



Agenda

Meeting: **Overview and Scrutiny Committee**
Date: **7 September 2021**
Time: **7.00 pm**
Place: **Council Chamber - Civic Centre Folkestone**

To: **All members of the Overview and Scrutiny Committee**

The committee will consider the matters, listed below, at the date, time and place shown above. The meeting will be open to the press and public.

Members of the committee, who wish to have information on any matter arising on the agenda, which is not fully covered in these papers, are 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 social distancing rules have been relaxed, for the safety of the public, elected members and staff, we will continue to seat members of the public approximately one metre apart. This means that there will be 13 seats available for members of the public, which will be reserved for those speaking or participating at the meeting. The remaining available seats will be given on a first come, first served basis.

All attendees at meetings are kindly asked to wear face coverings, unless they are addressing the meeting.

1. **Apologies for Absence**
2. **Declarations of Interest (Pages 5 - 6)**

Members of the committee should declare any interests which fall under the following categories:

- a) disclosable pecuniary interests (DPI);

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website www.folkestone-hythe.gov.uk

- b) other significant interests (OSI);
- c) voluntary announcements of other interests.

3. **Minutes (Pages 7 - 14)**

To consider and approve, as a correct record, the minutes of the meetings held on 1 June 2021 and 15 June 2021.

4. **Minutes of the Finance and Performance Scrutiny Sub Committee (Pages 15 - 18)**

To consider and approve, as a correct record, the minutes of the meetings held on 15 June 2021.

5. **Minutes of the Task and Finish Group - Waste Contract (Pages 19 - 38)**

To consider and approve, as a correct record, the minutes of the meetings held on 7 and 27 July, and 4 August 2021.

6. **Recommendations arising from review of the waste and street cleansing contract (Pages 39 - 42)**

This reports presents the recommendations that have been formed from the Task and Finish Group's review of the Council's Waste and Street Cleansing Contract.

7. **Draft Licensing Policy Statement 2021 - 2026 (Pages 43 - 180)**

In accordance with the requirements of the Licensing Act 2003 the Licensing Authority is required to publish a statement of policy every successive five year period. The new draft Licensing Policy Statement is now out to public consultation. The purpose of this report is to provide an opportunity for the Overview and Scrutiny Committee to review and feedback on the new policy statement and that this be included in the consultation responses.

8. **Corporate Action Plan and 2021-22 Key Performance Indicators (KPIs) (Pages 181 - 216)**

The Council earlier this year adopted its new corporate plan 'Creating Tomorrow Together' that sets out its strategic direction for the coming nine years with service priority actions that will focus on the district's recovery from the coronavirus pandemic for the initial three year period. This report sets out a draft corporate action plan that is designed to demonstrate how the council will deliver against the service priority actions defined within the corporate plan and the proposed Key Performance Indicators (KPIs) that will be used to monitor overall progress.

9. **Folkestone & Hythe Community Safety Partnership (CSP) Plan 2021-24 Update (Pages 217 - 240)**

Folkestone & Hythe Community Safety Partnership (CSP) has published a new three year community safety plan for 2021-24. The Overview and Scrutiny Committee acts once a year as the Crime and Disorder Scrutiny Panel as set out in legislation to ensure that the CSP is working effectively and responsible authorities are discharging their statutory functions in respect of community safety.

10. **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 2 of Part 1 of Schedule 12A to the Local Government Act 1972 –

‘Information which is likely to reveal the identity of an individual.’

Part 2 – Exempt Information Item

11. **PREVENT update**

A presentation will be given to members.

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Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; 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. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

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Minutes

Overview and Scrutiny Committee

Held at:	Council Chamber - Civic Centre, Folkestone
Date	Tuesday, 1 June 2021
Present	Councillors Gary Fuller, Peter Gane, Michelle Keutenius (Chairman), Connor McConville, Terence Mullard, Rebecca Shoob (Chairman) and John Wing
Apologies for Absence	Councillor Patricia Rolfe
Officers Present:	Kate Clark (Case Officer - Committee Services), Gavin Edwards (Performance and Improvement Specialist), Ewan Green (Director of Place), Sue Lewis (Committee Services Officer), Llywelyn Lloyd (Chief Planning Officer), Tim Madden (Director of Transformation and Transition), Lorraine Smith (Economic Development Senior Specialist) and Charlotte Spendley (Director of Corporate Services)
Others Present:	Councillors David Monk, Ray Field and David Wimble and Mr Oliver Goodhall (We Made That)

1. **Appointment of Chairman**

Proposed by Councillor Rebecca Shoob
Seconded by Councillor Gary Fuller

RESOLVED:

To appoint Councillor Michelle Keutenius as Chairman of Overview & Scrutiny Committee for the coming year.

All agreed.

2. **Appointment of Vice-Chairman**

Proposed by Councillor Peter Gane
Seconded by Councillor Connor McConville; and

RESOLVED:

To appoint Councillor Rebecca Shoob as Vice-Chairman of Overview & Scrutiny Committee for the coming year.

All agreed.

3. **Declarations of Interest**

There were no declarations of interest.

4. **Minutes**

Proposed by Councillor Connor McConville
Seconded by Councillor Rebecca Shoob

The minutes of the meeting held on 30 March 2021 were approved subject to the following addition to Minute No 43:

Councillor McConville made reference to the possibility of the council adopting a selective licence policy as part of the review. This policy would be aimed at private landlords in the private housing sector.'

All agreed

5. **Minutes of the Finance & Performance Scrutiny Sub-Committee**

The minutes of the meeting dated 27 April 2021 were approved and signed by the Chairman.

6. **Appointment of members and election of chairman to the Finance and Performance Scrutiny Sub-committee**

Proposed by Councillor Connor McConville
Seconded by Councillor Gary Fuller

RESOLVED:

That membership of the Finance and Performance Scrutiny Sub-Committee remains identical as last year for the municipal year 2021/22; Councillors Fuller, Gane, McConville, Rolfe and Shoob.

All agreed.

Proposed by Councillor Rebecca Shoob
Seconded by Councillor John Wing

RESOLVED:

That Councillor Connor McConville remains as Chairman of the Finance and Performance Scrutiny Sub-Committee for the municipal year 2021/22.

All agreed.

7. **Customer Access Point**

The Director of Transformation and Transition, Mr Tim Madden, gave a presentation on the proposal to set up a Customer Access Point. The presentation is attached to these minutes.

Members made the following comments:

- Libraries – could be used as customer access points. Mr Madden would be happy to look into this, however resourcing multiple sites could be an issue. Members were mindful that although Folca is central, the district is predominantly rural and library use could possibly benefit residents.
- Consider a hybrid approach when completing and verifying forms for services officered to residents.
- Some residents lack resources, ie online services and devices. Maybe look to offer these.
- Folca building – need to consider disability access and carbon neutrality. An architect is involved in the design space of the building and it is expected work will start in Autumn 2021.
- Ensure private areas are available to residents who need to discuss sensitive issues. Mr Madden confirmed this had been thought about and also the need to ensure residents in difficult situations feel comfortable in approaching the Council.
- Possible provision at Folca for charities who could share space.

Mr Madden thanked members for their suggestions which would be considered. Folca is an important aspect of the Place Plan.

On a final note it was confirmed that the re-opening of the Civic Centre is being considered in July, however this could be revised based on the ever changing Government guidelines.

Proposed by Councillor Peter Gane
Seconded by Councillor Gary Fuller

RESOLVED

To note and receive the presentation.

8. Folkestone Town Centre Place Plan

Report OS/21/01 presented an update on progress to develop the Folkestone Town Centre Place Plan. The report set out the context for this, engagement undertaken and the emerging key themes and interventions from which the plan will be developed.

Cabinet Member for the District Economy, Councillor Wimble, gave introductory remarks and recognised the importance of the work to establish an overall direction for the future town centre. Mr Ewan Green, Director of Place, presented the report and introduced Mr Oliver Goodhall from urban design specialists, We Made That.

Mr Goodhall gave a presentation, which is attached to these minutes. Mr Goodhall explained 'The Grand Challenge', incorporating six missions and how these interact with action areas within Folkestone. He reminded members of the next public webinar on 10 June.

Members' comments and questions included:

- Looking at the public engagement events, what considerations are given to comments received? Short, medium and long term considerations are explored.
- Adult education provisions.
- Digital infrastructure.
- Creative Quarter – what do people think when visiting Folkestone and what do people want?
- What kind of hub will Folkestone be?

Mr Goodhall mentioned the Vision for Folkestone and how this must be broken down into manageable components, also looking at long term sustainable resilience and diversity. He mentioned a publication which members may be interested in; 'High Streets – Adaptive Strategies' guidance produced by the Mayor of London.

Further comments raised by members:

- Park and ride – an idea to be considered.
- Public engagements – demographically younger people are less likely to get involved, however, it was suggested that young people are more likely to get involved with definitive projects.
- Electric scooters, possible hire and use around the town centre, an example given was the use of these in Bristol.
- The importance of green space.

Councillor Wing was impressed by the public and stakeholder engagement aspects of the Place Plan, he also asked the following questions:

- Traffic flow around the town? Traffic modelling to be carried out.
- Leas Lift – good to see this included in the actions as part of the engagement process.
- Consider other vertical transport systems.
- If the North Downs is confirmed as a UNESCO World Heritage Site, this could help the Town Centre.
- Encourage visitors in the Winter months. Levelling Up Fund could provide further opportunities.
- Licensing Policy – seen as a facilitator of the Place Plan. The policy is under review and will be brought to Full Council in the Autumn 2021.

Members asked what the next steps will be. Mr Green advised a Council led action plan to be produced with continued engagement with consultant teams. Mr Goodhall was keen to say that We Made That would like to stay engaged throughout the process and thereafter.

Members were impressed with the process so far and thanked the We Made That team, officers and the Cabinet member for the District Economy, Councillor Wimble.

Proposed by Councillor Peter Gane
Seconded by Councillor Gary Fuller; and

RESOLVED:

That Report OS/21/01 and presentation are received and noted.

All agreed.

(Councillor McConville left the meeting and did not return)

9. Performance Management Framework

The Council's Performance Management Framework was originally created and approved in 2014, with minor amendments being approved by Cabinet in 2017. The Performance Management Framework had been reviewed and simplified to make it more meaningful and useful for officers, elected members and all those who are engaged in the Council's performance management.

Mr Gavin Edwards, Policy and Improvement Specialist, presented the report and advised members the Performance Management Framework is due to Cabinet in July 2021.

Members comments included:

- Reporting cycles – quarterly and half yearly figures with the aim to coincide with planned Finance and Performance Scrutiny Sub-committee dates.
- A member suggested that the finance and budget figures can be confusing, could this be simplified? Narratives are provided to figures however as expected, detailed budget reports are very large documents and a balance must be struck on reporting style. Charlotte Spendley, Director of Corporate Services, would welcome any suggestions by email.
- Staff training – process and measurements are attained through annual appraisals; OD team support; behavioural assessments; development plans and engagement with team leaders.
- What is Pentana? This is the performance management software that the Council's uses.
- Data Quality Strategy – ensures that the Council is as transparent as possible, for example, publishing information on the Council's website or using the FOI service. A member mentioned API data availability, however it was advised that this is not used on the website.

Proposed by Councillor Michelle Keutenius

Seconded by Councillor Peter Gane; and

RESOLVED:

That Report OS/21/02 and accompanying appendices are received and noted.

All agreed.

Overview and Scrutiny Committee

Held at:	Council Chamber - Civic Centre, Folkestone
Date	Tuesday, 15 June 2021
Present	Councillors Miss Susan Carey, Gary Fuller, Peter Gane, Michelle Keutenius (Chairman), Connor McConville, Rebecca Shoob (Vice-Chair) and John Wing
Apologies for Absence	Councillor Danny Brook, Councillor Terence Mullard and Councillor Patricia Rolfe
Officers Present:	Kate Clark (Case Officer - Committee Services), Ewan Green (Director of Place), Charlotte Spendley (Director of Corporate Services) and Jemma West (Committee Service Specialist)
Others Present:	Councillor Stuart Peall (Folkestone & Hythe District Council)

10. **Declarations of Interest**

There were no declarations of interest at the meeting.

11. **Creation of a Task and Finish group to consider issues relating to the council's waste and street cleansing contract**

The Cabinet Member for Enforcement, Regulatory Services, Waste and Building Control, with the support of the Overview and Scrutiny Chairman, had requested that urgent scrutiny work take place following recent issues around the council's waste and street cleansing contract. The report therefore set out proposals for the formation of a Task and Finish Group, including a suggested scope, and invited nominations for the Membership of the Group.

Members discussed various aspects of the report, and made points including the following:

- The previous service had been excellent, reliable and with minimal missed collections.
- The Terms of Reference needed to be widened to include contract management, customer service response and complaints handling.

- The scope needed to include a variety of witnesses, including Folkestone and Hythe District Council officers, and not just senior managers from Veolia.
- It was important to understand the reasoning behind the redefined routes, and staffing changes, including working hours, and the impact on staff.
- It was also important to understand if the council had taken too long to acknowledge the issues.
- How would the residents of Folkestone and Hythe be compensated for the disruption?
- The new way of working seemed to be less flexible and more prescriptive.
- The scope also needed to include health and safety, and environmental risks.

The Cabinet Member for Enforcement, Regulatory Services, Waste and Building Control then responded to the points raised and gave his apologies to Members and the residents of the district. He advised that a few weeks of pain had been anticipated, but not to this extent.

Proposed by Councillor Gane,
Seconded by Councillor McConville; and

RESOLVED:

1. **That report OS/21/03 be received and noted.**
2. **That the suggested topic for Scrutiny meets the requirements set out at paragraph 2.1 (as per point j of the Terms of Reference of the Committee), and that a Task and Finish Group be created.**
3. **That the scope of the review, as set out in paragraph 3.1 of the report, subject to the addition of contract management, customer service response, complaints handling, health and safety, and environmental risks, be approved.**
3. **That Councillors Fuller, Gane, Keutenius, Shoob and Wing be appointed to the Task and Finish Group.**

(Voting figures: 7 for, 0 against, 0 abstentions).

Minutes

Finance and Performance Scrutiny Sub-Committee

Held at:	Council Chamber - Civic Centre Folkestone
Date	Tuesday, 15 June 2021
Present	Councillors Gary Fuller, Peter Gane, Connor McConville (Chairman) and Rebecca Shoob
Apologies for Absence	Councillor Patricia Rolfe
Officers Present:	Kate Clark (Case Officer – Committee Services), Gavin Edwards (Performance and Improvement Specialist), Ewan Green (Director of Place), Cheryl Ireland (Chief Financial Services Officer) and Charlotte Spendley (Director of Corporate Services)
Others Present:	Councillor David Monk

1. **Declarations of interest**

Councillor Gary Fuller declared an interest as he is a Council tenant. This related to agenda item 5 (Housing Revenue Account Revenue & Capital Financial Outturn 2020/21). Councillor Fuller left the chamber for this item and did not take part in discussions or voting.

Councillors Peter Gane and Connor McConville both declared interests for agenda item 3 (General Fund Capital Programme Outturn 2020/21) and agenda item 6 (Annual Performance Report 2020/21) as they are both board members of Oportunitas. Both remained in the meeting for these items and took part in discussions and voting.

Councillor Rebecca Shoob declared an interest as she is a board member of Otterpool Park LLP. This relates to agenda items 3 (General Fund Capital Programme Outturn 2020/21), agenda item 4 (General Fund Revenue 2020/21 Provisional Outturn) and agenda item 6 (Annual Performance Report 2020-21). Councillor Shoob remained in the meeting taking part in discussions and voting on all items.

2. **General Fund Capital Programme Outturn 2020/21**

Report C/21/08 summarised the 2020/21 final outturn position (subject to audit) for the General Fund capital programme compared to the latest approved budget. The report also summarised the outturn position for the approved prudential indicators for capital expenditure in 2020/21.

Transformation project costs – it was noted there was an underspend as the full projected funding was not required.

Proposed by Councillor Peter Gane
Seconded by Councillor Rebecca Shoob; and

RESOLVED:
That Report C/21/08 is received and noted.

(Voting: For 4; Against 0; Abstentions 0)

3. **General Fund Revenue 2020/21 Provisional Outturn**

Report C/21/09 summarised the 2020/21 final outturn position (subject to audit) for the General Fund revenue expenditure compared to both the latest approved budget and quarter 4 projections.

Members initially looked at underspends for Planning, Economic Development, Council Tax Reduction Scheme and Disabled Facilities Grant. These underspends were due to variances, additional income received and the pandemic, as detailed in the report.

Connect 38 – providing a healthy return at present. A new tenant is due after fitting out is complete. Yield at present is 6.8%.

Folca – High running costs were expected, however the use of the building as a vaccination centre has generated income which is a benefit to the Council.

Proposed by Councillor Peter Gane
Seconded by Councillor Gary Fuller; and

RESOLVED:
That report C/21/09 is received and noted.

(Voting: For 4; Against 0; Abstentions 0)

(Councillor Gary Fuller left the Chamber and did not take part in discussions or voting on the following item)

4. **Housing Revenue Account Revenue & Capital Financial Outturn 2020/21**

Report C/21/10 summarised the 2020/21 provisional outturn position (subject to

audit) for the HRA revenue expenditure and HRA capital programme compared to both the latest approved budget and quarter 4 projections.

Proposed by Councillor Peter Gane
Seconded by Councillor Rebecca Shoob; and

RESOLVED:
That Report C/21/10 is received and noted.

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

(Councillor Gary Fuller returned to the Chamber for the remainder of the meeting)

5. **Annual Performance Report 2020-21**

Report C/21/11 set out how the Council has delivered for local people in the district in 2020-21 in response to the previous Corporate Plan (2017-20) vision of investing for the next generation – delivering more of what matters.

Mr Gavin Edwards, Performance and Improvement Specialist, summarised points of interest to members who noted various items within the KPI Data 2020-21:

- Target not met for dog fouling and littering noted.
- Small rise in B&B accommodation, possibly due to the pandemic.
- Target not met for waste recycled. Contamination is a problem, maybe work with local businesses and residents to ensure clear guidance is followed. Another point made was that as packaging reduces this could affect overall percentage figures against non-recyclable waste.
- Garden waste is included in the recycling figures
- ASB diversionary activities, this figure has dropped probably due to school closures during the pandemic. Members agreed early intervention was key.
- Foreign PCN recovery – a debt recovery firm is employed however, it is challenging to recover outstanding debts. Members asked if the Council breaks even, Mr Edwards will investigate.
- FOI/Subject Access Requests – members asked how quickly these are processed and how many data breaches have there been? Response to follow.
- Under Delivering Excellence, members asked how long would a customer be expected to wait before their call is answered? Response to follow.
- Homelessness approaches. Although prevented and relieved figures are shown, members asked for a fuller breakdown to the overall figures. Response to follow.

It was noted that at 2.2 of the report, reference is made to waste and street cleansing as one of the highlights of the year. Members asked that the wording

of the final document is carefully considered by Cabinet, bearing in mind the recent service problems encountered by residents.

Members thanked all officers for the great delivery of services across the District.

Proposed by Councillor Peter Gane
Seconded by Councillor Rebecca Shoob; and

RESOLVED:
That Report C/21/11 is received and noted.

(Voting: For 4; Against 0; Abstentions 0)

Minutes

Task and Finish Group - Waste Contract

Held at:	Zoom - remote meeting
Date	Wednesday, 7 July 2021
Present	Councillors Gary Fuller, Peter Gane, Michelle Keutenius, Rebecca Shoob and John Wing
Officers Present:	Ewan Green (Director of Place), Susan Priest (Chief Executive), Andrew Rush (Regulatory Services & Corporate Contracts Lead Specialist) and Jemma West (Committee Service Specialist)

1. **Declarations of interest**

There were no declarations of interest at the meeting.

2. **Election of Chairman**

Proposed by Councillor Keutenius,
Seconded by Councillor Fuller; and

RESOLVED:

That Councillor Shoob be elected Chairman of the Task and Finish Group.

(Voting figures: 5 for, 0 against, 0 abstentions).

3. **Terms of reference**

The Chairman outlined the Terms of Reference of the Group.

A discussion took place around whether the meeting on 26 July would be webcast publicly. The Chief Executive advised that the agenda documents and minutes for the meeting would be fulsome. The Director of Place also stated that having the session in private would enable members to have an open discussion, with the potential to probe in depth issues which could be commercially sensitive.

The Task and Finish Group Members asked for their disappointment to be noted, given the issues residents had been facing, and the vast impact of the current situation. The Chief Executive advised that she would seek further advice on the issue from the council's Monitoring Officer.

It was agreed that the Terms of Reference be amended, with the addition of the wording "including staffing and Echo IT system" after the words "route optimisation project" in point 1.

RESOLVED:

That, subject to the above additional wording, and subject to further consultation with the Monitoring Officer around holding the meeting on 26 July in public, the terms of reference be agreed.

4. Suggested format for the Task and Finish meeting on 26 July 21

The Director of Place gave a presentation which set out the proposed agenda for the meeting on 26 July, and the suggested key lines of enquiry.

The Task and Finish Group Members commented on various issues, and made points including the following:

- Was there a 'menu' within the contract, setting out the different service options?
- What was the contractual position on missed bins?
- Members needed to have sight of details of the detail related to contract management and performance management as soon as possible, as preparation for the meeting.
- It was important to hear the views of the staff close to the situation, such as the council's customer services team, and the Veolia staff who are 'on the ground'. It would also be useful to hear from the Town Sprucer, who had been using charity budgets to assist with the clean-up.

The Task and Finish Group then commented on the Key Lines of enquiry and made the following points:

- What caused the service failures? It was important to understand reasons for the modelling, and underlying logic.
- In terms of recovery, this also needed to address how service levels would then be maintained going forward.
- There needed to be a question around how well the contract had been implemented on a local level, in terms of issues with those using assisted delivery, and leeway as to where people could place their bins for collection.
- Staff welfare was important, were staff being given support where needed?
- In terms of any final recommendations, these could also be directed to other portfolio holders, such as the Cabinet Member for Digital Transformation.

Task and Finish Group - Waste Contract - 7 July 2021

- All background information should be circulated as soon as possible to the Task and Finish Group Members, including detail on performance prior to and after the changes.
- The latest performance figures would be reported at the meeting on 26 July, but was there another way of keeping members updated, such as a one drive or sharepoint area, which Members could access?
- Could a survey to be sent to the 'on the ground' staff at Veolia and FHDC, where they could provide anonymous feedback? Councillor Fuller indicated he would be happy to create the questions.
- Could trade union representatives from both Veolia and FHDC be invited to attend the session on 26 July to give the views of staff?

In terms of Lead Members for each of the KLOEs, the following was agreed:

- KLOE 1 Rationale & Planning – Councillor Fuller
- KLOE 2 Current Position – Councillor Wing
- KLOE 3 Recovery – Councillor Keutenius
- KLOE 4 Council Response – Councillor Gane
- KLOE 5 Forward Look – Summary – Councillor Shoob

The Director of Place advised that he would be happy to respond to any further questions that members have, prior to the session on 26 July.

Actions –

MO to report back on whether the meeting on 26 July can be open to the public.

JW to update the Terms of Reference with the agreed amendment.

AR to update evidence base.

AR/EG to circulate evidence base to Members as soon as possible.

EG to contact Veolia and FHDC union representatives to discuss inviting staff views to contribute to the session on 26 July.

Task and Finish Group to set questions for an anonymous survey, to be sent to staff inviting feedback.

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Task and Finish Group - Waste Contract

Held at:	Council Chamber - Civic Centre Folkestone
Date	Monday, 26 July 2021
Present	Councillors Gary Fuller, Peter Gane, Michelle Keutenius, Rebecca Shoob and John Wing

FHDC

Ewan Green (Director of Place), Andrew Rush (Regulatory Services & Corporate Contracts Lead Specialist) and Jemma West (Committee Service Specialist)

DDC

Roger Walton (Strategic Director - Operations and Commercial)
Ian Dudding (Waste Manager)

Veolia

Pascal Hauret – Managing Director
David Fitzgerald – Senior Operations Manager
Ben Velmans – Senior Contract Manager
Gary Morrison – Contract Manager

1. **Declarations of interest**

There were no declarations of interest at the meeting.

2. **Terms of reference**

The Task and Finish Group Members noted the terms of references, which had been updated to reflect the amendments made at the previous meeting.

3. **Review of Waste and Street Cleansing Contract**

The Chairman of the Task and Finish Group asked those present to introduce themselves.

The Director of Place then outlined the report which presented a range of information as background and evidence. This had been pre circulated, and

published, in advance of the meeting to support the Task and Finish Group in their review of the Council's Waste and Street Cleansing Contract.

The Chairman then invited the Task and Finish Group Members to ask questions of those present, which included the following:

- With regard to the Cabinet report (appendix 1), some details had been redacted. Did the other contractor, Biffa, score more highly on any key indicators? Was all the information around Biffa's bid put before Cabinet to inform their decision?
- Could more information be provided on the Echo IT System, and V-watches?
- How prescriptive was Echo? For example, members of the public who lived on a street which backed onto another street were being told to put their bins out in a set location, which could mean they were having to carry their bin down steps etc.
- There were some instances where whole streets had been missed for food waste collection, but the bins had been marked as collected. How had this happened?
- There had been some cases where those with assisted delivery had been missed, how had this happened? There had also been a report where the key of a member of the public who had an assisted collection had got lost.
- Were the Veolia workforce consulted prior to the changes in terms of route optimisation?
- What percentage of data had been missing following the import of information from M3, and what percentage was accurate? Did the Echo system analyse the data put into it? How was modelling carried out?
- Was the modelling and analytics information which was submitted as part of the bid sense checked?
- When the decision to proceed with the contract was made, were the changes as a result of the pandemic, and the lack of HGV drivers factored in?
- If Veolia were losing money on the previous contract, why did they bid for the new contract? Why not raise the price of the bid, and focus on efficiencies later?
- What sort of risk assessment process had been carried out prior to the contract being signed?
- When the route optimisation changes were bought in at DDC, would it have made more sense to fix the issues there prior to roll out at FHDC?
- What assurances had been sought by FHDC that the new optimisation proposal was robust?
- What progress had been made in correcting the issues around the lack of information carried over from the previous CRM system?
- How had the shift patterns been changed? Did the new patterns mean more working hours for operatives?
- Why were the Veolia Union representatives not present?
- Could Veolia sum up what they thought had gone wrong?
- What were the latest collection figures?

- The latest collection rates seemed quite high, when there were still a large number of bins not collected.
- There seemed to be no sign of improvement, and the suspension of garden waste collection had caused further aggravation. What were people expected to do with their garden waste? Could they put it in ordinary waste? Some tenancy agreements prohibited composting. When would garden waste collection resume?
- In terms of the continuity plan, what were the other options available, other than suspension of garden waste?
- Had there been any other changes in sickness absence patterns since the route optimisation changes?
- What was the impact on customer contact and complaints statistics, and how were staff coping?
- What was being put in place to support Customer Services staff?
- What was the process when a missed bin was reported? Why would the operatives only collect the reported bin, even if an entire street was missed?
- FHDC's communications had fallen short. Could daily updates be provided via the website/social media?
- How were Veolia's staff feeling?
- It had been reported that Veolia staff felt they had no pride, and were ashamed by the situation, given that many lived within the district. Their morale was broken, and staff were looking to locate. Staff felt that the tablets were a hindrance, and that consultations had not been sufficient.
- Were fire and rehire tactics being used by Veolia?
- Once the changes had been applied why were performance failure points not applied for a month?
- Was it possible to see the figures for PC21 (repeat of an unjustified missed collection of any waste stream from the same property within a rolling 6 week period), for the fourth quarter of 20/21?
- Did the service failures result in any health and safety or environmental issues for residents and the operatives?
- With staff being abused on the street, what were Veolia putting in place to support staff with their mental health?
- In terms of the recovery plan, how was it developed and agreed, and how would it be monitored?
- How could the issue of roll over, where a route was incomplete, be resolved?
- When was the HGV driver shortage first noticed, and how was this being resolved?
- With regard to the internal review, would this be based on initial data and assumptions?
- With regard to the wait times at the waste transfer station at Ashford, would a resolution to this issue result in more costs to FHDC?
- How long would it be until there was full validation on data matching with the echo system, particularly in respect of assisted collections?
- What changes had been made to improve the street cleansing service?
- What had happened in terms of weed spraying? Had glyphosates been banned?

- There was an ongoing problem where street cleansing was ineffective because of parked cars. Were there any measures to deal with this, given that lack of gully cleaning could lead to flooding issues?

Susan Priest (Chief Executive), Ewan Green (Director of Place), Andrew Rush (Regulatory Services & Corporate Contracts Lead Specialist), Ian Dudding (Waste Services Manager, DDC), Roger Walton (Strategic Director - Operations and Commercial, DDC), Andrina Smith (Chief HR Officer), Liam Jenner (Customer Services Advisor and Union representative) and Ellen Joyce (Customer Services Advisor and Union representative) were present at the meeting to answer the questions of the Group Members. They responded to the questions raised by Members and made points including the following:

- The tender bid documents were substantial, and the report to Cabinet summarised the process. It set out the similarities between the bids submitted by Biffa and Veolia in paragraph 3.2 and 3.3, and highlighted the main differences and departures in price and quality.
- At the tender stage, Veolia had submitted a table showing the modelling as part of their bid, but not the raw data. The table set out the benefits of route optimisation, and how it matched up, as well as general data about the vehicles. Discussions had mainly been around availability of vehicles, and ensuring efficient use. A summary table had shown route inefficiencies, compared to other LAs but did not advise the detail of new routes as this would be done following a route optimisation exercise at the start of the new contract. Case studies where route optimisation had successfully been implemented were also provided, showing what had been achieved at other authorities.
- At the bid stage, the Council had not committed to route optimisation detail and timings. This had been discussed in March and April 21. There was an element of trust in performance, given that Veolia had been the contractor for the previous ten years without problem and had detailed knowledge of the district. The final bid document had been in July 2020, at which point, a considerable increase in waste had been presented due to changed behaviours as a result of the pandemic, and the service had coped well. In addition, no disruption had been experienced when changes were made to routes previously including the new food rounds.
- In terms of ongoing service resilience prior to route changes, other councils were forced to cut garden waste services during the pandemic, whereas FHDC did not.
- An evaluation process was carried out for the bids, which included an evaluation of price and quality of each tender.
- Throughout the process of transition FHDC sought assurances at every stage. In February 2021, at the point of the first optimisation route proposal, a 64% round change had been recommended to FHDC, and over 90% at DDC. These figures had been queried as they had seemed high. A revised figure of 48% was then put forward. This was still questioned and further assurances were sought on the robustness of the communication plan, the funding of the communications, the additional Saturday rounds and the need to include recycling collections, and the overall timetable, which we thought was too short for a proposed start date 14 April 2021. The council postponed roll out of route changes until

May 2020 in order for Veolia to provide the extra level of detail and assurances. The next stage had been DDC going live which was scheduled before FHDC and allowed the council to reflect on progress and lesson learned. Initially, many of the issues at DDC had seemed to relate to the distribution of calendars. Further assurances were given by Veolia on the calendar distribution and an additional recycling round was added to the core team. The council also carried out its own checks (in addition to those being carried out by Veolia) to the address data on Echo in the final weeks before the start and found 500 missing properties, which were corrected.

- Veolia were responsible for the data migration from council records (generally held on M3) to the new Echo system. Integrating Salesforce with Echo is being carried out in house by FHDC and remains an ongoing project.
- The collection rates as at 26 July were: 98% recycling, 98% refuse, and 75% food waste. This was not a cumulative running total, it only included the current day routes. Garden Waste collection had been temporarily suspended.
- Collection of garden waste was not a statutory service. There was advice on the council's website on how to dispose of garden waste, encouraging recycling centres and composting where possible. Putting garden waste in household waste was not encouraged, and reduced the capacity of a household bin. The decision to suspend garden waste was not taken lightly. There had been extensive discussions around the potential impact, and the intention was to minimise negative impacts on fewest residents. Clinical and food waste collections were prioritised. Other Kent districts had suspended their recycling service, but FHDC had concerns around this from a health and safety aspect (e.g. potential increase in fire risk resulting from large amounts of stored paper waste).
- Veolia had secured additional resource capacity from another contract in Westminster to be deployed over the previous weekend in F&H to catch up missed rounds.
- The collection rates reported were being queried, but it was important to keep in mind that there were some 52,000 properties in the district, and even a collection rate of 98% meant there would be around 1000 properties where collections had not been made.
- In May 21, there had been a massive increase in telephone calls and customer contacts relating to waste, and the number of complaints had quadrupled.
- Staff morale was very low. A brief survey of 22 staff across customer services, complaints and waste teams had been carried out. 17 staff had said they were finding the situation stressful, 16 said they had experienced angry, shouting customers, 18 stated there had been an impact on their physical and mental wellbeing, and 4 had been in tears. Home working had made it more difficult for staff to support each other. The senior council team were implementing various measures to provide additional support to those affected staff and further staff engagement sessions were scheduled.
- Customers often had a 40-60 minute wait when phoning customer services, and were therefore already aggravated. Staff felt that customers were losing faith in the organisation.

- Following pressure from FHDC senior team, from 28 June, missed bin reports had been redirected to a call centre managed directly by Veolia. Veolia agreed at the meeting this would be extended through to a period where the service improved and stabilised.
- In terms of support for staff, there was a new employee assistance provider in place, which offered more on the spot support. More resource had been put in the team 3-4 weeks ago, and even more temporary resource was being secured to ease pressure and to clear the backlog of correspondence. There would be a follow up meeting with the Customer Services staff to see how things were going. There had also been a wellbeing drop in session introduced, and a number of council staff had been trained in mental health first aid. There had not been a notable impact on staff absence in the team, although interest had been shown in taking redundancy.
- Post Covid, an agile working framework has been created, as reported to Personnel Committee in June 2021, which gives staff more choice on their working location. A booking system would be used for staff who wanted to book to work in the civic office. This could be booked on a team or individual basis. Staff will be surveyed in 2/3 months' time about the benefits arising or improvements to make to the systems and ways of working.
- FHDC was keen to keep members updated on the situation, and it was possible to put out regular messages to the public about missed bins.
- A period of default postponement had been built into the contract, in line with the expectation that the first month would be challenging and represent a settling in period. FHDC had been assured that there would be no more than 2 cycles of disruption. No one had anticipated this level of disruption, which had been compounded by Covid restrictions and national HGV driver shortages.
- Monitoring the figures on round completions had taken place throughout, with daily status updates provided. Two meetings were taking place daily, one with the Customer Contact team and Communications allowing any concerns to be fast tracked, and then a meeting later in the day with the contractor to address outstanding corrective actions.
- Week 4 (1 June & 2 June) performance issues were escalated by FHDC directly to the Veolia Municipal Managing Director. FHDC were advised that extra resource would be applied to 'steady the ship', and improve performance. Lots of improvements were highlighted as still needed at that point, and FHDC confirmed they would continue to escalate if improvements were not forthcoming. In July 21 concerns were escalated further to Gavin Graveson, Executive Vice-President United Kingdom & Ireland.
- In terms of the delays tipping at the waste transfer site, discussions remain ongoing with KCC and any changes made to current arrangements, or additional incurred costs, would need to be based on a robust business case and commitments about how those changes would improve levels of service.
- With regard to assisted collections, most of the data was within the Echo system, but some of the collections had not been actioned. Veolia acknowledged this was no longer a data issue but a performance issue which was being raised as reports of missed collections come in.

Task and Finish Group - Waste Contract - 26 July 2021

- The detailed figures for PC21 for quarter 4 of 20/21 would be provided to Members outside of the meeting by DDC Waste Services Manager.
- As the waste and street cleansing was a joint service, DDC could redeploy staff to support FHDC's service. This need is something they would keep under review.
- Weed spraying had been part of the previous contract, but this was a KCC Highways matter, and had been removed from the new contract. KCC had agreed to fund a single weed spray.

The representatives from Veolia (Pascal Hauret, David Fitzgerald, Ben Velmans and Gary Morrison) also responded to queries raised by the Group Members, and made points including the following:

- The Echo system was a scheduling tool, which ran on a property basis. It held information about schedules, then individual properties with detailed information. There were categories to add specific information, and entitlements (such as bigger bins for flats etc). V-watches were also within the contract, and were designed to allow street cleansers to confirm their work, like a bar code scanner. However, an alternative handheld with GPS was being proposed.
- The Echo IT system allowed for a high level of complexity, and gave the ability to upload or enter information property by property. Issues with individual collections and collection points was likely due to incorrect advice given by operatives. Collection points had not been changed, but the information from the previous contract had been light, with a lot of reliance on the knowledge of local staff.
- With regard to the example around food waste not being collected in an entire street, this was human error, and this should not have happened. The operatives would usually be expected to call this in.
- The information relating to assisted collections had been carried forward from the previous M3 system. This information is periodically refreshed.
- Veolia staff had been consulted, and a trial had taken place during the old contract, on a small area in the Dover District, using handhelds and in-cab devices.
- The data in the old system had not been detailed property by property. Each property had a schedule, and data was input into a back end database. Microsoft Power BI was used as an analytics tool.
- Scheduling had been based on resources, and carried out by the business analytics team. This detail and spatial modelling had been provided as part of the bid, and could be shared.
- Bidding for the new contract presented an opportunity to redress resources and processes. It was intended to minimise any increase by finding efficiencies within the service, although perhaps there had been too many efficiency savings in some areas. Veolia took an organised approach to the contract, and did not want to enter the contract and then be forced to renegotiate in terms of efficiency.
- A staggered approach had been taken to the roll out of the route optimisation. A four week gap had been factored in between go live at DDC and FHDC. There were challenges at both councils, but there had not been an opportunity to reschedule or delay the launch at FHDC.

- The previous contract had been different, and comparisons could not directly be made. There had been an issue due to a delay in vehicle procurement, meaning that the vehicles from the old contract, which were around 8-10 years old, had to be retained, and there was a large cost of around £120k per month to maintain these vehicles and keep them efficiency compliant, hence why Veolia was keen to move to the new service rounds and vehicles.
- The new contract required fewer vehicles, additional vehicles of different sizes, and a revised way in which they were deployed.
- Work to integrate Echo with Salesforce is being led by the Council in-house IT systems team.
- Street cleansing had been a challenge in the old contract, with issues around weekend working. Previously, working days were Monday to Friday, with overtime paid at weekends. This had now changed to a 5/7 contract, which gave greater resource at weekends. Some staff had a 4/4 shift pattern, working a 48 hour week. The number of hours had not increased, but had been condensed for those on a 4/4 pattern, meaning longer days.
- The union representative had been on a period of Covid self-isolation which ended that day, and therefore had not been able to attend the task and finish group.
- In terms of what had gone wrong, Veolia found it difficult to summarise so many factors. The spatial modelling and resource profile had been based on pre-Covid conditions. As a result of Covid, there had been a 77% increase in food waste, and 18% in recycling. It was difficult to predict if these changes would be long term. Some assumptions had been made that productivity around recycling would be the same as waste, but the go live at DDC had shown this not to be the case, so scheduling had been changed. There was also an issue with the disposal point, in that the waste transfer station at Ashford was shared with Ashford BC, which had an impact on turnaround times. These delays had contributed in an inability to complete on food and residual rounds. The short term solution to the issues was to add in more resource. This however had not been possible thus far due to the pressures of staff self-isolation, and the national HGV driver shortage issues.
- Week commencing 19 June around 25% of the work force had been self-isolating, and therefore the business continuity plan had to be enacted. A number of staff were expected to return to work that week. Garden waste collection could not be resumed until the list of positive Covid cases went down.
- The Business Continuity Plan prioritised the order of service reductions. Refuse tended to be prioritised. The next service to be reduced after garden waste, in the event of further staff reductions, would potentially be recycling. Veolia were hopeful this would not be needed.
- As a result of the driver shortage issue, and self-isolation situation, more agency staff were being used. As they were not contracted employees, reliability could be challenging.
- The Veolia call centre at Haringey had dealt with an average of 80 calls per day in respect of missed bins reports. There had been a spike in the middle of the previous week, with 120 calls on Thursday and Friday, and 107 that day. The call centre would continue until the service settled

down. With revised scheduling being implemented in September, it would likely be in place for some time after this.

- On a day to day basis, where a route was incomplete, there would be a carry forward to the following day. It was inefficient to recollect where a missed bin was reported. Some missed bins were taking up to 2-3 days to collect.
- Veolia staff had not been surveyed, but there was daily engagement, when staff returned to the depot. It had been challenging for those on the front line.
- The tablets and Echo IT system worked well elsewhere. They had gone through a benchmarking exercise, and feedback had shown the tablet to be a good tool. Some teething issues were expected with implementing the new technology.
- It was a challenging time for staff, with the annual pay negotiations currently taking place with the process involving the trade unions.
- Veolia reassured members they had not employed 'fire and rehire' tactics, and the current terms and conditions were negotiated through the trade unions.
- There had not been any safety issues as a result of the optimisation changes. There was a low accident record, and there was a good awareness amongst staff around health and safety.
- It had been a challenging few months for staff. This was an issue for front line staff across the country. The organisation would soon be launching a pilot for a campaign, "expect respect", which focussed on increasing reporting and engagement.
- If the service was fully resourced, Veolia were confident all services could be completed each day.
- In the previous six months, 13 HGV drivers had moved on from the organisation adding to the current shortage in capacity. In terms of retention, a pay increase was presently being negotiated over a two year period. Welcome bonuses were being offered to attract HGV drivers, and a referral scheme was being implemented, as well as a recommendation bonus. HGV apprenticeships and fact tracked training were also being offered.
- There were two review processes, which would be brought together. An initial review was taking place internally and externally, and both were close to the end of the process.
- The first stage of the recovery plan was to understand what went wrong. There were certain factors beyond management control. Mistakes were made, and the route model was potentially unrealistic. The analysis has been re-run using a third party resource to give an objective review on the matter. The next stage was to work out the key points of pain, and design those points out.
- Alternative arrangements for the waste transfer station were being sought. There was one at Tilmanstone which could be used on a temporary basis, and discussions were ongoing with partners and KCC. This would assist in reducing wait times and improve overall efficiency of the rounds.
- With regard to street cleansing, the changes to shift patterns had given more flexibility, and staff had a better work life balance. The challenges

had been conquered, and new kit would soon be in place. More schedules were being regulated, giving an ability to do reactive work.

- Street cleansing on roads where there were parked cars was challenging. Previously, Veolia had worked with FHDC on campaigning and leafleting to ask people to remove their cars. This could be looked at for any particular hot spots.

The Cabinet Member for Enforcement, Regulatory Services, Waste and Building Control also added the following points:

- There had been no issues with the previous contract, and street cleansing had been the only challenge. Even during the bad weather earlier in the year, Veolia had caught up quickly in respect of missed collections. Veolia had previously indicated that they were unhappy with the existing service and were losing money. At the point when new bids for the contract had been invited, it was anticipated that there may be cost pressures.
- KCC had lifted the restrictions at household waste centres, and a booking system remained in place.

The Chairman then invited those present to sum up.

Liam Jenner, Customer Services Advisor and Union representative, made the following additional points:

- It was not just Customer Services staff being impacted. Those dealing with complaints, and the Waste Team were also having a difficult time, and morale within FHDC was extremely low.
- It was hoped things would improve soon. Some staff had indicated that they were actively seeking alternative employment.

The Cabinet Member for Enforcement, Regulatory Services, Waste & Building Control thanked the Group Members for their questions and made points including the following:

- The next level of the Business Continuity Plan had not been agreed.
- Retention of HGV drivers was an ongoing issues, but Veolia did not appear to be fighting very hard to win drivers; more should be done.
- This was the first step in the conversation for Overview and Scrutiny, and he looked forward to receiving their recommendations.

Those present from Veolia also added the following points:

- Veolia shared the frustration for the drop in service, and offered further apologies.
- It had been an extremely difficult time, and the recovery had been far slower than expected.
- Under the previous contract, a good service had been delivered and they will seek to return the service to that standard.

The Chairman then summarised the debate, and indicated that the key points were:

- Staff welfare and engagement continued to be a major concern. It was important to continue to seek input from FHDC and Veolia staff.
- Members should be presented with more regular information and communication on the service so they can address local queries.
- The testing and piloting of any major service changes in the future needed careful consideration.

The Chairman thanked all those in attendance, and extended thanks to all those doing their job roles in difficult circumstances.

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Task and Finish Group - Waste Contract

Held at:	Zoom - remote meeting
Date	Wednesday, 4 August 2021
Present	Councillors Gary Fuller, Peter Gane, Michelle Keutenius, Rebecca Shoob and John Wing
Officers Present:	Ewan Green (Director of Place), Susan Priest (Chief Executive), Andrew Rush (Regulatory Services & Corporate Contracts Lead Specialist), and Jemma West (Committee Service Specialist)

1. **Declarations of interest**

There were no declarations of interest at the meeting.

2. **Recommendations following the meeting held on 26 July 2021**

The Director of Place invited feedback from the Task and Finish Group Members following the session held on 26 July, in respect of any recommendations they wished to be made.

The following points were discussed:

- A recommendation should be directed to FHDC relating to ensuring effective contract management arrangements are in place at the point of contract award or renewal
- A recommendation should be made in relation to financial compensation and restitution.
- The communications around the suspension of garden waste had not been received well by some residents.
- There should be more consideration of risk management within the contract. There had been some complacency from the councils (DDC & FHDC) in terms of expectations based on previous high performance from Veolia.
- The issue of HGV driver shortages had been around for some time, and should have been recognised by Veolia sooner.
- The renewal should have been treated as a new contract.

- Improvements were needed in terms of effectively managing live data and taking responsive action. When changes are being made, a 'threshold' should be established as to the level of disruption to expect. There should be an agreement with contractors that any significant route changes be phased and made *after* the full introduction of new technology and vehicles.
- The announcements about the suspension of garden waste had been done via social media as quickly as possible after the Council meeting, however some residents were not made aware until sometime after the announcement.
- Veolia should be pre-empting issues and proactively communicating these to FHDC residents sooner.
- Legal opinion was being sought in terms of the contractual position in relation to penalties and defaults.
- The public needed to see that Members were holding the contractor to account. A joint OSC meeting with DDC should be held in public.
- Any future joint contractual arrangements with DDC, or other public bodies, should be scrutinised to assess risks and benefits.
- Staff from other council services, such as Revenues and Benefits, temporarily supported Customer Services to quickly help manage the volume of customer calls and contacts.
- The lack of presence of Veolia staff at the session on 26 July was very disappointing. Individual staff operative's institutional knowledge had not been used well to inform the route changes. Knowledge of staff should be more highly valued by Veolia.
- At the session on 26 July, Veolia had been asked about staff turnover, and what the contractual reduction in number of FTE's had been, but had not provided an answer.
- There was an ongoing major risk in terms of the negative impact on the council's reputation.
- One of the major service failures related to the data not being uploaded and tested effectively into the new Echo system.
- A pilot of some route changes had taken place at DDC, but not at FHDC. This could have highlighted local issues, such as the heavy reliance on the local knowledge of staff.
- Time had been spent ensuring the data within the system was now correct, and it was important that this was not lost if there are further changes proposed to the routes.
- There had been many instances of bins being marked as collected when they had not been. Was this user error, or system error?

It was agreed that recommendations be based on the following headings:

- **Importance of Contract Management** – Awareness of risk associated with transition (including reputational risk), testing, attention to detail, and scrutiny.
- **Financial contractual matters** - FHDC to use contractual clauses to seek financial redress for failures.

- **Communications** – speed, range of methods, tone and transparency.
- **Staffing** – at Veolia greater staff engagement/involvement in service changes. Impact of changes across council teams should be considered fully at the planning stage. At FHDC, continued support to teams under pressure.
- **Data and systems** – Data integrity/accurate use of systems, scheduling and timing, avoiding simultaneous changes to ICT alongside service delivery changes. More robust and extensive testing of systems and data therein.
- **Joint OSC meeting with DDC** – with a focus on the detail of the recovery plan and any new proposed route changes, following the review commissioned by Veolia, prior to any further changes being made.
- **Veolia management attitudes** – lack of urgency and insufficient appreciation of difficulties in terms of operational matters across many teams.

The Chief Executive then advised on the next steps, which would be to finalise the recommendations, and circulate as a draft for approval, via the Chairman. A report would then be submitted to the Overview and Scrutiny Committee on 7 September incorporating the minutes of all meetings, and the recommendations. A further update report would be given at Cabinet on 22 September and would include the recommendations for consideration of the Overview and Scrutiny Committee. A Member asked if the report could include a summary of what had gone wrong, and the Director of Place confirmed that this would be included in the report to the Overview and Scrutiny Committee.

Officers thanked members for their input and attention to the matters.

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Agenda Item 6

This Report will be made public on 27 August 2021



Report Number **OS/21/04**

To: Overview and Scrutiny Committee
Date: 07 September 2021
Status: Non Key
Responsible Officer: Ewan Green, Director of Place
Cabinet Member: Councillor Rebecca Shoob, Chairman of Task & Finish Group

SUBJECT: RECOMMENDATIONS ARISING FROM REVIEW OF THE WASTE AND STREET CLEANSING CONTRACT

SUMMARY: This reports presents the recommendations that have been formed from the Task and Finish Group's review of the Council's Waste and Street Cleansing Contract.

RECOMMENDATIONS:

1. To receive and note report OS/21/04.
2. To agree the recommendations from the Task and Finish Group.
3. To agree that the recommendations be referred to the relevant Cabinet Member and the Corporate Leadership Team.

1. BACKGROUND

1.1 Following a request from the Cabinet Member for Enforcement, Regulatory Services, Waste and Building Control, and the Chairman of the Overview and Scrutiny Committee, a Task and Finish Group was established to review issues arising from the operation of the new Waste and Street Cleansing Contract.

1.2 The request was made following a significant level of service failures related to the waste collection as a result of the implementation of a route optimisation project which was aimed at improving the efficiency and sustainability of the service. Key issues which led to this can be summarised as:

- Errors in the design and modelling of new routes.
- Insufficient surveying of new routes prior to implementation.
- Issues with data transfer and application of new IT system.
- Lack of testing the new routes with operational staff locally.
- HGV driver shortages.

1.3 The scope of the Task and Finish Group review is set out below:

1. To review the operation of the new Waste and Street Cleansing Contract with a focus on the route optimisation project (new collection routes started on 10/5/21), including staffing and Echo IT system.
2. To invite Veolia Senior Management to the task & finish group meeting to be set up during July 2021.
3. For Veolia to present detailed plans to recover service levels to the contracted standards for –
 - a. Refuse/Recycling/Food Collections
 - b. Assisted Collections
 - c. Communal Bin Collections
 - d. Garden Waste Collections
 - e. Street Cleansing
 - f. health and safety
 - g. environmental risks
4. To consider the council response in terms of
 - a. contract management,
 - b. customer services response
 - c. complaints handling.

1.4 The Task and Finish Group met on 26 July 2021. Council officers and Veolia representatives were present at the meeting to respond to questions from the group. Member's considerations and questions during the meeting were based on a set of Key Lines of Enquiry:

1. **Rationale & Planning** - including the basis for the route optimisation project and expected outcomes, planning, governance, communications and risk mitigation.

2. **Current Position** - including performance pre and post route optimisation changes, impacts on collection service delivery for customers, impacts on Council services.

3. **Recovery** - based on Veolia's Folkestone & Hythe Action Plan detailing interventions to recover service levels for waste collection and street cleansing.

4. **Council Response** - including contract management (actions taken, management escalations, performance monitoring), customer services and complaints handling.

2. **RECOMMENDATIONS ARISING FROM THE ENQUIRY**

2.1 The minutes of meetings of the Task & Finish Group have been presented on the Agenda for this meeting. The following are the recommendations formed from the Group's enquiry:

1. That the Corporate Leadership Team ensure that robust and appropriate management and risk processes are in place to underpin both the award and delivery of new contracts.
2. That the council utilises all measures available within the terms of the contract to seek appropriate compensation and reimbursement of costs associated with the failure of the route optimisation project.
3. That communications in relation to significant issues such as waste collection route changes are proactive and consider impact of key messaging on all customers using a variety of methods.
4. To ensure that staff from the contractors are engaged fully in planning for significant changes to services and that this includes a risk assessment of potential impacts across all teams.
5. That Council staff continue to be supported as the service recovers.
6. That any IT and data management systems which are central to the effectiveness of service delivery are rigorously assessed and tested prior to implementation.
7. That the Council continue to impress upon Veolia's Senior Leadership Team the need for proactive action so that the waste service is returned to the required service levels as a matter of urgency.
8. To hold a joint Overview and Scrutiny Committee with Dover District Council in order to scrutinise Veolia's Recovery Plan and in particular any changes to collection routes which may be proposed.

2.2 Members are asked to consider the recommendations and agree that these be referred to the relevant Cabinet Member and the Corporate Leadership Team for consideration.

3. RISK MANAGEMENT

3.1 There are no risk management implications in this report.

4. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

4.1 Legal Officer's Comments (NM)

There are no legal implications in this report. It should be noted that legal assistance will be necessary should there be a need to enforce any of the covenants in the contract.

4.2 Finance Officer's Comments

There are no financial implications in this report.

4.3 Diversities and Equalities Implications

There are no diversities and equalities implications in this report.

5. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

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

Ewan Green, Director of Place
Telephone: 07783659864
Email: ewan.green@folkestone-hythe.gov.uk

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

None.

This report will be made public on 27 August 2021



Report Number **OS/21/05**

To: Overview and Scrutiny Committee
Date: 7 September 2021
Status: Non-Executive Decision
Responsible Officer: Ewan Green - Director of Place
Cabinet Member: Councillor David Monk, Leader of the Council

SUBJECT: DRAFT LICENSING POLICY STATEMENT 2021 TO 2026

SUMMARY: In accordance with the requirements of the Licensing Act 2003 the Licensing Authority is required to publish a statement of policy every successive five year period. The new draft Licensing Policy Statement is now out to public consultation. The purpose of this report is to provide an opportunity for the Overview and Scrutiny Committee to review and feedback on the new policy statement and that this be included in the consultation responses.

RECOMMENDATIONS:

1. To receive and note report OS/21/05.
2. To provide feedback to the Licensing Team to be incorporated into the consultation responses to the draft policy statement.

1 BACKGROUND

- 1.1 The Licensing Act 2003 requires that the Council, in its role as a Licensing Authority, to determine its Licensing Policy Statement with respect to the exercise of its licensing functions every five years.
- 1.2 The current Policy has been in force since 2016. A new draft Licensing Policy Statement has now been prepared for public consultation. The new policy statement would run for a five year period from 2021 to 2026.
- 1.3 The pending review of the Licensing Policy Statement was reported to Overview and Scrutiny Committee on 30 March 2021 and the initial feedback from the committee was considered within the preparation of the new policy statement. It was also agreed that the draft policy statement would return to this committee as part of the consultation process.
- 1.4. In undertaking the review of the Licensing Policy Statement the Council had two broad aims; firstly to consider good practice which could be reflected in the revised draft; and secondly to consider the policy in relation to the emerging Folkestone Town Centre Place Plan.
- 1.5. The consultant team developing the Place Plan included the Night Time Industries Association (NTIA) who undertook the initial review of the policy. Two workshops were held in May 2021, to which stakeholders were invited, and a meeting was held with the Folkestone Town Centre Working Group. Many of the issues raised in the sessions mirrored those raised by Overview and Scrutiny in March. An overview of feedback from these sessions is provided below:
 - Concerns about lack of communication with key stakeholders
 - Concerns with regard to the quality of operators coming to FHDC
 - The need for operating standards, transport and dispersal considerations from new operators
 - Perceived lack of Policing and Licensing Enforcement.
 - Requests for a Cumulative Impact Assessment.
 - Lack of confidence in Licensing Sub Committee decisions against Licensing Objectives
 - Consideration for Zoning or Matrix System to identify key areas.
- 1.6. In response to this feedback the draft Policy Statement includes the following:-
 - The proposal for FHDC to establish a Licensing Forum which would meet twice a year to discuss key issues in order to improve stakeholder engagement. Forum to licensed operators from a range of businesses, Licensing Team, Police, Resident Associations, Events, Heritage, and festival operators.
 - Requirements for robust Operating Plans and considerations around community impact to include the requirement for a Transport and Dispersal Policy in new applications.

- The new policy statement to have recommended operating hours for different types of premises (see 3.3. Licensing Policy Statement). Whilst legally each application needs to be considered on its merits, these standard hours provide a framework for the Licensing Sub Committee and gives guidance to applicants where requested hours extend outside of those recommended that additional actions may be required in relation to Operating Plans.
- 1.7. The draft policy also includes general updates to the previous versions e.g. updating references to the latest legislation and bringing in line with best practice.
 - 1.8. In terms of the request by some stakeholders for a Cumulative Impact Assessment (CIA) it would be sensible to delay any assessment until businesses are able to retain some level of normal trading pattern. Any assessment carried out would be distorted by the lack of night time trading during the pandemic lockdowns. Additional information about the CIA process is set out in Appendix 2.
 - 1.9. The introduction of a zoning and matrix systems was thoroughly investigated in the preparation of the new policy statement and ultimately not recommended following legal advice and reference to statutory guidance issued under section 182 of the Licensing Act 2003 (April 2018).

The issues around zoning were fully considered in the round i.e. how would geographical areas designated, what is the impact on existing licensed premises, would zoning act to disincentive to new businesses and investment and would zoning have an adverse or beneficial impact on reducing ASB. The statutory guidance issued under s182 is clear that licenses should be considered under their own merits and hours must not be predetermined.

However, the new policy will include recommended operating hours for different types of businesses (see 3.3. Licensing Policy Statement). These hours will be advisory but will provide guidelines showing the hours we would expect various businesses to apply for. Should a business wish to apply for later hours the policy statement emphasises that they will need to provide a more robust operating plan to show how they will mitigate public nuisance and crime and disorder. The position remains unchanged that the Licensing Authority may not restrict opening hours unless it receives valid representations by Responsible Authorities and/or other persons

- 1.10 In general, the feedback from stakeholders was in support of the overall approach to the Place Plan. The main concerns were how engagement with all stakeholders on licensing issues could be improved and how the new policy statement would encourage a high standard of business to come into the area, which will in turn start to lift the quality of offering for residents and visitors.

2 CONSULTATION

- 2.1 The public consultation on the draft policy is taking place over a 9-week period following Planning & Licensing Committee approval. The Licensing Team is consulting with Responsible Authorities, Parish and Town Councils, Resident Groups and local businesses.
- 2.2 The draft Licensing Policy Statement is also displayed on the council's website throughout the consultation period. This is accompanied by an invitation to submit relevant comments. The opportunity to provide comment will be promoted widely.
- 2.3 The Corporate Director (Place) has been authorised by the Planning and Licensing Committee to approve any minor amendments to the Policy as a result of the consultation, before being presented back to Planning & Licensing Committee and finally Full Council for approval. (See Appendix 1 for the draft Licensing Policy Statement).
- 2.4 Committee is invited to review and feedback on the new policy statement for inclusion in the consultation responses.

3 NEXT STEPS

- 3.1 The dates for final approval are as follows in order to publish the Licensing Policy Statement in 2021:

25 August to 27 October	Public Consultation (9 Weeks)
7 September 2021	Overview and Scrutiny Committee
11 November 2021	Planning & Licensing Committee
24 November 2021	Full Council

4. IMPLICATIONS

4.1 Legal Officer's Comments (NM)

The Licensing Act 2003 ('the Act') established a single integrated system for licensing premises that are used for alcohol, entertainment and late night refreshment. Under this legislation, each local authority is known as the 'Licensing Authority' and is responsible for licensing alcohol, entertainment and late night refreshment in its geographical area.

Section 5(1) of the Act requires the Council, as the Licensing Authority, to determine and publish a statement of its policy with respect to the exercise of its licensing functions under the Act, at least once every five years.

Section 5(4) of the Act requires an authority to keep the statement under review and to make such revisions to it, at such times, as it considers appropriate, again subject to the same consultation requirements. The authority must publish a statement of the revisions (to the policy) or the revised statement if revisions are made and approved.

When preparing its licensing policy, the Council is required to have regard to the promotion of the four licensing objectives specified at Section 4 of the Act, namely:

- the prevention of crime and disorder;
- public safety;

- the prevention of public nuisance; and,
- the protection of children from harm

4.2 **Finance Officer's Comments (TM)**

There is no finance implications relating to this report.

4.3 **Diversities and Equalities Implications (GE)**

There are no equality and diversity implications arising from this report. The approved policy will be subjected to a 9 week public consultation that will be publicised on the council's website providing the opportunity for a variety of views from both individuals and groups to be fed back to the Council.

4.4 **Communications Implications (KA)**

If approved the communications team will support the promotion of the consultation and carefully communicate the amendments proposed.

4.5 **Crime and Disorder Implications**

Under s17 of the Crime and Disorder Act 1998 the Council has a duty to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it can to prevent crime and disorder in its area.

5. **APPENDICES**

- Appendix 1 – Folkestone & Hythe District Council – Draft Licensing Policy Statement 2016-2021
- Appendix 2 – Additional Information - Cumulative Impact Assessment

6. **CONTACT OFFICERS AND BACKGROUND DOCUMENTS**

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

Briony Williamson, Licensing Specialist

Telephone: 01303 853475

Email: briony.williamson@folkestone-hythe.gov.uk

Background documents:

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

Licensing Act 2003

Deregulation Act 2015 – March 2015

Revised Guidance issued under section 182 of the Licensing Act 2003 – April 2018

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Statement of Licensing Policy 2021 - 2026



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1. INTRODUCTION

Folkestone & Hythe District is a coastal district in south eastern England and home to a diverse collection of towns, villages, and environments. Chiefly rural in nature, the district is large and covers approximately 363 sq. km (140 sq. miles). The district stretches from the East Sussex border (near Rye) in the south west, across the low-lying Romney Marsh and through to Folkestone and the escarpment and the hills of the Kent Downs in the north. The settlements and districts of Ashford, Dover and Canterbury adjoin Folkestone & Hythe in eastern Kent. The district has distinctive contrasting rural landscapes and urban environments.

The district occupies a key strategic position between the United Kingdom and mainland Europe via the Channel Tunnel, and the UK's largest and busiest sea port at the end of the M20, and with excellent connectivity with two HS1 railway stations. The location of the district is set out in the map below.



The majority of the district's 113,200 residents live in urban areas (60.6%), with the remaining 39.4% to be found living in rural areas. Approximately 1 in 10 people in the district live in isolated dwellings, hamlets, or small villages (below 1,000 people).

1 (Population Estimates Unit, ONS (Crown Copyright) Data released on 6 May 2020 by the Office for National Statistics) 2 Correct at time of publication

The district has a number of economic strengths, including its good transport links (M20 motorway, High Speed rail links to London, and proximity to the Channel Tunnel), relatively low wage levels and affordable land/building costs relative to the wider South East region, a large working age population and a high quality natural environment. Economic weaknesses include its relative remoteness, relatively low rates of entrepreneurship and few residents with higher skills.

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

Whilst the Council considers that licensed entertainment provides a valuable contribution towards the local economy, tourism, and cultural development of the district, the Council also recognises that such entertainment can lead to increased noise, nuisance and crime and disorder, if not properly controlled. In Particular, the Council wishes to minimise any negative impact from licensed entertainment on residential households.

1.2 Consultation and Review

In preparing and reviewing this Policy the Council has consulted with a number of different bodies, a list of which can be viewed at Appendix A. The Council extends its thanks to all of those who took the time to make their views known on its proposed statement of licensing policy and the revisions to it.

This Policy takes effect XXX and should remain in force for five years. The Council will keep this Policy under review and continue to work in partnership with the responsible authorities towards the promotion of the Licensing Objectives. If it is necessary to make revisions to this policy as a result of any review, the Council will publish the revised policy.

1.3 Licensing Policy Strategy

Folkestone and Hythe District Council is the Licensing Authority for Folkestone & Hythe District under the Licensing Act 2003 (“the Act”) The Council is responsible for granting: premises licences, club premises certificates, temporary events notices, and personal licences in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late-night refreshment.

The Licensing Act 2003 requires licensing authorities to publish a ‘Statement of Licensing Policy’ every five years which sets out how they intend to exercise their functions. This statement of policy does not override the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits. Neither does it override a Responsible Authority’s, or other person’s, right to make a representation in relation to an application for a licence and to have that representation considered on its merits. The discretion of the Licensing Authority in relation to applications is only engaged if relevant representations are made.

The Policy covers regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Nothing in this Policy will prevent a person applying for a variety of permissions under the Act.

The Policy covers the following licensable activities:

- retail sales of alcohol
- supply of alcohol by or on behalf of a club
- provision of 'regulated entertainment', to the public, to club members or with a view to profit
- provision of late-night refreshment (hot food and drink at any time between 23.00 p.m. and 05.00 a.m. for consumption on or off the premises)
- a performance of a play
- an exhibition of a film
- an indoor sporting event before 08:00am or after 23:00pm or to more than 1000 spectators
- boxing or wrestling entertainment
- performance of live music on an unlicensed premises or on a licensed premises before 08.00 or after 23.00 or to more than 500 people
- any playing of recorded music on an unlicensed premises or on a licensed premises before 08.00 or after 23.00 or to more than 500 people
- a performance of dance before 08.00 or after 23.00 or to more than 500 people
- provision of facilities for making music
- provision of facilities for dancing

The Policy has been prepared in accordance with the provisions of the Licensing Act 2003 and the Guidance issued by the Secretary of State. The Licensing Authority must carry out its licensing role with a view to promoting the four licensing objectives:

1. the prevention of crime and disorder
2. public safety
3. the prevention of public nuisance
4. the protection of children from harm.

It is important to note that all objectives have equal importance in the implementation of this Policy.

The Licensing Act 2003 also supports a number of other key aims and purposes which are vitally important and should be principal aims for everyone involved in licensing work and will therefore be integral to the Policy. They include:

1. Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
2. Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
3. Recognising the important role which pubs and other licensed premises play in our local communities by minimizing the regulatory burden on business, encouraging innovation, and supporting responsible premises;
4. Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
5. Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them.

The Licensing Authority must have regard to these licensing objectives in carrying out its licensing functions under the Licensing Act 2003. They embody concerns that the council acknowledged in exercising its licensing powers under previous legislation.

If the council acting as the Licensing Authority departs from this Guidance, it will give its reasons¹. It will always consider the merits of each application. It may make exceptions to its own policies where it is appropriate to do so in order to promote the licensing objectives and it will give reasons for doing this. The policies are intended to strike a reasonable balance between different and sometimes competing aims in promoting the licensing objectives.

Regard will be taken to the Protocols appended to the Licensing Policy (Appendix 1), but they are not part of the Policy for the purposes of the formal review process and will be subject to review as and when required or deemed necessary to do so by the Licensing Authority. Updated versions will be available on the Council's website at:

<https://folkestone-hythe.gov.uk/licensing>

This Statement of Licensing Policy does not undermine the right of any individual to apply under the terms of the Act for a variety of permissions and have any such application considered on its individual merits. The way that the council has delegated authority to determine applications is shown at Appendix 1. This Statement of Licensing Policy does not override the right of any person to make representations on an application or seek a review of a licence or certificate, where provision has been made for them to do so in the Licensing Act 2003. See Appendix 1 on reviews of premises licences.

The council as a Licensing Authority only has discretion on whether to grant applications for new premises licences or variations to licences (see Appendix 1), and to impose conditions on granting or varying licences if representations relevant to the licensing objectives are made by "responsible authorities" or by "other persons" (including local residents and businesses) in due time. Otherwise, the Licensing Authority must grant all applications for premises licences.

1.4 Encouraging Diversity and Inclusion

Folkestone & Hythe Council is committed to creating vibrant communities through our Folkestone Place Plan. This includes achieving equality and inclusion in all that we do, to improve the quality of life and opportunities for all people who live, work, and visit our district.

We want to remain one of the most popular tourist destinations in the UK as well as ensuring our local residents continue to access and take advantage of living in the area. This means we need to hold ourselves, as well as the venues and businesses we licence, to account to ensure that together we continue to promote and offer equal opportunities and inclusive experiences for everyone.

Public Sector Equality Duty

The council must have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary a Public Authority must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act.

- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Using the Licensing Process

We will use the Licensing Process to ensure both Operators and the Local Authority are compliant in carrying out due regard to public sector equality duty. This includes:

- Determining licensing applications and reviews.
- Making representations as a responsible authority.
- Applying for reviews in appropriate circumstances.
- Defending appeal decisions.

In practice this means that the council through the Licensing Process will identify applicants that do not provide sufficient information on how they are promoting equality and inclusivity and could make a representation to require that the applicant address the issue or explain to members of the Licensing Sub-Committee why they have not done so.

Council Commitments

Over the duration of this statement of licensing policy the council will:

- Ensure that any strategy or policy affecting the licensed industry is always underpinned by the promotion of equality and inclusivity.
- Develop a Supplementary Licensing Document (SLD) and accompanying code of practice for licensed operators on equality and inclusivity with relevant trade bodies, licensed club venues and other key stakeholders.
- Publish progress on these commitments as part of its annual report on compliance with the Equality Duty

Your Duty as a Licensed Venue Operator

Applicants and licensees must make themselves familiar with the law and their responsibilities set out within the Equality Act 2010 and relevant guidance for businesses, which can be found on the [Equality & Human Rights Commission](#) website

The Act makes discrimination against any person (including employees and customers) unlawful.

Section 149 (7) of the Act defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Any activity in breach of the Act may be considered an offence and will lead to enforcement by the Equality and Human Rights Commission

Our Expectations on Licensed Venues to Promote Equality & Inclusivity

There is no one size fits all approach to making a venue inclusive, and each operator will need to make an assessment of its own practices and policies. However, the following are common and best practice examples that could be adopted:

- Inclusive and transparent policies (for example admittance policies may clearly stipulate adherence to a dress code and refusal if someone presents as intoxicated; however they must not prevent admittance based on perceived attractiveness, size, or against any of the protected characteristics).
- Robust complaints procedures that make it easy for customers who feel they have been discriminated against to raise their concerns and understand how this will be investigated or managed.
- Accessible venue layouts that make venues welcoming.
- Comprehensive training on equality and inclusion for all staff. It is important that any training is regularly refreshed.

2. LICENSING PROCESS

2.1 Making an application

2.1.1 It is recognised by the Licensing Authority that licensed premises vary considerably in terms of the offer made, size, occupancy, location, clientele etc. Venues may offer alcohol, regulated entertainment or late-night refreshment or any combination of these activities. There is therefore no definitive list of control measures that should be introduced by all premises. Licensed premises will be assessed according to the activities they provide and the individual risks of each premises' activity.

2.2 Guidance Documents

2.2.1 The Licensing Authority has prepared a guidance document and protocols to assist with the application process; these are available at <https://folkestone-hythe.gov.uk/apply-for-a-licence-or-permit>

2.2.2 Applicants should also have regard to government guidance issued under Section 182 of the Licensing Act 2003.

2.2.3 Regard should also be had to Protocol B (Publicity for Licensing Applications) at Appendix 1.

2.3 Representations

2.3.1 There is a prescribed period during which the Licensing Authority can receive a written representation to an application. This is usually 28 days from the date the Licensing Authority receives the application but varies depending on the type of application under consideration. To be considered a Relevant Representation it must relate to one or more of the Licensing Objectives.

2.3.2 “Relevant Representations” can include positive, supportive representations as well as objections.

2.3.3 Regard should be had to Protocols C (Disclosure of Representations) and G (How to Make Representations) at Appendix 1.

2.4 Decision Making Process and Licensing Sub Committee

2.4.1 With certain statutory exceptions (including the approval of this Policy), the powers of the Council under the Licensing Act 2003 must be carried out by a Licensing Committee which comprises at least 10 but not more than 15 councillors, by the Licensing Sub-Committee (3 councillors) or by one or more officers acting under delegated authority. Folkestone & Hythe District Council appoints the members of the Planning & Licensing Committee each year at the Annual Council Meeting. Table 1 (below) sets out how the Licensing Authority has delegated its various licensing functions.

2.4.2 Regard should be had to Protocol H (Delegations and Responsible Authorities) at Appendix 5.

2.5 Granting of Licences

2.5.1 If no Relevant Representations are received then the authorisation will be issued automatically with, in the case of a premises licence or club premises certificate, such conditions attached as are mandatory or are consistent with the operating schedule accompanying the application. The Licensing Authority will have no discretion to refuse the application or to alter or add to the conditions offered through the operating schedule.

2.5.2 Where Relevant Representations are made, the Licensing Authority must hold a hearing before a Licensing Committee or, in the case of Folkestone & Hythe District Council, a sub-committee of the Planning & Licensing Committee who will take the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are:

1. to grant the licence subject to the operating schedule modified to such extent as the (Sub-)Committee considers necessary for the promotion of the licensing objectives, and subject to the relevant mandatory conditions;
2. to exclude from the scope of the licence any of the licensable activities to which the application relates;
3. to refuse to specify a person in the licence as the premises supervisor;
4. to reject the application.

2.5.3 The Licensing Authority aims to conduct hearings in a manner that is:

- Fair
- Open, Transparent and Accountable
- Designed to treat everyone equally, whatever their status.

In particular hearings will be conducted to ensure that no one is disadvantaged by being unrepresented.

2.5.4 Regard should also be had to Protocol I (Hearings at Licensing Committee) at Appendix 1.

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Table 1: Delegation of Licensing Functions

Matter to be dealt with	Sub-Committee	Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent Convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a representation is irrelevant frivolous vexatious etc.		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of an objection to a temporary event notice	All cases	
Determination of application to vary	If a police objection	All other cases

premises licence at community premises to include alternative licence condition.		
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases
Any other decisions in connection with an application or temporary events notice		All cases
The conduct of any appeal or other legal process arising out of an application or temporary events notice (including the settlement, compromise or further appeal of any such appeal or process)		All cases
Note: Notwithstanding these delegations, an officer may refer a matter to a Licensing Sub-committee or to the Licensing Committee for determination, and a Licensing Sub-committee may refer a matter to the Licensing Committee for determination.		

2.6 Events

2.6.1 The Council wishes to encourage cultural and community events in the area and is aware of the Secretary of State's Guidance around the licensing of public open spaces. In accordance with the provisions of the Licensing Act 2003, the Council has made applications and been granted premises licences for areas of public land.

2.6.2 Persons or organisations wishing to carry on a licensable activity on licensed land are not required to obtain a premises licence or give a temporary event notice themselves but do need the consent of the Council to put on the event. This can help to facilitate events that do require a premises licence, but which would be impractical to arrange, while giving the Council a degree of control over the running of the event. Such persons or organisations may also need to obtain the relevant permission to use the land or premises.

2.6.3 The Council has established a Safety Advisory Group (SAG), whose role is to overview events taking place within Folkestone & Hythe to achieve their safe delivery and good management. This applies to events in the Folkestone & Hythe District, whether on Council land or elsewhere. It covers both licensable and non-licensable (for the purposes of the Licensing Act 2003) events.

Folkestone & Hythe District Council's events website contains comprehensive information to assist those organising events and can be viewed via <https://www.folkestone-hythe.gov.uk/events>

2.7 Public Spaces Protection Order (PSPOs)

2.7.1 The Local Authority supports the use of Public Spaces Protection Orders and has made the appropriate Order under Part 4, Section 59 Anti-Social Behaviour Crime & Policing Act 2014.

2.7.2 The Licensing Authority expects licensed premises which operate in areas where the PSPO has been implemented to have measures in place to ensure their customers do not contribute to activities which have or may have a detrimental effect on the quality of life of those in the locality.

2.8 Planning and Licensing

2.8.1 The Policy aims to accord with the vision for the district. The Licensing Authority notes that the Licensing system and the Planning system are separate regimes but accepts that Local Plans and other strategies can also positively shape and attract development to the benefit of local businesses and residents.

2.8.2 Regard should be had to Protocol A (Planning and Licensing) at Appendix 1.

2.9 Cumulative Impact Policies

2.9.1 The cumulative impact of the number, type, and density of premises in particular areas, such as town centres, may lead to them becoming saturated with premises of a certain type making them a focal point for large groups of people together leading to severe or chronic problems of public nuisance, anti-social behaviour or other alcohol related problems. Local crime and related trauma data may be used to map the extent of such problems. The licensing authority may consider publishing a cumulative impact assessment (CIA) to help limit the number of types of licence applications granted in such areas if it is satisfied that it is appropriate to include an approach to cumulative impact in its Licensing Policy Statement. It will take the decision only after it is satisfied that there is evidence to support such a decision.

The effect of adopting a CIA of this kind is to create a rebuttable presumption if relevant representations to that effect are received, that applications for new premises authorisations or club premises certificates or material variations will normally be refused, unless it can be demonstrated that the operation of the premises involved will be unlikely to add to the cumulative impact already being experienced. What constitutes a material variation will depend upon the policy in place and the reasons for the area being designated as suitable for adoption of a special policy.

The Secretary of State's guidance encourages applicants to address the CIA in their Operating Schedules in order to rebut such a presumption. Any CIA will stress that the presumption does not relieve responsible authorities or other persons of the need to make a relevant representation before the local authority may lawfully consider giving effect to its CIA.

The Licensing Authority recognises that many different kinds and styles of premises sell alcohol, serve food, and provide entertainment. It recognises that some applications in a CIA area will be unlikely to add to the problems arising from saturation. Where it can exercise discretion in determining applications in an area where a CIA is in force, that

is, where relevant representations have been received, it will have full regard to the impact different premises may have on the local community.

The Licensing Authority must grant any application in a CIA area subject only to conditions that are consistent with the operating schedule submitted by the applicant if it receives no relevant representation.

The Licensing Authority will keep any cumulative impact assessment policy under review. Cumulative impact assessments were introduced in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. The amendments require the Licensing Authority to review the CIA within three years of its publication.

The absence of a CIA does not prevent any responsible authority or other person making evidence based relevant representations on a new application for the grant of an authorisation on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

The Council has not prepared a cumulative impact assessment policy at this time. However, the Council is considering a Cumulative Impact Assessment in respect of the central area of Folkestone & Hythe. If a cumulative impact policy is deemed appropriate a consultation will be carried out on the cumulative impact assessment and this policy revised if required.

2.10 Problem Premises

Enforcement

- a. The Licensing Authority will employ officers and authorise them to carry out functions under the Licensing Act 2003 and will use the full range of enforcement actions, including the use of statutory powers if necessary. Where there is evidence to suggest that the licensing objectives are being undermined, enforcement action will be taken in accordance with the principles of better regulation and the Regulators Compliance Code. A more informal approach will be used in less serious cases and partnership working is promoted in order to prevent problems arising.
- b. The Licensing Authority monitors compliance with the licensing objectives through a programme of inspection visits. Proactive visits are made to those premises where concerns have been raised relating to the licensing objectives.
- c. In cases where the Licensing Authority and another enforcement agency both have the power to prosecute, officers of the Licensing Authority will liaise with that other body to avoid inconsistencies with the policies and actions of the other agency and to ensure that any proceedings instituted are for the most appropriate offence.
- d. The Licensing Authority expects that where enforcement action relates to a breach of one or more of the licensing objectives, one of the responsible authorities will consider making an application to the Licensing Authority to review the premises licence.

Reviews of Licences

- a. The procedure for reviewing premises licences and club premises certificates represents a key protection for the community where there is evidence to show that a specific concern exists relating to one or more of the licensing objectives.
- b. The Licensing Authority expects responsible authorities and other parties to give early notice to licence holders of any concerns about problems identified at premises and of the need for improvement. It is expected that requests for a review of any licence will be sought only if such notice has failed to resolve the matter or problem.
- c. Representations must be made in writing and must be relevant, and not vexatious, repetitious, or frivolous. The Licensing Authority will arrange a hearing in accordance with the regulations.
- d. The possible outcomes of a review hearing are:
 - To take no action;
 - To modify the conditions of the licence (including altering or omitting a condition or adding a new condition);
 - To exclude a licensable activity from the scope of the licence;
 - To remove the designated premises supervisor;
 - To suspend the licence for a period not exceeding three months; or
 - To revoke the licence

3 FOLKESTONE SPECIFIC POLICIES

3.1 Good Practice for Licensed Premises

3.1.1 The Licensing authority encourages all persons to have regard to the document entitled “Good Practice for Licensed Premises” at Appendix 1.

3.2 Creating the Future of Folkestone

[Folkestone's Place Plan](#) is a key planning document which sets out the shared vision and proposes where future development is to be permitted, what land should be protected and how places should develop.

Key Message

The Licensing Authority wishes to encourage applications for creative and cultural venues which do not adversely impact upon the licensing objectives by not encouraging applications for premises that offer predominantly vertical drinking to maintain the balance of development. If applications are made, they must demonstrate how the licensing objectives are to be promoted.

3.3 Licensing Hours

3.3.1 Each application for a premises license needs to be considered on its own merits and legally cannot be pre-determined against a fixed criteria.

The Council wants to ensure that licensing hours do not inhibit the development of thriving and safe evening and night time local economies. This provides a greater choice and flexibility; there should always be a balance against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.

The Council recognises that fixed or artificially early closing times in certain cases can lead to peaks of disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time. Staggered dispersal of customers is an important factor in reducing friction at late night food outlets, taxi ranks and other sources of transport in the area concerned.

The Council does have recommended advisory hours that we would expect applicants to aim towards for their type of business. If later hours are applied for then we would expect further detail and an even more robust emphasis on how their Operating Plan will mitigate any public nuisance or crime and disorder.

Below is a table of our recommended hours:

Type of business	Recommended closing time
Cafe	22:00
Restaurant	23:00
Pub	23:30
Nightclub	02:00

In general, the Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. The Licensing Authority may not restrict opening hours unless it receives valid representations by Responsible Authorities and/or other persons. If such representations are received it may consider restricting hours or imposing suitable conditions in cases where licensed premises are situated in largely residential areas, where the trading hours of the premises and competing businesses in the vicinity are likely to lead to undue pressure on the public transport system, or additional public nuisance, disorder, and antisocial behaviour, or where the licensed premises include outside areas.

3.3.2 Early Morning Restriction Orders (EMROs)

An EMRO is a powerful tool which will prevent licensed premises in the area to which the EMRO relates from supplying alcohol during the times at which the EMRO applies. The licensing authority may consider whether other measures may address the problems that they have identified as the basis for introducing an EMRO.

- a. The Police Reform and Social Responsibility Act enables licensing authorities to restrict the sale of alcohol in the whole or a part of their area for any specified time between 12 midnight and 6 am through the application of an Early Morning Restriction Order. The Council recognises that this may be a useful tool to help address specific, alcohol related problems in local communities,

particularly where it is difficult to attribute the cause of the associated problems to any particular premises. This could be particularly relevant where there is a concentration of late-night activity in one area.

- b. By virtue of section 7 of the act, the function of making, and varying or revoking, an early morning restriction order, or any matter relating to the discharge of such function, is not the responsibility of the licensing committee and under current law must be decided by the full Council.
- c. Folkestone & Hythe District Council does not currently consider that there is a need for an EMRO in the District.

3.4 Shops Selling Alcohol (Off Licences)

3.4.1 There has been a continuing trend towards more alcohol being purchased from shops and consumed at home and less being purchased and consumed in traditional pubs, restaurants and night clubs than used to be the case in the past. There is also a growing practice of “pre-loading” before going out to licensed establishments. This change has the potential to create specific problems and detriment to the licensing objectives. These include ease of access to alcohol by children, ease of thefts, encouragement of street drinking, and increase of crime and disorder and public nuisance. There are a number of ways in which Licensees and ultimately the Licensing Authority can address these concerns.

3.4.2 Layout and Operation of Premises

- a. In most cases, the Applicant will be able to address the potential problems and detriment to the licensing objectives, through the layout and the operation of the premises. The Applicant should set out the steps which it is proposed to take to promote the licensing objectives in the Operating Schedule.
- b. It is for the Applicant to determine what steps should be taken. It is also the case that the appropriate steps will differ according to the size and nature of the premises; what might be appropriate for a large supermarket may not be appropriate for a small local shop. Subject to those qualifications, steps may include:
 - Security / CCTV. The Applicant should identify in the Operating Schedule what systems of security, supervision by staff, and/or CCTV will be in place to promote the licensing objectives.
 - Display Area. The Applicant may identify in the Operating Schedule a fixed specified area in which alcohol will be displayed. If so, a plan should be attached to the Operating Schedule identifying that area. If the Applicant wants to be able to move the fixed specified area, the operating schedule should specify the parameters for any changes. If the Applicant wishes to provide additional displays for special occasions (e.g. Christmas/New Year (1 November to 31 January), Easter (3 weeks before Easter Monday to 1 week after), the Operating Schedule should identify the special occasions and the nature of the likely changes.

- c. In the Licensing Authority's Opinion:
- Displays should not be located in aisles which interfere with customer flow;
 - Displays should not be located at or near check-outs.
- d. Segregated Areas for the Display and Sale of Alcohol. The Applicant may identify in the Operating Schedule a fixed segregated area of the premises in which alcohol will be displayed and/or sold. If so, a plan should be attached to the Operating Schedule identifying that area. The Operating Schedule should identify how the segregated area will be constructed, whether and if so, how access will be controlled, and how the segregated area will operate.
- e. Sales over the Counter/No Self-Service. If the Applicant intends that all displays of alcohol will be behind a counter, that there will be no self-service and all sales will be conducted by staff and alcohol handed to customers by staff, the Applicant should identify how the system will operate in the Operating Schedule. A plan should be attached to the Operating Schedule identifying the particular parts of the premises that will be used

Conditions and Review

- f. It is for the Applicant to explain how the licensing objectives will be promoted. Set out above are suggestions that the Applicant may wish to consider. Any proposals should be included in the Operating Schedule together with an appropriate plan. The Licensing Authority will consider what conditions should be imposed as are consistent with the Operating Schedule.
- g. If there are relevant representations, there will usually be a Hearing. Having regard to those representations, the Licensing Authority may impose conditions as are consistent with the Operating Schedule modified to such extent as the Licensing Authority considers appropriate for the promotion of the licensing objectives. Set out above are examples of matters which the Licensing Authority may consider.
- h. If it becomes apparent that the licensed hours and/or the layout or operation of the premises are having a negative impact on the licensing objectives, it is possible that a responsible authority or any other person may apply for a review of the licence. Thefts of alcohol or issues identified through the alcohol watch scheme (or similar) may also prompt a review. After a hearing, it is possible that the Licensing Authority may modify the conditions of the licence to restrict the hours or impose conditions to ensure matters such as those set out above are addressed, if it considers it appropriate for the promotion of the licensing objectives.

3.5 Petrol and Service Stations

- 3.5.1 Under section 176 of the Licensing Act 2003, no premises licence, club premises certificate or temporary event notice has effect to authorise the sale by retail or supply of alcohol on or from excluded premises. "Excluded premises" means a motorway or

trunk road service area or premises used primarily as a garage or which form part of premises which are primarily so used.

- 3.5.2 The Licensing Authority may require information from the applicant regarding the primary use of the premises prior to the hearing. Trading figures can be used to determine the issue of primary use.

3.6 Temporary Event Notices

- 3.6.1 The Licensing Act 2003 enables certain organised events for less than 500 people to take place following notification to the Licensing Authority, the Police and Environmental Health.

- 3.6.2 Guidance on giving Notice can be found in the Home Office Fact Sheet which is available at [Folkestone & Hythe Guidance to applying for a Temporary Events Notice](#).

- 3.6.3 Although the statutory legal minimum time required for the notification of a temporary event to the Licensing Authority, Police and Environmental Health is 10 working days, or 5 working days for a late temporary event, it is essential that proper consideration of the proposed event is given. Statutory guidance allows the Licensing Authority to publicise its preferred timescale for notification.

- 3.6.4 The Licensing Authority will encourage bona fide community events. Applications for TENS at existing licensed premises will not be encouraged where the proposal is simply to extend the existing hours of operation and applications made in cumulative impact areas will be subject to increased scrutiny.

- 3.6.5 The Licensing Authority expects those who have given notice of a temporary event to have identified the particular issues having regard to their type of premises and/or activities, and to have in place written policies for addressing issues such as drunkenness, crime/disorder, and drugs on their premises and for ensuring staff are trained on these policies. "Good practice Guidance for Licensed Premises" contains guidance on promoting the licensing objectives including potential risks and possible solutions for the different types of licensable activities.

Key Message:

Where events qualify for a temporary Event Notice, applicants are encouraged to submit notifications at least 4 weeks but not more than 12 weeks before an event where an existing premises licence is in operation. For applications where there is not a current premises licence, for example community events, at least 15 working days in advance of the event would be encouraged to allow for proper consideration of the event.

3.7 The Operating Schedule

- 3.7.1 Persons who run premises providing 'alcohol delivery services' should notify the relevant licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, should contact their licensing authority for its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required.

3.7.2 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

3.7.3 The Licensing Authority seeks to encourage the highest standards of management in licensed premises and expects the licence holder to continue to manage their premises in accordance with their operating schedule. For further guidance please refer to Appendix 2: Management of Premises.

Key Message:

The Licensing Authority expects all applicants for the grant or variation of a premises licence or club premises certificate to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained, to promote the four licensing objectives on and in the immediate area of their premises.

3.8 Folkestone & Hythe Licensing Forum

Folkestone & Hythe District will establish a Licensing Forum within key areas of the district which allows for a platform of communication between key stakeholders, allowing for a structured environment for collaborative working, best practise and shares community challenges between business, residents, police, and local authorities.

The Licensing Forum will meet on a monthly basis and will minute actions which will be displayed within the public domain. Folkestone & Hythe District Council will facilitate and administer the meeting with an elected Chairperson from the key stakeholder group.

3.9 Irresponsible Drinks Promotions and Drunkenness on Premises

3.9.1 We know that low cost alcohol sold in on and off trade premises increases alcohol consumption which can lead to crime and disorder issues. The Licensing Authority through this policy would like to encourage the responsible consumption of alcohol and where there is evidence that the licensing objectives are being compromised or are likely to be compromised, the Licensing Authority will consider imposing controls on drinks promotions to deal with localised problems. These controls could include restricting the sale of super strength beer, lager and cider, or the requirement to charge a minimum cost per drink as part of a package of measures to deal with problems.

3.9.2 Binge drinking is defined by the NHS and National Office of Statistics as drinking more than double the daily unit guidelines for alcohol in one session. Binge drinking for men, therefore, is drinking more than 8 units of alcohol – or about three pints of strong beer, and for women, it's drinking more than 6 units of alcohol, equivalent to two large glasses of wine.

Binge drinking can lead to drunkenness on the premises or in the vicinity and can be encouraged through irresponsible drinks promotions such as encouraging people to consume more alcohol than planned or to consume more alcohol in a short space of

time. A responsible approach to drinks promotions and compliance with the spirit of the mandatory conditions on irresponsible drinks promotions can prevent customers from getting drunk.

In addition to the mandatory conditions which prevent drinking games and large quantities of alcohol for free or at a fixed or discounted price, the Licensing Authority would like to encourage a voluntary code of good practice in relation to drinks promotions.

The Licensing Authority would like to discourage all licensed premises to promote irresponsible drinking promotions. Examples of irresponsible drinks promotions can be found in Appendix 1.

4. Management of Premises

4.1 Designated Premises Supervisor

4.1.1 Any premises where alcohol is sold under a premises licence must have a designated premises supervisor (DPS). The DPS will be named in the premises licence, a summary of which must be displayed on the premises. A DPS must be a personal licence holder. Every sale of alcohol must be made or authorised by a person who holds a personal licence (or must be made or authorised by the management committee in the case of community premises).

4.1.2 The Licensing Act 2003 does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and the premises licence holder remain responsible for the premises at all times.

4.1.3 The Licensing Authority will normally expect the DPS to have been given the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis. The Authority expects that this will be in excess of 50% of a 7-day week.

4.1.5 Within all licensed premises, whether or not alcohol is to be sold, the Licensing Authority will expect there to be proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained/instructed persons at the premises to ensure the proper management of the premises and of the activities taking place, as well as adherence to all statutory duties and the terms and conditions of the premises' licence.

4.2 Licensed Door Supervisors

4.2.1 Premises licence holders and DPS's should ensure that their premises do not increase the fear of crime in their locality. To this end they should ensure, so far as is possible, that customers do not cause nuisance or disorder outside the premises and that measures to ensure the safety of customers and prevention of nuisance are in place. SIA Licensed Door Supervisors have an important role in managing customers, not only on the doors but also in the immediate area of their premises. Whilst they will not be appropriate at all licensed premises, where premises have a particularly late closing time with a large capacity, it is expected that these premises pay due consideration to obtaining SIA Door Supervisors, in particular at weekends, which are likely to be the busiest nights.

4.3 Dispersal Policy

4.3.1 The Licensing Authority accepts that licensed premises can have a diffuse impact. People can cause disturbance when returning to residential areas from later opening premises elsewhere and people who use off-licences may locate to a remote spot to drink. These problems are not within the control of any particular licensed premises and are not within the scope of the Licensing Act 2003. However, premises licence holders are expected to take measures to encourage people to leave their premises quietly and considerately. The Licensing Authority would encourage premises to adopt a dispersal policy where appropriate.

For further guidance on Management of Premises please refer to Appendix 2.

4.4 Risk Assessments

4.4.1 The Licensing Authority will expect that appropriate and satisfactory general and technical risk assessments, management procedures and documentation have been made available to the relevant responsible authority and to the Licensing Authority, that demonstrate that the public will be safe within and in the vicinity of the premises.

4.4.2 As a minimum the following matters must be taken into consideration:

- Whether the premises already have a licence which specifies the maximum number of people that can be present and, whether a risk assessment has been undertaken as to the maximum number of people who can be present in various parts of the premises, so that they can be operated safely and can be evacuated safely in the event of an emergency.
- Whether there are procedures in place to record and limit the number of people on the premises with opportunities for “pass outs” and readmission.
- Whether patrons can arrive at and depart from the premises safely.
- Whether there may be overcrowding in particular parts of the premises;
- Whether music and dance venues and performance venues will use equipment or special effects that may affect public safety (e.g. moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines).
- Whether there are defined responsibilities and procedures for medical and other emergencies and for calling the emergency services.

Full Risk Assessment Template can be found under Appendix 7.

4.5 Promoters

4.5.1 Licence holders, DPS's and Personal Licence Holders remain responsible for activities taking place on premises when promotions take place. Action will be taken against Licence Holders and all other persons responsible for the management and operation of the premises in the event that it is required whether or not the event in question has been “promoted” and run by another person. In addition the Licensing Authority will expect Premises Licence Holders to have in place written agreements to ensure that when hiring out venues to promoters, the responsibility for the management of the premises is clear. The promoter and its employees or agents shall comply in all respects

with all conditions, requirements and regulations of the local authority, Licensing Authority, police authority and fire authority and have regard to the “Good practice for Licensed Premises”.

4.5.2 Regard should be had to Protocol F (Promotions) at Appendix 1.

4.6 Takeaway Food Premises

5.6.2 It is recognised that takeaway premises open late at night can be associated with disorder as persons under the influence of alcohol having left, or in some cases being ejected from, late night venues congregate there. Applicants are recommended to have written policies for dealing with disorder and nuisance and should give consideration to the issues regarding takeaways in the Good Practice Guide.

5.6.3 Operators of takeaway premises (including mobile units) must have suitable arrangements in place for the containment and disposal of their waste in accordance with the Environmental Protection Act 1990 and subsidiary regulations. Operators of premises where food or drink is provided in disposable containers for consumption elsewhere than on the premises are expected to consider the potential for litter near their premises and take steps to actively reduce the amount of litter generated from their premises. Applicants are also asked to consider the type of packaging container, whether it is always necessary and whether it can be sourced from sustainable materials.

4.6.4 Where the Licensing Authority considers it appropriate and necessary, it may impose conditions on a premises licence to require the operators of premises serving customers with hot food or drink to provide litter bins in the vicinity of the premises in order to prevent the accumulation of litter from its customers. It may require the proprietor to service those litter bins as part of their own waste management arrangements.

4.7 Pavement Cafes and External Areas

4.7.1 The introduction of the “smoke free public places” law led to an increase in the number of people outside licensed premises. The provision of tables and chairs outside premises can enhance the attractiveness of a venue, but regard should be had to the need to ensure that the use of such areas will not cause nuisance to the occupiers of other premises in the vicinity. In particular, those with authorisations are expected to manage persons smoking in the vicinity of premises so they do not impede access to the premises and do not cause disturbance. In addition they are expected to provide ash trays or wall mounted cigarette bins for patrons so as to minimise litter.

4.7.2 Licensees should also be aware of the possibility of breakages of drinking glasses and glass bottles in outside areas. Consideration should therefore be given to the use of toughened or ‘plastic’ drinking vessels and other management controls to avoid or lessen the likelihood of broken glass in these areas.

4.7.3 The Licensing Authority has a number of concerns with respect to the development of external areas to licensed premises and will consider imposing conditions to improve the management of the outside area or prohibiting or restricting the use of these areas in order to promote the public nuisance objective.

4.7.4 Specific guidance for the operation of 'pavement cafes' is available from the council website or on request from the Licensing Authority, it is likely that the premises will need to apply for a Pavement Licence or Tables & Chairs permit unless the land is privately owned.

4.9 Promotion and Advertising

4.9.1 [The Environmental Protection Act 1990](#) (as amended by the [Clean Neighbourhoods & Environment Act 2005](#)) allows the Council to designate Council-owned land and highways as an area where the distribution of free printed matter is permitted only with the prior consent of the Council. The purpose of this legislation is to help control the litter problem created by the distribution of free printed matter, which is often quickly discarded by persons to whom it is given. The offence of leaving litter is also addressed in the Environmental Protection Act 1990.

4.9.5 Licence holders must ensure that they do not engage in or commission fly-posting. Licence holders which are found in breach of the advertising regulations under the [Town and Country Planning Act 1990](#), or the [Highways Act 1980](#) will be dealt with under the applicable legislation (i.e. removal of the advert and/or prosecution of the person who displayed the advert and/or the beneficiary).

Further guidance on fly posting can be access via [Folkestone & Hythe/Fly-posting](#)

4.10 Nudity and Striptease

4.10.1 Not all establishments where there are displays of nudity will fall under the definition of "Sexual Entertainment Venue" for the purposes of [Schedule 3](#) Local Government (Miscellaneous Provisions) Act 1982 and in respect of which a separate Licence may be required.

4.10.2 Applicants for premises licences or club premises certificates under the Licensing Act 2003 must state in the application form whether any adult entertainment may be provided which may give rise to concern in respect of children. If such entertainment is to be provided, the Licensing Authority will expect the applicant to have given particular consideration to the promotion of the licensing objectives in relation to the protection of children from harm and the prevention of crime and disorder.

4.11 Films

4.11.1 The Licensing Authority expects licence and certificate holders and those who have given notice of a temporary event and who wish to show any film classified by the BBFC as R18 (or which would otherwise fall within that category) and in doing so satisfy the definition of a Sex Cinema as set out in the Local Government (Miscellaneous Provisions) Act 1982, to also have a [Sex Cinema Licence issued under the provisions of the 1982 Act](#).

For further guidance on classifying films please access [Folkestone & Hythe's Film Classification Policy](#).

4.12 Children and Licensed Premises

4.12.1 Whilst the Licensing Authority wishes to see family-friendly premises thriving in the district, it is of the opinion that the protection of children from harm in licensed premises is an important issue. Consequently the risk of harm to children will be a consideration when determining applications and the Licensing Authority will have particular regard to the views of Children, Young People and Vulnerable Adults through their Safeguarding Policy.

4.12.2 Applicants will be expected to include in their operating schedule a statement of the measures that they will take to protect children from harm which includes moral, psychological, and physical harm as well as the protection of children from exposure to strong language, sexual expletives, and gambling. Once the Applicant has carried out assessments of any risk to children, they can volunteer appropriate conditions. Examples of control measures are given in the document "Good Practice for Licensed Premises."

4.12.3 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration, and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that may particularly impact on children have been considered. These include:

- Where entertainment or services of an adult or sexual nature are provided;
- Where there have been convictions of members of the current staff at the premises for serving alcohol to persons under 18 years of age;
- Where the premises have a reputation for underage drinking;
- Where there has been a known association with drug taking or dealing;
- Where there is a strong element of gambling on the premises; and
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

4.12.4 The Licensing Authority will rarely impose complete bans on access to children, however in exceptional circumstances, conditions restricting access or excluding children completely may be considered necessary. Such a condition may become necessary following representations or after a review of a licence has taken place.

4.12.5 Operators of premises where children are to be permitted access should employ or engage a sufficient number of people to secure the protection of children from harm. They should have in place safe recruitment policies and practices and should obtain enhanced checks with the [Disclosure and Banning Service \(DBS\)](#) (formerly the Criminal Records Bureau) for all staff working with children.

4.12.6 The Licensing Authority may, in appropriate circumstances, attach conditions to a licence in order to control entertainment specifically aimed at children or otherwise to ensure adequate supervision.

4.13 Proxy Sales

4.13.1 Adequate procedures must be in place to ensure that all members of staff working at the premises are routinely trained and regularly reminded of their responsibilities in relation to the issue of proxy sales of alcohol and shall ensure that all reasonable steps

and procedures are in place and implemented to prevent adults purchasing alcohol for those underage.

4.13.2 Steps must be in place to ensure that any designated premises supervisors and members of staff involved with the delivery of alcohol to residential addresses are made fully aware of their responsibilities to ensure that no alcohol is sold to persons underage.

4.14 Events or Activities for Under 18s

4.14.1 Applicants for premises' licences who wish to use their premises for events specifically for unaccompanied under-18s must address the issues in their operating schedule under the protection of children from harm objective. Premises operating events for under-18s and not demonstrating compliance may be regarded as failing to promote the licensing objective of protecting children from harm and thus be liable to a review of their licence.

4.14.2 Where entertainment is to be provided specifically for children, and it is likely that a child will be left in the care of a person employed by or contracted to the management of the premises for that purpose or left in the care of a person using that premises for the provision of children's entertainment, the Licensing Authority expects that enhanced checks with the [Disclosure and Barring Service \(DBS\)](#) (formerly the Criminal Records Bureau) are carried out for the persons providing the entertainment to, or supervising the children. It may impose this requirement by way of condition, either through the review process, or in the event of the application being subject to representations.

4.14.3 The Licensing Authority expects licence and certificate holders and those who have given notice of a temporary event and who wish to hold events specifically for unaccompanied under-18s, to demonstrate a commitment to adhere to the Kent [Safeguarding Children Multi-Agency Partnership](#).

4.15 Safeguarding

4.15.1 Folkestone is a safe place, and we are committed to working together with partners to continue to deliver safety, security, and confidence in the late night economy. We will work together to:

- Protect vulnerable victims
- Keep our neighbourhoods safe by supporting neighbourhood policing and tackling anti-social behaviour
- Keep our neighbourhoods safe during major events
- Identify key locations in the Town Centre to target deterrence and reassurance action through additional police patrols and deployment of Street Pastors
- Further develop best practice to encourage licensees to train staff and raise awareness of safeguarding
- Invest in personal safety campaigns – we will continue to support vulnerability training to stakeholders involved within the Night Time Economy.

4.15.2 Various night time safeguarding initiatives have been established and the Licensing Authority has adopted a multi-partnerships collaborative approach toward these initiatives which can be reviewed via the [Kent Safeguarding Children Multi-Agency Partnership \(KSCMP\)](#) website.

4.15.3 Licensees are expected to work alongside the Licensing Authority and partners to assist in these safeguarding initiatives and to participate in various training regimes implemented to improve awareness of the signs of vulnerability which can include a variety of factors including intoxication, age, losing contact with friends or lack of familiarity with the area including, again by way of example, the training of SIA door personnel and staff of licensed premises in victim vulnerability and sexual exploitation in the night time economy.

4.15.4 The Licensing Authority are liaising with Kent Police in connection with a [Drugs Protocol](#) which it is hoped will be used by Licensees in conjunction with Kent Police.

4.16 Protecting Young Vulnerable Victims

4.16.1 Licensed Premises are often used as a place to exploit and abuse victims, they provide an ideal environment for the grooming and sexual exploitation of children and young people. As part of the grooming process adults may meet young people or take them to licensed premises, to develop a relationship of trust and make them feel special by giving them 'treats' such as meals or alcohol, or by involving them in adult parties. A premise could be misused for this kind of activity by the people who are socialising or working there.

4.16.2 Child Sexual Exploitation is often hidden from view and goes unnoticed. Those who work in the late night economy have a unique position to act as our eyes and ears, to spot activity or predatory behaviour that may be linked to child sexual exploitation and let us know so we can act quickly to safeguard victims and bring their abusers to justice.

4.16.3 Premise licence holders and their managers must make sure that suitable control measures are in place at licensed venues for the protection of children from harm.

4.16.4 It is expected that premises, especially those trading during later hours, and takeaways implement appropriate measures, which could include the employment of designated welfare staff, trained first aiders and trained staff, to identify vulnerable person(s) and respond to accidents, injuries, and other immediate harms such as unconsciousness, alcohol poisoning, exploitation, and drug intoxication.

APPENDIX 1

GOOD PRACTICE FOR LICENSED PREMISES AND PROTOCOLS

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Introduction

The Licensing Act 2003

The Licensing Act 2003 (the Act) focuses on the promotion of four statutory licensing objectives which must be addressed when licensing functions are undertaken. The four licensing objectives are:

1. The prevention of crime and disorder
2. Public safety
3. The prevention of public nuisance
4. The protection of children from harm

The aim of this guidance

The aim of this guidance is to provide applicants and licensees with advice and guidance on good practice to promote the four licensing objectives which should be of paramount consideration at all times. This guidance is consistent with the Home Office Guidance issued under section 182 of the Act and with Folkestone & Hythe's Statement of Licensing Policy.

In order to further improve the safety and the attractiveness of the area and to minimise the nuisance caused by licensed premises the Licensing Authority will encourage licence holders to identify measures to effectively manage their premises and also the area in the immediate vicinity of the premises. This guidance outlines what Folkestone & Hythe's Licensing Authority and its responsible authority partners expect in practical terms from applicants when completing their operating schedules and from licensees when operating their premises under the terms of a premises licence.

Risks associated with licensed premises

The behaviour of customers in and around premises is not solely affected by the individual and the type and quantity of alcohol consumed, but also by the drinking environment and the way that the premises is managed and operates. Risks associated with licensed premises can vary depending on the type of premises, such as the design, layout and general environment, the location, the policies in place and the events held there. Factors such as venue size, availability of seating and density of customers can help to predict the likelihood of disorder.

A range of protective factors can also reduce the likelihood of disorder. It is vital that premises licence holders and their staff understand how good, efficient, and effective management of premises reduces disorder.

The International Centre for Alcohol Policies (ICAP) and the European Forum for Responsible Drinking have indicated the factors that can increase risk and the factors that can protect against a premise having issues.

Protective Factors
Lack of congestion, not overly crowded
Managing the exit of patrons
Monitoring patrons, including at entry, the bar and the exit Higher percentage of customers sitting
Promotion of food (full meals and snacks)
Good range of reasonably priced soft drinks
Good standards of cleanliness and housekeeping
Inappropriate persons (e.g. intoxicated or underage) being refused entry or refused service
Friendly staff
Calling last orders in plenty of time
Quick and efficient service
Staff trained in responsible service
Good communication between staff

Risk Factors
High levels of noise and movement
Congestion anywhere in the premises (at the door, bar, stairs, toilets, dance floor etc)
Higher percentage of customers standing
Unsupervised pool tables
Music with a lot of offensive and sexually explicit words
Lack of bar wiping, table cleaning, toilet cleanliness
Acceptance of openly sexual behaviour
In house promotion or entertainment focusing on alcohol
TV showing aggressive, offensive, sexual or intoxication-related images. Vomiting
Drug dealing or drug use
Lack of ventilation
Drunk or underage persons allowed in and served
Drunk customers on the premises
Staff being hostile or aggressive towards patrons
Staff allowing aggression and watching conflict
Staff sending people outside to fight
Late intervention in situations by staff.

How the guidance should be used

The Licensing Authority expects applicants to have regard to this guidance when completing their operating schedule. The guidance should help guide licensees on the general promotion of the four licensing objectives and also assist in identifying potential risks in the operation of their premises and suggest possible measures to help manage these risks.

This guidance is not intended to replace other statutory risk assessment processes such as fire risk, health and safety and food safety.

After making an assessment of the risks and the measures considered necessary to promote the four licensing objectives, applicants should consider offering conditions voluntarily as part of their application. To assist applicants and for consistency, the Authority has prepared a “pool of model conditions” which are available at <https://www.folkestone-hythe.gov.uk/>. The wording of the conditions may be modified to suit particular premises and situations.

General issues applying to all licensing objectives

This section provides guidance on good practice for the general promotion of all four licensing objectives at licensed premises.

Training

Licensees, their staff, door staff and third parties operating from the premises should all be trained in the effective and safe management of the premises and the promotion of the four licensing objectives. Training is key to ensuring that all concerned have the knowledge and skills to prevent and manage risks at premises and are aware of their responsibilities under the Licensing Act 2003, and this Good Practice Guidance. Training should be regularly updated, and good records maintained showing the date and the name of the person trained and should be available for inspection by the police or licensing authority. There are a number of formal qualifications for staff such as Personal Licence training or other standards as recognised by bodies such as the British Institute of Innkeepers.

Irresponsible Drinks Promotions

Binge drinking is defined by the NHS and National Office of Statistics as drinking more than double the daily unit guidelines for alcohol in one session. Binge drinking for men, therefore, is drinking more than 8 units of alcohol – or about three pints of strong beer, and for women, it's drinking more than 6 units of alcohol, equivalent to two large glasses of wine.

Binge drinking can lead to drunkenness on the premises or in the vicinity and can be encouraged through irresponsible drinks promotions such as encouraging people to consume more alcohol than planned or to consume more alcohol in a short space of time. A responsible approach to drinks promotions and compliance with the spirit of the mandatory conditions on irresponsible drinks promotions can prevent customers from getting drunk.

In addition to the mandatory conditions which prevent drinking games and large quantities of alcohol for free or at a fixed or discounted price, the Licensing Authority would like to encourage a voluntary code of good practice in relation to drinks promotions.

The Licensing Authority would like to discourage all licensed premises to promote irresponsible drinking promotions. Examples of irresponsible drinks promotions may include:

In the “on trade”

- women drink for free;
- half price drinks for under 25s;
- discount nights for students
- cheap drinks for fans of a specific sporting team
- half price drinks when England scores a goal;
- free drink if your team wins;
- all you can drink for £10;
- pay £5 entry and then drink up to 12 shots;
- 10 pints for £10;
- pay your entry fee then drink free until 10pm.
- drink 4 pints get the 5th for free
- promotions that make a customer drink a certain amount of alcohol in order to get a prize or reward
- materials or signs on or near to premises to advertise promotions which condone, encourage, or glamorise anti-social behaviour or refer to the effects of drunkenness in any positive way.
- drinks promotions that encourage customers to purchase enough alcohol in one sitting to constitute “binge drinking”.
- drinks offers that are not promoted and organised in a responsible way.
- Selling alcohol and a mixer cheaper than soft drink on its own e.g. selling diet coke for £1.80 but diet coke and vodka for £1.50
- Not encouraging people to drink soft drinks by setting inflated prices
- Communal drinking vessels e.g. Gold Fish bowls
- 3 trebles for £3.99
- Pricing structures that make alcohol cheaper the more you buy.
- Happy Hours, half price or 2 for 1 offers.
- Pub crawls and student nights.
- Mobile sales e.g. shots girls selling alcohol or dispensing at the table.
 - Drinks promotions which encourage a person to ‘binge drink’ in one serving/sitting.

In the “off trade”

- National research shows that the introduction of a minimum unit price of 50 pence would reduce harmful and hazardous drinking which would lead to a reduction in occurrences of alcohol related crimes, hospital admissions and sickness absences and reduce the financial burden on the NHS, the criminal justice system and social care. The Licensing Authority would like to encourage retailers to voluntarily adopt this approach to a minimum unit price.
- Multi buy alcohol promotions that offer a discount for buying multiple items. E.g. 3 bottles of wine for £12.00.

Key Message:

If you are in doubt, please speak with the Licensing Authority before you organise a specific promotion.

LICENSING OBJECTIVE 1: THE PREVENTION OF CRIME AND DISORDER

The main causes of crime and disorder in licensed premises arise from inadequate security, poor design and layout, the type of event being promoted, overcrowding and customers being drunk or under the influence of drugs. This can result in conflict, violence, and anti-social behaviour. It is therefore recommended that applicants and licensees take a proactive approach to preventing and managing crime and disorder from their premises.

For new premises or the refurbishment of existing premises, preventative measures should be factored in during the design stage. Consideration should be given to the design and layout of the premise to minimise the potential for crime and disorder. Useful information can be found in documents such as 'Secured by Design Licensed Premises'. A responsible business would liaise and regularly share intelligence relating to crime and disorder issues with other licensed premises, the police, the licensing authority, trading standards through pub watch and shop watch meetings or via local radio networks and would also actively take part in community safety initiatives.

Preventing underage sales and proxy purchases of alcohol

It is an offence to sell alcohol to a person who is under the age of 18 and it is also an offence to obtain alcohol on behalf of an underage person which is known as a 'proxy sale'. Underage sales can be prevented through:

- A strict "No ID – No Sale" policy such as Challenge 21 or Challenge 25 age verification checks which includes a credible photographic proof, which will be either a passport, photographic driving licence or proof of age card carrying a PASS logo. This is the subject of a mandatory condition under the Licensing Act 2003.
- All on trade premises should be part of the Home Office recommended [False ID scheme](#) and other community safety initiatives coordinated by Kent Police.
- The use of till prompts will remind staff to ask for proof of age.
- Display posters at the premises stating that it is an offence to purchase alcohol on behalf of an underage person.
- Keep and use a refusals register or refusals button on the electronic point of sale and ensure this is completed each time a sale is refused to a person who cannot prove they are over 18. The book should show the date, time, description of customer, name of staff member who refused the sale and the reason it was refused. This should be made available to the Police or authorised Council officers on request and should be regularly reviewed to identify trends and patterns.
- Ensure licence holders and staff are regularly trained and reminded of their responsibilities under the Licensing Act 2003 in relation to underage and proxy sales of alcohol.

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- Shops and supermarkets will find it easier to identify potential underage and proxy sales taking place if the view outside of their premises is not obscured by posters on windows.

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Proactively sharing intelligence with the local police and trading standards can also prevent young people having access to alcohol.

Preventing drunkenness on premises

A licence holder should ensure that all staff are aware of their responsibilities under the Licensing Act not to serve alcohol to a person who is already drunk. Drunkenness on premises can be prevented by:

Not having irresponsible drinks promotions which encourage people to consume more alcohol than planned or to consume more alcohol in a short space of time. See the section above on Irresponsible Drinks promotions for more information.

Refusal to admit a person who is already intoxicated on to the premises.

Encouraging staff to be observant and identifying the early signs of customers becoming drunk. Glass collectors can also be a good source of information and installing mirrors can assist in general visibility.

Training staff in the effects of alcohol and conflict management will provide them with the knowledge, skills, and confidence to refuse sales to drunken people.

A Duty of Care Policy must be in place, which outlines what steps staff should take to prevent intoxication and what to do if a person becomes intoxicated whilst at the premises. There is also the danger that a drunken person may be refused entry and therefore become separated from friends who would look after them. A drunken person can be vulnerable and at risk of exploitation and the policy should help staff to identify these vulnerabilities and take the appropriate course of action depending on the situation. A drunk person should never be left on their own or placed in a taxi without being in the care of a suitable person. All staff at the premise should be aware of the policy.

Consumption of alcohol on the street and street drinkers

Street drinkers or people who are drunk can cause anti-social behaviour, disorder and a nuisance to visitors, businesses, and residents. Licence holders can play an important part in minimising this by restricting street drinkers' access to alcohol such as:

Avoiding stocking low cost high strength alcohol such as white ciders and high strength lagers

Restricting the sale of strong beer and cider above 5.5% ABV.

Preventing the sale of single cans or bottles of beer and cider.

Ensuring all staff are aware of their responsibilities under the Licensing Act 2003 not to serve alcohol to a person who is drunk.

Not offering irresponsible drinks promotions as outlined in the section above.

- Keeping and using a refusals registers or refusals button on the electronic point of sale and ensuring this is completed each time a sale is refused to a person who is drunk. The book should show the date, time, description of customer, name of staff member

who refused the sale and the reason it was refused. This should be made available to the Police or authorised Council officers on request and should be regularly reviewed to identify trends and patterns.

- Taking part in community safety initiatives with Kent Police and sharing intelligence.

Preventing conflict, aggression, and violence in and around the premises

Long queuing, overcrowding and congestion can cause jostling, conflict and aggression which can lead to violence. There are ways this can be prevented:

- Having a customer dispersal policy will help prevent a mass exit at the end of the evening such as change in music style, wind down time and increased lighting, the provision of food and non-alcoholic drinks.
- Determining the number of door supervisors via a risk assessment based on the type of event, the type of crowd, the size of the establishment. At the very least this should be a ratio of 1 door supervisor per 50 customers. Consideration should also be given to providing a sufficient male/female split, but at least one female door supervisor should be on duty.
- Risk assessment must be undertaken by the licence holder and submitted to the Folkestone & Hythe District Council Licensing Team.
- Having a door admissions policy in place which includes age restrictions, dress code, the searching of bags etc and which is well publicised on the premises website, can help reduce conflict and aggression if entry is refused.
- A policy to manage capacity should be adopted to prevent overcrowding and over congestion in areas will help to prevent customers from become aggressive through accidental jostling. Measures such as clickers, ticket sales and head counts will help monitor capacity.
- There are many injuries caused by glass being used as a weapon. The risk of injury can be reduced through the use of toughened glasses. Controlling glass through regular collections and disposal can also reduce the risk of disorder.

Preventing theft from the premises

High value alcohol and alcohol which is close to entrances can be a target for theft. This can be prevented by:

- Ensuring that storage areas and cellars are locked and secured when the premises are open to the public.
- Shops selling alcohol ensuring that alcohol is not displayed within the first few meters of the door to prevent 'grab and run' thefts.
- More expensive alcohol or other items attractive to thieves being security tagged.

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- Installing lockable shutters which can be closed at the end of the licensed hours will also prevent illegal sales of alcohol.
 - Possessions can also be a target for thieves particularly if customers are relaxed and enjoying a night out. Measures such as:
 - Regular property patrols and highlighting potential risks to customers
 - Having well managed cloakrooms and toilets
 - Having well-lit premises
 - Installing bag hooks at tables and bars
 - Installing mirrors to aid supervision

Preventing the possession of illegal drugs and weapons and the use of drugs

Licence holders should have a zero tolerance approach to the use of drugs and the carrying of weapons in to the premises. Premises licence holders should also take steps to prevent the misuse of drugs within their premises through:

- A “no search no entry” policy and having effective search policies and specialist equipment if necessary.
- Searches should occur in public and in view of CCTV and the police should be informed if anyone is suspected of carrying an illegal substance.
- An effective drugs policy would include arrangements for seizing, retaining, and documenting seized drugs, supervising toilet areas and training staff in drug awareness.

LICENSING OBJECTIVE 2: PUBLIC SAFETY

The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised and it is the licence holders responsibility under Health and Safety Legislation to have clearly documented policies and procedures in place which will identify all public safety risks associated with their premises. The risk assessment should also identify the measures that will be implemented to prevent, manage, and respond to these risks.

A full risk assessment should be carried out and be reviewed every 12 months which identifies potential hazards to staff or customers and sets out precautions to manage the hazards. Templates can be found on the Health and Safety Executive Website or the Communities and Local government website. All staff should be aware of the risk assessment, and it should be made available for inspection when required.

Other measures to ensure the general safety of customers include:

- Having a well maintained First Aid box available
- Having at least one member of staff on duty at all times with a recognised qualification in first aid.
- Providing an accident book to record all accidents or incidents and which should be available for inspection by an authorised Council employee.
- Avoiding irresponsible drinks promotions, spotting the early signs of people who are drunk, refusing to serve people who are intoxicated and procedures for dealing with glass will also help prevent aggressive and rowdy behaviour. Further information can be found in the section on Licensing Objective 1: The prevention of Crime and disorder.
- Having a written policy in place to deal with all types of accidents and emergency incidents such as evacuation procedures in the event of fires (see more in section below), bomb threats, suspect packages and when to contact emergency services.

Maximum Occupancy

It is important to ensure that the maximum occupancy of the premises is not exceeded including ensuring there is no overcrowding or congestion in particular parts of the premises. This can be achieved by having measures in place to record numbers of people entering, leaving, and re-entering and by ensuring there is an up to date health and safety risk assessment.

The Licensing Authority therefore expects that the maximum number of people that can be safely accommodated within the applicant's premises at any one time will be determined as part of a fire risk assessment. This information should be forwarded to the Kent Fire and Rescue Service with the copy of the licence application and copied to the Licensing Authority.

The following guidance on occupancy capacity of a premises is provided to assist applicants and is based on Building Regulations 2000 Approved Document B (Fire Safety), 2006 Edition: Volume 2: Buildings other than dwelling houses.

Safe Arrival and Departure

Consideration should also be given to how patrons arrive at and depart from the premises safely bearing in mind the customer profile. This can be achieved by:

- ensuring there is adequate lighting,
- having a well-managed and efficient door policy to prevent long queuing times which can cause people to become agitated or aggressive,
- having a customer dispersal policy will help prevent a mass exit at the end of the evening such as change in music style, wind down time, increased lighting, the provision of food and non-alcoholic drinks,
- Customers should be actively discouraged from drink driving and this can be achieved by promoting and publicising a Designated Driver Scheme.
- Promoting safe transport options to customers such as the location of taxi ranks, contacts for licensed private hire vehicles, safe waiting areas inside the premises and night bus options.
- Please refer to [Folkestone & Hythe Taxi Policy](#) for further guidance.

Fire Safety

Bearing in mind the age, design and layout of the premises, measures need to be put in place to ensure there are sufficient and safe means of escape in the event of fire or evacuation. Fire risks can be increased by the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, overcrowding and congestion. Fire risks can be identified and mitigated through a robust fire risk assessment and measures are likely to include:

- having electrical installations and equipment regularly maintained and tested and having compliant and well maintained fire safety and fire detection equipment,
- training staff in fire safety so that they can deal with emergency situations including the location of equipment, utilities, services, and the layout of premises,
 - ensuring that means of escape are clearly visible, unobstructed, and well maintained, including areas outside exits leading to a place of ultimate safety such as the street. This means of escape should be regularly checked to ensure it remains unlocked and unobstructed

Preventing drug related harm and spiking

There should be a zero-tolerance policy to the use of drugs at the premises and consideration needs to be given to the measures that need to be in place should a person be found to be under the influence of drugs.

This includes:

- refusing entry to anyone who is showing signs of drug use and contacting the emergency services when appropriate,
- ensuring that staff are trained in drug awareness, so they know how to recognise the effects of drug use and know when medical attention is required,
- considering offering anti drink spiking products to customers,
- reporting suspected or actual spiking incidents to the police immediately.

Women's Safety Schemes

- Use of safety schemes such as 'Ask Angela', Women's Safety Charter.

LICENSING OBJECTIVE 3: PREVENTION OF PUBLIC NUISANCE

Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour, and insects or where its effect is prejudicial to health.

The Licensing Authority recognises that well-managed licensed premises can benefit the local community and the local economy, but there is clearly a risk that licensed premises, particularly those operating at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working, or sleeping nearby.

Noise

The impact on a neighbourhood of licensed premises is significantly influenced by the times when those licensed premises are open, and the times when licensable activities are taking place, particularly between the times of 11pm and 7am.

The location of the premises is also a significant factor and extra consideration to noise is needed in denser residential areas and where it is near other noise sensitive premises such as hospitals, care homes and places of worship. Operators should also recognise the impact of noise as a result of their customers eating, drinking, smoking, queuing, and leaving the premises. The impact on local residents can be managed by:

All premises

- engaging with local residents on a regular basis to ensure that licence holders are being good neighbours and dealing with problems as they arise,
- providing a contact telephone number to local residents to report noise disturbances to a responsible person at the venue,
- ensuring that the times when glass is disposed of and removed from the premises is not at a time of day likely to disturb residents, these should normally be carried out between the normal working hours of 8am and 6pm.

“On trade” premises

- considering the option to have a noise report or a noise assessment carried out by an acoustic consultant in order to identify noise issues and the actions needed to address these,
- keeping windows and doors closed whilst the premises is in use to prevent noise breakout,
- locating DJs, stage, and speakers away from doors and windows,
- designing the premises with noise limiting features such as sound proofing, acoustic double lobbies, and sound limitation devices,

- minimising the extent that patrons are outside the premises,
- ensuring that the occupancy capacity of the premises is not exceeded,
- considering what impact the proposed hours of operation of the premises will have on public transport including the availability of buses, taxis and private hire vehicles,
- planning a 'wind down period' between the end of the licensable activities and closure of the premises,
- establishing a last admission time,
- regularly collecting glass and preventing unauthorised removal of glass from the premises will help reduce the impact of noise from glass on residents and neighbours,
- carrying out regular sound checks and noise monitoring and logging these checks with an indication if the check was as a result of a complaint or routine checking. This log should be available to environmental health if required.
- displaying prominent notices close to exits requesting patrons to leave the premises quickly and quietly, and notices in car parks reminding patrons in residential areas to leave quickly and quietly and not to rev engines, slam doors, play loud music or sound horns.
- making announcements at the end of the evening asking people to disperse quickly and quietly.
- having a customer dispersal policy and effective management of queues see section on Licensing Objective 2: Public Safety.
- ensuring that staff and performers also pack up and leave the premises quietly and quickly,
- If queuing occurs, ensure that the queue is diverted away from residential areas and provide door supervisors to manage patrons.

“Off trade” premises

- encouraging customers not to hang about outside shops if it is causing a nuisance to other customers or local residents,
- planning the times of deliveries so they do not occur at a time of day likely to disturb residents. These should normally be carried out between the normal working hours of 8am and 6pm,
 - noise management of outside smoking areas.

Other nuisance issues

Residents can be disturbed by other factors such as litter, smells, fumes, dust, tobacco or other smoke, or other emissions, street fouling and light pollution. Unauthorised advertising and the distribution of flyers by operators or third parties cause littering.

Also there could be nuisance caused by congesting the pavement or the roadway, and so impeding reasonable access of emergency services and essential services such as refuse collection and street cleaning.

Measures to address these issues include:

- Increasing refuse storage or waste collection
- Preventing littering by providing litter bins and wall mounted cigarette bins and clearing up street litter generated by the premises such as flyers, cigarette butts or food wrappers.
- Providing effective ventilation systems to prevent nuisance from odour and ensuring these are screened, enclosed, silenced or on timers in order to prevent noise nuisance.
- Providing ash trays and cigarette bins to minimise litter
- Ensuring that external lighting is turned off after the premises are closed to the public.

LICENSING OBJECTIVE 4: THE PROTECTION OF CHILDREN FROM HARM

The protection of children from harm includes the protection of children from moral, psychological, and physical harm and this includes the protection of children from exposure to strong language, sexual expletives, and gambling. Whilst there has been a general relaxation in allowing accompanied children greater access to licensed premises, this places additional responsibilities upon licence holders to safeguard children and provide a safe environment.

This can be achieved by:

- ensuring that staff have an awareness of safeguarding issues and that appropriate recruitment processes are in place for anyone working with children and young people including enhanced checks with the Disclosure and Banning Service (DBS) (formerly the Criminal Records Bureau).
- If the supply of alcohol is the exclusive or primary purpose of the services provided at the premises, the licence holder should consider restricting the admission of children after a specified time in the evening or only admitting children if they are accompanied by an adult. The Licensing Authority would not normally impose complete bans on access to children, however in exceptional circumstances restricting access or excluding children completely may be considered necessary.
- considering the impact the operation of their premise may have on the immediate vicinity, particularly if there are schools, cinemas, family restaurants, bowling alleys or other facilities nearby likely to be frequented by children and young people.

Under 18 events

If a licence holder is considering using their premises for an event for under 18s there is specific guidance available which has been developed with the [Kent Safeguarding Board](#).

The Licensing Policy also requires licence holders who are holding an event specifically for unaccompanied under-18s, to demonstrate a commitment to adhere to the “Policy and Procedures for the Protection of Young People who Attend under- 18 Club Nights”.

Preventing underage sales and adults buying alcohol on behalf of the underage

It is an offence to sell alcohol to a person who is under the age of 18, and it is also an offence to obtain alcohol on behalf of an underage person which is known as a ‘proxy sale’. These sales can be prevented through:

- A strict “No ID – No Sale” policy such as Challenge 21 or Challenge 25 age verification checks which include credible photographic proof, which will be either a passport, photographic driving licence or proof of age card carrying a PASS logo. This is the subject of a mandatory condition under the Licensing Act 2003.
- All premises should be part of the Home Office recommended “False ID Scheme” and other community safety initiatives coordinated by Kent Police.
- The use of till prompts to remind staff to ask for proof of age.

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- Displaying posters at your premises stating that it is an offence to purchase alcohol on behalf of an underage person.
 - Keeping a refusals register or refusals button on the electronic point of sale and ensuring this is completed each time a sale is refused to a person who cannot prove they are over 18. The book should show the date, time, description of customer, name of staff member who refused the sale and the reason it was refused. This should be made available to the Police or authorised Council officers on request and should be regularly reviewed to identify trends and patterns.
 - Ensuring licence holders and staff are regularly trained and reminded of their responsibilities under the Licensing Act 2003 in relation to underage and proxy sales of alcohol. Good records of training should be maintained.
 - Shops and supermarkets will find it easier to identify potential underage and proxy sales taking place if the view outside of their premises is not obscured by posters displayed in the windows. Proactively sharing intelligence with the local police and trading standards can also prevent young people having access to alcohol.

Preventing exposure to inappropriate activity

- The following are some examples of control measures to prevent children from accessing inappropriate activities:
- There should be provisions in place to restrict children from viewing age restricted films such as age checks at point of sale and prior to entry to a screening room to ensure that admission of children to films is in accordance with the recommendations of the British Board of Film Classifications.
- Age restricted gaming or vending machines should have suitable signage setting out the age restrictions and should be in full view of staff for monitoring.
- Children under the age of 18 should be excluded from the premises or part of the premises where adult entertainment is taking place.
- Adverts or flyers for entertainment of an adult nature should not be distributed or displayed externally on the premises or in any part of the premises internally where they can be seen by children and young people.

PROTOCOL (A) – PLANNING AND LICENSING

Purpose

1. Operation of licensed premises will require a number of additional approvals as well as under the Licensing Act 2003. One of the most important additional approvals is planning permission under the Town and Country Planning Act 1990. This protocol looks at the relationship between Planning and Licensing.

Planning

2. Planning permission is required for certain building operations (such as new buildings and alterations which materially affect the external appearance of the building) and material changes of use. Advice can be obtained from the Council's Planning Department on whether planning permission is required and about the planning process. Also see the Council's website at <https://folkestonehythe.gov.uk/article/216/Planning>
3. Many licensed premises will fall within a Use Class. The most relevant use classes are:

Class	Category	Definition	Permitted Changes include:
A1	Shops	Includes: (1) the retail sale of goods other than hot food (2) the sale of sandwiches or other cold food for consumption off the premises where the sale is to visiting members of the public.	None
A3	Restaurants and cafés	Use for the sale of food and drink for consumption on the premises.	A1
A4	Drinking establishments	Use as a public house, wine-bar or other drinking establishment	A1 and A3
A5	Hot food takeaway	Use for the sale of hot food for consumption off the premises	A1 and A3

Class	Category	Definition	Permitted Changes include:
C1	Hotels	Use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided.	None
D2	Assembly and leisure	Use as (a) a cinema, (b) a concert hall, (c) a bingo hall, (d) a dance hall, (e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.	None

4. Some premises do not fall within any Use Class. Planning permission will be required for a change to such a use. These include:

Use	Permitted Change
as a Theatre	None
as an Amusement arcade or centre, or a funfair	None
as a Hostel	None
as a Night-club	None
as a Casino	D2

5. Planning permission is not required for a change of use where the new use remains in the same Use Class as the old use (e.g. from a café to a restaurant). Nor is it required for a change of use where the new use falls within the Use Class referred to in the Permitted Change column next to the old use (e.g. from a public house to a café). Note: Although planning permission may not be needed for a change of use, planning permission may still be needed for physical changes to the premises.
6. Details of the Council's Planning Policies can be seen on the Council's website <https://www.folkestone-hythe.gov.uk/planning/planning-policy> and [Folkestone & Hythe Adopted Development Plans and Policies](#) or contact the Council's Planning Department.
7. Even where proposed premises have planning permission, there may still be conditions or planning obligations that will affect the way the premises are used (e.g. operating hours). It will be necessary to apply to vary or remove the condition or obligation.

8. If you are unsure whether or not the existing use of a building is lawful for planning purposes or whether or not your proposal requires planning permission, you can apply for a "Lawful Development Certificate" (LDC).
9. You may need further planning consents if you are carrying out works within a conservation area, if you are making alternations to, or which affect the setting of a listed building, or if you are carrying out work to trees covered by a tree preservation order or within a conservation area.

Which application should be made first?

10. The Licensing Authority considers that in most cases all planning permissions, consents and certificates should be obtained before any Licensing Applications is made. It will smooth the licensing process, if the planning position is clear and certain before a Licensing Application is made and there is no doubt that the premises can be lawfully used for the purposes covered by the Licensing Application. It will mean that it is less likely that the local planning authority as a responsible authority will make representations in relation to the Licensing Application. Members of the public will also be less likely to be confused about the two separate issues and so less likely to make representations on planning matters to a Licensing Application.
11. There may be exceptional reasons why an Applicant considers that it is necessary to make a Licensing Application before or at the same time as a Planning Application. If that is the case, Applicants are requested to explain their reasons for doing so, when the Licensing Application is submitted (e.g. the only outstanding planning matter relates to a minor uncontroversial matter not relevant to licensing objectives such as extraction facilities, landscaping, or refuse storage). This may help to avoid representations being made.
12. Where an applicant has indicated that a licensing and planning application has been made at the same time, licensing officers will consider whether there should be discussion with planning counterparts with the aim of agreeing mutually acceptable operating hours and scheme designs¹
(1 Para 9.45 - s182 Guidance – April 2017)

Won't the outcome come of the Licensing and Planning Applications be the same?

13. Not necessarily. The two regimes need to be properly separated to avoid duplication and inefficiency². They are two separate statutory systems with their own statutory rules, criteria, policies, and guidance, looking at different aspects of similar proposals, and where the Council is the decision-maker in both cases. Planning considers the principle of the use in the light of the approved planning policies and the effect of the development on matters such as amenity, visual appearance, character of the locality, need, outlook and privacy, road safety, noise, disturbance, smells, fumes, or other harmful effects. Licensing must carry out its functions with a view to promoting the four licensing objectives – the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. They involve consideration of different (albeit related) matters³. Because of this, it will not be the case that the same decisions will always be made.

-
14. Within the Council, the licensing function is discharged separately from the planning function. Licensing Committee and the Director of Place is responsible for the former; Planning Committee and the Chief Planning Officer for the latter. Licensing applications will not be a re-run of planning applications and vice versa; planning decisions will not bind those making licensing decisions and vice versa⁴. Licensing and planning decisions have to be made according to the respective statutory criteria etc. that applies to them. Just because planning has granted planning permission does not mean that licensing will grant a licence; just because planning has imposed no conditions restricting hours does not mean that licensing will not consider such a restriction appropriate; just because planning has imposed a particular closing hour does not mean that licensing will not impose an earlier or later hour. Where these hours are different, the applicant must observe the earlier closing time or face enforcement action⁵. While both systems may be made aware of the decisions made by the other, they do not bind each other or create any presumption that a particular decision will be made.

Advice to Applicants, Responsible Authorities and Persons making Representations

15. Concentrate on the considerations material to the licensing or planning decision (as the case may be) rather than try to influence one decision by reference to the other. On a licensing matter, concentrate on the promotion of the four licensing objectives, and not on planning policies, objectives, and harm. There may be common facts but do not forget to relate them to the criteria relevant to the actual decision.

² Para 14.57 – s182 Guidance – April 2017

³ Para 14.57 – s182 Guidance – April 2017

⁴ Para 14.57 – s182 Guidance – April 2017

⁵ Para 14.58 – s182 Guidance – April 2017

PROTOCOL (B) – PUBLICITY FOR LICENSING APPLICATIONS

Purpose

1. The purpose of this Protocol is to set out what publicity will be given to Licensing Applications. This is key to ensuring that all interested persons can be made aware of applications so that they can consider whether to make representations.

Statutory requirements

2. There are many statutory requirements to give publicity to licensing applications. These vary depending on how the application is made (electronically or in paper form). There are obligations placed on the Applicant and the Licensing Authority. The requirements differ according to the type of licensing application that is being made.
3. The requirements may involve site notices, press notices and notices on the Council's website. The aim is to ensure that those who may be affected by an application have an easy means of finding out about applications and so are able to make representations in the prescribed time limits.
4. The requirements are contained in the Licensing Act 2003 and Regulations; mainly the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2006 (as amended) (SI 2005 No 42).
5. Appendices A, B and C summarise the requirements. Appendix A summarises the provisions about site notices, press notices and notices on the World Wide Web. Appendix B summarises the provisions about notifications to responsible authorities, the police, and other persons.
6. You are advised to refer to the Act and Regulations for the definitive provisions.
7. The Applicant has to give notice of any application to the Licensing Authority and pay the required fee. There are detailed requirements as to what should be included with an application.

The Council's Website

8. Details of applications and granted licences are included on the Council's website. You can go direct to the site by using the web address <https://www.folkestone-hythe.gov.uk/planning> or by accessing the main website www.folkestone-hythe.gov.uk
9. If you register with the site, you can make comments on-line and track applications.

Additional Publicity

10. We think it is important to ensure that everyone likely to be interested in an application is aware of it. We therefore notify councillors and neighbours. This is additional discretionary publicity that we choose to give to applications. It is important to stress that neither the Act nor the Regulations impose any duty on a licensing authority to advertise an application or to take any steps to notify anyone affected by it that it has been made (other than what is set out in the Appendices).

Councillors

11. We will send details by email to councillors representing the ward in which premises are situated. We notify them of all applications/new applications, variations, minor variations, reviews, transfers, interim authority notices, and temporary event notices.

Neighbours

12. We will notify neighbouring residents and businesses about:

Applications for a new premises licence;

Applications to vary that will result in an increase the hours during which the premises may operate or will result in the premises operating later;

Applications to vary a licence by including the sale or supply of alcohol;

Applications to vary a licence by adding music;

13. We will give notice by letter.

14. Licensing Officers will have to make a judgment as to the area in which neighbours will be notified. There cannot be a hard and fast rule, whether by reference to distance or numbers. In making a decision Licensing Officers will adopt the following approach:

- a. The starting point will be to write to occupiers of premises that fall within a circle with a radius of 30 metres drawn from a point at the centre of the premises.
- b. Where premises are split by the circle (e.g. a block of flats, groups of office units), the occupiers of all the premises in the block etc. will be written to.
- c. The Licensing Officer will consider whether the extent of the circle should be properly extended or reduced. This will depend on the character of the area, the type of licensable activity, the extent of existing crime, disorder and nuisance, pedestrian and vehicle flows, and the likely impact of the application on the licensing objectives. For instance, if the entrance to premises and likely pedestrian and vehicle flow is away from a block of flats, whose residents are therefore unlikely to experience any impact from the licensable activity, a decision may be made not to extend the circle to include the block or to exclude the block entirely.

15. If a business or resident considers that there should have been wider consultation, get in touch with the Licensing Officers quickly, and they will consider your views. You need to act quickly because the Licensing Authority has no power to extend the statutory time during which representations can be made.

Appendix A – Public Notices

Type of Application	Site Notice	Press Notice	LA Website	Additional Contents of Notice
Application for Premises Licence (section 17)	✓ How – ① Contents – ❶	✓ How – ② Contents – ❶	✓ How - ③ Contents – ❶	Statement of the relevant licensable activities which it is proposed will be carried on on or from the premises.
Application for a provisional statement (section 29)	✓ How – ① Contents – ❶	✓ How – ② Contents – ❶	✓ How - ③ Contents – ❶	State that representations are restricted after the issue of a provisional statement. Where known, may state the relevant licensable activities which it is proposed will be carried on on or from the premises.
Application to vary a premises licence (section 34) (except where the only variation is the inclusion of the alternative licence condition)	✓ How – ① Contents – ❶	✓ How – ② Contents – ❶	✓ How - ③ Contents – ❶	Briefly describe the proposed variation.
Application for a club premises certificate (section 71)	✓ How – ① Contents – ❶	✓ How – ② Contents – ❶	✓ How - ③ Contents – ❶	Statement of the relevant qualifying club activities which it is proposed will be carried on on or from the premises.

Type of Application	Site Notice	Press Notice	LA Website	Additional Contents of Notice
Application to vary a club premises certificate (section 84)	✓ How – ① Contents – ❶	✓ How – ② Contents – ❶	✓ How - ③ Contents – ❶	Briefly describe the proposed variation.
Minor variation of a premises licence (section 41A)	✓ How – ④ Contents – ❷			Prescribed Heading "Licensing Act 2003: Minor Variation of Premises Licence".
Minor variation of a club premises certificate (section 86A)	✓ How – ④ Contents – ❷			Prescribed Heading "Licensing Act 2003: Minor Variation of Club Premises Certificate".
Application for a review of a premises licence (section 51)	✓ How – ⑤ How long - ★ Contents – ❸		✓ How – ⑥ How long - ★ Contents – ❸	
Application for a review of a club premises certificate (section 87)	✓ How – ⑤ How long - ★ Contents – ❸		✓ How – ⑥ How long - ★ Contents – ❸	

Type of Application	Site Notice	Press Notice	LA Website	Additional Contents of Notice
Summary review of premises licence: serious crime and disorder (section 53A)	✓ How – ⑤ How long - ⚡ Contents – ③		✓ How – ⑥ How long - ⚡ Contents – ③	The dates for making representations shall be between the date of the first working day after the day on which the notice was published and the date of the ninth subsequent working day AND The grounds of the review shall be that in the opinion of a senior police officer the premises are associated with serious crime or serious disorder or both.
Review of premises following closure order (section 167)	✓ How – ⑤ How long - ⚡ Contents – ③		✓ How – ⑥ How long - ⚡ Contents – ③	
How – ①	By Applicant <ul style="list-style-type: none"> • For a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the licensing authority by displaying a notice • Equal or larger than A4 • Of a pale blue colour • Printed legibly in black ink or typed in black in a font of a size equal to or larger than 16 • Prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises AND • In the case of premises of more than 50 metres square, a further notice every 50 metres along the external perimeter of the premises abutting any highway. 			

How – ②	<p>By Applicant</p> <ul style="list-style-type: none"> • Publish a notice in a local newspaper or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises (i.e. <i>The Journal</i> or <i>Evening Chronicle</i>) • On at least one occasion during the period of 10 working days starting on the day after the day on which the application was given to the licensing authority.
How - ③	<p>By the Licensing Authority</p> <ul style="list-style-type: none"> • Publication of notice on the Licensing Authority's website • For a period of no less than 28 consecutive days starting on the day after the days on which the application was given to the relevant licensing authority.
Contents – ①	<ol style="list-style-type: none"> 1. Name of the applicant or club. 2. Postal address of the premises or club premises, if any, or if there is no postal address for the premises a description of those premises sufficient to enable the location and extent of the premises or club premises to be identified. 3. The postal address and, where applicable, the worldwide web address where the register of the relevant licensing authority is kept and where and when the record of application may be inspected. 4. The date by which a responsible authority or any other person may make representations to the relevant licensing authority. 5. That representations shall be made in writing. 6. That it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence. 7. PLUS additional contents (if any) listed in column 5.

<p>How – ④</p>	<p>By Applicant</p> <ul style="list-style-type: none"> • For the continuous period beginning on the first working day after the application was given to the licensing authority and ending at the expiry of the ninth consecutive working day after that day • Equal or larger than A4 • White • Printed legibly in black ink or typed in black • In the case of the Title in a font of a size equal to or larger than 32 • In the case of the remainder in a font of a size equal to or larger than 16 • Prominently at or on the premises to which the application relates so that it can be conveniently read from the exterior of the premises AND • If any part of the external perimeter of the premises that is 100 or more metres in length abuts a public highway or other place accessible to the public, by displaying such a notice at least every 50 metres along that part of the perimeter.
<p>Contents – ②</p>	<ol style="list-style-type: none"> 1. Brief description of the proposed variation or variations. 2. The name of the applicant or club. 3. Postal address of the premises or club premises, if any, or if there is no postal address for the premises a description of those premises sufficient to enable the location and extent of the premises or club premises to be identified. 4. The postal address and, where applicable, the worldwide web address where the register of the relevant licensing authority is kept and where and when the record of application may be inspected. 5. The date by which an interested party may make representations to the relevant licensing authority. 6. That representations shall be made in writing. 7. That it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence; 8. PLUS additional contents (if any) listed in column 5.

How – ⑤	<p>By the Licensing Authority</p> <ul style="list-style-type: none"> • Display prominently a notice • Of size equal or larger than A4 • Of pale blue colour • Printed legibly in black ink or typed in black in a font of a size equal to or larger than 16 • At on or near the site of the premises to which the application relates where it can be conveniently read from the exterior of the premises by the public AND • In the case of premises covering an area of more than 50 metres square, one further notice every 50 metres along the external perimeter of the premises abutting any highway AND • At the offices, or main offices, of the licensing authority in a central and conspicuous place.
How – ⑥	<p>By the Licensing Authority</p> <ul style="list-style-type: none"> • On the authority's website.
How long - ★	<ul style="list-style-type: none"> • For a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the authority.
How long - ☼	<ul style="list-style-type: none"> • For a period of no less than seven consecutive days starting on the day after the day on which the authority received the application under section 53A/the notice under section 164(4).

Contents – ⑤	<ol style="list-style-type: none"> 1. Address of the premises. 2. The dates between which responsible authorities and any other persons may make representations. 3. The grounds of the application for review. 4. The postal address and, where applicable, the worldwide web address where the register of the relevant licensing authority is kept and where and when the grounds of the review may be inspected. 5. That it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence. 6. PLUS additional contents (if any) listed in column 5.
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Appendix B –Notification to Responsible Authorities and others

Type of Application	Electronic Applications	Non-electronic applications
Application for premises licence (section 17)	✓ To Responsible Authorities How - ⑦ What - ④	✓ To Responsible Authorities How - ⑧ What - ⑤
Application for a provisional statement (section 29)	✓ To Responsible Authorities How - ⑦ What - ④	✓ To Responsible Authorities How - ⑧ What - ⑤

Type of Application	Electronic Applications	Non-electronic applications
Application for variation of a premises licence (section 34)	✓ To Responsible Authorities How - ⑦ What - ④	✓ To Responsible Authorities How - ⑧ What - ⑤
Application for a minor variation of a premises licence (section 41A)	✓ To Responsible Authorities (if considered necessary) How - ⑦ What - ④	✓ To Responsible Authorities(if considered necessary) How - ⑧ What - ⑤
Application for a club premises certificate (section 71)	✓ To Responsible Authorities How - ⑦ What - ④	✓ To Responsible Authorities How - ⑧ What - ⑤
Application for variation of a club premises certificate (section 84)	✓ To Responsible Authorities How - ⑦ What - ④	✓ To Responsible Authorities How - ⑧ What - ⑤

Type of Application	Electronic Applications	Non-electronic applications
Application for a minor variation of a club premises certificate (section 86A)	✓ To Responsible Authorities How - ⑦ What - ④	✓ To Responsible Authorities How - ⑧ What - ⑤
Application for a review of a premises licence (section 51)	The Licensing Authority is responsible for giving notice of applications (see column 3)	✓ To Responsible Authorities To Holder of Premises Licence How - ⑨ What - ⑥
Application for a review of a club premises certificate (section 87)	The Licensing Authority is responsible for giving notice of applications (see column 3)	✓ To Responsible Authorities To the Club How - ⑨ What - ⑥

Type of Application	Electronic Applications	Non-electronic applications
Summary review of premises licence: serious crime and disorder (section 53A)	N/A	✓ To Responsible Authorities To Holder of Premises Licence How - ①② What - ⑦
Review of premises following closure order (section 167)	N/A	✓ To Responsible Authorities To Holder of Premises Licence How - ①① What - ⑧
Application for the inclusion of the alternative licence condition with an application for a premises licence (reg 10(2))	✓ To the Police How - ①② What - ⑨	✓ To Police How - ①③ What - ⑨
Application for the inclusion of the alternative licence condition with an application to vary a premises licence (reg 12(2))	✓ To the Police How - ①② What - ⑨	✓ To Police How - ①③ What - ⑨

Type of Application	Electronic Applications	Non-electronic applications
Application to vary a premises licence solely to include the alternative licence condition (reg 13A)	✓ To the Police How - ①② What - ⑨	✓ To Police How - ①③ What - ⑨
Application to vary a premises licence to specify an individual as premises supervisor (section 37)	✓ To the Police To the Designated Premises Supervisor (if any) How - ①② What - ⑨	✓ To Police To the Designated Premises Supervisor (if any) How - ①③ What - ⑨
Application for the transfer of a premises licence (section 42)	✓ To the Police How - ①② What - ⑨	✓ To Police How - ①③ What - ⑨
The giving of an interim authority notice (section 47)	✓ To the Police How - ①② What - ⑨	✓ To Police How - ①③ What - ⑨

How - ⑦	<p>By Licensing Authority</p> <ul style="list-style-type: none"> No later than the first working day after the application was given to the authority.
What - ④	<ol style="list-style-type: none"> Copy of the application together with any accompanying plan or document.
How - ⑧	<p>By the Applicant</p> <ul style="list-style-type: none"> On the same day as the day on which the application was given to the authority.
What - ⑤	<ol style="list-style-type: none"> Copy of the application together with its accompanying plan, document or other information.
How - ⑨	<p>By the Applicant</p> <ul style="list-style-type: none"> On the same day as the day on which the application for review was given to the authority.
What - ⑥	<ol style="list-style-type: none"> Copy of the application for review with its accompanying plan, document and other information/accompanying documents, if any.
How - ⑩①	<p>By Licensing Authority</p> <ul style="list-style-type: none"> Within 48 hours of the time of the receipt of the application.
What - ⑦	<ol style="list-style-type: none"> A copy of the application and of the certificate given under section 53A(1)(b).
How - ⑪①	<p>By Licensing Authority</p> <ul style="list-style-type: none"> Within the period of one working day starting on the day after the day on which the authority received the notice under section 165(4) from the magistrates' court.
What - ⑧	<ol style="list-style-type: none"> Notice of the review, dates between which responsible authorities and any other persons may make representations, the closure order and any extension of it, any order made under section 165(2).

How - ①②	<p>By Licensing Authority</p> <ul style="list-style-type: none"> On the first working day after the application was given to the authority.
How - ①③	<p>By the Applicant</p> <ul style="list-style-type: none"> On the same day as the day on which the application was given to the authority.
What - ④	<p>1. Copy of the application or notice together with its accompanying documents (if any).</p>

Appendix C – Temporary Event Notices

Type of Temporary Event Notice	Electronic Notices	Non-Electronic Notices
Standard TEN	<p>(1) No later than 10 working days before the date on which the event period begins</p> <p>By the Applicant to the:</p> <ul style="list-style-type: none"> Licensing Authority <p>(2) No later than the end of the first working day after the day on which the notice was given to the authority</p> <p>By the Licensing Authority to</p> <ul style="list-style-type: none"> Police Environmental Health 	<p>No later than 10 working days before the date on which the event period begins</p> <p>By the Applicant to the:</p> <ul style="list-style-type: none"> Licensing Authority Police Environmental Health
Late TEN	<p>(1) No later than 5 working days, but no earlier than 9 working days before the date the event</p>	<p>No later than 5 working days before the day on which the event period begins:</p>

Type of Temporary Event Notice	Electronic Notices	Non-Electronic Notices
	<p>period begins</p> <p>By the Applicant to the:</p> <ul style="list-style-type: none"> • Licensing Authority <p>(2) No later than the end of the first working day after the day on which the notice was given to the authority</p> <p>By the Licensing Authority to</p> <ul style="list-style-type: none"> • Police • Environmental Health 	<p>By the Applicant to the:</p> <ul style="list-style-type: none"> • Licensing Authority • Police • Environmental Health <p>AND it is given to at least one of those persons no earlier than 9 working days before the day on which the event period begins.</p>

PROTOCOL (C) – DISCLOSURE OF REPRESENTATIONS

Purpose

1. The purpose of this Protocol is to set out the Licensing Authority's Statement of Licensing Policy on Representations.

Right to Make Representations

2. Any person can make representations in respect of a Licensing Application but there are important rules that need to be followed or else the Licensing Authority may not be allowed to take them into account.
3. If the Council receives "relevant representations" to an application for a premises licence, provisional statement, variation of a premises licence, minor variation of a premises licence, review of a premises licence, club premises certificate, variation of a club premises certificate, minor variation of a club premises certificate, review of a club premises certificate, the Council must hold a hearing to consider them. If no "relevant representations" are received, the Council must grant the application. **It has no choice.**
4. "Relevant representations" must:
 - a. Be about the likely effect of the grant or issue on the promotion of the licensing objectives;
 - b. They must be made by a responsible authority or any other person (e.g. a resident, neighbour, business, councillor);
 - c. They must be made within the prescribed period;
 - d. They must not have been withdrawn;
 - e. In the cases of representation made by any person who is not a responsible authority, they must not be frivolous or vexatious (in the opinion of the Licensing Authority);
 - f. If they relate to the identity of the proposed premises supervisor, they can only be made by the police and must comply with section 18(9)(b) of the 2003 Act;
 - g. If the application is for a premises licence following the issue of a provisional statement for a similar activity, the representation must not be excluded under section 32 of the 2003 Act, because they could have been made at the time of the application for a provisional statement.

Time Limits

5. The time limits for making representations are strict. Most representations must be made at any time during a period of 28 consecutive days starting on the day after the day on which the application was given to the Licensing Authority by the Applicant (there is a shorter period in the case of Reviews following a Closure Order). This means:

Day		Examples	
0	Day application given to the Licensing Authority	Tuesday, May 7	Friday, August 9
1	Next day	Wednesday, May 8	Saturday, August 10
...	Count 28 days
28	Last day to make representations	Tuesday, June 4	Friday, September 6

6. In the case of an application for review following a closure order, the time limit is shorter. Representations must be made at any time up to and including seven days starting on the day after the day on which the Licensing Authority received notice in relation to the closure order and any extension to it.

What if my representations are late?

7. You should assume that late representations will not be considered and ensure that your representations are received in time.

- No one has made any relevant representations in time

8. If no relevant representations are made in time by anybody, there will not be a hearing and the Licensing Authority MUST grant the application. Late representations will not be considered in these circumstances.

- Somebody has made relevant representations in time and others have made late representations

9. If relevant representations are made by somebody in time, there will usually be a hearing, unless they are withdrawn or unless the Licensing Authority, the Applicant and each person who has made relevant representations in time agree that a hearing is unnecessary. Someone who made late representations will not be a party to the hearing, will not have a right to appear at the Hearing (except as a member of the public observing the hearing), and the Licensing Authority is not obliged to have regard to their late representations.
10. If there is a hearing, the Licensing Authority considers that it has a discretion to consider late representations provided that they are otherwise relevant. They must be about the effect on the promotion of the licensing objectives and not be frivolous or vexatious.

The Licensing Authority feels that if its discretion is engaged, good decision making requires that it considers all material circumstances before a decision is made. The Licensing Authority will approach the exercise of its discretion in the following manner:

- a. Your written late but otherwise relevant representations will be included in the papers for consideration at the hearing;

-
- b. You will not have the right to appear and participate in the hearing;
 - c. You may request the right to appear and participate in the hearing. If you want to appear and participate in the hearing, you should tell the Licensing Authority five working days before the date of the hearing. The Licensing Authority will notify the Applicant and the other parties about your request. The Hearing will consider your request and make its decision as part of the preliminary business. It will listen to your reasons for the request and the views of the Applicant and other parties, before making a decision.
 - d. In exceptional cases, the Licensing Authority may of its own accord consider that you should have a right to appear and participate in the hearing without the need for you to make a request. This is only likely to be the case where you raise significant issues not raised by anyone else and where it would be an affront to good decision making to consider them without a discussion at a hearing in which you are allowed to participate. In such exceptional circumstances, both you, the Applicant and other parties will be notified of the Licensing Authority's initial view five days before the hearing. The Hearing will consider the issue and make its final decision as part of the preliminary business. It will listen to your views and the views of the Applicant and other parties, before making a decision.

Representations must be in writing or email

11. Representations must be in writing or by email (unless made by a responsible authority in relation to a minor variation).

When are Representation made?

12. Representations must be MADE within the prescribed period (i.e. received by the Licensing Authority).
 - a. If representations are made by e-mail, this will be the time when a clear and legible email is delivered to the Licensing Authority which is capable of being accessed, read, and printed.
 - b. In the case of a hard document, it must be addressed to the Licensing Authority and left at or sent by post to the Civic Centre.
 - c. If the document is left at the Civic Centre, it must be left at the Civic Centre within the prescribed period.
 - d. If the document is sent by post, it must be delivered to the Civic Centre within the prescribed period. It must be properly
 - addressed
 - with postage (first or second class) pre-paid
 - posted
 - e. Representations cannot be made anonymously.

Unless the contrary is proved, it will be deemed to have been made at the time at which the letter would be delivered in the ordinary course of post.

This means that you need to post it so that the usual expectation was that it would have been delivered to the Licensing Authority within the prescribed period, depending on whether you sent it first or second class.

You must of course take into account days when there is no usual postal delivery such as Sundays and Bank Holidays. If you expect something to be delivered within two days, it would

not be appropriate to post it on a Saturday when the following Monday is a Bank Holiday. Delivery in the ordinary course of post would be deemed to be on the following Tuesday.

- f. To avoid problems, you should make your representations promptly and not wait until the last moment.

What will happen to representations once they are received?

13. The Licensing Authority will consider your representations and decide whether or not they are “relevant representations”.
14. We will consider whether the representation is about the likely effect of the grant or issue on the promotion of the licensing objectives. Representations by a local businessperson about commercial damage caused by competition would not be relevant. Representations by a local businessperson that nuisance caused by new premises would deter customers, and the steps proposed to prevent the nuisance were inadequate, would be relevant.
15. If we consider that they are not relevant to the licensing objectives, we will tell you in writing what are our reasons for that decision as soon as possible before making a decision on the application.
16. We will also consider whether or not the representations are frivolous or vexatious. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, without reasonable cause or justification. Frivolous representations would be essentially categorised by a lack of seriousness. They would also cover minor issues in relation to which no remedial steps would be warranted or proportionate.
17. If we consider that they are frivolous or vexatious we will tell you in writing what are our reasons for that decision as soon as possible before making a decision on the application.
18. In borderline cases, we will give you the benefit of the doubt.
19. The fact that we have not rejected a representation at this stage does not mean that we have decided that the representations are justified. It simply means that there will be a hearing at which you, the Applicant, responsible authorities and other persons who have made representations will be able to amplify and clarify their views, before a final decision is made.
20. If you disagree with our decision, you may complain through our corporate complaints procedure. You may also challenge our decision by judicial review.

Will my representations be made public, and will the Applicant be told about them?

21. There are four provisions that mean that your representation may be made public:

- a. The Licensing Act 2003 (Hearings) Regulations 2005;
- b. Freedom of Information Act 2000, Data Protection Act 1998 and Environmental Information Regulations 2004.

- The Licensing Act 2003 (Hearings) Regulations 2005

22. Under these regulations, we must send copies of all relevant representations to the Applicant.
23. The regulations also say that all hearings shall take place in public (which means that your representations will usually become public) but that we can exclude the public from all or part of a hearing where we consider that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

- Freedom of Information Act 2000, Data Protection Act 1998 and Environmental Information Regulations 2004

24. These Acts and regulations contain further rights to access information held by the Licensing Authority. There are a number of exemptions that may apply. While it is unlikely that anyone would need to rely on this legislation to require access to your representations (since the provisions already referred to are extensive), you should be aware that this legislation could also apply to your representations and require the Licensing Authority to disclose them.

Licensing Authority's Approach to Disclosure of Your Representations

25. The legislation referred to creates a presumption in fairness to the Applicant and in the public interest of transparency and openness that your representations will be disclosed to the Applicant and the public.
26. We will NOT usually EXCLUDE or REDACT any information that is given to the Applicant. As a matter of fairness, there is a presumption that an Applicant should be fully aware of the details of the persons who has made representations in relation to the application.
27. We will attempt however to EXCLUDE or REDACT certain sensitive information from information that is available for the public but not information that is given to the Applicant. This applies to:
 - a. Your signature;
 - b. Your telephone number;
 - c. Your email address;
 - d. Your postcode;
28. We will NOT usually EXCLUDE or REDACT your name and address. We consider that it will generally be in the public interest to be transparent and open as to who made representations.

-
29. We do however think that it will assist and avoid misunderstandings if persons making representations were to use the form attached to the Schedule to submit personal details with their representations.

Can I request that my details are not disclosed?

30. We can decide to withhold more of your personal details (such as your name and address) and instead give only minimal details (such as your street name or general location within a street). However we can only do so where the circumstances justify such action. We cannot do this in all cases. We cannot set out all the circumstances that may be relevant. One example may be that you consider that you or your family might suffer some detriment were the details disclosed.
- You must tell us why you feel that we should do this. The form in the Schedule has a place for you to do this.
 - If we decide that we cannot comply with your request, we will tell you and give you an opportunity to consider your position and/or withdraw your representation before we disclose it.
31. If you are reluctant to make representations because of fears of intimidation or violence if your personal details, such as name and address, are divulged, please tell us. Where we consider that you have a genuine fear of intimidation and may be deterred from making representation on this basis, we will consider if there is an alternative approach. One solution may be for you to give details to a responsible authority as to how you consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified. These will be exceptional circumstances. It may not be the case that your fears arise from divulging your details to the applicant; rather they may arise from divulging your details to the public. It may not be the case that you fear intimidation or violence from the applicant but rather from others; but that disclosure to the Applicant raises the risk of your details becoming more widely known. Again:
- What is important is that you tell us exactly what your fears are
 - The form in the Schedule has a place for you to do this.
 - If we decide that we cannot comply with your request, we will tell you and give you an opportunity to consider your position and/or withdraw your representation before we disclose it.
32. If either of these circumstances applies to you, you should contact us promptly and not wait until the time for making representations has almost expired
33. It may be that the applicant disagrees with our decision. If so, we will listen to their views. It may be that we change our mind. If we do change our mind having heard what the applicant has said, we will tell you and give you an opportunity to consider your position and/or withdraw your representation before we disclose it. It may be that we feel that the final decision should be made at the hearing rather than by Licensing Officers.

Am I likely to be contacted if I make representations?

34. After relevant representations are made and before a hearing, applicants may wish to try and understand and/or address issues raised by the representations with a view to agreeing a way forward. This may result in the Applicant amending the application or proposing conditions. The Applicant will often wish to have discussions with persons who have made relevant representations. The Licensing Authority wishes to encourage such mediation with both responsible authorities and other persons. It will be beneficial and enable the hearing to focus on the more important issues where agreement has not been possible.
35. Residents who have made relevant representations may feel uncomfortable about engaging in discussions with applicants or their representatives. Such discussions should be non-confrontational and capable of being mediated. If residents begin to feel uncomfortable with the way the process is going, they are entitled to politely and non-confrontationally terminate the discussions. They can also tell the Licensing Authority about their concerns. We will consider whether we can do anything about the concerns.
36. While we do encourage such discussions:
- Persons are under no obligation to participate. They may decline to participate at all. They can state that on the form in the Schedule. They can also discontinue discussions at any time.
 - Persons are entitled to state how they want such discussions to take place by letter, email, telephone conversation and face-to-face discussion and what is the most convenient time. Again that can be stated on the form

Ap. Ref.:	Rep. No.:
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Schedule

**Form to be completed by persons making representations
(Other than by Responsible Authorities)**

My Name:	
My Address:	
* My Postcode of my address:	
My Address for correspondence (if different):	
* My Postcode for correspondence:	
* My Tel. No. (Day):	
* My Tel. No. (Evening):	
* My Mobile No.:	
* My E-mail address:	
The Premises Concerned are:	

I wish to make representations in respect of the application in respect of these premises. The representations are attached.

I understand that my representations will generally be copied to the Applicant or their representatives and are likely to be made public by the Licensing Authority.

I also understand that the Applicant or their representative may contact me to discuss the representations.

The information marked with an asterisk (*) will be redacted before this information is disclosed to the Applicant or made public, and will only be used by the Licensing Authority to contact me or as set out below.

How I wish to be Contacted (# - delete as appropriate † - tick all that apply)

I am happy to be contacted by the Applicant or their representative to discuss and try to resolve my concerns #

-or-

I do not wish to be contacted by the Applicant or their representative to discuss and try to resolve my concerns #

I prefer to be contacted: by personal visit † by post † by e-mail † by telephone in the day † by telephone in the evening † by mobile phone †

I prefer to be contacted: _____ (please state preferred time)

Disclosure of Name and Address (# - delete as appropriate † - tick as appropriate)

I have no objection to my Name and Address being disclosed. ##

-or-

I object to my Name and Address being disclosed to #-:

The Applicant †

Another Responsible Authority †

The Public †

BECAUSE:

(Give a full explanation)

Fear of Intimidation or Violence (‡ - delete this section if not applicable)

I am reluctant to make representations because I fear intimidation or violence if my personal details are divulged BECAUSE ‡:

(Give a full explanation as to why you fear intimidation and violence and from who, you fear it. If you have any suggestions as to how these concerns can be addressed, please state them.) ‡

Signed: _____ Dated: _____

Ap. Ref.:	Rep. No.:
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Representations

Premises:	
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(Please write your representations here – continue on further sheets if needed)

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Ap. Ref.:	Rep. No.:
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Form to be attached to representations by the Licensing Authority before disclosure

Premises:	
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The Person making representations does not want their personal details to be disclosed. The Licensing Authority is satisfied that they have put forward good reasons. The Licensing Authority therefore discloses the following minimal details:

(include details such as street name or general location within a street)

-or-

Name:	
Address:	
Address for correspondence (if different):	

The Person making representations does not wish to be contacted by the Applicant or their Representative

-or-

The Person making representations is willing to be contacted by the Applicant or their Representative. They prefer to be contacted by personal visit † by post † by e-mail † by telephone in the day † by telephone in the evening † by mobile phone †

(† - tick as appropriate)

The relevant contact details are:-

(include details for preferred method(s) of contact)
--

They prefer to be contacted _____
(preferred time)

PROTOCOL (D) – TIMESCALES FOR NEGOTIATION

Background

1. The Licensing Authority encourages discussions between Applicants, responsible authorities and other persons who have made representations in respect of an application. This will often result in agreement between some of the parties as to the best way forward. That is very welcome.
2. Often, however, such discussions are only concluded very late in the day and do not always involve all persons who have made representations, especially residents. Hearings are arranged, residents make arrangements to attend, members assemble to find that the issues have been resolved and the hearing is a formality and quickly over.
3. Any inconvenience is partly a consequence of the strict timetable that exists, but all parties can play their part to minimise the inconvenience. That is the purpose of this protocol.

Timetable

4. Regulations set out the timetable that must be followed by the Licensing Authority.
5. The starting point from which time runs begins with the day after the end of the period during which representations may be made or notice given (“the start date”) – the day after the date that appears in the published notices.
6. Hearings must start within a prescribed period of time and, if to be held on more than one day, they must be consecutive working days. In most cases, hearings must start within a period of 20 working days beginning with “the start date”. In some cases it is a shorter period – e.g. 5 working days in respect of the cancellation of an interim authority, 7 working days in respect of a Temporary Event Notice, 10 working days in respect of reviews following a closure order.
7. Notice of a hearing must be given no later than 10 working days before the date on which the hearing starts. In some cases it is a shorter period – e.g. 5 working days in respect of reviews following a closure order, 2 working days in respect of the cancellation of an interim authority or in respect of a Temporary Event Notice.
8. Parties must give notice to the Licensing Authority whether they intend to attend and/or be represented at the hearing and whether they consider a hearing is unnecessary no later than 5 working days before the date on which the hearing starts. In some cases it is a shorter period – e.g. 2 working days in respect of reviews following a closure order, 1 working day in respect of the cancellation of an interim authority or in respect of a Temporary Event Notice. Parties also have to give notice within these time limits where they wish permission for any other person to appear at the hearing (other than a representative). This means people such as witnesses, other residents and witnesses.
9. Representations can be withdrawn by giving notice no later than 24 hours before the (first) day on which the hearing is to be held. Otherwise, they can only be withdrawn orally at the hearing.
10. The Licensing Authority may dispense with a hearing only if all parties have given notice to the Licensing Authority that they consider a hearing to be unnecessary (see para. 8).

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11. The Licensing Authority can extend these time limits where it considers it to be necessary in the public interest. The Licensing Authority may also adjourn a hearing to a specified date or arrange for the hearing to be arranged on specific additional dates where it considers this to be necessary for its consideration of representations or notices. (Its powers to extend the time limits or adjourn are restricted in the case of reviews following a closure order and summary reviews).

The following Table shows a timetable for a hearing in respect of a new application that includes Easter

0	Last date for Representations etc.		20	Mon, 25 Mar
1	START DATE		19	Tues, 26 Mar
2			18	Wed, 27 Mar
3			17	Thurs, 28 Mar
		GOOD FRIDAY		Fri, 29 Mar
				Sat, 30 Mar
				Sun, 31 Mar
		EASTER BANK HOLIDAY		Mon, 1 Apr
4			16	Tues, 2 April
5			15	Wed, 3 April
6			14	Thurs, 4 April
7			13	Fri, 5 April
				Sat, 6 April
				Sun, 7 April
8			12	Mon, 8 April
9			11	Tues, 9 April
10		Last day for notice of hearing	10	Wed, 10 April
11			9	Thurs, 11 April
12			8	Fri, 12 April
				Sat, 13 April
				Sun, 14 April
13			7	Mon, 15 April
14			6	Tues, 16 April
15		Last day for party to give notice to LA	5	Wed, 17 April
16			4	Thurs, 18 April
17		[Aim to complete negotiations]	3	Fri, 19 April
				Sat, 20 April
				Sun, 21 April
18		Last time for withdrawing representations by notice	2	Mon, 22 April
19			1	Tues, 23 April
20	Last date on which hearing must start		0	Wed, 24 April

("Working day" means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales)

Target to Complete Negotiations

12. All parties should use their BEST ENDEAVOURS to complete all negotiations no later than 3 working days before the start of the hearing.
13. They should advise the Licensing Authority on that day of what their final position is. That will allow time for persons to withdraw their representations by notice who wish to do so. It will also allow parties to indicate whether they now consider that a hearing is unnecessary.
14. If an Applicant considers that an agreement has been reached, that all persons who made relevant representations will withdraw their representations, and/or that all parties feel that a hearing is unnecessary, they should ensure that the Licensing Authority receives all notices to enable the hearing to be cancelled and the licence granted without a hearing.
15. Unless the Licensing Authority feels it is not necessary, they will advise persons who have made relevant representations of the position 2 working days before the start of the hearing.

N.B. A hearing will still take place if there are any relevant representations that have not been withdrawn and all parties have not indicated that a hearing is unnecessary.

Inclusiveness

16. All parties have equal status in the determination of applications whether they are applicants, responsible authorities, residents, neighbouring businesses, or ward councillors; and whether they regularly appear in licensing matters or are appearing for the first time. Nobody will be treated more or less favourably than any other. Their views and representations will be accorded equal respect.
17. All parties should adopt this approach in their dealings with other parties.
18. Applicants should attempt to negotiate and mediate with all parties with a view to resolving an issue to everyone's satisfaction.

PROTOCOL (E) – MINOR VARIATIONS

Purpose

1. The purpose of this Protocol is to explain how the Council will deal with minor variations to premises licences and club premises certificates.

Why is this Important?

2. There is a streamlined procedures for dealing with minor variations:
 - a. The Applicant has to display details of the application at the Premises on a WHITE notice (to distinguish from blue notices for full variations and new applications).
 - b. The Notice has to be displayed only for 9 working days (as opposed to 28 consecutive days).
 - c. There is no requirement for a press notice.
 - d. The Council only notifies Responsible Authorities direct if they consider it necessary to do so.
 - e. The Council is not required to include details on its website.
 - f. The Council is required to consult those Responsible Authorities as it considers appropriate. This will be done if there is any doubt about the impact of the proposed variation on the licensing objectives and specialist advice is needed. The views expressed will be taken into account.
 - g. Other Persons have 10 working days to make representations (as opposed to 28 consecutive days) beginning on the first working day after the day on which the Council receives the application.
 - h. The Council must grant the minor variation if the variation could not have an adverse effect on the promotion of the licensing objectives.
 - i. Otherwise the Council must reject the applications.
 - j. There is no provision for a hearing.
 - k. The decision must be made within 15 working days. If it is not determined within 15 working days, the application is deemed to be rejected.
 - l. A fee of £89 is payable (as opposed to the one of the higher scale fees).
 - m. There is no right of appeal to the magistrates' court against the grant or rejection of an application for a minor variation.
3. Notwithstanding these streamlined procedures, it is the Council's practice to include details on its website. The Council will notify ward councillors if applications raise any particular issues that may interest them.

What is a Minor Variation?

4. A Minor Variation is a variation of a Premises Licence or a Club Premises Certificate which could not have an adverse effect on the promotion of any of the licensing objectives. The legislation uses the words “could not” rather than “will not” or “does not”. The Licensing Authority does not have to be satisfied that there will not be an impact on the licensing objectives before rejecting a minor variation but rather that there could not be an adverse effect on the promotion of the licensing objectives.
5. The following changes cannot be dealt with as a minor variation (instead they must be dealt with as a full variation except in the case of (a) and (b)):
 - a. An application to extend the period for which the licence has effect (must be a new application);
 - b. An application to vary substantially the premises to which the licence/certificate relates (must be a new application);
 - c. An application to specify an individual as the premises supervisor;
 - d. An application to add the supply of alcohol as an authorised activity;
 - e. An application to authorise the supply of alcohol at any time between 11pm and 7am;
 - f. An application to authorise an increase in the amount of time on any day during which alcohol may be supplied;
 - g. An application to include the alternative licence condition.

Delegations

6. The determination of Minor Variations has been delegated to Officers, whether or not “relevant representations” are made.
7. “Relevant Representations” are representations which are about the likely effect of the grant of the application on the promotion of the licensing objectives.
8. If relevant representations are made, Applicants should be aware that it is more likely that the application will be rejected or not-determined within 15 working days. Instead the Applicant will have to make an application for a full variation that may result in a hearing. Applicants are encouraged to have discussions with the Licensing Authority and appropriate Relevant Authorities prior to making applications for Minor Variations, if the application might raise any issues.
9. If there is any doubt, Applicants should make an application for a full Variation.

Examples of Minor Variations

10. Statutory Guidance suggests that minor variations will generally fall into one of four categories:

- a. Minor changes to the structure or layout of premises:
 - i. Must have no adverse impact on the licensing objectives.
 - ii. Changes that could potentially have an adverse impact include:
 1. Increasing the capacity for drinking on the premises;
 2. Affecting access between the public part of the premises and the rest of the premises or the street or public way, block emergency exits or routes to emergency exists;

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3. Impeding the effective operation of a noise reduction measure such as an acoustic lobby.
- iii. The impact may come from the cumulative effect of a successive number of small layout changes.
- b. Small adjustments to licensing hours:
 - i. Extension of hours for the supply of alcohol to between 11pm and 7am will never be a minor variation;
 - ii. An increase in the amount of time during which alcohol may be supplied will never be a minor variation;
 - iii. Applications to reduce licensing hours for the supply of alcohol will normally be a minor variation;
 - iv. Applications to move (without increasing) licensing hours between 7am and 11pm for the supply of alcohol will normally be a minor variation;
 - v. Other applications to vary the licensing hours will be considered on a case by case basis.
 - c. The removal of out of date, irrelevant or unenforceable conditions or additional of volunteered conditions:
 - i. The Licensing Authority cannot impose conditions in the case of a minor variation. If the Council feels that the minor variation would impact on the licensing objections unless conditions are imposed, the application will be refused.
 - ii. Applicants may volunteer conditions as part of the minor variation process. They arise from their own risk assessment or informal discussions with Responsible Authorities or the Licensing Authority.
 - iii. Amendments of conditions because of a change in the circumstances that led to the conditions being attached or a change in legislation that invalidates conditions or clarification of unclear or unenforceable wording.
 - c. The addition of certain licensable activities:
 - i. Removal of a licensable activity will normally be a minor variation;
 - ii. The addition of the supply of alcohol as a licensable activity will never be a minor variation;
 - iii. Other licensable activities will be considered on a case by case basis and in the light of licence conditions put forward by the Applicant.

PROTOCOL (F) – PROMOTIONS

Background

1. Holders of Premises Licences often allow other organisations or persons to use or operate on Licensed Premises. The type of arrangement varies from long term leasing to a tenant to an on-day event by promoters. Most events cause no concerns but, on a few occasions, when alcohol is supplied, irresponsible promotions may occur or drunkenness and disorderly conduct may take place, which will not promote the licensing objectives.

Obligations that Apply

2. The supply of alcohol can only take place where it is authorised by a premises licence, a club premises certificate or temporary events notice. Where there is an authorisation, the supply must comply with the terms of the authorisations, including conditions.
3. There are a number of people who have obligations to ensure that a licenses premises are properly managed:
 - a. The premises licence holder (in the case of a Premises Licence);
 - b. The Club (in the case of a Club Premises Certificate);
 - c. The premises user (in the cast of a Temporary Event Notice);
 - d. The Designated Premises Supervisor (in the case of a Premises Licence). Unless the alternative licence condition applies, there must be a Designated Premises Supervisor holding a personal licence (that has not been suspended) in relation to all Premises Licences at any time when alcohol is supplied;
 - e. Personal Licence Holders (in the case of a Premises Licence). Every supply of alcohol under a Premises Licence must be made or authorised by a Personal Licence Holder;
 - f. The Management Committee of community premises where the alternative licence condition applies. This provides that every supply of alcohol must be made or authorised by the management committee.
 - g. Staff employed to supply alcohol.
4. These people have primary responsibility to ensure that licensed premises are operated properly.

Mandatory Conditions

5. As well as the general requirement to comply with the terms of the authorisation, there are a number of mandatory conditions that apply to

Premises Licences and Club Premises Certificates that establish a set of minimum standards in the way that alcohol is sold. Responsibility for ensuring that these mandatory conditions are adhered to are placed on the “responsible person” – the premises licence holder, the Designated Premises Supervisor or someone over 18 authorised by them. The mandatory conditions cover:

- a. Banning irresponsible promotions;
- b. Alcohol not to be dispensed directly into the mouth;
- c. Provision of free tap water suitable for drinking;
- d. Requirement of an age verification policy*;
- e. Opportunity to choose smaller measures.

* Only condition d. applies to off-licences.

Enforcement - Offences

6. To encourage compliance with these obligations, there are a number of offences for which these persons can be prosecuted:

- a. Carrying on or attempting to carry on an unauthorised licensable activity – 6 months’ imprisonment or a fine of £20,000 or both.
- b. Knowingly allowing a licensable activity to be carried on without authorisation – 6 months’ imprisonment or a fine of £20,000 or both.
- c. Allowing disorderly conduct on licenses premises – level 3 fine.
- d. Selling or attempting to see alcohol to a person who is drunk – level 3 fine.
- e. Sale of alcohol to children – level 5 fine.
- f. Allowing the sale of alcohol to children – level 5 fine.
- g. Persistently selling alcohol to children - £20,000 fine.
- h. Allowing consumption of alcohol by children – level 5 fine.
- i. Delivering of alcohol to children – level 5 fine.
- j. Unsupervised sales by children – level 1 fine.

Enforcement – Closure

7. There are various powers to make closure orders:
 - a. Magistrates' Closures Orders – Closure of Premises in a Geographical Area where there is expected to be disorder.
 - b. Police Closure Orders – Closure of Identified Premises for Disorder and Public Safety or Prevention of Noise Nuisance & Subsequent Review.
 - c. Police Closure Notices – Identified Premises for Persistently Selling Alcohol to Children.
 - d. Closure Notices and Closure Orders – Closure of Identified Premises for Unauthorised Sale of Alcohol.

Enforcement – Review

8. There is also power for a Responsible Authority or any other person to apply for a review of a Premises Licence or a Club Premises Certificate. Where an application is made there will be a hearing. On a review, there is power to modify the conditions (permanently or temporarily for up to three months), exclude a licensable activity/qualifying club activity from the scope of a licence (permanently or temporarily for up to three months), remove a designated premises supervisor, suspend a licence for up to three months, revoke the licence or withdraw a certificate.

Ensuring the Proper Operation of the Premises

9. The Council will take robust action to ensure that premises are operated properly and do not harm the licensing objectives.
10. In particular, where the licence holder allows a third party to operate from the premises, the Council will expect Licence Holders and Designated Premises Supervisors to ensure that the premises are operated properly and do not harm the licensing objectives.
11. The Council considers that Licence Holders and Designated Premises Supervisors cannot simply wash their hands of their responsibilities by allowing other persons or organisations to operate from the premises. Licence Holders and Designated Premises Supervisors will remain responsible for ensuring the proper operation of the Premises.
12. Licence Holders and Designated Premises Supervisors should consider whether such premises are appropriately supervised by a Personal Licence Holder employed by them at all times.
13. They should ensure that the arrangements with the Promoters are properly documented in a contract that identified the respective responsibilities and the provision of named Personal Licence Holders present throughout the promotion.
14. Licence Holders and Designated Premises Supervisors should monitor and ensure that the premises are operated properly throughout the promotion.

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15. Licence Holders and Designated Premises Supervisors should ensure that should difficulties arise there can be no dispute as to who was responsible for the management of the premises at the time in question. If there is any uncertainty, the Council will consider that responsibility will lie with the Licence Holder and the Designated Premises Supervisor.

PROTOCOL (G) – HOW TO MAKE REPRESENTATIONS

Representations are Important in the Licensing System

1. In most cases, if no relevant representations are made, the Licensing Authority is obliged to grant an application for a new licence or an application to vary an existing licence. If there are no relevant representations, the Licensing Authority has no discretion to decide whether or not an application or variation should be granted. The only exception is for application for minor variations¹ where the licensing authority's discretion not to grant it is not dependent on receiving representations.
2. Its power to impose conditions is also limited. It can impose the statutory mandatory conditions (relating to a designated premises supervisor and authorisation of the supply of alcohol by a personal licence holder (in respect of the supply of alcohol)); prescribed conditions about irresponsible promotions, prohibition of dispensing alcohol directly into the mouth, free tap water, age verification policy (including for off-sales), availability of smaller measures of certain drinks (in respect of the supply of alcohol); restriction of the admission of children (in respect of films); and authorisation of door supervisors (where required). It can only impose additional conditions that are consistent with the operating schedule that the applicant submitted with the application.

Who can make representations?

3. Representations can be made by a responsible authority² or any other person. There is no requirement that you live or work within a fixed distance from the premises.

Can representations object or support an application?

4. Yes – the term is “representations” and not “objections” or “support”.
5. The Licensing Authority wants your views whether you support or oppose an application. Both points of view will be taken into account and will allow a decision to be taken in the light of all relevant considerations.
6. A sole relevant representation will trigger a hearing. If the only relevant representations are in support, it is possible that the Applicant will ask you to withdraw your representation or agree that a hearing is unnecessary, so that the Licensing Authority can proceed quickly to grant the application.

¹ See Protocol E

² See Protocol H

How will I know about applications that I may be interested in?

7. Protocol B sets out details of the various steps that will be taken to give publicity to licensing applications. Depending on the type of application, these steps may include:
 - Site Notice
 - Press Notice
 - Details on the Council's website
 - Notification to responsible authorities
 - Notification to ward councillors
 - Neighbour notification.

Is there a time limit for making representations?

8. Yes – this is very important. If you do not submit your representations within the prescribed time limit, it is unlikely that your representations can be considered. Even if in the particular circumstances it can be considered, you will not be a party to the application and will not have a right to appear at a hearing or appeal to the magistrates' court.
9. Protocol B sets out in detail the time limits for making representations. The deadline will be stated in the notices and on the Council's website. Broadly, you will have 28 consecutive days or 10 working days in the case of a minor variation or 7 days in the case of a review following a closure order. The timetable starts on the day after the day on which the application was given to the Licensing Authority. Can I make anonymous representations?
10. No – you must tell us your name and address. In most cases, these details will be given to the Applicant. In exceptional circumstances, we can withhold these details if you have given us good reason to do so. Protocol C explains this in more detail and what you need to do if you have concerns. It also explains how you can indicate that you do not want to be contacted or how you prefer to be contacted.
11. There is a form attached to Protocol C which you should use to make your representation.

How can I make a representation?

12. Your representation must reach us within the time limit.
13. Your representation must be in sent in writing, by email or through the Council's website. You do not have to send us a hard copy of representations made by email or through the Council's website.

Can you disregard my representation?

14. We can disregard a representation if it does not fall with the definition of a “**relevant representation**”.
 - It must be “about the likely effect of the grant on the promotion of the licensing objectives”.
 - It must be made within the prescribed time limit.
 - It must not have been withdrawn by you.
 - If you are not a responsible authority, it must not be, in our opinion, **frivolous** or **vexatious**.
 - Only the chief officer of police can make a representation about the identity of the proposed designated premises supervisor.
 - There are restrictions on making representations following the issue of a provisional statement if they could have been made in respect of the application for the provisional statement and where there have been no material changes.
15. We will tell you what our reasons are for considering that your representations are frivolous or vexatious.

What should my representation cover?

16. It must be “about the likely effect of the grant on the promotion of the licensing objectives”. The licensing objectives are:
 - The prevention of crime and disorder;
 - Public Safety;
 - The prevention of public nuisance;
 - The protection of children from harm.
17. You should look at the full details of the application on our website. You can find out the proposed activities and the opening hours. All applications will have an **operating schedule** which sets out how the Applicant proposes to operate the business and the steps that are proposed to promote the four licensing objectives.
18. You should also look at our **statement of licensing policy** which sets out our approach.
19. You should also look at the **Secretary of State’s statutory guidance** on the Licensing Act, which we have to have regard to when making licensing decisions.
20. Remember, explicitly link your representations to one or more of the licensing objectives and/or the Secretary of State’s statutory guidance and/or our statement of licensing policy.

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21. Tell us as much as you can to explain all the circumstances that led to your representation.
 22. Try to be specific to the premises if this is possible.
 23. If you are making representation about cumulative impact in a cumulative impact area, try to state what the effect of the cumulative impact on you is and what is likely to be the effect of the grant of the application.
 24. Talk to other people about problems that you fear and see if they have any evidence about it (e.g. the police).
 25. Keep a diary or photographic evidence of any incidents that you have experienced.
 26. We need to be satisfied about the effect on the licensing objectives and one of the ways that you can help us is to show that there is an evidential and causal link between your representations and the effect on the licensing objectives.
 27. Try to get other people living in the area, or businesses operating nearby, or other “responsible authorities” (e.g. the police, environmental health) to back you and provide you with evidence or make representations themselves.
 28. Look on our website about what else is going on the area or what applications have been granted or refused in the past. You can look at the specific property history as well as details about other applications in the neighbourhood.
 29. Contact your MP or local councillor to see if they will make representations. However, you should not contact direct councillors who are members of Licensing Committee and who may be responsible for holding a hearing. If they engage in discussions with you outside a formal hearing, they may not be able to sit on a hearing.
 30. If you are unhappy with the proposal, consider whether any amendment or conditions might address your concerns.
 31. If you support the proposal, explain how you feel that the proposed application might help to promote the licensing objectives.
 32. We hope that you will be willing to discuss your representations with the Applicant, responsible authorities and others who have made representations. That is a way of trying to resolve issues and finding a way forward that might address any concerns. This is addressed further in Protocol C which allows you to inform us as to whether and how you are willing to do that.

Ask us

33. Finally, remember, if you are unsure about the procedure, ask us for advice. We cannot write a representation on your behalf. But we will do what we can to assist you in finding your way through this often confusing system.

PROTOCOL (H) – DELEGATIONS AND WHO IS/ACTING FOR THE RESPONSIBLE AUTHORITIES

Delegations – Who decides?

1. The Licensing Act 2003 refers to the Licensing Authority and in the context of the Folkestone & Hythe District Council this means Folkestone & Hythe Council, whose legal name is “Folkestone & Hythe District Council”.
2. Generally there are a number of bodies that can make decisions in the name of the Council. These are:
 - the full Council (when all the elected councillors meet);
 - the Leader of the Council, Cabinet and individual Cabinet Members (in respect of executive matters);
 - Committees and Sub-Committees of the Council (in respect of non- executive matters); and
 - Officers of the Council (in respect of both executive and non-executive matters).
3. The appropriate body in respect of any particular matter depends, firstly, on legislation (the Local Government Act 1972, the Local Government 2000 and (in this case) the Licensing Act 2003, and regulations made by the Secretary of State) and, secondly, on decisions made by the Council and the Leader of the Council, which are recorded in the Council's Constitution (called [The Constitution of the District Council of Folkestone and Hythe](#)).
4. Part 5 of The Constitution sets out how the Council will deal with its Licensing Functions.
 - a. The full Council is responsible for approving the Statement of Licensing Policy. It is prepared by the Cabinet under the oversight of a Cabinet Member for submission to Council.
 - b. The Licensing Committee, Licensing Sub-Committees or the Director of Place are responsible for exercising all other Licensing functions. The Council will usually only exercise these functions where Licensing Committee is unable to do so because of the number of its members who are unable to participate.
 - c. Most applications and licensing decisions will be made by a Licensing Sub-Committees or on the delegated authority of the Director of Place. Generally, a Licensing Sub-Committee will decide matters if there are representations or objections. A Table included in the Statement of Licensing Policy sets out in more detail who will generally decide a particular matter. However, the Director of Place has the right to refer the matter to a Licensing Sub-Committee or the Licensing Committee, if they consider it appropriate, even though they could have made a decision in their own capacity. The Table is attached at Appendix A.
 - d. Although authority has been delegated to the Director of Place, it is not necessary that they make the decisions directly. The Constitution provides that officers in the department can make decisions in the name of the Director of Place in accordance with arrangements made from time to time by them.

Proper Officer

5. The Director of Place is also a “Proper Officer” of the Council for the purpose of the Council’s licensing functions in addition to any other proper officer designated under The Constitution.
6. The Constitution provides that officers in their department can exercise their “Proper Officer” function in the name of the Director of Place in accordance with arrangements made from time to time by them.
7. The Proper Officer responsibility is mainly relevant in respect of the authentication of documents.

Substitute Officer

8. The Regulatory Services & Corporate Contracts Lead Specialist has been appointed to act instead of the Director of Place, in the event of their being for any reason unable to act or of their post being vacant, whether as “proper” or other “statutory officer” or a Delegated Officer (unless Licensing Committee makes other provision).

Responsible Authorities

9. The Licensing Act 2003 refers to persons or bodies called “responsible authorities”. A responsible authority has certain rights and powers under the Licensing Act (e.g. to receive notice of certain applications).
10. Under the Licensing Act there are 10 categories of responsible authorities, shown in the following Table:

	Paragraph ¹	Description	Name [...] ²
1.	(za)	The Licensing Authority [Any other Licensing Authority in whose area part of the premises is situated]	Folkestone and Hythe Council and Kent County Council
2.	(a)	Chief Officer of Police	Chief Constable of Kent Police
3.	(b)	Fire and Rescue Authority	Folkestone and Hythe Fire and Rescue Authority
4.	(bb)	Local Authority with public health functions	Folkestone and Hythe Council and Kent County Council
5.	(c)	Health and Safety Enforcing Authority	Folkestone and Hythe Council or The Health and Safety Executive

¹ Of sections 13(4) and 69(4) of the Licensing Act 2003

² Names in brackets refer to possible additional responsible authorities where the premises are partly in Folkestone and Hythe and partly in the area of an adjacent local authority. You should make enquires of those authorities to find out addresses etc.

	Paragraph¹	Description	Name [...] ²
6.	(d)	Local Planning Authority	Folkestone and Hythe Council and Kent Council
7.	(e)	Local Authority with environmental health functions	Folkestone and Hythe Council and Kent Council
8.	(f)	Recognised bodies relating to protection of children from harm	Kent Safeguarding Children Multi-Agency Partnership and Folkestone and Hythe Council and Kent Council
9.	(h)	Persons with responsibilities with regard to vessels	

	Paragraph ¹	Description	Name [...] ²
10.	(i)	Other prescribed persons: (1) Local Weights and Measures Authority ³	Folkestone and Hythe Council and Kent County Council

11. The contact details for these bodies are set out in Appendix 6. Up to date details will be published on the [Council's website](#).

Folkestone & Hythe as a Responsible Authority

12. Folkestone & Hythe Council is a responsible body in a number of separate capacities as well as being the Licensing Authority: - planning, environmental health, and environmental protection. All three functions as well as the licensing authority function are the ultimate responsibility of the Director of Place. In order to avoid conflicts of interest, internal arrangements seek to avoid a dual-hatted approach. The following table sets out who is responsible for the various functions on a day-to-day basis:

Function	Officer Responsible
Licensing Authority (as determining authority)	Director of Place
Licensing Authority (as responsible authority)	Regulatory Services and Corporate Contracts Lead Specialist
Local Planning Authority	Chief Planning Officer
Environmental Health	Environmental Health Senior Specialist
Environmental Protection	Environmental Protection Senior Specialist

³ Regulation 7 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (SI 2005 No 42)

Appendix A – Table of Delegations

Matter to be dealt with	Sub-Committee	Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent Convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for a minor variation of premises licence/club premises certificate		All cases
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition.	If a police objection	All other cases
Determination of a police objection to a temporary event notice	All cases	

PROTOCOL (I) – HEARINGS AT LICENSING COMMITTEE

Purpose of this Protocol

1. The purpose of this Protocol is to give guidance to Applicants, Responsible Authorities and other people who have made representations about what to expect at Hearings. It supplements the document “Procedure at Licensing Sub-Committee” which is sent to all parties before a Hearing.
2. There are certain rules that have to be followed. These are set out in the Licensing Act 2003 (Hearings) Regulations 2005 [SI 2005 No 44] (as amended). However, within those rules, the licensing authority has a lot of discretion as to how hearings will be conducted.

Overall Approach

3. Our overall approach is to conduct a hearing that is:
 - Fair
 - Open, clear, and accountable
 - Treats everyone equally, whatever their status.

When will there be a hearing?

4. There are many different situations where a hearing will be held. There is a full list in Schedule 1 to the Hearing Regulations. In most case this will be where somebody has made relevant representations to an application for the grant or variation (other than a minor variation) of a premises licence or club premises certificate.

Who is a “party” to a hearing?

5. The Hearing Regulations refer to a “party” or “parties” to a hearing. These people have a special role in relation to a hearing. These are the people to whom we have to give notice of the hearing. They are listed in Schedule 2 to the Hearing Regulations. In the case of an application for a new licence or an application to vary a licence it will be:
 - The Applicant
 - Persons who have made “relevant representations”.
6. We explain in Protocols C and G more details about who can make, what are, and how to make “relevant representations”.
7. We also explain in Protocol C about who we will tell about your representations and what you should do if you have concerns about disclosure of your personal details.

When will a hearing take place?

7. The Hearing Regulations set time limits within which hearings should start. They are set out in Schedule 1 to the Hearing Regulations. In the cases of an application for a new licence or an application to vary a licence, the hearing must be start within 20 working days beginning with the day after the end of the period for making representations. In some cases, the period is shorter.
9. If the hearing is to be held on more than one day, the days must usually be consecutive working days.
10. These are strict time limits and so it will not be possible to accommodate everyone's preferences. However, if there are dates or times that are inconvenient to you or dates or times that are particularly suitable for you please let us know why as soon as possible (and preferably when you submit your representations). We cannot promise you that we will be able to accommodate your wishes, but we will take them into account.
11. Hearings will usually take place on working days in the day time at the Civic Centre or other council premises. If you feel that different arrangements should be made, again please let us know why as soon as possible (and preferably when you submit your representations). We will consider what you say.

Who will be told about the hearing?

12. Once a hearing has been arranged, we have to give a notice of hearing stating the date, time, and place of the hearing to certain people. The people are listed in Schedule 2 to the Hearing Regulations.
13. In the case of an application for a new licence or an application to vary a licence it will be:
 - The Applicant; and
 - Persons who have made "relevant representations".

When will people be told about the hearing?

14. In the case of an application for a new licence or an application to vary a licence, we must give the notice of the hearing no later than ten working days before the day of the first day on which the hearing is to be held.
15. In some cases, we are allowed a shorter period to give the notice of hearing.

What further information is given with the notice of hearing?

16. In addition to the date, time and place of the hearing, we must also give:
 - Details of a party's right of attendance, assistance, and representation;
 - Details of the party's rights at the hearing;
 - Details of the consequences if a party does not attend or is not represented at the hearing;
 - Details of the procedure to be followed at the hearing;

-
- Details of any particular points on which the Licensing Authority considers that it will want clarification at the hearing from a party;
 - Copies of documents listed in Schedule 3 to the Hearings Regulations. In the case of an application for a new licence or an application to vary a licence, we have to give copies of the “relevant representations”. These will include the details of your name, address and contact details, as explained in Protocol C. That protocol also explains what you should do if you have concerns about disclosure of your personal details.

What do you have to do if you have received a notice of hearing?

17. You should reply to us. In the case of an application for a new licence or an application to vary a licence, you should reply to us no later than 5 working days before the first day on which the hearing is to be held. The Hearing Regulations set a shorter period for certain hearings.
18. You should tell us:
 - Whether you intend to attend or be represented at the hearing;
 - Whether you consider a hearing to be unnecessary;
 - If, in addition to yourself and your representative, you wish someone else to appear at the hearing, you must ask for our permission. You must tell us that person’s name and give us a brief description of the points or points on which that person may be able to assist us in relation your application or representations. This covers a witness, expert, or any other person that you wish to be heard at the hearing. We cannot unreasonably withhold permission.

Must there be a hearing?

19. We can only dispense with a hearing, in the case of an application for a new licence or an application to vary a licence, if:
 - The Applicant AND each person who has made “relevant representations” agree that a hearing is unnecessary and have given us notice that they consider that a hearing is unnecessary; and
 - We agree that a hearing is unnecessary.
20. We will then give notice to all parties that the hearing has been dispensed with.

Can representations be withdrawn?

21. Any party can withdraw their representations.
22. If you want to withdraw your representations, there are two ways to do this. You must:

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- Either give us notice no later than 24 hours before the first day on which the hearing is to be held; or
 - withdraw your representation orally at the hearing.
23. If there are no remaining representations, the hearing will be cancelled, and the application will be granted by officers. If there are still representations remaining, and the remaining parties have not agreed that a hearing is unnecessary, then the hearing will proceed.

Negotiations

24. The time between making relevant representations and the hearing is the main period during which negotiations between the parties may take place to ascertain whether it might be possible to reach agreement as to the best way forward.
25. These are explained further in Protocol D and suggests target dates to complete negotiations.

Our discretions about time limits

26. The Hearing Regulations give us the power to extend time limits for a specified period where we consider it to be necessary in the public interest.
27. They also give us power to adjourn a hearing to a specified date or arrange for a hearing to be held on specified additional dates, where we consider this to be necessary for our consideration of any representations.
28. If you want us to exercise these discretions, ask us as soon as possible and give us your reasons.
29. If we exercise these discretions, we will give notice to the parties.
30. We cannot adjourn without fixing a further date (otherwise called adjournments sine die). There are some further restrictions on the exercise of these discretions, but they do not apply in the case of an application for a new licence or an application to vary a licence.

Who will the hearing be before?

31. The hearing will usually be before a Licensing Sub-Committee. This consists of three councillors who are members of the Council's Licensing Committee. If possible, it will be cross-party and include the chair or vice-chair of the Licensing Committee. The members are selected by the Council's Service Head Democratic Services by rotation.
32. It is possible for an application to be considered by the full Licensing Committee or full Council. These situations are likely to be very rare. The full Council will only deal with the matter if Licensing Committee is unable to deal with a matter because of the number of members who have a conflict of interest.
33. At meetings of the Licensing Sub-Committee, there will also be a licensing officer, a legal officer, and a democratic services officer. Their role is to assist the Sub-Committee, but they are not members of the Sub-Committee and do not make the final decision. The final decision is the responsibility of the three councillors.

Is the hearing in public?

34. All hearings will be in public unless the sub-committee decides to exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.
35. This means that generally anyone may attend and observe a hearing. Please let us know as soon as possible if you think that a large number of people are likely to attend. This is so that we can ensure that there is sufficient space available.
36. We are likely to exclude the public once everyone has had their say and make our decision in private. We will also exclude parties and their representatives at that time. The only people present will be the three councillors and the three officer advisors.
37. We can also exclude the public during the hearing itself. This will be where a party wants to present confidential or sensitive information. We will only do this if we think it is in the public interest. If any party wants us to consider doing this, you should tell us as soon as possible.
38. We can also specifically require any person attending the hearing who in our opinion is behaving in a disruptive manner:
 - To leave the hearing; and we can:
 - Refuse to permit that person to return; or
 - Permit that person to return only on such conditions as we may specify.

Such an excluded person may, before the end of the hearing, submit in writing any information which they would have been entitled to give orally had they not been required to leave.

Under this power we can exclude parties and representatives in addition to members of the public.

What can parties do?

39. Parties may attend the hearing.
40. Parties may be assisted or represented at the hearing by any person whether or not that person is legally qualified.
41. Parties may address the hearing.
42. Parties may question any other party, with our permission.
43. Parties may give further information in support of their application or representations, in response to a point of clarification that we have already identified in our notice of the hearing (see paragraph 16).
44. We may ask questions of any party or other person appearing at the hearing.

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45. If you want us to take into account documentary or other information produced by you in support of the application or representation, you should send it to us before the hearing. If you only produce it at the hearing, we can only consider it if the other parties consent. You should make sure that the other parties are fully aware of your case well before the date of the hearing; otherwise, if they feel that they have not had sufficient notice, they are likely to apply for an adjournment.
 46. However, we are required to disregard any information given by a party or by any other person to whom permission to appear has been given (e.g. a witness) which is not relevant to:
 - Their application or representation or the application or representation of the party requesting their appearance, and
 - The promotion of the licensing objectives.
 - Parties should therefore ensure that information is relevant to these two matters.

What happens if parties do not attend?

47. If you have told us that you do not intend to attend or be represented, the hearing may proceed in your absence.
48. If you have not told us that you do not intend to attend or be represented and you do not attend, we may:
 - Either adjourn the hearing to a specified date, where we consider it to be necessary in the public interest; or
 - hold the hearing in your absence.
49. If we do hold the hearing in your absence, we will still consider at the hearing the application or representations made by you. If we adjourn the hearing, we will notify parties of the new hearing.
50. It would be very helpful if you tell us whether you intend to attend. If you face difficulties on the fixed date, tell us about your reasons so that we can take them into account.

How will a hearing proceed?

51. Except where the Hearing Regulations set out the procedure to be followed, we are allowed to determine the procedure to be followed.
52. At the beginning of the hearing, we have to explain the procedure that we will follow.
53. We will also consider requests by parties for other persons to be allowed to appear. (See paragraph 18). We cannot unreasonably withhold permission.
54. A hearing will take the form of a discussion led by us.
55. Although a party may ask questions of another party, with our permission, that questioning should not amount to cross-examination.

- If a party wants to cross-examine a party, you should first ask our permission. We can only permit cross-examination if we consider that it is required to enable us to consider the representations or application.
 - If you feel that you are being cross-examined where permission has not been given, raise the matter with the chair at the hearing.
 - The chair of the hearing will intervene to stop cross-examination that has not been authorised.
56. We are required to allow all parties an equal maximum period of time to respond to points of clarification, question parties and address the hearing.
- We will not usually set these maximum periods at the beginning of the hearing;
 - We also do not intend to specifically time how long parties spend exercising their rights.
 - We will act when parties seem to be bringing in irrelevant matters or are becoming repetitious.
 - We reserve the right to impose time limits, if we consider it necessary.
 - If any parties feel that they have not been given sufficient time, raise the issue with the chair.

57. The following Table contains an outline of the procedure that will

OUTLINE OF PROCEDURE TO BE FOLLOWED
The Chair will open the meeting and introduce members of the Committee and Officers to all present. The Chair will explain the nature of the decision to be taken and the procedure (as detailed below) to be followed, emphasising that the role of the subcommittee is to determine the application in an impartial and even-handed manner, and in accordance with the relevant provisions of the Licensing Act 2003, National Guidance, and the Licensing Authority's own policy.
The Licensing Officer will outline the application together with any relevant representations and their relevance to the Local Authority Licensing Policy Statement and Statutory Guidance.
Members may ask questions of the Officer.
The Applicant or the person representing them will be invited to address Committee. The Chair will at all times be mindful of the requirement to permit the parties equal time so far as is possible.
Members and then parties may ask questions of the Applicant
Responsible Authorities will be invited to address the committee.
Members and then parties may ask questions of the Responsible Authorities.

<p>Interested Parties will be invited to address the committee. Where there are a number of parties making similar representations, the Chair will expect the parties to nominate a spokesperson to make the representations.</p>
<p>Members and then parties may ask questions of the Interested Parties</p>
<p>The Chair will invite the Applicant and parties to summarise their points if they wish.</p>
<p>The Chair will confirm that all parties are satisfied they have had adequate opportunity to present their case.</p>
<p>Members of the Committee will retire to discuss and make their decision and will be accompanied by the legal advisor and the licensing officer (whose roles are to assist the Committee with advice; they are not part of the decision making process).</p>
<p>The Chair will relay the decision and the reasons for the decision and details of any conditions placed upon the Licence (if granted) under the licensing objective that they relate to.</p>
<p>Written notification of the decision together with information regarding the right of a party to appeal against the decision will be sent out.</p>
<p>Where additional persons have been permitted to appear at the hearing under Regulation 8(2) of the Hearings Regulations such persons shall be invited to address the committee after the party who requested their attendance has addressed the committee and answered any questions.</p>

APPENDIX 2 - MANAGEMENT OF PREMISES Live Music, Dancing and Theatre

The Licensing Authority recognises that as part of implementing local authority cultural strategies, account should be taken of the need to encourage and promote a broad range of entertainment such as live music, dancing, and theatre.

Conditions appropriate for the promotion of the licensing objectives will be attached to premises licences/club premise certificates for activities of this nature. The Licensing Authority is aware of the need to avoid unnecessary or disproportionate measures that could deter live music, dancing, and theatre by imposing indirect costs of a substantial nature.

Folkestone & Hythe District Council has a number of open public spaces and buildings licensed. Persons that wish to use the premises licence for those spaces/premises must seek the permission of the Council before holding any event as it is an offence to carry on or attempt to carry on a licensable activity without or not in accordance with relevant authorisation. All premises that have applied for a licence are listed in a public register: this can be viewed at [Folkestone & Hythe District Council](#).

Live Music Act 2012

The Live Music Act received Royal Assent in March 2012 which made changes to the Licensing Act 2003 from 1st October 2012.

See Deregulation of Regulated Entertainment

Deregulation of Regulated Entertainment

The purpose for the deregulation of regulated entertainment is to remove unnecessary regulations and burdens on business and the voluntary sector. It is also in place to encourage the performance of more live music.

You require a licence for any entertainment that occurs after 23.00 and for most forms of entertainment in the presence of an audience of more than 500 people (with a few exceptions) All sexual entertainment requires a licence.

Live unamplified music is deregulated between 08.00 and 23.00 on any premises.

Live amplified music is deregulated between 08.00 and 23.00 providing the audience does not exceed 500.

Recorded music is deregulated between 08.00 and 23.00 in an on-licensed premises provided the audience does not exceed 500. Unlike Live music deregulation of recorded music does not apply to workplaces.

Live music and Recorded music can become licensable in an on-licensed premises if the Licensing Authority removes the effect of the deregulation following a licence review.

Exemptions

The new exemptions apply to Local Authorities, Schools, Hospitals, Community Premises, Circuses, Greco-Roman or Freestyle Wrestling, Incidental Film. Local Authority, Hospitals and Schools Live music or recorded music between 08.00 and 23.00 at the non-residential premises of a local authority provided that;

-
- The audience does not exceed 500, and
 - The organiser gets consent for the performance on the relevant premises from the local authority concerned.

Any entertainment provided by or on behalf of a health care provider on their own hospital premises between 08.00 and 23.00.

Church Hall, Village Hall, Community Hall, or other similar community premises Live music or recorded music between 08.00 and 23.00 in these premises that is not licensed to sell alcohol, provided that;

- The audience does not exceed 500, and
- The organiser gets consent for the performance from a person who is responsible for the premises.

Travelling Circuses

- Any entertainment (excluding films and boxing or wrestling entertainment) taking place at a travelling circus, provided.
- It takes place within a moveable structure that accommodates the audience, and
- That the travelling circus has not been located on the same site for more than 28 consecutive days

Wrestling

A contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling deregulation between 08.00 and 23.00, provided that the audience does not exceed 1000.

Incidental Film

Incidental film – exhibition of moving pictures if it is incidental to some other entertainment activity.

Exhibition of films in community premises

- No licence required for “not-for-profit” film exhibition held in community premises between 08.00 and 23.00 provided that the audience does not exceed 500 and the organiser.
- Gets consent to the screening from a person who is responsible for the premises; and
- Ensure that each such screening abides by the age classification ratings

Entertainment of a Sexual Nature

The Licensing Authority along with the Responsible Authorities have concerns that the licensing objectives are engaged by the operation of premises where nudity, partial nudity or adult entertainment of a sexual nature is carried on. Applicants are required to state in their Operating Schedule that they propose to offer nudity, partial nudity, or adult entertainment of a sexual nature.

Other than in the context of film classification, censorship of the content of regulated entertainment is a proper function of licensing law and cannot be properly related to the licensing objectives. The Council as the Licensing Authority does not seek to censor the content of regulated entertainment and the matters of Indecency is covered by other legislation.

The council in its role as the Licensing Authority seeks to regulate the location of premises offering nudity, partial nudity, or adult entertainment of a sexual nature, in pursuit of the licensing objectives of the prevention of crime and disorder and prevention of public nuisance. It seeks to regulate the way in which this type of entertainment is conducted in order to prevent crime and disorder, promote public safety, and protect children from harm.

The protection of children from harm includes the protection of children from moral, psychological, and physical harm. This includes wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

Dance that is sufficiently sexual in nature continues to be regulated. Performances of dance which are “relevant entertainment” within the meaning of the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) are not deregulated, regardless of the size of the audience or the time of day. “Relevant entertainment” is defined in the 1982 Act as a live performance or live display of nudity that, ignoring financial gain, can be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.

In almost all cases where a performance of dance is potentially licensable as both the provision of relevant entertainment (under the 1982 Act) and regulated entertainment (under the 2003 Act), the 1982 Act disapplies the entertainment licensing regime in the 2003 Act in favour of its stricter regime for the control of sex establishments. However, an authorisation under the 2003 Act rather than the 1982 Act will continue to be required where:

- the premises are not licensed as a sex entertainment venue under the 1982 Act, and;
- relevant entertainment has been provided at those premises on no more than 11 occasions in any 12-month period, with none of those occasions lasting longer than 24 hours or taking place within a month of any other such occasion.

It is also possible that adult entertainment may take place at certain times on the premises. Section 182 Revised Guidance clause 2.23 gives an example that a premise may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm.

It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities, and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

When considering applications within this policy, the Licensing Authority will have particular regard to whether the premises are in the vicinity of the following:

Residential accommodation;

- Schools;
- Places of worship;
- Other premises where entertainment of a similar nature takes place;
- Community centres;

-
- Youth clubs;
 - Any other premises in the vicinity as appear necessary to the Licensing Authority on the facts of each application.

Where appropriate, the Licensing Authority will also take into account the cumulative effect of a number of such premises on the character of the area in question.

Where such applications are made, the applicants are required to state in their Operating Schedule that they propose to offer nudity, partial nudity, or adult entertainment of a sexual nature (currently Box N of the application form). The following matters may be necessary to promote the licensing objectives and applicants should consider whether any of the following measures are reasonably required:

- A code of conduct for performers and appropriate disciplinary procedures, developed in consultation with the police and the Council;
- Rules of conduct for customers, developed in consultation with the police and the Council;
- Procedures to ensure that all staff employed in the premises have pre-employment checks including suitable proof of identity, age and (where required) permission to work;
- The prevention of views into the premises;
- The prohibition of exterior advertising of the adult entertainment of a sexual nature at the premises along with a prohibition of leafleting or touting for business; and
- The exclusion of persons under 18 from the premises when such activities are taking place.

Conditions will be imposed, as may be necessary, requiring that all service is to seated customers; prohibiting the participation of customers in performances and maintaining a minimum distance of one metre between performers and customers, and between performers during performances. There will also be conditions on the installation and operation of CCTV and retaining recordings of performances and on the employment of supervisors. The Licensing Authority may attach other conditions as appropriate.

Applications for premises which provide music, dance, and late-night refreshment, that do not specify that there will be nudity, partial nudity or adult entertainment of a sexual nature, services or other entertainment which may give rise to concern in respect of children in the relevant part of the application (currently Box N on the application form) will be asked to accept a “no nudity and no adult entertainment of a sexual nature” condition.

Where a premises user gives notice of an event under a temporary event notice in the form as prescribed in regulations made under the 2003 Act the user will be required to describe key aspects of the proposed event. This must include whether they will be undertaking any relevant entertainment as defined in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (i.e. displays of nudity designed to sexually stimulate any member of the audience including, but not limited to lap dancing and pole dancing)

The Operating Schedule

The operating schedule explains how an applicant proposes to operate and promote the four licensing objectives. It is part of the application form for a Premises License, Club Premises Certificate, or a full variation.

What should be included in an operating schedule

The operating schedule should show how the licence holder will comply with the legislation and promote the four licensing objectives:

- Prevention of crime and disorder
- Ensuring public safety
- Prevention of public nuisance
- Protection of children from harm

It should take account of:

- The type, size, location, and opening hours of the premises
- The nature of the area in which the premises are situated
- The licensable activities to be provided
- The age profile and nature of anticipated clientele
- Any necessary operational procedures
- The needs of the local community

It must be completed in line with our statement of licensing policy.

By law, an operating schedule must include:

- The licensable activities to be carried out on the premises
- The times that the relevant licensable activities will take place
- The times that the premises will be open to the public
- The length of time that the licence is required (if it is for a limited period only)
- If the sale of alcohol is for consumption on or off the premises, or both
- The steps that will be taken to promote the licensing objectives
- Any other matters required by regulations or guidance

Other things to include in the operating schedule

To help us make a decision the applicant could also include:

- A description of the style and character of the business
- What seating is provided
- The type of activities available on the premises, whether licensable or not
- What type of dancing and/or music there will be, if any.
- If this will involve dancing and/or music by members of the public, professional performers, or both
- If the entertainment will involve striptease, lap-dancing or other forms of dance that may involve movements, acts, or displays of a sexual, or adult nature

Preparing an operating schedule

We recommend that applicants are aware of our expectations and those of the responsible authorities. We would advise to seek our views and those of the responsible authorities before formally submitting an application.

The applicant should also take account of the Statement of Licensing Policy and any Guidance published by the Secretary of State. We also recommend taking account of key local strategies and plans.

To help with measures that the applicant may want to consider promoting the licensing objectives, and that may want to include in the operating schedule, we provide a Pool of Model Conditions. This is not an exhaustive list of all measures to include in an operating schedule, and not all measures will be appropriate to every application.

Why the operating schedule is so important.

You should be aware that we will use what you say in your operating schedule to produce the conditions that we will attach to your licence, if granted.

You should therefore make sure that the steps to be taken are realistic and within your control. If we grant a licence with conditions attached requiring the implementation of such steps, the conditions will be enforceable in law, and it will be a criminal offence if you fail to comply with them.

APPENDIX 3 – POOL OF CONDITIONS

Mandatory Conditions

The Licensing Act 2003 imposes certain mandatory conditions on premises licences and club premises certificates.

Premises Licences and Club Certificates that have authorisation for the supply of alcohol for consumption on the premises have a 5 further mandatory licensing conditions which came into effect on 6th April 2010 and October 2010.

In May 2014, a condition was imposed to ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than permitted price.

These conditions will appear on the premises licence and club certificates along with the mandatory conditions that already appear since the Licensing Act 2003 came into force.

Pool of Conditions

Conditions relating to Crime and Disorder

Text/Radio Pagers.

The Licensee will join the scheme operating in the area and will ensure that

- Radio equipment is kept in working order at all times
- The pager link be activated, made available to, and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public
- Any police instructions/directions are complied with whenever given, and
- All instances of crime and disorder are reported via radio by the designated premises supervisor or a responsible member of staff to an agreed police contact point

Licensed Door Supervisors.

Where the condition is imposed on the provision of door supervisors the following may also be applied depending upon the circumstances affecting the premise

- a. The Licensee will employ sufficient SIA registered door staff to deal with any likely contingency.
- b. Any employed door staff will wear a name badge as identification.
- c. Each door supervisor will carry proof of their registration with the Security Industry Authority.
- d. Door supervisors will be stationed at a location either inside or outside the premises and at times to be determined by the licensee as being appropriate, but the Licensing Authority would expect such staff to be provided
- e. Door supervisors are required to undertake body searches then at least one female supervisor should be available to undertake the body searches of female customers.

Where door supervisors are required, the Licensee will keep records showing the names of the supervisor and the date/time that they were employed.

Bottle bans

The licensee will ensure that:

- a. No bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff serving away from the bar.
- b. No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (Note: this will not include those customers carrying sealed bottles for the purposes of consumption off the premises).

An exception to these conditions will be bottles containing wine sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

Plastic containers and toughened glass

The licensee will ensure that only plastic or toughened glass containers will be used for the supply of beverages.

CCTV

The licensee will ensure that CCTV is installed and maintained under the auspices and guidance of the police crime prevention officer.

Open containers are not taken from premises

The licensee will ensure that no customers shall take glasses or open bottles from the premises.

Restrictions on drinking areas

The licensee will ensure that no alcoholic drinks will be consumed in the area marked (in red) on the plan (numbered.....) whilst activity is taking place.

Proof of age cards

The licensee shall introduce a policy requiring the production of "proof of age" for any sale that takes place where there is any suspicion that the customer is under 18. Such proof may include a pass conforming to the PASS accreditation system, photo driving licence, student cards and passports.

Crime prevention notices

The licensee will ensure that suitable notices are displayed warning customers of the prevalence of crime which may target them, for example, pick pockets or bag snatchers, the need to guard their property and leaving property unattended. The licensee will be directed over the provision of such notices by the Police crime prevention officer.

Drinks promotions

The licensee will not introduce or carry on any irresponsible sales promotion or discounting of prices of alcoholic beverages.

Signage

The licensee will ensure that:

- a. A sign indicating the normal hours during licensable activities are permitted to take place to be displayed on or immediately outside the premises.
- b. Any restrictions of the admission of children to be displayed on or immediately outside the premises.

High Volume Vertical Drinking establishments (HVVD's)

The licensee will ensure the adherence to

- A prescribed capacity
- An appropriate ratio of tables and chairs to customers based on the capacity
- The presence of SIA registered security teams to control entry for the purpose of compliance with the capacity limit

Conditions relating to Public Safety (including fire safety)

Disabled people

The licensee will ensure that

- a. When disabled people are present adequate arrangements exist to enable their safe evacuation in the event of an emergency.
- b. Disabled people on the premises are made aware of those arrangements.

Escape routes

The licensee will ensure the proper maintenance of all escape routes and exits including external exits. This will require that such exits be kept unobstructed, in good order with non slippery and even surfaces, free of trip` hazards and clearly identified. In premises where chairs and tables are provided all internal gangways must be kept unobstructed.

The licensee will ensure that:

- (a) All exit doors are easily openable without the use of a key, card, code, or similar means.
- (b) Doors at such exits are regularly checked to ensure that they function satisfactorily, and a record of such checks are kept.
- (c) Any removable security fastenings are removed whenever the premises are open to the public or occupied by staff.
- (d) All fire doors are maintained effectively self-closing and shall not be held open other than by approved devices (for example, electromagnetic releases operated by smoke detectors).
- (e) Fire resisting doors to ducts, service shafts and cupboards shall be kept locked shut.
- (f) The edges of the treads of steps and stairways are maintained so as to be conspicuous.

Safety checks

The licensee will ensure:

- a. That safety checks are carried out before the admission of the public.
- b. Details of such checks are kept in a log book.
- c. Curtains, hangings, decorations, and upholstery
- d. Hangings, curtains, and temporary decorations are maintained in a flame retardant condition.
- e. Any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS5852:1990.

-
- f. Curtains, hangings, and temporary decorations are arranged so as not to obstruct exits, fire safety signs or firefighting equipment.
 - g. Temporary decorations are not used without a review of the Fire risk assessment and prior notification to the Licensing Authority.

Accommodation limits

The licensee will ensure that any capacity limit imposed under this licence/certificate is not exceeded.

The person responsible for the day to day management of the premises should be aware of the number of people on those premises and required to inform any authorised person on request.

Fire action notices

The licensee will ensure that notices detailing the actions to be taken in the event of fire or other emergencies including how the fire brigade are summoned are prominently displayed and protected from damage and deterioration.

Outbreaks of fire

The licensee will ensure that the Fire Brigade must be called at once to any outbreak of fire, however slight, and the details recorded in a fire log book.

Loss of water

The licensee will ensure that the local fire control centre is notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher, or other fire extinguishing installation is cut off or restricted.

Access for emergency vehicles

The licensee will ensure that access for emergency vehicles is kept clear and free from obstruction.

First aid

The licensee will ensure that

- a. Adequate and appropriate supply of first aid equipment and materials is available on the premises.
- b. If necessary, at least one suitably trained first aider shall be on duty when the public are present and if more than one suitably trained first aider that their respective duties are clearly defined.

Lighting

The licensee will ensure that

- a. In the absence of adequate daylight the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present.
- b. Fire safety signs are adequately illuminated.
- c. Emergency lighting is not altered.
- d. Emergency lighting batteries are fully charged before the admission of public, members or guests.
- e. In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members

or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being recharged; and, if the emergency lighting battery has a capacity of 3 hours, the appropriate period by the end of which the public should have left the premises is one hour.

Temporary electrical installations

The licensee will ensure that:

- a. Temporary electrical wiring and distribution systems are not provided without prior inspection by a suitable qualified electrician.
- b. Temporary electrical wiring and distribution system shall comply with the recommendations of BS 7671 or where applicable BS 7909.
- c. Where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

Indoor sports entertainments

The licensee will ensure that

- a. If necessary, an appropriately qualified medical practitioner is present throughout the sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- b. Where a ring is involved, it is constructed and supported by a competent person and inspected by a competent authority and any material used to form the skirt around the ring is flame retardant.
- c. At any wrestling or other entertainment of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring.
 - d. At water sports entertainment, staff are adequately trained in rescue and life safety procedure and stationed and remain within the vicinity of the water at all material times.

Alterations to the premises

Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence proposing the deletion of the condition relating to the public safety in question.

Special effects

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience and performers and staff. Special effects which should be considered include:

- Dry ice machines and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics including fireworks
- Real flame
- Fire arms

- Motor vehicles
- Strobe lighting
- Lasers
- Explosives and highly flammable substances

These special effects must only be used on the provision of a suitable and sufficient risk assessment and prior notification to the licensing authority.

Conditions relating to theatres, cinemas, concert halls and similar places (promotion of public safety) -Premises used for closely seated audiences

Attendants

- a. The number of attendants on each floor in a closely seated auditorium should be as set out in the table below.

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
1 – 100	One
101 – 250	Two
251 – 500	Three
501 – 750	Four
751 -1,000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

- b. Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
- c. Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- d. The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.
- e. No article shall be attached to the back of any seat which would reduce the clear width of seat ways or cause a tripping hazard or obstruction.
- f. A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

Standing and sitting in gangways

- a. Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.

- b. Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- c. In no circumstance shall anyone be permitted to
 - i. Sit in any gangway
 - ii. Stand or sit in front of any exit, or
 - iii. Stand or sit on any staircase including any landings

Drinks

Except as authorised by the premises licence or the club premises certificate, no drink shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Balcony fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

Special effects

Any special effects or mechanical installation shall be arranged and stored so as to minimise any risk to the safety of the audience, the performers, and staff. Special effects include:

- Dry ice machines and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics including fireworks
- Real flame
- Fire arms
- Motor vehicles
- Strobe lighting
- Lasers (see HSE guide “the radiation safety of lasers used for display purposes [HS(G)95] and BSEN 60825: Safety of Laser Products)
- Explosives and highly flammable substances

In certain circumstances it may be necessary to require that certain special effects are only used with the prior notification of the Licensing Authority or [inspection by] fire authority.

Scenery

Any scenery should be maintained as being flame retardant.

Safety curtain

Where a safety curtain is provided it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for some sufficient time to enable the safe evacuation of the auditorium.

Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non combustible material inherently or durably treated flame retardant fabric.

Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide whether a further inspection would be necessary and a certificate concerning the conditions of the ceilings forwarded to the Licensing Authority.

Seating

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than 4 or more than 12.

Premises used for film exhibitions

Attendance – premises without a staff alerting system

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below.

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1 – 250	Two
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

Attendance – premises with a staff alerting system

a. Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below.

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of other staff on the premises who are available to assist in the event of an emergency
1 – 500	Two	One
501 – 1,000	Three	Two
1001 – 1,500	Four	Four
1,501 or more	Five plus one for every 500 (or part thereof) persons over 2,000 on the premises	Five plus one for every 500 (or part thereof) persons over 2,000 on the premises

- b. Staff shall not be considered as being available to assist in the event of an emergency if they are:
- The holder of the premises licence or the manager on duty at the premises
or
 - A member of staff whose normal duties or responsibilities are likely to significantly effect or delay his response in an emergency situation
 - A member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.

- c. Attendants shall, as far as reasonably practicable, be evenly distributed throughout all parts of the premises to which the public have access and keep under observations all parts of the premises to which the audience have access.
- d. The staff alerting system shall be maintained in working order.

Minimum lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the stands specified in BS CP1007(maintained lighting for cinemas).

Flammable films

No flammable films should be allowed on the premises without the prior notification of the licensing authority/fire authority.

Conditions relating to Prevention of Public Nuisance

Hours

- a. Any appropriate restrictions on opening hours
- b. Any appropriate restrictions when certain licensable activities can take place
- c. Any appropriate restrictions on parts of the premises that might be used for certain licensable activities at certain times.

Noise

- a. Noise impact assessment of the licensed activities at the premises must be carried out to the satisfaction of the licensing authority. Proposed steps to prevent noise must, if necessary, also be submitted for inclusion within the operating schedule.
- b. The following licensed activities that have the potential to create public nuisance shall not be permitted unless they are done so in accordance with the controls below: For example

<i>Playing of amplified, pre-recorded music</i>	<i>Music shall only be played in the main function suite and shall go on no later than 23</i>
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- i. a noise limiting device shall be installed, fitted, and maintained in such a manner as to control all sources of amplified music at the premises.
- ii. All [external doors / windows] must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.
- iii. The [doors / windows] at [specify] shall be fitted with [double /secondary] glazing in order to improve the sound attenuation of the premises.

- iv. No music or speech shall be relayed via external speakers other than for events with the prior approval of the licensing authority.
- vi. A [sound trap lobby / acoustic door / automatic door closer] shall be installed to [describe the location].
- vii. A scheme of soundproofing the [relevant parts] of the premises must be agreed with the licensing authority and the work completed to the licensing authorities satisfaction.
- viii. [Openings / specify] in the external fabric of the premises must be acoustically sealed to the satisfaction of the licensing authority.
- ix. An alarm shall be fitted to [all external windows / fire doors] which alerts staff when [they / it] are opened without authorisation.
- x. The specification, location and orientation of all permanently fixed speakers shall be agreed with the licensing authority.
- xi. No fireworks or other pyrotechnics shall be used other than with the prior consent of the licensing authority.
- xii. Noise from the premises shall not result in exceedances of the following noise levels expressed as [x minute Lead] at [stated location];

Frequency Range	From a hours to b hours	From y hours to z hours
[Whole range]	x dBA	y dBA
[63Hz octave band]	x dBA	y dBA
[125 Hz octave band]	x dBA	y dBA

- xiii. Prominent, clear notices shall be displayed at [all exits / in the beer garden] requesting customers to respect the needs of local residents and leave the premises and the area quietly.
- xiv. The [garden / patio] must not be used by customers after the hours of xx.xx.
- xv. The car park must be securely locked to prevent access to customers' cars between xx.xx and yy.yy.
- xvi. Disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between xx.xx and yy.yy
- xvii. Arrangements must be put in place to ensure that waste collection contractors do not collect refuse between xx.xx and yy.yy.

- xviii. Staff must be given adequate training to prevent them causing unnecessary noise when they leave the premises and prominent, clear notices displayed at all points where staff leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly.
- xix. The licensee or a nominated representative shall receive and respond to complaints throughout the duration of all noisy events.
- xx. No inflatable play equipment shall be used without the agreement of the Licensing Authority with respect to its hours of use and other conditions as may be appropriate.
- xxi. The [car park/ garden] shall be managed to ensure that it is not used for [ball games /skateboarding/ other noisy recreational activities].

Litter and Waste

An adequate number of waste receptacles for use by patrons shall be provided in positions agreed with the licensing authority and it shall be the responsibility of the licensee to empty and dispose of the collected refuse at a frequency to be agreed with the licensing authority. The licensee shall comply with the Voluntary Code of Practice for The Fast Food Industry (DEFRA 2003) or any document which supersedes this.

Lighting

Any artificial lighting on the premises must not cause nuisance due to glare unless it is considered necessary by the local Police force to prevent crime and disorder.

Noxious smells

The licensee shall endeavour to ensure that there are no noxious smells emitted from the licensed premise so as to cause a nuisance to nearby properties and that the licensed premise is properly vented.

Conditions relating to the Protection of Children from Harm

Access for children to licensed premises – in general

Children under the age of 18 years shall not be permitted to licensed premises where there has been a known association (having been presented with evidence) with or likely to give rise to:

- Heavy or binge or underage drinking
- Drugs
- Significant gambling
- Any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature

No child under the age of 12 shall be allowed in a premise unaccompanied by an adult after 11.00pm in the evening in cases where that premise, is not serving alcohol for consumption on the premises, but where the public are allowed on that premises after that time.

Age restrictions – specific

The hours of the day during which age restrictions should and should not apply.

Types of event or activity in respect of which no age restrictions may be needed

Types of event or activity which give rise to a more acute need for age restrictions than normal.

Age restrictions – cinemas

Films should be classified in the following way:

U – Universal. Suitable for audiences age 4 years and over.

PG – Parental Guidance. Some scenes may be unsuitable for young children.

12A – passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.

15 – Passed only for viewing by persons aged 15 years and over. 18 – Passed only for viewing by persons aged 18 years and over.

The licensee must ensure that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least 5 seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.

Theatres – performances especially for children

An attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Children in performances

In addition to the requirements of the Children (Performances) Regulations 1968, as amended the licensee shall ensure that with regard to the:

venue – the backstage facility should be large enough to accommodate safely the number of children taking part in any performance.

Fire safety – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.

Special effects – it may be inappropriate to use certain special effects including smoke, dry ice, rapid pulsating or flashing lights which may trigger adverse reactions especially in the case of children

Care of children – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment, it is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room or anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

The Portman Group: practice on the naming, packaging, and promotion of alcoholic drinks

The Portman Group was set up in 1989 by the UK's leading drinks producers and its purpose is

- To promote responsible drinking
- To help prevent misuse of alcohol
- To encourage responsible marketing
- To foster a balanced understanding of alcohol related issues.

The licensee shall comply with the Portman Group's retailer alert bulletins.

For more information of such Bulletins access the Portman Group's website on www.portmangroup.org.uk/codeofpractice/63.asp or contact the Group on 020 7907 3700 or by writing to the Portman Group, 7-10 Chandos Street, London, W16 9DG.

APPENDIX 4 - POLICY CONSULTATION

The Licensing Authority's Policy has been drawn up after consultation with the following organisations and individuals.

To be completed following the consultation period.

Following adoption of this Policy, the Council will keep it under constant review.

APPENDIX 5 – RESPONSIBLE AUTHORITIES

As well as the Licensing Team, Responsible Authorities must receive copies of the application and supporting documentation for grant and variation applications. Police need to be provided with applications for transfer of premises licences and vary designated premises. Temporary event notices need to be provided to both the Police and Environmental Health.

Licensing Team

Folkestone & Hythe District Council
Civic Centre
Castle Hill Avenue
Folkestone
Kent CT20 2QY **01303 853660**
licensing@folkestone-hythe.gov.uk

Police Licensing (East Division)

Canterbury Police Station,
Old Dover Road,
Canterbury
Kent
CT1 3JQ
01622 690690

Environmental Health

Folkestone & Hythe District Council
Civic Centre
Castle Hill Avenue
Folkestone
Kent CT20 2QY
01303 853000

Social Services

Kent County Council
Invicta House,
County Hall,
Maidstone,
Kent
ME14 1XX
03000 416161

Trading Standards

Kent County Council,
Invicta House,
County Hall,
Maidstone,
Kent
ME14 1XX
03000 416161

Kent Fire & Rescue

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

Planning Development Management

Planning
Folkestone & Hythe District Council
Civic Centre
Castle Hill Avenue
Folkestone
Kent CT20 2QY
01303 853000

Primary Health Care Trust

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

Copies of applications will be sent to the necessary responsible authorities by local authorities if the applications are submitted via the GOV.uk website.

The Responsible Authorities as defined in the Licensing Act 2003 are able to comment on applications made under the Licensing Act 2003 and apply for a review of a licence in certain circumstances.

Failure to serve these documents within 48 hours of submitting the application to the Licensing Service may result in the application being delayed or rejected.

APPENDIX 6: RESOURCES

Folkestone & Hythe Council Policies

<https://www.folkestone-hythe.gov.uk/planning/planning-policy>

<https://www.folkestone-hythe.gov.uk/adopted-development-plans-and-policies>

<https://www.folkestone-hythe.gov.uk/your-council/policies-plans-and-documents/policydocuments>

https://www.folkestone-hythe.gov.uk/media/3337/Folkestone-and-Hythe-Taxi-Policy-with-appendices-2020/pdf/Folkestone_and_Hythe_Taxi_Policy_with_appendices_2020_Final_Version.pdf

<https://www.folkestone-hythe.gov.uk/licensing/alcohol-and-entertainmentlicences/apply-for-a-temporary-event-notice>

<https://www.folkestone-hythe.gov.uk/community/pspo/2019-2021>

[Safer in Kent: The Community Safety and Criminal Justice Plan](#)

National resources:

British Beer & Pub Association, Drugs & Pubs: [A guide to keeping a drug free pub For information about drugs](#)

Licensing Act 2003 applications can be accessed and submitted electronically via the Councils website or directly via www.ukwelcomes.businesslink.gov.uk

A copy of the [Licensing Act 2003](#)

Guidance issued by the [Secretary of State under section 182 of the Licensing Act 2003](#).

Portman Group Code of Practice is available from www.portman-group.org.uk

[Safer Clubbing Guide](#)

[Safer nightlife advice and guidance](#)

Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances www.streetartnetwork.org.uk/publications

Tackling Antisocial behaviour available from www.together.gov.uk

Appendix 2 – Additional Information

Additional Information about a Cumulative Impact Assessment (CIA)

A cumulative impact assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.

The CIA must include a statement saying that the licensing authority considers that the number of premises licences and/or club premises certificates in one or more parts of the area described is such that it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. As part of the publication a licensing authority must set out the evidential basis for its opinion.

While the evidence underpinning the publication of a CIA should generally be suitable as the basis for a decision to refuse an application or impose conditions, it does not change the fundamental way that decisions are made under the 2003 Act. Each decision in an area subject to a CIA therefore still needs to be made on a case-by-case basis and with a view to what is appropriate for the promotion of the licensing objectives. Importantly, the publication of a CIA would not remove a licensing authority's discretion to grant applications for new licences or applications to vary existing licences, where the authority considers this to be appropriate in the light of the individual circumstances of the case.

As noted above, there must be an evidential basis for the decision to publish a CIA. Local Community Safety Partnerships and responsible authorities, such as the police and the environmental health authority, may hold relevant information which would inform licensing authorities when establishing the evidence base for publishing a CIA. Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA. Information which licensing authorities may be able to draw on includes:

- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots.
- Statistics on local anti-social behaviour offences.
- Health-related statistics such as alcohol-related emergency attendances and hospital admissions.
- Environmental health complaints, particularly in relation to litter and noise.
- Complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations.
- Residents' questionnaires.
- Evidence from local and parish councillors; and
- Evidence obtained through local consultation.

The licensing authority may consider this evidence, alongside its own evidence of the impact of licensable activities within its area and consider in particular the times at

which licensable activities are carried on. Information which may inform consideration of these issues includes:

- Trends in licence applications, particularly trends in applications by types of premises and terminal hours.
- Changes in terminal hours of premises.
- Premises' capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times.

Where existing information is insufficient or not readily available, but the licensing authority believes there are problems in its area resulting from the cumulative impact of licensed premises, it can consider conducting or commissioning a specific study to assess the position. This may involve conducting observations of the night-time economy to assess the extent of incidents relating to the promotion of the licensing objectives, such as incidences of criminal activity and anti-social behaviour, examples of public nuisance, specific issues such as underage drinking and the key times and locations at which these problems are occurring.

In order to identify the areas in which problems are occurring, information about specific incidents can be mapped and, where possible, a time analysis undertaken to identify the key areas and times at which there are specific issues.

After considering the available evidence and consulting those individuals and organisations listed in section 5(3) of the 2003 Act and any others, a licensing authority may be satisfied that it is appropriate to publish a CIA. The CIA should also be considered alongside local planning policy and other factors which may assist in mitigating the cumulative impact of licensed premises, as set out in paragraph 14.46.

As part of its licensing policy statement, the licensing authority may also wish to consider the use of alternative approaches such as fixed closing times, staggered closing times etc. Such policy restrictions would need to be evidence-based and would be subject to the merits of each case in accordance with what is appropriate for the promotion of the licensing objectives. The licensing authority would be expected to justify the use of such measures as an appropriate means of managing problems in its area.

This Report will be made public on 27 August 2021

Report Number **OS/21/06**

To: Overview and Scrutiny Committee
Date: 7th September 2021
Status: Key Decision
Responsible Officer: Charlotte Spendley, Director for Corporate Services
Cabinet Member: Cllr David Monk, Leader of the Council

SUBJECT: **DRAFT CORPORATE ACTION PLAN AND DRAFT KEY PERFORMANCE INDICATORS 2021-22**

SUMMARY: The Council earlier this year adopted its new corporate plan 'Creating Tomorrow Together' that sets out its strategic direction to 2030 with service priority actions focused on the initial three year period. This report sets out a draft corporate action plan that is designed to outline the key projects and activities that will support the delivery of the Council's ambitions and priorities. This report also proposes for feedback, the draft Key Performance Indicators (KPIs) that provide a framework for the performance management of the Council during the current financial year. The report seeks to obtain feedback from the Overview & Scrutiny Committee on the draft proposals ahead of their consideration at Cabinet.

REASONS FOR RECOMMENDATIONS:

- The Council has a key role to play in the recovery of the district from the pandemic and the action plan is designed to set out how the Council intends to deliver against the three year priorities defined within the corporate plan to ensure the primary needs of the district and residents are met.
- It is essential that the Council has an action plan in place so that it can inform operational plans, financial plans, strategies and policies over the medium term.
- Relevant key performance indicators (KPIs) are essential to provide a 'golden thread' to the delivery of the Corporate Plan strategic objectives.
- The Council needs to ensure that relevant aspects of performance are measured, monitored and the results are used to identify where things are working well and where improvement action needs to be taken.

RECOMMENDATIONS:

1. To receive and note report OS/21/06.
2. To provide feedback on the proposed actions defined within the draft Corporate Action Plan set out in Appendix one.
3. To provide feedback on the draft list of KPIs set out in Appendix two.

1. BACKGROUND

- 1.1 The Council's new corporate plan 'Creating Tomorrow Together' 2021-30 was adopted by Full Council on 24th February 2021 (Report ref: A/20/10). The plan was developed with input from a cross party working group of members and was shaped through public consultation in order to refine the priorities and aspirations for the District over the coming years.
- 1.2 The Corporate Plan is built on 4 key service ambitions and 6 guiding principles. Each service ambition has a number of priority areas identified within it, these priorities will be the focus of Council activity over the coming three years to 2024. The service ambitions are set out below:

Service Ambitions

- Positive Community Leadership
- A Thriving Environment
- A Vibrant Economy
- Quality Homes and Infrastructure

- 1.3 The Plan also adopted 6 Guiding Principles, which would apply to the approach taken by the Council in undertaking its duties and these were Sustainable Recovery; Locally Distinctive; Greener Folkestone & Hythe; Transparent, Stable, Accountable & Accessible; Working Effectively with Partners and Continuous Improvement.

2. DRAFT CORPORATE ACTION PLAN 2021-2024

- 2.1 Work has been undertaken with Directorates following the adoption of corporate plan to develop a detailed action plan with a shorter term focus (to 2024), led by the three year priorities identified within the plan.
- 2.2 The draft action plan set out in appendix one looks at the three year priorities defined under each of the four service ambitions in turn and sets out a series of high level actions that the Council will work towards achieving during the action plan period. The draft plan also seeks to identify associated milestones, timescales, owners and external stakeholders. The stakeholders are not an exhaustive list and as projects evolve and develop officers will continue to assess appropriate stakeholder engagement.
- 2.3 The action plan is also designed to provide focus for departmental service plans, key performance indicators and individuals' objectives for the year, creating the essential 'golden thread' throughout the organisation as defined by the Council's Performance Management Framework previously considered by the Committee.

3. DRAFT KEY PERFORMANCE INDICATORS FOR 2021-2022

- 3.1 Following consideration at this Committee, the updated Performance Management Framework was adopted by Cabinet on 21 July (C/21/25) and outlined the purpose of the Key Performance Indicators as an essential element of effective performance management and a progress tracking

tool. It determined that KPIs should directly relate to the strategic objectives set out in the Corporate Plan. When determining which indicators to monitor and the target levels of performance required, the Council takes the following into account:

- Impact of service delivery on customers and residents.
- The state of the economy and likely impact on demand for services.
- The Corporate Plan, strategic direction and matters arising from its review.

Targets can take many forms; they may be statistical such as a specific number, value or weight, have a clear time frame or completion date, or relate to a recognised industry standard of excellence, Government guidance or legislative requirement. Most importantly, the target must be both relevant to the indicator being measured and achievable. Targets set too high will result in apparent underperformance, whilst targets set too low undermine the monitoring process.

- 3.2 The development of the corporate action plan has provided an opportunity to refresh the approach to key performance indicators (KPIs) and has identified a number of relevant KPIs. A total of 43 KPIs are proposed for monitoring in the 2021-22 year and these indicators are set out in appendix two.

4. ONGOING MONITORING

- 4.1 The Council will continue to monitor KPIs (once adopted) in the normal way through the Finance and Performance Sub-Committee and Cabinet on a regular basis. In addition it is proposed that an update on progress on the actions and milestones within the Corporate Action Plan is provided to Cabinet every 9 months, and a review is undertaken at the mid-way point of its 3 year term. In addition it is proposed CLT will monitor progress of the milestones on a quarterly basis to retain oversight.

5. NEXT STEPS

- 5.1 The feedback provided by the Overview and Scrutiny Committee will be reviewed and taken into consideration by CLT ahead of the draft Corporate Action Plan and supporting KPIs being presented to Cabinet for consideration on 22nd September 2021.

6. RISK MANAGEMENT ISSUES

- 6.1 The following perceived risks are set out in the table below:

Perceived risk	Seriousness	Likelihood	Preventative action
The Council's High level actions set out within the action plan are	High	Low	The actions have been developed by the departments and in turn should inform their service and individual team plans.

not met.			Monitor progress of the action plan and key performance indicators and take remedial action for those areas where targets and actions are unlikely to be achieved.
The key performance indicators (KPIs) do not link to the priorities of the Council's Corporate Action Plan.	High	Medium	Monitor progress against key performance indicators and take remedial action for those areas where targets and actions are unlikely to be achieved.

7. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

7.1 Legal Officer's Comments (AK)

There are no legal implications arising directly from this report.

7.2 Finance Officer's Comments (CS)

Whilst there are no direct financial implications of this report, the proposals made within it will need to be deliverable within the overall context of the resources available to the Council.

7.3 Diversities and Equalities Implications (GE)

There are no equality and diversity 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

Charlotte Spendley – Director for Corporate Services
 Email: charlotte.spendley@folkestone-hythe.gov.uk

Gavin Edwards – Performance & Improvement Specialist
 Telephone: 01303 853436
 Email: gavin.edwards@folkestone-hythe.gov.uk

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

Folkestone & Hythe District Council Corporate Plan – ‘Creating Tomorrow Together’ 2021-30

Appendices:

Appendix 1: ‘Creating Tomorrow Together’ Draft Corporate Action Plan

Appendix 2: 2021-22 Draft Key Performance Indicators (KPIs)

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**CREATING TOMORROW
TOGETHER**

**CORPORATE ACTION
PLAN**

2021-2024



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SERVICE AMBITION 1

POSITIVE COMMUNITY LEADERSHIP



Service Ambition 1: Positive Community Leadership

Priority: Improve Physical and Mental Health & Wellbeing

Over the next three years we will....	High Level Action	How do we measure this? (Milestones / KPIs etc)	Timescale	Owner	External Stakeholders
Work closely with partners to identify sites for new health facilities	Secure a new health centre at FOLCA site Work with the CCG and GP practices to develop a new health & wellbeing/medical facility at FOLCA.	Heads of Terms agreed with end user. Planning secured Construction completed and facility opened	September 2021 September 2022 December 2024	Director of Place Director of Place Director of Place	CCG, GP Practices
	Identify appropriate health provision for Otterpool Park Ensure an appropriate health facility is included within the master plan for Otterpool Park. Identify healthcare partners & users of facility	Detailed scope for new facility completed and agreed by partners	January 2023	Health, Wellbeing & Partnerships Senior Specialist	Otterpool Park LLP, CCG, GP Practices, Residents, Town & Parish Councils
Invest in leisure facilities	Build & open a new, modern leisure centre at Princes Parade Complete construction project for new Leisure Centre Secure new operator & operating structure for Leisure Centre Residential and Commercial land sales secured for remaining site and South Road site	Detailed design and associated construction procurement for build of leisure centre Phase 1 (site levels, utilities & Leisure centre) construction completed Complete procurement for new operator Decommission existing pool. Market, evaluate, agree Heads of Terms & negotiate sales contracts	December 2021 (Cabinet approval for contract) September 2023 April 2022 (Cabinet approval for appointment) August 2024	Director of Transition & Transformation Director of Transition & Transformation Director of Transition & Transformation Director of Transition & Transformation	BAM Hythe Aqua, Seapoint Canoe Centre, Leisure Industry, Residents Property agent

Invest in leisure facilities (Continued)	Develop New Leisure Strategy for the district including provision for Otterpool Park	Cabinet decision	December 2022	Director of Place	Sport England, Town and Parish Councils, Residents
	High Level Action	How do we measure this? (Milestones / KPIs etc)	Timescale	Owner	External Stakeholders
	Implement Play Area Strategy				
	Continue to work with Town and Parish Councils over the transfer of strategic and non-strategic play areas	Agreement of heads of terms, leases and service agreements of the play areas with the Town and Parish Councils	2021 ongoing	Estates and Assets Lead Specialist	Town and Parish Councils
	District Council to continue to develop priority play areas	Development of 1 priority play area per year	2022 & ongoing	Estates and Assets Lead Specialist	
	Work with developer to develop a strategic play area at North Road, Shorncliffe	New strategic play area secured	December 2022	Engineering & Buildings Senior Specialist	Developer
	Enable through partnership working the provision of a new athletics track Provide land at Three Hills sports complex through new lease agreement	Lease with Cheriton Road Sports Ground Trust agreed	December 2021	Estates and Assets Lead Specialist	Roger De Hann – charitable trust Cheriton Road Sports Ground Trust
	Secure new changing facilities at Shorncliffe Pavilion Adoption of Football Association quality sports changing facilities	Agreement of building transfer from Developer	December 2021	Estates and Assets Lead Specialist	Taylor Wimpey
Deliver new Coastal Destination Project at Coast Drive in Littlestone.	Project completion	2022	Operations Lead Specialist	New Romney Town Council Natural England Magnar / NDA Shepway Sports Trust Roger De Haan Charitable Trust White Cliffs Countryside Partnership Romney Marsh Partnership	
Project comprising of 108 new beach chalets, Café/kiosk, toilets including Changing Places facility, watersports concession, formalised parking and lighting, board walks to protect SSSI and provide inclusive access to chalets and new educational signage.	Tenancies completed for all chalets	2022	Operations Lead Specialist		
	New watersports concession in operation	2022	Operations Lead Specialist		
	Café/Kiosk occupied by new business and operational	2022	Operations Lead Specialist		

Over the next three years we will....	High Level Action	How do we measure this? (Milestones / KPIs etc)	Timescale	Owner	External Stakeholders
Improve our support and signposting for vulnerable people and enhancing our work to address poverty & financial exclusion	<p>Prepare and Establish a Customer Access Point at FOLCA to enable those who are digitally excluded to continue to access Council services.</p> <p>Continue to work with DWP to explore options to provide services from the CAP.</p>	CAP at FOLCA open	May 2022	Director of Place	DWP
	<p>Ensure our staff are appropriately trained</p> <p>Train customer facing staff (including key contractors) to identify & act on safeguarding and domestic abuse issues/concerns.</p> <p>Retain CSE accreditation including compliance pluses for our work with vulnerable customers.</p>	All customer facing staff trained	February 2022	Safeguarding Lead	Key contractors
	<p>Work with other partners to increase opportunities to support vulnerable residents</p>	Identify and map key partners to signpost to	July 2022	Health, Wellbeing & Partnerships Senior Specialist	Community Hubs, Voluntary sector, Charitable sector, education providers, Town & Parish Councils
	<p>Support vulnerable customers through wider welfare and outreach projects utilising intelligence, appropriate analytics and data to support a wider group of residents with targeted support on benefits and financial inclusion.</p>	Number of vulnerable customers supported by Welfare Officers	June 2022	Revenues & Benefits Lead	
	<p>Ensure tenants can sustain their council tenancies</p> <p>Pilot pre-tenancy training for potential tenants</p> <p>Review tenancy agreements and the tenure we offer to ensure they are fit for purpose</p>	<p>Pilot concluded & evaluated</p> <p>Review undertaken and results considered by Portfolio Holder for Housing</p>	<p>June 2022</p> <p>September 2022</p>	<p>Housing Operations Lead</p> <p>Housing Operations Lead</p>	<p>Tenants & Leaseholders Board</p> <p>Tenants & Leaseholders Board</p>

Priority: Priority: Safer Communities

Over the next three years we will....	High Level Action	How do we measure this? (Milestones / KPIs etc)	Timescale	Owner	External Stakeholders
Develop proactive and responsive services to address crime and anti- social behaviour	<p>Continue to develop the effective partnership approach of the CSU/CSP</p> <p>Identify priorities in the new Community Safety Partnership Plan which has a longer term focus</p> <p>Prepare Community Safety Action Plan as part of CSP Plan</p> <p>Develop partnership working linked to actions and objectives in the CSP Plan</p>	<p>Three year Community Safety Partnership Plan approved by Full Council</p> <p>Annual review by Overview & Scrutiny Committee</p> <p>Funding secure from Police & Crime Commissioner to deliver projects</p>	<p>November 2021</p> <p>September 2021</p> <p>October 2021</p>	<p>Community Safety Specialist</p> <p>Director of Place</p>	<p>Community Safety Partnership, Kent Police, Social Housing Providers, Voluntary Sector, Town & Parish Councils</p>
	<p>Develop a new licensing policy</p> <p>Develop and consult on draft policy</p> <p>Present the new policy to full council for adoption</p>	<p>New policy adopted</p>	<p>December 2021</p>	<p>Environmental Health and Licensing Senior Specialist</p>	<p>Community Safety Partnership, Kent Police, Night time industries, Town & Parish Councils, Residents and Businesses</p>

Priority: Priority: Supporting & empowering our communities

Over the next three years we will....	High Level Action	How do we measure this? (Milestones / KPIs etc)	Timescale	Owner	External Stakeholders
Work with partners and communities to ensure greater resilience across the district's varied communities	<p>Develop a sustainable future for the community hub model of service delivery</p> <p>Work with partners to support them in taking responsibility for community leadership</p> <p>Support hubs to access funding to deliver community activities</p> <p>Develop our website to aid better signposting and referrals</p>	<p>Hubs remaining active in supporting all areas of the district</p> <p>Level of external funding secured</p>	<p>December 2021</p> <p>Ongoing</p> <p>December 2022</p>	<p>Health, Wellbeing & Partnerships Senior Specialist</p> <p>H, W & P SS and Communications Lead</p>	<p>Kent County Council, Age UK, Hythe, Romney Marsh Community Hub, Age UK South Kent Coast</p>

	High Level Action	How do we measure this? (Milestones / KPIs etc)	Timescale	Owner	External Stakeholders
	<p>Work with Otterpool Park LLP to support the Community Engagement Strategy and Community Development Strategy which will shape both the new towns relationship with existing residents and businesses and the development of the new community itself</p>	<p>LLPs adoption of Community Engagement and Community Development Strategies Communities actively engaged in the Otterpool Park project.</p>	<p>December 2022</p>	<p>Director of Place</p>	<p>Otterpool Park LLP</p>

SERVICE AMBITION 2 A THRIVING ENVIRONMENT



Service Ambition 2: A Thriving Environment

Priority: Ensure an excellent environment for everyone

Over the next three years we will....	High Level Action	How do we measure this? (Milestones / KPIs etc)	Timescale	Owner	External Stakeholders
Ensure a clean, attractive and safe environment for residents, visitors and businesses	Increase the number of green flag awards for recreational spaces				
	Retain Green Flags for three parks – coastal park, Royal Military, Radnor Park	Three Green Flag Parks	Summer 2021	Estates and Assets Lead Specialist	Green Flag Awards
	Secure additional Green Flag for Kingsnorth Gardens	Four Green Flag Parks	Summer 2022	Estates and Assets Lead Specialist	Green Flag Awards
	Secure further two Green Flag Awards at two further sites within the District (East Cliff & Otterpool Park)	Six Green Flag Parks	Summer 2024	Estates and Assets Lead Specialist	Green Flag Awards
	Undertake proactive enforcement within our district				
	Undertake Public Space Protection Order (PSPO) renewal	Cabinet adoption of PSPO	June 2022	Environmental Protection Senior Specialist	Kent Police, Town & Parish Councils
Maintaining a visible enforcement presence across the district. Working effectively in partnership with the police.	Fixed Penalty Notices issued / Number of enforcement notices served (e.g. Abatement Notices, Community Protection Notices) / Enviro-crime patrol hours (dog fouling and littering)	Ongoing	Environmental Protection Senior Specialist		
Improve the district's visual amenity					
Improve our Street Scene responsiveness through our new street cleansing contract	Percentage of street surveyed clear of litter within in the district	April 2022	Corporate Contracts Lead Specialist / Director of Place	Veolia	
Utilise Area Officers to facilitate enhanced visual amenity of district including volunteering events	Number of community environmental volunteer events supported / Number of recorded SOD It interventions completed / Average time for graffiti to be removed from the time of being reported	Ongoing	Area Officers	Local businesses, community groups, schools	

Ensure a clean, attractive and safe environment for residents, visitors and businesses (Continued)	High Level Action	How do we measure this? (Milestones / KPIs etc)	Timescale	Owner	External Stakeholders
	Work with White Cliffs Countryside Project to further enhance green spaces across the district			Ongoing	Estates and Assets Lead Specialist
Enhance the safe parking offer available within the district Maintain 12 car parks in district that have already been awarded safe status Aim for another 3 over the next 24 months		12 designated Safer Parking Awards car parks	December 2021	Transportation Manager	Park Mark
		15 designated Safer Parking Awards car parks	December 2023	Transportation Manager	Park Mark
Over the next three years we will....	High Level Action	How do we measure this? (Milestones / KPIs etc)	Timescale	Owner	External Stakeholders
Improving cycling and walking routes	Work with Kent County Council to progress the two schemes awarded funding under the Active Travel Part 2 scheme through to implementation	New schemes open	March 2023	Strategy & Policy Senior Specialist	Kent County Council, Town & Parish Councils
	Seek further opportunities for funding to deliver the objectives of the Local Cycling and Walking Infrastructure Plan	Funding opportunities identified	Ongoing	Strategy & Policy Senior Specialist	
	Ensure the Folkestone Town Centre Place Plan maximises opportunities for improved connectivity through walking and cycling routes Secure opportunities to improve walking and cycling in/ around Folkestone Town Centre into a funding submission to the Levelling Up Fund	Levelling Up Fund bid submitted that seeks to improve routes for walking & cycling	March 2022	Director of Place / Strategy & Policy Senior Specialist	Kent County Council
	Work alongside relevant consultees and delivery partners to identify scheme(s) that will provide new and/or strengthened connections for walking and cycling, both internal and external, at the proposed Garden Settlement (Otterpool Park)	Relevant schemes adopted within sustainable transport strategies	March 2023	Strategy & Policy Senior Specialist	Homes England, Otterpool Park LLP

Over the next three years we will....	High Level Action	How do we measure this? (Milestones / KPIs etc)	Timescale	Owner	External Stakeholders
Take positive measures to encourage biodiversity	Undertake pilot to explore options to phase out the use of pesticides on Council land	Evaluation of pilot, to include cost, labour investment, impact on management of land	October 2022	Estates and Assets Lead Specialist	
	Work with partners in the district to conserve & protect the natural beauty of the district Develop a Management Plan for relevant sites, targeted at protecting habitats, education of visitors and effective signage & communications	Management Plan adopted	January 2023	Low Carbon & Sustainability Specialist, Estates and Assets Lead Specialist, Communications Lead	
	Work with Otterpool Park LLP to secure the aspiration of 20% net biodiversity gain across the lifetime of the development	Plan for biodiversity gain adopted by LLP.	Ongoing	Strategy, Policy & Performance Lead, Low Carbon & Sustainability Specialist	Otterpool Park LLP
Priority: Increase our resilience to climate change					
Over the next three years we will....	High Level Action	How do we measure this? (Milestones / KPIs etc)	Timescale	Owner	External Stakeholders
Improve the council's energy and resource efficiency	Introduce EV charging points to district car parks Roll out planned programme for EV charging available across district	2 EV charging points per car park in district	January 2022	Transportation Manager	
	Explore options for EV fleet for council vehicles (non-contracted services) and improving fuel efficiency in line with agreed Carbon Action Plan	Carbon Action Plan actions completed	February 2023	Strategy, Policy & Performance Lead, Low Carbon & Sustainability Specialist	
	Minimise waste & usage as an employer End single-use plastic on own estate; review office consumables and recycling to minimise waste; explore water and energy efficiency measures in line with agreed Carbon Action Plan	Carbon Action Plan actions completed	February 2023	Strategy, Policy & Performance Lead, Low Carbon & Sustainability Specialist	
	Roll out Street lighting LED upgrade project	Street lights converted to LED, relevant transfers made to KCC	March 2023	Estates and Assets Lead Specialist	Kent County Council
	Undertake Feasibility Study for new Civic Suite at Otterpool Park in line with appropriate BREEM standards	Feasibility Study considered by Cabinet	March 2022	Director of Transformation and Transition	Otterpool Park LLP

Priority: Grow the circular economy & reduce waste

Over the next three years we will....	High Level Action	How do we measure this? (Milestones / KPIs etc)	Timescale	Owner	External Stakeholders
<p>Drive up recycling rates and work with partners to highlight the benefits from reducing, rethinking, recycling and reusing materials.</p>	<p>Improve recycling rates across the district New waste management contract (new targets identified)</p> <p>Fully embed Echo system within waste collection service to ensure better data on rates of participation</p> <p>Respond to expected statutory changes resulting from the UK Resources and Waste Strategy 2018 and the Waste Prevention Programme proposals</p>	<p>Collection targets met Number of missed collections per 100,000 – Quarterly Target 50</p> <p>Percentage of household waste recycled – Quarterly Target 50%</p>	<p>February 2021</p> <p>January 2022</p>	<p>Regulatory Services and Corporate Contracts Lead Specialist / Waste Services Manager</p> <p>Regulatory Services and Corporate Contracts Lead Specialist / Waste Services Manager</p>	
	<p>Reducing, Rethinking, Reusing & Recycling District wide carbon action plan to be developed, to include programme to undertake Promotion / Education for residents and visitors including schools</p> <p>Promote sustainable design and construction (BREEM) for projects across the district.</p>	<p>District wide promotion campaign undertaken</p> <p>Number people reached through campaigns</p>	<p>July 2022</p> <p>September 2022</p>	<p>Strategy, Policy & Performance Lead, Low Carbon & Sustainability Specialist</p> <p>Chief Planning Officer</p>	

SERVICE AMBITION 3

A VIBRANT ECONOMY



Service Ambition 3: A vibrant economy

Priority: Reinvigorate our high streets

Over the next three years we will....	High Level Action	How do we measure this? (Milestones / KPIs etc)	Timescale	Owner	External Stakeholders
Seek to promote sustainable growth and regeneration of Folkestone Town Centre through transformational projects, diversification and investment	Folkestone Town Centre Place Plan Conclude public consultation and complete Place Plan	Cabinet Agreement	September 2021	Director of Place	Kent County Council, Folkestone & Hythe Business Advisory Board, Folkestone Town Council, Creative Folkestone.
	Develop associated Action Plan	Cabinet Agreement	September 2021	Director of Place	
	Levelling Up Fund Application submitted	Bid Submitted	June 2022		
	Redevelopment of FOLCA Secure a new health, wellbeing and medical facility in the FOLCA building	Heads of Terms agreed with end user.	September 2021		CCG, GP Practices
		Planning secured	September 2022	Director of Place	
	Develop housing led mixed use scheme	Construction completed and facility opened	December 2024	Director of Place	
		Confirm vision for the development and scope of mixed use requirements.	September 2023	Director of Place / Director of Housing & Operations	
		Attract private sector delivery partner			
	Ship Street Regeneration Deliver housing led regeneration scheme	Attract private sector delivery partner	March 2022	Director of Place / Director of Housing & Operations	Creative Folkestone
		Scheme agreed and planning secured	December 2022		

High Level Action	How do we measure this? (Milestones / KPIs etc)	Timescale	Owner	External Stakeholders
<p>Encourage increased footfall, local spend, new businesses and diversification</p> <p>Utilise High Street Fund monies to encourage visitors and residents into the town centre</p> <p>Market Improvement Programme</p> <p>Deliver programme of Shop Local Initiatives</p>	<p>Funds fully allocated</p> <p>Outcomes assessed</p> <p>2 campaigns annually</p> <p>Measure footfall</p>	<p>March 2022</p> <p>March 2023</p> <p>Ongoing</p>	<p>Director of Place</p> <p>Director of Place</p> <p>Director of Place</p>	<p>Town centre traders and businesses, Kent County Council, Folkestone Town Council</p>
<p>Improve public facilities to support the regeneration of Folkestone Town Centre</p> <p>Complete the renovation of Pleydell Garden Public toilets.</p>	<p>Toilets renovated and reopened</p>	<p>June 2022</p>	<p>Estates and Assets Lead Specialist</p>	
<p>Promote high quality public realm and built environment</p> <p>Folkestone and Hythe Place Panel actively involved in projects of scale or strategic significance.</p> <p>Design based Supplementary Planning Guidance developed.</p>	<p>3 engagements per year</p> <p>New SPG approved</p>	<p>Annual</p> <p>June 2022</p>	<p>Director of Place</p> <p>Chief Planning Officer</p>	<p>Folkestone and Hythe Place Panel, Kent County Council</p>
<p>Explore options for more residential dwellings in and around town centres to increase diversification and to concentrate the retail area</p> <p>Explore mixed development opportunities including accommodation over the shops and Work/Live units</p>	<p>Number of additional units created.</p> <p>Number of new tenants, leaseholders contributing to the vibrancy of the town centre.</p>	<p>2023 onwards</p>	<p>Director of Housing & Operations / Assistant Director of Housing</p>	

Priority: Support a vibrant and diverse business community

Over the next three years we will....	High Level Action	How do we measure this? (Milestones / KPIs etc)	Timescale	Owner	External Stakeholders
Develop a targeted approach to supporting businesses through Folkestone Works, business support programmes and working with partners to encourage investment in the district.	Improve incubation support for new businesses Deliver Romney Marsh Business Hub (RMBH)	Construction complete and facility open	December 2021	Director of Transformation and Transition	East Kent Spatial Development Company, Magnox, Romney Marsh Partnership
	Develop a new tenant grant support scheme to support the take-up of the RMBH	Full allocation of Grant support scheme	March 2023	Director of Place	
		RMBH 100% occupied	March 2023		
	Complete the development of the link road at Mountfield Road to facilitate serviced sites for future business growth	Completion of Road	January 2022		Breheney Engineering, SELEP
	Develop 5,802sqm new employment space at Bigginwood	Secure 100% of the funding required	October 2022	Director of Housing and Operations	Contractor
		Construction completed and sites / new business space open.	April 2023	Director of Place	
		Amount of business space created (Sqm)	April 2024		
	Increased support to the self-employed Establish a programme of support to encourage new self-employment	No of new self-employed businesses established	March 2022	Chief Economic Development Officer	

Develop a targeted approach to supporting businesses through Folkestone Works, business support programmes and working with partners to encourage investment in the district. (Continued)	High Level Action	How do we measure this? (Milestones / KPIs etc)	Timescale	Owner	External Stakeholders
	Supporting existing businesses in the district Identify and meet gaps in business support provision offered at the regional level for businesses in the district	New business support programme to meet gaps in provision established	April 2021	Chief Economic Development Officer	Locate in Kent, East Kent Colleges, Folkestone & Hythe Business Board, Kent and Medway Growth Hub, SELEP, Kent County Council, local businesses
	To signpost and promote existing public sector business support programmes to Folkestone and Hythe businesses looking to grow.	At least 10 Folkestone & Hythe businesses accessing business support and grants from public sector programmes	March 2022	Chief Economic Development Officer	
	Continue to proactively engage with key businesses across the district to understand their business needs.	At least 50 businesses or potential entrepreneurs/ new start-ups signposted to support programmes and events to facilitate growth	March 2022	Chief Economic Development Officer	
		At least 12 key businesses are met with and supported	March 2022	Chief Economic Development Officer	
	Promote inward investment Work with 'Locate in Kent' to attract inward investment into the district	Number of funding opportunities pursued to deliver new investment schemes in the district – Annual Target: 2	March 2023	Chief Economic Development Officer	Locate in Kent
	FHDC local contracting policy Develop and adopt a policy to encourage local businesses to contract with the council and maximise Social Value opportunities through contracts	Establish and adopt a new policy At least 3 local business contracting with the council	March 2022 March 2023	Corporate Contracts Lead Specialist	

Develop a targeted approach to supporting businesses through Folkestone Works, business support programmes and working with partners to encourage investment in the district. (Continued)	High Level Action	How do we measure this? (Milestones / KPIs etc)	Timescale	Owner	External Stakeholders
	Exploit new economic growth Opportunities in the district Support and promote growth in key growth sectors, including Green & Nuclear, Creative Industries and Tourism	Economic Strategy and Action Plan in place	December 2022	Chief Economic Development Officer	Romney Marsh Partnership, Otterpool Park LLP, Kent and Medway Economic Partnership, Folkestone & Hythe Business Board
	Through the Romney Marsh Partnership attract new funding and take forward initiatives to diversify the Romney Marsh economy from its reliance on the nuclear sector	No of funding applications	December 2023	Chief Economic Development Officer	
	Support and promote employment growth at Otterpool Park	Works with Otterpool LLP to develop an employment strategy and action plan for key employment sites at Otterpool Park	December 2023	Chief Economic Development Officer	

Priority: Help people access jobs & opportunity and grow skills we need for the future

Over the next three years we will....	High Level Action	How do we measure this? (Is there a relevant KPI?)	Timescale	Owner	Stakeholders Involved
Mitigate the impacts of unemployment, both as an employer ourselves and in supporting and signposting businesses and individuals to training, education & other programmes that could benefit them.	Successfully deliver the Folkestone Community Works programme Work with potential delivery partners and match funders to develop projects that help the long term unemployed residents within the east, harbour and central areas of Folkestone	100% of the available ERDF and ESF funding is allocated	By end of March 2023	Chief Economic Development Officer	Skills providers, local businesses
	Ensure the delivery of an employability-type hub in Folkestone using the ERDF funding available	100% of the ERDF funding for an employability-type hub is allocated	By end of March 2023	Chief Economic Development Officer	

Mitigate the impacts of unemployment, both as an employer ourselves and in supporting and signposting businesses and individuals to training, education & other programmes that could benefit them. (Continued)	High Level Action	How do we measure this? (Is there a relevant KPI?)	Timescale	Owner	Stakeholders Involved
	<p>Improve skills provision for all residents to access employment and meets the needs of local businesses Work closely with East Kent College and DWP to ensure that skills training provision meets the needs of local employers</p> <p>Undertake an annual employers survey to identify skills needs</p>	<p>At least 20% response to annual survey/improved response by employers that local provision meets their needs</p>	<p>Annual</p>	<p>Economic Development</p>	<p>East Kent Colleges, DWP, Folkestone & Hythe Business Board, Kent and Medway Growth Hub, SELEP, Kent County Council, local businesses</p>
<p>Work with partners and employers to create more job opportunities for local people Undertake business engagement with key employers and potential inward investors to ensure all opportunities for business growth are exploited</p>	<p>At least 12 businesses engaged with annually/ Support is provided to key employers to aid growth/retention</p>	<p>Annual</p>	<p>Economic Development</p>	<p>Locate in Kent, Folkestone & Hythe Business Board, Kent and Medway Growth Hub, SELEP, Kent County Council, local businesses</p>	

SERVICE AMBITION 4
QUALITY HOMES
AND
INFRASTRUCTURE



Service Ambition 4: Quality Homes and Infrastructure

Priority: Improve outcomes & support for homeless people

Over the next three years we will...	High Level Action	How do we measure this? (Milestones / KPIs etc)	Timescale	Owner	External Stakeholders
Invest in additional support for those who are homeless or vulnerable to homelessness	Focus on homelessness prevention Enhance work with local partners and services to prevent homelessness amongst vulnerable households.	Improve the successful preventions. KPI: 5% reduction annually using 2020 as a datum. KPI: Total number of homelessness approaches KPI: Percentage of homelessness approaches closed as 'homelessness prevented' (target 4%)	Annual	Housing Lead Specialist - Strategic Housing	Local voluntary and statutory sector partners.
	Work to end rough sleeping in the district Work with partner agencies to increase the range of housing solutions and support to people who are rough sleeping or risk of rough sleeping in the district	Monitor numbers identified through the annual rough sleeper count. KPI: Average number of rough sleepers in the period	Annual	Housing Lead Specialist - Strategic Housing	Local voluntary sector agencies
	Identify new funding opportunities for the continuation of support services for vulnerable homeless people Work with our local partners to develop local service and access the funding to deliver them.	Resources obtained	Ongoing	Housing Lead Specialist - Strategic Housing	Local voluntary sector agencies
	Deliver our Next Steps Accommodation Programme Provide 6 units of supported accommodation with intensive support for the most vulnerable rough sleepers.	Units delivered and available for occupation	October 2021	Housing Lead Specialist - Strategic Housing	Local voluntary sector agencies

Over the next three years we will....	High Level Action	How do we measure this? (Milestones / KPIs etc)	Timescale	Owner	External Stakeholders
End rough sleeping by ensuring that we provide early intervention and support	<p>Implement Homelessness Strategy To maintain long term the FHDC Rough Sleeper Outreach Service, now being delivered by the FHDC Prevention Plus Team</p>				
	<p>Develop early an intervention support service for those with no accommodation to go to, such as care leavers, people leaving prison and hospitals to reduce the number of new rough sleepers</p>	<p>Reduction in the number of people being discharged from care, health and detention services with “no fixed abode” (NFA) to go to. A drop in the number of individuals identified as new to rough sleeping</p>	2025	Housing Lead Specialist - Strategic Housing	Statutory and Voluntary Partners and Local Community
	<p>Continue to work with partners and local agencies to develop a holistic approach to supporting rough sleepers in relation to mental health, social services care and substance misuse</p>	<p>FHDC Homelessness Forum to meet quarterly FHDC Rough Sleeper Forum to meet regularly Rough sleepers’ feedback Improved access and sustained engagement with treatment services, particularly mental health services, by rough sleepers.</p>	2025	Housing Lead Specialist - Strategic Housing	Statutory and Voluntary Partners and Local Community
	<p>Work with partners and agencies to increase the range of housing solutions and support available to rough sleepers, including development of a Housing First Project</p> <p>Continue to support the Folkestone Churches Winter Shelter. Assist the partnership to review the service delivered</p> <p>Develop the first units in the district of Housing First accommodation in partnership with local agencies.</p>	<p>Complete the set-up of at least 2 units of Housing First accommodation by 2025.</p>	2025	Housing Lead Specialist - Strategic Housing	Folkestone Churches, Statutory and Voluntary Partners and Local Community

Over the next three years we will....	High Level Action	How do we measure this? (Milestones / KPIs etc)	Timescale	Owner	External Stakeholders
Maximise access to affordable and suitable accommodation	Bring long-term empty homes back into use Continue local partnerships to bring-long term empty homes back into use	At least 70 long-term empty homes returned to use each year KPI: Number of Long-term empty homes brought back into use (target 70)	Annually	Housing Lead Specialist - Strategic Housing Adrian Hammond	
	Increase the supply of affordable homes for rent and low cost home ownership Deliver the Council's new build and acquisition programme. Work with affordable housing providers to maximise the number of affordable homes delivered in the district each year.	At least 80 additional affordable homes delivered each year. KPI: Affordable homes delivered by the Council and its partners (target 80) KPI: Affordable homes for low cost home ownership delivered by the Council and its partners	Annually	Housing Lead Specialist - Strategic Housing Adrian Hammond	Housing associations and other local affordable housing delivery partners.
	Improve the condition of private sector housing across the district Implement the Council's housing enforcement policy. Continue the Council's HMO licensing programme	At least 200 private sector homes improved KPI: Private sector homes improved as a result of intervention by the Council (target 200)	Annually	Housing Lead Specialist - Strategic Housing Adrian Hammond	Private owners, Home Improvement Agency

Priority: Deliver sustainable, affordable housing

Over the next three years we will....	High Level Action	How do we measure this? (Milestones / KPIs etc)	Timescale	Owner	External Stakeholders
Deliver a range of high quality and new affordable housing	Develop Housing Asset Management Strategy Retrofitting - Working towards investigating carbon neutrality targets & reducing fuel poverty	Adoption of Strategy by Cabinet	December 21	Assistant Director of Housing	Tenants Board, market, Otterpool Park LLP, housing providers
	A strategy that that sets out the practical vision for the HRA estate, new build, response to carbon reduction Explore options for use of Modern Methods of Construction within the HRA	Strategy and action plan is delivered to time and budget as monitored via KPI's & audit.	November 21	Assistant Director of Housing	Tenants Board, market, Otterpool, housing providers

Deliver a range of high quality and new affordable housing (Continued)	High Level Action	How do we measure this? (Milestones / KPIs etc)	Timescale	Owner	External Stakeholders
	New build and acquisition programme Work with partners to develop new build pipeline Working towards carbon neutrality	Establish network of partners to review any future development opportunities	2021-2023	Assets & Development Lead / Lead Specialist Strategic Housing	Otterpool Park LLP, housing providers
		Draft Carbon Strategy created to cover retrofitting of existing stock but also new build standards	November 2021	Assets & Development Lead	
		KPI: Council home new builds and acquisitions started on site (target 20 pa)	October 2021	Assets & Development Lead / Lead Specialist Strategic Housing	
	Explore Community Led Housing options including self-build Actively promote information available on website	Information available on the Council's Website put into affordable housing	December 21	Lead Specialist Strategic Housing	Otterpool Park LLP, housing providers
Promote shared ownership housing opportunities in the district Establish a register for interest in shared ownership	Register established Self-build delivering new homes.	December 21 December 23	Lead Specialist Strategic Housing / Lead Specialist Assets & Development Lead	Otterpool Park LLP, housing providers	
Self-build register Enhance & promote information available on website	Online portal available for use	December 21	Strategy, Policy & Performance Lead Specialist		
Over the next three years we will....	High Level Action	How do we measure this? (Milestones / KPIs etc)	Timescale	Owner	External Stakeholders
Reinvest in our existing stock	Undertake full stock survey to ascertain current baseline position Develop the findings from the stock survey into the HRA business plan and a deliverable maintenance programmes including procurement that supports the district economy	Surveys undertaken	September 2021	Assets & Development Lead Assistant Director of Housing	Tenants & Leaseholders Contractors
		Development of HRA Business Plan & Cabinet agreement	January 2022		

Reinvest in our existing stock (Continued)	High Level Action	How do we measure this? (Milestones / KPIs etc)	Timescale	Owner	External Stakeholders
	Re-procurement of repairs and voids contract Housing Responsive Repairs Contract Working Group created to appraise options	Option Appraisal completed and approved by council	Options appraisal completed September 2021 Contracts in place September 2022 for commencement April 2023	Assets & Development Lead Assets & Development Lead	Procurement Tenants & Leaseholders
Modernise the sheltered housing schemes Completion of sheltered housing scheme options appraisal. Prioritisation of all schemes for refurbishment Initial 5 year programme for refurbishment, modernisation, rebuild in place.	Options appraisal completed Tenant engagement undertaken Programme agreed by Cabinet	Consultation to start 2022	Housing Operations Lead	Tenants, tenants families Local member Support agencies working in the schemes Design completion with local companies	

Priority: Digital inclusion & connectivity

Over the next three years we will....	High Level Action	How do we measure this? (Is there a relevant KPI?)	Timescale	Owner	Stakeholders Involved
Drive the deployment of high speed digital connectivity by working closely with partners and government.	Identify the district wide infrastructure and connectivity challenges Understand the current baseline of connectivity across the district Engage with KCC and Government to seek to improve connectivity	Connectivity mapped for district	December 2022	Strategy, Policy and Performance Lead Specialist	Kent County Council, Central Government
	Identify next generation connectivity opportunities Understand & future proof new homes developed by Council or on behalf of Council. Explore options for spare capacity to be deployed to community	Future proofing measured by what's included in new build. Spare capacity, part of a broader approach e.g. as part of a council offer to share spare capacity from offices, shops	2022 onwards 2023 onwards	Lead Officer Assets & Development	Tenants
	Encourage the use of available subsidies to extend the rollout of fibre broadband into commercially less attractive rural and harder to reach areas of the district Promote opportunities to residents and businesses	Promotion campaign undertaken	December 2022	Strategy, Policy and Performance Lead Specialist	Kent County Council, Central Government

Drive the deployment of high speed digital connectivity by working closely with partners and government. (Continued)	High Level Action	How do we measure this? (Is there a relevant KPI?)	Timescale	Owner	Stakeholders Involved
	<p>HRA New build to include new technology that will reduce carbon footprint improve management of compliance e.g. remote monitoring, self-reporting equipment</p> <p>Specify the extent of new technology and build in capacity for future unknown technologies to all homes build and purchased by the HRA</p>	Measured by peer review of new build schemes	December 2021 onwards	Lead Officer Assets & Development	

Priority: Deliver a sustainable new development at Otterpool Park

Over the next three years we will....	High Level Action	How do we measure this? (Is there a relevant KPI?)	Timescale	Owner	Stakeholders Involved
Ensure the Garden Town is developed in a sustainable way in line with the agreed Otterpool Park Charter	<p>Adopt the Core Strategy</p> <p>Ensure that the Core Strategy Review is successfully adopted identifying the site allocation for Otterpool Park within it</p>	Full Council adopt Core Strategy	December 21	Strategy, Policy and Performance Lead Specialist	Residents, Planning Inspectorate, Government agencies, Kent County Council
	<p>Agree framework for the Strategic Land Agreement and Funding Agreements between Council and Delivery vehicle</p>	Agreements formally adopted by delegated decision makers	November 21	Director of Place, Director of Corporate Services, Monitoring Officer	Otterpool Park LLP
	<p>Consider and Agree the updated Business Plan</p>	Cabinet decision	February 2022	Director of Place	Otterpool Park LLP
	<p>Consider and Agree proposed Business Cases for Phases as they are proposed by the Delivery Vehicle.</p>	Cabinet decision	2022 & Ongoing	Director of Place & Statutory Officers	
	<p>Consider the proposed Planning Application</p>	Determination on application	2022	Chief Planning Officer	Government Agencies, statutory bodies, Town & Parish Councils, Kent County Council

CREATING TOMORROW TOGETHER

CORPORATE ACTION PLAN

2021-2024

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Folkestone & Hythe District Council, Civic Centre, Castle Hill Avenue,
Folkestone, Kent, CT20 2QY

folkestone-hythe.gov.uk



APPENDIX 2

Proposed KEY PERFORMANCE INDICATORS 2021-22 (DRAFT)					
	Time Period	TARGET	Service Area	Link with the Corporate Plan	Notes
A VIBRANT ECONOMY					
Total Folkestone & Hythe High Streets funds allocated	Annual	100% of the funds allocated	Economic Development	A Vibrant Economy	
Number of engagements undertaken by the Folkestone & Hythe Place Panel on projects aimed at improving the public realm.	Annual	3	Planning	A Vibrant Economy	
Total funding allocated from the Romney Marsh Business Hub grant support scheme	Annual	50% of available funds allocated in 2021-22	Economic Development	A Vibrant Economy	
Total Amount of business space created at Mountfield Road	Annual	751sqm created	Economic Development	A Vibrant Economy	
Number of Folkestone & Hythe businesses accessing business support and grants from public sector programmes	Annual	10	Economic Development	A Vibrant Economy	
Number of businesses or potential entrepreneurs/ new start-ups signposted to support programmes and events to facilitate growth	Annual	50 minimum	Economic Development	A Vibrant Economy	
Total funds allocated from the Folkestone Community works Programme	Annual	70% of the allocated funds spent by end of 2021/22	Economic Development	A Vibrant Economy	
Number of businesses engaged with in the district to support growth and retention of local people	Annual	12	Economic Development	A Vibrant Economy	
A THRIVING ENVIRONMENT					
Retain Green Flags for the Coastal Park, Royal Military Canal and Radnor Park sites	Annual	3	Estates and Assets	A Thriving Environment	
Increase the number of Green Flags to four within the plan period.	Annual	4 over the action plan period	Estates and Assets	A Thriving Environment	
Number of enforcement notices served (e.g. Abatement Notices, Community Protection Notices)	Annual	*100 (informal)	Environmental Protection	A Thriving Environment	
Fixed Penalty Notices issued	Annual	*300(informal)	Environmental Protection	A Thriving Environment	
Percentage of street surveyed clear of litter within in the district	Monthly	95%	Waste Services	A Thriving Environment	
Number of community environmental volunteer events supported	Quarterly	15	Local Area Officers	A Thriving Environment	
Number of recorded SOD It interventions completed	Quarterly	1200	Local Area Officers	A Thriving Environment	
Average time for graffiti to be removed from the time of being reported	Quarterly	48 Hrs	Local Area Officers	A Thriving Environment	
Number of new electric vehicle charging points installed within district owned car parks	Annual	2	Transportation	A Thriving Environment	
Percentage of street lighting within the district converted to LED	Annual	100% completion by March 2023	Estates and Assets	A Thriving Environment	
Number of missed bin collections per 100,000	Monthly	50	Waste Services	A Thriving Environment	
Percentage of household waste recycled	Monthly	50%	Waste Services	A Thriving Environment	
Compliant air quality monitoring sites	Quarterly	18 sites	Environmental Protection	A Thriving Environment*	Statutory KPI
POSITIVE COMMUNITY LEADERSHIP					
Number of new priority play areas improved by the Council	Annual	1 site per year	Estates and Assets	Positive Community Leadership	
Average number of days taken to process new claims for Housing Benefit	Monthly	17	Revenue and Benefits	Positive Community Leadership	Statutory KPI - The New claims figure for DWP and feeds into the national statistics and targets
% food premises broadly compliant (equivalent to 3 rating)	Quarterly	95%	Environmental Health and Licensing	Positive Community Leadership	Statutory KPI - A measure that the Food Standards Agency use to determine how effective Local Authorities are at food safety regulation
QUALITY HOMES AND INFRASTRUCTURE					
QUALITY HOMES AND INFRASTRUCTURE					
Numbers of new homes built within the district	Annual	738 homes (Target on adoption of the Core Strategy Review)	Strategy, Policy and Performance	Quality Homes and Infrastructure	
Percentage reduction in homelessness	Annual	5% based on 2020 data	Housing Service	Quality Homes and Infrastructure	
Number of homelessness approaches (includes Triage, Prevention, Relief & Decision cases)	Monthly	No Target	Housing Service	Quality Homes and Infrastructure	
Percentage of homelessness approaches closed as 'homelessness prevented'	Monthly	4%	Housing Service	Quality Homes and Infrastructure	
Average number of rough sleepers in the period	Monthly	<6	Housing Service	Quality Homes and Infrastructure	
Long-term Empty Homes brought back into use	Annual	70	Housing Service	Quality Homes and Infrastructure	
Affordable homes delivered by the Council and its partners	Annual	80	Housing Service	Quality Homes and Infrastructure	
Affordable homes for low cost home ownership delivered by the Council and its partners	Annual	30	Housing Service	Quality Homes and Infrastructure	
Private sector homes improved as a result of intervention by the Council	Annual	200	Housing Service	Quality Homes and Infrastructure	

Council home new builds and acquisitions started on site	Annual	20	Housing Service	Quality Homes and Infrastructure	
% of major planning applications to be determined within statutory period including any agreed extension of time	Quarterly	60%	Development Management	Quality Homes and Infrastructure	Statutory KPI - Target reported to MHCLG
% of minor applications to be determined within the statutory period including any agreed extension of time	Quarterly	70%	Development Management	Quality Homes and Infrastructure	Statutory KPI - Target reported to MHCLG
% of other planning applications to be determined within statutory period including any agreed extension of time	Quarterly	85%	Development Management	Quality Homes and Infrastructure	Statutory KPI - Target reported to MHCLG
Transparent, stable, accountable & accessible					
Business Rates collection rate	Monthly	97.50%	Finance	Transparent, stable, accountable & accessible	Statutory KPI
Increase take up of MyAccount and online transactions	Annually	15%	Customer Services	Transparent, stable, accountable & accessible	
All Freedom of Information / Environmental information Requests to be responded to within the statutory period of (20 working days or lawful extension).	Monthly	90%	Democratic Services and Information Governance	Transparent, stable, accountable & accessible	
All Subject Access Request responses to be provided within the statutory period (1 calendar month or lawful extension).	Monthly	90%	Democratic Services and Information Governance	Transparent, stable, accountable & accessible	

This Report will be made public on 27 August 2021



Report Number **OS/21/07**

To: Overview and Scrutiny
Date: 7th September 2021
Status: Non - Key Decision
Responsible Officer: Jyotsna Leney/ Karen Weller
Responsible Member: Cllr Jennifer Hollingsbee, Cabinet Member for Communities, Lifeline, Area Officers & Street Homeless

SUBJECT: Folkestone and Hythe Community Safety Partnership (CSP) Plan 21-24

SUMMARY: Folkestone & Hythe Community Safety Partnership (CSP) has developed a new 3 year Community Safety Plan for 21-24 (Appendix 1). The Overview and Scrutiny Committee acts once a year as the Crime and Disorder Scrutiny Panel as set out in legislation to ensure that the CSP is working effectively and responsible authorities are discharging their statutory functions in respect of community safety.

RECOMMENDATIONS:

1. To receive and note report OS/21/07 and CSP plan attached.
2. To receive presentations from partners of the CSP
3. To provide feedback on the draft CSP Plan 2021-24

1. BACKGROUND

- 1.1 The F & H CSP has published its community safety plan. The Overview and Scrutiny Committee acts once a year as the Crime and Disorder Scrutiny Panel to oversee community safety work across the district.
- 1.2 The Committee will receive presentations from representatives who chair the various sub-groups of the CSP to address issues facing our District. The CSP has to take into regard the priorities of a number of other strategies including the Police and Crime Commissioner's plan and the County Community Safety Agreement.

2. LEGISLATIVE BACKGROUND

- 2.1 The Crime and Disorder Act 1998 set out the need to scrutinise the work of partners in addressing crime and disorder matters and section 19 of the Police and Justice Act 2006 provided further details on the operation of local authority crime and disorder overview and scrutiny committees in England and Wales. These provisions for further supplemented by The Crime and Disorder (Overview and Scrutiny) Regulations 2009.
- 2.2 The 2009 regulations gave more details around co-opting members to the Committee and addressed other matters e.g. frequency of meetings (not less than once a year). As a result the Council's constitution reflects this and the OSC takes on the scrutiny function for the CSP once a year.
- 2.3 Section 19 of the regulations requires every local authority to have a crime and disorder committee with the power to review and scrutinise, and make reports and recommendations regarding the functioning of responsible authorities.

3. Community Safety Partnership Plan 2021-24

- 3.1 The Folkestone and Hythe Community Safety Partnership (CSP) have produced a three year partnership plan covering the period 21-24 (refer to Appendix 1). This contains an overview of the work of the partnership, how it is structured e.g. its sub groups and cites key supporting legislation.
- 3.2 The plan also reflects on issues impacting the work of the partnership including Covid 19 recovery, new legislation such as the violence reduction bill and Domestic Abuse Act 2021.
- 3.3 The CSP have also carried out a strategic assessment of crime trends (a statutory requirement) using data from many sources and this restricted document has helped in shaping the priorities of the CSP which are set out together with activities to be carried out by the sub groups.
- 3.4 Practical examples of projects delivered eg from Police and Crime Commissioner funding (PCC) funding are also set out. The plan has been kept deliberately succinct and will be reviewed annually. OSC will have the opportunity to hear about the annual review.

- 3.5 The key priorities of the partnership are set out on page 10 of the plan and are split across the 3 sub-groups, across all of these priorities the following cross cutting themes feature:
- violence reduction
 - covid recovery
 - reducing offending
- 3.6 The F&H CSP does have regard to the KCC County Community Safety Agreement (CSA) and they in turn have regard to the priorities contained within District CSP plans. The plan contains some information relating to the County CSA which is also a statutory requirement.
- 3.7 Members of OSC will additionally receive a PREVENT presentation.
- 3.8 Members are asked to provide feedback on the draft Community Safety Plan 2021-24.

4. RISK MANAGEMENT ISSUES

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

Perceived risk	Seriousness	Likelihood	Preventative action
Report not agreed and statutory duty to compile a CSP Plan compromised	Medium	Low	To agree the Plan

5. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

- 5.1 **Legal Officer's Comments (NM)**
As detailed in the report the Community Safety Partnership Plan is required by the Crime and Disorder Act 1998. By adopting the Plan the Council is complying with its statutory obligations
- 5.2 **Finance Officer's Comments (DH)**
There are no financial implications arising from this report as expenditure is offset by funding provided by PPC. Any funding the Council may wish to add to will come from existing base budgets already allocated to Crime and Disorder cost area
- 5.3 **Communication Officer Comments (JW)**
There are no communications implications arising out of this report.
- 5.4 **HR Officer comments (RB)**
There are no direct HR implications emanating from this report
- 5.5 **Equalities and Diversities comments (GE)**

There are no equality and diversity implications directly arising 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

Jyotsna Leney

Health Wellbeing and Partnerships Senior Specialist

Tel: 01303 853460

Email: jyotsna.leney@shepway.gov.uk

Appendices:

Appendix 1: Folkestone & Hythe Community Safety Plan 21-24

FOLKESTONE & HYTHE DISTRICT COMMUNITY SAFETY PARTNERSHIP PLAN

1 April 2021 - 31 March 2024



FOLKESTONE & HYTHE
**COMMUNITY SAFETY
PARTNERSHIP**

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Introduction

Folkestone & Hythe Community Safety Partnership (CSP) is a statutory body bringing together a number of public sector agencies to tackle crime, disorder, anti-social behaviour, substance misuse and reduce re-offending.

The Community Safety Partnership is overseen by an executive group, comprising senior personnel from the responsible authorities and other agencies, including the voluntary and community sector. Sub-groups, addressing the agreed directions of action, have been set up to deal with priorities of the CSP. Each sub-group has an action plan to address the objectives set by the Community Safety Partnership Executive. Additionally the CSP utilises its multi-agency Community Safety Unit – CSU (co-ordinated by Folkestone & Hythe District Council) to carry out operational delivery.

This plan has in the past been renewed on a yearly basis, however the CSP is now moving to a three yearly partnership plan but with an annual review. The plan is informed by an annual strategic assessment process (statutory requirement and a restricted document).

The purpose of a Strategic Assessment (SA) is to provide knowledge and understanding of community safety issues to partners of the CSP, support development of the plan and help identify key priorities for the CSP. This is done through intelligence analysis to identify the emerging priorities by considering the patterns, trends and shifts relating to community safety. The yearly SA process will help identify any revisions required to the plan over its three year life span (the time span for data is October – September i.e. for this year 1 October 2019 to 30 September 2020).

The CSP also works closely with other relevant agencies, the voluntary and community sector, the business sector and local residents.

In addition the Kent wide CSP also influences activity and the County Community Safety Agreement (CSA) produced by Kent County Council (statutory requirement) requires local CSPs to have regard to the activity contained within the CSA. KCC also takes into account the priorities of District CSPs in Kent when formulating the CSA.

The current global pandemic and the introduction of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 will have had an impact on activity in the last year and will have an ongoing impact within the district.

The full effect of Brexit on Kent and its businesses is still largely unknown at the time this plan was produced. Finally, consideration must be given to issues such as the Prevent strategy, which focuses on safeguarding people and communities from extremism and radicalisation, modern day slavery and other vulnerabilities that our communities face.

Background

The latest population figures from the 2019 mid-year population estimates show that there are 113,000 people living in the Folkestone & Hythe district. This population size ranks Folkestone & Hythe as the third smallest Kent local authority district area. 63% of the district's population live in urban areas with the remaining 37% living in the surrounding rural area.

The Folkestone urban area is home to 48% of the total population whilst 16% of the district's residents live in the Hythe urban area. The age profile of the Folkestone & Hythe population shows that the district has an older age profile compared to the county average, with a greater proportion of people aged over 50 than the average for the Kent County Council (KCC) area.

In terms of crime, the area has one of the lowest rates in Kent for vehicle offences, shoplifting and some theft offences, public order offences and violence with injury. However it has a higher rate than some other districts for violence without injury, violence against the person and victim based crime. (For further information see appendix 1 to this plan.)

Key issues facing the area include the necessary adjustments from leaving the EU and changes to legislation including the new Domestic Abuse Bill, the Policing Bill and Violence Reduction bill and the resulting impact on partnership activity.

Other tensions may impact from time to time around national and international issues such as Black Lives Matter, wider inequalities and recovery from the COVID-19 pandemic.

The impacts of COVID-19 will bring about its own challenges as the area recovers. However support continues to be provided to communities e.g. through the community hubs and keeping people safe is a priority as restrictions are eased.

Ongoing education and advice on any current or new guidance around minimising COVID spread, as well as preparedness for any major increases in infection level, will continue as areas of work. More information is available at: folkestone-hythe.gov.uk/community-hub



Legislation

The Crime and Disorder Act 1998 gave statutory responsibility to local authorities, the police, and key partners to reduce crime and disorder in their communities. Under this legislation the responsible authorities commonly referred to now as Community Safety Partnerships (CSPs), were required to carry out three yearly audits and to implement crime reduction strategies.

The Police and Justice Act 2006 introduced scrutiny arrangements in the form of the Crime and Disorder Scrutiny Committee, as well as introducing a number of amendments to the 1998 Act including the addition of anti-social behaviour (ASB) and substance misuse within the remit of the CSP strategies. Reducing reoffending was subsequently added by the Policing and Crime Act 2009.

The Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007 set out further revisions to the 1998 Act, the most notable of which at district/borough level included the requirement for producing annual strategic assessments and triennial partnership plans. For two tier authorities such as Kent, the statutory Community Safety Agreement was introduced.

The Police Reform and Social Responsibility Act 2011 introduced directly elected Police and Crime Commissioners (PCCs) to replace Police Authorities in England and Wales. This brought with it a requirement for the PCC to have regard to the priorities of the responsible authorities making up the CSPs and for those authorities to have regard to the police and crime objectives set out in the Police and Crime Plan. The legislation also brought with it a mutual duty for the PCC and the responsible authorities to act in co-operation

with each other in exercising their respective functions. The Kent and Medway Police Panel meets on a quarterly basis and is attended by a Cabinet councillor from Folkestone & Hythe District Council.

The requirement for Community Safety Partnerships (CSPs) to conduct Domestic Homicide Reviews (DHR) came into effect on 13th April 2011 as a result of the Domestic Violence, Crime and Victims Act (2004). In Kent and Medway it was agreed that these would be commissioned by the Kent Community Safety Partnership (KCSP) utilising pooled funding on behalf of the local CSPs including Medway. The DHR process has been developed and enhanced since its introduction including the implementation of updated statutory guidance from the Home Office.

All CSP partners will have other duties around enforcing key legislation such as the Modern Day Slavery Act 2015, Anti-Social Behaviour Act 2014, Prevent Duty, safeguarding legislation etc. and this features in some of the activities that the CSP carries out.

Work of the Community Safety Partnership (CSP)

Strategic assessment

It is a statutory requirement to analyse crime and other trends and to use this data in defining priorities. This analysis is collated in a document (SA) and will include school exclusions, hospital admissions from substance misuse, self-harm etc as well as key crime data and levels of anti-social behaviour. The SA is a restricted document and contains further analytical data to support the production of this plan and helps partners to assess which areas of work to prioritise.

Folkestone & Hythe Community Safety Partnership

The statutory CSP meets quarterly and has a number of sub groups with links across to many other key partnerships and plans. The CSP ensures activity to address priorities and that other emerging trends are dealt with appropriately. The CSP has many statutory functions that it discharges and these include addressing counter terrorism through Prevent and tackling issues such as modern day slavery, domestic homicide, gangs and county lines via violence reduction initiatives and drugs and alcohol misuse strategies. The sub groups of the CSP are shown in the chart below and their activity later in the plan.

Structure of the F&H CSP



Community Safety Partnership priorities – 2021-24

Safeguarding & Domestic Abuse Subgroup

- Domestic abuse
- Mental health
- Drugs and alcohol
- Safeguarding children and adults
- District Contextual Safeguarding Meeting (DCSM) – Children
- Missing children

Cross Cutting Themes

- Violence reduction
- COVID Recovery
- Reducing offending

Crime & Community Resilience

- Modern slavery and human trafficking
- Cuckooing, gangs, county lines and criminal exploitation
- Fraud
- Financial and acquisitive crime
- Drug dealing
- Integrated Offender Management
- Hate/mate crime
- Prevent strategy
- Violence reduction
- Serious and organised crime (SOC) and Organised crime groups (OCGs)
- District Vulnerabilities Panel (DVP) – adults

Community Safety Unit

- Anti-social behaviour
- Public Spaces Protection Order
- Environmental crime/environmental health
- Town centres
- Licensing
- Events
- Hotspot locations
- Substance misuse
- Diversionary activities
- Housing
- Homeless
- High risk adults and young people
- Community triggers
- Prison releases
- Community protection warnings and community penalty notices
- Unauthorised encampments

Delivery of some of the activities that the CSP is responsible for occurs through a range of multi-agency meetings and task and finish groups.

Working on issues that matter to residents

During 2019-20 local engagement meetings were held to enable the community to raise issues with agencies and councillors. Potential resolutions to local problems, such as anti-social behaviour and criminal damage, were addressed as well as the need for patrolling hot spot areas.

Joint patrols were carried out in areas where anti-social behaviour was a problem. Work was also undertaken with those who were homeless and with vulnerable people to ensure they could be housed safely through the pandemic. The patrolling enabled engagement with the community to support education and adherence to COVID-19 regulations to minimise spread of the virus.

Prior to the pandemic multi-agency patrols (Op Ariel) were a way of engaging with communities and listening to their issues.

The operation enabled a very localised and immediate response to particular issues including taking direct enforcement action if a breach of legislation was witnessed during the operation. These, as well as other multi agency operations, will be continued as resources allow.



Community Safety Unit

The multi-agency weekly meeting of the Community Safety Unit (CSU) provides an essential operational delivery arm for the CSP. Attended by over 40 partners including Kent Police, Kent County Council Social Services, the National Probation Service, Kent Fire and Rescue Service, Folkestone & Hythe District Council and the voluntary sector including Porchlight and the Rainbow Centre. The CSU addresses issues ranging from anti-social behaviour to serious mental health issues in vulnerable people impacting the community and street homelessness. It acts as a sub group of the CSP and details of its activity are shown later in the plan.

Police & Crime Commissioner (PCC) funding

Each year the CSP receives PCC funding.

This funding enables projects to be delivered that help meet the priorities of the PCC as well as the priorities of the CSP.

For 2021 examples of projects to be funded include:

- Urban Pastors – to address hot spot anti-social areas and engage with people during the night time economy to keep people safe as well as engagement and intervention with vulnerable groups.
- Kent Community Domestic Abuse (DA) Programme – a support programme to change behaviours (for perpetrators of DA) and the One Stop Shop Clinic to support victims of abuse.
- Youth Safeguarding Conference – interactive programme with schools on a range of safeguarding issues to tackle abuse, exploitation, violence and organised crime and gangs.

Delivery of priorities

Safeguarding and domestic abuse subgroup

Led by Kent County Council • Meets every six weeks

Example activities to tackle the issues

- A Safeguarding Adult Awareness week is carried out each October and plans for October 2021 are underway to raise awareness within the wider community on all aspects of adult abuse.
- A 'Toxic Trio' conference, delayed due to COVID-19, will be carried out to raise awareness and develop strategies to work with families where there are issues of domestic abuse, mental health and alcohol and substance misuse. This will look at the impact of living with these issues and how those with adverse childhood experiences can move into their adult lives.
- Raising awareness about staying safe online.
- Continuing to provide training and raise awareness around all aspects of safeguarding and supporting vulnerable people. This will include work towards a safeguarding conference for young people
- Addressing the implications of the new Domestic Abuse Act 2021.
- Ensuring efficiency of One Stop Shop clinics and weekly attendance by partner agencies.
- The group will be a key contributor to the community safety meetings and District Vulnerabilities Panel meetings.

Crime and Community Resilience

Led by Kent Police • Monthly sub-group

Example activities to tackle the issues

- The Crime and Community Resilience Sub-Group will focus on the delivery of a partnership approach to tackling crime and anti-social behaviour.
- Focus areas will be in line with the Kent Police Control Strategy.
- The Serious and Organised Crime Panel will continue to meet regularly to agree priorities and actions for dealing with most serious crimes (such as burglary and robbery), Organised Crime Groups, recidivist offenders, and crime series/clusters.
- Joint work and operations with specialist Kent Police teams will focus on county lines drug dealing, gangs/young criminal groups and criminal exploitation of the vulnerable.
- The Violence Reduction Unit will support local delivery of education and awareness training on knife crime and gang culture, providing opportunities for diversion and intervention. Work with partners to identify the most vulnerable and prosecute those that exploit them will continue. Implications of the new Violence Reduction Bill and requirements on CSPs including funded projects will be led by this group. Op Finnish, is the local response to Violence Against Women and Girls (VAWG). The “Ask Angela” initiative is to be explored together with focused work with taxis and the more problem night time locations.
- The group will support the production of an updated Prevent action plan.
- The Kent and Medway Gangs strategy aims will be a key document to help drive activity.

- Hate crime will remain a focus for enforcement and investigative activity. Working with our hate crime investigation team to support victims and target offenders and those that display intolerant or bigoted attitudes and behaviours.
- A positive and proactive approach to domestic violence, providing support, protection and guidance to victims while pursuing all opportunities to put offenders before the courts will be taken.

Community Safety Unit

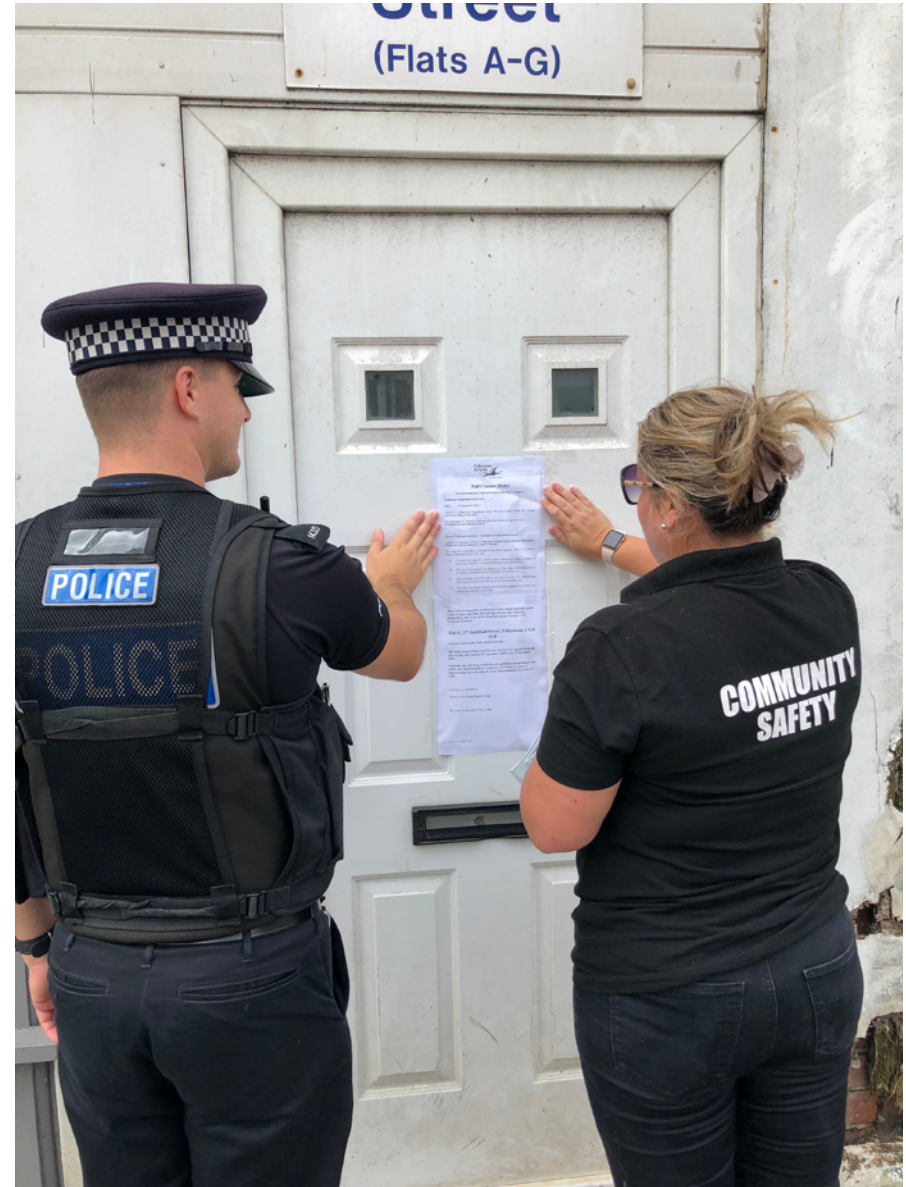
Led by Folkestone & Hythe District Council • Weekly sub-group

Example activities to tackle the issues

The multi-agency weekly meeting of the CSU (Community Safety Unit) provides an essential operational delivery arm for the CSP.

- The CSU is well established and seeks to support higher risk victims of anti- social behaviour (ASB) and to tackle ASB in hotspot locations. Enforcement action is led by the CSU. The CSU also focuses on tackling youth related ASB and seeks to engage young people in services and diversionary activities.
- The CSU will continue to support a number of vulnerable individuals who may be exploited through cuckooing or other means.
- The CSU will concentrate work on areas where there is a high level of crime and ASB. We will seek to increase engagement and reporting from residents so that all issues can be understood and tackled.
- There will be the continuation of multi-agency operations as resources allow.
- The Community Trigger process will be managed for the CSP through the CSU. This process allows victims of ASB to raise concerns about the way in which their reports of ASB have been handled by partner agencies.
- One of the main aims of this community safety sub group is for the district to not only be a safe place but an environmentally friendly one where people want to live, work and visit.

- This sub group will develop preventative and diversionary activities to reduce incidents. Tackling ASB by focussing on its prevention, taking positive action and protecting victims and witnesses.
- The weekly multi-agency CSU meetings will continue to take place every Tuesday, hosted by Folkestone & Hythe District Council, to deal with issues of ASB and other crime eg criminal damage. When required ‘task and finish’ groups will be set up from these meetings to deal with a specific issue that requires a multi-agency targeted approach.
- The CSU sub group will set up a task and finish group for emerging town issues and Public Spaces Protection Order (PSPO) enforcement and where necessary will address wider issues.
- The CSU will collate data around the PSPO.

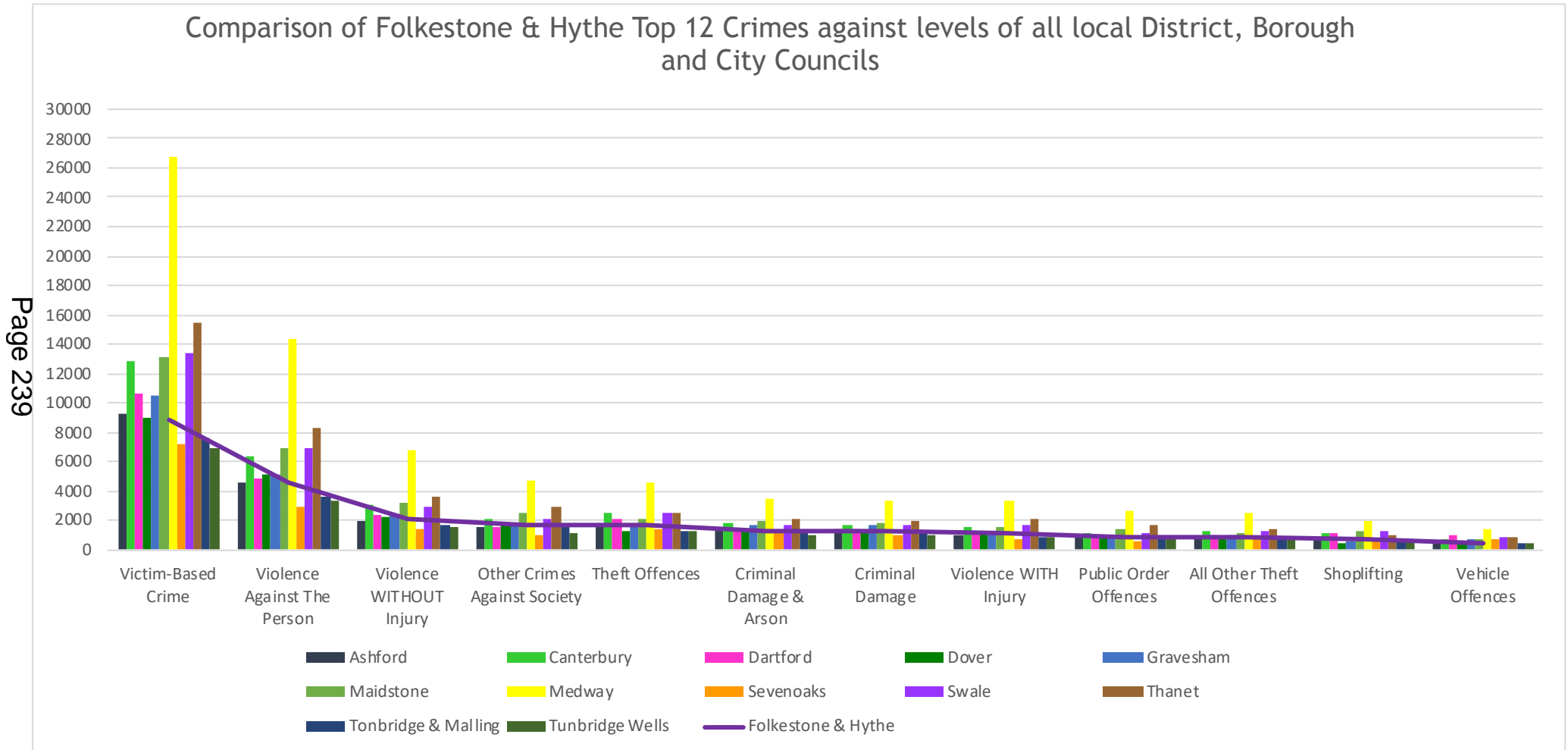


Appendix 1

Table 1 Table showing how the Folkestone & Hythe Community Safety Partnership compares with Kent as a whole on different crime types

Crime Type	Folkestone & Hythe		Kent	
	Nov 19 - Oct 20	Rank	Nov 19 - Oct 20	Rank
Victim-Based Crime	8826	1st	151743	1st
Violence Against The Person	4629	2nd	77293	2nd
Violence WITHOUT Injury	2062	3rd	34714	3rd
Other Crimes Against Society	1691	4th	26207	5th
Theft Offences	1650	5th	26823	4th
Criminal Damage & Arson	1251	6th	21266	6th
Criminal Damage	1214	7th	20563	7th
Violence WITH Injury	1125	8th	18088	8th
Public Order Offences	860	9th	14639	9th
All Other Theft Offences	801	10th	14174	10th
Shoplifting	756	11th	11354	11th
Vehicle Offences	398	12th	8954	12th

Table 2 Table showing how the Folkestone & Hythe Community Safety Partnership compares with Kent as a whole on different crime types



FOLKESTONE & HYTHE DISTRICT COMMUNITY SAFETY PARTNERSHIP PLAN

1 April 2021 - 31 March 2024

Contributing Statutory Partners

