinks the grounds on which the review is sought:

- a) are not relevant to the relevant code of practice or guidance issued by the Gambling Commission, the licensing objectives or the Licensing Authority's statement of principles;
- b) are frivolous;
- c) are vexatious;
- d) 'will certainly not' cause the Licensing Authority to revoke or suspend the licence or to remove, amend or attach conditions on the Premises Licence;
- e) are substantially the same as grounds cited in a previous application relating to the same premises (the Licensing Authority will consider the length of time that has passed since the earlier application in deciding whether this is a reasonable reason to reject the review application);
- f) are substantially the same as representations made at the time the application for the Premises Licence was considered. While the Licensing Authority will consider the length of time that has passed since the representations were made, it will not normally review a licence on the basis of the same arguments considered on the grant of the Premises Licence.

146. General objections to gambling as an activity are not likely to be considered relevant reasons for a review. Other examples of irrelevant considerations include demand for gambling premises, issues relating to planning, public safety and traffic congestion.

147. The Licensing Authority can initiate a review of a particular Premises Licence, or any particular class of Premises Licence, for any reason it believes is

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

148. The Licensing Authority may review any matter connected with the use made of a particular premises if it has reason to believe the Premises Licence conditions are not being observed, or for any other reason which gives it cause to believe a review may be appropriate.
149. A responsible authority or interested party may apply to the Licensing Authority to review a Premises Licence. Such reviews can be made in relation to, amongst other things if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address, where incidents that have adversely effected one or more licensing objectives have occurred at premises that could have been prevented if advice and guidance from a responsible authority had been heeded, or if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder.
150. As a review of a Premises Licence can lead to its revocation, the Licensing Authority will consider whether informal actions to ensure timely or immediate compliance have been exhausted prior to an application being made. The Licensing Authority accepts that an application for review may be appropriate without informal measures being taken, but will seek to establish that all options have been considered in determining review applications.

Chapter Five

Travelling Fairs and Permits

Travelling Fairs

151. The Act defines a travelling fair as 'wholly or principally' providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming machines but must comply with legal requirements about the way the machines are operated.
152. It will fall to the Licensing Authority to decide whether, where Category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
153. The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair. The 27 day statutory maximum for the land being used as a fair each calendar year applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority will keep a record of any travelling fairs that take place in Folkestone & Hythe District that offer gambling as an ancillary use to the fair. The Licensing Authority will ensure the 27 day statutory maximum for the land being used is not breached. The Licensing Authority will advise travelling fair operators if requested of the statutory time period remaining for the land they intend to use.

Permits

154. Permits regulate gambling and the use of gaming machines in a premises which do not hold a Premises Licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.

The Licensing Authority is responsible for issuing the following permits:

- a) unlicensed family entertainment centre gaming machine permits;
 - b) alcohol licensed gaming machine permits;
 - c) prize gaming permits;
 - d) club gaming permits and club machine permits.
155. The Licensing Authority can only grant or reject an application for a permit and cannot attach conditions. Therefore, the Licensing Authority will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

Unlicensed family entertainment centre gaming machine permits

156. This policy applies to those premises that are proposed to be used as Unlicensed Family Entertainment Centres (uFECs). uFECs are premises primarily used for making gaming machines available that offer only Category D gaming machines. An uFEC permit allows any number of these machines to be made available at the premises (subject to other considerations such as health and safety and fire regulations). Given that Category D machines have no age restrictions, these premises particularly appeal to children and young persons. Therefore, the Licensing Authority will give particular weight to matters relating to child protection issues.
157. The Licensing Authority will grant an application for a permit only if it is satisfied that the premises are used wholly or mainly for making gaming machines available for use, and following consultation with the Police.
158. The Licensing Authority will not grant uFEC permits where the premises are not primarily used for making gaming machines available for use in accordance with section 238 of the Gambling Act 2005. This will preclude granting permits to lobbies in shopping centres or motorway service areas for example.
159. In cases where an existing uFEC permit has been granted to premises not primarily used for making gaming machines available, the Licensing Authority shall refuse to renew such permits.
160. Applicants for uFEC permits are expected to provide a scale plan of the premises with their application showing:
 - The boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways where any category D gaming machines are positioned.
 - The location where any prize gaming will take place (including any seating and tables) and the area where any prizes will be displayed
 - The positioning and types of any other amusement machines or play areas on the premises
 - The location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area, the location of any ATM/cash machines or change machines.
 - the location of any fixed or temporary structures such as columns or pillars
 - The location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
 - The location of any public toilets in the building.

In addition applicants will be required to provide the following supporting documents:

- Proof of age (a certified copy or sight of an original birth certificate, driving licence, or passport – all applicants for these permits must be aged 18 or over)
- Proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property's deeds or a similar document
- An enhanced criminal record certificate. (this should be no greater than one month old.) This will be used to check that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act.)

161. The Licensing Authority will require applicants to demonstrate as a minimum:

- a full understanding of the maximum stakes and prizes of gambling that is permissible in unlicensed FECs;
- that problem gambling information will be provided in the premises commensurate with its size and layout;
- that the applicant has a written policy in place to deal with complaints and disputes which can be given to a customer on request;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)
- that staff are trained to recognise problem gambling and signpost a customer to problem gambling information;
- that staff have been trained in how to deal with complaints and disputes in line with the applicant's policy.

162. The Licensing Authority will expect the applicant to show there are policies and procedures in place to protect children and vulnerable people from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include:

- measures/training for staff regarding suspected truant school children on the premises;
- measures/training covering how staff will deal with unsupervised very young children being on the premises;
- measures/training covering how staff would deal with children causing perceived problems on or around the premises.

Automatic entitlement to two gaming machines

163. Premises licensed to sell alcohol on the premises under the Licensing Act 2003 are automatically entitled to provide two gaming machines of Category C and/or

D. The holder of the Premises Licence under the Licensing Act 2003 must notify the Licensing Authority of their intention to make the gaming machines available for use and must pay the prescribed fee.

164. This entitlement only relates to premises with a Licensing Act 2003 Premises Licence that authorises the sale of alcohol for consumption on the premises and which contain a bar at which alcohol is served without the requirement that alcohol is only sold ancillary to the provision of food.
165. Licensees siting gaming machines must comply with the relevant Gambling Commission Code of Practice.
166. Licensees must be aware that gaming machines can only be supplied by a person holding an Operating Licence from the Gambling Commission enabling them to do this. A register of licensed suppliers can be found on the Gambling Commission's website at www.gamblingcommission.gov.uk.
167. In the event that the relevant authorisation under the Licensing Act 2003 is transferred, lapses or is revoked, the automatic entitlement to two gaming machines ceases to have effect and a new notification will need to be served on the Licensing Authority.
168. The Licensing Authority will remove the automatic authorisation in respect of any particular premises if:
 - provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a provision of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or
 - An offence under the Gambling Act has been committed on the premises.

Permit for three or more gaming machines

169. This policy applies to alcohol licensed premises that propose to have three or more gaming machines. Licensed premises wishing to have three or more gaming machines of Category C or D must apply to the Licensing Authority for a permit. This permit will replace the automatic entitlement to two gaming machines rather than be in addition to it and the holder must comply with the relevant Gambling Commission Code of Practice.
170. As gaming machines provide opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The Licensing Authority, on considering an application, will consider whether

granting a permit would be appropriate on a case by case basis, but will specifically have regard to:

- the need to protect children and vulnerable people from harm or being exploited by gambling;
- measures taken by the applicant to satisfy the Licensing Authority that there are sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines;
- whether the applicant has an effective policy in place for handling customer complaints or disputes about the gaming machines.

171. The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures may cover issues such as:

- the adult machines being in the sight of staff who will monitor that the machines are not being used by those under 18 and look for signs of problem gambling, attempts to cheat the machine, or suspected money laundering;
- notices and signage;
- the provision of information leaflets or helpline numbers for organisations who can assist with problem gambling.

172. If the Licensing Authority is not satisfied that appropriate measures have been taken by the applicant to comply with this policy, it may refuse to grant the permit, or it may vary the number or category of gaming machines authorised by the permit.

173. The Licensing Authority may cancel a permit or may vary the number or category (or both) of gaming machines authorised by it if:

- (a) it would not be reasonably consistent with pursuit of the licensing objectives for the permit to continue to have effect,
- (b) gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit,
- (c) the premises are mainly use or to be used for making gaming machines available, or,
- (d) an offence under the Gambling Act 2005 has been committed on the premises.

174. Before the Licensing Authority cancels or varies a permit it will give the permit holder 21 days' notice of its intention and allow him/her the opportunity to make a representation. If the permit holder requests a hearing the Licensing Authority will arrange a Licensing Sub-Committee hearing to consider the permit holder's representation and any other evidence available before making its determination.

175. When determining an application for an alcohol-licensed premises gaming machine permit, the Licensing Authority will consider each application on its own merits.

Prize Gaming Permits

176. This policy applies to applications for, or renewals of, Prize Gaming Permits. Gaming is prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.
177. Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.
178. Given that the prize gaming will particularly appeal to children and young persons, the Licensing Authority will give weight to child protection issues.
179. The applicant will be expected to set out the types of gaming that they are intending to offer and will also be expected to demonstrate:
- an understanding of the limits to stakes and prizes set out in regulations;
 - that the gaming offered is within the law;
 - clear policies that outline the steps to be taken to protect children and vulnerable persons from harm.
180. The Licensing Authority will only grant a permit after consultation with the Police. This will enable the Licensing Authority to determine the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming, the suitability of the premises in relation to their location, and issues about disorder.
181. There are conditions in the Act with which the permit holder must comply, though the Licensing Authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

Club Gaming and Club Machine Permits

182. Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs such as snooker clubs run on a profit basis may apply for a club machine permit. Each type of permit allows the provision of different types of gaming and provision of game machines. The current entitlements can be found by visiting the Gambling Commission's website (www.gamblingcommission.gov.uk).
183. A commercial club is defined as a club where membership is required but the club is operated for commercial gain.
184. A non-commercial club is a club where no commercial gain is made. A non-commercial club must meet the following criteria to be considered a members' club:
- it must have at least 25 members;
 - it must be established and conducted wholly or mainly for purposes other than gaming (with the exception of bridge or whist);
 - it must be permanent in nature;
 - it must not be established to make a commercial profit;
 - it must be controlled by its members equally.

Examples of these include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

185. The Licensing Authority may only refuse an application on the grounds that:
- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - b) the applicant's premises are used wholly or mainly by children and/ or young persons;
 - c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - d) a permit held by the applicant has been cancelled in the previous ten years; or
 - e) an objection has been lodged by the Gambling Commission or the Police.
186. There is also a "fast-track" procedure available under the Act for premises that hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which a Licensing Authority can refuse a permit are reduced. The grounds on which an application under this process may be refused are that:

- (a) the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - (b) in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - (c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.
187. There are statutory conditions on club gaming permits that no child may use a Category B or C gaming machine on the premises and that the holder complies with any relevant provision of a Gambling Commission Code of Practice about the location and operation of gaming machines.
188. The Licensing Authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit. In order to do this, it may require proof of additional information from the operator such as:
- is the primary activity of the club something other than gaming?
 - are the club's profits retained solely for the benefit of the club's members?
 - are there 25 or more members?
 - are the addresses of members of the club genuine domestic addresses and do most members live reasonably locally to the club?
 - do members participate in the activities of the club via the internet?
 - do guest arrangements link each guest to a member?
 - is the 48 hour rule being applying for membership and being granted admission being adhered to?
 - are there annual club accounts available for more than one year?
 - how is the club advertised and listed in directories and on the internet?
 - are children permitted in the club?
 - does the club have a constitution and can it provide evidence that the constitution was approved by members of the club?
 - is there a list of Committee members and evidence of their election by the club members?
189. When examining the club's constitution, the Licensing Authority would expect to see evidence of the following:
- Who makes commercial decisions on behalf of the club?
 - Are the aims of the club set out in the constitution?
 - Are there shareholders or members? Shareholders indicate a business venture rather than a non-profit making club.
 - Is the club permanently established? (Clubs cannot be temporary).
 - Can people join with a temporary membership? What is the usual duration of membership?
 - Are there long term club membership benefits?
190. Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming. The Licensing Authority may consider such factors as:

- How many nights a week gaming is provided;
- How much revenue is derived from gambling activity versus other activity;
- How the gaming is advertised;
- What stakes and prizes are offered;
- Whether there is evidence of leagues with weekly, monthly or annual winners;
- Whether there is evidence of members who do not participate in gaming;
- Whether there are teaching sessions to promote gaming such as poker;
- Where there is a tie-in with other clubs offering gaming through tournaments and leagues;
- Whether there is sponsorship by gaming organisations;
- Whether participation fees are within limits.

Chapter Six Notices

Temporary Use Notices

191. This policy applies to applications for Temporary Use Notices. Temporary Use Notices allow the use of premises for gambling where there is no Premises Licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for gambling would include hotels, conference centres and sporting venues.
192. The Licensing Authority can only grant a Temporary Use Notice to a person or a company holding a relevant Operating Licence.
193. Currently, Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.
194. The Licensing Authority, in considering applications for Temporary Use Notices, will consider whether gambling should take place, or should only take place with modifications to the TUN. In doing so, the Licensing Authority will consider:
 - the suitability of the premises;
 - the location of the premises, paying particular attention to its proximity to any schools, hostels or other sensitive premises;
 - the CCTV coverage within the premises;
 - the ability of the premises to provide sufficient staff and/or licensed door supervisors for the notice period;
 - whether the premises or the holder of the Operating Licence have given the Licensing Authority any cause for concern at previous events in relation to the licensing objectives, the guidance issued by the Gambling Commission, the relevant code of practice or this Statement of Principles.

Occasional Use Notices

195. The Licensing Authority has very little discretion on Occasional Use Notices for betting at tracks aside from ensuring the statutory limit of eight days a calendar year is not exceeded. The Licensing Authority will consider the definition of a “track” and whether the applicant can demonstrate they are responsible for the administration of the “track” or an occupier, and thus permitted to avail themselves of the notice. The definition of “track” in the Act is wider than dog tracks or horse racecourses and includes places where races or other sporting events take place. This could include major halls, hotels and other venues. If notices are given for a single track which would permit betting to occur for more than eight days per year, the Licensing Authority is obliged to issue a counter notice preventing such a breach occurring.

Chapter Seven

Small Society Lotteries

196. The Gambling Act 2005 provides that promoting or facilitating a lottery is illegal, unless it falls into one of two categories of permitted lottery, namely:
- licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences
 - exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Act, including the small society lottery.

Definition of lottery

197. A lottery is any arrangement that satisfies all of the criteria contained within the statutory description of either a simple lottery or a complex lottery, under s.14 of the Gambling Act 2005.
198. An arrangement is a simple lottery if:
- persons are required to pay to participate
 - one or more prizes are allocated to one or more members of a class
 - the prizes are allocated by a process which relies wholly on chance.
199. An arrangement is a complex lottery if:
- persons are required to pay to participate
 - one or more prizes are allocated to one or more members of a class
 - the prizes are allocated by a series of processes
 - the first of those processes relies wholly on chance.

Definition of society

200. A 'society' is the society, or any separate branch of such a society, on whose behalf a lottery is to be promoted. Section 19 of the Gambling Act 2005 defines a society as such if it is established and conducted:
- for charitable purposes, as defined in s.2 of the Charities Act 2006
 - for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
 - for any other non-commercial purpose other than that of private gain.
201. It is inherent in this definition that the society must have been established for one of the permitted purposes as set out in s.19 of the Act, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.

202. Participation in a lottery is a form of gambling. Lotteries must be conducted in a socially responsible manner and in accordance with the Act.
203. The minimum age for participation in a lottery is sixteen. The holder of a small society lottery registration must take reasonable steps to ensure that all those engaged in the promotion of their lottery understand their responsibilities for preventing underage gambling, returning stakes and not paying prizes to underage customers.

External Lottery Managers

204. External lottery managers (ELM's) are required to hold a lottery operator's licence issued by the Gambling Commission to promote a lottery on behalf of a licensed society.
205. However, individuals or firms can and do provide services to a society or local authority lottery without assuming the role of an ELM. When determining whether a third party is a 'service provider' only, or has assumed the role of an ELM, the degree of management undertaken by both the promoter and the sub-contractor will be crucial factors. Key indicators will include:
- who decides how the lottery scheme will operate
 - who appoints and manages any sub-contractors
 - the banking arrangements for handling the proceeds of the lottery
 - who sells the tickets and pays the prizes
 - who controls promotional aspects of the lottery.
206. Societies employing an unlicensed ELM may be committing an offence and they will need to satisfy themselves that any ELM they employ holds the relevant operator's licence issued by the Commission. The Commission publishes a register of operating licences on its website at www.gamblingcommission.gov.uk.

Lottery Tickets

207. Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). All tickets must state:
- the name of the promoting society
 - the price of the ticket, which must be the same for all tickets (e.g. there can be no option to 'buy two tickets, get one free')
 - the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is one, the ELM
 - the date of the draw, or information which enables the date to be determined.

- 208. The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it.
- 209. The society should maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw. The Licensing Authority may wish to inspect the records of the lottery for any purpose related to the lottery.

Where tickets may be sold

- 210. The Licensing Authority expects holders of small society lottery registrations not to sell lottery tickets to a person in any street. For these purposes 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. Tickets may, however, be sold in a street from a static structure such as a kiosk or display stand. Tickets may also be sold door to door. Licensees must ensure that they have any necessary local authority permissions, such as a street trading licence, in order to do this.

Prizes

- 211. Prizes awarded in small society lotteries can be either cash or non-monetary. Prizes declared on returns must not exceed the limits on prizes set out by the Act - in effect that combined with any expenses incurred with the running of the lottery, such as managers' fees, they must not comprise more than 80% of the total proceeds of the lottery. Donated prizes would not be counted as part of this 80% (as no money would be withdrawn from the proceeds to cover their purchase) but are still subject to the limit on a single maximum prize of £25,000 and should be declared on the return following the lottery draw.
- 212. Alcohol should not be offered as a prize in a lottery without the society first ensuring that no Licensing Act 2003 consent is required for this from the Licensing Authority. If such consent is required, then alcohol shall not be offered as a prize unless such consent has been obtained.

Small society registration

- 213. The promoting society of a small society lottery must, throughout the period during which the lottery is promoted, be registered with a Licensing Authority. Parts 4 and 5 of Schedule 11 of the Act set out the requirements on both societies and Licensing Authorities with respect to the registration of small society lotteries.
- 214. The Licensing Authority with which a small society lottery is required to register must be in the area where their principal office is located.
- 215. Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all necessary documents required by the Licensing Authority to assess

the application. This information shall include a copy of the society's terms and conditions and their constitution to establish that they are a non-commercial society.

216. Societies may not circumvent the requirement to hold a Gambling Commission Lottery Operating Licence by obtaining two or more registrations with the same or different Licensing Authorities. As set out previously, the Act states that a society lottery is a large lottery if the arrangements for it are such that its proceeds may exceed £20,000 in a single lottery, or if the aggregate proceeds in a calendar year exceed £250,000.
217. In cases where a society has separate branches with different aims and objectives, it is acceptable for them to hold more than one licence or registration. However, in cases where a society holds more than one registration and the aims and objectives of those societies are the same, this may constitute a breach of the threshold limits for small society lotteries set out in Schedule 11 of the Act.
218. By virtue of Schedule 11 paragraph 31(5) of the Act, societies may not hold an Operating Licence with the Gambling Commission and a local authority registration with the same aims and objectives at the same time. This paragraph also provides for a statutory period of three years during which a large society cannot convert to small society status.
219. Registrations run for an unlimited period, unless the registration is cancelled.

Refusal of registration

220. The Licensing Authority may propose to refuse an application for any of the following reasons:
- An operating licence held by the applicant for registration has been revoked or an application for an operating licence made by the applicant for registration has been refused, within the past five years. The Commission will be able to advise the details of people and organisations that have been refused an operating licence or have had an operating licence revoked in the past five years. Licensing Authorities should consult the Commission as part of their consideration process.
 - The society in question cannot be deemed non-commercial.
 - A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, listed in Schedule 7 of the Act.
 - Information provided in or with the application for registration is found to be false or misleading.
221. The Licensing Authority may only refuse an application for registration after the society has had the opportunity to make representations. These can be taken at a formal hearing or via correspondence. The Licensing Authority shall inform the society of the reasons why it is minded to refuse registration and provide it with at least an outline of the evidence on which it has reached that preliminary conclusion, in order to enable representations to be made.

222. Representations will be heard by a licensing subcommittee.

Revocation of a small society's registered status

223. The Licensing Authority may revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and provide them with the evidence on which it has reached that preliminary conclusion.

224. Representations will be heard by a licensing sub-committee.

Administration and returns

225. The Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery. If a small society lottery does not comply with these limits it will be in breach of the Act's provisions, and consequently be liable to prosecution.

226. The limits are as follows:

- at least 20% of the lottery proceeds must be applied to the purposes of the society (Schedule 11, paragraph 33)
- no single prize may be worth more than £25,000 (Schedule 11, paragraph 34)
- rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000 (Schedule 11, paragraph 35)
- every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed (Schedule 11, paragraph 37).

227. Paragraph 39 of Schedule 11 in the Act sets out the information that the promoting society of a small society lottery must send as returns to the Licensing Authority with which it is registered, following each lottery held. This information allows Licensing Authorities to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose. The following information must be submitted:

- the arrangements for the lottery - specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover
- the total proceeds of the lottery
- the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers
- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery
- the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds)

- whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.

228. Paragraph 39 of Schedule 11 in the Act also requires that returns must:

- be sent to the Licensing Authority no later than three months after the date of the lottery draw, or in the case of 'instant lotteries' (scratchcards) within three months of the last date on which tickets were on sale
- be signed (electronic signatures are acceptable if the return is sent electronically) by two members of the society, who must be aged 18 or older, are appointed for the purpose in writing by the society or, if it has one, its governing body, and be accompanied by a copy of their letter or letters of appointment.

229. The Gambling Commission may inspect a society's returns, although it will not routinely do so. The Licensing Authority is required to retain returns for a minimum period of three years from the date of the lottery draw. They must also make them available for inspection by the general public for a minimum period of 18 months following the date of the lottery draw.

230. The Licensing Authority will monitor the cumulative totals of returns to ensure that societies do not breach the annual monetary limit of £250,000 on ticket sales. The Licensing Authority must notify the Commission if returns reveal that a society's lotteries have exceeded the values permissible, and such notifications will be copied to the society in question. The Gambling Commission will contact the society to determine if they are going to apply for a lottery operator's licence, thereby enabling them to run large society lotteries lawfully, and will inform the Licensing Authority of the outcome of its exchanges with the society.

Appendix One Consultation

A public consultation was carried out in respect of this Statement of Principles from 30th November 2018 – 11th January 2019. As well as sending consultation letters and emails directly to the parties mentioned in the Introduction and Overview, a public notice was displayed at public libraries within the District (Folkestone, Cheriton, Sandgate, Wood Avenue, Hythe, Lydd , Lyminge, New Romney), for the duration of the consultation.

The draft statement and an invitation to comment as part of the consultation was also published on the council website.

2 responses were received to the consultation

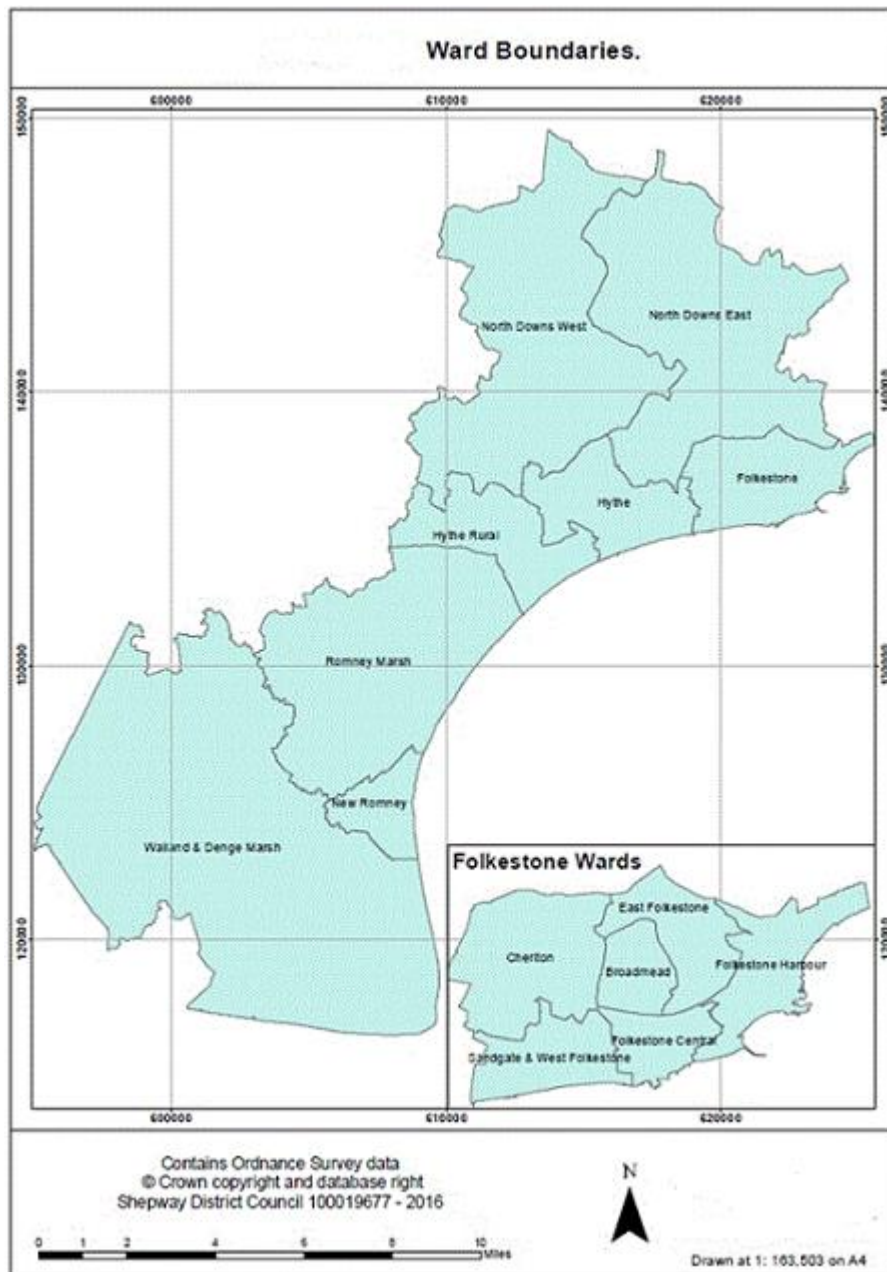
Respondent	Summary of Comments	Our response
HMRC	To correct their contact details	Noted and updated.
Gamble Aware	No comment on Statement. Wished to draw attention to following LGA guidance: https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales	Noted.

The Statement of Principles was considered by the Council's Planning and Licensing Committee on 27th November 2018, and approved by Full Council on XXX.

A notice was published on the Council's website and at the Civic Centre, Castle Hill Avenue on XXX stating where the Statement of Principles could be inspected (including the internet address), the date the Statement of Principles would be published, and the date it would take effect.

Appendix Two

Map of the Area Covered by this Statement of Principles



DRAFT

This Report will be made
public on 5 March 2019.

Report Number **A/18/24**

To: Council
Date: 13 March 2019
Status: Non-executive Decision
Head of Paid Service: Susan Priest
Cabinet Member: Councillor David Monk, Council Leader

SUBJECT: PAY POLICY STATEMENT 2019/20

SUMMARY: This report considers the recommendation from the Personnel Committee and presents an updated pay policy statement for 2019/20 for approval.

REASONS FOR RECOMMENDATIONS:

Council is asked to consider the recommendation of the Personnel Committee to approve the pay policy statement.

RECOMMENDATIONS:

1. To receive and note Report A/18/24
2. To consider the recommendation of the Personnel Committee
3. To approve under S38(1) Localism Act 2011 the updated Pay Policy Statement appended to this report for 2018/19

1. INTRODUCTION

- 1.1 On 7th March 2019, Personnel Committee considered report P/18/07. That report and its appendix are attached as appendices 1 and 2 to this report.
- 1.2 The Personnel Committee report is self-explanatory and it is not the intention of this report to repeat the information. The reason for the recommendation from that committee is to ensure that Council is given the opportunity to approve the annual pay policy statement for publication by the 31st March 2019.

2. PROPOSED RECOMMENDATION

- 2.1 The recommendation from personnel committee is as follows:
 - *To recommend to council that it approve under S38(1) Localism Act 2011 the Pay Policy Statement appended to this report for 2019/20.*
- 2.2 The actual recommendation of the Personnel Committee will be reported to the council and members will be asked to consider them.

3 RISK MANAGEMENT ISSUES

- 3.1 A summary of the perceived risks follows:

No perceived risks

4. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

- 4.1 Legal Officer's Comments (DK)

There are no legal implications arising directly out of this report, relevant issues having been addressed in each of the appendices.
- 4.2 Finance Officer's Comments (LH)

Any financial implications arising from any reward strategy will need to be considered within the council's medium term financial planning processes.
- 4.3 Diversities and Equalities Implications (ASm)

There are no specific Diversities and Equalities Implications arising from this report.

5. CONTACT OFFICER AND BACKGROUND DOCUMENTS

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

Andrina Smith, Chief HR Officer
Tel: 01303 853405

Email: andrina.smith@folkestone-hythe.gov.uk

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

None

Appendix

Appendix 1 – Report P/18/07 Personnel Committee – 7 March 2019

Appendix 2 – Report P/18/07 Personnel Committee – 7 March 2019
appended Pay Policy Statement 2019/20

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APPENDIX 1

This Report will be made public on 27 February 2019.



Report Number **P/18/07**

To: Personnel Committee
Date: 7th March 2019
Status: Non-executive Decision
Chief Officer: Andrina Smith, Chief HR Officer

SUBJECT: PAY POLICY STATEMENT 2019/20

SUMMARY: This report presents the pay policy statement for 2018/19 for approval and recommendation to council

REASONS FOR RECOMMENDATIONS:

Personnel Committee is asked to note the contents of the report.

RECOMMENDATIONS:

1. To receive and note Report P/18/07.
2. To recommend to council that it approve under S38(1) Localism Act 2011 the Pay Policy Statement appended to this report for 2019/20.

1. INTRODUCTION

- 1.1 All local authorities are required to annually publish, and present to Full Council for adoption, a Pay Policy Statement in accordance with the Localism Act 2011. Folkestone & Hythe District Council's Pay Policy Statement is proposed to be updated, adopted and published by the end of March each year.

2. PAY POLICY

- 2.1 The draft Pay Policy Statement for 2018-19 is attached as **Appendix A**. This is based on:
- The Department of Communities and Local Government's (DCLG)** Statutory Guidance Under Section 40 of the Localism Act, Openness and Accountability in Local Pay, published at February 2012,
 - The Department of Communities and Local Government's (DCLG) Openness and Accountability in Local Pay: Guidance under section 40 of the Localism Act 2011 – Supplementary Guidance, published February 2013,
 - Guidance from the South East Employers.
- ** The Department of Communities and Local Government (DCLG) is now known as the Ministry of Housing, Communities & Local Government however the guidance documents still bear the DCLG name.
- 2.2 The DCLG Guidance confirms that councils are not 'required to use the pay policy (statement) to publish specific numerical data on pay and reward' however it should be noted that the council is required to publish certain salary information under the Code of Recommended Practice for Local Authorities on Data Transparency and by the Accounts and Audit (England) Regulations 2011.
- 2.3 The Guidance further states that the Localism Act requires authorities to explain what they think the relationship should be between the remuneration of its Chief Officers and its employees who are not Chief Officers. The pay policy statement therefore explains the 'relationship' in terms of the grading systems used and by reference to the requirements set out in paragraph 2.2 above.
- 2.4 Paragraph 5 of the Pay Policy Statement has been updated for 2019/20 to recognise the changes in job titles of the Corporate Directors.
- 2.5 In addition, the general content of the Pay Policy Statement has been updated to ensure reference to Folkestone & Hythe District Council throughout, Corporate Management Team has been updated to Corporate Leadership Team and references to Heads of Service have been updated to Assistant Directors.
- 2.6 Following the introduction of a new employee benefits scheme (F&H

Rewards), a new section of 'Other Employee Benefits' has been added to the pay policy statement starting at paragraph 32 and all subsequent paragraphs have been renumbered.

- 2.7 The changes outlined in 2.4, 2.5 and 2.6 above are the only substantial changes made to the statement since its previous approval by council in July 2018, with the exception of updating dates in the relevant sections.
- 2.8 At the time of writing this report no further updated guidance notes have been issued by the DCLG, however should an update be issued that requires an amendment to the attached pay policy statement for 2019-20 then a revised statement will be presented to the Personnel Committee at a future meeting.

3. RISK MANAGEMENT ISSUES

- 3.1 A summary of the perceived risks are as follows:

- No perceived risks

4. LEGAL / FINANCIAL AND OTHER CONTROLS / POLICY MATTERS

4.1 Legal Officer's Comments (DK)

There are no legal implications arising directly out of this report, relevant issues having been addressed in each of the report and the Appendix.

4.2 Finance Officer's Comments (LH)

Any financial implications arising from any reward strategy will need to be considered within the council's medium term financial planning processes.

4.3 Diversities and Equalities Implications (ASm)

There are no specific Diversities and Equalities Implications arising from this report.

5. CONTACT OFFICER AND BACKGROUND DOCUMENTS

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

Andrina Smith, Chief HR Officer

Tel: 01303 853405

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

None

Appendix

Appendix A – Draft Pay Policy Statement 2019-20

APPENDIX 2

Folkestone & Hythe District Council Pay Policy Statement – Financial year 2019-20

Purpose

1. This Pay Policy Statement is provided in accordance with Section 38(1) of the Localism Act 2011. This will be updated annually, or more frequently, i.e. by the end of March each year. Approval of the Pay Policy, and any amendments, will be made by resolution of the full council.
2. This pay policy statement sets out Folkestone & Hythe District Council's (FHDC) policies relating to the pay of its workforce for the financial year 2019-20. In particular the:
 - Remuneration of its Chief Officers
 - Remuneration of its "lowest paid employees"
 - Relationship between the remuneration of its Chief Officers and the remuneration of its employees who are not Chief Officers

Definitions

3. For the purpose of this pay policy the following definitions will apply: -
 4. **Pay/remuneration** includes salary (for employees) or payment under a contract of services (for self employed), expenses, bonuses, performance related pay, as well as contractual arrangements involving possible future severance payments. Also, charges, fees, allowances, benefits in kind, termination payments and increases in/enhancement of pension entitlement as a result of a resolution of the authority.
 5. For the purposes of this Pay Policy, '**Chief Officer**' refers to the following roles within FHDC:
 - Corporate Director – Strategy, as Head of Paid Service* (statutory Chief Officer)
 - Corporate Director – Customer, Support & Specialist Services* (non-statutory Chief Officer)
 - Corporate Director – Place & Commercial* (non-statutory Chief Officer)
 - Chief Finance Officer & s151 Officer** (statutory Chief Officer)
 - Monitoring Officer*** (statutory Chief Officer)
 - In addition, Assistant Directors and those posts which report directly, and are directly accountable, to a statutory or non-statutory Chief Officer in respect of all or most of their duties.
- * Members of the Council's Corporate Leadership Team (CLT).
- ** This role is currently undertaken by the Corporate Director – Customer, Support & Specialist Services.
- *** This role is currently undertaken by the Assistant Director – Governance, Law and Regulatory Services.

6. **‘Lowest paid employees’** refers to those staff employed within grade A of the Council’s pay framework. There are no staff governed by National consultation groups. This definition for the “lowest paid employees” has been adopted because grade A is the lowest grade on the Council’s pay framework.
7. **‘Employee who is not a Chief Officer’** refers to all staff who are not covered under the ‘Chief Officer’ group above. This includes the ‘lowest paid employees’ i.e. staff on grade A. There are no staff governed by National consultation groups.

Pay framework and remuneration levels

General approach

8. Remuneration at all levels needs to be adequate to secure and retain high-quality employees dedicated to fulfilling the council’s business objectives and delivering services to the public. This has to be balanced by ensuring remuneration is not, nor is seen to be, unnecessarily excessive. Each council:
 - Has responsibility for balancing these factors;
 - Faces its own unique challenges and opportunities in doing so; and
 - Retains flexibility to cope with various circumstances that may arise that might necessitate the use of market supplements or other such mechanisms for individual categories of posts where appropriate. .
9. FHDC will be transparent on pay rises including the publication, on the Council’s website, of any above inflation pay rises. The size of the award paid to employee(s) should be commensurate with the work being rewarded. Advice and guidance is available to decision takers on this including with regard to equal pay provisions.

Responsibility for decisions on remuneration

10. It is essential for good governance that decisions on pay and reward packages for the Head of Paid Service and chief officers are made in an open and accountable way and that there is a verified and accountable process for recommending the levels of top salaries. FHDC will review the terms of senior appointments, to ensure value for money, including where arrangements could be perceived as seeking to minimise tax payments
11. The pay for the “lowest paid employees” and “all other employees who are not Chief Officers” is determined by the Personnel Committee. The Personnel Committee comprises elected Councillors, and is formed in accordance with the rules governing proportionality and has responsibility for local terms and conditions of employment for staff within FHDC’s pay framework.
12. FHDC’s pay framework was implemented in 2007 and is based on:

- Local pay determination for ‘all other employees who are not Chief Officers’, including those Assistant Directors who hold statutory positions; and
 - With effect from September 2015, local pay determination for Chief Officers who are members of the Corporate Leadership Team. The pay will be determined by the Remuneration Committee comprising members of the Personnel Committee with external independent advice.
13. Full Council will be offered the opportunity to vote on salary packages, at the time of an employee’s appointment, which are greater than £100,000 a year. Salary packages include the annual salary, bonuses, fees or allowances routinely payable to the appointee and benefits in kind to which the officer is entitled as a result of their employment.

Salary grades and grading framework for ‘all other employees who are not Chief Officers’.

14. Grades are locally determined taking into account national guidance, with the grade for each role being determined by a consistent job evaluation process. This followed a national requirement for all Local Authorities and other public sector employers to review their pay and grading frameworks to ensure fair and consistent practice for different groups of workers with the same employer.
15. As part of this, FHDC determined a local pay framework and the overall number of grades is 11, grade A being the lowest and grade K the highest. Each employee will be on one of the 11 grades based on the job evaluation of their role. Employees can progress to the salary range maximum of their grade by annual progression and subject to assessment of their performance in the process.
16. Pay awards are considered annually for all non Chief Officer employees, unless otherwise by agreement. These are developed using local pay determination in negotiation with the local Trades Unions and staff representatives. The last pay award to ‘all other employees who are not Chief Officers’ was made at April 2018.

‘Chief Officers’ who are members of the Corporate Leadership Team

17. Corporate Director – Strategy, Corporate Director – Customer, Support & Specialist Services and the Corporate Director – Place & Commercial pay is subject to local pay negotiation, with the most recent award being April 2017.
18. For this group of Chief Officers, salary on appointment has regard to the relative size and challenge of the role and account is also taken of other relevant available information, including the salaries of comparable posts in other similar sized organisations.

19. The posts with a current salary package above £100,000 are Corporate Directors. The allocation of the Head of Paid Service responsibility is subject to ratification by The Council.

‘Chief Officers’ who are Assistant Directors

20. Pay for Assistant Directors is within the main pay framework, at grade K, and they are treated in accordance with the arrangements detailed above for ‘lowest paid employees’ and ‘all other employees who are not Chief Officers’. Pay is determined by the Personnel Committee in accordance with arrangements detailed above for the ‘lowest paid employees’ and ‘all other employees who are not chief officers’.

‘Lowest paid employees’

21. Each “lowest paid employee” is paid within the salary range for grade A with due regard paid to the National Living Wage which was introduced in April 2016.

Allowances

22. There is no provision for bonus payments for the ‘lowest paid employees’, for ‘employees who are not Chief Officers’ or for ‘Chief Officers’.
23. In addition to incremental progression, FHDC provides the following additional payment schemes to the main scheme for ‘employees who are not Chief Officers’ and Assistant Directors. These schemes include:
- When temporarily undertaking additional duties e.g. the full, or a proportion of, the duties of a higher graded post
 - Honorarium e.g. for exceptional level of performance
 - Allowances e.g. for additional hours, weekend and/or public holiday working, disturbance, eye tests, tools, telephone use, emergency co-ordination, first aid, car and standby
 - Additional and accelerated increments e.g. for exam success and consistent exceptional performance. This is subject to the maximum of the scale not being exceeded.
 - Childcare vouchers (for those enrolled in a scheme prior to October 2018)

24. FHDC provides a car allowance for Corporate Directors.

25. FHDC has the flexibility to introduce additional schemes if required and to respond to changing conditions in the employment market including skills shortage.

Other pay elements

26. ‘Chief Officers’ are performance managed differently from the performance management process applying to the ‘lowest paid employees’ and

‘employees who are not Chief Officers’. This includes input from, and assessment by, identified FHDC Members.

27. Targets are set and performance against those targets is assessed. Chief Officers receive incremental progression until the top of their grade is reached. Where pay progression is considered, performance will be taken into account when determining whether any award will be made.

Charges, fees or allowances

28. Any allowance, or other payments, will only be made to staff in connection with their role and/or the patterns of hours they work and must be in accordance with the Council’s internal Pay Policy statement which explains related procedure and practice.
29. The following charges, fees or allowances are paid to the Corporate Director – Strategy (as Head of Paid Service): Election Duties including as Returning Officer, paid separately from salary payments. The Council’s Returning Officer, who is also the Corporate Director – Strategy (as Head of Paid Service), receives separate fees for local elections under S36 of the Representation of the People Act 1983. The Council has chosen to adopt the Kent Scale of Fees and Charges for local elections (see: [Cabinet decision and report](#) of 28 September 2011). The Returning Officer must not exceed the maximum fees and charges as laid down in the scale unless further approval is given by a decision of Cabinet or Full Council.
30. Employees receive Election Fees when participating.

Benefits in kind

31. The Council offers a discount at Folkestone Sport Centre Trust and a free swim at Hythe Pool.

Pension

32. As a result of their employment, all employees are eligible to join the Local Government Pension Scheme. There are no locally agreed enhancements. With the exclusion of the Head of Paid Service responsibility, any such enhancements would be at the discretion of the Personnel Committee. In relation to the Head of Paid Service responsibility, any such enhancements would be at the discretion, and with the approval, of Full Council.

Severance Payments

33. We are required to publish:
- Our policy on discretionary payments on early termination of employment and our policy on increasing an employee’s total pension scheme membership and on awarding additional pension (Regulation

66 of the Local Government Pension Scheme [Administration] Regulations 2008). These are covered in the Early Termination of Employment Policy which can be found on FHDC's website.

- Statements relating to remuneration. Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 requires and authority to formulate, review and publish its policy on making discretionary payments on early termination of employment.

34. Full Council will be offered the opportunity to vote on severance packages which are greater than £100,000. Severance payments may include salary paid in lieu, redundancy compensation, pension entitlements, holiday pay and any bonuses, fees or allowances paid. Bonuses may include any payment not normally paid to the employee and not formally identified within this document.

35. It is important that the Council has flexibility to respond to unforeseen circumstances as regards re-employing a former employee as a Chief Officer. If we re-employ a previous employee who received a redundancy or severance package on leaving, or if that person returns on a 'contract for services', or if they are in receipt of a Local Government / Firefighter Pension Scheme (with same or another local authority), we require that the requirements of the following are observed:

- The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999

And/or

- Relevant abatement.

36. It is the Council's policy that in normal circumstances a FHDC employee whose employment has been terminated on grounds of voluntary redundancy and/or voluntary early retirement and who has received a severance payment and/or early retirement benefits will not be re-engaged. In exceptional circumstances there may be a justifiable case for re-engaging such an employee but this may only occur following agreement by members of the Corporate Leadership Team.

New starters joining the Council

37. In our approach to appointments, particularly senior appointments, consideration is given to the value for money for the whole of the public sector. Consideration includes avoidance of arrangements which could be perceived as seeking to minimise tax payments.

38. Employees new to the Council will normally be appointed to the first point of the salary range for their grade. Where the candidate's current employment package would make the first point of the salary range unattractive (and this can be demonstrated by the applicant in relation to current earnings) or where the employee already operates at a level commensurate with a higher salary, a higher salary may be considered by the recruiting manager, with guidance from the HR department. This will

be within the salary range for the grade. The candidate's level of skill and experience should be consistent with that of other employees in a similar position on the salary range.

39. In professions where there is a particular skills shortage, and as a temporary arrangement, it may be necessary to consider a market premium to attract high quality applicants. With senior manager salaries, there can be scope for negotiation over the exact starting salary at the point of job offer, and a range of factors will be considered. The final decision as regards any discretion lies with members of the Corporate Leadership Team.

40. Where a senior (chief officer) new starter already receives a public sector pension, this will be declared on the FHDC website and relevant abatement implemented.

Relationship between remuneration of “Chief Officers” and “employees who are not Chief Officers”

41. We are required to publish pay related information. This includes the Code of Recommended Practice for Local Authorities on Data Transparency requirements to publish a Pay Multiple and information on senior salaries. The Pay Multiple is the ratio between the highest paid salary and the median average salary of the whole authority's salaries.

42. For the Statement of Accounts, Accounts and Audit Regulations and CIPFA Accounting Code of Practice requires us to publish:

- Senior officer remuneration details on a post by post level
- Disclosure of remuneration amounting to £50,000 and over in bands of £5,000
- Exit package disclosures

43. Information on pay will be published on the FHDC website, as follows and by:

- 1 June – the Pay Multiple figure and information on senior salaries
- 30 September – the accounts as audited by the Council's external auditors.

Conclusion

44. This pay policy statement, once approved by Full Council, will be published on the Council's public website.

45. This statement is for the financial year 1st April 2019 – 31st March 2020.

46. Full Council may, by resolution, amend this statement (including after the beginning of the financial year to which it relates). An amended statement will be published on the Council's public website.

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This Report will be made
public on 5 March 2019

Report Number **A/18/27**

To: Council
Date: 20th March 2019
Status: Key Decision
Head of service: Dr Sarah Robson Assistant Director - Strategy,
Performance and Communications
Cabinet Member: Councillor John Collier

SUBJECT: St Mary in the Marsh Neighbourhood Development
Plan

SUMMARY: The St Mary in the Marsh Neighbourhood Development Plan has had a successful planning referendum with 87% of those who voted, voting in favour of using the Plan for planning purposes. Following a successful referendum the District Council, as the local planning authority, must now bring the Plan into force (or as the legislation terms it, 'make' the plan).

REASONS FOR RECOMMENDATIONS

Following a successful Neighbourhood Plan referendum, national legislation now stipulates that the District Council, as the local planning authority, must now bring the plan into force.

RECOMMENDATIONS:

1. To receive and note report A/18/27.
2. To recommend to Full Council to make the St Mary in the Marsh Neighbourhood Plan part of the Development Plan for the St Mary in the Marsh Neighbourhood Area, in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011.
3. To publish a 'Decision Statement', as set out in Appendix 1, in accordance with Section 38A (9) (10) of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act & Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

1. BACKGROUND

- 1.1 Neighbourhood planning provisions were introduced by the Localism Act 2011. The National Planning Policy Framework (2018) promotes the use of neighbourhood planning, stating that it "... gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan" (paragraph 29).
- 1.2 St Mary in the Marsh Parish Council is the first parish in the district to produce a Neighbourhood Development Plan (NDP) and submit it to the District Council for consideration.
- 1.3 The NDP has been considered twice at Cabinet. On the 13th September 2017 (C/17/38) after the Parish Council formally submitted the plan to the District Council and after a successful examination on 12th September 2018 (C/18/32).
- 1.4 **At Cabinet on the 12th September 2018 it was agreed to modify the Plan in accordance with the Examiner's Report and to undertake a public referendum.** A copy of the Neighbourhood Development Plan can be viewed on the District Council's web site¹.
- 1.5 The referendum took place on the 8th November 2018. In accordance with the Regulations, the question posed was:

'Do you want Folkestone & Hythe District Council to use the Neighbourhood Plan for St. Mary in the Marsh to help it decide planning applications in the Neighbourhood Area?'
- 1.6 There was a 23% turnout of the overall Neighbourhood Area electorate. Of those who voted, 87.2% (477 people) voted in favour of using the Neighbourhood Development Plan and 12.61% (69 people) voted against. A simple majority of 51% (of those who had voted) in favour of the Plan is required to bring the plan into force.
- 1.7 In accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) the District Council now has to make the Plan part of the development plan for the district. This currently includes the Core Strategy Local Plan (2013) and the saved policies in the Shepway Local Plan (2006). The emerging plans, Core Strategy Review and the Places and Policies Local Plan will also become part of the Development Plan (and replace the 2013 and 2006 plans respectively) when they are adopted.
- 1.8 The District Council does not have to bring the Plan into force if it is considered that it would breach, or be incompatible, with any EU obligations or any European convention Human Rights (Section 38A (8) of the Planning & Compulsory Purchase Act 2004 Act, as inserted by the

¹ https://www.folkestone-hythe.gov.uk/media/5454/St-Mary-in-the-Marsh-Neighbourhood-Plan-September-2018/pdf/St_Mary_in_the_Marsh_Neighbourhood_Plan_Final_September_2018.pdf

Localism Act 2011). However, if the District Council considers that the Plan does not breach, or would not be incompatible with, the relevant legislation, then it must 'make' the Plan, without amendment in the form voted on at referendum.

- 1.9 The District Council must also publicise (on the web or in any other manner to bring it to the attention of those who live, work or carry on business in the area) its decision on the NDP and the reasons for that decision. The District Council must also send a copy to the Parish Council.

2. CONSULTATION

- 2.1 The Plan has been subject to public consultation throughout the preparation process, in line with Government legislation. The Parish Council undertook extensive consultation before the Plan was formally submitted to the district council for consideration.
- 2.2 The district council then published the Plan for a six week period between the 9th November and 21st December 2017. The Plan was publicised through the local press and through social media. All the representations were sent to the appointed Examiner for consideration.
- 2.2 The Plan was then subject to a Neighbourhood Planning Referendum on the 8th November 2018.

3. OPTIONS

- 3.1 There are just two options to be considered:

Option 1 – That the St Mary in the Marsh NDP breaches, or is incompatible, with any EU obligations or any European convention Human Rights, and is not made part of the Development Plan for the area; or

Option 2 – To make the St Mary in the Marsh NDP part of the Development Plan for the St Mary in the Marsh Neighbourhood Development Area.

- 3.2 This report recommends Option 2, that the St Mary in the Marsh NDP is made part of the development plan.
- 3.3 The question as to whether or not the St Mary in the Marsh NDP would breach, or is incompatible, with EU obligations or any European convention Human Rights has been considered by the Independent Examiner in her Report. Her conclusions were that it did not. There have also been no changes to either the EU Obligations or the European convention Human Rights since her report that would change this conclusion. The only option is to make the NDP part of the Development Plan for the Neighbourhood Area.

4. RISK MANAGEMENT ISSUES

- 4.1 The risk management issues are as follows:

Perceived risk	Seriousness	Likelihood	Preventative action
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That the Neighbourhood Plan is legally challenged by a developer, landowner or aggrieved party	High	Low	Neighbourhood Plans are now an established part of the planning system and have been brought into force in a large number of local authority areas. The council has given advice to the Parish Council in preparing the Plan to ensure it follows national planning policy. The Plan has been subject to independent examination according to legislation and the Examiner's recommendations have been incorporated into the Plan.
That changing circumstances render the Plan out-of-date or ineffective.	High	Low	The Neighbourhood Plan, in common with all development plans, will need to be monitored and kept under review. The council will assess how it is used in decision-making, in the granting or refusing of planning permission, and will work with the Parish Council to monitor its effectiveness.

7. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

7.1 Legal Officer's Comments (DK)

There are no legal implications arising directly out of this report other than as already stated. Parish and town councils can write a Neighbourhood Development Plan for their area. Subject to conforming to national policies, as well as local plan policies for the area, and gaining support through a referendum of the local area, the plan may be adopted as part of the development plan. The Council must ensure compliance with the National Planning Policy Framework published by the Department for Housing, Communities and Development on 24th July 2018 which sets out the Government's planning policies and objectives for England and how these should be applied. (It provides a framework within which locally-prepared plans for housing and other developments may be produced.)

7.2 Finance Officer's Comments (CS)

There are no direct financial consequences of the recommendations contained within this report.

7.3 Diversities and Equalities Implications (GE)

The Equality Act 2010 places an obligation on public bodies to consider equality implications while developing or revising policy and prior to taking decisions. A stage one Equality Impact Assessment (EIA) was previously undertaken and identified no adverse impact or discrimination against different groups in the community. The EIA was published as an appendix to support the previous report to Cabinet on 12th September 2018 (Report ref: C/18/32).

Local residents have been publically consulted on the plan through a referendum and the result was to agree the adoption the Neighbourhood Development Plan. The conclusions of the Independent Examiner confirm the Neighbourhood Development does not breach any convention on the European Convention on Human Rights. Therefore, there are no equalities implications directly arising from this report.

8. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

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

Adrian Tofts, Planning Policy Manager

Telephone: 01303 853438

Email: Adrian.tofts@folkestone-hythe.gov.uk

David Whittington, Planning Policy Team Leader

Telephone: 01030 853375

Email: david.whittington@folkestone-hythe.gov.uk

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

(Note: only documents that have not been published are to be listed here)

Appendices:

Appendix 1: Decision Statement

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St Mary in the Marsh Neighbourhood Development Plan

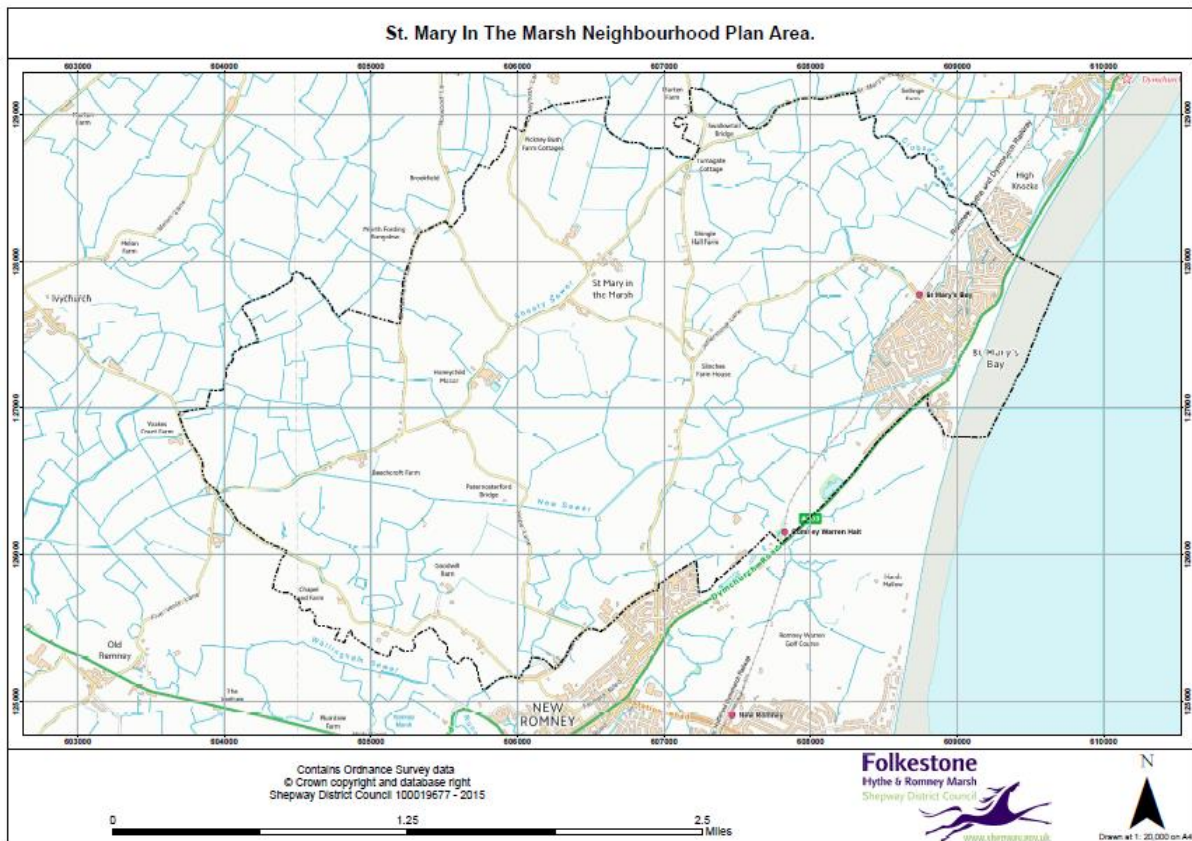
Decision Statement January 2019

Summary

1. Following a successful independent examination, undertaken by written representations, Folkestone & Hythe District Council's Cabinet agreed on the 12th September 2018 that the St Mary in the Marsh Neighbourhood Development Plan should proceed to a Neighbourhood Planning Referendum.
2. The Neighbourhood Planning Referendum was held on the 8th November 2018. Local people were asked whether they wanted the District Council to use the Neighbourhood Development Plan to help decide planning applications in the St Mary in the Marsh Neighbourhood Area.
3. Of those who voted, 87.2% (477 people) voted in favour of using the Neighbourhood Development Plan. A simple majority of 51% (of those who had voted) in favour of the Plan is required to bring the plan into force.
4. At Council on the 13th March 2019, in accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) the District Council made the Plan part of the development plan for the district.

Background

5. The District Council designated the St Mary in the Marsh Neighbourhood Area on the 17th April 2013. The Neighbourhood Area corresponds with St Mary in the Marsh parish boundary.



6. Following the submission of the St Mary in the Marsh Neighbourhood Development Plan to the District Council, it was published for consultation and representations were invited. The consultation period ended on the 21st December 2017.
7. The District Council appointed an independent Examiner, Rosemary Kidd, Dip TP, MRTPI, to examine whether the Neighbourhood Development Plan met the basic conditions as set out in Schedule 4B to the Town and Country Planning Act 1990 and whether it should proceed to a referendum.
8. The Examiner's Report recommended a number of modifications so that the St Mary in the Marsh Neighbourhood Development Plan complied with the 'basic conditions' and other relevant statutory provisions.
9. The Examiner's Report (April 2018) concluded that:

‘Subject to the recommended modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that St. Mary in the Marsh Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum’.

10. Having considered each of the recommendations made by the Examiner’s report, and the reasons for them, Folkestone & Hythe District Council, in consultation with St Mary in the Marsh Parish Council, accepted the modifications to the draft plan.

11. To meet the requirements of Localism Act 2011 a referendum was held on Thursday 8th November 2018, which asked local people whether they wanted the District Council to use the Neighbourhood Development Plan to help decide planning applications in the St Mary in the Marsh Neighbourhood Area.

12. In accordance with the Regulations, the question posed was:

‘Do you want Folkestone & Hythe District Council to use the Neighbourhood Plan for St. Mary in the Marsh to help it decide planning applications in the Neighbourhood Area?’

13. There was a 23% turnout of the overall Neighbourhood Area electorate. Of those who voted, 87.2% (477 people) voted in favour of using the Neighbourhood Development Plan and 12.61% (69 people) voted against. A simple majority of 51% (of those who had voted) in favour of the Plan is required to bring the plan into force.

14. In accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) the District Council, at the meeting on the 20th March 2019, made the St Mary in the Marsh Neighbourhood Plan part of the development plan for the district. The development plan currently includes the Core Strategy Local Plan (2013) and the saved policies in the Shepway Local Plan (2006). The emerging Core Strategy Review and the Places and Policies Local Plan will also become part of the Development Plan (and replace the 2013 and 2006 plans respectively) when they are adopted.

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of the Local Government Act 1972.

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