



CABINET

Notice of a Meeting, to be held in the Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL on Thursday, 10th May, 2018 at 7.00 pm.

The Members of the Cabinet are:-

Councillor Clarkson (Chairman)
Councillor Bell (Vice-Chairman)

Cllrs. Mrs Bell, Bennett, Bradford, Clokie, Galpin, Pickering, Shorter, White

Agenda

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1. **Apologies**

2. **Declarations of Interest**

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To declare any interests which fall under the following categories, as explained on the attached document:

- a) Disclosable Pecuniary Interests (DPI)
- b) Other Significant Interests (OSI)
- c) Voluntary Announcements of Other Interests

See Agenda Item 2 for further details

3. **Minutes**

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To approve the Minutes of the Meeting of the Cabinet held on the 12th April 2018

4. **To receive any petitions**

5. **Leader's Announcements**

6. **Housing Statement 2018 - 2023**

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DS
2 May 2018

Queries concerning this agenda? Please contact Danny Sheppard
Telephone: 01233 330349 e-mail danny.sheppard@ashford.gov.uk
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Declarations of Interest (see also “Advice to Members” below)

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a relevant Dispensation has been granted).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct as adopted by the Council on 19 July 2012, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a relevant Dispensation has been granted). However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency reasons alone, such as:

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

[Note: 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].

Advice to Members on Declarations of Interest:

- (a) Government Guidance on DPI is available in DCLG’s Guide for Councillors, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5962/2193362.pdf
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found in the Constitution at <http://www.ashford.gov.uk/part-5---codes-and-protocols>
- (c) If any Councillor has any doubt about the existence or nature of any DPI or OSI which he/she may have in any item on this agenda, he/she should seek advice from the Corporate Director (Law and Governance) and Monitoring Officer or from other Solicitors in Legal and Democratic Services as early as possible, and in advance of the Meeting.

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Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **12th April 2018**.

Present:

Cllr. Clarkson (Chairman);
Cllr. Bell (Vice-Chairman);

Cllrs. Mrs Bell, Bennett, Bradford, Clokie, Galpin, Pickering, Shorter, White.

Also Present:

Cllrs. Barrett, Buchanan, Burgess, Dehnel, Mrs Dyer, Hicks, Link, Ovenden, Wedgbury.

Chief Executive, Director of Place and Space, Director of Finance and Economy, Head of Legal and Democracy, Senior Commercial Development Manager, Programme Manager, Communications Officer, Senior Member Services Officer.

405 Declarations of Interest

Councillor	Interest	Minute No.
Clarkson	Made a Voluntary Announcement as a Director of A Better Choice for Property Ltd	407

406 Minutes

Resolved:

That the Minutes of the Meeting of the Cabinet held on the 8th March 2018 be approved and confirmed as a correct record.

407 Corporate Property Management Strategy 2018 to 2021

The Portfolio Holder introduced the report which explained that the Corporate Property Management Strategy replaced the Council's previous Property Management Strategy and set out the Council's high level strategic framework for managing its Corporate Property Portfolio for the next three years. He reiterated that this report did not refer to assets of the Housing Revenue Account or the ABC Property Company and was part of the Council's commitment to increase its property portfolio to support both its Medium Term Financial Plan and Corporate Plan by securing alternative funding streams in the face of reducing Government grant. He further advised that, if implemented, the revised strategy would be reviewed in 12 months' time and then after that at three yearly intervals.

The Deputy Portfolio Holder said he fully supported the strategy. It looked at the Council's assets in an innovative and strategic way and showed the importance of the Council's property portfolio. He considered it was important for the Council to be risk aware but not risk averse in this sense.

Resolved:

That the content of the Corporate Property Management Strategy be noted and the strategy attached at Appendix A to the report be adopted.

408 Risk Management Framework

The Portfolio Holder introduced the report which set out a draft Risk Management Framework which had been developed in collaboration with the Mid-Kent Audit Partnership. The framework had been designed to provide practical guidance and tools to enable potential risks facing the organisation to be identified, evaluated and managed in a consistent and effective way. He said that ensuring risks were properly responded to, played a large part in the certainty of achieving the Council's objectives and desired outcomes. The framework would replace the Council's current Risk Management Framework, adopted in September 2015.

A Member asked if the proposed risk management process was not missing a step, whereby evaluation of risk took place both before and after taking action to manage a risk. He also sought some assurance that the Council was not loosening its risk management arrangements too much at a time when further recession was likely. The Leader responded that the evaluation of risks did appear in the framework and the five-step process was a constant cyclical one. The Portfolio Holder re-iterated that the process involved constant checking and all strategic risks would continue to be monitored as appropriate.

Resolved:

That the Risk Management Framework, including the risk appetite, as set out at Appendix A to the report be approved.

409 Local Development Scheme (LDS) Update 2018

The Portfolio Holder introduced the report which explained that the draft LDS 2018 set out the project plan and timetable for preparation of the Local Plan to 2030, and the Gypsy and Traveller Accommodation DPD until the end of 2019. The LDS was required under legislation and compliance with it was a matter of 'soundness' for Development Plan Documents (DPDs). It was therefore essential that it was kept up to date.

The Cabinet said it wished to acknowledge the work of the Graduate Policy Planner for producing such an excellent report.

Recommended:

That the Local Development Scheme 2018 be adopted, as required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

410 Trading and Enterprise Board – 12th March 2018

Resolved:

That Minute Nos. 373 and 375 be approved and adopted.

Recommended:

That Minute Nos. 374 and 376 be approved

411 Economic Regeneration and Investment Board – 2nd March 2018

Resolved:

That the Notes of the Meeting of the Economic Regeneration and Investment Board held on the 2nd March 2018 be received and noted.

412 Schedule of Key Decisions to be Taken

Resolved:

That the latest Schedule of Key Decisions as set out within the report be received and noted.

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Agenda Item No: 6

Report To: Cabinet

Date of Meeting: 10th May 2018

Report Title: Housing Statement 2018 - 2023

Report Author & Job Title: Jennifer Shaw, Housing Strategy Manager

Portfolio Holder Cllr. Gerald White
Portfolio Holder for: Portfolio Holder for Housing

Summary:

The report sets out a new approach to developing our housing related strategies and plans in the future by presenting an overarching Housing Statement that is supported by detailed strategies and plans which address particular areas of housing delivery and management.

Key Decision: YES

Significantly Affected Wards: All

Recommendations: **The Cabinet is recommended to:-**

- I. Agree the draft housing statement be circulated to key partners and stakeholders for comments.**
- II. Authorise the Portfolio Holder and Head of Housing to approve any minor changes arising from the consultation prior to the publication of the Housing Statement (any significant changes will be reported back to Cabinet for approval).**

Policy Overview: The Housing Statement supports the delivery of the Corporate Plan, in particular Priority 2: Quality Housing and Homes for All. The Housing Statement will create a strategic link between the detailed strategies and plans that sit beneath it and the Corporate Plan.

Financial Implications: None

Legal Implications None

Equalities Impact Assessment Not required because is an overarching statement. EIAs will be undertaken for individual detail strategies that flow from the Housing Statement

Other Material Implications: None

**Exempt from
Publication:**

NO

**Background
Papers:**

None

Contact:

Jennifer.shaw@ashford.gov.uk – Tel: (01233)

Report Title: Housing Statement 2018-2023

Introduction and Background

1. The existing Housing Framework 2013-2018 is due for review. The Deregulation Act 2015 removed the power to require councils to prepare housing strategies.
2. A proposal was discussed with the Portfolio Holder and Head of Housing to instead of developing a new Housing Strategy to write a concise Housing Statement. This will set out broad overarching objectives and provide a foundation to produce detailed strategies and plans that address specific areas of housing delivery and management.

Proposal/Current Position

3. The Draft Housing Statement (Appendix 1) sets out our broad objectives and how these link to delivering the Corporate Plan priorities. In particular priority 2 'Quality Housing and Homes for All'.
4. The overarching priorities are driven by the challenges and opportunities identified for delivering quality homes across all tenures. The emphasis is on enabling residents to make suitable housing choices that meet their needs, especially for local people unable to access homes through the open market.
5. The Housing Statement reflects the dynamic relationship between itself and the Local Plan in meeting local housing needs and that planning policy is also a contributing factor in delivering the priorities of the Housing Statement.
6. Providing a suitable, safe, affordable home is a key factor in achieving personal wellbeing, educational attainment and economic prosperity for the occupiers, which also benefits the wider community.
7. Coordination between housing services and activities delivered by other council services (such as; stimulating job creation and the promotion of health and wellbeing projects) will strengthen achieving the overarching priorities set out below:
8. The overarching priorities are:
 - *Increasing the supply of homes that residents can afford and will help meet local housing need.*
 - *To ensure housing enables independent living and promotes good health and wellbeing*
 - *To support housing initiatives that stimulate prosperity, employment opportunities and economic activity.*
9. Beneath the Housing Statement will sit a number of strategies or plans each addressing a specific subject area. This will allow for a detailed assessment

of the current position and what the council wishes to achieve in the future. By taking a more targeted approach it is hoped that improved engagement with interested parties can be nurtured to feed into meaningful action plans that have multi agency ownership and delivery objectives.

10. A proposed list of strategies / plans and a summary of the key areas each will address is included within the draft Housing Statement.
11. A report on how the overarching objectives are being met will be presented annually to Overview and Scrutiny Committee. The report will also note progress on developing each of the specialist strategies / plans that sit beneath the Housing Statement.

Equalities Impact Assessment

12. Due to the overarching nature of the Housing Statement an EIA is not required.
13. EIA's will be undertaken for each of the strategies / plans sitting beneath the Housing Statement.

Consultation Planned or Undertaken

14. The draft Housing Statement has been circulated by email to all members. One positive comment was received, no negative comments were received.
15. Further to Cabinet approval, the draft Housing Statement will be circulated to key partners and stakeholders to seek their comments on the overarching priorities and the range of strategies / plans that will support the Housing Statement.

Reasons for Supporting Option Recommended

16. The Housing Statement provides a strategic link between the Corporate Plan and the detailed housing related strategies that sit beneath it.
17. The Housing Statement reduces duplication that unavoidably occurs when producing a Housing Strategy and specific housing related strategies.

Next Steps in Process

18. Further to Cabinet approval the draft housing statement will be circulated to key partners and stakeholders for comment.
19. Comments received will be collated and discussed with the Portfolio Holder for Housing and the Head of Housing.
20. The Portfolio Holder and Head of Housing will agree any minor changes to the draft Housing Statement ahead of its publication on the council's website. Any substantial changes will be brought back to Cabinet.

Conclusion

21. This proposal is a new approach to setting out the council's overarching housing priorities in a concise and informative document.
22. The Housing Statement will provide a strong connection with the Corporate Plan. By developing detailed housing related strategies / plans that contribute to achieving the overarching objectives whilst tackling very specific issues, a robust set of strategies and plans can be developed and implemented.

Portfolio Holder's Views

23. This new approach has my support to ensure we set out our overarching direction of travel and demonstrate the links to the Corporate Plan priorities. In turn the more detailed strategies and plans will give an opportunity to address specific housing related topics and further develop relationships with other organisations who have an interest in that area of work.

Contact and Email

24. Jennifer Shaw, Housing Strategy Manager
25. jennifer.shaw@ashford.gov.uk

Ashford Borough Council

Housing Statement 2018-2023

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DRAFT

1. Foreword by Cllr White (Portfolio Holder for Housing)

This housing statement takes a new approach to setting out our strategic goals for housing. It will provide an overview of how quality housing delivery, with a mix of tenures, is needed to help achieve the corporate priorities. The statement will highlight some key issues and challenges as well as potential opportunities going forward over the next 5 years.

More detailed strategic objectives will be developed in separate specialist strategies or plans with a focus on action plans and deliverable outcomes. This will hopefully stimulate more involvement by residents, stakeholders and partners where they have an interest in a certain area of housing.

Since the Housing Framework was adopted in July 2013 there have been innumerable changes affecting the housing sector. These have influenced the delivery of new homes, how we manage our existing homes and assist people, in need of support, who are living in both the social and private housing sectors.

In light of reduced resources, we will need to continue to be innovative and bold in our approach, seeking out new ways of working to remain efficient and effective in our service delivery.

2. Introduction

The Deregulation Act 2015 removed the power to require councils to prepare housing strategies. Therefore, this Housing Statement sets out our overall approach to housing in the borough. This will be supported by detailed strategies and plans that are either in place or to be refreshed or developed, as illustrated diagrammatically below. Each will have an action plan that will contribute to meeting our overarching housing priorities that in turn assist in delivering our corporate objectives.

Our overarching priorities for housing are driven by the challenges and opportunities we face going forward. An adequate, safe, secure home provides a platform for economic growth, personal wellbeing and attainment and can engender a sense of pride and belonging to a local community.

Our overarching priorities are:

1. *Increasing the supply of homes that residents can afford and will help meet local housing need*
2. *To ensure housing enables independent living and promotes good health and wellbeing*
3. *Support housing initiatives that stimulate prosperity, employment opportunities and economic activity*

3. Corporate Priorities

The Corporate Plan 2015 identifies 4 key priorities for the borough. Housing contributes in a range of ways to achieving all of these.

Corporate Plan	
<p><u>Enterprising Ashford: Economic investment and growth</u> To promote growth and achieve greater economic prosperity for Ashford borough. We will work to secure inward investment to create a wide range of jobs carried out by a highly skilled workforce.</p>	<p>To attract a strong workforce a range of attractive quality homes are needed with mixed tenures that are affordable to a people taking up different employment opportunities and working in supporting services.</p> <p>Housing construction contributes to the wider economy.</p>
<p><u>Living Ashford: Quality housing and homes for all</u> To secure quality homes across the borough, catering for a range of ages, tenures and need, in well planned and attractive new places.</p>	<p>Housing addresses local housing needs, through new build and managing existing social housing. Improving access to and conditions in the private sector. Providing supported accommodation.</p>
<p><u>Active and Creative Ashford: Healthy choices through physical, cultural and leisure engagement</u> To provide or enable a range of quality leisure and cultural activities where people can make healthy and affordable lifestyle choices and enjoy assets that create attractive, desirable and active communities.</p>	<p>New developments are master planned to include opportunities for healthy lifestyles. Social Housing providers run initiatives to encourage residents to take part in healthy living and foster good community relationships.</p>
<p><u>Attractive Ashford: Countryside and Townscape, Tourism and Heritage</u> To achieve an environment that creates higher standards of public space design, alongside improved standards of presentation of key green spaces. To safeguard and conserve our local heritage and areas of outstanding landscape quality to ensure the very best attractive environment with thriving and vibrant town centres.</p>	<p>Housing can work to improve street scenes and neighbourhoods and bring empty properties back into use.</p> <p>Monitoring standards in the private sector including park homes and taking enforcement action where necessary.</p> <p>Developing new homes with attractive open spaces.</p>

Other council services will contribute to achieving the housing priorities through a number of activities they undertake. Cross service communication and joint working will optimise where a coordinated joint approach can deliver enhanced outcomes.

4. The Local Plan

The Local Plan policies shape the housing delivery in the borough for both open market homes and affordable homes to meet local housing needs. Therefore the Local Plan and the Housing Statement have a dynamic relationship. The policies of the local plan assist in the delivery of affordable housing, through the affordable housing requirement on qualifying sites and enabling rural exception site delivery. However, it is recognised that the overall affordable housing need cannot be met in full through these policies alone. Planning policy is also a contributing factor in delivering of the priorities of the Housing Statement to enable independent living, promote good health and wellbeing and stimulate prosperity, employment opportunities and economic activity.

5. Challenges and Opportunities

A number of changes affecting affordable housing delivery and its residents have emanated from central government. Most notably the ongoing implementation of welfare reform, the Housing and Planning Act 2016, the Housing White Paper 2017, the Homelessness Reduction Act 2017 and the introduction of the Better Care Fund.

Some of the key challenges are listed below.

- Delivery of new homes does not match identified need
- Broadening of the definition of affordable housing put forward in the Housing White Paper may mean fewer affordable and social rented homes
- Increasing disparity between private rents and Local Housing Allowance rates
- How to increase access to the private rented sector, for lower income households
- Improving the quality and stability for tenants living in the private rented sector
- Increased losses of social housing through Right to Buy
- Average income increases not keeping pace with average house price increases
- Increase pressure on the housing waiting list
- Increased homelessness leading to higher costs for temporary accommodation
- Continuing implementation of welfare reform and roll out of universal credit may lead to a likely increase in rent arrears and homelessness
- Uncertainty around revenue funding for supporting housing is stifling supported housing development
- The effect of rent reduction in social housing, put in place for 4 years from 2016, on housing services such as maintenance of properties and services to tenants
- Implementation the Homelessness Reduction Act 2017

There are also a range of opportunities that the council can grasp. The points below note a few such opportunities but there will be more to investigate.

- Exploration of new ways to deliver affordable housing to meet local housing needs appropriate to local incomes

- Lobbying for increase in HRA debt cap to deliver more local authority built homes
- Increased appetite from investors and housing associations to form joint ventures or similar
- Changes to flexible tenancies to cover all new tenancies could assist in making best use of the council's housing stock
- Greater powers to tackle rogue landlords and poor conditions in the private sector
- Being part of a Kent wide review to improve delivery of disabled facilities grants
- Further build on our homelessness prevention work as Homelessness Reduction Act comes in to force
- Stronger joint working with other organisations to tackle social housing fraud
- Broaden our engagement with other council services and external organisations to deliver targeted, effective initiatives

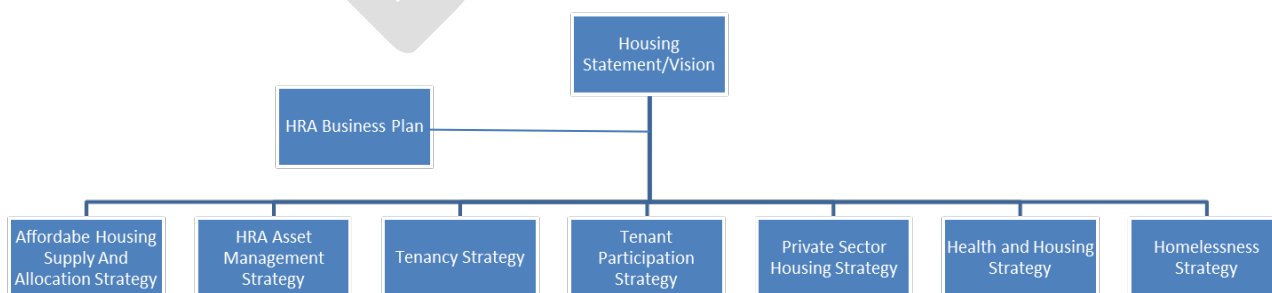
6. The Housing Statement, strategies and plans

The strategies/plans sitting beneath the Housing Statement will each contribute to achieving the priorities set out in this Housing Statement.

1. *Increasing the supply of homes that residents can afford and will help meet local housing need.*
2. *To ensure housing enables independent living and promotes good health and wellbeing*
3. *Support housing initiatives that stimulate prosperity, employment opportunities and economic activity*

The review of the Housing Framework 2013-2018 together with an evidence base for each strategy/plan will inform where the greatest pressures lie. Action plans will be developed in consultation with residents and other organisations to set out clear goals to achieve in each area.

The diagram below depicts the strategies that will sit beneath the Housing Statement.



The key areas to be covered in each individual strategy are

Strategy/plan	Key areas
Affordable Housing Supply and Allocation	<p>Sets out how the council will work through a variety of potential mechanisms such as joint ventures, developing an affordable housing property company etc. to increase the supply of social rented and other forms of affordable housing including supported housing that is truly affordable in relation to local incomes.</p> <p>Will consider the role of the social lettings agency and options for expansion.</p> <p>Considers options to assist residents into home ownership and develop pathways to assist social housing tenants to move to alternative tenures.</p> <p>Provides an outline of how homes are let to meet local housing need.</p>
HRA Asset Management	<p>Sets out how the council will manage its housing stock and other assets within the HRA. To maximise income balanced with maintaining good condition of the stock in the longer term and meeting housing need.</p> <p>Need to consider impact of the rent reduction regime until 2020.</p>
Tenancy Strategy (Approved September 2017))	<p>Sets out how tenancies will be issued and reviewed in line with legislative requirements and to make the best use of the housing stock to meet housing needs</p>
Tenant Participation	<p>Sets out how the Council will increase its understanding of what is important to tenants and it how it will engage with tenants to deliver more effective and efficient services</p>
Private Sector Housing	<p>Sets out how the Council will meet its statutory responsibilities.</p> <p>How it will work to improve conditions in the Private Housing Sector, including for owner occupier, private rented landlords and tenants and those renting and living in HMOs and mobile/park homes.</p> <p>Explore how empty homes can be brought back into use.</p> <p>Consider the council commitment to improving energy efficiency and the</p>

	provision of disabled facilities grants within the private sector and new approaches further to the Kent wide study
Health and Housing	Sets out how good housing can benefit health and wellbeing. Consider how closer working with health and social care can be established and what role can be played by the voluntary sector. Will consider which residents can benefit from improved health and well being through housing interventions and homelessness prevention and how these could be implemented. Consideration of impacts of welfare reform on health and wellbeing.
Homelessness (Current strategy adopted October 2016, will be reviewed after implementation of Homelessness Reduction Act 2017)	Sets out how the council will work with others to tackle and prevent homelessness in the borough and meet its statutory responsibilities.

7. Annual Review

A report on how the three overarching objectives are being met will be presented annually to Overview and Scrutiny Committee. The report will also note progress on developing each of the specialist strategies/plans that sit beneath the Housing Statement.

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ASHFORD
BOROUGH COUNCIL

Agenda Item No:

Report To: CABINET

Date of Meeting: 10 May 2018

Report Title: Street Trading Policy

**Report Author &
Job Title:** Mrs Alison Simmonds
Licensing Officer

Portfolio Holder Cllr. G.J. Bradford
Portfolio Holder for: Community Safety and Wellbeing

Summary:	The purpose of this report is to present to Cabinet an updated Street Trading Policy for subsequent approval by the Council.
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Key Decision: NO

**Significantly
Affected Wards:** All

Recommendations: **The Cabinet recommends to Council approval of the Street Trading Policy 2018.**

Policy Overview: There is no statutory duty to prepare, consult on and publish a Street Trading Policy; however, it is considered good practice to provide information that guides members of the public, applicants, elected members and officers on matters relating to street trading.

The aim of the Council's street trading policy is to encourage a street trading environment which complements premises based trading, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience and safety of local environments.

A revised street trading policy will promote economic development through consistent standards.

**Financial
Implications:** None relevant to the policy update. Fees are in operation to cover the cost of administering street trading licence & consent applications. There are reviewed annually.

Legal Implications Under the Local Government (Miscellaneous Provisions) Act 1982, a local authority may impose limitations on street trading within its area. Ashford Borough Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of its area and has designated all streets in the area as 'consent streets' for

street trading purposes, with the exception of a number of streets in Ashford Town Centre, which are designated 'licence streets'.

The effect of this designation is that street trading in any street is prohibited, subject to legal exemptions, without first obtaining a street trading consent or licence from the Council.

The existing policy was approved by Cabinet in 2011 with amendments made in 2013.

Equalities Impact Assessment

See attached

Other Material Implications:

The revised policy will increase the efficiency of the licensing team by introducing improved processes and procedures.

Exempt from Publication:

NO

Background Papers:

None

Contact:

Alison Simmonds
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Report Title: Street trading Policy

Introduction and Background

1. The purpose of this report is to present to cabinet a revised licensing policy and to recommend to Council for approval.
2. The Local Government (Miscellaneous Provisions) Act 1982 schedule 4 governs the control of street trading.
3. Although there is no legal requirement for a policy with respects to this subject, such a policy guides members of the public, applicants, elected members and officers on matters relating to street trading.
4. Under the Local Government (Miscellaneous Provisions) Act 1982, a Local Council may impose limitations on Street Trading within its area. Ashford Borough Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of its area and has designated all streets in the area as 'consent streets' for street trading purposes, with the exception of a number of streets in Ashford Town Centre, which are designated 'licence streets'.

The effect of this designation is that street trading in any street is prohibited, subject to legal exemptions, without first obtaining a street trading consent or licence from the Council.

5. Local authorities are concerned not only with consumer protection but also with the suitability of those who are street traders, what they sell, and any nuisance and inconvenience or obstruction that they may occasion to those using the streets in question.
6. The aim of the Council's Street Trading Policy is to encourage a street trading environment which complements premises based trading, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience and safety of local environments.
7. The Policy contains guidelines for potential applicants and advises members of the public, elected members and officers as to how Ashford Borough Council will consider applications for street trading in the Borough.

Proposal/Current Position

8. The Cabinet is asked to recommend approval of the revised policy with any changes the Cabinet deem necessary, where these are commensurate with powers available to the licensing authority.
9. The updates to the Policy include:
 - General formatting/layout changes
 - Minor amendments for the purpose of clarity

- Inclusion of market pitch fee payment through standing order (previously cash payment)
- Reflection that Tenterden Town Council will be the consent holder for Tenterden Street Market with effect 1st April 2018 and,
- Closure of the Council maintained roadside pitch waiting list in favour of web advertised pitches. This will be offered on a 'first come first served basis'.

10. The proposed policy is provided at Appendix A.

11. The current version is available via <https://www.ashford.gov.uk/licensing/street-trading/>.

Implications and Risk Assessment

12. The revised policy document is not considered to pose any new risks or adverse implications.

13. The policy has been drafted to reflect current legislative requirements. Judicial review is a risk if the Policy strays beyond the requirements of the act, or restrict legal activities without due and appropriate cause.

Equalities Impact Assessment

14. An Equalities Impact Assessment is attached as Appendix B. The update to this Policy does not have any equality impact implications.

Consultation Undertaken

15. There is no requirement to consult on the changes, however, the proposed changes have been detailed on the Council's website since early March 2018 and existing licence holders have been written to so that comments and suggestions could be made. The closing date for comments was 31 March 2018.

16. One letter from an existing trader raised concerns over how the Policy layout i.e. style and another commented that 'The Council's proposal to review and revise its street trading policy ought not to attract adverse comments from existing licensed traders. I trust the Council will commit to closely liaise with market traders to ensure a betterment of not only Ashford lower high street, but also the market itself'.

Other Options Considered

17. The requirement to implement and enforce the Act is an adoptive duty. Alternate options to this policy include deregulation, variations on the theme, or not having a policy. There is no statutory duty to have a written policy for this subject.

Reasons for Supporting Option Recommended

18. The revisions to the policy are relatively minor, reflect changes in legislation and seek to clarify some aspects of the original policy. This approach is

recommended to ensure that the policy remains up to date, and effectively can be usefully applied by the council, officers, applicants, and the public.

Next Steps in Process

19. Once adopted the revised policy will be made available on the Council's website.
20. The policy will be subject to periodic review, along with any review brought about by changes in council approach, or change to relevant legislation

Conclusion

21. In summary, the changes proposed ensure that the street trading policy is an up to date document and fit for purpose.

Portfolio Holder's Views

22. "The revised policy provides clarity and an essential update for the public, council officers and members and I fully support its recommendations" - Councillor G.J. Bradford

Contact and Email

23. Mrs Alison Simmonds, Licensing Officer, (01233) 330 283
alison.simmonds@ashford.gov.uk

Appendix A: The revised Street Trading Policy

Appendix B: Equalities Impact Assessment

Equality Impact Assessment

Lead officer:	Alison Simmonds
Decision maker:	Cabinet
Decision: <ul style="list-style-type: none"> Policy, project, service, contract Review, change, new, stop 	Revision of the 'Street Trading Policy'
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	10 May 2018
Summary of the proposed decision: <ul style="list-style-type: none"> Aims and objectives Key actions Expected outcomes Who will be affected and how? How many people will be affected? 	<p>The decision is whether to adopt a revised version of the policy which include</p> <ul style="list-style-type: none"> General formatting/layout changes Minor amendments for the purpose of clarity Inclusion of market pitch fee payment through standing order (previously cash payment) Reflection that Tenterden Town Council will be the consent holder for Tenterden Street Market with effect 1st April 2018 and, Closure of the Council maintained roadside pitch waiting list in favour of web advertised pitches which will be available on a 'first come first served basis'. <p>The aim of the update this to provide a current policy with modifications to ensure that the guidance within remains up to date and effective.</p>
Information and research: <ul style="list-style-type: none"> Outline the information and research that has informed the decision. Include sources and key findings. 	<p>Research conducted as part of the revision of the policy includes reviewing;</p> <ul style="list-style-type: none"> Local Government (Miscellaneous Provisions) Act 1982: Schedule 4 Street trading Good practice discussions have been held with colleagues through the Kent and Medway licensing steering group.
Consultation: <ul style="list-style-type: none"> What specific consultation has occurred on this decision? What were the results of the consultation? Did the consultation analysis reveal any difference in views 	<p><u>Internal consultation</u></p> <p>Internal consultation on these changes have occurred amongst colleagues within the core officer group. This provided some minor comments, mainly regarding layout and structure, which were incorporated during the development of the draft policy.</p> <p><u>Public consultation</u></p>

<p>across the protected characteristics?</p> <ul style="list-style-type: none"> What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics? 	<p>The proposals were advertised on the Council's website from 02/03/18 – 31/03/18 for the public and traders to comment. In addition, letters to all existing licence/consent holders with outline of the proposed changes and updates were sent on Friday 2nd March.</p> <p>Results of consultation – summary of comments</p> <p>Ashford street market 'Toby'/representative contacted Licensing to clarify the 'proposed layout/formatting' changes. A reply was sent advising in more detail and to date no further comments or suggestions have been received.</p>
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Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
<u>AGE</u>		
Elderly	Low	Neutral
Middle age	Low	Neutral
Young adult	Low	Neutral
Children	Low	Neutral
<u>DISABILITY</u>		
Physical	Low	Neutral
Mental	Low	Neutral
Sensory	Low	Neutral
<u>GENDER RE-ASSIGNMENT</u>	Low	Neutral
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	Low	Neutral
<u>PREGNANCY/MATERNITY</u>	Low	Neutral
<u>RACE</u>	Low	Neutral
<u>RELIGION OR BELIEF</u>	Low	Neutral
<u>SEX</u>		Neutral

Men	Low	
Women	Low	Neutral
<u>SEXUAL ORIENTATION</u>	Low	Neutral

Mitigating negative impact: Where any negative impact has been identified, outline the measures taken to mitigate against it.	N/A
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Is the decision relevant to the aims of the equality duty? Guidance on the aims can be found in the EHRC's Essential Guide , alongside fuller PSED Technical Guidance .	
Aim	Yes/No
1) Eliminate discrimination, harassment and victimisation	N/A
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	N/A
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	Yes

Conclusion: <ul style="list-style-type: none"> Consider how due regard has been had to the equality duty, from start to finish. There should be no unlawful discrimination arising from the decision (see guidance above). Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified. How will monitoring of the policy, procedure or decision and its implementation be 	No perceived impact requiring mitigation. The policy will be monitored and updated following any legislative and good practice updates.
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undertaken and reported?	
EIA completion date:	03/04/18

Street Trading Policy

2018 - 2023



ASHFORD
BOROUGH COUNCIL

Policy: Street Trading Policy

Original Implementation Date: 2018

Control Schedule

Policy Owner:	Trevor Ford – Team Leader Environmental Protection and Licensing		
Policy Author:	Alison Simmonds – Licensing Officer		
Approved By:	Council		
Approval Date:		Minute reference:	
Policy Review Due:	2023	Review Cycle:	5 yearly
EIA completed:		EIA Review Due:	

Version Control

Version	Date	Author	Comment	Approved by
3.0		A Simmonds		Cabinet

Decisions affecting this policy

Date	Committee/Member/Officer	Report title	Minute ref

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Purpose

1. The Council's street trading aim is to create a street trading environment which compliments premises based trading, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience and safety of local environments.
2. The policy recognises the importance of street trading to the Borough of Ashford and that it can add to the vibrancy and vitality whilst not adding to nuisance and crime and disorder.
3. Through its tourism service and by other means, the Council will seek opportunities to promote street trading activities.
4. This policy will complement and inform other Council initiatives including those on street markets and life in the public realm.
5. This policy will be the subject of monitoring and review after five years.
6. This policy will be applied in a manner which is consistent with the Council's equalities policies.

What is Street Trading?

7. Street trading means selling, exposing or offering for sale any article in a street. The term 'street' includes any road, footway or other area to which the public have access without payment.
8. Ashford Borough Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of its area and has designated all streets in the area as 'consent streets' for street trading purposes, with the exception of the High Street and Lower High Street in Ashford Town Centre, which are designated 'licence streets'.
9. The effect of this designation is that street trading in any street is prohibited, subject to legal exemptions, without first obtaining a street trading consent or licence from the Council.
10. This includes all streets, car parks, parks and all adjacent paved, grassed and ornamental areas.

Exemptions from the need to obtain a Consent or Licence

11. Some types of trade are legally exempt from the need to obtain a street trading consent or licence. These include:

- a person trading under the authority of a pedlars' certificate granted under the Pedlars Act 1871
- trade carried out by roundsmen e.g. milkmen
- trade carried on at a petrol filling station
- market created by statute or grant
- trading as a newsvendor
- trading in and around shops
- charity collections.

Street Trading Consents or Licences for which fees are not payable

12. Ashford Borough Council will not require the payment of fees for the following street trading activities:

- fetes, carnivals or similar community based and run events
- non-commercial or charitable events
- farmers markets (producer-managed marketplace for local producers to sell their own produce direct to local people)
- sales of articles by householders on land contiguous with their homes

Types of Consents and Licences

13. The types of consents and licences issued by this council are detailed below:

Static Consents

14. This will be for those wishing to trade on a street, at the same location, more than twice a week and/or for more than 4 hours a day. This licence is likely to require planning permission.

Examples would be: Tenterden market, burger vans and fruit and vegetable stalls.

Short Term Static Consents

15. This will be for those wishing to trade at the same location, no more than twice a week and less than 4 hours a day. A separate licence would be required for each location traded in. This licence will not usually require planning permission.

Examples would be: Food vendors such as Fish & Chip vans serving rural locations.

Hawker (previously known as Itinerant)

16. This will be for those wishing to trade at different locations within the Borough, for no longer than 20 minutes and do not return to the same location or within 200m, on the same day. No planning permission required.

Examples would be: Sandwich vendors and ice cream vans.

Licence

17. Ashford Market (Lower High Street)

The town Market operates on a Tuesday, Friday and Saturday between the hours of 0900 and 1500.

Some traders have 'inherited rights' to trade on Thursday.

Site Assessment for Consents

18. The Council will identify suitable 'pitches' for street trading and will maintain a list of available pitches via the Council's website.

Planning Permission

19. If a consent or licence is required, the onus is on the applicant to obtain both planning permission and permission to trade from the landowner prior to making an application for street trading consent. It is not the responsibility of the issuing Authority to investigate and obtain this information.
20. Having established that the site(s) is suitable in principle, a planning application must be submitted to the Planning and Development Unit. Advice on making a planning application may be obtained from the Council (www.ashford.gov.uk).
21. Operators should not submit a Street Trading Consent application until planning permission has been obtained. If planning permission has been granted, consultation requirements at 7.1 for street trading will be reassessed.
22. Before a new pitch is created by the Council or an applicant applies to use Council land for the purposes of street trading (non market) we may consult and seek written observations from some or all below. The site may also require planning permission which needs to be sought separately and will incur an additional fee, Para 10 refers.
- occupiers of premises immediately adjacent and opposite
 - ward councillors
 - parish or town council/community forum

- Kent Police
- Development Control (ABC)
- Highways (KHS)
- existing holders of street trading consents in the immediate area

23. In determining whether to create a street trading pitch the Council will have regard to:

- any effect on road safety, either arising from the siting of the pitch or from customers visiting or leaving
- any loss of amenity caused by noise, traffic or smell
- existing Traffic Orders e.g. waiting restrictions, parking, etc
- any potential obstruction of pedestrian or vehicular access
- any obstruction to the safe passage of pedestrians
- the safe access and egress of customers and staff from the pitch and immediate vicinity
- congestion,
- impact on the character of the area

24. The Council will also consider any responses received in relation to a public notice on the highway.

25. Twenty-eight days will be given to consultees to make comments / objections. If no comments are received, the application will be granted in the terms applied for with standard conditions attached to the consent.

26. Any proposed change to standard conditions will be consulted with consent holders and others, if relevant.

27. There is no right of appeal against refusal to issue consent, but where an application is refused, payment of the application fee shall be refunded.

Issue of Street Trading Consents/Licences

28. Licences and consents will specify the trading day(s) and timings in accordance with varying factors including their location.

29. Fees for the grants of consents and licences must be paid in full on application. In the case of renewals, payments must be made on a monthly basis via standing order.

30. Pitch fees for Ashford Market are payable on a monthly standing order.

31. Failure to maintain payments as above may result in the permission not being renewed or being revoked.

32. It should also be noted that a consent/licence cannot be issued to a person under the age of 17 years. An application may be refused if the applicant is unsuitable to hold the consent/licence by reason of having been convicted of an offence or for any other reason.
33. In addition to the requirement of having a street trading permission, applicants who sell hot food or hot drinks between 11.00 pm and 05.00 am will need a premises licence under the Licensing Act 2003. Information is available at www.ashford.gov.uk/premises-licence

Fee Structure

34. The fee structure for consent pitches will primarily reflect pitch location, trading days and hours and the Community Safety and Wellbeing has delegated authority to set fees and to annually review the fee structure.

Special Events

35. At special events, Ashford Borough Council will issue one consent or licence to the person organising the event, rather than to each individual trader if that person or company is responsible for all traders under their permission.
36. The Council will require that the company produces a list of the individual traders before the trading day and that the traders hold and are able to produce some authorisation from the company organising the event.
37. The Council will require the operating company to hold an insurance certificate covering all the individual traders to the value of £10,000,000.
38. This policy is aimed at promoting events and encouraging more traders to attend them.
39. We will issue a single consent or licence, which will cover a number of traders. The number of traders covered is as follows:
- Category 1 – Up to 20 traders
 - Category 2 – Over 20 traders
40. If the event is being held on behalf of raising funds for a charity, etc the fee will be waived.

Markets

Ashford Town Market

41. The market operates on a Tuesday, Friday and Saturday with some traders historically entitled to trade on a Thursday also. Stalls should be set up and

vehicles removed off site by 9am when the market opens. Traders typically set up between 0700 – 0800 until 3pm. From 3pm, vehicles are allowed on site and stalls should be packed away as quickly as possible giving attention to health and safety as public will be in the area. This may be altered during the winter months and/or during periods of bad weather with consent of the Market Toby and/ or Licensing.

42. All waste generated from each stall should be removed from site by the stall holder at the end of the trading day. Traders are required to dispose of their waste themselves ensuring legal compliance.

Ashford Farmers Market

43. Ashford Farmers Market is operated by Ashford Borough Council in the Lower High Street every 4th Sunday of the month selling local produce.

44. To enquire regarding this market please contact 01233 331111

Tenterden High Street Market

45. This Friday market, located in the High Street outside Tenterden Town Hall is operated by Tenterden Town Council.

46. To enquire regarding this market please contact;
townhall@tenterdentowncouncil.gov.uk

Ashford Orbital Market

47. This market is not operated by Ashford Borough Council

Tenterden 'Market Square' Market

48. This market is not operated by Ashford Borough Council

Conditions

49. Standard conditions will be attached to every street trading consent and licence detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality.
50. The Head of Community Safety and Wellbeing may review the conditions set out in Appendix A of this policy and may add to, delete or amend the conditions as they see fit.
51. Specific conditions will also be attached such as the days and hours when street trading is permitted, the goods which may be sold and the size of the pitch.

52. Failure to comply with conditions, non-payment of fees or non-attendance may lead to revocation or non-renewal of a consent/licence.

Enforcement

53. Persons trading without a street trading permission, applicants who fail to disclose relevant information, traders whom breach conditions or display unsuitable behaviour will be the subject of enforcement action. This also includes any person who holds a certificate granted under the Pedlar's Act 1871, but who fails to operate in accordance with the Act.

54. There are a range of enforcement options available including (but not limited to) a verbal warning, a written warning, prosecution and revocation of licence/consent.

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Appendix A: Pool of conditions

Pool of conditions that may be imposed on a consent to trade

In these conditions:

"The Council" means Ashford Borough Council.

"You" means the holder of the consent to trade.

"Your Assistant" means any person or persons who assists the holder of a consent to trade whilst trading under that consent.

1. In addition to these conditions, the Council may also impose conditions which are specific to individual consents to trade.

2. Trading consents for Tenterden market will be conditional on the design of the stalls.

3. Traders wishing to use generators whilst trading at Tenterden market will require permission from the licensing authority.

4. The consent is personal to the trader and is not transferable.

5. The consent holder may only site the permitted structure at the approved location(s).

6. A copy of the consent shall be displayed in a conspicuous place or be made available on demand by an Officer of the Council or Kent Police, whilst trading.

7. The consent holder may only trade on the approved days and between the approved times as indicated on the street trading consent.

8. The consent holder may only sell articles approved by the Council as indicated on the street trading consent.

9. The consent holder shall write to the Council giving details of the new home address or new address of the registered office within seven days of change

10. The consent holder shall write to the Council giving full details of any conviction(s), caution(s) or fixed penalty notice(s) imposed within seven days of the imposition of the conviction(s), caution(s) or fixed penalty notice(s).

11. The holder shall indemnify the Borough Council against any claims in respect of injury damage or loss arising out of the grant of this consent (except insofar as any claim in respect of injury damage or loss is attributable to the negligence of the Council) and shall maintain a public liability insurance policy with a limit of indemnity of up to £5 million (£2 million for market traders) for any one incident. The holder shall produce the certificate of insurance and any renewal thereof within 24 hours of the original expiry date.

13. The consent holder shall ensure full compliance with relevant food safety and health and safety legislation.

14 The consent holder must ensure that staff who prepare open high risk foods, or handle food and have a supervisory role, have training to the level equivalent to the Chartered Institute of Environmental Health (CIEH) Level 2 Award in Food Safety in Catering within three months of the consent being issued.

15 The consent holder shall take all reasonable and proper precautions for the safety of all other persons using the street(s) and to prevent danger to persons using the street(s).

16 The consent holder shall not cause any obstruction of the highway.

17 No article or thing shall be caused or allowed to project beyond the front of the stall or be placed alongside it in such a way as to cause any obstruction to users of the highway.

18 The consent holder shall ensure that trading is conducted in a manner which avoids any nuisance or annoyance to the occupiers of neighbouring premises. In particular the holder shall ensure that any power driven equipment (including generators) are sited to minimise noise and attenuated where necessary.

19 The consent holder shall comply with the reasonable requests of a duly authorised officer of the Council to take such action as is considered necessary to abate any nuisance or obstruction.

20 Public highways shall be maintained in a clean condition during each day's trading and all rubbish and waste paper accumulated throughout the daily operation of this consent shall be removed at the end of each day's trading. Suitable refuse facilities shall be provided to encourage customers to dispose of rubbish and waste paper so as to avoid causing a nuisance by the littering of the highway and private land bordering the approved location.

21 The consent holder shall observe, perform and comply with all relevant statute law, common law and byelaw provisions, including Road Traffic Regulation Orders made by the Highway Authority.

22 All vehicles that are traded from will have a valid certificate of motor insurance, where appropriate, a valid MOT Certificate and be fit for purpose.

23 A consent may be surrendered at any time.

24. The consent holder shall, where applicable, at all times when trading comply with all "Codes of Practice" relating to noise in particular the "Codes of Practice on Noise from Ice Cream Vans Chimes etc 1982".

25. No animal shall be present on any stall or vehicle.

Appendix B: Ashford Town Market - Standard Subsidiary Terms and Conditions

1. A licence holder or his assistant shall engage in street trading at all times in accordance with the directions of authorised Officers of the Council.
- 1.1 A licensed trader shall:-
 - (a) Cause all refuse arising from the business to be suitably stored/contained to prevent escape and ensure removal of all waste by the end of the trading day and arrange for its lawful disposal.
2. The licence holder shall not attend at the street before 6 a.m. on the day(s) for which this licence is valid, but shall attend there by 8 a.m. failing which it may be assumed that he will not be trading that day. The licence holder shall remain at the stall until the ceasing of trading at 3 p.m. following which he shall immediately vacate the stall
3. The licence holder will ensure the appropriate person (either market "Toby" or Licensing Officer) is contacted in advance of a designated trading day if they are unable to trade. Continued non attendance without good reason may result in revocation of the licence.
4. All vehicles being used by the licence holder or his assistant for servicing his trading shall be loaded or unloaded and leave the Town Centre without delay and without causing obstruction to pedestrians and traffic in the Town Centre and shall be parked away from the Town Centre and no such vehicle shall, except in cases of emergency, be in the Town Centre between 9 a.m. and 4 p.m.
5. A licence holder shall only engage in street trading on the days and during the hours specified in the licence.
6. A licence holder shall sell or expose or offer for sale no article or thing of any class other than as specified in the licence.
7. All stalls used under the authority of this licence must:
 - (a) be used in such a manner that no damage is caused or is likely to be caused to the surface of the street or any person, building, structure, article or thing therein and
 - (b) no stall or article associated with it shall be physically attached in any manner to the surface of any street or any building, structure, article or thing therein.
8. The holder shall indemnify the Borough Council against any claims in respect of injury damage or loss arising out of the grant of this licence (except insofar as any claim in respect of injury damage or loss is attributable to the negligence of the Council) and shall maintain adequate insurance (including both public and products liability), with a limit of

indemnity of up to £5 million. The minimum being £2 million, for any one incident. The holder shall produce the certificate of insurance and any renewal thereof within 24 hours of the original expiry date.

9. The licence holder shall pay to the Council the cost incurred by the Council in making good any damage to the Town Centre or its furniture or landscaping caused by the licence holder or his assistant.
10. No article or thing shall be caused or allowed to project beyond the front of the stall or be placed alongside it in such a way as to cause any obstruction to users of the highway.
11. A licence holder shall cause no nuisance, injury or offence to any user of the street or any occupier of any premises and in particular, but without prejudice to the generality of the foregoing, shall not:-
 - (a) engage in noisy or disorderly conduct;
 - (b) use any amplified music and shall not use any musical instrument, radio, gramophone, tape or cassette player or noisy apparatus in such a way as to cause annoyance to or lead to reasonable complaint from any other person.
12. A licence holder shall immediately remove his stall and any articles or things associated therewith for so long as may be necessary if required to do so by an authorised Officer of the Council (who if so required shall produce his authority) or a Constable in the event of an emergency or in the exercise by the Council of any of its powers or duties or in the event of works being carried out in the street by statutory undertakers.
13. A licence holder shall:-
 - (a) at all times while engaging in street trading, have in his possession his Street Trading Licence, as issued by the Council;
 - (b) if so required by the Council at all times while engaging in street trading, carry about his person a badge or such other means of identification (if any) as may be prescribed by the Council;
 - (c) on being required to do so by an authorised Officer of the Council (who if so required shall produce his authority) or by a Constable, produce this licence;
 - (d) on changing his address, or the address at which articles will be stored when not being offered for sale, within 7 days of such change give notice to the Council, of such change and at the same time produce this licence in order that a memorandum of such change may be endorsed thereon.
14. A licence holder shall not at any time lend or purport to transfer or assign this licence to, or permit it to be used by any other person.
15. This licence must not be altered, defaced or tampered with in any way.

16. In these conditions:-

- (a) "The Act" means the Local Government (Miscellaneous Provisions) Act 1982;
- (b) "The Council" means Ashford Borough Council;
- (c) Except where the context otherwise requires words and phrases shall have the meanings assigned to them by paragraph 1 of the fourth Schedule to the Act;
- (d) "Licence holder" means any person who is licensed by the Council to engage in street trading under Section 3 and the fourth Schedule of the Act;
- (e) The term "stall" in this licence includes any stall or mobile shop or similar vehicle from which trading is conducted;
- (f) "Assistant" means any person (not being a licence holder trading under the authority of and in accordance with any condition in a street trading licence) who engages in street trading on or from a stall which is under the control of a licence holder whether in return for payment or not;
- (g) "The Schedule" means the Schedule to this street trading licence.

17. A licence holder and any assistant must comply strictly with any statutory provisions relevant to his street trading activities, and in particular persons carrying on a food business must comply with the Food Safety Act 1990 and the Food Hygiene (England) Regulations 2006.

18. The licence holder's attention is drawn to Schedule 4 of the Local Government (Miscellaneous Provisions) Act which provides that failure to comply with the above conditions could lead to revocation of this licence and would be taken into account in considering any application for renewal. Contravention of any of the principal terms of this licence constitutes an offence.

Appendix C: Guidelines relating to the relevance of convictions

1. General policy

- 1.1. It should be advised that the relevance of prior convictions applies to persons applying for grant or renewal of a licence or street trading consent.
- 1.2. Each case will be decided on its own merits
- 1.3. The Council will assess whether an applicant for the grant or renewal of a street trading consent or licence is a suitable person to hold or to continue to hold a street trading consent
- 1.4. In considering the previous convictions of the applicant, the Council will consider the following:
 - whether the conviction is relevant;
 - the seriousness of the offence;
 - the length of time since the offence occurred;
 - whether there is a pattern of offending behaviour;
 - whether that person's circumstances have changed since the offence occurred; and
 - the circumstances surrounding the offence and the explanation offered by that person.

2. Offence types

The following is a description of the Council's general approach to certain categories of offences.

2.1. Dishonesty

The holders of a street trading consent and licence and their assistants have to be persons who can be trusted. It is easy for a dishonest trader or assistant to take advantage of the public.

Members of the public using a street trading outlet expect the holder and his assistant to be honest and trustworthy.

For these reasons a serious view will be taken of any conviction involving dishonesty. In general, an applicant for the grant or renewal of a street trading consent is unlikely be granted a street trading consent where the application is made within 3 to 5 years of a conviction or the date of release from jail.

2.2. Violence

As street traders and their assistants have close contact with the public, a robust approach will be taken with applicants who have

convictions for violence. In cases where the commission of an offence involves loss of life, a street trading consent or licence will normally be refused. In other cases, a period of 3 to 10 years free of conviction from the date of conviction or the date of release from jail where a custodial sentence has been imposed, depending upon the nature and seriousness of the offence(s), will generally be required before an application is likely to be considered favourably.

2.3. Drugs

Where an applicant has a conviction for an offence that relates to the supply or importation of drugs and the date of the conviction or the release from jail, where a custodial sentence has been imposed, is less than 5 to 10 years before the date of the application, an application will normally be refused. After 5 years from a conviction or the date of release from jail, where a custodial sentence has been imposed, the circumstances of the offence and any evidence which shows that a person is now a suitable person to hold a street trading consent will be taken into consideration.

An application will normally be refused where the applicant has a conviction for an offence relating to the possession of drugs and the date of the conviction or the release from jail, where a custodial sentence for such an offence has been imposed, is within 3 to 5 years of the date of the application. After a period of three years from conviction or the date of release from jail where a custodial sentence has been imposed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a suitable person to hold a street trading consent

An application will normally be refused where an applicant has more than one conviction for offences related to the possession of drugs and the last conviction or the date of release from jail, where a custodial sentence has been imposed, is less than 5 years before the date of the application.

2.4. Sexual and indecency offences

As the holders of street trading consents and their assistants, and in particular those who sell ice cream, have access to children, applicants who have convictions for rape, indecent assault, any sexual offence involving children and any conviction for an offence under the Sexual Offences Act 2003 will normally be refused a street trading consent. Where an applicant has a conviction for a sexual offence such as indecent exposure they will normally be refused a street trading consent until they can show a substantial period usually between 5 and 10 years free of any such convictions from the date of conviction or the date of release from jail where a custodial sentence has been imposed.

After a period of 5 years from conviction or the date of release from jail, where a custodial sentence has been imposed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a suitable person to hold a street trading consent.

When considering applications, the Council may take into account any information of a sexual nature which does not amount to a criminal offence that is brought to its attention where that information may indicate that an applicant may not be a suitable person to hold a street trading consent. In cases where the Council considers that information shows an applicant is not a suitable person, it will normally require a period of not less than 5 years free of such incidents from the date on which the incident occurred or, if more than one from the date of the last incident.

2.5. Motoring convictions

In most cases, motoring offences are unlikely to be relevant when deciding if an applicant for a street trading consent is a suitable person. However, there may be instances where the offences are of a very serious nature. In those cases, an applicant for a street trading consent would be expected to show a period usually between 3 and 5 years free of any such convictions from the date of conviction or the date of release from jail, where a custodial sentence has been imposed.

2.6. Formal cautions and fixed penalty notices

For the purposes of these guidelines, the Council will treat Formal Cautions issued in accordance with Home Office guidance and fixed penalty notices as though they were a conviction before the courts

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Agenda Item No:

Report To: CABINET

Date of Meeting: 10 May 2018

Report Title: Statement of Principles for Gambling

Report Author & Job Title: Trevor Ford
Environmental Protection & Licensing Team Leader

Portfolio Holder Cllr. G.J. Bradford
Portfolio Holder for: Community Safety and Wellbeing

Summary:

The purpose of this report is to present to cabinet an updated version of Ashford Borough Council's Statement of Principles for Gambling.

The new policy reflects changes in legislation and good practice.

Key Decision: NO

Significantly Affected Wards: All

Recommendations: The Cabinet is recommended to:-

- i. To note the review of the statement of principles for gambling and agree to the publishing of the draft Statement of Principles for Gambling for the purposes of consultation

Policy Overview:

The determination of gambling licences and permits is a statutory duty and provides protection to prevent gambling being a source of crime and disorder, to ensure gambling is conducted in a fair and open way, and, to protect children and other vulnerable persons from being harmed or exploited by gambling.

Our statement of principles for gambling guides members of the public, applicants, elected members, and officers on such matters.

Financial Implications: None

Legal Implications It is considered that the revised report provides greater clarity on the expectations of the Licensing Authority, and reduces potential inconsistency that could lead to legal challenge. No specific new negative implications are

expected.

Equalities Impact Assessment

See attached

Other Material Implications:

None

Exempt from Publication:

NO

Background Papers:

Gambling Policy Statement 2016-2019
(available via
<https://www.ashford.gov.uk/media/2051/gambling-act-2016-2019-final.pdf>)

Contact:

trevor.ford@ashford.gov.uk – Tel: (01233) 330 397

Report Title:

Statement of Principles for Gambling

Introduction and Background

1. The purpose of this report is to present to Cabinet a revised draft version of Ashford Borough Council's 'Statement of Principles for Gambling' which as a statutory document must be published prior to the 1 February 2019. The new statement of principles reflects legislative changes and good practice. This document is attached as *Appendix B*.
2. The determination of gambling permits and licence applications is a statutory duty and aims to prevent gambling from being a source of crime and disorder, ensures that gambling is conducted fairly and openly, and that children and vulnerable persons are protected from harm or exploitation by gambling.
3. Our statement of principles with respects to this subject area guides members of the public, applicants, elected members, and officers on such matters.
4. The current gambling policy statement expires on the 31 January 2019, and the planned revision acts to expand on the current document to provide greater clarity on the expectations of the Licensing Authority.
5. The statement of principles sets out how the Council will approach the making of decisions, indicating what the council considers to be important, what control measures it will be looking for, and so forth.
6. It is vital that the policy does not turn into a rule that is applied inflexibly and fetters the exercise of discretion. There must be a willingness to consider individual applications on their particular merits.
7. A policy relating to the determination of applications not only guides the decision-maker but also services to inform an applicant about what they should consider in preparing their application.

Proposal/Current Position

8. The Cabinet is asked to note the review of the Statement of Principles for gambling and agree to the publishing of the draft Statement of Principles for Gambling for the purposes of consultation with the public and interested parties, prior to resubmission to Cabinet incorporating any relevant aspects for final adoption by Council.
9. It should be noted that not all areas of Gambling are regulated by the Licensing Authority, but by the Gambling Commission. This includes the controversial level of stakes on fixed odd betting terminals (maximum stake £100) that has previously been highlighted in the media. Ashford Borough Council has however responded to government consultations on a reduction of these stakes and support a reduction from £100 to £2 maximum stake in order to further promote the licensing objectives.

10. It should also be noted that there is a general principle to permit gambling under section 153 of the Gambling Act 2005, and that when determining an application the Licensing Authority cannot take into account of;
 - Expected demand for a gambling premises
 - Planning or building restrictions
 - Moral or ethical objections to gambling
 - Dislike of gambling
 - A general notion that gambling is undesirable
11. The revision to this policy is extensive and most if not all areas have been expanded to provide greater clarity and detail on expectations to aid applicants, but mostly importantly to ensure that the licensing objectives of the Gambling Act 2005 are upheld.

Implications and Risk Assessment

12. The update to this policy is not anticipated to have any significant implications.
13. Judicial review is a risk if the policy strays beyond the requirements of the act, or restricts legal activities without due and appropriate cause

Equalities Impact Assessment

14. The policy will affect all persons involved in or affected by a relevant licensable activity in the Borough, irrespective of gender, race, disability, sexuality or age. Recipients of the policy include holders of licences, members of licensing sub-committee, authorities e.g. Kent Police, Kent Fire & Rescue Service, etc. and all of the Borough's businesses, residents of the borough and those who visit and use local gambling offerings.
15. An equalities impact assessment is attached as *Appendix A*

Consultation Planned or Undertaken

16. It is proposed that if the draft policy is accepted, then the draft Statement of Principles for Gambling will be consulted upon. The consultation process must take the following format;
 - The public consultation will run between 1 June 2018 to 31 August 2018.
 - During the public consultation a public notice will be displayed at the Civic Centre, an advert published in the local paper, and relevant bodies written to. Details of bodies to be consulted on the draft Statement of Principles for Gambling are provided within the document.
 - Following return of a final draft Statement of Principles for Gambling to Cabinet/Council the final statement will be published on the Council's

website from the 3 January 2019 to 31 January 2019, and made available at the Civic Centre for the same period.

- A final notice must be published on the council's website and at the Civic Centre stating where the document can be inspected, the date it would be published, and the date in which it would take effect.

Other Options Considered

17. As a statutory requirement under the Gambling Act, the Licensing Authority must publish a Statement of Principles for Gambling for the period 1 February 2019 to 31 January 2022.
18. Whilst the Statement of Principles for Gambling must contain certain information as defined, the expectations of the Council are to an extent open to allow local considerations to be taken into account.

Reasons for Supporting Option Recommended

19. During the development of the 'Statement of Principles for Gambling' legislation and guidance has been considered, and the principles selected are considered to best meet the aims of the licensing objectives.
20. This approach is recommended to ensure that the policy remains up to date, and effectively can be usefully applied by the council, officers, applicants, and the general public.

Next Steps in Process

21. Once the draft has been agreed for consultation, it will be prepared for the statutory consultation described above. Once the consultation is complete a final version of the document will be prepared and submitted to Cabinet/Council for approval.
22. The final statement of principles will be subject to statutory review after three years, along with any periodic review brought about by changes in the Council's approach, or change to relevant legislation

Conclusion

23. In summary, the statutory review and consultation on the statement of principles aims to provide interested persons with details of the councils approach whilst promoting the Gambling Acts licensing objectives.
24. The revisions made to this document are based on associated legislative updates, need to protect the general public and vulnerable persons, and need to provide clarity on ambiguous points in the prior policy,

Portfolio Holder's Views

25. “I support the revised draft Statement of Principles for Gambling, which adds detail and clarity to those connected to this sector. This detail acts to provide protection to the general public and vulnerable persons such as children, those suffering with addiction problems, and those with mental health issues ”
- Councillor G.J. Bradford

Contact and Email

26. Trevor Ford
Environmental Protection and Licensing Team Leader
(01233) 330 397
trevor.ford@ashford.gov.uk

Appendix A: Equalities Impact Assessment

Appendix B: Statement of Principles for Gambling 2019-2022 (DRAFT)

Please note

A copy of the current (2016-2019) Statement of Principles for Gambling is available via;
<https://www.ashford.gov.uk/media/2051/gambling-act-2016-2019-final.pdf>

Equality Impact Assessment

1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
- (a) Eliminate discrimination, harassment and victimisation;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
- removing or minimising disadvantages suffered by people due to their protected characteristics.
 - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
 - encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.

7. How much regard is 'due' will depend on the circumstances. The greater the

potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

Case law principles

9. A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a

policy, for example, is being developed and agreed but also when it is implemented.

- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

Equality Impact Assessment

Lead officer:	Trevor Ford
Decision maker:	Cabinet
Decision: <ul style="list-style-type: none"> Policy, project, service, contract Review, change, new, stop 	To agree to the publishing of a revised Statement of Principles for Gambling 2019-2022 for public consultation.
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	10 May 2018
Summary of the proposed decision: <ul style="list-style-type: none"> Aims and objectives Key actions Expected outcomes Who will be affected and how? How many people will be affected? 	<p>The report seeks to approve an updated version of the Statement of Principles for Gambling for public consultation.</p> <p>The changes in the document include expanding upon the prior version to provide greater clarity on the Licensing Authority requirements, in order to promote the Gambling Act 2005 licensing objectives.</p> <p>It is expected that members of the general public may be affected by the policy by means of access local gambling provision. Businesses providing gambling services will also be affected as to the requirements associated with their premises type.</p>
Information and research: <ul style="list-style-type: none"> Outline the information and research that has informed the decision. Include sources and key findings. 	<p>Research conducted as part of the revision of the policy includes;</p> <ul style="list-style-type: none"> Updated case law Best practice guidance General gambling licensing research Liaison with the Gambling Commission.
Consultation: <ul style="list-style-type: none"> What specific consultation has occurred on this decision? What were the results of the consultation? Did the consultation analysis reveal any difference in views across the protected characteristics? What conclusions can be drawn from the analysis on how the decision will affect 	<p>Discussion on these changes have occurred amongst colleagues within Health, Parking and Community Safety, the Portfolio Holder and Legal Services.</p> <p>The basis of the report is to agree the draft policy for public and trade consultation. A further equalities assessment will accompany the final draft of the policy prior to adoption by cabinet.</p>

people with different protected characteristics?		
Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.		
When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.		
Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
<u>AGE</u>		
Elderly	Medium	Positive - minor
Middle age	Medium	Positive – minor
Young adult	Medium	Positive – minor
Children	High	Positive - major
<u>DISABILITY</u>		
Physical	Medium	Positive - minor
Mental	High	Positive - major
Sensory	Medium	Positive - minor
<u>GENDER RE-ASSIGNMENT</u>	Low	Neutral
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	Low	Neutral
<u>PREGNANCY/MATERNITY</u>	Low	Neutral
<u>RACE</u>	Low	Neutral
<u>RELIGION OR BELIEF</u>	Low	Neutral
<u>SEX</u>		Neutral
Men	Low	
Women	Low	Neutral
<u>SEXUAL ORIENTATION</u>	Low	Neutral

<p>Mitigating negative impact:</p> <p>Where any negative impact has been identified, outline</p>	<p>N/A</p>
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the measures taken to mitigate against it.	
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Is the decision relevant to the aims of the equality duty?

Guidance on the aims can be found in the EHRC's [Essential Guide](#), alongside fuller [PSED Technical Guidance](#).

Aim	Yes/No
1) Eliminate discrimination, harassment and victimisation	Yes
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	Yes
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	Yes

Conclusion:

- Consider how due regard has been had to the equality duty, from start to finish.
- There should be no unlawful discrimination arising from the decision (see guidance above).
- Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified.
- How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?

The legislative provisions relevant to this Statement of Principles for Gambling provides for the protection of children and vulnerable persons.

The changes as part of the revised document are not considered to have any negative impacts on equality, however further public consultation is planned and any feedback will be considered as appropriate.

Monitoring of the policy will be undertaken formally prior to expiry (three years). Additional review may be required should there be any change in legislation or a particular urge to change Council policy during the lifetime of the document.

In addition the council's revised policy register will assist the service to meet this

EIA completion date:	19 March 18
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Statement of Principles for Gambling

Under Section 349 of the Gambling Act 2005

01/02/2019 - 31/01/2022

Policy: Statement of Principles for Gambling

Original
Implementation Date:

Control Schedule

Policy Owner:	Licensing – Community Safety and Wellbeing		
Policy Author:	Trevor Ford – Environmental Protection and Licensing Team Leader		
Approved By:	Council		
Approval Date:	DATE	Minute reference:	REFERENCE
Policy Review Due:	DATE	Review Cycle:	3 yearly
EIA completed:	DATE	EIA Review Due:	On next review

Version Control

Version	Date	Author	Comment	Approved by
1.0		T Ford		Cabinet

Decisions affecting this policy

Date	Committee/Member/Officer	Report title	Minute ref

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Foreword

I am pleased to present to you Ashford Borough Council's Statement of Principles for Gambling under the Gambling Act 2005. This edition has been comprehensively revised to reflect clearly the expectations of Ashford Borough Council in its role as a Licensing Authority and incorporates changes in legislature and guidance that have been introduced since the previous version of the policy was published.

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

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

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

I would like to thank those who have participated in the development of this document and also to fellow members for their hard work in presiding over cases that may come before the Licensing Sub-Committee.

Signature

Councillor G J Bradford
Cabinet Member for Community Safety and Wellbeing

Chapter 1: Introduction and Overview

This Policy document includes the Statement of Principles for Gambling of Ashford Borough Council effective from 1 February 2019.

Definitions Used in this Policy

‘the Act’ means the Gambling Act 2005

‘the Council’ means Ashford Borough Council

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

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

‘Licensing Authority’ means Ashford Borough Council

‘Licensing Committee’ refers to the Committee of Ashford Borough Council to consider licensing matters

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

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

‘relevant representations’ means a representation conforming to the legal requirements of the Licensing Act 2003

‘Regulations’ refers to Regulations under the Licensing Act 2003 issued by the Secretary of State

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

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

Introduction

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

condition. The Gambling Commission also issue Ordinary Codes, which set out best industry practice. They are not licence conditions, but operators are expected to follow them unless they have alternative arrangements in place which they can demonstrate are equally as effective.

4. The Licensing Authority, when carrying out inspections of gambling operators, reserves the right to assess compliance with such matters set out in the Gambling Commission's Licence Conditions and Codes of Practice as it sees fit, and will share intelligence with the Gambling Commission about any issues of non-compliance in this respect.
5. The licensing objectives under the Gambling Act 2005 are:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
6. The Council consulted widely upon this revised Statement of Principles from **1 June 2018 to 31 August 2018**. A list of bodies consulted on the revised Statement can be found at *paragraph 21*. Further consultation details can be found at *appendix one*.
7. The Act requires the following to be consulted in the revision of the statement:
 - the Chief Officer of Police
 - people and bodies representing the interests of persons in gambling businesses in the area
 - people and bodies who represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act
8. Nothing in this policy overrides the right of any person to make an application, make representations about an application or apply for a review of a licence. Each will be considered on its own merits and in accordance with the statutory requirements of the Act.
9. In reviewing this Statement of Principles, the Council has had regard to the licensing objectives under the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission and to the responses arising from our consultation.

Responsible Authorities

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

The principles are:

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

Kent Police - Chief Officer of Police

Licensing / CSU
Canterbury Police Station
Old Dover Road
Canterbury, CT1 3JQ

Kent Fire Rescue Service

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

Environmental Protection

Ashford Borough Council
Civic Centre
Tannery Lane
Ashford, TN23 1PL
epcomplaints@ashford.gov.uk

Licensing Authority

Licensing
Ashford Borough Council
Civic Centre
Tannery Lane
Ashford, TN23 1PL
licensing@ashford.gov.uk

Planning

Ashford Borough Council
Civic Centre
Tannery Lane
Ashford, TN23 1PL
planninghelp@ashford.gov.uk

Kent Children's Social Services

Kent County Council
Kroner House
Eurogate Business Park
Ashford, TN24 8XU
social.services@kent.gov.uk

Health and Safety

Community Safety and Wellbeing
Ashford Borough Council
Civic Centre
Tannery Lane
Ashford, TN23 1PL
environmentalhealthenquiries@ashford.gov.uk

The Gambling Commission

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

HM Revenue and Customs

National Registration Unit
Portcullis House
21 India Street
Glasgow, G2 4PZ
nrubetting&gaming@hmrc.gsi.gov.uk

Interested Parties

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

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

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

Geographical Area Covered by this Statement of Principles

20. A map showing the geographical area covered by this Statement of Principles can be viewed at *appendix two*.

List of Bodies Consulted on this Statement of Principles

21. British Amusement Catering Trade Association (BACTA)
Association of British Bookmakers
Gamble Aware
The Gambling Commission
Kent Police
Kent Fire Rescue Service
Ashford Borough Council; Environmental Protection, Planning, Health & Safety
HM Revenues and Customs
Kent County Council's Public Health Department
Kent County Council's Kent Children's Social Services
Operators of Betting Premises in Ashford
Operators of Adult Gaming Centres in Ashford
Operators of Family Entertainment Centres in Ashford
Operators of Bingo Premises in Ashford
Holders of Gaming Machine Permits in Ashford
Holders of Club Gaming Permits in Ashford
Holders of Club Machine Permits in Ashford

Exchange of Information

22. The Council will act in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission.
23. Section 29 of the Gambling Act 2005 enables the Gambling Commission to require information from licensing authorities (including the manner in which it is compiled, collated and the form in which it is provided), provided that it:
 - forms part of a register maintained under the Gambling Act 2005;
 - is in the possession of the Licensing Authority in connection with a provision under the Gambling Act 2005.

24. Section 350 of the Gambling Act 2005 allows licensing authorities to exchange information with other persons or bodies for use in the exercise of functions under the Act. These persons or bodies are:
- A constable or Police force
 - An enforcement officer
 - A licensing authority
 - HMRC
 - The First Tier Tribunal
 - The Secretary of State
 - Scottish Ministers
25. Information requests from such parties should be made to the Licensing Authority in writing, setting out clearly what information is required and the reason the information is required. The requirements of the Data Protection Act 1998 will be complied with. Freedom of Information requests can be submitted online at <https://www.ashford.gov.uk/transparency/freedom-of-information/>
26. The Licensing Authority will also have regard to Guidance issued by the Gambling Commission to local authorities as well as any relevant regulations issued by the Secretary of State under the powers provided for in the Act.

Enforcement

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

- verbal or written advice
 - verbal warning
 - written warning
 - mediation between licensees and interested parties
 - licence review
 - simple caution
 - prosecution
31. These actions are not mutually exclusive and it may be that one course of action follows another, depending on the individual circumstances.
32. The Licensing Authority operates a partnership approach to dealing with enforcement matters concerning licensed premises. This may include working with the Police or any of the other responsible authorities under the Act, or working with colleagues from other Council departments or outside agencies.
33. The Licensing Authority needs to be satisfied premises are being run in accordance with the provisions of the Act, the licensing objectives, the Licence Conditions and Codes of Practice issued by the Gambling Commission and any conditions attached to the Premises Licence. To achieve this, the Licensing Authority will inspect premises, meet with licence holders and carry out general monitoring of areas as necessary.
34. Inspection and enforcement under the Act will be based on the principles of risk assessment, a graduated response and the targeting of problem premises. The frequency of inspections will be determined on risk-based criteria with high risk operations receiving more attention than premises carrying lower risk.
35. Premises found to be fully compliant will attract a lower risk rating. Those where breaches are detected will attract a higher risk rating.
36. The Licensing Authority will take appropriate enforcement action against those responsible for unlicensed premises/activity. Action will be carried out in accordance with the Enforcement Policy.
37. Before deciding which course of action to take, the Licensing Authority shall consider the following matters:
- the history of the premises
 - the history of the offender
 - the offender's attitude
 - the circumstances of the offence
 - whether the offender has a statutory defence to the allegations
 - the impact or potential impact of the breach on the public
 - the quality of the evidence against the offender
 - the likelihood of achieving success in a prosecution
 - the likely punishment that will be incurred if the case goes to Court
 - whether the course of action proposed is likely to act as a deterrent

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

The Council's Functions

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

- licences, permits and other permissions issued
- maintain registers of the permits and licences that are issued under these functions.

41. Councils are not involved in licensing online gambling, which is the responsibility of the Gambling Commission.

Duplication with Other Regulatory Regimes

42. The Licensing Authority will seek to avoid duplication with other statutory and regulatory regimes where possible, including planning. The Licensing Authority will not consider planning permission or building regulations approval when making decisions under the Gambling Act. Nor will it regard the granting of a licence, permit or permission as fettering the Council's ability to consider planning applications independently on their planning merits.

Gambling Prevalence and Problem Gambling

43. Problem gambling can have a detrimental effect on personal finances as the attempt to chase losses becomes unmanageable. As well as spending wages, savings and spare cash, debts can also be a feature of problem gambling as a result of borrowings and loans to cover gambling losses.
44. However, the effects of problem gambling can cost more than money. Problem gamblers often say they feel isolated as a result of their solitary pursuits of chasing losses. There is a tendency to stay away from school, college or work in order to gamble. In addition, there is often a preoccupation with gambling, a lack of interest in maintaining relationships and a lack of motivation to engage in social activities. There is often reluctance amongst gamblers to spend money on items of clothing or household goods as this expenditure is often seen as funds for gambling. There can also be an unwillingness to pay utility bills as money would rather be used for gambling purposes.
45. Problem gambling can be progressive in nature and problem gamblers can end up engaging in criminal activity to fund their gambling. This can lead to lifelong consequences with criminal convictions.
46. In 2015 0.8% of people aged 16+ in Great Britain identified as problem gamblers.
47. The following Gambling Commission infographic provides a useful summary of the national picture on gambling participation.

Gambling participation

45% of adults aged 16+ have participated in gambling in the past four weeks

3% decrease from 2016

National Lottery draws are the most popular activity, but participation is declining

3% decrease from 2016

31% of gamblers have only gambled on National Lottery draws in the past four weeks



48%
of men have gambled



41%
of women have gambled



Participation in premise based gambling has decreased across most activities



Online participation has increased across most activities



18%
of adults have gambled online



Playing on machines in a bookmakers has remained stable



Football is the most popular betting activity



33% of gamblers gamble once a week

Chapter 2: Welcome to Ashford Borough Council

General Description

48. The Ashford borough covers an area of 224 square miles within mid-Kent covering an area including the two towns of Ashford and Tenterden, and extending from the North Downs to the Weald of Kent.
49. Ashford's road and rail connections make it ideal for commuting to London, to other parts of Kent, and to Continental Europe.
50. Ashford Borough Council is a rapidly growing town with significant areas of new housing, and redevelopment of town centre locations.
51. Significant notable features within the borough include the Ashford International Train Station, Ashford Designer Outlet, County Square Shopping Centre, Park Mall Shopping Centre, Julie Rose Athletics Stadium, and open spaces such as Victoria Park. Upcoming features under development include Curious Brew Brewery and the Elwick Square Commercial development
52. Ashford Borough Council is comprised of 35 wards. Areas within Ashford noted to feature in the most deprived decile for deprivation include the wards of Stanhope, Aylesford Green and Victoria.
53. Levels of unemployment stand at 2,300 in the period 2016-2017 (Office of National Statistics).
54. Current crime rates, broken down by ward, can be found via www.police.uk/kent
55. The population breakdown for the Ashford borough are as follows :-

Population estimates

Metric breakdown	Metric type	Value type	Ashford	
			2015	2016
N/A	Total resident population	People	124,300	126,200
N/A	Female population	%	51.3	51.3
N/A	Male population	%	48.6	48.6
0-15 population estimates - local authority based by five year age band by gender (%)	Female children (0-15) population	%	10.1	10.1
0-15 population estimates - local authority based by five year age band by gender (%)	Male children (0-15) population	%	10.4	10.5
N/A	Male adults (16-64) population	%	29.6	29.5
N/A	Female adults (16-59) population	%	28.2	28.1
N/A	Male older people (65 and over) population	%	8.6	8.6
N/A	Female older people (65 and over) population	%	10.4	10.4
N/A	Older people (65 and over) population	%	18.3	18.4

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Population - Ethnicity

Metric type	Value type	Ashford	
		2008	2009
White population	%	92.6	92.1
White population	Rank within All English authorities	188	188
Mixed race population	%	1.5	1.5
Mixed race population	Rank within All English authorities	125	143
Chinese or other ethnic group population	%	0.9	0.9
Chinese or other ethnic group population	Rank within All English authorities	190	202
Black or black British population	%	1.6	1.6
Black or black British population	Rank within All English authorities	112	127
Asian or Asian British population	%	2.1	2.2
Asian or Asian British population	Rank within All English authorities	215	228

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Chapter 3: Licensing Objectives & Local Area Risk Assessments

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

Risk Assessment

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

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

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

66. The Licensing Authority will consider whether the premises make, or are likely to make, a contribution to the levels of crime and disorder in an area and whether the applicant has demonstrated that he has, or intends to, implement sufficient controls to prevent the premises being a source of, and/or associated with crime or disorder, or being used to support crime, if the application is granted.
67. Where an area is known for high levels of crime (particularly crime associated with premises used for gambling), the Licensing Authority will consider whether gambling premises are suitable to be located there, and whether additional conditions may be necessary, such as the provision of CCTV, minimum levels of staffing and licensed door supervisors.
68. In terms of disorder, the Guidance to Licensing Authorities published by the Gambling Commission states, "licensing authorities should generally consider

disorder as activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether Police assistance was required and how threatening the behaviour was to those who could hear or see it. There is not a clear line between nuisance and disorder and the licensing authority should take the views of its lawyers before determining what action to take in circumstances in which disorder may be a factor”.

69. The Licensing Authority will consider whether the layout, lighting, staffing and fitting out of the premises have been designed so as to minimise conflict and opportunities for crime and disorder.
70. The Licensing Authority will consider whether sufficient management measures are proposed or are in place to prevent the premises being a source of, or associated with crime or disorder, or used to support crime either as a place of association or to avoid apprehension.

Ensuring that gambling is conducted in a fair and open way

71. Though this licensing objective is primarily the responsibility of the Gambling Commission, the Licensing Authority will have a role in respect of the licensing of tracks, where an Operator’s Licence from the Gambling Commission is not required. Matters to be taken into account will include:
 - whether the layout, lighting and fitting out of the premises have been designed so as to ensure gambling is conducted in a fair and open way
 - whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way
 - whether the management and operation of the premises is open and transparent
 - whether the operators of the premises have been or will be fully cooperative with enforcement agencies
 - whether the Gambling Commission’s Licence Conditions and Codes of Practice have been complied with

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

72. The Licensing Authority will consider the following when taking this licensing objective into account:
 - whether the operator has a specific training programme for staff to ensure they are able to identify children and vulnerable people and take appropriate action to promote this objective to exclude them from the premises or parts of the premises
 - if the premises is an adult only environment, whether the operator has taken effective measures to implement a proof of age scheme such as Think 21 to ensure no one under the age of 18 is admitted to the premises or restricted areas

- whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling
- whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling
- whether any promotional material associated with the premises could encourage the use of the premises by children or young people
- whether the operator can produce a record of underage challenges and action taken to establish age and prevent underage persons from being able to gamble
- whether the premises are located near to facilities that may encourage their use by vulnerable people, such as hostels for those with mental illness and/or addiction problems or schools

73. The Licensing Authority expects applicants to consider the measures necessary to promote the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. It is noted that neither the Act nor the Gambling Commission Guidance define the term 'vulnerable persons'. The Licensing Authority consider the term 'vulnerable persons' to include people who gamble more than they want to; people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, changes in circumstances such as bereavement, loss of employment or ill health or due to alcohol or drugs.

Chapter 4: Premises Licences

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

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

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

Split Premises

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

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

is unlicensed or provides non-gambling facilities, for example refreshments or cashpoint machines.

93. Where the Licensing Authority is satisfied that a building can be divided into separate premises it will expect applicants to ensure that:

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

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

Access to Premises

94. The Gambling Act 2005 (Mandatory and Default Conditions) Regulations set out access provisions for each type of licensed gambling premises. The broad principle is there can be no direct access from one licensed gambling premises to another, except between premises which allow those aged under-18 to enter and with the further exception that licensed betting premises may be accessed via other licensed betting premises.

95. 'Direct access' is not defined, but the Licensing Authority will consider there should be an area such as a street or café to which the public attend for purposes other than gambling for there to be no direct access.

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

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

Plans

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

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

97. The Regulations also state that other than in respect of a track, the plan must show 'the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence'. The Licensing Authority may, however, consider that these minimum requirements are insufficient to satisfy them in respect of the licensing objectives at tracks, Gambling Commission Guidance, Codes of Practice or its own Statement of Licensing Policy. In such cases, the Licensing Authority may ask for such additional information to be shown on the plan as it deems necessary to enable it to discharge its duties effectively. Information shown on the plan that is not required by Regulations will not form part of the Premises Licence and will only be used by the Licensing Authority to help it make a considered decision on the application.

98. If plans change in any material respect during the lifetime of the licence, the applicant will be in breach of their licence and would either need to make a fresh application under s.159 or to seek an amendment to the licence under s.187 of

the Gambling Act 2005. If the changes are substantial, this may, in the opinion of the Licensing Authority, render the premises different to those to which the licence was granted. In such cases, variation of the licence under s.187 would not be possible and an application for a new application would be required under s.159.

General Requirements for All Premises

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

Casinos

106. The Council has not passed a 'resolution not to issue casino premises licence' resolution under section 166 of the Act, but is aware that it has the power to do

so. Should this Licensing Authority decide in future to pass such a resolution, it will update this policy statement with details.

Bingo

107. This policy applies to applications for a Bingo Premises Licence. Bingo has its ordinary and natural meaning and includes any version of the game irrespective of by what name it is described. A holder of a bingo Premises Licence will be able to offer bingo in all its forms.
108. Children and young persons are permitted in bingo premises, but may not participate in the bingo. If any category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.
109. The Licensing Authority expects that where children are permitted in bingo premises, any category B or C machines are located in an area which is separated from the rest of the premises by barriers or in a separate room, where it is made clear that entry is permitted only for those aged 18 or over. Appropriate signage should be provided to this effect and the area should be monitored by staff, either through direct supervision or by monitored CCTV.
110. To avoid a situation where a premises holds a bingo Premises Licence primarily to benefit from the gaming machine allowance, the Licensing Authority will need to be satisfied that bingo is regularly played in any premises for which a Premises Licence is issued and that the premises presentation is clearly that of a bingo premises and readily identifiable as such to any customer using the premises.
111. Young persons, aged 16 and 17, may be employed in bingo premises provided their duties are not connected with the gaming or gaming machines. The Licensing Authority will not grant licences unless the applicant demonstrates how they intend to meet this licensing objective and identify appropriate measures they will take to protect young employees.
112. Where hand held gaming devices are to be used on bingo premises, the Licensing Authority expects applicants to demonstrate how use of these devices will be monitored by staff.

Betting Premises

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

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

116. Betting machines made available at betting premises that accept bets on live events such as horse racing (SSBT's or self-service betting terminals) are not gaming machines and therefore do not count towards the total number of gaming machines that may be permitted at betting premises. However, where a machine is made available to take bets on 'virtual' races (e.g. results/images generated by a computer to resemble a real race or event), that IS a gaming machine and counts towards the maximum permitted number of gaming machines, and is subject to the relevant statutory limits on stakes and prizes.
117. Section 181 of the Gambling Act 2005 permits the Licensing Authority to restrict the number of SSBT's, their nature and the circumstances in which they may be made available by attaching a relevant condition to a Premises Licence for a betting office. When considering whether to do so, the Licensing Authority will consider, among other things, the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.
118. The Licensing Authority when considering the number, nature and circumstances of self-service betting terminals an operator wants to offer will take into account the size of the premises, the number of counter positions

available for person-to-person transactions, and the ability of staff to monitor the use of the machines.

119. Where an SSBT includes functionality to be marketed or presented in languages other than English, the Licensing Authority will seek to ensure the operator has considered the ordinary code provision set by the Gambling Commission about making the following information also available in the relevant languages:
- information on how to gamble responsibly and access the help referred to in the Gambling Commission's Licence Conditions and Codes of Practice
 - the player's guide to any game, bet or lottery under the provisions of the Gambling Commission's Licence Conditions and Codes of Practice
 - the summary of the contractual terms on which gambling is offered, which is a condition of the licence holder's Operating Licence issued by the Gambling Commission

Betting Tracks and Other Sporting Venues

120. Tracks include premises where a race or other sporting event takes place, or is intended to take place. These may be subject to one or more than one Premises Licence, provided each licence relates to a specified area of the track. The Gambling Commission Guidance identifies that operators of track betting premises will not necessarily hold an Operating Licence issued by the Commission. The Licensing Authority will have particular regard to proposals and measures to ensure the environment in which betting takes place is suitable for betting and that betting is conducted in a fair and open way.
121. Examples of tracks include:
- Horse racecourses
 - Greyhound tracks
 - Point to point horserace meetings
 - Football, cricket and rugby grounds
 - Athletics stadia
 - Golf courses
 - Venues hosting darts, bowls or snooker tournaments
 - Premises staging boxing matches
 - Sections of river hosting fishing competitions
 - Motor racing events
122. The offence of permitting a child or young person to enter gambling premises under section 47 of the Act does not apply to tracks. Therefore the Licensing Authority will consider the impact upon the objective of protection of children and vulnerable persons, the need to ensure that entrances to each type of licensed premises within the sporting venue are distinct, and that children are excluded from gambling areas which they are not permitted to enter.

123. The possibility of multiple licences at tracks is noted in Part 20 of the Gambling Commission Guidance. The Licensing Authority will expect the applicant for a Premises Licence to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities. Children and young persons are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but are still prevented from entering areas where gaming machines (other than category D machines) are provided. Children and young persons are not prohibited from playing category D machines on a track.
124. In determining applications for betting at tracks, consideration will be given to appropriate measures/licensing conditions to address the matters listed below:
- proof of age schemes such as Think 21
 - CCTV
 - entry control system
 - supervision of entrances/ machine areas
 - physical separation of areas
 - notices/ signage
 - opening hours
 - provision of responsible gambling information
 - provision of policies and procedures in relation to social responsibility measures as set out below
 - staffing levels
 - staff training and records of staff training
 - recording of incidents such as underage challenges, customer interactions for problem gambling, self-exclusions and complaints and disputes relating to gambling
 - details of action to be taken where an on course bookmaker has breached their Gambling Commission Operating Licence conditions repeatedly, for example where children have been able to gamble.

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

125. Track betting operators must be able to demonstrate their adoption of socially responsible gambling policies and procedures. Such policies and procedures must ensure that track betting activities promote the licensing objectives of ensuring that gambling is conducted in a fair and open way and children and other vulnerable people are not harmed or exploited by gambling.
126. A track Premises Licence does not in itself entitle the holder to provide gaming machines. However, by virtue of section 172(9) of the Act, track owners who hold both a track Premises Licence AND a pool betting Operating Licence issued by the Gambling Commission (this currently only applies to greyhound tracks) may provide up to four Category B2 to D gaming machines on the track.

127. The Licensing Authority will consider the location of gaming machines at tracks, and applicants for track Premises Licences will need to demonstrate that, where the applicant holds or seeks a pool betting Operating Licence and is going to use their full entitlement to gaming machines, these machines are located in areas from which children are excluded. The applicant will be required to provide information as to what measures it will put in place around the gaming machines to ensure that children are excluded.
128. The Licensing Authority will expect applicants to include detailed plans for the race track itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”), pool betting, and any other proposed gambling facilities. Plans should make clear what is being sought for authorisation under the track betting Premises Licence and what, if any, other areas are to be subject to a separate application for a different type of Premises Licence. Any such plans must also contain the information prescribed by regulations.
129. In respect of staff training, the Licensing Authority would expect staff involved with the provision of gambling facilities at the track to be trained in social responsibility measures including, but not limited to, age verification, problem gambling indicators and action to be taken, self-exclusion, complaints procedures and money laundering indicators and action to be taken. Records of such training should be retained by the track management showing the subjects the staff member was trained in and the date training took place. These should be signed off by the staff member and training should be refreshed at least annually.
130. The Licensing Authority expects track operators to have policies and procedures in place to deal with age verification, self-exclusion, money laundering, complaints and disputes and problem gambling as a minimum and to ensure that all staff involved in the provision of gambling facilities are aware of these policies and procedures and have been trained in their implementation.
131. The Licensing Authority expects track management to ensure appropriate problem gambling information is provided commensurate to the size and layout of the premises. This should be in the form of posters and also leaflets which a customer can take away. Leaflets should be provided in areas where they can be taken away discreetly by the customer.
132. Section 152 of the Act permits tracks to be the subject of multiple Premises Licences.
133. Access between premises licensed for gambling and non-gambling areas will be considered carefully by the Licensing Authority for the following reasons:
- To prevent operators from attempting to circumvent the Act by artificially sub-dividing premises and securing separate Premises Licences for its composite parts

- To ensure operators do not circumvent the regulations governing the maximum number of gaming machines that may be provided at specific premises
- To ensure people who have entered premises to take part in one form of gambling are not exposed to another form of gambling
- To ensure there is no direct access between gambling premises to which children have access and those which they are prohibited from entering
- To ensure all gambling premises have publicly accessible entrances
- To ensure gambling premises are not developed in 'back rooms' of other commercial premises.

Adult Gaming Centres (AGC's)

134. Adult gaming centre (AGC) Premises Licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a relevant Operating Licence from the Gambling Commission and must seek a Premises Licence from the Licensing Authority. Gaming machines are a form of gambling attractive to children and AGC's may contain machines of a similar format to the Category D machines on which children are allowed to play. However, persons under the age of 18 are not permitted to enter an AGC.
135. Because gaming machines provides opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The Licensing Authority in considering Premises Licences for AGC's will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds are not attracted to, or gain access to, the premises.
136. The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures / licence conditions may cover issues such as:
 - proof of age schemes
 - CCTV
 - entry control system
 - supervision of entrances/ machine areas
 - physical separation of areas
 - notices/ signage
 - opening hours
 - staffing levels
 - staff training
 - provision of problem gambling information
 - self-exclusion schemes

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

Family Entertainment Centres (FEC's)

137. Generally, FEC's must be operated by a person or body having an Operating Licence from the Gambling Commission. Unlicensed Family Entertainment Centres do not require the operator to have a Gambling Commission Operator's Licence or Premises Licence from the Licensing Authority, but do need to have a gaming machine permit as set out in the section on Permits. Unlicensed Family Entertainment Centres may only be used to provide category D gaming machines.
138. Gaming machines are a form of gambling which is attractive to children and licensed FEC's will contain both Category D machines on which they are allowed to play, and category C machines on which they are not. Because gaming machines provide opportunities for solitary play and for immediate payouts, they are more likely to engender repetitive and excessive play. The Licensing Authority, in considering applications for FEC Premises Licences, will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
139. The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/ licence conditions may cover issues such as:
- CCTV
 - supervision of entrances/ machine areas
 - physical separation of areas for category C machines
 - location of entry
 - notices/ signage
 - opening hours
 - staffing levels
 - staff training
 - self-exclusion schemes
 - provision of problem gambling information
 - measures & training for dealing with children on the premises suspected of truanting

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

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

gambling in that area for example and have appropriate controls in place to reduce the risk of this.

Door Supervisors

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

Provisional Statements

143. Following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the Premises Licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
 - (a) which could not have been raised by objectors at the provisional licence stage, or
 - (b) which in the authority's opinion reflect a change in the operator's circumstances

Reviews

144. Requests for a review of a Premises Licence can be made by interested parties or responsible authorities, including the Licensing Authority. However, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
 - any relevant Code of Practice issued by the Gambling Commission
 - any relevant guidance issued by the Gambling Commission
 - the licensing objectives
 - this Statement of Principles.

145. The Licensing Authority may reject an application for review if it thinks the grounds on which the review is sought:
- a) are not relevant to the relevant code of practice or guidance issued by the Gambling Commission, the licensing objectives or the Licensing Authority's statement of principles
 - b) are frivolous
 - c) are vexatious
 - d) 'will certainly not' cause the Licensing Authority to revoke or suspend the licence or to remove, amend or attach conditions on the Premises Licence;
 - e) are substantially the same as grounds cited in a previous application relating to the same premises (the Licensing Authority will consider the length of time that has passed since the earlier application in deciding whether this is a reasonable reason to reject the review application)
 - f) are substantially the same as representations made at the time the application for the Premises Licence was considered. While the Licensing Authority will consider the length of time that has passed since the representations were made, it will not normally review a licence on the basis of the same arguments considered on the grant of the Premises Licence.
146. General objections to gambling as an activity are not likely to be considered relevant reasons for a review. Other examples of irrelevant considerations include demand for gambling premises, issues relating to planning, public safety and traffic congestion.
147. The Licensing Authority can initiate a review of a particular Premises Licence, or any particular class of Premises Licence, for any reason it believes is appropriate. This includes reviewing a Premises Licence on the grounds that a Premises Licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
148. The Licensing Authority may review any matter connected with the use made of a particular premises if it has reason to believe the Premises Licence conditions are not being observed, or for any other reason which gives it cause to believe a review may be appropriate.
149. A responsible authority or interested party may apply to the Licensing Authority to review a Premises Licence. Such reviews can be made in relation to, amongst other things if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address, where incidents that have adversely effected one or more licensing objectives have occurred at premises that could have been prevented if advice and guidance from a responsible authority had been heeded, or if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder.
150. As a review of a Premises Licence can lead to its revocation, the Licensing Authority will consider whether informal actions to ensure timely or immediate

compliance have been exhausted prior to an application being made. The Licensing Authority accepts that an application for review may be appropriate without informal measures being taken, but will seek to establish that all options have been considered in determining review applications.

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Chapter 5: Travelling Fairs and Permits

Travelling Fairs

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

Permits

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

The Licensing Authority is responsible for issuing the following permits:

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

Unlicensed family entertainment centre gaming machine permits

156. This policy applies to those premises that are proposed to be used as Unlicensed Family Entertainment Centres (uFEC's). uFEC's are those that offer only category D machines and a permit allows any number of these machines to be made available at the premises (subject to other considerations such as health and safety and fire regulations). Given that category D machines have no age restrictions, these premises particularly appeal to children and young persons. Therefore, the Licensing Authority will give particular weight to matters relating to child protection issues.
157. The Licensing Authority will grant an application for a permit only if it is satisfied that the premises are used wholly or mainly for making gaming machines available for use, and following consultation with the Police.
158. The Licensing Authority will not grant uFEC permits where the premises are not primarily used for making gaming machines available for use in accordance with section 238 of the Gambling Act 2005. This will preclude granting permits to lobbies in shopping centres or motorway service areas for example.
159. In cases where an existing uFEC permit has been granted to premises not primarily used for making gaming machines available, the Licensing Authority shall refuse to renew such permits.
160. Applicants for uFEC permits are expected to provide a scale plan of the premises with their application showing entrances/exits, location of CCTV cameras, cash desk, and machine locations as well as other features such as a bowling alley for example or play area which may form part of the premises.
161. The Licensing Authority will require applicants to demonstrate as a minimum:
 - a full understanding of the maximum stakes and prizes of gambling that is permissible in unlicensed FECs
 - that problem gambling information will be provided in the premises commensurate with its size and layout
 - that the applicant has a written policy in place to deal with complaints and disputes which can be given to a customer on request
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)
 - that staff are trained to recognise problem gambling and signpost a customer to problem gambling information
 - that staff have been trained in how to deal with complaints and disputes in line with the applicant's policy.
162. The Licensing Authority will expect the applicant to show there are policies and procedures in place to protect children and vulnerable people from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include:

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

Automatic entitlement to two gaming machines

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

Permit for three or more gaming machines

169. This policy applies to alcohol licensed premises that propose to have three or more gaming machines. Licensed premises wishing to have three or more gaming machines of category C or D must apply to the Licensing Authority for a permit. This permit will replace the automatic entitlement to two gaming machines rather than be in addition to it and the holder must comply with the relevant Gambling Commission Code of Practice.
170. As gaming machines provide opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The Licensing Authority, on considering an application, will consider whether granting a permit would be appropriate on a case by case basis, but will specifically have regard to:
- the need to protect children and vulnerable people from harm or being exploited by gambling
 - measures taken by the applicant to satisfy the Licensing Authority that there are sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines
 - whether the applicant has an effective policy in place for handling customer complaints or disputes about the gaming machines.
171. The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures may cover issues such as:
- the adult machines being in the sight of staff who will monitor that the machines are not being used by those under 18 and look for signs of problem gambling, attempts to cheat the machine, or suspected money laundering
 - notices and signage
 - the provision of information leaflets or helpline numbers for organisations who can assist with problem gambling.
172. If the Licensing Authority is not satisfied that appropriate measures have been taken by the applicant to comply with this policy, it may refuse to grant the permit, or it may vary the number or category of gaming machines authorised by the permit.
173. The Licensing Authority may cancel a permit or may vary the number or category (or both) of gaming machines authorised by it if:
- it would not be reasonably consistent with pursuit of the licensing objectives for the permit to continue to have effect
 - gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit

- the premises are mainly use or to be used for making gaming machines available, or
 - an offence under the Gambling Act 2005 has been committed on the premises.
174. Before the Licensing Authority cancels or varies a permit it will give the permit holder 21 days' notice of its intention and allow him/her the opportunity to make a representation. If the permit holder requests a hearing the Licensing Authority will arrange a Licensing Sub-Committee hearing to consider the permit holder's representation and any other evidence available before making its determination.
175. When determining an application for an alcohol-licensed premises gaming machine permit, the Licensing Authority will consider each application on its own merits.

Prize Gaming Permits

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

with

- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize), and
- participation in the gaming must not entitle the player to take part in any other gambling.

Club Gaming and Club Machine Permits

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

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

185. The Licensing Authority may only refuse an application on the grounds that:
- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
 - the applicant's premises are used wholly or mainly by children and/ or young persons
 - an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
 - a permit held by the applicant has been cancelled in the previous ten years, or

- an objection has been lodged by the Gambling Commission or the Police.
186. There is also a “fast-track” procedure available under the Act for premises that hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which a Licensing Authority can refuse a permit are reduced. The grounds on which an application under this process may be refused are that:
- the club is established primarily for gaming, other than gaming prescribed under schedule 12
 - in addition to the prescribed gaming, the applicant provides facilities for other gaming, or
 - a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.
187. There are statutory conditions on club gaming permits that no child may use a category B or C gaming machine on the premises and that the holder complies with any relevant provision of a Gambling Commission Code of Practice about the location and operation of gaming machines.
188. The Licensing Authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit. In order to do this, it may require proof of additional information from the operator such as:
- is the primary activity of the club something other than gaming?
 - are the club’s profits retained solely for the benefit of the club’s members?
 - are there 25 or more members?
 - are the addresses of members of the club genuine domestic addresses and do most members live reasonably locally to the club?
 - do members participate in the activities of the club via the internet?
 - do guest arrangements link each guest to a member?
 - is the 48 hour rule being applying for membership and being granted admission being adhered to?
 - are there annual club accounts available for more than one year?
 - how is the club advertised and listed in directories and on the internet?
 - are children permitted in the club?
 - does the club have a constitution and can it provide evidence that the constitution was approved by members of the club?
 - is there a list of Committee members and evidence of their election by the club members?
189. When examining the club’s constitution, the Licensing Authority would expect to see evidence of the following:
- Who makes commercial decisions on behalf of the club?
 - Are the aims of the club set out in the constitution?

- Are there shareholders or members? Shareholders indicate a business venture rather than a non-profit making club.
- Is the club permanently established? (Clubs cannot be temporary).
- Can people join with a temporary membership? What is the usual duration of membership?
- Are there long term club membership benefits?

190. Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming. The Licensing Authority may consider such factors as:

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

Chapter 6: Notices

Temporary Use Notices

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

Occasional Use Notices

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

Chapter 7: Small Society Lotteries

196. The Gambling Act 2005 provides that promoting or facilitating a lottery is illegal, unless it falls into one of two categories of permitted lottery, namely:

- licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences
- exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Act, including the small society lottery.

Definition of lottery

197. A lottery is any arrangement that satisfies all of the criteria contained within the statutory description of either a simple lottery or a complex lottery, under s.14 of the Gambling Act 2005.

198. An arrangement is a simple lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a process which relies wholly on chance.

199. An arrangement is a complex lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a series of processes
- the first of those processes relies wholly on chance.

Definition of society

200. A 'society' is the society, or any separate branch of such a society, on whose behalf a lottery is to be promoted. Section 19 of the Gambling Act 2005 defines a society as such if it is established and conducted:

- for charitable purposes, as defined in s.2 of the Charities Act 2006
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
- for any other non-commercial purpose other than that of private gain.

201. It is inherent in this definition that the society must have been established for one of the permitted purposes as set out in s.19 of the Act, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.

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

External Lottery Managers

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

Lottery Tickets

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

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

Where tickets may be sold

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

Prizes

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

Small Society Registration

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

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

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

Refusal of registration

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

222. Representations, should they be made, will be appropriately heard by Licensing Sub-Committee

Revocation of a small society's registered status

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

Administration and returns

224. The Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery. If a small society lottery does not comply with these limits it will be in breach of the Act's provisions, and consequently be liable to prosecution.
225. The limits are as follows:
- at least 20% of the lottery proceeds must be applied to the purposes of the society (Schedule 11, paragraph 33)
 - no single prize may be worth more than £25,000 (Schedule 11, paragraph 34)
 - rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000 (Schedule 11, paragraph 35)
 - every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed (Schedule 11, paragraph 37).
226. Paragraph 39 of Schedule 11 in the Act sets out the information that the promoting society of a small society lottery must send as returns to the Licensing Authority with which it is registered, following each lottery held. This information allows licensing authorities to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose. The following information must be submitted:
- the arrangements for the lottery - specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover
 - the total proceeds of the lottery
 - the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers

- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery
- the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds)
- whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.

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

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

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

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

Appendix 1: Consultation

A public consultation was carried out in respect of this Statement of Principles from **1 June 2018 to 31 August 2018**.

As well as sending consultation letters and emails directly to the parties mentioned in the Introduction and Overview, a public notice was displayed at the Council offices at the Civic Centre for the duration of the consultation and an advertisement of the consultation was published in the Kentish Express on the **DATE**.

NUMBER responses were received to the consultation.

Summarise the responses here.

The draft Statement of Principles was published on the Council's website for a period of four weeks commencing **3 January 2018 to 31 January 2018** and was also made available at the Civic Centre for the same period.

This Statement of Principles was considered by the Council's Cabinet on **DATE** and approved by Full Council on **DATE**

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

Appendix 2: Map of the Area Covered by this Statement of Principles



If you would like the Statement of Principles for Gambling in large print, Braille, audiotape or in another language, please contact the Licensing Team.

Licensing, Ashford Borough Council, Civic Centre, Ashford, TN23 1PL

Phone: 01233 331111

Email: licensing@ashford.gov.uk

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Agenda Item No: 9

Report To: Cabinet

Date of Meeting: 10th May 2018

Report Title: Demolition of Bockhanger Community Hall

Report Author & Job Title: Victoria Couper, Property & Development Surveyor

Portfolio Holder Cllr. G Galpin
Portfolio Holder for: Corporate Property & Projects

Summary: This report proposes the demolition of Bockhanger Community Centre hall and reinstatement with either turf or hardstanding until the next phase of the project is complete. Phase two of the project will evaluate the redevelopment options for the site. The cost of demolition and reinstatement will be in the region of £150K and will come out of the Repairs and Renewals budget. This report also addresses a number of the current anti-social behaviour issues in the Bockhanger Square area.

Key Decision: YES

Significantly Affected Wards: Bockhanger

Recommendations: **The Cabinet is recommended to:-**

- I. approve the demolition of the Bockhanger Community Hall Building**
- II. approve the Head of Legal Services and the Head of Corporate Property to serve notice on KCC to vacate the premises in accordance with the Lease**
- III. to authorise the Portfolio Holder and Head of Corporate Property to approve any expenditure incurred**
- IV. fund the works from the repairs and renewals budget**

Policy Overview: The Council has a number of community assets, which are run and operated by community groups/trusts where the Council predominately takes the long-term maintenance liability.

Financial Implications: The cost of demolition of the community hall and reinstatement of the area is estimated to be in the region of £150K. This expenditure is proposed to come out of the

Repairs and Renewals reserve. At present, KCC Libraries remains as a tenant in a self-contained part of the building and has advised that it wishes to remain so until the Council serves notice in order to commence the demolition works.

Arrangements are in place to secure the building for security purposes and a security firm is in place to carry out one visit per week every week to the building to inspect. The Library became ABCs tenant with effect from 1st April and their rental charge is £1,775.00 per quarter.

Legal Implications	YES
Equalities Impact Assessment	See Attached
Other Material Implications:	None
Exempt from Publication:	NO
Background Papers:	None
Contact:	Victoria.couper@ashford.gov.uk – Tel: (01233 330815)

Report Title: Demolition of Bockhanger Community Hall

Introduction and Background

1. During autumn 2016 a negative news story was run by the Kentish Express that described Bockhanger Square as a 'Mini Beirut' with anti-social behaviour. Bockhanger Square comprises of a row of shops, a community hall and a KCC library service.
2. The Council owns the freehold of the Community Hall which is leased to Bockhanger Community Associated (BCA) in 2003. Since then it has been managed by BCA and KCC Libraries entered into a Sub Lease with BCA, also in 2013. Both parties have been holding over on their lease since 2014.
3. Some time ago designs were put forward for redevelopment of the area including the hall, square and shops but they were found to be financially unviable due to a downturn in the economy and as such were put into abeyance. Since then there has been no major works carried out to the area other than repairs to eliminate health and safety hazards and urgent repairs mindful of the possibility of the longer term development of the site.
4. Given that the members of the BCA Trust had expressed their desire to retire from their responsibilities as Trustees and the building deficiencies identified by the condition survey it became an appropriate time for the Council (Bybrook, Bockhanger and Ashford South Advisory Committee), to further reconsider the future of the hall.

Proposal/Current Position

5. The use of the hall has declined whilst the building has deteriorated. KCC Libraries who has expressed that they wish to continue to operate a library service within the locality. However, they are fully aware of the Council's current position and know that it will be looking to demolish the building in the near future.
6. Bockhanger Monkeys nursery (who used to operate from the hall) vacated during the Easter break after securing a new facility at the adjacent primary school. This left only very few user groups who in total used the hall for approximately 4 hours a week.
7. With the exception of the library, all of the other user groups are no longer running from Bockhanger Hall (since this was closed on Thursday 29th March 2018). Officers have worked with the Trust and user groups to identify alternative venues within a close proximity to Bockhanger.
8. An exercise has shown that in order to bring the community hall up to an acceptable standard whereby it would be comparable with other community

hall facilities across the borough it would require a substantial figure spent on it. The building is approaching the end of its design life and if it were to be allowed to continue it would be subject to increasing repair bills and operating costs.

9. For insurance, safety and security purposes the property to be visited by a security company once per week every week until it is demolished. The company will inspect the building both externally and internally. The building has not been stripped out therefore, internal inspections need to be carried out due to its increased risk of fire etc and will continue to keep the Council's insurers advised.
10. Arrangements are being put in place for the building to be boarded up (with sutex) to protect it from vandalism, break-ins and anti-social behaviour.

Implications and Risk Assessment

11. There will be cost incurred over the forthcoming weeks through to the autumn (which is the anticipated date for demolishing the building), together with the costs of security measures put in place in accordance with the Council's empty properties guidance, and there will be the ongoing cost of boarding the building over.
12. Costs incurred relating to this project will be financed from the Repairs and Renewal budget.
13. When the Council serves notice to terminate KCC's lease there is a risk that they may object (for clarity, KCC has not suggested that it will in the informal conversations officers have had). If this was to happen, it could delay the project by over a year due to the timescales of a court date being set. Officers must ensure that they get approval for the demolition and the associated prior notification of proposed demolition from the Planning Department.

Equalities Impact Assessment

14. Members are referred to the attached Assessment. The key issues arising are the unintended negative impact on people with the protected characteristics of age (the elderly) and those with disabilities. This is centred around the loss of the library rather than the loss of the community hall seeing as this has not been well used for some time.
15. The loss of the library will affect the elderly and the disabled due to the difficulties they may experience with accessing transport and possibly not feeling confident in the use of public transport. For those that are confident in using public transport or have their own transport, there is a very good, modern, library facility in the town centre.
16. If a library service is to be maintained in the locality of the Bockhanger ward, it is anticipated at this stage that it will be a mobile service. The potential issue around this is the method in which the mobile library is accessed which may discourage use of the service by these user groups.

Consultation Planned or Undertaken

17. No consultation regarding the closure of the community hall has been undertaken. Due to the issues highlighted by the extensive survey it was felt by the Bybrook, Bockhanger and Ashford South Advisory Committee that there was no other alternative than to close it.
18. The recommendation is that Bockhanger hall is demolished given the poor condition of the building.
19. Bockhanger Monkeys nursery relocated immediately after Easter which was their intention for a number of months prior to any discussions concerning the future of the hall. With the exception of the library none of the other user groups are operating from Bockhanger Hall (since this was closed on Thursday 29th March 2018). Officers have worked with the Trust and user groups to suggest alternative venues within a small radius of Bockhanger. KCC Libraries has expressed that they wish to continue to operate from the building up until commencement of the demolition programme).
20. Following on from this, the Trust has advised that from the list of user groups provided to officers, one of them no longer exists (since before Christmas) as it did not have enough interest, and the Dance and Cheer club had already moved from the Bockhanger hall to a new location. The karate group were looking for new premises prior to the announcement of the closure of the hall and it has been advised have now found a new venue. The archery group only used the hall between September and March so have six months to find an alternative venue, which officers will provide assistance with.

Other Options Considered

21. The alternative would be for the community hall to continue to operate. However, to make this possible it would need a basic refurbishment which would, together with repair costs to bring the building up to a very basic standard would be substantial.
22. The other option considered would be to carry out more extensive refurbishment and upgrade the facilities to include re-roofing, upgrading the insulation to modern Building Regulation requirements and the replacement of windows and doors. The cost of this would be substantial.

Reasons for Supporting Option Recommended

23. The layout of the building means that it can only be used as one large, single hall and does not provide any flexibility. Therefore, this puts limitations on its use and number of bookings.
24. The hall is in a poor state of repair. Its use has declined as its state has deteriorated and, as a community facility, is dated. There are a number of modern, attractive community buildings across the borough, some not far from

Bockhanger such as Repton Park which highlights the fact that Bockhanger Hall is in such a poor condition that it is no longer comparable to any other building of similar use we have to offer.

Next Steps in Process

25. Following the Surrender by BCA, Legal Services will advise KCC that Ashford Borough Council is now their Landlord. Separate to this, the Council will also serve KCC with a Notice terminating their lease giving them a minimum of six months' notice and no more than twelve months' notice (as required by law) to vacate.
26. Following Cabinet approval Corporate Property will apply to Planning and Development for the Prior Notification of Proposed Demolition of the community hall.
27. During the Planning process officers will go out to tender in order to procure the demolition contract.

Conclusion

28. The community building has reached the end of its design life and is in a poor state of repair. Extensive surveys have been carried out which have highlighted a number of issues and vulnerabilities. Keeping the hall open would result in spiralling repair and operating costs.
29. There are a number of modern, attractive community buildings across the borough, some not far from Bockhanger which highlight the fact that Bockhanger Hall is no longer fit for purpose and is not comparable to any other building of similar use the Council has in its portfolio. The cost to bring Bockhanger Community hall up to a standard to match that of modern community halls across the borough would be substantial and is therefore advised to be uneconomical.

Portfolio Holder's Views

30.

31.

Contact and Email

32. Victoria Couper victoria.couper@ashford.gov.uk
33. Paul Mckenner paul.mckenner@ashford.gov.uk

Equality Impact Assessment

1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
- (a) Eliminate discrimination, harassment and victimisation;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
- removing or minimising disadvantages suffered by people due to their protected characteristics.
 - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
 - encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.

7. How much regard is 'due' will depend on the circumstances. The greater the

potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

Case law principles

9. A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a

policy, for example, is being developed and agreed but also when it is implemented.

- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

Lead officer:	Victoria Couper
Decision maker:	Cabinet
Decision: <ul style="list-style-type: none"> • Policy, project, service, contract • Review, change, new, stop 	Demolition of Bockhanger Community Hall
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	10 th May 2018
Summary of the proposed decision: <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected? 	<p>The decision to recommend to Cabinet to approve the demolition of this building has been the topic of much discussion by the Bybrook, Bockhanger and Ashford South Advisory Committee.</p> <p>The anchor tenant for the building is KCC Libraries who has expressed that they wish to continue to operate a library service within the locality. However, they are fully aware of the current position and know that ABC will be looking to demolish the building in the near future.</p> <p>The second main tenant, Bockhanger Monkeys nursery vacated during the Easter break after securing a new facility at the adjacent primary school. This left only very few user groups that used the hall for approximately 4 hours a week in total.</p> <p>With the exception of the library, all other user groups are no longer running from Bockhanger Hall (since this was closed on Thursday 29th March 2018)</p> <p>Officers have worked with the Trust and user groups to suggest alternative venues within a small radius of Bockhanger Community Centre hall.</p> <p>Following the Surrender by BCA, Legal Services will advise KCC that Ashford Borough Council is now their Landlord. Separate to this, the Council will also serve KCC with a Notice terminating their lease giving them a minimum of six months' notice and no more than twelve months' notice (as required by law) to vacate.</p> <p>Following Cabinet approval Corporate Property will apply to Planning and Development for the Prior Notification of Proposed Demolition of the community hall.</p> <p>During the Planning process officers will go out to tender in order to procure the demolition contract.</p>

Information and research: <ul style="list-style-type: none"> Outline the information and research that has informed the decision. Include sources and key findings. 	<p>A number of surveys have been carried out to determine the condition of this building and these have highlighted a number of issues including a condemned gas radiant heating system and a water supply system vulnerable to contamination amongst others. The building at the end of its design life and is no longer fit for purpose and its use of the facility has declined as its condition has deteriorated.</p>
Consultation: <ul style="list-style-type: none"> What specific consultation has occurred on this decision? What were the results of the consultation? Did the consultation analysis reveal any difference in views across the protected characteristics? What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics? 	<p>There has not been any consultation carried out regarding the closure and forthcoming demolition of the hall. This is because demolition is the only option due to the state of disrepair that the hall is in and the substantial sum of money that would be necessary to bring the hall up to a modern standard that would be fit for purpose and comparable to the modern community buildings that are available across the Borough.</p> <p>KCC Libraries has had a Lease with the which, they have been holding over on since 2014. Following discussions with the Library service they have expressed that they wish to continue to operate from the building until the hall is demolished which we have advised will be Autumn 2018.</p>

Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
<u>AGE</u> Elderly	High	Negative – Major
Middle age	Low	Neutral
Young adult	Low	Neutral
Children	Medium	Negative – Minor
<u>DISABILITY</u> Physical	High	Negative – Major
Mental	Low	Neutral
Sensory	Low	Neutral

<u>GENDER RE-ASSIGNMENT</u>	Low	Neutral
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	Low	Neutral
<u>PREGNANCY/MATERNITY</u>	Low	Neutral
<u>RACE</u>	Low	Neutral
<u>RELIGION OR BELIEF</u>	Low	Neutral
<u>SEX</u> Men	Low	Neutral
Women	Low	Neutral
<u>SEXUAL ORIENTATION</u>	Low	Neutral

<p>Mitigating negative impact:</p> <p>Where any negative impact has been identified, outline the measures taken to mitigate against it.</p>	<p>Access to the existing library is via a flat, level approach and the facility inside is all on one level making it user friendly for the elderly and disabled. A replacement library service, if it were to be a mobile library for instance, which is the most likely option may be more difficult to access due to steps unless, there is a mobile ramp to facilitate entry up onto the vehicle. This may discourage use of the service by these user groups.</p> <p>There is a free bus pass service provided to the elderly meaning that they have free access to transport to the town centre.</p> <p>Children may suffer from the closure of the library, especially if parents have to rely on public transport. However, they do have access to libraries in schools and the Ashford Gateway library in the town centre is only a short journey from Bockhanger.</p>
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<p>Is the decision relevant to the aims of the equality duty?</p> <p>Guidance on the aims can be found in the EHRC's Essential Guide, alongside fuller PSED Technical Guidance.</p>	
Aim	Yes / No / N/A
1) Eliminate discrimination, harassment and victimisation	No
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	No
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	No

<p>Conclusion:</p> <ul style="list-style-type: none"> • Consider how due regard has been had to the equality duty, from start to finish. • There should be no unlawful discrimination arising from the decision (see guidance above). • Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified. • How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported? 	<p>The closure of the library affects the elderly and disabled as well as the few groups that used the facility on a weekly basis. The trustees and ABC officers have provided the user groups with a list of alternative venues that are within a small radius of Bockhanger Community hall which they may consider an appropriate alternative venue.</p> <p>With regards to the elderly and disabled, it is likely that a mobile library service will be offered on a weekly basis to replace the facility that Bockhanger offers currently.</p> <p>Although, the proposal to close the facility is necessary it is recognised that there are negative consequences. Unfortunately, due to the poor state of the centre, there is no alternative option than to demolish it.</p>
<p>EIA completion date:</p>	<p>9th April 2018</p>

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Agenda Item No: 10

Report To: CABINET

Date of Meeting: 10th May 2018

Report Title: Response to Government consultations on planning issues

Report Author & Job Title: Simon Cole, Head of Planning Policy

Portfolio Holder: Cllr. Paul Clokie

Portfolio Holder for: Planning & Development

Summary: This report sets out a proposed response to two consultations – the first relates to the proposed revisions to the National Planning Policy Framework, and the second, to suggested changes to the s106/ Community Infrastructure Levy regime. These responses (subject to any amendments by Cabinet) will be sent as the Council's formal response to consultation.

Key Decision: NO

Significantly Affected Wards: Borough wide relevance

Recommendations: The Cabinet is recommended to:-

- I. **Agree that officers respond to the Government consultation on the '*Proposed revisions to the National Planning Policy Framework (NPPF)*' in the terms set out in this report;**
- II. **Agree that officers respond to the Government consultation on '*Supporting housing delivery through developer contributions*' in the terms set out in this report;**

Policy Overview: The Local Plan and Planning Policy Task Group are charged with advising on planning policy issues. The Group has considered and agreed the proposed policy response in this report.

Financial Implications:

Legal Implications

No direct costs arising.

Various wider legal issues raised in terms of handling planning applications; local plan making and setting CIL. These will need more detailed consideration when the Government publishes final guidance.

Equalities Impact Assessment Not required because this is simply a response to consultation.

**Other Material
Implications:**

None

**Background
Papers:**

None

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Response to Government consultations on planning issues

Introduction and Background

1. Two consultations are underway and hence this report is in two parts.
2. The consultations are on:
 - 'Proposed revisions to the National Planning Policy Framework (NPPF)', and
 - 'Supporting housing delivery through developer contributions'
3. These are both areas of major interest for the Council and raise significant issues including the way in which the housing requirement for the Borough is calculated and the likely implications of this; the prospects for a plan-led approach and, conversely, the likelihood of 'planning by appeal'; and changes to the way s106 and Community Infrastructure Levy (CIL) operate in the light of experience.
4. This report considers each consultation paper and suggests the nature of response to Government. The Local Plan and Planning Policy Task Group has considered these consultation papers (27th April) and this report reflects the Group's comments. Responses to both consultations are due by 10th May. As this is the day of the Cabinet meeting a provisional response has been sent to Government based on this report which was agreed by the Task Group.

'Proposed revisions to the National Planning Policy Framework (NPPF)'

Introduction

5. The current NPPF was adopted in March 2012 and has set out the main policies and principles in national planning policy for the last 6 years. It introduced the 'presumption in favour of sustainable development' (para. 14) and the requirement for local authorities to establish their own objectively assessed housing needs and demonstrate a deliverable 5 year housing land supply (para 47) or face the prospect of the relevant policies for the supply of housing in their Plans be considered 'out of date'.
6. Since that date, the NPPF has been supplemented with a raft of national Planning Practice Guidance (nPPG) and a variety of Written Ministerial Statements (WMS) and caselaw that has sought to (re)interpret various passages of the NPPF itself.
7. In February 2017, the Government published its White Paper entitled 'Fixing our broken housing market' and subsequently, in September 2017, a further

consultation entitled 'Planning for the right homes in the right places'. Both consultations were discussed by the Task Group and a response submitted on behalf of the Borough Council.

8. Many of the suggested changes to national planning policy first floated in the White Paper and the September 2017 consultation are now to be found in the proposed revised NPPF which was published in draft in March 2018 and is currently out to consultation until 10th May. The Government has also taken the opportunity to embed some of the WMS into the new text of the draft NPPF.
9. This report sets out the principal issues contained within the draft new NPPF and how this may affect future planning policy and decision-making for the Council. It also sets out a draft response on these matters that may form the Council's formal response to the current consultation.

Key Aspects

10. In general, the same broad themes and topic areas are contained within the draft revised NPPF as within the current version, including the general presumption in favour of sustainable development (new para 11). However, the questions of identifying housing need and ensuring its delivery are central to the principal changes in the new draft. There is also an amended and enhanced onus on Local authorities to collaborate in respect of housing delivery and additional policy on Neighbourhood Plans and their relationship with Local Plans.

a) Housing Need

11. The centrepiece of the new NPPF is a revised approach to the calculation of housing need. This was floated in the two 2017 consultation referred to above and the government seem determined to introduce the new methodology. In summary, this means that the housing need that will need to be planned for through subsequent Local Plans will be determined via a combination of demographic need and a multiplier based on the relationship between median house prices and median household earnings. For Ashford borough, this would currently mean an increased annual need of 164 units above that generated by the current methodology.
12. Para 61 of the draft revised NPPF sets the housing target of Local Plans on this basis (unless there are exceptional circumstances to justify an alternative approach). The housing figure should also take into account any needs that cannot be met within neighbouring areas.

Response

13. The additional simplicity afforded by the new methodology is more than offset by the flaws that underpin the principle of the approach. These issues have been raised by the Council in its responses to the previous consultations last year and bear repeating in general again. Whilst the demographic element involved in the methodology is broadly the same as with the current approach and is an acceptable starting point for assessing housing need, it is the element based on the comparison between average house price and average earnings which causes concern.

14. This concern is based on the underlying premise of the methodology that house prices can ultimately be controlled or substantially influenced by the planning system when there is no convincing evidence that is the case. If the Government's aim is to reduce, or at least, stabilise the growth in house prices, the new methodology for assessing housing need is unlikely to achieve the desired outcome.
15. More practically, the implication is likely to be less certainty in planning for housing need as the demographic elements are updated every two years and the average earnings and house price ratio annually. Given the time frames usually associated with plan-making, this potential for the 'goal-posts to move' during plan-making is significant and may end lengthening the process.
16. The Council considers that the proposed methodology should be reconsidered and a streamlined version of the current methodology for assessing objectively assessed housing needs in an area brought into force instead.

b) Affordable Housing / small sites

17. Para 65 of the draft revised NPPF states that at least 10% of homes on major developments (10 units or more) should be available for affordable home ownership although some exemptions apply for example where a scheme provides solely for 'Build to rent' units, or is a self-build scheme or is exclusively for affordable housing or an 'entry-level exception site'. This latter category is a new form of development and constitute homes suitable for first time buyers (or looking to rent their first home). Such sites should be outside existing settlements on unallocated sites but adjacent to them and proportionate in size to them (para 72).
18. Para. 69 of the draft revised NPPF promotes small sites as contributors to meeting housing need. LPAs are encouraged to ensure at least 20% of sites for housing in their Plans are 0.5 hectares or less in size.

Response

19. The emphasis on encouraging affordable home ownership encompassed within the draft NPPF reflects that promoted in the 2017 Housing White Paper. This has also been reflected in changes to the definition of 'affordable housing' for planning purposes. Emerging policy in the Submission Local Plan also reflects this. The concept of the 'entry-level' exception site seeks to build on the principles of the rural exception site for 'local needs' but goes considerably further. The policy needs to distinguish why it would be an 'exception' (i.e. normally refused permission) and express some limit on scale and frequency (given 'local needs' exception schemes are based on local empirical evidence of need). As drafted in the new NPPF, this policy appears to be a somewhat crude attempt to encourage developers to promote housing schemes focused at first time buyers (or renters) when there may be little incentive to do so or justification for such an approach.
20. The encouragement of small sites is, on the whole, reasonable and should be supported although there could be additional clarity over a minimum housing number expected to be delivered on a qualifying small site. The Government's policy should also make it clear that such allocations should be expected to

provide appropriate levels of affordable housing and other relevant developer contributions on the basis that the viability of the Plan's requirements will already have been assessed at examination stage. Without this, the opportunity to deliver the necessary services and facilities is undermined if there is greater reliance on small sites.

c) 5 year housing land supply

21. Para 68 of the draft revised NPPF retains the existing 5 year housing land supply test that appears in para 47 of the current version but the important change is to the definition of 'deliverable' sites for the purposes of establishing the land supply. Currently, footnote 11 of the NPPF considers all sites with planning permission as 'deliverable', unless there is clear evidence such schemes will not come forward within the 5 year period. In the new NPPF, 'deliverable' is defined in the glossary to the document but now only small sites and sites with detailed planning permission may be presumed to be deliverable, whilst sites with outline permission or allocations in a development plan should now only be regarded as 'deliverable' if there is clear evidence that housing completions will (my emphasis) begin on site within 5 years.
22. The new NPPF also proposes to introduce the option for a LPA to 'fix' a 5 year housing land supply position on an annual basis. This would be in the form of an 'Annual Position Statement' which would need to be prepared and submitted for testing and approval by the Planning Inspectorate. The Statement would need to be subject to consultation with developers/site owners/ applicants and conclusions set out where there is agreement and disagreement and provide extensive details of planning permissions and assumptions regarding lead-in times and build out rates plus a commentary on why progress on some sites may not have been as swift as anticipated.
23. Any 5 year housing land supply position to be fixed through an Annual Position Statement would need to include a minimum 10% buffer above the annual requirement plus any shortfall.

Response

24. The key issue here relates to the ability for a Council to demonstrate a deliverable 5 year housing land supply. Given the context of a potentially higher requirement generated through the new methodology discussed above, this may be more difficult to achieve and the amended definition of what constitutes 'deliverable' in this context is particularly relevant.
25. The new NPPF approach appears to be a direct response to the recent St Modwen judgement in the Court of Appeal where the Court distinguished between an expectation of what will happen in terms of delivery and what a reasonable prospect of that may entail.
26. For authorities like Ashford which give great weight to the importance of a plan-led system to allocating land for housing, the proposed new definition may be greatly damaging and indeed, undermining of the plan-making process if, as proposed, allocated sites, (emerging and adopted) can less easily be counted against a 5 year housing land supply target. As a consequence, it may make it easier for non-allocated sites, or those which

have failed to be included in a draft Local Plan, to come forward through the application / appeal route.

27. As an absolute minimum, the government should make it clear what information would be needed to enable LPAs to adequately demonstrate that allocations or sites with outline permission will be able to deliver housing within the 5 year period, e.g. written confirmation from developers / landowners to that effect. Without this, it is hard to see how LPAs can comply with the test set out in the NPPF glossary given their ultimate lack of control as to when a site comes forward.
28. Theoretically, the ability to fix a 5 year housing land supply position annually has some merits in that it should mean it was not a source of debate at any planning appeals during the course of that year. However, the nature of housing land supply is that it varies across the course of a year as new sites are granted planning permission, others expire or are delayed and, as has been the case in 2017/18, additional housing allocations are made by the Council. It is also unclear how the ability to fix a 5 year housing land supply position through an APS may be affected by a failure of the Housing Delivery Test (see below).
29. Again, whilst the Council can see the Government's aspirations to simplify a currently highly complex area of national planning policy, further consideration needs to be given as to the practical application of a fixed housing land supply position especially in the context of other requirements set out in the draft NPPF. In any event, the Council considers that any 'fixing' of a housing land supply position that has been endorsed by the Planning Inspectorate should be for a minimum of 3 years, rather than just the single year proposed.

d) Housing Delivery

30. The introduction of a Housing Delivery Test was also floated in the 2017 consultation documents referred to at the start of this report and this now forms part of the draft revised NPPF. Para 75 puts the substantial failure to meet the Housing Delivery Test on the same basis as a failure to demonstrate a deliverable 5 year housing land supply, i.e. triggering the presumption in favour of sustainable development (now in para 11) and the so-called 'tilted balance' for decision-making.
31. Substantial failure to meet the HDT is defined as follows in para. 211:-
 - i) At November 2018, delivery of less than 25% of housing required over the past 3 years;
 - ii) At November 2019, delivery of less than 45% of housing required over the past 3 years;
 - iii) At November 2020, delivery of less than 75% of housing required over the last 3 years.
32. Otherwise, where the HDT indicates delivery has fallen below 95% of housing required over the previous 3 years, the LPA should prepare an Action Plan within 6 months to assess the causes of under-delivery and identify actions to increase delivery in future years. It is very likely that the Borough Council will

be required to do this later this year should this element of the draft NPPF be confirmed.

33. The associated nPPG also sets out that a 20% buffer as part of the 5 year housing land supply calculation will be required where delivery is less than 85% of the identified housing requirement. Beyond 2020, the presumption in favour of sustainable development (tilted balance) will continue to apply if housing delivery is below 75%.

Response

34. This new area of national planning policy is perhaps the most difficult for the Council as it places the Council under a test that it has no control over whether it meets with the consequences of failure falling solely on the LPA. Whilst the Test reflects the Government's priority with getting houses built on the ground, it fails to address the simple fact that the vast majority of new houses are delivered by the private sector. As with the 5 year land supply policy, the HDT introduces an even starker perverse incentive against swifter delivery of new houses and re-inforces the inequity of the approach.
35. If left as currently proposed in the new NPPF, it is unlikely that many LPAs will be able to avoid the sanctions of the 20% buffer on 5 year land supply and / or the imposition of the 'tilted balance' approach to decision-making which will lead towards more planning by appeal and a reduced influence of the adopted Development Plan. Certainly, in any macro-economic downturn, when house building naturally reduces for reasons unconnected with planning policy, LPAs will be helpless to influence whether the HDT will be met.
36. The Government has appointed the Letwin Committee to consider reasons why housing developments are not brought forward or built out quicker and this is expected to report its conclusions by the end of the year. The Council believes that, in the absence of the findings of that report and a proper understanding of how and if planning policy can genuinely affect build out, and any consequential measures that would act as an incentive for developers to do so, the imposition of any Housing Delivery test in the NPPF should be suspended.

e) Strategic & Local Policies / Neighbourhood Plans

37. The draft revise NPPF seeks to make a greater distinction between what are genuinely 'strategic' planning policies and what are otherwise 'local' planning policies. Para 21 of the revised draft NPPF states that this distinction should be explicit in Plans. 'Strategic' policies would be limited to those setting out, for example, the number of homes and jobs to be planned for; an overall strategy for the pattern and scale of development; infrastructure and community facilities necessary to support development, and policies to address climate change mitigation or conservation and enhancement of the built or natural environment, plus any strategic site allocations.
38. In contrast, 'local' policies could cover all other matters or provide the detail to supplement the 'strategic' policies. These may be brought forward as part of a single Local Plan, or a subsequent Local Plan or within Neighbourhood Plans.

39. In addition, para 66 of the draft revised NPPF advises that 'strategic' plans should set out a housing requirement figure for designated Neighbourhood Areas. Where it is not possible to do so (e.g. late designation as a NA), then an indicative figure may be requested by the neighbourhood planning body.

Response

40. The flexibility that is implied by the new NPPF in respect of plan-making is welcomed. The ability to produce either a single Local plan or a series of separate Plans dealing with 'local' policies should assist LPAs in responding to changes in circumstances or policy where a partial review would be more appropriate than a full review.
41. This approach may also assist in the relationship between Local and Neighbourhood Plans, although the suggestion that housing figures for Neighbourhood Areas should be identified through the Local Plan may be problematic. Although the starting point may be a strict demographic, 'pro-rata' breakdown of a borough wide requirement, the nature of different locations vary widely and their ability to assimilate or absorb new development will also be very different.
42. The Council considers that a more flexible arrangement is needed so that the relationship and responsibilities between Local and Neighbourhood Plans is made clearer. This would be to the benefit of those wishing to promote land for housing too. It will be important for LPAs to be assured that Neighbourhood Planning bodies are diligent in bringing forward NPs with housing allocations to ensure that an adequate supply of housing land is achieved across the borough.

f) Maintaining Effective Co-operation

43. Members will be familiar with the 'Duty to Co-operate' that is a legal requirement for any plan-making process. In order to demonstrate effective and on-going joint working, para 29 of the draft revised NPPF requires LPAs to prepare and maintain statements of common ground with neighbouring authorities and other relevant bodies that document cross border matters to be addressed and the progress achieved in doing so. New nPPG* sets out the details of when and how often these should be produced but documentation will need to be produced throughout the plan-making process rather than at the Submission of the Plan which tends to be the case now. The new NPPF also makes clear that demonstrating how cross border matters have been addressed (rather than deferred) as evidenced by statements of common ground will be a test of soundness for any submitted Plan. This includes the accommodation of any unmet housing needs from neighbouring areas where it is practical and sustainable to do so.

Response

44. The proposed requirement for on-going Statements of Common Ground represents a practical ratcheting up of the existing Duty to Co-operate requirements. It is important for LPAs to be able to satisfactorily demonstrate that effective co-operation and liaison has taken place on cross border strategic matters and in particular in respect of the meeting housing needs given the added emphasis on being able to show that any unmet needs can be addressed in respect of Plan soundness.

45. It will be necessary for local political leaders to have appropriate structures in place to enable these additional requirements to be satisfactorily addressed throughout the plan-making process accepting that the variance in plan-making timetables may make this harder to achieve. In general, it is felt that this requirement does not adequately recognise the potential difficulties for local politicians in addressing these issues in a way that can build local support for housebuilding, rather than local opposition.

g) Plan Review period

46. The need to formally review Local Plans (and Statements of Community Involvement) every 5 years has now come into force (on 6th April 2018) but this is now also reflected in the draft revised NPPF. Para. 14 makes it clear that policies should be reviewed at least once every 5 years to see if they need updating and particular reference is made to circumstances where local housing need figures has increased or is expected to.

Response

47. The clarity of the proposed references in the NPPF and the associated nPPG is welcomed and on balance it is helpful for standard default review periods to be built into Plans to ensure they remain relevant and up-to-date.

h) Density standards

48. Para 123 of the draft revised NPPF makes a particular point of advising that policies and decisions should avoid homes being built at low densities where there is an existing or anticipated shortage of land to meet housing needs. The use of minimum density standards for schemes in city / town centre and other locations well served by public transport is advocated but such standards should also be considered in other locations.

Response

49. The Council has major concerns about the proposed policy approach here. It is reminiscent of the minimum residential densities imposed by central government when the last Labour government was in power. Although the draft NPPF focuses on areas in town centres and close to railway hubs and so is less prescriptive across the board, this approach does not have the necessary flexibility to enable the market to set what it considers is an appropriate density. In metropolitan centres, this is likely to be consistent with market forces, but in centres such as Ashford, this may not be the case and may not be desirable in any event.
50. Instead, the overriding factor should be whether the density of development is suitable for the location and character of the area in those terms. Trying to force higher densities into locations where they are inappropriate is likely to lead to a degraded living environment, e.g prevalence of on-street parking, and adverse social consequences in the future.

i) Environmental policy

51. The majority of the policy contained within the draft revised NPPF on various environmental matters remains either the same or broadly similar to that in the current NPPF. This involves policy on design, flooding and the natural and

historic environment. However, there are some subtle changes worthy of mention in a few areas.

52. The importance of the character of the countryside in its own right has been one of the 12 core planning principles set out in para 17 of the current NPPF. As these core principles are not replicated in the new NPPF, the recognition of the 'intrinsic character and beauty of the countryside' is now referred to as one of 6 criteria set out in para 168 of the document for LPAs to take account of in the context of contributing to the enhancement of the natural and local environment. It remains to be seen if this reduces the force or importance of this particular point.
53. The importance of Ancient Woodland and aged or veteran trees that lie outside Ancient Woodland is elevated in the new NPPF. Para 173 now states that development resulting in the loss of such woodland or other irreplaceable habitats should be refused unless there are wholly exceptional reasons.

Response

54. The Council welcomes the specific support for Ancient Woodland in the new NPPF. There would be benefit in establishing with greater clarity, the importance of the character of the countryside and in particular, 'valued' landscapes, within the meaning of sustainable development as set out in the NPPF and especially the presumption in favour of sustainable development in para. 11. It would be helpful if guidance can help to clarify situations how, in undesignated landscape areas, the relative importance of the countryside and its character can be assessed.

j) Broadband policy

55. The draft revised NPPF recognises the importance of high quality communications and for the first time explicit reference is made to the need for planning policies and decisions supporting the expansion of electronic communications networks including full fibre broadband connections. Policies that prioritise full fibre connections to new and existing developments is specifically encouraged (para 112).

Response

56. The Council strongly supports the revised NPPF in this aspect and in particular, the support for full fibre connections to new developments. It would be helpful if this could be made clear as an expectation that should fall on developers to ensure connectivity is available to new housebuyers when they take possession.

k) Planning conditions

57. The Government has previously signalled its intention to reduce the scale of conditions, especially pre-commencement conditions, that are applied to planning permissions and which are seen as a constraint to development being implemented. Para. 56 of the revised NPPF makes it clear that pre-commencement conditions should be avoided unless there is a clear justification but there is cross reference made to the changes to the planning legislation that will require an applicant's written agreement to the terms of pre-commencement conditions, unless the prescribed exceptions apply.

58. In para. 78, reference is made to LPAs considering imposing a condition that requires a development to commence within a shorter timescale than the relevant default period where this would expedite the development without threatening its deliverability or viability.

Response

59. Whilst it is accepted that there is scope to reduce the scale of pre-commencement conditions, these can play an important role for applicants in enabling a planning permission to be granted (which may have financial implications) and then to spend money on dealing with the detail necessary in pre-commencement conditions. It should remain essential that the necessary detail is available to the LPA to enable an informed decision to be made on an application and it is possible that more of this might now be needed in advance of any grant of planning permission now causing additional delays.
60. The policy or guidance should also make clear that where terms of pre-commencement conditions are agreed with an applicant, these should be immune from any subsequent appeal process.
61. With regards to conditions requiring development to commence within short timescales, this is likely to have little or no impact on build out rates unless there are also additional measures to require developers to build their schemes out in a timely way. The Draft NPPF is wholly absent of such measures at present and this should be corrected.

‘Supporting housing delivery through developer contributions’

Introduction

62. Contributions from development towards local infrastructure are collected primarily through two mechanisms, section 106 planning obligations and the CIL.
63. Section 106 planning obligations are negotiated legal agreements between developers and local authorities. They are used to make development acceptable through delivery of affordable housing or infrastructure, or requiring development to be used in a particular way. All section 106 planning obligations are subject to statutory tests to ensure they are necessary, proportionate and directly related to the development.
64. CIL was introduced in 2010. It was established on the principle that those responsible for new development should make a reasonable contribution to the costs of providing the necessary additional infrastructure. As a more standardised approach than section 106 planning obligations, it was intended to be faster, fairer, more certain and more transparent.
65. CIL allows authorities to set a fixed rate charge per square metre of new development, and is used to address the cumulative impact of development in an area. CIL can be used to fund a wide range of infrastructure, including transport, flood defences, schools, hospitals, and other health and social care

facilities. The choice as to whether to apply CIL and the rate at which it is set rests with the local authority. A proportion of local CIL receipts are earmarked for local areas to spend on anything that addresses the demands that development places on their area.

66. To date 44% of all potential charging authorities have an operational CIL. A good number of other authorities, like this Council, have carried out initial consultation – in Ashford’s case with a view to adopting CIL following the new local plan adoption. Nationally only around 15% of all developer contributions collected annually are secured through CIL – the vast majority being s106 agreements.
67. In response to a range of concerns the Government is carrying out a consultation on ways to improve housing delivery using developer contributions. These concerns are:
- The partial take-up of CIL has resulted in a complex patchwork of authorities charging and not charging CIL. Where CIL is charged, it is complex for local authorities to establish and revise rates. These can often be set at a lowest common denominator level;
 - Development is delayed by negotiations for section 106 planning obligations, which can be sought alongside CIL contributions;
 - Developers can seek to reduce previously agreed section 106 planning obligations on the grounds that they will make the development unviable. This renegotiation reduces accountability to local communities;
 - CIL is not responsive to changes in market conditions;
 - There is a lack of transparency in both CIL and section 106 planning obligations – people do not know where or when the money is spent; and
 - Developer contributions do not enable infrastructure that supports cross boundary planning.

Objectives

68. The Government’s objectives in this review can be summarised as:
- Reducing complexity and increasing certainty for local authorities and developers
 - Supporting swifter development through focusing viability assessment on plan making rather than when planning applications are submitted
 - Increasing market responsiveness so CIL is set at realistic rates
 - Improving transparency for communities and developers over where contributions are spent and expecting viability assessments to be publicly available

- Allowing local authorities to introduce a Strategic Infrastructure Tariff to help fund or mitigate strategic infrastructure

Key issues and proposed responses

69. The consultation asks a series of 34 detailed questions in response to a series of issues raised to tackle the Government's concerns. It is not necessary or appropriate to tackle each of these here. The key issues and officer's suggested responses are as follows:

- **Simplifying the approach to setting and justifying the appropriate level of CIL and the extent of consultation needed to support it** – officers recommend that these proposals are supported;
- **Removing the pooling barrier which limits to 5 the number of s106 contributions that can be made to any one infrastructure project** – the proposal here is to lift the pooling restriction (which officers recommend is strongly supported) but only in limited circumstances. The Government is concerned that s106 is not used to collect tariff based contributions from development generally – hence the pooling restriction. Pooling would be lifted when CIL has been adopted by the Council (or when a council has a strong reliance on delivering large sites where CIL works less well). As this council intends to press on and adopt CIL, officers suggest the lifting of the pooling restriction on this basis can be supported although it is considered that the pooling restriction should be lifted in any event. The large sites exception would potentially prove helpful if for any reason CIL was delayed or not enacted, but the proposed approach is very complex and may not come forward.
- **Improving the operation of CIL** – a series of detailed technical and operational changes to the way CIL operates are suggested which officers will consider and respond to.
- **Increasing market responsiveness** – in response to concerns that CIL is having to be set at 'lowest common denominator' levels the consultation sets out ways the Levy could be refined to more closely reflect the uplift in land value arising from planning permission. Ways of doing this include setting differential rates of CIL to take account of different existing uses or mixes of uses. Whilst the intention here is understood the complexity these variations give rise to is huge and with it scope for debate, delays and the inevitable costs that accompany both. Officers suggest that the detailed technical response sent reflects these concerns.
- **Indexing CIL rates to house prices** – to allow for change over time without a frequent need to keep re-setting CIL rates, the Government proposes CIL is linked to the House Prices Index (either regional or at local authority level). Non-residential development is harder to index. Other specialist consultees

will respond on these issues – officers recommend a broad support for indexation to reduce the frequency of CIL review needed.

- **Improving transparency and accountability** – the Government wants greater transparency on how CIL and s106 together tackle needs created by development. In Ashford our annual review of s106 receipts and spend is recognised good practice (viz the recent Peer Review report). Similar transparency will be needed with CIL once in operation. The proposed ‘Infrastructure Funding Statements’ seem a proportionate and helpfully transparent way forward and officers recommend this approach is supported.

(Note – the parallel consultation on the National Planning Policy Framework revisions also suggest that development appraisals submitted to support the case for reductions in developer contributions are made publicly available – something officers feel is generally appropriate).

Conclusion

70. These consultations raise significant issues for the Borough Council and a clear and direct response is needed to the Government. The basis of this response is set out in this report – officers will supplement this with detailed responses on the technical points raised.

Portfolio Holder’s Views

71. I support the proposed responses set out in this report.

Contact and Email

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Agenda Item No:

Report To: CABINET

Date: 10TH MAY 2018

Report Title: SCHEDULE OF KEY DECISIONS TO BE TAKEN

Report Author and Job Title: Danny Sheppard, Senior Member Services Officer

Portfolio Holder: Portfolio Holders are individually specified in the attached Schedule.



Summary:	To set out the latest Schedule of Key Decisions to be taken by the Cabinet of Ashford Borough Council.
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Key Decision: NO

Significantly Affected Wards: Where appropriate, individual Wards are indicated.

Recommendations That the Cabinet receive and note the latest Schedule of Key Decisions.

Policy Overview: Under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, there is no longer a legal requirement to publish a Forward Plan of Key Decisions, however there is still a requirement to publish details of Key Decisions 28 clear days before the meeting they are to be considered at. The Council maintains a live, up to date rolling list of decision items on the Council's website, and that list will be presented to the Cabinet each month, in its current state, for Members' information.

Financial Implications: Nil

Legal Implications: n/a

Equalities Impact Assessment n/a

Other Material Implications: Nil

Exempt from publication: No

Background None

Papers:

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CABINET SCHEDULE OF KEY DECISIONS TO BE TAKEN

The following Key Decisions will be taken by Ashford Borough Council's Cabinet on the dates stated.

Ashford Borough Council's Cabinet is made up of: - Councillors Gerry Clarkson; Neil Bell; Clair Bell; Mike Bennett; Gareth Bradford; Paul Clokie; Graham Galpin; Alan Pickering; Neil Shorter; and Gerald White.

Copies of the reports and any other relevant documents that are submitted to the Cabinet in connection with a proposed decision will be available for inspection, or on screen, five clear days before the decision date at the Civic Centre, Tannery Lane, Ashford and at The Town Hall, 24 High Street, Tenterden, during opening hours, or at www.ashford.gov.uk/councillors_and_committees.aspx

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
10th May 2018					
Housing Statement 2018 – 2023	<i>The set out a new approach to developing the Council's housing strategies in the future and present a draft overarching Housing Statement which will set our broad objectives and how this links to delivering the corporate plan priorities.</i>	Cllr White	Jennifer Shaw	Open	6/2/18
Street Trading Policy	<i>To propose adoption of a revised policy.</i>	Cllr Bradford	Alison Simmonds	Open	8/2/18
Gambling Policy Statement	<i>To seek approval to go out to public consultation on a revised policy.</i>	Cllr Bradford	Trevor Ford	Open	8/2/18

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Bockhanger Community Hall	<i>To propose closure of Bockhanger Community Hall and the necessary steps to be taken leading to its demolition.</i>	Cllr Galpin	Victoria Couper	Open	21/3/18
14 th June 2018					
Final Outturn 2017/18	<i>Final budget outturn for previous financial year.</i>	Cllr Shorter	Ben Lockwood/Maria Seddon	Open	16/6/17
Annual Report and Quarter 4 Performance Report 2017/18	<i>The Annual Report will build upon the contents of quarterly performance monitoring, but will also include the following information – An Introduction from the Leader and Chief Executive; Facts and figures about Ashford; Timeline of key achievements in the Borough over the calendar year; Borough achievements; and a Financial Summary.</i>	Cllrs Clarkson/Shorter	Lorna Ford	Open	16/6/17
Section 106 Agreements – Annual Progress Report	<i>Focus on s106 contributions received in the last year, contributions secured in new agreements and projects that have been supported by s106 funding.</i>	Cllr Clokie	Lois Jarrett	Open	16/6/17
Opt to Buy and Keyworkers		Cllr Shorter/ Cllr White	Maria Seddon/ Sharon Williams	Open	19/4/18

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
12 th July 2018					
Revenues & Benefits Recommended Write-Offs Schedule	<i>Proposed formal write-off of debts</i>	Cllr Shorter	Peter Budden	Open (Exempt Appendix)	14/7/17
Town Centre Annual Report		Cllr Galpin	Jo Wynn-Carter	Open	14/7/17
Residents Survey		Cllr Clarkson	Lorna Ford	Open	19/4/18
9 th August 2018					
Corporate Performance Report	<i>To give Members and residents an overview of how the council is performing with a key performance 'snapshot'.</i>	Cllr Shorter	Lorna Ford	Open	11/8/17
Corporate Commercial Property – Annual Report	<i>To advise of the revenue performance of the Council's corporate property portfolio during the last financial period and to advise of proposals to increase profitability in the coming financial period.</i>	Cllr Shorter	Stewart Smith	Open	11/8/17
Financial Monitoring – Quarterly Report	<i>Quarterly budget monitoring report</i>	Cllr Shorter	Maria Seddon	Open	11/8/17
Wye 3 Masterplan		Cllr Clokie	Mark Chaplin	Open	6/10/17

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
13 th September 2018					
Affordable Housing Delivery Update		Cllr White	Mark James	Open	9/3/18
Planning Peer Review		Cllr Clokie	Tim Naylor	Open	19/4/18
11 th October 2018					
Medium Term Financial Plan	<i>To ask Cabinet to note the Medium Term Financial Plan ahead of this year's Budget process.</i>	Cllr Shorter	Maria Seddon	Open	13/10/17
Leisure Procurement	<i>To update Members on the progress, process and timescales anticipated and lease arrangements proposed with ALT. To seek approval to bring the selected leisure operator proposals to the Cabinet for consideration.</i>	Cllr Bennett	Christina Fuller	Open	9/3/18
8 th November 2018					
Corporate Performance Report	<i>To give Members and residents an overview of how the council is performing with a key performance 'snapshot'.</i>	Cllr Shorter	Lorna Ford	Open	11/11/16
Financial Monitoring – Quarterly Report	<i>Quarterly budget monitoring report.</i>	Cllr Shorter	Maria Seddon	Open	11/11/16

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
6 th December 2018					
Draft Budget 2019/20	<i>To present the preliminary draft service budget and outline MTFP for the purposes of subsequent formal scrutiny by the O&S Task Group and public consultation.</i>	Cllr Shorter	Ben Lockwood	Open	8/12/17
Council Tax Base 2019/20	<i>To present for approval the estimated 2019/20 Council tax base calculation for the Borough and each parished area, on which the major preceptors and local Parish Councils will base their requirements.</i>	Cllr Shorter	Ben Lockwood	Open	8/12/17
Housing Revenue Account (HRA) Business Plan 2018 – 2048	<i>An annual update of the HRA Business Plan financial projections. This report updates the position for the period 2018-48.</i>	Cllr White	Sharon Williams	Open	8/12/17
10 th January 2019					
Revenues & Benefits Recommended Write-Offs Schedule	<i>Proposed formal write-off of debts</i>	Cllr Shorter	Peter Budden	Open (Exempt Appendix)	12/1/18
14 th February 2019					
Financial Monitoring – Quarterly Report	<i>Quarterly budget monitoring report</i>	Cllr Shorter	Maria Seddon	Open	9/2/18

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Revenue Budget 2019/20	<i>To present the draft revenue budget for 2019/20 to the Cabinet for recommendation to Council.</i>	Cllr Shorter	Maria Seddon	Open	9/2/18
Corporate Performance Report	<i>The report seeks to give members and the Borough's residents an overview of how the Council is performing. It seeks to do this in a transparent and easily-accessible manner, giving a key performance 'snapshot'.</i>	Cllr Shorter	Lorna Ford	Open	9/2/18
Leisure Procurement	<i>To seek agreement to the appointment of a new leisure operator following the joint procurement exercise with ALT.</i>	Cllr Bennett	Christina Fuller	Open	9/3/18
14 th March 2019					
Annual Pay Policy Statement	<i>A review of the annual Pay Policy Statement and Ashford Living Wage Allowance</i>	Cllr Pickering	Michelle Pecci	Open	9/3/18
11 th April 2019					
Corporate Property Asset Management Strategy 2018–2021 – 12 Month Update		Cllr Galpin	Stewart Smith	Open	12/4/18

***If you wish to contact a Report Author by email, unless stated otherwise, the addresses are;
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19/4/18

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