



CABINET

**ASHFORD
BOROUGH COUNCIL**

Notice of a Meeting, to be held in the Council Chamber, Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL on Thursday, 8th November, 2018 at 7.00 pm.

The Members of the Cabinet are:-

- | | |
|---------------------------|---|
| Cllr Clarkson (Chairman) | - Leader of the Council |
| Cllr Bell (Vice-Chairman) | - Deputy Leader and Portfolio for Legal and Democracy |
| Cllr Mrs Bell | - Portfolio for Environment and Land Management |
| Cllr Bennett | - Portfolio for Culture |
| Cllr Bradford | - Portfolio for Community Safety and Wellbeing |
| Cllr Clokie | - Portfolio for Planning |
| Cllr Galpin | - Portfolio for Corporate Property |
| Cllr Pickering | - Portfolio for Human Resources and Customer Services |
| Cllr Shorter | - Portfolio for Finance and IT |
| Cllr White | - Portfolio for Housing |

NB: Under the Council's Public Participation Scheme, members of the public can submit a petition to the Cabinet if the issue is within its terms of reference or ask a question or speak concerning any item contained on this Agenda (Procedure Rule 9 refers)

Agenda

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DS
31st October 2018

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Agenda Item 2

Agenda Item 2

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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Agenda Item 3

Published 16th October 2018

Decisions effective from the 24th October 2018 unless they are called in or are recommended to the Council for approval

Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **11th October 2018**.

Present:

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

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

Apology:

Cllr. Galpin

Also Present:

Cllrs. Barrett, Buchanan, Burgess, Hicks, Koowaree, Link, Ovenden, Mrs Webb.

Chief Executive, Director of Law and Governance, Director of Finance and Economy, Head of Legal and Democracy, Head of Planning and Development, Head of Corporate Property and Projects, Head of HR and Customer Services, Principal Solicitor (Strategic Development), Electoral Services Manager, Human Resources Manager, Communications and Marketing Manager, Member Services Manager (Operational).

186 Minutes

Resolved:

That the Minutes of the Meeting of the Cabinet held on the 13th September 2018 be approved and confirmed as a correct record.

187 Leader's Announcements

The Leader said he did want to make a brief mention of the Snowdogs Discover Ashford project which was currently ongoing. He said he had been both delighted and pleasantly surprised at the affect it had had on the town with positive comments coming in from far and wide. He said he had received some complaints that the Snowdogs were being 'vandalised' by children sitting on them, but he actually thought that was a marvellous thing! The Leader wanted to say well done to everyone involved with bringing the project to Ashford.

188 Review of Personnel Policies – Social Media Policy and Managing Restructures, Redundancy and Organisational Change

The Portfolio Holder introduced the report which advised that as part of a wider programme of personnel policy reviews, the Cabinet was asked to consider and advise upon two new personnel policies, which materially altered the existing policies. The proposed new policy documents were the Managing Redundancy, Restructure and Organisational Change Policy and the Social Media Policy, replacing policy documents R2 – Managing Redundancy and Organisation Change and S8 – Social Media Policy in the current Conditions of Service. He advised of a slight amendment to the Social Media Policy in that after discussion with the report authors, a time period of three months rather than ‘several months’ was proposed to section 3.11 - deleting inactive accounts.

Resolved:

- That (i) the Managing Redundancy, Restructure and Organisational Change Policy be approved.**
- (ii) subject to an amendment at section 3.11 stating a time period of three months rather than ‘several months’, the Social Media Policy be approved.**

189 Honorary Ambassador of Ashford Award Scheme

The Leader introduced the report which advised of his request that the Council consider establishing an Honorary Ambassador of Ashford Award Scheme. It further proposed that the first recipient of the award would be Liliana Turoiu, President of the Romanian Cultural Institute, in recognition of her work in commissioning a statue of Queen Marie of Romania to be located at the new Elwick Place development. The report also sought approval for the future consideration and determination of such awards to be delegated to the Chief Executive, in consultation with the Leader of the Council and the Civic Honours and Awards Board.

Members considered such an award scheme was an appropriate bridge between the existing Civic Awards and the award of Freedom of the Borough, in order to recognise individuals or organisations who were working with the Council to promote Ashford to a wider audience. It was therefore considered that Liliana Turoiu would be a fitting recipient of the first such award.

Recommended:

- That (i) an Honorary Ambassador of Ashford Award Scheme be established as outlined within the report.**
- (ii) the first recipient of the Award be Liliana Turoiu, President of the Romanian Cultural Institute, to reflect the work undertaken to commission a statue of Queen Marie of Romania to be located in the new Elwick Place development.**

- (iii) the consideration and determination of future recipients of the Award be delegated to the Chief Executive, in consultation with the Leader of the Council and the Ashford Borough Council Civic Honours and Awards Board.

190 Joint Transportation Board – 11th September 2018

Resolved:

That the Minutes of the Meeting of the Joint Transportation Board held on the 11th September 2018 be received and noted.

191 Trading and Enterprise Board – 8th October 2018

The Leader directed Members attention to the tabled paper which contained some minor amendments to the recommendations. For completeness the amended recommendations are outlined below.

Recommended:

That the Minutes of the Meeting of the Trading and Enterprise Board held on the 8th October 2018 be approved and adopted, subject to the following amendments:

Minute 184 – Recommendation (ii) (a)

- (ii) the existing governance arrangements be amended as follows: -

a). Acquisitions up to £10m (total scheme cost) supported by a business plan (including returns and risks) be approved by the Director of Finance and Economy in consultation with the Portfolio Holder for Finance and IT and the Portfolio Holder for one of Corporate Property or Housing.

Minute 185 – Recommendation (ii)

- (ii) the release of the funds from the existing loan facilities agreement up to limit set out in the exempt report (allowing a small contingency based upon the figures identified in Appendix A to the report) be agreed subject to:

(a) the completion of due diligence and release of the drawdown of the funding for the first stage of the project, including the purchase of the site, up to a value of £10m, be delegated to the Director of Finance and Economy in consultation with the Portfolio Holder for Finance and IT.

(b) the further release of funding be dependent on a further report to the Trading and Enterprise Board, including more details on the scheme, its planning application and the construction contract.

192 Local Plan and Planning Policy Task Group – 31st August 2018

Resolved:

That the Notes of the Meeting of the Local Plan and Planning Policy Task Group held on the 31st August 2018 be received and noted.

193 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.

194 Exclusion of the Public

Resolved:

That pursuant to Section 100A(4) of the Local Government Act 1972, as amended, the public be excluded from the meeting during consideration of the following item, as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present there would be disclosure of exempt information hereinafter specified by reference to Paragraph 3 of Schedule 12A of the Act, where in the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

195 Proposed Disposal of Land (Part Phase 2) at Elwick Place

The Portfolio Holder for Finance and IT introduced the confidential report which set out a proposal and recommendation to dispose of Council owned land on Elwick Place Phase 2.

Resolved:

That (i) the disposal of land at Elwick Place Phase 2 on terms and conditions that protect the Council's interests be agreed as set out in the report and for the best consideration reasonably obtainable.

(ii) authority be delegated to the Chief Executive, in consultation with the Economic Regeneration and Investment Board, to negotiate and conclude the detailed terms of the disposal to the party offering the best consideration reasonably obtainable, including to approve a risk assessment in relation to the impact of Government leasehold reforms on the structure of the disposal.

- (iii) the apportionment of the capital receipts arising from the disposal between the Council and the Developer as outlined within the report be agreed in principle, and authority be delegated to the Chief Executive, in consultation with the Economic Regeneration and Investment Board, to negotiate and conclude the precise treatment of costs incurred by the Developer and the Council.
- (iv) the Head of Legal and Democracy, in consultation with the Chief Executive and the Head of Corporate Property and Projects, be authorised to negotiate and conclude all necessary legal agreements in line with the above.

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Agenda Item 6

Agenda Item No: 6



Report of Overview and Scrutiny Committee to Cabinet

O&S Recommendations to Cabinet – A Better Choice for Property Ltd

The Overview and Scrutiny Committee recommends to the Cabinet:-

- I. That the Board of Directors for A Better Choice for Property Ltd produce a statement for Members clarifying whether the company will seek to acquire or provide properties outside of the borough.
- II. That the appointment of non-executive Directors to A Better Choice for Property Ltd should be subject to appropriate background and credit checks being completed and the adoption of an anti-bribery and fraud policy.

Date of O&S meeting: Tuesday 28 August 2018

Chair of O&S Committee: Cllr Brendan Chilton

Date of Cabinet Meeting: Thursday 8 November 2018

Key Decision: No

Significantly Affected Wards: None specifically

Relevant Portfolios: Corporate Property and Projects
Finance and IT

Management Team Comment: Management Team has considered the report of the Overview and Scrutiny Committee (see paragraphs 13-16) and recommends the following:

Recommendation 1 – ADOPT

Recommendation 2 – ADOPT
(for future non-executive director appointments)

**Background
Papers:**

A Better Choice for Property Ltd – Trading Company,
report to Overview and Scrutiny Committee, 22 May 2018
Minutes of Cabinet, 19 July 2018
**A Better Choice for Property Limited (Report of the
Director of Law and Governance) (CONFIDENTIAL),**
report to Overview and Scrutiny Committee, 28 August 2018

Contact:

Will.train@ashford.gov.uk – Tel: (01233) 330394

O&S Recommendations to Cabinet – A Better Choice for Property Ltd

Introduction and Background

1. During scrutiny of the council's draft 2018/19 budget, the Budget Scrutiny Task Group felt that there would be benefit in the full Overview and Scrutiny Committee examining the governance arrangements and performance of the council's trading company, A Better Choice for Property Ltd, and the Trading and Enterprise Board.
2. The Portfolio Holder for Corporate Property and Projects; Portfolio Holder for Finance and IT; Deputy Leader (as the shareholder representative for the council and chair of the Trading and Enterprise Board) Director of Finance and Economy; Head of Corporate Property and Projects, Interim Head of Finance, Head of Legal and Democracy and Senior Accountant attended the Committee on 22 May 2018 and presented a number of reports relating to the company's history, business planning and trading activity; as well as reports relating to the governance arrangements for the company and the Trading and Enterprise Board (TEB).
3. From discussion of the reports presented at this meeting, the Overview and Scrutiny Committee made five recommendations to Cabinet relating to the governance of the TEB and A Better Choice for Property Ltd; being:
 - i) **That the six monthly updates to TEB should include a table setting out affordable social rented property, local needs housing and specific accommodation for vulnerable people provided by the property company.**
 - ii) **That TEB's right to appoint or remove Directors of the company is no longer subject to approval by the Leader.**
 - iii) **That an experienced non-executive Director be appointed to the property company to minimise the risk of governance failings**
 - iv) **That a firm be appointed to carry out a review of the tax affairs of the property company and address whether the UK Corporate Interest Restriction rules apply to the property company as it is 'grouped' with the council and whether the Criminal Finances Act 2017 could apply to councillors.**
 - v) **That the financial regulations of the company are changed to ensure that a Director can no longer act singularly to purchase property.**
4. These recommendations were submitted to the Cabinet at its meeting of 12 July 2018, where the Cabinet resolved to note the five recommendations for

further examination and report back to the Chairman of the Overview and Scrutiny Committee in due course.

5. Following consideration of these recommendations (the May recommendations) by Cabinet, the Overview and Scrutiny Committee resolved at its meeting of 24 July 2018 that further scrutiny of the TEB and A Better Choice for Property Ltd was required in light of matters arising from the Trading and Enterprise Board meeting of 9 July 2018 and the Full Council meeting of 19 July 2018.
6. At its meeting of 28 August 2018 the Committee considered papers prepared by the Director of Law and Governance, Director of Finance and Economy and Head of Legal and Democracy in respect of the company, TEB and resolutions made by both Council and TEB.

May Recommendations

7. Noting that the May recommendations made by the Overview and Scrutiny Committee had not been adopted or rejected by the Cabinet, Members reviewed these in light of the papers presented. Members noted that the original aims of the company as reported to Cabinet in 2013 included the provision of homes on a variety of tenures, including social and intermediate rents as well as market rents and outright sale, however this had been changed in response to market conditions in 2016 with the company resolving to provide properties at market rents.
8. The Committee noted that its previous recommendation 2 had now been implemented with the approval of revised governance arrangements by the TEB at its meeting of 9 July. The Committee also noted that the appointment of experienced non-executive directors had been made to the company as per its previous recommendation 3.
9. Members noted advice given on the financial operation of the company by various bodies at the company's inception and at the point of drawing down loans from the council and the report of the independent auditors of the company satisfied the committee's prior concerns regarding transfer pricing and the company's status.
10. Members had previously expressed concern regarding the alterations to the company financial regulations in respect of permitting Directors of the company to act singularly in approving property purchases by the company and were pleased to note that this had been amended to require that all property purchases were put to a vote of the Company Board as per the committee's previous recommendation 5.

August Recommendations

11. In reviewing the report of the Director of Law and Governance and Head of Legal and Democracy presented to TEB on 8 August 2018, Members felt that the proposed company objectives contained within the report were unclear

regarding the intended scope of the property company's operations, and felt that the Board of Directors for the company should produce a statement for Members clarifying whether the company will seek to acquire or provide properties outside of the Borough of Ashford (**Recommendation 1**).

12. Members also felt that there would be benefit in the appointment of non-executive directors of A Better Choice for Property Ltd being subject to the completion of appropriate background and credit checks and the adoption of an anti-bribery and fraud policy (**Recommendation 2**).

Management Team Comment

13. Management Team has considered the report and wishes to submit the following comments for the attention of the Cabinet.

Recommendation 1

14. One of the principal aims of the council in setting up A Better Choice for Property Ltd was the generation of an income stream for the council to off-set the withdrawal of formula grant by central government, and whilst the company's acquisitions to date have been entirely within the Borough of Ashford, Management Team are of the opinion that the company should not be precluded from pursuing viable opportunities to deliver against its objectives on the basis of geographical location.
15. Management Team have no objection to the production of a clarifying statement for Members and would advise Cabinet to **adopt recommendation 1**.

Recommendation 2

16. Management Team support the introduction of additional background checks and the adoption of anti-bribery and fraud policies for future non-executive director appointments to the company and would advise Cabinet on this basis to **adopt recommendation 2**.

Conclusion

17. The Overview and Scrutiny Committee thanks the Portfolio Holders and Officers for their attendance and the reports presented, and recommends the following to Cabinet:
 - i) **That the Board of Directors for A Better Choice for Property Ltd produce a statement for Members clarifying whether the company will seek to acquire or provide properties outside of the Borough.**
 - ii) **That the appointment of non-executive Directors to A Better Choice for Property Ltd should be subject to appropriate background and credit checks being completed and the adoption of an anti-bribery and fraud policy.**

Contact and Email

18. Will Train, Senior Policy and Scrutiny Officer
will.train@ashford.gov.uk 01233 330394

Agenda Item 7

Agenda Item No: 7



ASHFORD
BOROUGH COUNCIL

Report of Overview and Scrutiny Committee to Cabinet

O&S Recommendations to Cabinet – Air Quality

The Overview and Scrutiny Committee recommends to the Cabinet:-

- I. That the Planning Department be asked to ensure that bus services are delivered on sites included in the local plan
 - II. That Cabinet request that the Planning Policy task group formulate a planning policy in respect of air quality at an appropriate time given the current status of the Local Plan to 2030
-

Date of O&S meeting: Tuesday 25 September 2018

Chair of O&S Committee: Cllr Winston Michael (Vice-Chairman in the Chair)

Date of Cabinet Meeting: 8 November 2018

Key Decision: No

Significantly Affected Wards: None specifically

Relevant Portfolios: Planning and Development

Management Team Comment: Management Team has considered the report of the Overview and Scrutiny Committee (see paragraphs 5-9) and recommends the following:

Recommendation 1 – REJECT
Recommendation 2 – REJECT

Background Papers: **Air Quality Strategy Update**, report to Overview and Scrutiny Committee 25 September 2018

Contact: Will.train@ashford.gov.uk – Tel: (01233) 330394

O&S Recommendations to Cabinet – Air Quality

Introduction and Background

1. In submitting the final report and recommendations of the Overview and Scrutiny Committee in respect of Air Quality for agreement by Cabinet, Officers undertook to report back to the Committee on progress in developing and implementing the council's Air Quality Strategy.
2. At its meeting of 25 September 2018 the Overview and Scrutiny Committee considered an update report outlining ongoing work and progress already made against the recommendations made by the Committee and accepted by Cabinet.
3. In reviewing the update report, Members felt that (notwithstanding concerns over mechanisms to pay over developer contributions for bus infrastructure to the county council) ensuring the delivery of public transport within new developments to provide a viable alternative to car use was of paramount importance to air quality in the borough and the council should ensure so far as possible that contributions gathered through section 106 agreements for public transport improvements were utilised to provide services.
(Recommendation 1).
4. Members also noted that the Air Quality Task Group's investigations and the Committee's subsequent consideration of the Task group's recommendations had occurred whilst the Local Plan to 2030 was at a critical development stage which precluded recommendations relating to amendments of the local plan, however it was felt that the adoption of a specific planning policy related to air quality should be the council's intention **(Recommendation 2)**.

Management Team Comment

5. Management Team has considered the report and wishes to submit the following comments for the attention of the Cabinet.

Recommendation 1

6. Whilst the council specifies developer contributions for public transport through section 106 agreements (and will continue to do so), the delivery of bus services is not within the gift of the council and remains the responsibility of the local transport authority (Kent County Council) in negotiation with bus operators in the borough.
7. The council will continue to work closely with the county council, bus operators and developers to secure appropriate contribution for public transport as development sites come forward, however on the basis that the

council cannot ensure the delivery of services for which it is not responsible, Management Team advises Cabinet to **reject recommendation 1**.

Recommendation 2

8. The Local Plan to 2030 as submitted to the Planning Inspectorate includes policy ENV12 (relating to air quality), which stipulates that all major development proposals should promote a shift to the use of sustainable low emission transport to minimise the impact of vehicle emissions on air quality, and that development should support the use of public transport, walking and cycling; whilst development proposals that might lead of a significant deterioration in air quality or national air quality objectives being exceeded, will require the submission of an Air Quality Assessment.
9. Given the existing air quality planning policy contained within the Local Plan to 2030 and the lack of any projected exceedances of the national air quality objectives within the borough, it is felt that the adoption of a supplementary planning policy related to air quality is unnecessary and so Management Team advises Cabinet to **reject recommendation 2**.

Conclusion

10. The Overview and Scrutiny Committee thanks the Portfolio Holders and Officers for their attendance and the reports presented, and recommends the following to Cabinet:
 - I. **That the Planning Department be asked to ensure that bus services are delivered on sites included in the local plan**
 - II. **That Cabinet request that the Planning Policy task group formulate a planning policy in respect of air quality at an appropriate time given the current status of the Local Plan to 2030**

Contact and Email

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Agenda Item 8



ASHFORD
BOROUGH COUNCIL

Agenda Item No:

8

Report To:

Cabinet

Date of Meeting:

8 November 2018

Report Title:

Quarter 2 2018/19 Performance Report

Report Author &

Will Train

Job Title:

Senior Policy and Scrutiny Officer

Portfolio Holder

Cllr. N Shorter

Portfolio Holder for:

Finance and IT

Summary:

This report summarises performance against the council's suite of key performance indicators (KPIs) for Quarter 2 (1st July to 30th September) 2018/19.

Certain performance indicators from the previous council framework have been retained and allow for historic data comparison, however a number of new performance indicators have been agreed upon for which data is only available for the last quarter. A summary of all key performance indicators is appended to the report.

Key Decision:

No

**Significantly
Affected Wards:**

None

Recommendations:

Cabinet is recommended to:-

- I. Note the performance data for quarter 2 2018/19 (Appendix 1)

Policy Overview:

A review of the council's performance monitoring arrangements was undertaken during the latter half of the 2017/18 municipal year to reconcile key performance indicators, service level performance data and the council's existing programme management processes. The revised performance framework and monitoring arrangements will allow for Heads of Service to more readily integrate performance data into programme management and the service planning process.

**Financial
Implications:**

None

Legal Implications

None

**Equalities Impact
Assessment**

Not required as the report presents information on past council performance and does not recommend any change to council policy or new action.

Other Material

None

Implications:

**Exempt from
Publication:** No

**Background
Papers:** None

Contact: Will.train@ashford.gov.uk – Tel: (01233) 330394

Report Title: Quarter 2 2018/19 Performance Report

Introduction

1. This report seeks to provide an overview of performance against the council's key performance indicators for quarter 2 2018/19. The council's performance framework captures key performance data from across the organisation as it relates to the council's Corporate Plan.

Background

2. A review of the council's performance monitoring arrangements was undertaken during the latter half of the 2017/18 municipal year to reconcile key performance indicators, service level performance data and the council's existing programme management processes.
3. A revised performance framework was endorsed by Cabinet in at the end of 2017/18, with recording against the new key performance indicators beginning in April 2018. The new monitoring arrangements will allow for Heads of Service to more readily integrate performance data into programme management and the service planning process.

Quarter 2 Performance

4. Commentary on individual performance indicators is included within the appendix to this report. Performance against the majority of key performance indicators for quarter 2 is above target, however in some areas performance has fallen. Service Heads and Directors are aware of these drops in performance and work is ongoing to address any underlying issues.

Quarter 2 Corporate Plan developments

Enterprising Ashford

5. Throughout quarter 2 a range of initiatives to drive footfall and engagement in the town centre took place including the Ashford Farmers' Market celebrating its fourth birthday, the introduction of the Splashes of Summer and the launch of an extensive town centre consultation.
6. The council also welcomed the Kent Ambassadors in August and set out the dynamic developments taken forward within the borough over the last few years as well as the council's plans for the future. Two new occupiers of the town centre were confirmed in quarter 2, with Metro Bank occupying the former Clinton Cards unit on the high street and Wed2B opening its first Kent store in Park Mall.
7. During quarter 2 the council also signed a multi-million pound deal to purchase a 28-unit business park under construction on Carlton Road and unveiled the vision for the Coachworks development; whilst construction on a new, larger Ashford International Truckstop began in September.

Living Ashford

8. The council's housing work received further national recognition with Ashford being highly commended and a finalist at the National Housing Awards, as well as being shortlisted for five awards at the Kent Housing Group and Joint Policy and Planning Board Excellence Awards and receiving a special achievement award for its unrivalled commitment to welcoming and resettling Syrian refugees.
9. Quarter 2 also saw the council implement changes to the means test formula for disabled facilities grants and introduce a system of discretionary grants aimed at reaching even more people in need of help; the launch of the 'Rolvenden Rocket' community transport scheme and the Council committing financial support to the Kent Savers credit union.
10. Following the hearing sessions of the examination of the Ashford Local Plan to 2030 and receipt of the post hearings note from the Planning Inspectors, the council began consultation on the Main Modifications to the submission version of the Local Plan, which will close on 26th October.

Active and Creative Ashford

11. The Create Festival attracted huge crowds, with 14,000 people attending the Victoria Park festival throughout the day to see more than 30 talented entertainers perform across four stages. The Create Platform, a week-long programme of events leading up to the main festival brought a variety of exciting and interesting local acts to venues across Ashford and Tenterden.
12. A 1960s office building within the Kent Woolgrowers site on Tannery Lane was transformed into a stunningly surreal 'unzipped' sculpture by renowned British artist Alex Chinneck. September also saw the launch of 'Snowdogs discover Ashford', a trail of 35 giant Snowdog sculptures designed by local and regional artists, alongside 19 small Snowpups created by local schools, sited around the town.
13. Ashford's One You Shop was shortlisted as one of three potential winners of the Royal Society for Public Health's new 'Health on the High Street' Award, and the Ashford Visitor Information Centre relocated to a more spacious and user-friendly site within the Ashford Gateway Plus.

Attractive Ashford

14. The council's recycling campaigns continued strongly, with Create Music Festival organisers committing to a range of measures to reduce plastic waste at the festival and the council maintaining a recycling rate above 50% through the quarter.
15. Quarter 2 also saw a number of commemorative events take place, with a paving stone laid in Charing to honour the only Victoria Cross recipient born in the Borough, the launch of Ashford Remembers – a poppy tribute to be situated in North Park inspired by the 'Blood Swept Lands and Seas of Red' installation at the Tower of London.

Our Underpinning Principles

16. The second Civic Awards ceremony was held in July, with 12 of the borough's local heroes and heroines rewarded for making their community a better place to live. The council also published the findings of the Local Government Association's peer challenge, which found that the council '...has a clear expression of corporate priorities', with 'strong, passionate and purposeful leadership driving the organisation forward and getting things done'.

Conclusion

17. Quarter 2 shows a continuation of strong performance in a number of key areas and further delivery against the aims of the council's corporate plan. Whilst some performance has fallen below target for some indicators, these areas are being closely monitored and work is ongoing to address any underlying issues.

Portfolio Holder's views

18.

Contact and Email

Will Train, Senior Policy and Scrutiny Officer
Will.train@ashford.gov.uk

Quarter 2 2018/19 Performance

KPI status key	
	Not meeting target – under performance
	Target not met but within acceptable threshold
	Target met or exceeded performance
	Status unknown
	Data Only – no target set

Code	Title and description	Q4 2017/18			Q1 2018/19			Q2 2018/19			Latest Note
		Actual	Target	Status	Actual	Target	Status	Actual	Target	Status	
KPI01	Park Mall Vacancy Rates No. of vacant units within Park Mall	6.25%	0%		6.25%	0%		9.38%	0%		Vacancy rate increase has arisen as Timeless (located in the kiosk) has left Park Mall. A new tenant is being arranged.
KPI02	Ashford Town Centre Car Park Usage No. of vehicles parking in Ashford town centre car parks: Vicarage Lane Elwick Road Edinburgh Road Civic/Stour Centre Henwood Flour Mills	158,630			151,479			158,694			Quarter 2 for 18/19 shows similar trends to quarter 2 from previous years and has always been a higher quarter for parking. This may also be due to the college being back and the snow dogs launch too. Previous performance: Q2 2017/18 – 160,008 Q2 2016/17 – 169,774 Q2 2015/16 – 169,677 Q2 2014/15 – 166,179

Quarter 2 2018/19 Performance

Code	Title and description	Q4 2017/18			Q1 2018/19			Q2 2018/19			Latest Note
		Actual	Target	Status	Actual	Target	Status	Actual	Target	Status	
KPI03	Ashford Town Centre Car Park Income Total spend in Ashford town centre car parks – combined cash, card and mobile transactions	£359,678.24			£375,080.75			£378,610.09			Upward trend on income for Quarter 2 compared to the last 2 financial years. Quarter 2 consistently provides a higher income than the other quarters. Previous performance: Q2 2017/18 – £351,071 Q2 2016/17 – £323,823 Q2 2015/16 – £314,504 Q2 2014/15 – £297,189
KPI04	Ashford Town Centre Car Park average spend Average spend per individual parking session	£2.30			£2.48			£2.39			Average spend increased in quarter 2 compared to the same period in previous years, indicating that customers are staying in the town centre for longer periods of time and supporting the High Street shops
KPI05	Tenterden Car Park Usage No. of vehicles parking in Tenterden car parks: Bridewell Lane Station Road Recreation Ground Road Leisure Centre	107,484			119,224			121,437			Quarter 2 usage has fallen from the same period in 2017/18 but is increased on quarter 1 usage in line with previous years' trends. Previous performance: Q2 2017/18 – 131,032 Q2 2016/17 – 139,025 Q2 2015/16 – 136,171 Q2 2014/15 – 136,286

Quarter 2 2018/19 Performance

Code	Title and description	Q4 2017/18			Q1 2018/19			Q2 2018/19			Latest Note
		Actual	Target	Status	Actual	Target	Status	Actual	Target	Status	
KPI06	Tenterden Car Park Income Total spend in Ashford town centre car parks – combined cash, card and mobile transactions	£207,009.05			£235,962.39			£239,558.19			Slight increase in quarter 2 against the same period for 2017/18, but down against quarter 2 2016/17.
KPI07	Tenterden Car Park average spend Average spend per individual parking session	£1.94			£1.99			£1.97			Average spend is down slightly from quarter 1 but up by 10 pence on the same period last year.
Page 26	New Businesses Supported No. of pre-start and start-up businesses supported by Ashford Borough Council through service level agreement with Kent Invicta Chamber of Commerce	51			37			15			Slowed business start-up rate reported nationally due to high employment rate and uncertainty over Brexit. Most enquiries are consumer products/services (e.g. hairdressers/beauticians)
KPI13	Business Rates Collection % of national non-domestic rates collected by the council - cumulative figure	99.26%	99% (annual)		29.88%	99% (annual)		55.72%	99% (annual)		Collection rates continue to accumulate towards annual target as projected.

Quarter 2 2018/19 Performance

Code	Title and description	Q4 2017/18			Q1 2018/19			Q2 2018/19			Latest Note
		Actual	Target	Status	Actual	Target	Status	Actual	Target	Status	
KPI14	Social rent void loss Rent loss on void social rent properties as a % of the rent roll for HRA social properties				0.36%			0.24%			HRA Social rented properties, figure considerably lower than Affordable rented properties due to the large difference in weekly rents. Q2 Calculation HRA Social - 66 properties = 22,429/ debit 9,484,486. = 0.24%
KPI14 A Page 27	Affordable rent void loss Rent loss on void affordable rent properties as a % of the rent roll for HRA social properties				1.42%			1.25%			The % is higher than the Social void loss figure due to the weekly rents being calculated as Affordable and therefore at a higher rate. Q2 Calculation Affordable - 56 Properties =19,094./Debit 1,527,511. = 1.25% Unable to predict outcome at this stage.
KPI15	Council Affordable Housing - New Build No. of additional new build affordable homes delivered by council housing				0			0			Work continues on site in five of our affordable homes phase 5 builds in Smeeth, Aldington, Woodchurch, Wittersham and Biddenden. The progress on these will be reported to cabinet in November 2018.

Quarter 2 2018/19 Performance

Code	Title and description	Q4 2017/18			Q1 2018/19			Q2 2018/19			Latest Note
		Actual	Target	Status	Actual	Target	Status	Actual	Target	Status	
KPI15 A	Council Affordable Housing - On-Street Purchases No. of additional on-street purchase affordable homes delivered by council housing				3			3			The council purchased three on-street properties in the quarter of the year between July and September 2018. We aim to average one per calendar month.
Page KPI16 B	Registered Provider Affordable Housing No. of new affordable homes delivered by registered providers				17			34			The following properties have been delivered by Registered Providers working in the borough in the quarter between July and September 2018. Austin Road (Town & Country) 10 x 3-bed and 4 x 2-bed (all affordable rent) Roman Road (Golding Homes) 4 x 2-bed (two affordable rent and two shared ownership) Tent1 (Moat) 6 x 1-bed flat for affordable rent; 1 x 1-bed flat for shared ownership; 6 x 2-bed house for shared ownership; 3 x 2-bed flat for affordable rent.
KPI17	B&B Accommodation No. of people placed in Bed and Breakfast accommodation as at the end of the reporting period				15			8			As at end of quarter - B&B numbers have reduced as use of self-contained units such as Tufton House and Trafalgar House and prevention activity has increased.

Quarter 2 2018/19 Performance

Code	Title and description	Q4 2017/18			Q1 2018/19			Q2 2018/19			Latest Note
		Actual	Target	Status	Actual	Target	Status	Actual	Target	Status	
KPI18	Nightly Paid Accommodation No. of people placed in Nightly Paid accommodation as at the end of the reporting period				63			53			As at end of quarter 2 – number have reduced due to increased prevention activity.
KPI19	Other Temporary Accommodation No. of people placed in Other Temporary accommodation as at the end of the reporting period				96			84			As at end of quarter 2 – a new staff structure is in place which is engaged in more focused prevention work. This has led to a reduction in other forms of temporary accommodation being used.

Quarter 2 2018/19 Performance

Code	Title and description	Q4 2017/18			Q1 2018/19			Q2 2018/19			Latest Note
		Actual	Target	Status	Actual	Target	Status	Actual	Target	Status	
KPI20 Page 30	Homelessness Presentations No. of households presenting to the council as homeless or at risk of homelessness				430			394			August saw a 17% increase in footfall compared to the same period for 2017/18 as a result of new duties being introduced under the Homelessness Reduction Act. More robust front line services have been put in place during the quarter with a reduction in cases being seen in September. Whilst a number of presentations made to the council result in a closed case as recorded under KPI21/22, a large number of presentations made in quarter 1 and 2 were assessed for assistance but have since been closed due to circumstances such as: <ul style="list-style-type: none"> • The applicant not being eligible for services • The applicant not being statutorily homeless • The applicant choosing to withdraw their application • The applicant's case being closed where they have ceased contact with the council.

Quarter 2 2018/19 Performance

Code	Title and description	Q4 2017/18			Q1 2018/19			Q2 2018/19			Latest Note
		Actual	Target	Status	Actual	Target	Status	Actual	Target	Status	
KPI21	Homelessness Preventions No. of households where homelessness was prevented through supporting applicants to secure their accommodation				125			84			August saw an increase in footfall compared to the same period for 2017/18 as a result of new duties being introduced under the Homelessness Reduction Act. More robust front line services have been put in place during the quarter with a reduction in cases being seen in September. It should be noted that the 'actual' number refers to cases that have been physically closed when a positive result is achieved and as such ongoing cases are not reflected in the numbers reported.
KPI22 Page 31	Homelessness Reliefs No. of households where homelessness was relieved through securing accommodation for the applicant				59			65			Fewer homelessness tonight approaches are being made and more prevention work is being completed. It should be noted that the 'actual' number refers to cases that have been physically closed when a positive result is achieved and as such ongoing cases are not reflected in the numbers reported.
KPI23	Refugee Households Resettled No. of households resettled in the borough under the Vulnerable Persons Resettlement Programme	1			2			4			Three households resettled in July and one in September. Availability of suitable, affordable private rental property remains unpredictable.

Quarter 2 2018/19 Performance

Code	Title and description	Q4 2017/18			Q1 2018/19			Q2 2018/19			Latest Note
		Actual	Target	Status	Actual	Target	Status	Actual	Target	Status	
KPI24	Refugee Persons Resettled No. of persons resettled in the borough under the Vulnerable Persons Resettlement Programme	3			10			18			4 family units comprising a total of 8 adults and 10 children.
KPI25 Page 32	Right to Buy 28 day processing time Average time taken to process a right to buy application with a 28 day target time admitting or denying the right to buy	6.67	<28		11.45	<28		8.85	<28		If a right to buy application is received more than 3 years, then we have a maximum of 28 days to research their tenancies with other social housing providers to see if they are eligible for right to buy before sending out the second stage of their application. The average processing time for processing applications for the quarter is well within maximum target time.
KPI25 A	RTB2 56 day processing time Average time taken to process a right to buy application with a 56 day target time admitting or denying the right to buy	0	<56		10.67	<56		0	<56		If a right to buy application is received from a tenant who has been in one of our properties for less than 3 years, then we have a maximum of 56 days to research their tenancies with other social housing providers to see if they are eligible for right to buy before sending out the second stage of their application. The average processing time for processing applications for the quarter is well within maximum target time.

Quarter 2 2018/19 Performance

Code	Title and description	Q4 2017/18			Q1 2018/19			Q2 2018/19			Latest Note
		Actual	Target	Status	Actual	Target	Status	Actual	Target	Status	
KPI26	Disabled Facilities Grants Administered No. of disabled facilities grants administered by the council.				8			17			The figure is about average for this time of year. The month of October should start to see an increase in the figure as works which were approved since the beginning of the financial year come through for payment.
KPI27	Disabled Facilities Grant Spend Total spend on disabled facilities grants				£139,592.12			£174,649.05			Figure starts to rise as holiday period ends. Expect October to increase significantly
KPI28	Disabled Adaptations Administered No. of disabled adaptations administered for council tenancies				77			35			The number of adaptations completed in each month will vary, this is a reactive service and will depend on the number of referrals being submitted by OT's. Similarly, due to the majority of low value high number jobs (e.g. grabrails), contractors may complete works and or invoices in batches for efficiency sake. Consequently the allocation of jobs to individual months may not appear as an even distribution.
KPI29	Disabled Adaptations Spend Total spend on disabled adaptations administered for council tenancies				£55,562.95			£36,846.41			As at August 2018 (5 months) the total allocated spend on adaptations is £343,840.07. Total spend through quarter 2 is lower than shown due to delays in invoice processing.

Quarter 2 2018/19 Performance

Code	Title and description	Q4 2017/18			Q1 2018/19			Q2 2018/19			Latest Note
		Actual	Target	Status	Actual	Target	Status	Actual	Target	Status	
KPI30	Private Rented Sector Condition Complaints No. of complaints received regarding poor conditions in the private rented sector				48			56			The figure represents general complaints from HMO issues to disrepair rec. over the period of September. The figure is determined by the amount of notifications received from the general public or internal departments within the council, which we have no control over. The figure is about average if compared to previous years. As we approach the winter period the figure should start to increase as problems with heating and damp & mould become issues.
KPI31	Informal Private Rented Sector Condition Complaint Resolutions No. of complaints regarding poor conditions in the private rented sector resolved informally				27			21			Most complaints tend to take more than a month to resolve due to their complexity, especially with regards to replies to letters and emails and arranging visits. Case closure rates for Quarter 2 are consistent with previous months.
KPI32	Formal Action Private Rented Sector Complaint Resolutions No. of complaints regarding poor conditions in the private rented sector resolved with formal action				4			2			Complaints investigated were either not significant to take enforcement action and landlords cooperated with works required therefore taking the need to take further action.

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Quarter 2 2018/19 Performance

Code	Title and description	Q4 2017/18			Q1 2018/19			Q2 2018/19			Latest Note
		Actual	Target	Status	Actual	Target	Status	Actual	Target	Status	
KPI32 A	Gas Safety Certificates % of ABC maintained properties with an up to date gas safety certificate (includes mains gas and LPG)	99.88%	100%		97.10%	100%		99.92%	100%		Due to low numbers with LPG, one property without a certificate makes a big difference to the compliance figures (as shown in quarter 1). LPG compliance returned to 100% in July.
KPI33	Food Hygiene Rating % of food businesses in the borough with a food hygiene rating above 3*	98.35%	98.5%		98.32%	98.5%		98.43%	98.5%		Just below target but we are reliant on the food business maintaining standards and when receive low score wanting to improve their score.
KPI34	Lifeline Call Answer Speed % of lifeline calls answered within 60 seconds	99.73%	95%		99.81%	95%		99.8%	95%		The Lifeline answer speed remains above the TSA accreditation requirement
KPI37	Planning Application Approvals % of planning applications approved	97%	90%		95%	90%		94%	90%		Planning approvals continue to exceed target.

Quarter 2 2018/19 Performance

Code	Title and description	Q4 2017/18			Q1 2018/19			Q2 2018/19			Latest Note
		Actual	Target	Status	Actual	Target	Status	Actual	Target	Status	
KPI38	Major Planning Application Decisions % of major planning applications determined within 13 weeks	83%	60%	✅	67%	60%	✅	55%	60%	⚠️	<p>The major application percentage tends to be very volatile as the number of cases involved is small, however at present there is a 30% vacancy rate in the Development Management service which has had an impact on processing times.</p> <p>Work has been undertaken to improve service delivery for the whole development management service through redirecting calls to customer services to alleviate additional pressures on planning officers and revising the complaint management process within the service.</p>
KPI39 Page 36	Minor Planning Application Decisions % of minor planning applications determined within 8 weeks	88%	65%	✅	64%	65%	⚠️	57%	65%	⚠️	<p>Performance in quarter 2 has been affected by staff vacancies within the service. Whilst recruitment to the service is an issue, work is ongoing to address this with two new staff having started in October, consultants being engaged on a temporary basis and recruitment continuing.</p>
KPI39 A	Other Planning Application Decisions % of other planning applications determined within 8 weeks	81%	80%	✅	73%	80%	⚠️	75%	80%	⚠️	<p>A fall in performance in quarter 2 reflects both the high demand for the service at present and ongoing capacity issues which are being addressed through recruitment and the use of consultants.</p>

Quarter 2 2018/19 Performance

Code	Title and description	Q4 2017/18			Q1 2018/19			Q2 2018/19			Latest Note
		Actual	Target	Status	Actual	Target	Status	Actual	Target	Status	
KPI40	Planning Refusals Allowed Following Appeal % of planning applications refused by the council that have been allowed following appeal	67%	44%	●	29%	44%	✓	50%	44%	●	The increase in applications permitted on appeal following rejection as reflects a more risk averse approach being taken in view of the continuing capacity issues within the planning service, with an increased focus on refusing applications when warranted rather than negotiating changes prior to submission.
KPI41 Page 37	Planning Contraventions Resolved Informally % of planning contraventions resolved without the need for formal action				44.33%			30%			% = percentage of cases closed that were resolved informally. However, this doesn't mean the remaining percentage were closed formally - other reasons for closure of a case also include no expediency or alike but were not included in this percentage. For quarter 2, the percentages per month are as follows: July – 36% August – 14% September – 40%
KPI43	Council Tax Collection Rate % of council tax collected by the council - cumulative figure				30.44%	98.25% (annual)	✓	39.83%	98.25% (annual)	✓	Collection rates continue to accumulate towards annual target as projected.

Quarter 2 2018/19 Performance

Code	Title and description	Q4 2017/18			Q1 2018/19			Q2 2018/19			Latest Note
		Actual	Target	Status	Actual	Target	Status	Actual	Target	Status	
KPI44	Benefit Change of Circumstance Processing				2.73	<10		2.88	<10		Processing times remain well within target
KPI45	Benefit New Claim Processing Time				26.11	<28		25.08	<28		Processing times remain within target.
KPI48	% of tourism related contacts to Ashford TIC made in person	52.01%			59.08%			69.23%			Large rise in footfall due to Snowdogs project which started on 12th September 2018
KPI51	Rural/Urban Project Grant Allocation Ratio of rural project grants to urban project grants				1.18						The next grant panel will convene on 15 November 2018. With results reported in quarter 3.

Quarter 2 2018/19 Performance

Code	Title and description	Q4 2017/18			Q1 2018/19			Q2 2018/19			Latest Note
		Actual	Target	Status	Actual	Target	Status	Actual	Target	Status	
KPI52	Recycling Rate % of borough waste recycled or composted	50%	50%	✅	56.67%	50%	✅	50%	50%	✅	Achieved a 2% increase in the recycling rate in August compared to July as domestic refuse only increased by 18 tonnes whereas dry recycling increased by 64 tonnes, garden waste by 84 tonnes and food by 82 tonnes. July's recycling rate was 49%, which is 7% lower than June and 10% lower than May. There are various potential reasons for this, although it is to be pointed out that not everything about Ashford's tonnages are negative for July. Our overall waste tonnage for July is the lowest so far this financial year. Whilst the ratios of refuse to recycling are not ideal, this is a positive thing in terms of the Borough producing less waste on the whole. Reduction is even better than recycling and the less waste we can produce the better
KPI53	Refuse Collection Success Rate % of successful refuse collections per 100,000 refuse collections made.				99.96%	99.97%	✅	99.96%	99.97%	✅	Collection success rate is 0.01% below target for the quarter however this is not of concern to the service.

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Quarter 2 2018/19 Performance

Code	Title and description	Q4 2017/18			Q1 2018/19			Q2 2018/19			Latest Note
		Actual	Target	Status	Actual	Target	Status	Actual	Target	Status	
KPI55	FOI Response Rate % of freedom of information requests responded to within 20 working days	94%	95%		98.8%	95%		98.5%	95%		267 requests were completed in quarter 2, of which 4 were completed after the 20 working day deadline.
KPI66	Major Personal Data Breaches Number of major personal data breaches recorded (as required to be reported to the Information Commissioner's Office)	0	0		0	0		0	0		13 internally reported data breaches occurred during quarter 2, however no major personal data breaches (as required to be reported to the ICO) occurred.
KPI64	Average Speed of Customer Service Calls Answered Average wait time for customer service calls	0h 01m 20s	0h 01m 38s		0h 01m 44s	0h 01m 38s		0h 01m 50s	0h 01m 34s		Call wait times are slightly higher this quarter due to the continuation of testing removing the call back system. 3 members of staff have also left this month (2 internal 1 external) recruitment is currently taking place.

Agenda Item 9

Agenda Item No: 9



ASHFORD
BOROUGH COUNCIL

Report To: Cabinet

Date of Meeting: 8 November 2018

Report Title: The Medium Term Financial Plan 2019-24

Report Author & Job Title: Maria Stevens
Portfolio Holder: Cllr. Shorter
Portfolio Holder for: Finance & IT

Summary: This report presents the Medium Term Financial Plan, a budget forecast including underlying assumptions, covering a five year period from 2019 to 2024 for the General Fund (the Business Plan for the Housing Revenue Account will be covered separately in a report to the December Cabinet along with the Draft Budget for 2019/20).

The plan highlights some minor pressures that need to be managed over the next four years with a more significant budget gap from 2023/24.

The plan is based on the Council's current activities and resources for new priorities and projects will need to be fully planned and the impact on the budget understood before approval.

Key Decision: YES

Significantly Affected Wards: All

Recommendations: The Cabinet is recommended to:-

- I. Note the forecast and accept the underlying assumptions
- II. Endorse the Inflation Management Strategy
- III. Note that this is the final year of the four year settlement
- IV. Delegate authority to the Director of Finance and Economy in consultation with the Leader and Portfolio Holder for Finance and IT to agree the Council's continued participation in the Kent Business Rates pool

Policy Overview: In line with the Council's commitment to agree an annual budget and financial plan for the next 5 years

Financial Implications:	The Medium Term Financial Plan is built based on the Corporate Plan 2015-2020, this ensures that financial resources are used to deliver the Council's priorities.
Equalities Impact Assessment	As part of the Budget Setting process presented to Cabinet in February each year.
Other Material Implications:	None
Exempt from Publication:	NO
Contact:	Maria.stevens@ashford.gov.uk – Tel: (01233) 330547

Report Title: The Medium Term Financial Plan 2019-24

Purpose of the Report

1. The Corporate five year plan was approved by Cabinet in October 2015 which outlines the following priorities:
 - a. Enterprising Ashford
 - b. Living Ashford
 - c. Active and Creative Ashford
 - d. Attractive Ashford
2. Underpinning these priorities are the Ashford principles that strive for the council to be well resourced, with effective governance, delivering high quality services with good communication in a safe environment – all of which should demonstrate good compliance and standards.
3. To ensure the services continues to be delivered the Council has been developing an alternative to formula grant (the Council will need to pay a tariff/reduced amount from Business Rates) from 2019/20. These alternatives include generating income through investment in residential and commercial property.
4. An integral part of that Plan is the resource planning to ensure that resources are available and targeted to priorities. This report presents the Council's Medium Term Financial Plan (MTFP).
5. Members are reminded that this report covers the General Fund budget; the Council also has a Housing Revenue Account (HRA) and this has its own separate 30 year business plan and this will be covered in detail in a report to the December Cabinet along with the draft budget.

Background & Context

The Economy

6. The UK economic outlook remains relatively soft despite relatively strong labour market data and it is still facing a challenging outlook as the Country exits the European Union and the Eurozone economic growth softens.
7. Inflationary cost pressures which were expected to ease have risen recently, most notably due to rises in oil prices due to tensions over the Middle Eastern supply, a weak pound and tightening labour market. This is expected to keep inflation above the 2% target as set by the Monetary Policy Committee (MPC) for the medium term.
8. To control inflation it is likely that the MPC will look to increase interest rates and several increases have been factored into the MTFP. However, the MPC is reluctant to push interest rate expectations too strongly to avoid weakening growth and household spending.
9. The global economy appears to be slowing, particularly the Eurozone and China where effects of a trade war are being felt. The US economy is continuing to expand but recent expected rate rises are likely to slow the economic growth.

10. The Chancellor delivered the Budget on the 29th October, the following paragraphs highlight some of the key announcements that will affect local government. The government has announced a number of changes to business rate, including:
 - a. Providing upfront support to the business rates system through reducing bills by one-third for retail properties with a rateable value below £51,000, benefiting up to 90% of retail properties, for 2 years from April 2019, subject to state aid limits;
 - b. The introduction of 100% business rates relief for all public lavatories with the aim of helping keep these amenities open; and
 - c. Continuing with the £1,500 business rates discount for office space occupied by local newspapers in 2019/20.
11. The government has stated that local authorities will be fully compensated for the loss of income as a result of these business rates measures.
12. The Chancellor also announced the creation of a Future High Streets Fund to invest £675m in England to support local areas fund plans to redevelop their high streets and town centres.
13. In relation to Housing the government announced:
 - a. Confirmation that the Housing Revenue Account cap that controls local authority borrowing for house building will be abolished from 29 October 2018 in England;
 - b. That the Housing Infrastructure Fund, funded by the NPIF, will be increased by £500m to a total £5.5bn; and
 - c. A new five-year strategic business plan for Homes England will be published on 30 October 2018.
14. The government had indicated at the 2018 Spring Statement that it would outline control totals for the Spending Review to be carried out in 2019 (SR2019). This is assumed to be for the four year period 2020/21 to 2023/24. The data released so far suggests that after excluding the increases for NHS England, resources across the rest of government Departments will increase in cash terms by just 8.4% over the period 2019/20 to 2023/24 which is roughly in line with the increases in CPI for the period set out by the OBR. Therefore, this would suggest that outside of NHS England, all other Departments combined will not see any real terms increase in their funding for the period 2019/20 to 2023/24 and therefore we need to plan for a relatively flat settlement for the period of the next spending round.

BREXIT

15. The UK is leaving the EU on 29 March 2019 and at the time of writing this report there was not an agreed deal to take forward for Parliament to approve.
16. The Government are working on a number strategies should there be no deal including ensuring the stability of the Country which includes financial as well as infrastructure. With the final terms of the departure of the UK from Europe yet to be settled, the Chancellor has already signalled that a further Budget may be required should this departure be made without a formal deal.
17. To ensure a smooth transition it has been agreed that EU laws will become UK law on the day of exiting the EU.

18. Ashford Borough Council along with other Kent authorities are working on strategies to minimise the impact of a no deal Brexit on Ashford and wider Kent. Some of these include:
 - Road infrastructure, manage congestion at Ports
 - Examining the impact of labour supply on key services
 - Risk of economy downturn, fall in £, rising costs
 - Promoting Ashford and Kent as a UK headquarters for European businesses that what to trade in the UK
 - Supporting UK business to business trade rather than EU to UK
 - Promotion of tourism
19. There is dedicated work happening in Ashford through Management Team which includes working with local business. Covered by 4 themes:
 - Identifying and speaking to key suppliers ensuring they have plans in place so services will not be disrupted
 - Identifying specific service risks and developing mitigation strategies
 - Reviewing business continuity arrangements.
 - Extending business support and mentoring with the Business of Commerce.
 - Participating in County wide Business Continuity and Emergency Planning exercises

Government Agenda

20. Currently we are part of a 100% Business rate retention pilot, Government have now changed this into a 75% Business rate retention system and they have asked all schemes to apply for a pilot for 2019/20. The budgets are being built based on Ashford not participating in a Pool.
21. 2019/20 is the final year of the 4 year settlement, so all estimates of funding beyond 2019/20 are our forecasts based upon maintaining current funding levels. This represents a risk to the MTFP with Government working on the fair funding review and a comprehensive spending review imminent. Both of these have the ability to fundamentally affect the funding position of Local Government. There is a strong policy driver to divert funding to Social Care which has a potential to transfer resources away from District Councils to County Councils. This needs to be balanced against the impact on District Councils of such a move and the need to get Parliamentary support for such a level of change. Consequently on the balance of risk the MTFP has been prepared on a cash neutral settlement and Management Team will develop contingency plans for managing further reductions in resources. Further consultations are expected before implementation.
22. Negative RSG, this is where the funding mechanism calculates that an Authority has too much resource and places a negative figure for formula grant. This is effectively the redistribution of Council Tax resources around the country with the poorer areas receiving funding which will be financed by other authorities. There are serious issues of the fairness of this, as Local Councils make decisions on Council Tax Levels based on local needs and this can now be moved elsewhere. Ashford will move into negative RSG in 2019/20 paying government around £240,000. The Council will continue to raise its objection to this approach at every opportunity.

23. There was an announcement in the Prime Ministers speech in regards to the removal of the Housing Revenue Account's debt cap. This would enable the Council to accelerate the social housing build out plans.

CIPFA Resilience Index

24. The Chartered Institute of Public Finance Accountants (CIPFA) has developed its resilience index. This is a single metric that can summarise a Council's financial resilience and provide an early warning for councils who may be slipping into financial difficulty.
25. The Mid Kent Audit have done some work looking at the authorities in the partnership and where we would score on the matrix.
26. A snapshot view of the Council's position is attached at **Appendix A** and it is a relatively strong position with the council ranked well above median and in the top 50 nationally for district councils. The strengths are that there is a low reliance on Revenue Support Grant and a strong business rates base. However the report suggests that the council has a relatively low level of un-allocated reserves. This is partly driven by the Council's practice of earmarking reserves for specific purposes, for example the creation of a [Economic Downturn reserve] which could be considered to be an un-earmarked reserve.
27. Whilst the CIPFA methodology produces a backward looking snapshot it does allow us to understand our funding strengths and weaknesses and inform the development of tools to monitor those areas and strategies to improve resilience. For example understanding the factors that grow and sustain Council Tax and Business Rates revenues and how the Council can influence them.

Local impact of Government Policy

28. Within the Borough Universal Credit went live in June 2018 and to date seems to be working well. The Council have not yet seen any adverse effects and the Housing Benefit case load is slowly reducing, and estimated to be a reduction of 1,000 claim per annum. The Department of Work and Pensions (DWP) offered to fund Local Authorities in 2018/19 to deal with client queries including completing the paperwork to claim. Ashford refused the funding due to it being insufficient to fund the work and detracting from Council priorities, recently the DWP announced that they are working with the Citizen Advice Bureau from 2019/20, it is understood this will be done centrally. The Revenues and Benefits team
29. The Homelessness Reduction Act came into force during 2018 and Ashford have invested in staff and strategies to strengthen the prevention and the Council is already seeing some positive movements in the homelessness numbers.
30. The Council is looking to review, along with other local authorities, the county wide Council Tax Support scheme. The purpose of this is to simplify the scheme rather than make saving however there will be a reduction in the administration when it goes live in April 2020. Officers will work alongside the Council Tax and Welfare Reform Task Group to bring a proposal to Cabinet in the latter part of 2019.

The Four Year Settlement and Efficiency Statement 2015

31. The previous Chancellor presented the four year settlement at the end of 2015 and Councils could choose whether to accept the settlement and produced an efficiency plan as part of the agreement.
32. The settlement is detailed in the table below and shows that the Council's Revenue Support Grant will be removed over the four year period, there is also a 'Negative RSG' being applied to the council's tariff to further reduce funding in the final year, as well as information regarding redistribution of council tax across the UK, so in 2019/20 council tax will effectively be taxed. This has not been reflected in the MTFP however the Council will notify members once details are made clearer.
33. In 2015 the Government did suggest that authorities who accepted the four year settlement would not have their tariffs amended with 'Negative RSG' to date this has been the case and it is likely government will continue the transition for 2019/20, removing the need for the Council to pay £240,000.

Table 1: 4 year settlement

	2016-17 £m	2017-18 £m	2018-19 £m	2019-20 £m
Settlement Funding Assessment	3.90	3.30	2.98	2.85
of which:				
Revenue Support Grant	1.27	0.62	0.21	
Baseline Funding Level	2.63	2.69	2.76	2.85
Tariff/Top-Up	-15.62	-15.93	-16.40	-16.93
Tariff/Top-Up adjustment				-0.24

* The amounts in the table are totals rounded to 2 decimal places

34. It must be remembered that this only covers formula grant (which is due to reduce to £0) and there are major changes to government funding for local authorities including New Homes Bonus and business rates reform, that could reduce the Council's funding in future years.
35. This settlement only remains for 2019/20 and the Council entered into a 100% retention Business Rate pilot and looking to enter another pilot for 2019/20. It is still not clear how retention of business rates will affect funding in future years. The pilot has enabled the Council retain more funding during 2018/19 however this is a one off.

Key Assumptions

36. As part of the Budget Scrutiny process the Overview and Scrutiny Committee received a presentation of the MTFP assumptions and was broadly supportive.
37. *Revenue Support Grant* (the 'staple' of local authority funding) has been decreasing since the Comprehensive Spending Review in 2010 and the four year settlement sees the level dropping to zero in 2019/20 with a tariff of £240,000, this tariff will be wrapped up in the Business Rate tariff if the Business Rate pilot continues.
38. Assumptions have been made that key grants supporting the administration of the revenues and benefits team will see further reductions for 2019/20

expected to be 44% from 2018/19 levels as a result of the introduction of Universal Credit. To manage this Finance has reduced staffing levels over the last few years and increase reliance on Customer Services.

39. *Inflation* is a factor that needs to be managed carefully within any financial planning regime. The council benefitted from the low levels of inflation over the last few years, however, nearing the end of 2017/18 inflation started to rise and has continued to do so the MTFP reflects a higher inflation level for 2019/20 and falls back to the 2% target by 2020/21.
40. *Interest rates* have been forecast in line with the Arlingclose (Treasury Management Advisors) forecasts. As a net investor the General Fund is more affected by its ability to generate returns on its cash balances rather than borrowing cheaply. Savings have been made in recent years by not borrowing to fund projects and using cash balances, however as interest rates rise the council will want to lock into low long term rates.
41. *Pay* – during 2018/19 a two year pay settlement was approved for 2018/19 and 2019/20 of 1.5% or £400 whichever was the higher for the individual employee. After 2019/20 pay increases have followed inflation in the plan.
42. *New properties* – Assumptions for new properties have been based on information from the planning and visiting officer teams, looking at the number of properties under construction and taking a view on the delivery of sites with planning permission and allocated sites. It should be noted that the figures may differ from those in the emerging local plan but for prudence a lower figure is taken. These assumptions drive figures for growth in tax base, and new homes bonus receipts.
43. *Business Rates* – Increases in business rates are set by the RPI level in the preceding September. However in the past government has capped increases in business rates at 2% where RPI was higher than this figure and the model assumes that this will continue for the life of the plan.
44. *Council Tax* – Government has so far capped the level that council tax can be increased by without a local referendum at 3% or £5 whichever is the greater. A 3% increase would result in a £4.72 increase in Council Tax for a band D property. For planning purposes the MTFP has assumed the maximum increase available to the Council a £5.00 (3.17%) increase for 2019/20, a £5 (3%) increase in 2020/21 continuing for the remainder of the plan. The decision on the level of Council Tax is taken each year by Council in February.
45. A table of assumptions is included in **Appendix B**
Reserves
46. The Council's general fund reserves - as at 31 March 2018 - are shown in **Table 3** below, with a forecast for movements within the current financial year. This shows that the Council's reserves are robust and adequate. The Council has a policy of maintaining the general fund balance of at least 15% of net budget requirement which is currently around £2.3m. Reserves have been earmarked to fund a number of Corporate Projects; the corporate project plans are monitored and updated regularly.

47. As part of the closure of accounts members requested a further reserve to be created that provides additional funding to support the Council's revenue budget in the event of an economic downturn. This reserve has been created using additional Business Rate income generated by using the Kent Pool.
48. During 2016/17 a single pot approach was adopted to fund corporate plan projects. This effectively allows reserves that are not earmarked for a specific purpose to be made available for projects. This strategy enables the Council to allocate funding to future income generating projects, as well as projects that will regenerate and support the Borough.
49. The current project plan is fully funded with a number of other projects being developed, funding will be approved based on projects meeting criteria set out in the plan.

Table 2: Summary of Earmarked Reserves

	Balance as at 31 March 2018	2018/19 Transfers	Estimated Balance as at 31 March 2019	2019/20 Transfers	Estimated Balance as at 31 March 2020
	£'000	£'000	£'000	£'000	£'000
<i>Earmarked reserves</i>					
Corporate Plan	6,201	(1,225)	4,976	(512)	4,464
Fund Future expenditure	3,823	(33)	3,790	(185)	3,605
Maintenance of assets	1,374	55	1,429	(245)	1,184
Reserves requires (statute)	196	0	196	0	196
Developer Contributions	7319	(880)	6,439	(880)	5,559
Total Earmarked	18,913	(2,083)	16,830	(1,822)	15,008
General Fund Balance	2,552	94	2,646	(155)	2,491
Total General Reserves	21,465	(1,989)	19,476	(1,977)	17,499

50. The reserves are based on known information, with the potential to grow reserves through future Community Infrastructure Levy and future corporate projects not yet defined. There is an assumption that Planning reserves will be fully allocated to appeals and Section 106 reserves will decrease as projects are completed.

Inflation Management Strategy

51. Within the MTFP model the cost of inflation outweighs the increases in revenue generated by inflationary increases in fees and charges, on average this cost pressure equates to £361,000 per annum including pay.
52. To manage this pressure, over a number of years, the Council made the decision to manage the inflationary impact from absorbing the pressure through savings elsewhere within services. With continued pressure from

inflation it is important to review regularly and understand how inflationary pressures will be managed for the life of the MTFP.

53. The MTFP includes projects to generate more income streams, maximise treasury management returns, whilst safeguarding capital and considering council tax setting policies, Ashford continues to be the lowest council tax in Kent.
54. The Inflation Management Strategy is attached in **Appendix C**, and Cabinet is asked to support the principles of the strategy.

New Homes Bonus

55. The Council receives a New Homes Bonus (NHB) payment for four years for every property built or brought back into use in the borough. This non ring-fenced grant can be used for both revenue and capital purposes at the Council's discretion.
56. The amount the Council receives is also top sliced to divert funding to Adult Social Care and this has been modelled in the MTFP.
57. Assumptions on future levels of NHB are based upon the forecast numbers of new properties, however there is an element of delay built in based on historical information and information received from the investigation team, that monitor properties completion for Council Tax charging.
58. £1.4m of NHB is being used to fund the Base Budget (£200k less than 2018/19 year) in addition to this a number of revenue corporate projects are also funded. The remaining amount of the NHB is set aside to fund other Corporate Projects and is allocated to reserves within the MTFP.
59. NHB is an important element of the Council's funding, the Council will try to maintain a 50% base budget funding and 50% Corporate Projects for the life of NHB however should an emerging pressure be identified during the planning process NHB could be used to fund this pressure, this will however be reported to Cabinet.

Business Rates Growth

60. Business rates is a major part of local government funding, retaining 40% of business rates collected, although this is subject to a tariff of £15.8m leaving baseline funding of £3.1m. The current scheme also allows a retention of 50% of any growth over the set baseline position. The current general fund budget is £4.7m this suggests that the Council has already achieved £1.6m of growth.
61. In forecasting business rates there are essentially four issues:
 - a. Was our opening forecast for business rates yield for 2018/19 reasonably accurate?
 - b. Is the appeals provision prudent?
 - c. What is the performance of the pool?
 - d. How should we look at future business rate growth as funding for the budget?

- a. *The 2018/19 Yield Forecast*
- 62. The rateable value of business properties is revalued every five years, the most recent revaluation came into effect at 1 April 2017.
- 63. The first quarter data has been analysed and it's expected that the annual yield projection will be higher than the anticipated yield. This is largely due to the multiplier (the amount paid for every £ of rateable value) being higher than budgeted.
- 64. In the event of a sudden and large drop in business rate yield a 'risk provision reserve' was set up on commencement of the new business rate system.
- b. *The Business Rate Appeals Provision*
- 65. For 2017/18 a new appeals system was introduced 'Check. Challenge. Appeal'. It was hoped that a large majority of cases will be resolved at the 'check' stage, and during 2018/19 there has been less appeals coming through so it looks to be working at this stage.
- 66. In calculating the appeals provision there are two lists, the 2017 list, where there is little experience to calculate the provision based on actual data the provision is based on 4.7% which is a Government assumption when calculating Local Government Funding. The 2010 list is a detailed analysis based on historical success rates, the percentage calculated based on these.
- 67. Outstanding appeals on the 2010 list are currently 157, with a rateable value of £42m, these are expected to be cleared over the next 1/2 years. The 2017 list has seen very few appeals with only 16 outstanding at check stage, with a rateable value of £926K.
- 68. The Council had an appeals provision of £3.8m at the start of the year, this position is monitored throughout the year and reported to Cabinet.
- c. *Performance of the Pool*
- 69. From 2018 the Council alongside all other Kent Business Rate Authorities entered into the 100% Business Rate Retention Pool. Previously to this the Council was part of the Kent Business Rates Pool, which contains most of the Kent Authorities. Both of these Pools provided a mechanism to reduce the levy payable by local authorities on growth and to promote economic development.
- 70. Membership of the pool has resulted in the levy payable on growth being paid into the pool rather than paid to Government. In 2017/18 the Council's share of this saving was £370,000, with a further £370,000 allocated to Economic Development whose use will be determined jointly between Kent County Council and Ashford Borough Council. As the expenditure would not be in the budget framework, any scheme would need to be approved by Cabinet and Council.
- 71. For 2019/20 Government have announced that it is seeking bids from existing pools to pilot the 75% Business Rates Retention scheme. This Council along with other Kent authorities have made a bid. The pilot is only guaranteed for 1 year.

d. Future Year's Business Rate Growth

72. There are several prospective large commercial developments happening in Ashford and many proposed for the future, with added focus from the Council, development are expected to continue to come forward over the next five years, and this should be a primary focus, as the additional rates yield is an important aspect of the MTFP.

Developing Future Income Streams

73. The Commercial Investment Strategy, comprises of three elements, Real Estate Investment, Loans to the Property Company and Strategic Investment.
74. The Medium Term Financial Plan includes income from projects that have been confirmed, such as investment in the Property Company, £50m included within the plan (£10m per annum) and the Elwick Place development is also included within the plan. Future projects that have not yet been approved or started have not been included.

MTFP Forecast

75. The forecast detailed in the table below takes into account the items discussed above. The forecast, which is not cumulative, shows that the budget gap is manageable for the life of the plan, however Members and Management Team need to manage any pressures coming through to ensure the gap does not widen. Income streams that have or are set to be achieved are mitigating the impact of inflation in the medium term as planned.
76. Attached at **Appendix D** are the pressures and saving coming through into the financial plan from services.
77. It should be noted that the plan is based on what we currently do and growth in the population could put more pressure on services than is currently recognised. There is a savings target of £130,000 per annum (cumulative) to be achieved through services.

Table 3 - GENERAL FUND REVENUE FORECAST 2019/20 to 2023/24

	2019/20 £'000's	2020/21 £'000's	2021/22 £'000's	2022/23 £'000's	2023/24 £'000's
S31 Grant NNDR reliefs	(1,578)	0	0	0	0
Retained Business Rates	(3,143)	(4,646)	(4,740)	(4,744)	(4,669)
New Homes Bonus (50% allocated to support base budget)	(2,820)	(2,936)	(2,678)	(2,852)	(2,228)
Government Funding	(7,541)	(7,582)	(7,418)	(7,596)	(6,897)
Council Tax	(7,556)	(7,925)	(8,305)	(8,703)	(9,120)
Total Income Receipts (Including Specific Grants)	(48,640)	(48,382)	(48,230)	(48,080)	(47,950)
Base Budget Gross Expenditure	65,829	66,951	67,284	67,644	68,261
Budget Increases	(2,056)	(3,021)	(3,297)	(3,220)	(3,683)
BUDGET GAP	36	41	34	45	611

Balancing the budget gap

78. Management Team have discussed the budget gap over the next few years and are comfortable that the first four years can be managed through in year savings and reserves.
79. To manage the long term budget gap Management Team have committed to managing inflation pressures by ensuring they are working in the most efficient way possible and maintaining restraints around budget spend and regularly reviewing budgets. They will also be looking at ways digital transformation and future investment in commercial activities can alleviate future budget pressures.
80. Digital transformation will aspire to manage growth in demand within resources through smarter working.
81. The Investment Strategy has been developed and generating future income to support the underlying budget is being continuously reviewed.

Next Steps

Note the Medium Term Financial Plan and request that Management Team deliver a balanced budget.

MID KENT AUDIT

Financial Resilience Index Analysis

Authority: Ashford

Comparator Group: Kent, Surrey & Sussex Districts

Year: 2017-18

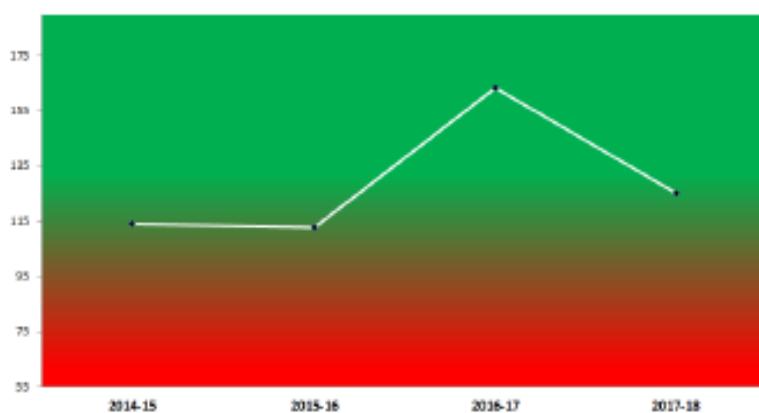
	Worst performing	Best performing	Max	Min	Ashford
Days of net spend funded by earmarked reserves			1,635	5	513
Days of net spend funded by unallocated reserves			524	13	69
Days of net spend funded by all useable reserves			2,017	40	583
% of annual net spend not funded by RSG			99.6%	86.0%	95.4%
% of annual net spend funded by Council Tax			127.4%	43.0%	61.8%
% of annual net spend funded by rate retention			40.3%	7.1%	29.2%

(Data shows authority's position among worst to best performing of all districts)

Auditors VFM Judgement

Unqualified

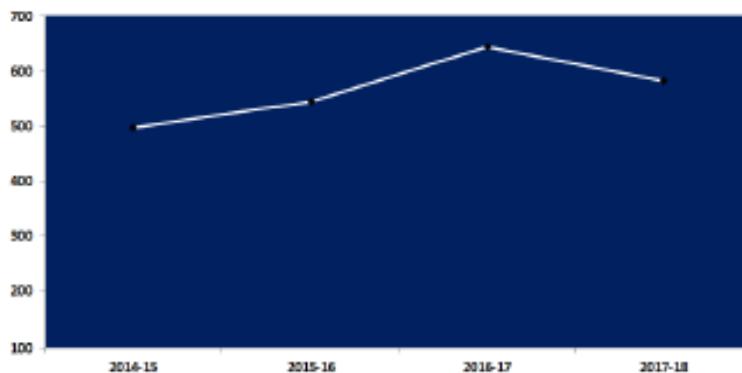
CIPFA Resilience Index Score: Movement since 2014-15



Kent, Surrey & Sussex List

Chichester	190
Reigate and Banstead	178
Dartford	166
Guildford	134
Epsom and Ewell	134
Tandridge	133
Wealden	130
Worthing	129
Surrey Heath	128
Woking	126
Ashford	125
Spelthorne	124
Mole Valley	124
Gravesham	121
Tonbridge and Malling	120
Mid Sussex	120
Rother	119
Canterbury	118
Elmbridge	118
Swale	117
Folkestone and Hythe	115
Tunbridge Wells	113
Sevenoaks	112
Horsham	111
Dover	107
Arun	102
Waverley	99
Maidstone	98
Adur	97
Crawley	92
Lewes	91
Runnymede	90
Thanet	87
Hastings	86
Eastbourne	83

Days of net spend funded by all useable reserves

**Headlines**

- > 1. Overall performance relative to comparator group: Well above median, in national top 50.
- > 2. Best performing area(s): Strong rates base and low reliance on RSG.
- > 3. Area(s) for improvement: Relatively lower level of unallocated reserves
- > 4. Year on year performance: Reduced from 2016/17, but well above median.



ASHFORD
BOROUGH COUNCIL

Appendix B

Key Assumptions

	2019/20	2020/21	2021/22	2022/23	2023/24
Pay inflation and increments	2.20%	2.20%	2.20%	2.20%	2.20%
Contract inflation	3.25%	3.00%	3.00%	3.00%	3.00%
Income inflation	3.00%	2.75%	2.50%	2.50%	2.50%
General inflation	2.25%	2.20%	2.00%	2.00%	2.00%
Utilities inflation	3.75%	3.50%	3.50%	3.50%	3.50%
Business rate growth	2.00%	2.00%	2.00%	2.00%	2.00%
Benefits Inflation	1.00%	1.00%	1.00%	1.00%	1.00%
Pension	4.00%	4.00%	4.00%	4.00%	4.00%
Base rate	1.13%	1.25%	1.25%	1.25%	1.25%
Council Tax Increase	3.17%	3.08%	2.99%	2.99%	2.99%

Inflation Management Strategy

The role of council tax and council tax increases.

1. All the while council tax increases are low, they are effectively doing no more than combating inflation. This Council has a desire to stay the lowest Council Tax in Kent, however even with a £5 increase Ashford will stay the lowest unless another authority reduces its Council Tax level which is unlikely in the current climate.

Managing inflation cost pressures

a) Pay

2. The largest single inflationary impact at £334k. During 2017/18 an agreement was made for a two year settlement of 1.5% or £400 whichever is the greatest. This has helped to control the pay bill this year and will contribute towards the effective management of inflationary pressures.

b) Non-pay budgets

3. Exercising constraint requiring services to consume inflationary impacts, by reducing the budget uplifts, this places more onus on budget managers to manage demands through greater efficiency, stronger procurement or negotiations with contractors. It would be unwise to adopt this practice for a number of years without periodic review. In line with this policy, for 2019/20 an increase of 3.25% has been assumed for non-pay (service) budgets. This is in line with the OBR forecasts
4. Those services linked to contracts are uplifted by the index used in deciding the annual contract review price.

c) Efficiency and new sources of income

5. We should use efficiency and a new income sources programme, as clear counter-inflation measures. The Council is in the process of transforming the way in which it communicates with clients, although there will be an initial cost it is expected that efficiencies will come through in later years, even though no actual savings targets are attached to the project.
6. The Council is updating its investment strategy looking at other ways to diversify investments, helping to manage risk along with achieving higher returns.

d) The role of service fees and charges

7. The MTFP forecast assumes fees and charges will increase by 0.5% above the rate of the Consumer Prices Index (taken at the November preceding the financial year). This assumption relates only to charges where the council has the discretion to decide increases. Car park charges, however, are more sensitive and so need more judgment and therefore fee levels are considered separately. The MTFP, over its lifetime, does not make any assumptions about car park charges changing.

8. As a counter inflation measure fees and charges must keep pace with rising costs of service provision, particularly for services where fees and charges do not cover full costs.

e) *The treasury management role and interest on investments*

9. Day-to-day treasury management plays an important role in contributing an income source to the council. Core cash for treasury management purposes varies between £20m and £40m. Interest rates and investment yields are, among other things, a reflection of financial markets' view of the path of inflation over the longer term. For this reason treasury management returns should be viewed as part of the council's counter inflation strategy.

MTFP movements in services

Appendix D

Service	2019/20	2020/21	2021/22	2022/23	2023/24	Description
Planning	(75,000)	(75,000)	(75,000)	(75,000)	(75,000)	Remove Consultancy budget from Planning Policy as Local Plan costs are funded from the Planning Reserve.
Planning	250,000	200,000	100,000	0	0	Growth to support the capacity issues in planning and develop a change management programme to resolve issues going forward.
Property	134,000	94,000	94000	94000	94000	New Asset Manager, Contract Officer and Admin post (to be funded from the HRA) to strengthen asset and contract management.
Corporate	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	Contract Management Savings which should be generated from the new Contract Officer Work.
Housing GF	100,000	75,000	50,000	25,000	0	Landlord Incentives to encourage Private landlord sector landlords to provide permanent solutions to customers in temporary accommodation.
Housing GF	70,000	70,000	70,000	70,000	70,000	Additional staff to support homelessness following reforms to the homelessness act.
Personnel	70,000	30,000	0	0	0	National Management Graduate Trainee Post and extension of temporary HR Officer post to support corporate change.
Policy	(30,000)	(30,000)	(30,000)	(30,000)	(30,000)	Reduction in budget as £95k was originally built into the budget for the Ashford for You magazine.
Leisure centres	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	Anticipated savings from new operator following leisure centre tender exercise.
Corporate	180,000	180,000	180,000	180,000	180,000	Corporate Growth – provision to manage service pressures as they emerge.

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Agenda Item 10



ASHFORD
BOROUGH COUNCIL

Agenda Item No:	10
Report To:	Cabinet
Date of Meeting:	8 November 2018
Report Title:	Financial Monitoring – 2 nd Quarter
Report Author & Job Title:	Lee Foreman – Senior Accountant Maria Hadfield – Senior Accountant (Capital Monitoring)
Portfolio Holder Portfolio Holder for:	Cllr. Shorter Finance & IT

Summary:	<p>This report presents the forecast outturn for 2018/19 as at the end of Quarter 2 (Q2), 30 September 2018 and covers the performance and forecasts for the General Fund and Housing Revenue Account (HRA), with commentary supporting key variances in the body of the report.</p> <p>The current projections indicate that the General Fund will have a deficit of £254,000 at year end which is an increased pressure of £28,000 from Quarter 1 (Q1).</p> <p>The HRA is forecasting further savings of £441,000 from Q1 due to increases in rental and service charge income, with notable contributions coming from Farrow Court which is now fully occupied.</p> <p>The report also provides and update on large capital projects and provides an update on the Council's Treasury Management Activity.</p>
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Key Decision:	No
Significantly Affected Wards:	None
Recommendations:	The Cabinet is recommended to:-
	<ul style="list-style-type: none">I. Note the forecast outturn position for the General Fund and the Housing Revenue AccountII. Note the Capital Monitoring and Treasury Management position
Policy Overview:	The Budget is a key element supporting the delivery of the Council's wider policy objectives
Financial Implications:	The General Fund is reporting an overall overspend of £254,000. Within the budget is a General Fund service

contingency of £200,000; although Management Team will work hard to bring this pressure back in line with budget this contingency will be used if they are unable to do so.

The Housing Revenue Account is reporting an overall underspend of £895,000.

These positions will continue to be monitored and reported to Management Team to enable them to introduce strategies to manage if required.

Legal Implications N/A

Equalities Impact Assessment As part of Budget Setting 2018/19 a full assessment was undertaken

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Maria.Hadfield@ashford.gov.uk – Tel: (01233) 330545

Report Title: Financial Monitoring – Quarter 2

Introduction and Background

1. This report captures the forecast outturn position for 2018/19 Q2 which ended on the 30th September 2018. The aim of this report is to inform management team and members of variances from the budget (both positive and negative) so that these movements can be understood and to enable pro-active action to be taken to mitigate risks to the Council.
2. The report considers each of the following areas of the Council; General Fund, Housing Revenue Account, Capital Spend and Treasury Management.

Summary of Current Overall Position

3. The current General Fund position is showing an overspend of £254,000 which is an increase of £28,000 on Q1. The movement in forecast from Q1 to Q2 is shown at Table 1 at a Directorate level, and then further broken down at Table 2 to a head of service level.
4. Although some services are showing some pressures coming through overall the outturn has been stable over the last quarter with the Housing homelessness pressures seeing a reduction rather than the current trend of rising homelessness and costs.

Table 1 – General Fund Budget Outturn Forecast as at 30/09/2018 – Directorate

*	Directorate	Current Budget (net)	Forecast Outturn (net) to 31/03/19	Variance	Movement from Quarter 2 (C-B)
A £'000	C £'000	(C-A) £'000			
a Chief Executive	1,215	1,193	(22)	(25)	
b Director Of Finance & Economy	2,927	3,214	287	32	
c Director Of Law & Governance	1,986	2,140	154	92	
d Director Of Place & Space	10,188	10,077	(111)	(17)	
Net Service Expenditure	16,316	16,624	308	82	
e Non service specific items	(1,904)	(1,958)	(54)	(54)	
Budget Requirement	14,412	14,666	254	28	
f Financing:	(14,412)	(14,412)	0	0	
Total movement	(0)	254	254	28	

Table 2 - General Fund Budget Outturn Forecast as at 30/09/2018 – Service

*	Service	Current Budget (net)	Forecast Outturn (net) to 31/03/19	Variance	Movement from Quarter 2 (C-B)
A £'000	C £'000	(C-A) £'000			
a Chilmington Management Organisation	71	39	(31)	(32)	
a Corporate Policy, Economic Development & Communications	1,144	1,154	10	7	
b Corporate Property & Projects	(1,527)	(1,314)	213	67	
b Finance & ICT	3,770	3,624	(145)	(72)	
b Housing Services	684	904	219	37	
c Community Safety and Wellbeing	491	494	3	(8)	
c HR & Customer Services	89	102	13	(27)	
c Legal & Democratic Services	1,406	1,544	138	127	
d Culture	3,242	3,274	32	(2)	
d Environmental & Land Management	5,180	5,036	(144)	(16)	
d Planning	1,766	1,767	0	1	
Net Service Expenditure	16,316	16,624	308	82	
e Capital Charges and net interest	(3,388)	(3,442)	(54)	(54)	
e Levies, Grants and Precepts	256	256	0	0	
e Contribution to reserves	1,228	1,228	0	0	
Budget Requirement	14,412	14,666	254	28	
Financing:					
f NNDR. Pool	(4,190)	(4,190)	0	0	
f NNDR S31 Grant	(349)	(349)	0	0	
f Council Tax	(7,395)	(7,395)	0	0	

f	New Homes Bonus	(2,478)	(2,478)	0		0
	Total movement	(0)	254	254		28

* Cross referencing of Directorate Table to Service table

5. The following narrative provides high level explanations of the movements in the table above which are grouped into their directorate headings:

Chief Executive

6. The budget for the **CMO** is forecasting a saving of £32,000 following the departure of the CMO Lead Officer. **Corporate Policy, Economic Development & Communications** is showing a slight pressure of £7,000 due to reduced Farmers Market income and a staff regrading in the Communications team.

Director of Finance & Economy

7. **Corporate Property & Projects** is reporting an overall pressure of £67,000 in quarter 2 which is expanded on below:
8. A potential pressure is arising from rent increases not increasing as much as anticipated, a £20,000 reduction in forecast is being made to reflect the possibility that further planned increases are below expectations. Rental income from garages following demolitions is also expected to come in £10,000 below budget.
9. Carlton Road, which is soon to be purchased by the Council, has added a pressure of £38,000 to the Q2 position, this is as a result of additional costs which include the marketing and letting of the units and a small reduction in rental income from original budget.
10. **Finance and ICT** has increased its forecast savings since the last quarter and is now showing a further saving of £72,000 following actual costs for pension back funding being less than forecast and budgeted for.
11. **General Fund Housing** is showing an increase of costs for Q2 of £37,000 which consists of; £52,000 expenditure for Chilmington Gypsy Site to cover costs for fly tipping clearance, fly tipping prevention measures, and electrical testing works at the site.
12. £15,000 additional income from ABC letting following an increase in the number of properties taken on this year.
13. Due to the proactive work of the homeless intervention team no further pressure is being reported on temporary accommodation, and homelessness levels have started to reduce and savings are expected to come through later in the year.

Director of Law & Governance

14. **Community Safety and Wellbeing** is reporting further savings of £8,000 for Q2 with significant factors being Elwick Place car park, which is expected to generate income of £125,000 to the year end. This has however been offset from diverting resources to HGV parking enforcement and vacancies within the enforcement team, which has resulted in a reduction in penalty charge notice income of £90,000.

15. **HR and Customer Service** is showing a Q2 reduction of £26,000 however this is due to transferring Q1 pressures to relevant Services where the costs will be managed.
16. **Legal and Democratic Services** are showing a Q2 deficit of £127,000 this is mainly due to the income of chargeable legal costs to third parties is expected to be £50,000 less than budget. It is also acknowledged that due to ongoing recruitment issues in the department the £80,000 saving forecast from restructuring the team will not be deliverable until later in the financial year.

Director of Place & Space

17. **Environmental and Land Management**, the Aspire team are forecasting further reductions in salary costs due to high vacancy rates which are generating further savings of £19,000 at Q2.
18. **Planning** continues to have staffing pressures and the inability to recruit has forced Planning to continue engaging consultants with forecasted spend of £323,000 (£205,000 at Q1) which is partly offset by vacancy savings of £221,000. Work is ongoing by the Head of Service to address resourcing issues within Planning and additional financial resources are planned going forward and will be recognised in the Budget for 2019/20. This year's risk to forecast will be monitored and reported at Q3 accordingly.
19. Other consultant costs for appeals, to support applications and the local plan are now forecast at £350,000. These additional costs are being supported by additional planning income of £150,000 with the balance coming from the earmarked planning reserve.
20. The pressure arising from the above items will require £302,000 draw from the planning reserve which stands at £392,000 including some funds which are tentatively earmarked. A full review of the flexibility of the reserve will be conducted to see if the current pressure can be fully absorbed.

Housing Revenue Account (HRA)

21. The Housing Revenue Account is showing an increase underspend in Q2 of £441,000 taking the total underspend projection to £895,000. A breakdown of the Q2 movement is shown in the table below with further commentary below that.

Table 3 – 2018/19 Housing Revenue Account Outturn Position

Housing Revenue Account	Current Budget (net)	Forecast Outturn (net) to 31/03/19	Movement from Quarter 2 (C-B) £'000
	A £'000	C £'000	
Income	(24,979)	(25,287)	(330)
Supervision and Management	5,267	5,207	(111)
Repairs and Maintenance	3,418	3,539	0
Other	17,445	17,408	0
Net Revenue Expenditure	1,151	867	(441)
Capital Works - Decent Homes	4,620	4,009	0
Net Capital Expenditure	4,620	4,009	0

Total Net Expenditure	5,771	4,876	(441)
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Commentary on HRA Variances

- 22. **Income** for Q2 has increased by £330,000 overall as a result of; £118,000 additional income from tenants as additional properties now being occupied including Farrow Court, Homebridge and Cherry Court.
- 23. Additional service charge income of £211,000 is expected above budget for 2018/19 following the completion of a service charge review which includes additional recharges of Farrow Court £62,000 and an increase in heating and hot water charges £52,000.
- 24. **Supervision and Management** has seen a reduction in forecast following the capitalisation of the Children's play area at new town green.
- 25. The other budget lines in the table are still as reported in Q1.

Capital Monitoring

Property Portfolio

26. The Property Company has drawn down a further £823,000 for the first stage of works on the agreed Victoria Way development.

Elwick Place

27. Final fit outs to the Cinema and Hotel are all but complete, carpets in the hotel are laid and back of house areas are nearing completion. The temporary site office has been removed to enable completion of the car park with block paving and lighting in this area nearly complete.
28. The official opening of Elwick Place will take place on 8th December 2018, followed by an unveiling of the statue to Queen Marie of Romania by Romanian dignitaries on the 15th December 2018.
29. The statue to Queen Marie of Romania has been donated by the Romania Government and will sit on the Plaza within the complex. Queen Marie has strong links with Ashford having been born at Eastwell Manor and was the granddaughter of Queen Victoria and notably served as a nurse in military hospitals following the outbreak of World War 1.

Other Current Projects

30. The Beacon in North park has been completed, final costs are still being compiled but it is expected to be in the region of £63,000. An official opening took place on 4th October 2018.
31. An invest to save project to replace all public space CCTV cameras in Ashford and Tenterden with new and improved cameras had a further £260,000 agreed at Cabinet in September 2018. The final costing for the project is being worked up and it is currently forecast that a further £20,000 to complete all works required will be requested. With the previously agreed budget approved in February 2018 will take the total funds available for the project to £480,000.
32. The rebuilding of the SWAN Centre football changing rooms and clubroom has commenced with initial site surveys and feasibility works undertaken. This project agreed at Cabinet July 2017 is to be funded by S106 contributions, Kent County Football Association, and Bromley Green Football Club.

HRA Projects

33. Danemore redevelopment of sheltered accommodation will be completed in November 2018 and plans are already in place for occupation by residents soon after this date. Although provisional, the final cost of build is forecast to be £7,764,000 and is slightly over budget by £194,000. The cost includes the construction of 4 chalet bungalows which will be sold giving the HRA an estimated capital receipt of £1,400,000.
34. East Stour Court redevelopment will commence shortly and will be delivered to the same high standard. The budget has been re-profiled and it is expected that £500,000 will be spent on demolition, site clearance and architects fees in 2018/19 with the remaining £7,500,000 to be profiled between 2019/20 and 2020/21.
35. The Affordable Housing programme will deliver 12 fully completed units and 6 partially complete units, incurring expenditure of £2,150,000 in 2018/19.

Treasury Management

36. During the 2nd quarter the Council has maintained its long term investment positions and has seen some volatility in markets with the fair value of these investments reducing by £46,704 with the most notable movement being in the Schroder Income Maximiser fund which has reduced by £61,261. While downward movements are evident it is worth remembering that these are long term strategic funds which are susceptible to capital fluctuations and do not signify a need to sell our positions.
37. However, with the current market volatility increased internal monitoring of the fund positions will be undertaken in addition to the comprehensive monitoring arrangements which are undertaken by our Advisors (Arlingclose) as part of the wider Treasury Management contract.
38. Not in direct response to the current fluctuations in the market, but following a sustained period of the same long term investments, the Council in conjunction with its treasury management advisors is undertaking a full review of the strategic long term portfolio to ensure the risk profile of all the funds is appropriately balanced and diversified. This will potentially involve changing current investment amounts and the potential introduction of new funds.
39. In relation to income the current outlook for investment income has not changed since Q1 and is forecast to hit budget.
40. The current borrowing has increased by £31,000,000 between Q1 and Q2 which is required to meet capital commitments as they fall due during the remainder of the year. A decision was taken to secure £33,000,000 of borrowing in September to support the £15,000,000 from 11/6/2018 which have maturity profiles beyond the 1st April 2019, this is to mitigate the risk of a tightening local authority market towards then end of the financial year which causes rates to climb, this also mitigate in the short term any impact from a possible February 2019 base rate rise.
41. Because of the decisions taken above the debt management costs are forecasting a further saving between Q1 and Q2 of £54,000.
42. A full list of the Council's investment and borrowing portfolio is shown at Appendix A

Portfolio Holder's Views

43. To be given at the meeting

Contact and Email

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Treasury Management Positions as at 30 September 2018

Counter Party	Deal Date	Rate %	Amount £	Fair Value £	Comment
Investment Accounts					
Goldman Sachs	Various	0.61%	50,000	51,295	**
ICD Portal - BNP Paribas	Various	0.67%	12,286,250	12,286,250	*
ICD Portal - Black Rock	Various	0.65%	12,286,250	12,286,250	*
ICD Portal - HSBC	Various	0.60%	12,286,250	12,286,250	
ICD Portal - Invesco	Various	0.63%	12,286,250	12,286,250	
Payden Global MMF	Various	0.73%	3,000,000	2,993,137	**
Total Investment Accounts			52,195,000	52,189,433	
Long Term Investments					
Local Authority Investments					
Blaenau Gwent	21/10/2014	2.00%	3,000,000	3,000,000	Matures 21/10/2019
Property Investment					
CCLA Local Authority Property Fund	Various	4.52%	10,000,000	11,269,864	
A Better Choice of Property Ltd.***	Various	3.69%	175,000	517,016	Value as at 31/03/2018
Equity Funds**					
City Financial Multi Asset Diversified Fund	27/08/2015	3.57%	997,687	953,812	**
UBS Multi Asset Income Fund	26/08/2015	2.03%	2,993,552	2,965,064	**
M&G Global Dividend Fund	27/08/2015	2.75%	997,914	1,523,235	**
Schroder Income Maximiser	03/11/2015	7.28%	992,152	1,050,851	**
CCLA Diversified Income Fund	Various	3.07%	3,000,000	3,008,427	**
Total Long Term Investments			22,156,305	24,288,269	
Total Investment Portfolio			74,351,305	76,477,701	

* Money Market Fund (MMF) are AAA rated deposit facilities which have variable rates of interest but have constant net asset values. Interest rates are shown at the time of producing this report.

** Equity funds and the Property fund have variable rates of interest and also have fluctuating capital values, the amount stated is the current fair value.

*** A Better Choice Of Property Ltd. is a solely owned subsidiary of ABC

Debt Portfolio as at 30 September 2018

Counter Party	Deal Date	Rate %	Amount £	Fair Value	Comment
Temporary Borrowing					
London Borough of Newham Council	21/05/2018	0.62%	5,000,000		Maturity 21/11/2018
Greater Manchester Pension Fund	11/06/2018	0.80%	15,000,000		Maturity 21/05/2019
West Yorkshire Police	23/07/2018	0.55%	6,000,000		Maturity 23/10/2018
Durham County Council	31/07/2018	0.70%	8,000,000		Maturity 31/10/2018
Somerset Pension Fund	06/09/2018	0.97%	8,000,000		Maturity 05/04/2019
Greater London Authority	28/09/2018	1.02%	25,000,000		Maturity 05/04/2019
Total Temporary Borrowing			67,000,000		
Long Term Borrowing					
Public Works Loan Board***	various	various	114,664,150		Maturity Date - various
Total Long Term Borrowing			114,664,150		
Grand Total Borrowing			181,664,150		

Agenda Item 11

Agenda Item No:



ASHFORD
BOROUGH COUNCIL

Report To:	CABINET
Date of Meeting:	8 November 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 a final version of Ashford Borough Council's Statement of Principles for Gambling following the three-month statutory consultation previously approved by Cabinet in May 2018
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Key Decision:	NO
Significantly Affected Wards:	All
Recommendations:	The Cabinet is recommended to:- <ol style="list-style-type: none">i. Note the consultation responses and feedbackii. Review the final draft of the statement of principles for gambling and recommend its adoption to Council
Policy Overview:	<p>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.</p> <p>Our statement of principles for gambling guides members of the public, applicants, elected members, and officers on such matters.</p> <p>The development the Statement of Principles for Gambling 2019-2022 is a statutory duty</p>

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 the results of the statutory consultation and to present the final 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.
2. The final draft of the statement of principles reflects legislative changes and good practice. This document is attached as *Appendix B*.
3. 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.
4. Our statement of principles with respects to this subject area guides members of the public, applicants, elected members, and officers on such matters.
5. The current gambling policy statement expires on the 31 January 2019, and this revision acts to expand on the current document to provide greater clarity on the expectations of the Licensing Authority.
6. 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.
7. 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.
8. 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

9. Following the statutory consultation, described later in this report, three responses were received.
10. Those responses sought the answers to questions surrounding :-

- Responsible authorities
- Interested parties

They additionally highlighted :-

- Local ward boundary changes occurring in the near future

And, finally proposed the inclusion of the following elements :-

- Acknowledgement that experienced operators are best placed to determine matters relating to layout, staffing, training, and other measures to ensure operation that is reasonably consistent with the licensing objectives.
- That the licensing authority would only become involved if there were relevant representations to an application.
- Confirmation that the mandatory/default conditions are usually sufficient to ensure that the operation is reasonably consistent with the licensing objectives.
- Additional confirmation of an evidential requirement to the imposition of additional conditions

11. Relevant extracts from those responses, and commentary, are summarised at *Appendix C*
12. Separately since the draft version was agreed for consultation, the following updates/information have been included in the final draft version :-
 - Updated contact details for HMRC (Gambling Duties) – paragraph 12
 - Prevalence of problem gambling in Ashford - paragraph 47 and 48
13. As previously highlighted, it should be noted that not all areas of gambling are regulated by the Licensing Authority, but responsibility is split with the Gambling Commission.
14. 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;
 - 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

Implications and Risk Assessment

15. The update to this policy is not anticipated to have any significant implications.
16. 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

17. 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.
18. An updated equalities impact assessment is attached as *Appendix A*

Consultation Planned or Undertaken

19. Consultation of the Statement of Principles for Gambling is a statutory requirement.
20. The public consultation ran between 1 June 2018 to 31 August 2018.
21. During the public consultation a public notice was displayed at the Civic Centre, an advert published in the local paper, and relevant bodies written to.
22. Details of bodies to be consulted on the draft Statement of Principles for Gambling are provided within the document.

Other Options Considered

23. As a statutory requirement under the Gambling Act 2005, the Licensing Authority must publish a Statement of Principles for Gambling for 2019-2022.
24. 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

25. 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.
26. 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

27. Following adoption by Full Council the Statement of Principles for Gambling 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.
28. Additionally 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.
29. The above elements form part of the statutory requirements.
30. 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

31. 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.
32. In line with the purpose of this report, it is recommended that Cabinet recommend the adoption of the Statement of Principles for Gambling to Full Council.

Portfolio Holder's Views

33. "I support the Statement of Principles for Gambling, which adds detail and clarity to those connected to this sector. This includes measures to provide protection to the general public and vulnerable persons including children, those suffering with addiction problems, and, those with mental health issues"
Councillor G.J. Bradford

Contact and Email

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Appendix A: Equalities Impact Assessment

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

Appendix C: Consultation Summary

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.
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	8 November 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.</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.	Research conducted as part of the revision of the policy includes; <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 people with different protected characteristics?	<p>Discussion on these changes have occurred amongst colleagues within Health, Parking and Community Safety, the Portfolio Holder and Legal Services.</p> <p>The draft document has also been subject to a 3-month public consultation that resulted in a number of comments. These are detailed in the associated report, but in short did not result in any significant change or significant difference in views across the characteristics.</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	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> Men	Low	Neutral
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	

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: <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?	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 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:	15 th October 2018

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

Excise Processing Teams
Gambling Duties
BX9 1GL
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.

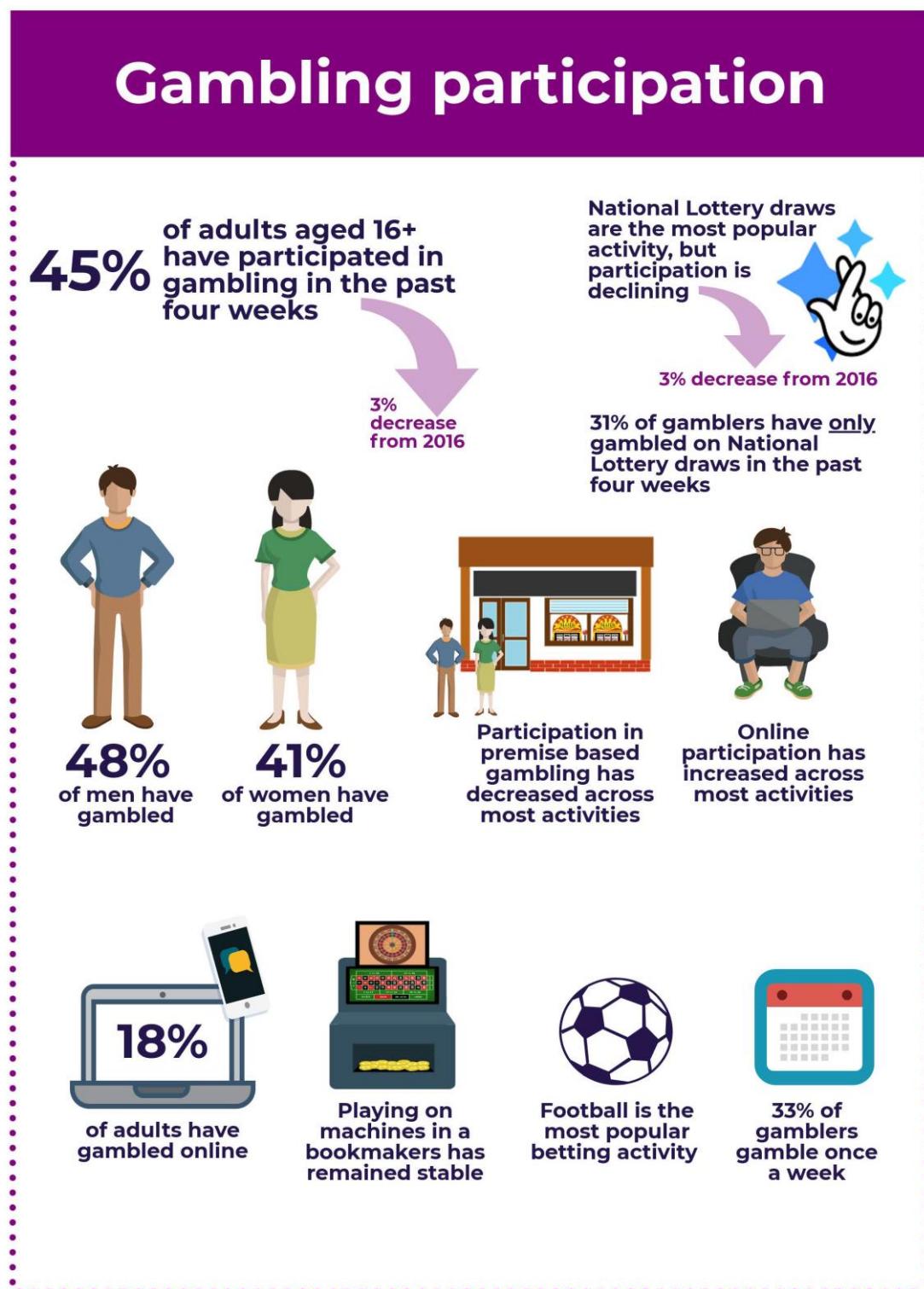
Duplication with Other Regulatory Regimes

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 loses.
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. Between April 2016 and March 2017 Gamcare received 20 calls from persons with an Ashford postcode (where obtained) and when extrapolated would suggest approximately 285 calls from the Ashford area during that financial year.
48. Gamcare confirmed that they were able to provide gambling counselling treatment for at least 21 Ashford residents

49. The following Gambling Commission infographic provides a useful summary of the national picture on gambling participation.



Chapter 2: Welcome to Ashford Borough Council

General Description

50. 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.
51. Ashford's road and rail connections make it ideal for commuting to London, to other parts of Kent, and to Continental Europe.
52. Ashford Borough Council is a rapidly growing town with significant areas of new housing, and redevelopment of town centre locations.
53. 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
54. 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.
55. Levels of unemployment stand at 2,300 in the period 2016-2017 (Office of National Statistics).
56. Current crime rates, broken down by ward, can be found via www.police.uk/kent
57. 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

Chapter 3: Licensing Objectives & Local Area Risk Assessments

58. 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.
59. 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.
60. 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

61. 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.
62. 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.
63. 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.
64. 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
65. Applicants should liaise with other gambling operators in the area to identify risks and consult with any relevant responsible authorities as necessary.
66. 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.
67. 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

68. 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.
69. 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.
70. 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”.

71. 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.
72. 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

73. 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

74. 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
75. 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

76. 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.
77. 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
78. 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
79. 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.
80. 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.
81. 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
82. 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
83. 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

84. 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.
85. 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'.
86. 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.

87. 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
88. 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.
89. 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.
90. 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.
91. 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.
92. 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.”
93. 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.
94. 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.

95. 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

96. 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.
97. '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

98. 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
99. 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.
100. 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

101. 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.
102. 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.
103. 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.
104. Staff should be in a position to monitor entrances and gaming machines and challenges should be initiated at the earliest opportunity.
105. 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.
106. 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.
107. Applicants should demonstrate how they will identify self-excluded persons.

Casinos

108. 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

109. 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.
110. 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.
111. 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.
112. 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.
113. 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.
114. 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

115. 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.
116. 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.
117. 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.

118. 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.
119. 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.
120. 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.

121. 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

122. 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.

123. 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

124. 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.

125. 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.

126. 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.

127. 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.

128. 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.

129. 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.
130. 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.
131. 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.
132. 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.
133. 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.
134. Section 152 of the Act permits tracks to be the subject of multiple Premises Licences.
135. 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)

136. 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.
137. 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.
138. 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)

139. 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.
140. 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.
141. 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.

142. 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

143. 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.
144. 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

145. 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

146. 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.

147. 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.
148. 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.
149. 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.
150. 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.
151. 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.
152. 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.

DRAFT

Chapter 5: Travelling Fairs and Permits

Travelling Fairs

153. 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.
154. 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.
155. 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

156. 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.

157. 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

158. 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.
159. 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.
160. 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.
161. 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.
162. 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.
163. 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.
164. 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

165. 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.
166. 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.
167. Licensees siting gaming machines must comply with the relevant Gambling Commission Code of Practice.
168. 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.
169. 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.
170. 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

171. 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.
172. 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.
173. 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.
174. 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.
175. 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 used or to be used for making gaming machines available, or
 - an offence under the Gambling Act 2005 has been committed on the premises.
176. 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.
177. 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

178. 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.
179. 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.
180. Given that the prize gaming will particularly appeal to children and young persons, the Licensing Authority will give weight to child protection issues.
181. 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.
182. 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.
183. 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

184. 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 gaming machines. The current entitlements can be found by visiting the Gambling Commission's website (www.gamblingcommission.gov.uk).
185. A commercial club is defined as a club where membership is required but the club is operated for commercial gain.
186. 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.

187. 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.
188. 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.
189. 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.
190. 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?
191. 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?
192. 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

193. 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.
194. The Licensing Authority can only grant a Temporary Use Notice to a person or a company holding a relevant Operating Licence.
195. 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.
196. 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

197. 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

198. 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

199. 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.

200. 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.

201. 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

202. 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.

203. 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.

204. Participation in a lottery is a form of gambling. Lotteries must be conducted in a socially responsible manner and in accordance with the Act.
205. 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

206. 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.
207. 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.
208. 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

209. 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.

210. The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it.
211. 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

212. 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

213. 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.
214. 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

215. 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.
216. The Licensing Authority with which a small society lottery is required to register must be in the area where their principal office is located.
217. 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.

218. 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.
219. 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.
220. 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.
221. Registrations run for an unlimited period, unless the registration is cancelled.

Refusal of registration

222. 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.
223. 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.

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

Revocation of a small society's registered status

225. 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

226. 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.

227. 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).

228. 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.

229. 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.
230. 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.
231. 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 31st May 2018.

Three responses were received to the consultation.

Those responses sought the answers to questions surrounding :-

- responsible authorities
- interested parties

They additionally highlighted :-

- local ward boundary changes occurring in the near future

And, finally proposed the inclusion of the following elements :-

- Acknowledgement that experienced operators are best placed to determine matters relating to layout, staffing, training, and other measures to ensure operation that is reasonably consistent with the licensing objectives.
- That the licensing authority would only become involved if there were relevant representations to an application.
- Confirmation that the mandatory/default conditions are usually sufficient to ensure that the operation is reasonably consistent with the licensing objectives.
- Additional confirmation of an evidential requirement to the imposition of additional conditions

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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Respondent	Comments	Authors response
GamCare – response to all Licensing Authorities Page 139	<p>A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/</p>	<p>Completion of a local risk map is not a legal requirement. It is acknowledged however that this can be of benefit, particularly in areas where there are considered to be specific additional risks (for example seaside areas with an abundance of gambling premises and high unemployment/deprivation).</p> <p>It is worth noting that it is a requirement of the Statement of Principles for the applicant to develop a premises specific local area risk assessment in relation to their application for a new or varied premises. Paragraphs 43-47 and Chapter 2 of the Statement of Principles provide information on the Ashford borough profile.</p> <p>It is recommended that this suggestion is not included in the SoP to avoid an over-reliance on 'off-the-shelf' information, rather than a premises specific risk assessment completed by a competent operator.</p>
	<p>Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.</p>	<p>This matter is already addressed through local area risk assessment (paragraph 59-65) for both new and varied premises applications, and therefore must be taken into account by the operator.</p> <p>Each application should be dealt with on its own merits on a case by case basis, and it would be inconsistent with the Act to determine that all premises near</p>

Page 140		premises catering for vulnerable people are likely to adversely affect the licensing objectives.
	A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.	This element is already included in our Statement of Principles for Gambling, see paragraphs 59-65.
	Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?	This issue is already expected to be addressed through the operator's local area risk assessment (see paragraph 62) and our expectations with reference to the objective of 'protecting children and other vulnerable adults from being harmed or exploited by gambling' are detailed at paragraphs 72-73.
	Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.	This issue is already expected to be addressed through the operators local area risk assessment (see paragraph 62) and throughout the Statement of Principles.
	Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.	Already included within paragraph 72
	Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.	Already included within paragraph 72

	<p>We would suggest that the Local Licensing Authority primarily consider applications from GamCare Certified operators. GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice.</p>	<p>The Licensing Authority must consider all applications submitted to it.</p> <p>The use of additional and certificated recognition schemes is however welcomed and should be considered when reviewing the applications impact on the licensing objectives.</p>
Licensing and H&S Committee Chair Page 141	<p>Is the NHS not a responsible authority?</p>	<p>The responsible authorities are defined by the Act and do not include the NHS. KCC Public Health were invited to comment on the consultation in light of the links between problem gambling and public health.</p>
	<p>Interested party, does the proximity rule still apply to gambling?</p>	<p>This is defined within the Act as a person who 'lives sufficiently close to the premises to be likely to be affected by the authorised activities'</p>
	<p>Changes in the boundaries may happen in the near future when this policy is about to go live.</p>	<p>The purpose of the map is to highlight the extent of the borough boundary as opposed to the individual wards within. Updated maps will be included in any later amendments.</p>
Association of British Bookmakers	<p>Throughout the draft Statement of Principles, there are paragraphs detailing the licensing authority's expectations with regard to the layout of premises, staffing levels, training and other measures to ensure operation that is reasonably consistent with the licensing objectives. The Statement of Principles should acknowledge that experienced operators are best placed to determine such matters and indeed that the licensing authority would only become involved if there were relevant representations following evidence that the proposals in a particular application were not reasonably consistent with the licensing objectives.</p>	<p>The local authority can apply conditions where it is considered necessary to the licensing objectives, and accordingly to include this statement would limit the ability of the authority to control gambling that may adversely harm the licensing objectives.</p> <p>Requirements for the application of conditions are expressed in paragraph 79-81, and by nature of being reasonable in all respects there is an expectation that</p>

		there is a suitably evidenced link between the issue at hand and the licensing objective would be required.
	<p>Paragraph 77 – 81 explain the licensing authority's approach to the imposition of conditions. The Statement of Principles should be clear that all Gambling Act 2005 premises licences are subject to mandatory and default conditions which are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives.</p>	<p>Comment noted.</p> <p>Whilst in the majority of cases the use of mandatory and/or default conditions may be sufficient to ensure operation that is reasonable consistent with the licensing objectives it is recommended that the suggested inclusion should not form part of the final document.</p> <p>The reason for this recommendation is to prevent any overreliance on the mandatory/default conditions as being sufficient to promote the licensing objectives, and to ensure that proper consideration is on a case by case basis.</p>
	<p>The Statement of Principles should be clear that additional conditions will only be imposed where there is evidence of a risk to the licensing objectives in the circumstances of a particular case such that it is necessary to supplement those mandatory and default conditions.</p>	<p>Requirements for the application of conditions are expressed in paragraph 79-81, and by nature of being reasonable in all respects there is an expectation that there is a suitably evidenced link between the issue at hand and the licensing objective would be required.</p>
	<p>The evidential basis for the imposition of additional conditions is extremely important and on behalf of the ABB, we were pleased to see that acknowledged within paragraph 142 (door supervisors). The Statement of Principles should be clear that this applies to the evidential basis for the imposition of additional conditions applies to all conditions.</p>	As above

Appendix C
Consultation Summary

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Agenda Item 12

Agenda Item No: 12



ASHFORD
BOROUGH COUNCIL

Report To: Cabinet

Date of Meeting: 8th November 2018

Report Title: Swan Centre Football Pavilion

Report Author & Job Title: Ben Moyle – Facility Development Manager

Portfolio Holder: Cllr. Mike Bennett

Portfolio Holder for: Culture

Summary: This report seeks authority to proceed with a project to replace the outdated and inadequate football changing facilities at the Swan Centre in South Willesborough and replace them with new fit for purpose facilities by working with the local community football club, Kent County Football Association and the Football Foundation

Key Decision: YES

Significantly Affected Wards: South Willesborough and Newtown

Recommendations: The Cabinet is recommended to:-

1. Authorise the Head of Culture, in consultation with the Director of Law & Governance and the Head of Corporate Property and Projects, to negotiate and agree terms with the Football Foundation and Bromley Green Football Club and thereafter let a contract in accordance with the Contract Procedure Rules for the provision by the Council of a new pavilion as described in the report, subject to (i) securing that the cost (including prudent contingency) will be fully covered by those parties and/or other external grants together with the s.106 contribution allocation referred to in the report, (ii) planning permission having been applied for and granted, and (iii) a project risk analysis having been prepared that is satisfactory in her view, in consultation with those officers. In the event that any of those matters are not satisfactory, the proposal shall be reported back for decision by Members.

2. Authorise the Head of Culture, in consultation with the Head of Legal and Democracy and the Head of Corporate Property and Projects, to negotiate and agree terms with Bromley Green Football Club for

a lease for the long-term management of the pavilion and associated pathways and fencing on such terms as she, in consultation with those officers, considers appropriate.

- 3. Authorise the Head of Culture, in consultation with the Head of Legal and Democracy and the Head of Corporate Property and Projects to negotiate and agree terms with the Football Foundation for funding for this proposal.**
- 4. Authorise the Head of Legal and Democracy in consultation with the Head of Culture and the Head of Corporate Property & Projects to execute and complete all necessary documentation to give effect to the above.**

Policy Overview: Supports the Council's Corporate Priority 3; Active & Creative Ashford.

Financial Implications: Provision of up to £100,000 S106 contribution as partnership funding towards the overall project which is estimated to be £720,000.

Legal Implications A lease will be developed for Bromley Green Football Club for their occupancy of the new building. The land on which the new building will sit is freehold land owned by the Council but part of the surrounding pathways and the pitches served by the changing rooms are leasehold which may need to be addressed with the leaseholder. In addition Football Foundation regulations are likely to require a restriction to be registered on the Council's leasehold title.

Other Material Implications: The proposed works will have a positive impact on all users of the facility.

Exempt from Publication: NO

Background Papers: Contact: Ben Moyle, Facility Development Manager on 01233 330475 or ben.moyle@ashford.gov.uk

Report Title: Swan Centre Football Pavilion

Introduction and Background

1. The existing Swan Centre Recreation Ground football pitches (two adult and three junior), changing rooms and clubhouse social facilities are currently licensed by the Council to Bromley Green Football Club.
2. Consisting of two changing rooms and an official's room the changing block was jointly funded by the Council and the Football Foundation in 2001. This building is of a portacabin type construction. There is a further similar style building consisting of two more changing rooms and social area belonging to the Club, which is in excess of twenty years old. Although the club have worked hard to maintain them, they are now at the end of their useful life. They suffer from leaks and dampness and are now due for replacement.
3. Since the last investment in the site, the club has grown significantly and now has seventeen teams and a total of approaching 300 players. Eleven of those teams are junior teams including mixed gender teams. There are three adult male teams and three disability teams.
4. The existing changing facilities no longer meet the needs of all of those players and are not fit for purpose. They require replacement to meet the demands of the club and users.

Proposal/Current Position

5. The Club is a very important part of the active sports offer in the Borough. It also serves the immediate surrounding areas of South Willesborough and Newtown, which are among the more disadvantaged wards in the Borough. It is important, therefore, that the Council works with the local community to resolve the current issues the club experiences with inadequate facilities.
6. The poor quality of the facilities is causing inadequate separation of older and junior teams, female and disability footballers. This position could lead to unacceptable safeguarding and health and safety issues. When the weather is particularly poor the buildings overflow with parents and players as the facilities cannot cope with the number of people on the site.
7. This report proposes the Council works with the Club, Kent County Football Association (KCFA) and Football Foundation to raise the necessary funds to replace the existing changing facilities and replace them with modern fit for purpose facilities.
8. If approved the project will deliver a new changing block with four changing rooms, toilets, showers, storage and meeting/social area. The new facility should be opened in time for the start of the 2019/2020 football season (subject to the appropriate planning permission being granted and fundraising completed as per paragraph ten below).

9. The main funder for the project is the Football Foundation who members will recall provided significant funding for Pitchside 3G and Spearpoint pavilion. The Foundation may invest up to £600,000 in this project. Under their investment criteria bidders are required to procure works under a design and build framework. The Foundation also require strict standards of design including materials and room sizes in order to ensure the sustainability of their investment.
10. The new facilities will allow the club to continue to operate safely and potentially grow further, so providing more opportunity for people of all ages and abilities to participate in positive healthy activities. They will particularly allow growth in participation by female and disabled footballers. In order to secure funding from the Football Foundation the club has assisted the Council in producing a Site Development Plan and a facility Business Plan.
11. Members will recall the Council agreed to provide £100,000 from S106 funding from Newtown Works (as previously presented to Cabinet in July 2017). The club is close to raising £25,000 and an application will be submitted to the Football Foundation for the balance.
12. It should be noted that the adopted Playing Pitch Strategy (2017 – 2030) for the Borough has identified the Swan Centre facilities as a priority for improvement and the proposal is backed by the Kent County Football Association who agree it is a priority project for them to consider.
13. As landowner and ultimate owner of the new building, it is proposed the Council leads on the procurement and construction of the new facility and then enters into a twenty five year full-repairing lease with the Club.
14. The Council's appointed architects have made an outline planning application to the Local Planning Authority, which is expected to be determined later this year. The detailed specification/employers requirements which will be both robust and sustainable, are currently being developed and will be completed in readiness for the proposal to be competitively tendered early in the New Year, subject to planning permission being granted.
15. The Council will continue to assess the full repairing obligations contained within the lease, with the expectation the repairing obligations are fully costed and are fully met by the users. Once all parties have agreed the detailed specification, the annualised repairing costs will be assessed against the operators' business plan. In the event there is a shortfall within the business plan this will be reported to the earliest available Cabinet report for a decision on whether to subsidise the tenant.

Implications and Risk Assessment

16. By agreeing to proceed with this project the Council will be making a positive contribution towards encouraging active and healthy lifestyles, meeting one of the agreed priorities of the approved Playing Pitch Strategy 2017 – 2030 and working in partnership with a proactive community club.

17. When the new facility is complete, the building will be more energy efficient than the existing facilities, be easier to maintain and be occupied by the club on a long term lease for a period of twenty five years.
18. If the funding bid to the Football Foundation is successful it will see external funding of up to £600,000 being drawn into some of the more disadvantaged wards in the Borough. The funding will allow the club to remain on the site and potentially expand further, ensuring the longevity of the club and access to first class facilities for the community for at least another twenty five years.
19. The main risks attached to the project relate to attracting sufficient funding to fulfil the requirements of the club and securing planning permission which was applied for on 2/10/18. Also, the potential risk of an increase in construction costs while the appropriate works are being tendered. To mitigate against those risks, close contact with potential funders and the planning department will be maintained to ensure their requirements are understood and met wherever possible. Also, to proceed as swiftly as possible with the project if approval to proceed is granted. In addition, close liaison will be maintained with the KCFA and potential builders who have experience in delivering similar facilities to avoid unforeseen increases in costs.
20. Longer term there is the risk of the football club's business plan failing and the club being unable to maintain the building. The risk is mitigated in that the club has been in existence for over 80 years, has never been stronger in terms of playing members and teams and has an experienced management committee who have guided the club to this position of strength in spite of the wholly inadequate facilities they currently occupy. In addition the club can call on a multi-skilled voluntary force. The lease will include 10 year break clauses in favour of both landlord and tenant.

Equalities Impact Assessment

21. At this stage it is believed that the proposed works will have a positive impact on all users of the improved facilities.

Consultation Planned or Undertaken

22. The proposals have been discussed with the Bromley Green Football Club, other SWAN Centre site users, Kent County Football Association, Football Foundation, Ward Members, Portfolio Holder and representatives of the planning department.
23. Further consultation with users and appropriate stakeholders will be carried out as the designs for the new facility are confirmed and funding bids are completed.

Other Options Considered

24. There are two alternatives. The first would be to do nothing and leave the existing facilities as they are. If this option is chosen that would eventually lead to a decline in the condition of the facilities to the point where they are unusable and the closure of the club.

25. The second option would be to consider providing a smaller, cheaper facility with only two changing rooms with a view to providing extra changing rooms in the future. However, this would not allow the club to maintain their existing membership numbers. This in turn would mean they are not able to fulfil the obligations of their Site Development Plan and meet the application criteria for the Football Foundation.

Reasons for Supporting Option Recommended

26. In order for the club to maintain its current level of membership and continue to grow in response to the needs of the local community, it is vital they have appropriate fit for purpose facilities to operate from.
27. As noted in paragraph six above, there is the potential for a breach in health and safety and safeguarding guidelines if the problems with the current facilities are not addressed.
28. The club have been proactive in addressing these issues and have already managed to raise nearly £25,000 towards the cost of the new facility and will continue to seek sponsorship and other grants from appropriate sources.
29. This project has been identified as a priority for the Borough Council and the KCFA to support.

Next Steps in Process

30. If the project is approved the next steps will be to tender for quotations for the removal of the old buildings, construction of a new club house and any amendments needed to the parking arrangements; Once planning permission has been granted (anticipated on 27/11/18), an application to the Football Foundation can be submitted for their Panel's approval in January 2019 then a procurement exercise completed in time to allow for construction works to take place during the close season of 2019, with the new facility opened in September 2019.

Conclusion

31. If approved, this project will lead to the provision of new first class facilities in one of the areas of greatest need in the Borough. It will enhance opportunities for a healthy lifestyle and support a local community that club that only delivers grass roots sport but also plays an important role in the cohesion of the local community.

Portfolio Holder's Views

32. This detailed report sets out the clear objectives of the council's aspirations to provide first class sporting facilities for our residents and I fully support the recommendations - Cllr Mike Bennett

Contact and Email

ben.moyle@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:	Ben Moyle
Decision maker:	Cabinet
Decision: <ul style="list-style-type: none">• Policy, project, service, contract• Review, change, new, stop	Release Section 106 contributions to match fund external funding for a new pavilion to serve the football facilities at the SWAN Centre.
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	14 th September 2017
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?	To ask for Member's approval to release S106 contributions for a new pavilion at the SWAN Centre to serve football users and the licence holding club Bromley Green FC. Users from all sections of the community will benefit from the enhancement. Over 300 people per week use the existing facilities but there is a lack of separation between adult, female, junior and disability participants. The improvements will help lift participation.
Information and research: <ul style="list-style-type: none">• Outline the information and research that has informed the decision.• Include sources and key findings.	The project has been informed and researched by a steering committee comprised of the Council Officers, Members, Bromley Green FC, Kent FA and the Football Foundation who have determined the existing facilities are not fit for purpose and do not allow for adequate separation of user groups from health and safety and safeguarding perspectives.
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?	Key officers from Cultural Services have consulted with the site users, national governing body and key funders and will continue to consult with the partners, the portfolio holder and the ward member as the project progresses. The consultation has resulted in the belief that this is the best use of the contributions. The decision will have no impact on 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
Middle age	MEDIUM	POSITIVE
Young adult	MEDIUM	POSITIVE
Children	MEDIUM	POSITIVE
<u>DISABILITY</u> Physical	MEDIUM	POSITIVE
Mental	MEDIUM	POSITIVE
Sensory	LOW	NEUTRAL
<u>GENDER RE-ASSIGNMENT</u>	NONE	NEUTRAL
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	NONE	NEUTRAL
<u>PREGNANCY/MATERNITY</u>	NONE	NEUTRAL
<u>RACE</u>	NONE	NEUTRAL
<u>RELIGION OR BELIEF</u>	NONE	NEUTRAL
<u>SEX</u> Men	NONE	NEUTRAL
Women	NONE	NEUTRAL
<u>SEXUAL ORIENTATION</u>	NONE	NEUTRAL

Mitigating negative impact:

Where any negative impact has been identified, outline the measures taken to mitigate against it.

N/A

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 / N/A
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:	<p>Due regard has been made to the equality duty, from start to finish of the consultation and scoping process.</p> <p>There will be no unlawful discrimination arising from the decision</p> <p>The proposal meets the aims of the equality duty as all sections of the community including those with protected characteristics will benefit from the enhancements to the centre.</p> <p>Monitoring of the policy, procedure or decision and its implementation be undertaken and reported will be undertaken by the partners.</p> <p><i>The council's revised policy register will assist services to meet this</i></p>
EIA completion date:	17-8-17

Local Plan & Planning Policy Task Group

Notes of a Meeting of the Local Plan & Planning Policy Task Group held on the
25th October 2018.

Present:

Cllr. Clarkson (Chairman).
Cllr. Clokie (Vice-Chairman).

Cllrs. Mrs Bell, Burgess, Galpin, Heyes, Michael.

Apologies:

Cllr. Ovenden.

Development Partnership Manager.

Also Present:

Cllrs. Dehnel, Hicks.

Head of Planning Policy; Graduate Planner (Policy); Principal Solicitor (Strategic Development); Member Services and Ombudsman Complaints Officer.

1 Declarations of Interest

- 1.1 Cllr. Mrs Bell made a Voluntary Announcement as she was KCC Member for Ashford Rural East, which covered Wye.
- 1.2 Cllr. Galpin made a Voluntary Announcement as his daughter lived off Beaver Road.

2 Notes of the Meeting held on 31st August 2018

- 2.1 The Notes of the Local Plan & Planning Policy Task Group Meeting held on 31st August 2018 were approved and confirmed as a correct record.
- 2.2 A Member asked about the actions under note 3.2, in which the Chairman said he "was meeting with the Ward Member shortly and would seek to ensure that the Parish Council was fully briefed on progress so far". The Chairman advised that he had indeed met with the Ward Member and assumed that the Ward Member would fully brief the Parish Council regarding the discussion. The Head of Planning Policy said that he considered Officers had been in consistent dialogue with the Parish Council since the previous Task Group meeting. A Member pointed out that the Ward Member was in fact the Chairman of the Parish Council, and the Parish Council's recent meeting included an agenda item to receive an update on the WYE3 Masterplan.

3 WYE3 Masterplan Update

- 3.1 The Head of Planning Policy introduced this item and drew Members' attention to the main points outlined in the report. The Chairman opened up the item for discussion and the following questions/points were raised:
- Members were aware of the Parish Council's disquiet regarding the different traffic surveys. Members also noted that KCC Highways had concluded that the transport assessment that supported the Wye3 Masterplan was sound, and Members considered that the Council should adhere to the advice of the Highways Authority. However, individual planning applications would continue to be examined closely with regard to traffic and transportation issues.
 - Although at the time of writing the report no correspondence had been received from the Parish Council, the Chairman and the Portfolio Holder for Planning advised that various emails had been received from the Parish Council very recently and asked the Head of Planning Policy to ensure that he reviewed the contents. Subject to this, the Chairman was of the opinion that it was important now to draw a line under the consultation process and move forward.

Resolved

That subject to Officers reviewing email correspondence received and being satisfied that this did not include matters that had not been considered as part of the formal consultation on the draft Masterplan, the Local Plan and Planning Policy Task Group re-affirms its support for the draft Wye3 Masterplan subject to the amendments agreed at the Cabinet meeting on 13th September and recommends that the Cabinet adopts the Masterplan as informal guidance for development management purposes on that basis.

(Post meeting note: Officers have subsequently reviewed the email correspondence received and are of the view that it includes matters that have not been fully considered as part of the formal consultation. These matters will be considered further and reported to Members).

4 Bus Gates in Ashford – a planning policy approach

- 4.1 Members observed that this meeting was not the correct forum to discuss the current bus gates, but it was appropriate to consider the use of bus gates in future developments, given issues that had been experienced with their implementation, enforceability and maintenance.
- 4.2 The Head of Planning Policy explained that the proposed recommendation had been designed to allow for possible situations where traffic from a new development affected the amenity of residents not living in the new development, and a bus gate may be a preferable option to mitigate the increase in traffic from

that development in those existing areas. Clearly new developments had impacts beyond the confines of the development itself, and it was necessary to be flexible over the best options, in consultation with KCC Highways. In very exceptional cases, it may be decided that a bus gate was the best option.

- 4.3 Members felt there should be a presumption against using bus gates to meet proposed policy TRA4 of the Local Plan to 2030, and the Chairman said he would write to KCC to advise that the Council would not be encouraging bus gates in future unless there was a compelling reason.
- 4.4 The option of preparing a Supplementary Planning Document (SPD) to policy TRA4 of the emerging Local Plan to 2030, that would clarify the Council's position on the use of bus gates for new developments and affected areas beyond the confines of a new development, was discussed and agreed to be potentially suitable for establishing the Council's formal position on the matter.
- 4.5 The Head of Planning Policy advised that the introduction of any proposed new bus gates on new developments would, in any event, be controlled through the planning application process, and he undertook to ensure that all Planning Officers were aware of the Task Group's Position Statement (below) for their discussions with developers.

Resolved

That

The Local Plan & Planning Policy Task Group recommends that the Cabinet endorses the Task Group's Position Statement that “The use of bus gates as a means of satisfying proposed policy TRA4 of the Local Plan to 2030, should be avoided”.

5 Date of Next Meeting

- 5.1 November 2018 – exact date to be agreed.

Councillor Clarkson
Chairman – Local Plan & Planning Policy Task Group

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Agenda Item 14

Agenda Item No: 14

Report To: CABINET

Date: 8TH NOVEMBER 2018



Report Title: SCHEDULE OF KEY DECISIONS TO BE TAKEN

Report Author and Job Title: Danny Sheppard, Member Services Manager (Operational)

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.

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 Page 161

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
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	Will Train	Open	11/11/17
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 Stevens	Open	13/10/17
Financial Monitoring – Quarterly Report	<i>Quarterly budget monitoring report.</i>	Cllr Shorter	Maria Stevens	Open	11/11/17
Gambling Policy Statement	<i>To seek final agreement of the statement following consultation.</i>	Cllr Bradford	Trevor Ford	Open	16/8/18

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Swan Centre Football Changing Facilities	<i>To seek Members approval to proceed with the project and undertake the legal and project management work required in partnership with BGFC and the Football Foundation and to execute the use of Newtown Works S106 funds for the project to match external funding.</i>	Cllr Bennett	Ben Moyle	Open	3/9/18
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	Maria Stevens	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	Maria Stevens	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

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
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
East Kent Growth Board – Business Rate Retention Pilot		Cllr Shorter	Tracey Kerly	Open	20/9/18
Victoria Park Heritage Lottery Fund	<i>To ask Cabinet to agree the bid submission, endorse the spending of S106 contributions for the development stage, and agree to the release of S106 contributions and ABC funding, subject to a successful Round 2 bid from the HLF.</i>	Cllr Bennett	Emma Powell	Open	4/9/18
Affordable Housing Programme Delivery Update	<i>To provide an update on the delivery of approved projects and inform members of existing and future delivery. Also to identify a variety of means and potential delivery mechanisms that the Council will investigate to both maximise delivery and enhance its current position as a dynamic housing service.</i>	Cllr White	Mark James	Open	9/3/18

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
10 th January 2019					
Revenues & Benefits Recommended Write-Offs Schedule	<i>Proposed formal write-off of debts</i>	Cllr Shorter	Nic Stevens	Open (Exempt Appendix)	12/1/18
High Weald AONB Management Plan 2019-2024		Cllr Clokie	Ian Grundy	Open	25/7/18
Play Area Action Plan		Cllr Bennett	Amanda Scott	Open	8/8/18
Conningbrook Masterplan		Cllr Bennett	Len Mayatt	Open	4/9/18
Kingsnorth Conservation Area – Lease to Kingsnorth Parish Council		Cllr Bennett	Terry Jones	Open	4/9/18
Former Mecca Bingo Hall and Vicarage Lane Car Park – Next Steps		Cllr Clokie	Richard Alderton	Open	24/10/18
14 th February 2019					
Financial Monitoring – Quarterly Report	<i>Quarterly budget monitoring report</i>	Cllr Shorter	Maria Stevens	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 Stevens	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	Will Train	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
Undergraduate Work Placement and Bursary Scheme		Cllr Pickering	Michelle Pecci	Open	22/10/18
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
Cycling and Walking Strategy		Cllr Bennett	Simon Harris	Open	4/9/18

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
11 th April 2019					
Corporate Property Asset Management Strategy 2018–2021 – 12 Month Update		Cllr Galpin	Stewart Smith	Open	12/4/18
MAY 2019 – NO MEETING DUE TO BOROUGH COUNCIL ELECTIONS					
13 th June 2019					
Final Outturn 2018/19	<i>Final budget outturn for previous financial year.</i>	Cllr Shorter	Maria Stevens	Open	18/6/18
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	Will Train	Open	18/6/18
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	18/6/18
11 th July 2019					
Revenues & Benefits Recommended Write-Offs Schedule	<i>Proposed formal write-off of debts</i>	Cllr Shorter	Nic Stevens	Open (Exempt Appendix)	13/7/18

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Annual Performance Report 2018/19	<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	13/7/18
8 th August 2019					
Financial Monitoring – Quarterly Report	<i>Quarterly budget monitoring report</i>	Cllr Shorter	Maria Stevens	Open	10/8/18
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	Will Train	Open	10/8/18
12 th September 2019					
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	14/9/18
10 th October 2019					

***If you wish to contact a Report Author by email, unless stated otherwise, the addresses are:
first name.surname@ashford.gov.uk***

31/10/18