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19 November 2013

To the Members of the Council,

You are hereby summoned to attend a meeting of the **COUNCIL** to be held in the Council Chamber at these Offices on Wednesday 27 November 2013 at 6.00 pm for the transaction of the business set out in the Agenda.



Chief Executive

Members of the Council:

S R Nicholas (Chairman)	M R Eddy	K E Morris
P S Le Chevalier (Vice-Chairman)	R J Frost	M J Ovenden
J S Back	B Gardner	A S Pollitt
B W Bano	J H Goodwin	J A Rook
T J Bartlett	D Hannent	M A Russell
P M Beresford	P J Hawkins	F J W Scales
T A Bond	P G Heath	A R Smith
P M Brivio	G J Hood	C J Smith
B W Butcher	S J Jones	J M Smith
P I Carter	L A Keen	R J Thompson
S S Chandler	N S Kenton	J F Tranter
N J Collor	S M Le Chevalier	R S Walkden
M D Conolly	G Lymer	P Walker
G Cowan	S C Manion	P M Wallace
J A Cronk	K Mills	P A Watkins

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **DECLARATIONS OF INTEREST**

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

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

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

3 **MINUTES**

To confirm the Minutes of the meeting held on 18 September 2013 and the Minutes of the Extraordinary meeting held on 25 September 2013 (to follow).

4 **ANNOUNCEMENTS**

To receive any announcements from the Chairman, Leader, Members of the Cabinet or Head of Paid Service.

5 **LEADER'S TIME**

To receive an oral report at the meeting from the Leader (and Cabinet) on the business of the Executive or on any topic or subject that it is felt should be brought to the attention of the Council.

(Up to fifteen minutes is allowed for the Report of the Leader (and Cabinet), up to ten minutes is allowed for the Leader of the Major Opposition Group (or his nominee) to respond, up to five minutes is allowed for the Leader of any other Opposition Group (or his nominee) to respond. The Leader is allowed up to five minutes as a Right of Reply or 25% of the time given to the Opposition Group Leaders, whichever is the greatest.)

6 **SEAT ALLOCATION AND GROUP APPOINTMENTS**

To receive from Group Leaders any changes to seat allocations or appointments.

(Note: Any changes must be within the approved allocation of seats to political groups in accordance with the political balance rules (where applicable).)

7 **QUESTIONS FROM THE PUBLIC**

To receive answers in respect of questions from the public to Members of the Executive asked in accordance with Rule 11 of the Council Procedure Rules.

(A maximum of three minutes is allowed for the question to be read. Up to 15 minutes is allowed for this part of the meeting. Members of the public may ask one supplementary question in addition to their original question. Afterwards any other Member at the Chairman's discretion, may speak for up to two minutes on a question or reply.)

Question from Jonathan Stewartson

At the meeting of Council held on the 24 July 2013 Councillor Mike Eddy proposed the motion:

'This Council opposes the resumption of the export of live animals to continental Europe from the port of Dover, despite widespread opposition from the British public and resolves to lobby the Secretaries of State for Transport and for Environment, Food and Rural Affairs to amend the outdated Harbours, Docks and Piers Clauses Act 1847 in order to allow port authorities in the UK the right to refuse the use of its port to any ship involved in such activities. The Council also resolves to lobby Dover Harbour Board to grant RSPCA inspectors access to the port and inspect any future shipments of live animals to the Continent.'

You (Councillor Paul Watkins) proposed and it was supported by the council that in accordance with Council Procedure Rule 14(d) the matter be referred to the Scrutiny (Community and Regeneration) Committee as the appropriate body for dealing with this matter.

In the four months since the issue was discussed at full council over 60 lorries (more than 25,000 animals) have needlessly passed through the Port of Dover. At this stage what steps have the council and officers taken to put in place a timetable and when do you anticipate that members of the council will commence the investigation of the issues raised in Councillor Eddy's motion.

8 **QUESTIONS FROM MEMBERS**

Up to 60 minutes is allowed for this part of the meeting unless extended by the Chairman of Council on a motion moved, duly seconded and approved by the Council. Members may ask one supplementary question in addition to their original question.

(a) To Chairmen/Vice-Chairmen of Committees

To receive answers in respect of questions from Members of the Council to the Chairman or Vice-Chairman of the Council or the Chairman of any Committee or Sub-Committee asked in accordance with Rule 12 of the Council Procedure Rules.

- (1) Councillor M R Eddy will ask the Chairman of the Governance Committee:

Is the Chair of Governance satisfied that the transfer of funds from the Housing Revenue Account to the general fund was carried out in a proper and legal manner?

- (2) Councillor P J Hawkins will ask the Chairman of the Scrutiny (Community and Regeneration) Committee:

At the Council meeting of 24 July 2013, it was agreed to refer the issue of live animal exports through the Port of Dover to the Scrutiny (Community and Regeneration) Committee. Can the Chairman of that Committee inform the Council of the steps that have been taken to scrutinise the issue and what the obstacles to undertaking the work programme have been?

(b) To the Executive

To receive answers in respect of questions from Members of the Council to a Member of the Executive asked in accordance with Rule 12 of the Council Procedure Rules.

- (3) Councillor L A Keen will ask the Portfolio Holder for Environment, Waste and Planning:

In the light of the Government's response to this Council's letter about preserving local pubs, what steps is the Portfolio Holder for Environment, Waste and Planning taking to investigate the possibility of using an Article 4 direction to prevent the possible loss of local pubs?

- (4) Councillor A S Pollitt will ask the Portfolio Holder for Corporate Resources and Performance:

Does the Portfolio Holder for Corporate Resources and Performance agree that there should be a cap set for pay day lenders and will he join the growing lobby of Government for the imposition of a levy on pay day lenders?

- (5) Councillor R J Thompson will ask the Leader of the Council:

What support will the Leader of the Council provide to help Aylesham Parish Council acquire the Aylesham Youth Centre under the 'right to bid' legislation?

- (6) Councillor G J Hood will ask the Portfolio Holder for Access and Property Management:

Is the Portfolio Holder for Access and Property Management confident that the licences and fees for traders in the Market Square in Dover, such as the East Kent Freemasons on 26 October, were correctly issued and correctly collected?

- (7) Councillor B W Bano will ask the Leader of the Council:

Could the Leader inform the Council what progress has been made by the Corporate Management Team in taking forward the Department of Communities and Local Government's guidance on filming Cabinet meetings?

9 **GOVERNANCE LOCAL CODE REVISION** (Pages 8 - 57)

The Governance Committee at its meeting on 26 September 2013 considered the attached report of the Director of Governance upon the Governance Local Code Revision.

The recommendations of the Committee will be circulated at the meeting.

10 **2013-2016 REVISED STATEMENT OF POLICY AND PRINCIPLES ISSUED UNDER THE GAMBLING ACT 2005** (Pages 58 - 99)

To consider the attached report of the Licensing Team Leader.

11 **REVIEW OF THE CONSTITUTION 2013** (Pages 100 - 104)

The Governance Committee at its meeting on 19 November 2013 considered the attached report of the Director of Governance and Monitoring Officer upon the Review of the Constitution 2013.

The recommendations of the Committee will be circulated at the meeting.

12 **RESPONSE TO THE MOTION REFERRED TO THE SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE**

To consider the report of the Scrutiny (Community and Regeneration) Committee in respect of the following Motion referred to the Committee by Council at its meeting held on 18 September 2013:

"This Council is concerned by the prospect of fracking and related drilling activity in the Dover District area and requests that a report is brought forward to the next meeting of this Council to inform the Council of the nature of the process, the potential impact on subsurface water resources and geological formations, the type and scale of the surface structures, and the impact of anti-fracking demonstrations in the light of recent experience in Sussex on the local communities and on the police."

The original Motion was proposed by Councillor M R Eddy.

The report of the Scrutiny (Community and Regeneration) Committee is to follow.

13 **MOTIONS**

- (1) In accordance with Council Procedure Rule 13, Councillor M D Conolly will move:

"This Council welcomes the economic recovery seen both nationally and locally in recent months.

Council recognises that Business Rates are now one of the main overheads facing small and growing businesses and accordingly Council requests that the Leader write both to the Department for Communities and Local Government and to the Treasury urging them to:

- Freeze Business Rates for 2024/15 and
- Carry out a fundamental review of the equity and sustainability of current Business Rates principles and levels.

as Council believes this action will help ensure that the pressure on small businesses and retail outlets is reduced, thereby protecting existing businesses and encouraging new start ups as the economy expands."

- (2) In accordance with Council Procedure Rule 13, Councillor A S Pollitt will move:

"Dover District Council supports the work of credit unions and will encourage councillors and council staff to join one and save through the payroll system if they wish."

- (3) In accordance with Council Procedure Rule 13, Councillor P M Wallace will move:

"This Council is concerned that tenants in social housing are feeling the cost of living pressures more than most. With this in mind, and the spectre of pay day lenders and other punitive credit providers, the Council will promote membership of credit unions. Dover District Council will also encourage council house tenants to join credit unions with a £10 per household incentive."

14 **URGENT BUSINESS TIME**

To consider any other items deemed by the Chairman of the Council to be urgent in accordance with the Local Government Act 1972.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes are normally published within five working days of each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting. Basic translations of specific reports and the Minutes are available on request in 12 different languages.

- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Rebecca Brough, Team Leader - Democratic Support, telephone: (01304) 872304 or email: rebecca.brough@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

Subject:	GOVERNANCE LOCAL CODE REVISION
Meeting and Date:	Governance Committee – 26 September 2013 Council – 27 November 2013
Report of:	Dave Randall, Director of Governance
Decision Type:	Non-key
Classification:	Unrestricted

Purpose of the report: To agree the amended Corporate Governance Local Code

- Recommendation:**
1. Governance Committee recommend to Council that the amended Corporate Governance Local Code, which incorporates the Risk Management Strategy and the Performance Management Framework, is adopted.
 2. Council adopts the amended Corporate Governance Local Code.
-

1. Summary

- 1.1 The Corporate Governance Local Code brings together legislative requirements, governance principles and management processes, providing a framework for the proper conduct of our business in an accountable way.

2. Introduction and Background

- 2.1 CIPFA in association with SOLACE developed *Corporate Governance in Local Government* together with accompanying guidance notes. These have been in use since 2001 along with various revisions and updates to the guidance. At Dover, this forms the basis of our Corporation Governance Local Code.
- 2.2 In 2013 Grant Thornton, the Council's auditors surveyed 64 local government leaders and analysed 153 council governance statements and found that many councils followed the CIPFA/SOLACE guidance too rigidly, rather than reflecting the unique features and challenges of their individual Councils.

Grant Thornton state that Good Council Governance should not just be about publishing statements of compliance, it should be about ensuring the entire organisation is aligned to achieving its strategic goals , ethically and effectively.

- 2.3 This revised code reflects what we do in Dover to ensure good Governance rather than conforming to a national model, while at the same time ensuring we revise our practices in line with legal and moral requirements.

This Code also now incorporates our Risk Management Strategy and our Performance Management Framework, bringing together three important Governance Frameworks into one document.

2.4 Data Collection, monitoring and action planning are done through the Council's Performance Monitoring System (Covalent). An example of a report from Covalent is at **Appendix 1**. This shows the Compliance information and documentation available for audit.

3. **Identification of Options**

3.1 To agree the revised Corporate Governance Local Code

3.2 To request a different version of the Corporate Governance Local Code.

3.3 Not to agree the revised Corporate Governance Local Code

4. **Evaluation of Options**

4.1 Option 1 is the preferred option. As outlined above, it reflects best practice, but is also tailored to the arrangements already in place at DDC. Although comprehensive, it remains a proportionate response, bringing together information already available.

5. **Resource Implications**

5.1 No additional resources are required.

6. **Corporate Implications**

6.1 Comment from the Section 151 Officer: Finance has been consulted and has no further comments to add (SJL)

6.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.

6.3 Comment from the Equalities Officer: This report does not specifically highlight any equalities implications however, in discharging their responsibilities members are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>

7. **Appendices**

- **Appendix 1 – Revised Local Code**
- **Appendix 2 – Table of Evidence**

8. **Background Papers**

None.

Contact Officer: Dave Randall, Director of Governance



Corporate Governance Local Code

Revised: Sept 2013

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Introduction

What Do We Mean By Governance?

Governance is about how we ensure that we are doing the right things, in an open, honest and accountable manner.

Good governance comprises the systems, processes, cultures and values we follow so that we can pursue our vision and objectives effectively, while minimising the risks involved. At DDC, we aim to meet the standards of the best and ensure that our governance arrangements are sound.

Good Governance runs through every level of the organisation, it must be owned by all stakeholders, including senior management and members. It forms the essential core values of the Council and should remain embedded in the culture of the Council.

Purpose of This Corporate Governance Local Code

Our Corporate Governance Local Code brings together legislative requirements, governance principles and management processes, providing a framework for the proper conduct of our business in an accountable way.

Delivering Good Governance

Good governance is important to all officers and members of this council. It is a key responsibility of our Leader, our Chief Executive, the Cabinet, the Corporate Management Team and the full Council, in particular the Governance Committee who are responsible for monitoring and providing assurance on our governance arrangements.

The Council has in place a process of continual review of its internal control arrangements. Rules are embedded into the Constitution of the Council, under the term Corporate Governance. Good Corporate Governance underpins credibility and confidence in the Council and this Code of Corporate Governance promotes accountability, effectiveness, openness, integrity and inclusivity in all of our business.

This statement, the systems that support it and the overall Corporate Governance arrangements are all subjected to an annual audit inspection by the Councils external auditors.

This Local Code also provides a mechanism for the continued development of Corporate Governance arrangements, summarising the principles and how this Council will comply with the Corporate Governance Framework, with Risk Management and with Performance Management.

Testing our Arrangements

We test our arrangements by:

- Maintaining an up-to-date and effective local code of governance.
- Regular review of our existing governance arrangements against this code.
- Preparing an annual governance statement in order to report publicly on compliance with this code, over the past year.
- Reporting any planned changes in the coming period.

In order to review our current arrangements, we:

- Collect evidence of systems, processes and documentation that provide evidence of compliance;
- Collect evidence of the individuals and committees responsible for monitoring and reviewing systems, processes and documentation.
- Ensure management and reporting arrangements are in place to monitor governance effectiveness.
- Identify the issues that have not been addressed adequately and consider how they should be addressed.
- Prepare an action plan to address issues with responsibilities listed
- Prepare an action plan for the forthcoming year's evidence collection.
- Ensure appropriate risk and performance management arrangements are in place and are operating effectively.
- Ensure systems of control are working effectively.

Background

The Principles of Conduct

The Cadbury Report in 1992 identified 3 principles of public life and these were expanded in 1995 to 7. Together these 7 Principles of Public Life form an important part of the Governance Framework for Members, Officers and partners.

The principles are:-

- **Selflessness:** Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
- **Integrity:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
- **Objectivity:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- **Accountability:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- **Openness:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and actions and restrict information only when the wider public interest clearly demands.
- **Honesty:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- **Leadership:** Holders of public office should promote and support these principles by leadership and example.

Dover District Council's Member Code of Conduct

This Council's Code of Conduct incorporates the principles outlined above and also covers:

- General principles in relation to behaviour and equal treatment of people.

- Confidentiality and openness – the treatment of confidential information and access to information
- Criminal offences and bringing the authority into serious disrepute.
- The use of the authority's resources – the prohibition of members from using their office/position to obtain advantage or from using local authority resources for the benefit of political parties
- Decision making – the requirement for members to act reasonably
- Disclosable Pecuniary Interest– restrictions on participation in meetings by members with an interest in matters under consideration
- The registration of members' interest – and gifts and/or hospitality received.
- Other significant interest

Officer Code of Conduct

This is currently (2013) under development.

Governance Principles

Development of the Principles of Governance

In 2007 the CIPFA/SOLACE joint working group issued a framework called Delivering good Governance in Local Government together with an accompanying guidance note. This was aimed at helping Local Authorities develop and maintain their own codes of governance. The guidance was updated in 2011 and 2012 to reflect the latest Accounts and Audit regulations.

Core and Supporting Principles

Six core principles were established together with supporting principles, to help authorities demonstrate good governance through their local codes.

Each of these principles translates into a range of specific requirements and they are reflected in this Corporate Governance Local Code:

<u>Core Principle</u>	<u>Supporting Principles</u>
1. Focusing on our purpose and on outcomes for the community and creating and implementing a vision for the local area	<ul style="list-style-type: none"> • exercising strategic leadership by developing and clearly communicating our purpose and vision and its intended outcomes for citizens and service users • ensuring that users receive a high quality of service whether directly, or in partnership, or by commissioning • ensuring that we make best use of resources and that tax payers and service users receive excellent value for money.

<u>Core Principle</u>	<u>Supporting Principles</u>
<p>2. Members and officers working together to achieve a common purpose with clearly defined functions and roles</p>	<ul style="list-style-type: none"> • ensuring effective leadership throughout the authority and being clear about executive and non-executive functions and of the roles and responsibilities of the scrutiny function • ensuring that a constructive working relationship exists between authority members and officers and that the responsibilities of authority members and officers are carried out to a high standard • ensuring relationships between the authority and the public are clear so that each knows what to expect of the other.
<p>3. Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour</p>	<ul style="list-style-type: none"> • ensuring members and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance • ensuring that organisational values are put into practice and are effective.
<p>4. Taking informed and transparent decisions which are subject to effective scrutiny and managing risk</p>	<ul style="list-style-type: none"> • being rigorous and transparent about how decisions – are taken and listening and acting on the outcome of constructive scrutiny • having good-quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs • ensuring that an effective risk management system is in place • using our legal powers to the full benefit of the citizens and communities in their area.

<u>Core Principle</u>	<u>Supporting Principles</u>
<p>5. Developing the capacity and capability of members and officers to be effective</p>	<ul style="list-style-type: none"> • making sure that members and officers have the skills, knowledge, experience and resources they need to perform well in their roles • developing the capability of people with governance responsibilities and evaluating their performance, as individuals and as a group • encouraging new talent for membership of the authority so that best use can be made of individuals' skills and resources in balancing continuity and renewal.
<p>6. Engaging with local people and other stakeholders to ensure robust public accountability</p>	<ul style="list-style-type: none"> • Exercising strategic leadership through a robust scrutiny function which effectively engages local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships • taking an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly by the authority, in partnership or by commissioning • making best use of human resources by taking an active and planned approach to meet responsibility to staff.

The Annual Governance Process

To be effective a governance framework needs to demonstrate that the Supporting Principles are underpinned by evidence. This local code demonstrates how we will collect our evidence as part of an on-going process. Evidence is collected and held on the council's performance monitoring system throughout the year.

Annually, there is a review of the effectiveness of the Council's system of internal control and this informs the Annual Governance Statement. When this is complete, the Leader and Chief Executive agree and sign the statement.

The outcome of the annual review is reported internally to Cabinet and Governance Committee, and externally in the Annual Report with the published accounts.

Completing the Assurance Statement

The annual governance assurance statement will include the following information:

- An acknowledgement of our responsibility for ensuring there is a sound system of governance
- A description of the key elements of our governance framework.
- A description of the key elements of the review of effectiveness and what the current year's review involved including a description of the processes that were applied.
- An indication of the level of assurance that the systems and processes that comprise our governance arrangements can provide
- Significant governance issues, including an agreed action plan.
- Improvements made during the year.
- Statement of approval of the Leader and Chief Executive of the Council.

The Completion Process provides the detailed stages of the Annual Assessment. The Chief Executive, Statutory Officers, other Directors, Internal Audit and managers across the authority all have a role to play in this assessment. The overall assurance given is not a pass or fail. It is a narrative statement pointing to the Council's strengths and weaknesses.

Principles Adopted

Completion of the statement should flow from the normal business planning, review and reporting processes of the Council, its Governance and Standards Committees and the planned work of Internal Audit.

The Service Plan is one of the central mechanisms for each Head of Service managing their own area of activity and therefore sits at the centre of the Corporate Governance process.

Corporate Governance uses existing documents, procedures and frameworks. It also links to performance and risk reporting as poor service performance can reflect a failure of governance.

Effective internal controls are an important part of the Corporate Governance process. Through their audit assurance work, internal audit will provide an opinion on the effectiveness of the systems of internal control.

Preparation of the Annual Governance Statement

Data is collected throughout the year and saved electronically on the Council's Performance Monitoring system (Covalent). Supporting documents are also saved here. The action plan is prepared and monitored using the same system.

The Statement that the Leader and Chief Executive will be required to sign will be compiled from evidence held on the monitoring system which has been obtained from:

- **Internal Control Opinion**

The Assurance Statement from the Head of the Audit Partnership. This is compiled from the Internal Audit review of this Council's Corporate Governance arrangements.

The Monitoring Officer and the S151 Officer will review the internal control opinion and framework evidence, including service assurance statements, the audit review of Corporate Governance, the Constitutional review, Performance reporting, Risk management arrangements and the individual audit and risk management assessments.

- **Governance and Internal Control**

- Comment and recommendations from the Monitoring Officer, Section 151 Officer and Solicitor to the Council, who have responsibility for overseeing the operation of the Governance Framework and the Corporate Governance Local Code.
- The Director of Governance's (Monitoring Officer) review of the Council's performance against the Governance Framework.
- The Director of Governance (Monitoring Officer) and Director of Finance and Community's (Section 151 Officer) review of the Effectiveness of Internal Audit.
- Confirmation from other Directors via a Service Assurance Statement, which is also discussed and approved by the Portfolio Holder, that:
 - Risks have been identified. They are recorded and monitored in accordance with the Council's Risk Management Strategy.
 - Staff are fully aware of the requirements of their job, and have access to the appropriate Council rules and policies to assist them.
 - Internal and External Audit reports and recommendations have been acted on.
 - Reports from other review agencies have been acted on.
 - Business arrangements are conducted in accordance with the law and proper standards.
 - Public money is safeguarded and properly accounted for, and used economically, efficiently and effectively.
 - The service has in place appropriate management and reporting arrangements to enable it to satisfy itself that its approach to Corporate Governance is both adequate and effective.
 - A statement of assurance that improvement plans exist to rectify any acknowledged deficiency.
- The Annual Report of the Chairman of the Standards Committee on the ethical conduct of the Council.

- The Director of Governance (Monitoring Officer) and Solicitor to the Council's annual review of the Constitution.
 - The Solicitor to the Council's annual statement giving his opinion on the Council's compliance with relevant laws and regulations, and its legal obligations and requirements.
 - The Head of paid service annual statement giving his opinion on officers' compliance with the seven general principles of good conduct.
 - The Head of Corporate Services annual statement giving his opinion on compliance with the Council's Risk Management Strategy.
 - The director of EK Services annual statement giving her opinion of the Robustness of IT Systems.
- Other processes and reviews
 - Confirmation that Council policies are fully implemented.
 - The annual Constitutional review has been undertaken.
 - Checking that Council values and ethical standards are met
 - Ensuring Laws and regulations are complied with
 - Publishing financial statements and performance information accurately and reliably.
 - Confirmation that resources are managed efficiently and effectively
 - The External Auditor's Annual Audit and Inspection Letter, service assessments and other associated reviews
 - Confirmation that internal reviews are undertaken and findings are acted upon
 - Performance Reporting being seen to drive improvement
 - The Monitoring Officer and the Section 151 Officer will prepare a Draft Annual Governance Statement which will be considered by CMT and Cabinet who will provide the final review, evaluation and approval.
 - The Governance Committee, acting as the Audit Committee will monitor the overall governance process and ensure that the process is robust and agreed actions identified are properly implemented.
 - The final statements will then be signed before the end of June by the Leader and Chief Executive based on a clear evidence trail.

On-going monitoring and review is co-ordinated by the Director of Governance.

- The contents of this code will be reviewed annually alongside the Annual Governance Assurance Statement and will be kept up to date in the light of changing circumstances. The Director of Governance (Monitoring Officer) will maintain the documentation but Members and Officers must own the whole process.
- In addition, review and monitoring will be undertaken during the course of the year. This will be co-ordinated by the Director of Governance (Monitoring Officer) and includes:
 - Monitoring the Corporate Governance arrangements and recommended courses of action by the Section 151 Officer, Monitoring Officer and Solicitor to the Council.
 - Internal Audit review of Corporate Governance arrangements and auditable activities identified through risk based audit plans.
 - Ensuring management ownership for the delivery of agreed objectives, within a Corporate Governance Framework, whilst managing effectively their identified opportunities and risks.
 - Performance measurement of governance arrangements through the collection of Governance data on the Performance Management System.
 - Performance measurement of key objectives and associated risks using agreed key and local performance indicators.
 - On-going review of Risk Management arrangements and recommended courses of action by the Head of Corporate Services, Section 151 Officer and Head of the Audit Partnership.
 - On-going monitoring and review of compliance with the Seven Principles of Conduct by the Monitoring Officer, Head of EK Human Resources, Solicitor to the Council, Head of Democratic Services and the Standards Committee.
 - Ad hoc reviews initiated by the Chief Executive and/or Service Director.
 - Planned service reviews through the rolling programme of review.
 - External Audit review of Corporate Governance arrangements and other auditable activities.
 - The External Auditors will inspect the Annual Governance Assurance Statement, the evidence and position statements that support the statement, the risk management process and this Council's overall Corporate Governance arrangements.
 - Mid-year updates are given to Governance Committee on progress in implementing actions identified in the annual statement.

The Monitoring Officer, Section 151 Officer and Solicitor to the Council have responsibility for overseeing the implementation and monitoring of the operation of the Local Code. The

Head of the Audit Partnership has been given the responsibility for periodically reviewing the arrangements. Each of these officers also contributes to the annual assessment process and a clear separation of duties is required for these complementing but distinct roles.

Disagreements and differing opinions on the areas of non-compliance will be included within the assurance statement. They will be discussed and wherever possible agreement will be reached between signatories. An important part of the process is to develop an Action Plan to address any significant internal control issues disclosed in the statement. If agreement is not reached the Chief Executive and Leader will ultimately determine what is included, after taking advice from the Monitoring Officer, Section 151 Officer, Solicitor to the Council and Head of the Audit Partnership.

Dover District Council

Example - Annual Governance Assurance Statement

1 APRIL 2012 TO 31 MARCH 2013

WHAT WE ARE RESPONSIBLE FOR

We are responsible for ensuring that our business is conducted in line with the law and proper accounting standards, and for using public money economically, efficiently and effectively. We have a duty under the Local government Act 1999 to continually review and improve the way we work and at the same time have regard to a combination of economy, efficiency and effectiveness.

In order to meet our responsibility we have in place proper arrangements for overseeing what we do and this is called Governance. These arrangements make sure that we do the right things in the right way, that our services reach the right people and that we are open, honest and accountable in the way that we deliver those services.

We have approved and adopted a Local Code of Corporate Governance and a copy of this is available on our website here: - <http://www.dover.gov.uk> or one can be obtained from The Council Offices, White Cliffs Business Park, Dover, CT16 3PJ.

THE AIM OF THE GOVERNANCE FRAMEWORK

The governance framework details the systems, processes, culture and values that we are controlled by and which we are answerable to. It also shows what we get involved with and how we engage with the community. It also shows how we monitor what we are achieving so that we can deliver services that are appropriate and value for money.

The system of internal control is an important part of the framework and is designed to manage risk to a reasonable level. It cannot remove all risk of failure to achieve policies and aims and can only provide reasonable protection. The system of internal control is based on an on-going process designed to:-

- Identify and prioritise anything that could prevent us from achieving our policies and aims
- Assess how likely it is that identified risks might happen and what the result would be if they did
- Manage those risks efficiently, effectively and economically

The governance framework describes what has been in place at Dover District Council for the year ended 31 March 2013 and up to the date of approval of the Council's accounts.

OUR GOVERNANCE FRAMEWORK

Our Governance Framework is made up of a Code of Conduct as well as many systems, policies, procedures and operations. The key features are:-

Our Corporate Plan. This is our main strategic document providing a framework for the delivery of our services and providing context for all the other strategies and plans that we have. The Corporate Plan for 2012-2016 is published and is available on the Council's website.

The following strategic priorities have been identified:-

- Enabling and supporting growth of the economy and opportunity for investment and jobs

- Facilitating strong communities with a sense of place and identity
- Serving our communities effectively
- An effective and efficient Council

Service Plans. We have service plans in place supporting the aims of the Corporate Plan which include performance indicators that use to measure our achievements. Copies of our performance report are available on our website.

Our Constitution. Our Constitution details how we operate, how decisions are made and the procedures, which are to be followed. It also ensures that we work in an efficient and transparent way and that we are accountable to local people.

The Executive. The Executive are responsible for most decisions and is made up of the Leader and a Cabinet. Major decisions to be taken are published in advance in the Executive's Forward Plan, and will generally be discussed in a meeting open to the public. All decisions must be in line with our overall policies and budget. Any decisions the Executive wishes to take outside the budget or policy framework must be referred to Council as a whole to decide.

Corporate Management Team. The Corporate Management Team comprises the Chief Executive (and Head of Paid Service) with responsibility for Regeneration and Development, Director of Governance and Monitoring Officer, Director of Finance, Housing and Community and S151 Officer and Director of Environment and Corporate Assets.

Members of Corporate Management Team have a responsibility for the day to day running of each Division of the Council. They must regularly assess their division's assurance arrangements and provide the Council with the opportunity to keep check on the adequacy of its overall arrangements.

Governance Committee. The six appointed members of the Council provide independent assurance of the adequacy of the risk management framework and the associated control environment together with independent review of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment. The Committee also oversees the financial reporting process by considering the final Statement of Accounts. The Chairman provides an Annual Report of the Governance Committee to the Annual Council Meeting

Overview and Scrutiny. There are two overview and scrutiny committees who support and monitor the work of the Executive. A "call-in" procedure or addition to the work programme allows scrutiny to review Executive decisions before they are implemented, thus presenting challenge and the opportunity for a decision to be reconsidered. The Monitoring Officer provides an Annual Report of the Scrutiny Committee to the Annual Council Meeting.

Standards. The standards of conduct and personal behaviour expected of our members and our officers, our partners and the community are defined in codes of conduct and protocols. These include:

- Members' code of conduct
- An effective performance management system
- Regular performance appraisals for staff linked to corporate and service objectives
- A fraud and corruption policy
- Member/officer protocols
- A Standards Committee.
- An officer code of conduct. (In development)

The Chairman and Monitoring Officer jointly provide an Annual Report of the Standards Committee to the Annual Council Meeting.

We have effective formal and informal complaints procedures. Complaints of service maladministration are investigated and reported to standards committee. Lessons learned from these complaints are reviewed and acted on.

The Localism Act 2011 changed the standards regime and the Monitoring Officer is now responsible for considering allegations of Members breaches of the codes of conduct.

Our Solicitor. The Solicitor to the Council provides his opinion on our compliance with our legal obligations.

Financial procedures and Contract Standing Orders. We have to ensure that we act in accordance with the law as well as various other regulations. We have developed policies and procedures for our officers to ensure that, as far as are possible, they understand their responsibilities both to the Council and to the public. Two key documents are the Financial Procedure Rules and the Contract Standing Orders, which are available to all officers via the Council's Intranet, as well as available to the public as part of the Constitution.

Financial Management. Our financial management arrangements conform with the requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government. In addition to the Financial and Contractual procedure rules contained within the constitution, in order to maintain its financial management the Council operates budgetary control procedures which are used in conjunction with a Medium Term Financial Plan (MTFP).

Responsibility for ensuring that an effective system of internal financial control is maintained rests with the Section 151 Officer. The systems of internal financial control provide reasonable and not absolute assurance that assets are safeguarded, that transactions are authorised and properly recorded, and that material errors or irregularities are either prevented or would be detected quickly.

Internal financial control is based on a framework of management information, financial regulations and administrative procedures, which include the segregation of duties, management supervision and a system of delegation and accountability. On-going development and maintenance of the various processes may be the responsibility of other managers.

In particular, the process includes:

- The setting of annual budgets;
- Producing the Medium Term Financial Plan
- Monitoring of actual income and expenditure against the annual budget;
- A mid-year review of the annual budget;
- Setting of financial and performance targets, including the use of the prudential code and associated indicators;
- Monthly reporting of the Council's financial position to Members;
- Clearly defined capital expenditure guidelines;
- The monitoring of finances against a Medium Term Financial Plan;
- Managing risk in key financial service areas.
- A continuous and effective internal audit.

Through our budget monitoring processes we are able to ensure that financial resources are being used to their best advantage, this includes monthly management reporting to the Corporate Management Team and Members.

Financial planning is underpinned by service planning. Increased expenditure in any service area has to be justified to the Corporate Management Team, and where necessary approved by the Executive. Corporate Management Team is tasked with prioritising resources to ensure that the objectives within

Corporate Plan are supported by the individual service plans, and that improvements are in line with corporate objectives.

Policies. Corporate policies on a range of topics such as Equality and Diversity, Customer Care, Data Protection, Human Rights, and Fraud are all subject to internal review. We keep all staff aware of changes in policy, or documentation through a system called Netconsent and where appropriate arrange training for all or key members of staff.

Risk. The risk management strategy, which was reviewed in September 2011 by the Governance Committee, shows the role both Members and Officers have in the identification and minimisation of risk. Risks are recorded in a Corporate Risk Register and are then subject to regular review.

Service Assurance. A Service Assurance Statement is produced annually by all Directors, detailing their assessment of their services. They are required to give assurance that risks have been identified, that sound business arrangements operate in their service areas, and that the service is subject to monitoring and review in order to assess performance.

Performance Management Framework. Progress towards the achievement of our objectives is monitored through our Performance Management Framework. A quarterly Performance Report is produced and reviewed by Corporate Management Team, by Members and by Scrutiny.

Internal Audit. The East Kent Audit Partnership (EKAP) Internal Audit Team reports to the Director of Finance, Housing and Community. They operate under a Charter, which defines their relationship with our officers, and the Governance Committee. Their main responsibility is to provide assurance and advice on our internal control systems to the Corporate Management Team and Members. Internal Audit reviews the adequacy, reliability and effectiveness of internal control and recommends improvements where appropriate. It also supports the development of systems, providing advice on risk and control.

As part of the annual review of governance arrangements and in particular the System of Internal Control, we are required to undertake an annual review of the effectiveness of the system of internal audit.

Service Reviews. Delivering Effective Services (DES). The DES group has been established and consists of a small number of senior managers who carry out the following tasks:

- Act as a Corporate think-tank to aid Service Managers and CMT in decision-making
- Identification of potential budget savings.
- Offer a review service to encourage and produce innovation and transformation in service delivery.
- A review team holding a strategic overview of the organisation (and wider environment) to consider potential duplication as well as the benefits of links between services, both internally and externally, supporting the prevention of silo decision-making and services.

State of the District report. This was first introduced in May 2010, it is also published on our website. It is revised annually and is a backward look over the last year using the latest information available at the time of drafting. This is informative and used by Councillors.

Core Strategy. The Core Strategy is the overarching statutory planning document for the District and was adopted by the Council in February 2010. The Core Strategy identifies the overall economic, social and environmental objectives for the District and the amount, type and broad location of development that is needed to fulfil those objectives.

Draft Land Allocations Document. This follows on from the Core Strategy. Its primary purpose is to identify and allocate specific sites that are suitable for employment, retail and housing development in order to meet the Core Strategy's requirements and makes a major contribution to delivering the Strategy. It covers the same plan period as the Core Strategy.

Communication and Consultation strategies are in place. Our website has a Have Your Say Area where members of the public can communicate their views on current changes and implementations.

Equality. We have published our equality objectives and annual report helping to ensure that all groups in our community have a voice, can be heard and know how we make our decisions.

Whistle Blowing. A confidential reporting hotline is in place to enable internal and external whistle blowing. Informants are requested to be open in their disclosure, but it is recognised that on occasions informants will wish to remain anonymous. There are also processes in place for staff to report through their line managers or East Kent Audit.

Employment Stability. The Employment Stability Group was approved by the Council in 2010 to consider all requests to fill staff vacancies. The group is chaired by the Director of Governance and supported by the Head of Financial Services, a peer challenger and a Human Resources representative. Their recommendations are considered by the Head of Paid Service who provides the final decision as to which posts can be filled.

Partnerships. Partnership evaluation criteria have been established to help ensure that all key governance criteria are incorporated into new and existing partnerships. This was approved by Cabinet and Scrutiny following a review in 2012.

REVIEW OF EFFECTIVENESS OF THE GOVERNANCE FRAMEWORK

We have a responsibility for conducting, at least annually, a review of the effectiveness of our governance framework including the system of internal control. This review is informed by the work of our Internal Auditors and the Head of the Audit Partnership's Annual Report, the work of our Directors and managers who have responsibility for the development and maintenance of the governance environment and by the findings and reports of our external auditors together with any other review agencies or inspectorates.

The Director of Governance has a responsibility for:-

- Monitoring the Constitution and keeping it up to date
- Overseeing and monitoring the Corporate Code of Governance
- Maintaining and updating the code if required by best practice
- Reporting annually to members on compliance with the code

Cabinet

- Setting robust and challenging targets and
- Monitoring the achievement of key priorities

Scrutiny (Policy and Performance) Committee:-

- Monitoring the achievement of key priorities

The Governance Committee:-

- Receive quarterly updates from the Head of the Audit Partnership on the assurance which can be placed against various systems and processes during the year,
 - Review the annual assessment at the year end.
 - Receive the annual review of internal control
 - Receive the annual constitutional review
 - Review risk management arrangements
 - Receives Quarterly Treasury Management Reports

- Receives the Annual Statement of Accounts

Internal Audit:-

- required to provide an independent annual statement showing areas of concern
- the level of assurance in respect of systems
- The overall level of assurance

This year's review has involved:-

Council

The Corporate plan for 2012-2016 was published in 2012. The Constitution was reviewed in May 2012 and is being reviewed again in 2013.

A new Member code of conduct came into force on 1st July 2012. This is detailed within our constitution.

Cabinet

The Council's Quarterly Performance Report was reviewed regularly and shows our performance against our key priorities.

Scrutiny

The Council's Scrutiny Committee meet monthly to consider a range of matters including the Quarterly Performance Report.

Governance Committee

The Governance Committee receives quarterly updates from the Head of East Kent Audit Partnership on the assurance which can be placed against various systems and processes during the year, including reviews of internal controls, along with an annual assessment at the year end. The Committee keeps a check on those areas that have not achieved expected levels of audit assurance. Additionally, this Committee reviews the effectiveness of the Council's risk management arrangements.

The Director of Governance and Solicitor to the Council are responsible for ensuring that the Constitution is subject to annual review. A review of part three of the constitution was considered by the Governance Committee in March 2012 and adopted by Council on 16 May 2012. The significant changes are the alignment of new delegations and new executive arrangements.

Standards Committee

The Standards Committee receives a quarterly report on progress of formal complaints against the Council and lessons learned from those complaints.

There was one finding against Dover District Council from the Local Government Ombudsman in 2012/13 and appropriate procedures and processes have been put in place to prevent a recurrence of the issue.

During 2012/13 the way in which complaints against members changed and these were considered as follows:-

- 1/4/12 to 30/6/12 – Considered by Standards Committee. - 3 allegations of breaches of the code of conduct were received and none were upheld.
- 1/7/12 to 31/3/13 – Considered by the Monitoring Officer. - 29 allegations of breaches of the code of conduct were received.

The Annual Report of the work of the Standards Committee for 2012/13 was presented to the Annual Council Meeting on 22nd May, 2013 and gave a positive opinion on the ethical conduct of the members of this Council.

Internal Audit

Review of Internal Audit.

The effectiveness of internal audit is monitored jointly by the Monitoring Officer and the S151 officer through:-

- Quarterly review meetings with the Head of Internal Audit
- Sign off of the Audit Plan
- Review of the internal audit annual report
- Attendance at Governance Committee
- Review of individual audit reports
- Meetings with the S151 officers of the other partners

The Work of Internal Audit. Based on their work undertaken during the year, the Head of the Audit Partnership considers that there are no major areas of concern, which would give rise to a qualified audit statement regarding the systems of internal control, concerning either the main financial systems or overall systems of corporate governance. The report also considers that the Council can have very good level of assurance in respect of all of its main financial systems and a good level of assurance in respect of the majority of its Governance arrangements. Many of the main financial systems, which feed into the production of the Council's Financial Statements, have achieved a Substantial assurance level following audit reviews. The report goes on to state that the Council can be very assured in these areas and that this position is the result of improvements to the systems and procedures over recent years and the willingness of management to address areas of concern that have been raised.

There were five areas where only a limited assurance level was given; VAT (partially limited), Data Protection, New Homes Bonus (partially limited), Absence Management Flexi and Annual Leave where further reviews are planned for 2013/14 and SLA Management Arrangements where a further review has been undertaken and the outcome remains the same.

There were no fraud investigations carried out.

External Reviews.

- Regulatory and Investigatory Powers Act (RIPA). This review gave a positive opinion of DDC and stated that we have very good procedures in place and best practice in some areas of our work.
- Office of the Surveillance Commissioner. This review considered that further procedures were needed to ensure DDC maintained its standards. We have now joined the National Anti Fraud network to act on our behalf and address issues in the report.

Service Reviews during the Year

During the year there were reviews held in the following areas:-

Communication and Engagement

P.A. and administration support. – Looked at the wider service to ensure continuity.
Regeneration and Development

Training

A resourced training and development plan is being developed for officers and members of the Council, clearly linked to the Corporate and Service Plans and statutory responsibilities.

Members Code of Conduct

The Principles of Good Conduct are contained within the Member Code of Conduct which is part of the Constitution. It is kept refreshed and the last review was in May 2012. It is currently under review again.

SIGNIFICANT GOVERNANCE ISSUES DURING THE YEAR

- Information Commissioner's Office (ICO)
A complaint was received from the ICO that we had divulged email addresses to all the recipients in a global email. We took immediate steps to apologise to those affected and started an investigation. Procedures have been put in place to ensure this does not happen again and the ICO has accepted that this was a human error for which they will not be taking formal regulatory action at this point.
- Local Government Ombudsman.
There was one finding of maladministration against the Council involving the processing of a homelessness application. Details were given to full Council on 26/9/12.
In response to this complaint appropriate training has been given to staff together with a full review of procedures.
- Welfare Reforms

The government are in the process of making a number of significant reforms to welfare benefits. The two most significant reforms for 2013/14 are the Council Tax Reduction Scheme and the Social Sector Size Criteria.

- Council Tax Reduction Scheme

The Council Tax Reduction Scheme (CTRS) has been introduced to replace Council Tax Benefit (CTB), which ended in March 2013.

Where CTB was a benefit that "paid" the Council Tax of those who qualified, the CTRS is a discount which does not pay the Council Tax of claimants, but instead reduces the bill that they are sent, by providing a "discount".

In setting up the CTRS, the government have reduced the funding to Councils by 10% from that provided for CTB. Pensioners, who comprise around 50% of the claimants, are protected from the reductions, so they equate to a reduction of around 20% for all other claimants.

In making this change, the government have required all Councils to introduce their own local CTRS to replace the national CTB. Dover, working with partners Canterbury City Council, Thanet District Council and Kent County Council, has implemented an East Kent CTRS which addresses the reduction in government funding by stopping all empty property and second home discounts, limiting the loss of benefit to 6%.

- Social Sector Size Criteria

The Social Sector Size Criteria (SSSC) has been introduced by government to reduce the costs of providing housing benefit (HB) to Council tenants.

Where tenants have one surplus bedroom for the size of their family or household, they will see a reduction of 14% in their HB. Where they have two surplus bedrooms, they will see a reduction of 25%.

Dover District Council has worked with their housing managers, East Kent Housing, to prepare tenants for this change and to assist those tenants who are affected, to downsize to smaller units.

Although the size of households changes, and so a precise figure cannot be provided, it is estimated that around 10 – 15% of households in Dover Council housing will be affected by this change in HB. Given the limitations of available stock, the Council cannot guarantee to be able to assist all those who wish to downsize – but every effort will be made to do so.

Other significant welfare reforms which will be implemented in 2013/14 and following years include:

- Universal Credit

This combines a number of benefits into a single, monthly payment.

- The Benefits Cap

This caps the amount of benefit a family can claim to the average national wage. That is around £26,000 per annum.

- This Council is a defendant, (as are virtually all District and Unitary Councils), in proceedings brought by a group of Property Search Companies for fees paid to the Council to access land charges data. A second group of Property Search Companies are also seeking to claim refunds although no proceedings have yet been issued. The second group of Property Search Companies have also intimated that they may bring a claim against all English and Welsh local authorities for alleged anti-competitive behaviour. It is not clear what the value of any such claim would be against the Council.

IMPROVEMENTS DURING THE YEAR

- Anti-fraud and corruption policy.
In line with the Audit Commission's recent publication called "Safeguarding the Public Purse" our Counter Fraud and Corruption Policy was reviewed and updated. The policy comprises:-
 - A Prevention of Fraud and Corruption Strategy
 - A whistle blowing Policy
 - A Protocol for Dealing with Allegations of Fraud or Corruption
 - An Anti Money Laundering Policy
 - An Anti-Bribery Policy
- Building on the open Golf 2011 event, we have, along with our multi-agency partners, successfully developed the Safety Advisory Group which effectively supported the Olympics Event.
- The Olympic Torch Event enabled us to enhance our events management planning process and this in turn has been the catalyst for major improvements in event planning. We now have a team of people who can help plan events and advise on best practice.
- A new code of conduct for Members was adopted at an extraordinary Council meeting on 26th June, 2012 and came into force on 1st July.

STATEMENT OF THE LEADER OF THE COUNCIL & THE CHIEF EXECUTIVE.

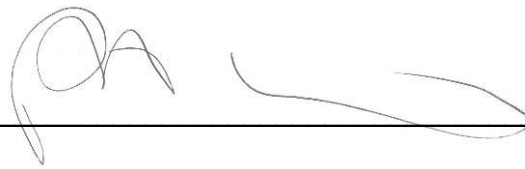
We have been advised on the implications of the result of the review of the effectiveness of the governance framework and plan to address weaknesses and ensure continuous improvement of our systems is in place.

We propose over the coming year to take steps to address the above matters to further enhance our governance arrangements. We are satisfied that these steps will address the need for improvements that were identified and will monitor their implementation and operation as part of our next annual review.

Signatures:

Date: _____

Leader of the Council _____



Date: _____

Chief Executive _____



EXAMPLE DIRECTOR'S STATEMENT - Dover District Council – Annual Governance Process
Director's Assurance Statement 2012/13

The Council is required by law to include with the final accounts an Annual Governance Assurance Statement (AGAS). This statement also forms part of the Annual Governance Process.

The statement is intended to demonstrate to the public that the Council has sound governance arrangements in place including a sound system of internal control, designed to help manage and control business risk. It is considered to be an important way to demonstrate that the Council has good business practices in place, high standards of conduct and sound governance. It links to all the principles of good governance.

In support of the AGAS all Directors are required to complete, certify and return a statement of corporate responsibility. It is acknowledged that your divisions and their systems and processes can provide only reasonable and not absolute assurance that all risks have been identified, all assets safeguarded, all transactions properly authorised and recorded, and all material errors or irregularities either prevented or detected within a timely period.

The statement attached should therefore be completed 'to the best of your knowledge' and formally agreed with your Portfolio Holder. Evidence of this agreement should be attached to the statement.

As Director, you will need regular self-assessment of your Division's assurance arrangements. This will provide the Council with the opportunity to keep check on the adequacy of its arrangements that have been put in place with regard Corporate Governance and Risk Management.

Please return the certified statements, preferably in electronic format to Mary Venables, by 25th April 2012.
Please ensure that the form is also signed by the relevant Portfolio Holder.

It is advised that you also keep securely a copy of 'the statement' made, together with a file of documentary evidence where possible. It is likely that the External Auditors will make further enquiries in connection with how the statement can be supported.

Thank you for your assistance.

David Randall
Director of Governance and Monitoring Officer

Mike Davis
Director of Finance, Housing and Community and S151 Officer

<u>Question</u>	<u>Agreement Yes / No</u>	<u>Examples and Exceptions</u>
In my department risks have been identified. They are recorded and monitored in accordance with the Councils Risk Management Strategy.		
Staff are fully aware of the requirements of their job, and have access to the appropriate Council rules and policies to assist them.		
The department has appropriate management and staff to enable objectives to be delivered. Performance is reviewed regularly.		
Resources at my disposal are used to achieve the Council's objectives. The level of resource is reviewed regularly.		
Suitable controls are in place to protect the Council's assets.		
Internal and External Audit reports and recommendations have been acted on. Reports from other review agencies have been acted on.		
Business arrangements are conducted in accordance with the law and proper standards		

<u>Question</u>	<u>Agreement Yes / No</u>	<u>Examples and Exceptions</u>
The service has in place appropriate management and reporting arrangements to ensure effective Governance.		
Improvement plans exist to rectify deficiencies.		
Key performance targets and indicators are linked to the Corporate Plan.		

Financial Assurance

This statement is given in respect of the Council's (Insert year) final accounts and refers to the state of my Division's operations up to the date of signature.

The information provided is given to the best of my knowledge in connection with the service areas for which I have responsibility. I have made appropriate enquiries with other officials of the Council and of information systems and records maintained and can confirm the following statements as detailed in the column below headed 'Accounts – Financial and Legal Implications'. However, where I am aware of such circumstances, I am able to provide further relevant information in the column headed 'Details and Action Plan':

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Accounts - Financial and Legal Implications	Confirmation (Yes /No) & Evidence	Details & Any Actions Planned
In my division there are no contingent liabilities (see footnote 1 below) that are likely to have a significant effect on the finances or operations of the Council.		
In my division, there are no instances of non-compliance with laws or regulations that are likely to have a significant effect on the finances or operations of the Council.		
In my division, there are no post balance sheet events (see footnote 2 below) that have occurred that are likely to have a significant effect on the finances or operations of the Council.		
In my division, there are no pending claims, proceedings or litigation that are likely to have a significant effect on the finances or operations of the Council.		

Accounts - Financial and Legal Implications	Confirmation (Yes /No) & Evidence	Details & Any Actions Planned
In my division, there are no other significant transactions with related parties other than those already disclosed.		
In my division, there are no instances of known error, irregularity, including fraud, which are likely to have a significant effect on the finances or operations of the Council.		

Footnotes:

1. A contingent liability is in effect a possible obligation at the balance sheet date (date) arising from past events whose existence will be confirmed only by the occurrence of one or more uncertain future events which may not be within the Council's control
2. A post-balance sheet event is an event, both favourable and unfavourable, which occurs between the balance sheet date (date) and the date on which the financial statements are approved by the Council.

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	Director	Portfolio Holder	Portfolio Holder
Certified by, Signature:			
Name:			
Designation:			
Date:			

Risk Management

Introduction

Risk is the threat that an event or action will adversely affect the Council's ability to achieve its objectives successfully. Although risk is generally associated with the possibility of suffering harm, loss or liability, in some situations confrontation of risk might also enable us to capitalise on opportunities.

Risk management is the process by which risks are identified, evaluated and controlled and is a key element of the framework of governance. It is about identifying, analysing, evaluating, responding and monitoring threats and opportunities with a view to minimising the chances of failure and maximising the chances of success. Risk management is about being risk aware and not risk averse.

Following the Priority Service Review during 2010, it was agreed that this Council would apply its Risk Management Strategy to monitoring risks at a Corporate and Project level only. Corporate priorities will continue to be risk assessed as a fundamental part of the Governance process. Service / Day to Day risks are monitored as appropriate by individual departments.

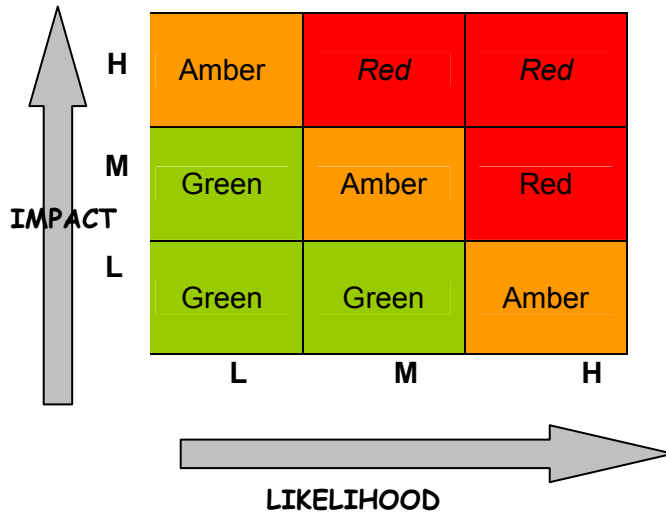
Risk Strategy and Approach

- Project Managers identify risks linked to the project objectives
- Service Managers and Directors identify risks associated with corporate priorities within their service.
- Service Managers and Directors identify risks arising from and within partnerships and other joint working arrangements.
- The Corporate Risk Register will comprise of Corporate and project risks.
- Ownership and responsibility is assigned to each risk identified.
- Each risk is recorded as an **inherent risk**, the management action necessary or already taken to mitigate the risk are recorded together with the subsequent **residual risk**.
- It is recognised that the risks will change over time as projects and Corporate Priorities develop, evolve and change. Through regular review of risk management arrangements it enables us to respond to these changes. The process is not a one-off exercise, but an ongoing task.
- Effective risk management helps us to deliver an appropriate balance between risk and control, ensure effective decision making, the better use of limited resources, greater innovation and consideration of positive risks (opportunities) as well as negative risks (threats) to the project.

Risk Management in Practice

- Risk Management is a five stage on-going process as follows:-
 - Identification
 - Analysis
 - Evaluation
 - Mitigation and control
 - Monitoring
- As part of risk analysis, an assessment should be undertaken of the impact and likelihood of risks occurring. Risks can then be plotted onto the following evaluation model:

Risk Prioritisation and Analysis Model



- The following scoring guidance is provided to simplify the assessment process, provide consistency and assist in determining where on the grid various risks should be plotted:

IMPACT			
Key Risk Areas	High	Medium	Low
Communication and publicity	<ul style="list-style-type: none"> Remembered long term. Adverse national publicity 	<ul style="list-style-type: none"> Adverse headlines in local media 	<ul style="list-style-type: none"> Letters of complaint
Corporate Governance	<ul style="list-style-type: none"> Project will fail to be implemented. Governance Committee identify significant governance failings. Significant levels of fraud 	<ul style="list-style-type: none"> Project will be delayed. Adverse governance findings by the Cabinet / Scrutiny and Governance Committee. Extraordinary Review by External Auditors 	<ul style="list-style-type: none"> Limited Assurance following Audit
Efficiency and Savings	<ul style="list-style-type: none"> Failure to meet all anticipated efficiency targets Inability to recover shortfall on budget overspend 	<ul style="list-style-type: none"> Failure to exploit benefits of partnership working Budget pressures with poor performance 	<ul style="list-style-type: none"> Budget managed but performance is below that originally planned
Financial/Funding	<ul style="list-style-type: none"> Budget Overspend > £10k or 10% Property loss or damage > £50k. Lack of external funding due to concerns over service delivery or 	<ul style="list-style-type: none"> Budget Overspend up to £10k or 10% Unaccountable short falls in stock / inventories or other assets. Property loss/damage in 	<ul style="list-style-type: none"> Budget Overspend up to £10k

IMPACT			
Key Risk Areas	High	Medium	Low
	project management Substantial loss or failure of investments	excess of £50k. Lack of provision when funding stream ends	
Health & Safety	<ul style="list-style-type: none"> Potential for loss of life Large scale major illness Forced closure of offices/leisure facilities/block of flats due to H&S legislation HSE Investigation with Fine 	<ul style="list-style-type: none"> Major illness Serious injury - including disablement Forced close of smaller office/facility due to failure to comply with H&S legislation 	<ul style="list-style-type: none"> Broken bones/illness Partial closure of offices/facility
IT	<ul style="list-style-type: none"> Complete failure of IT system. Breach of licence. 	<ul style="list-style-type: none"> Temporary failure of IT system. Software problems. 	<ul style="list-style-type: none"> Minor problems with new software.
Project aims	<ul style="list-style-type: none"> Objectives of project not achieved. Time/costs greatly exceeded. 	<ul style="list-style-type: none"> Key Milestone missed. 	<ul style="list-style-type: none"> Minor delays/problems.
Personnel resourcing	<ul style="list-style-type: none"> Mass staff resignation. Inability to attract new staff 	<ul style="list-style-type: none"> Industrial action 	<ul style="list-style-type: none"> Some hostile relationships, minor non-co-operation
Service delivery	<ul style="list-style-type: none"> Long-term suspension of service. Failure of service. High level of public dissatisfaction. 	<ul style="list-style-type: none"> Short term reduction in service provision. Pockets of dissatisfaction. 	<ul style="list-style-type: none"> Low standard of service provision evidenced by messages of complaint
Statutory Responsibilities	<ul style="list-style-type: none"> Failure to enforce regulatory powers. Major fraud. Criminal Proceedings against the Council. Public Inquiry to review substantial failure of a Council Service. Adverse findings of Standards Committee. No contingency planning. 	<ul style="list-style-type: none"> Adverse finding by the Local Authority Ombudsman. Failure to test emergency plans. 	<ul style="list-style-type: none"> Minor breach

LIKELIHOOD			
	High	Medium	Low
Timing	Imminent	Next 12 months	After 12 months
Probability	<75%	25-75%	>25%

Risk Methodology

- Project and corporate risks are identified in line with the project and corporate priorities and objectives. Associated risks, threats and opportunities are determined for each objective and priority.
- Risks are evaluated in terms of likelihood and impact, which will determine where the axes or parameters on the model will be drawn. This will determine the categories each risk falls into.
- Each significant risk will be considered in context. The potential impact will be measured against the possible benefits and it will then be assessed as to whether it is worthwhile to continue with a particular objective if the risk outweighs the reward.
- Risk mitigation is the stage of the process when action can be taken to minimise the likelihood of risks occurring, or to reduce the severity of the consequences should it occur.
- The final stage of the risk management process will be the effective monitoring and review of the identified risks to ensure the successful delivery of the project or corporate priority. This process will also assess whether the nature of risk has changed over time.

Risk Management Strategy

The risk management policy of Dover District Council is to adopt cost-effective practices in the assessment of risks to ensure that they are eliminated or reduced to an acceptable level. This will help safeguard assets, employees, customers and the delivery of services to the local community.

The Council pursues a forward-looking and dynamic approach to delivering services to the local community and will not be averse to taking a degree of commercial risk. However, it will always exercise a prudent approach to risk taking and decisions will be made within the parameters of the Council's internal control arrangements. In particular, Financial and Contract Procedure Rules which ensure that the Council does not expose itself to risks above an acceptable level.

The risk management objectives of the Council are to:

- Help ensure that the Council's key corporate priorities are delivered
- Manage and mitigate project risk
- Be responsive to changing social, environmental and legislative requirements whilst being aware of the related risks and opportunities
- Take reasonable steps to prevent injury, damage and loss and reduce the cost of risk

These objectives will be achieved by:

- Defining roles and responsibilities of Officers and Members within the organisation in relation to risk management.
- Providing relevant training on risk management to relevant officers and Members of the authority

- Encouraging officers participating in other professional discipline groups to consider risk management.
- Making sure officers are made aware of risk management information received from insurers and other related sources.
- Maintaining a risk management framework to provide for:-
 - A useful and meaningful Corporate risk register
 - Appropriate incident recording to enable the analysis of risk data
 - The annual review of the risk management framework

Roles and Responsibilities

Members

- The Governance Committee has specific responsibility included in its terms of reference for providing independent assurance on the adequacy of the control and risk management framework and the associated control environment.
- The Governance Committee also has responsibility for the independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment.

Executive and Corporate Management Team

- Corporate Management Team is responsible for identifying key risks as part of their strategic responsibilities.
- The Director of Governance will undertake an annual strategic risk review
- The Director of Governance, supported by the Head of Corporate Services has overall responsibility for ensuring the minimum agreed level of risk management is undertaken.

Directors / Service Managers

- Directors and Service Managers in conjunction with members of their teams and other parties/partners (where applicable), will review and monitor project and corporate risks relating to their services.

Employees Generally

- Employees will be expected in the first instance, to refer risk management concerns to their line managers. Should such concerns remain outstanding, then employees can refer their concerns elsewhere as prescribed in the Council's Whistleblowing Guide.

Insurance

- The Director of Governance in consultation with the Corporate Services (Insurance Team) will:
 - Regularly review and advise upon the Council's insurance requirements and arrangements, and arrange insurance cover as necessary
 - Annually review the adequacy of the Council's internal Insurance Provisions and Reserves, and advise on action to be taken

- Advise Officers and Members on insurance covers available and/or in place and advise Officers on claims procedures, and process claims arising
- Assist in the development and provision of claims data to aid future risk control

PERFORMANCE MANAGEMENT

Introduction

Dover District Council recognises that to achieve its corporate objectives and to deliver efficient services for the community, there is the need for effective performance management, supporting Council priorities and informing decision making, with links to the service planning and budget setting processes.

Performance Management Framework

Performance Planning:-

- Translates corporate objectives into targets for financial and service plans.
- Drives performance by developing the most efficient working practices and sharing them across the Council.
- Preparation of plans and targets should engage all staff.

Performance Monitoring:-

- Links strategies, plans, people and performance and assess how well and efficiently we are performing.
- Helps us be transparent.
- Monitoring enables employees to see how their actions impact on the corporate plan, strategic objectives, service plans and individual objectives by linking these all together.
- Converts plans into measurable goals and shows where we are providing good value.

Performance Reporting

- Reports on outcomes and gives early warning of potential failures
- Provides an opportunity to capture and share information and ideas
 - Increases operational efficiency.
 - Helps manage services effectively.
 - Increases accountability to the community.
- Increases cross service awareness
 - Recognises individuals' roles in the process and their contribution.

The steps involved in the performance planning process are:

Timescale	Activity
Continuous	The Corporate Plan is a continuously evolving document which includes the latest high level strategic priorities and priority actions for the Council.
September	Each September, Directors and Heads of Service identify their objectives for the next financial year. These will be closely aligned to those shown in the Corporate Plan. Interim Personal Performance Reviews held. Objectives and targets are adjusted if necessary.
October	Revenue Budget estimates are prepared for the coming year.
November/December	Draft service plans and service budgets are reviewed/finalised making sure that they align with the Corporate Plan and the budget. Service plans include service objectives; these can be measured by performance indicators where necessary. Shared services develop plans and targets ready for agreement by the respective Directors, DDC Client Officers and the relevant Portfolio Holder.
December	Service Plans and Budgets are agreed.
April	Personal Performance Reviews are also undertaken, reviewing individual performance against objectives. New personal targets are agreed. Corporate and Service Plans become live documents

The Corporate Plan

The Corporate Plan is a continuously evolving document which includes the latest high level strategic priorities and actions for the Council. It covers a 3 – 5 year span.

Top level, objectives and targets emanate from the corporate plan, cascading down to service divisions as a starting point for the preparation of service plans.

Service Strategies

The Council is responsible for a number of service strategies and plans. These are not annual documents but have a longer lifespan. Any targets and objectives resulting from these strategies are incorporated into the relevant Service Plan.

Service Plans

The Service Plan is one of the central mechanisms for each Director and Head of Service managing their own area of activity and therefore sits at the centre of the Corporate Governance process. It links corporate objectives, business objectives and personal objectives.

The Service Plan is the document that translates the strategic aims of the Council into service objectives and an annual programme of appropriately resourced activities. These are managed and monitored by the relevant Director and Heads of Service.

Each year Directors and Heads of Service are required to identify and review their key service objectives; these should also support and reflect corporate priorities. In developing objectives directors should consult with all their team members as well as portfolio holders. Service objectives need to be measurable using milestones or performance indicators.

Completed service plans are forwarded to the corporate services team where targets are collated, ready for monitoring and publishing in the quarterly performance report. Corporate management team identify key service objectives and indicators for the Council, for Cabinet/Council consideration and endorsement.

Shared Services

Shared services also develop plans and targets which are agreed by their respective Directors, DDC Client Officers and the relevant Portfolio Holder. These are agreed by Cabinet and in case of dispute the Kent Chief Executives Group will mediate.

Performance Monitoring

Performance results are collated by Corporate Services and reviewed quarterly by CMT and Cabinet. The report is available for full scrutiny if required. It provides an up to date picture of the Council's current performance with commentary from the relevant Director.

Partnership Evaluation Criteria

The Council has adopted partnership evaluation criteria as part of this framework. The objective of the evaluation is to measure the effectiveness of partnerships from the Council's perspective. It is used to evaluate new partnerships, and as an annual review of high risk/profile partnerships.

The Performance Report

On a quarterly basis the following key areas of performance are monitored and reported via the performance report:-

Service Delivery

This section reviews performance against key service targets. These are the indicators that are considered as key to the achievement of Corporate and Service objectives. If any are showing weakness or failure, details of the proposed recovery action will be provided.

Director's comments

A short summary by the Director of each division and from the Directors of shared services.

Performance Comments

A short explanation of any abnormal results

Key initiatives and Outcomes

Comments on specific projects/events which the director needs to bring to Members and public attention, especially those that will bring changes to the service delivery or have an impact on the current ways of working.

Concerns/Risks:

A short description of anything which may affect performance, service delivery or output.

Financial Performance

This section provides a summary of budget and actual.

The Performance Report is published on the Internet and the Intranet and sent to all members.

The Quarterly Review Process

The Performance report is reviewed firstly by CMT who take an active interest in overall performance. They look to take action to address weaknesses, and highlight success. Action plans enable the process to concentrate on the action being taken to address weaknesses, rather than becoming involved in identification of the weaknesses themselves.

The report is then considered by the Cabinet Member with responsibility for Governance and then by Cabinet itself. It is available for Scrutiny if required.

The On-going Review Process

Service Directors feedback performance information to the staff in their divisions. They discuss with their divisions and/or teams performance against service objectives, budget profile, and performance indicators.

Cabinet formally reviews key performance issues and CMT comments. This is scrutinised by the Scrutiny (Policy and Performance) Committee.

Performance Indicators

Performance indicators help to measure service objectives and targets and are one of the ways that the public can judge how well the Council is performing.

- All Services must provide their performance results to the Corporate Services Team at the end of each quarter. The results are then input into a data collection system ready for producing the Performance Report. An accuracy check is done on any indicators who do not look consistent.
- Directors and Heads of Service are responsible for ensuring the accuracy of their published figures.
- If an outside body has set indicators Directors are responsible for ensuring the published results are calculated in accordance with those bodies' definitions.

Timing for Submitting Indicator Results

- Quarterly Results must be prepared for the quarters ending 30 June, 30 September, 31 December and 31 March for inclusion in the quarterly Performance Report. The results should be sent to Corporate Services as soon as possible after the quarter end. In case of difficulty, the Corporate Services officer needs to be informed.

Standards for Target Setting

- Targets are discussed and agreed by the Directors and Portfolio Holder(s) prior to inclusion in Service Plans. Corporate Management Team will review all targets to ensure that a realistic, but challenging level of performance improvement is being sought. Arrangements for achieving targets should be built into Service Plans.

Acting on Performance Information

- All Directors and Heads of Service should be able to demonstrate that they have used their performance information in the management and improvement of their service. In particular to ensure that poor performance is acted on immediately and that good performance is developed to become excellent performance.
- Regular feedback should be given via weekly or monthly team meetings, 1:1 sessions, information on the Performance Information notice boards (as appropriate), and publication on the intranet.

Financial Performance

The Council's financial monitoring and reporting arrangements are an important part of performance management. Revenue and capital budgets are assigned to individual managers to enable them to deliver objectives and priorities of the Council and it is therefore vitally important that these are carefully managed.

Expenditure and income is monitored at budget manager level. There is an electronic budget monitoring system which the budget manager is expected to update. Members of accountancy staff keep a watching brief on expenditure and liaise with Managers where necessary.

The Accountancy team will look at the expenditure from a strategic viewpoint to ensure that the Council has the necessary financial resource to deliver its priorities. This will include the examination of budget pressures and commitments from a corporate viewpoint. Budget reports are then prepared for Management and Members.

Individual Performance Appraisal Review

The Council has an individual Performance Review process for employees that is designed to ensure everyone:

- Knows what they have to do and the standards expected of them in their job
- Knows how what they do fits in with the aims of the Council and their own particular service
- Has the skills to help them deliver excellent services
- Receives feedback on how they are performing in their job and identifies any training & development needs
- Knows how their personal objectives link to wider service and corporate objectives

The Performance Review process involves twice yearly interviews between an employee and their manager. These take place in September and April each year. The first meeting enables the results to be considered as part of the Service Planning, Corporate Planning, budget setting and development of training plans. The second meeting is a mid year review that examines outturn performance for the financial year and reviews the objectives and targets set.

Alongside the formal Performance Review system is the need for regular dialogue with all team members, either on a 1:1 basis or in small groups to discuss performance issues. In particular it will be important to celebrate performance successes and identify weaknesses. For poor or failing performance it is important to identify with team members the reasons why, and identify what action is necessary and any resource or procedural implications.

Quality Assurance, Audit & Risk Management

The Council has a number of systems and processes to check and monitor the way it carries out its activities. These include:

Audit and Performance Teams

The Council's Corporate Services Teams and East Kent Audit Partnership provide an internal checking and monitoring role in relation to a number of key areas of work. One of their roles is ensuring that the Council is delivering its corporate objectives with the minimal level of risk. The Audit team assesses whether management has identified and acted on key business risks and that the internal control system is operating effectively. This work includes reviewing systems and processes.

External auditors annually review our financial statements and examine our governance arrangements. Their findings are reported in the Annual Audit Letter.

Core Principle Description	Supporting Principle Description	Outcome required	DDC Evidence	Evidence verified	Hyperlinks to evidence in Covalent	Attached evidence / documents in Covalent		
<p>51</p> <p>Focusing on the purpose of the authority and on the outcomes for the community and creating and implementing a vision for the local area.</p>	<p>Exercising strategic leadership by developing and clearly communicating the authority's purpose and vision and its intended outcomes for citizens and service users</p>	<p>An authority develops and promotes their purpose and vision.</p>	<p>Communication strategy is contained within the constitution</p>	<p>17-Jul-13</p>	<p>Constitution</p>	<p>Live partnerships Current 02.01.13.xls</p>		
		<p>It reviews on a regular basis its vision for the local area and its implications for the authority's governance arrangements.</p>	<p>Communication toolkit is in place and available on the intranet for all staff</p>	<p>17-Jul-13</p>	<p>Corporate Plan</p>	<p>Partnership Agreement Guidance.docx</p>		
		<p>It ensures that partnerships are underpinned by a common vision of their work that is understood and agreed by all partners</p>	<p>Constitution is reviewed regularly and a copy is available on the Internet</p>	<p>17-Jul-13</p>	<p>Financial information</p>	<p>Partnership assessment form.docx</p>		
		<p>It publishes an annual report on a timely basis to communicate the authority's activities and achievements, its financial position and performance</p>	<p>Corporate plan is agreed and up to date</p>	<p>17-Jul-13</p>	<p>Performance Information</p>	<p>Partnership assessment scoring form.docx</p>		
			<p>Financial statements are up to date and published on the website</p>	<p>17-Jul-13</p>	<p>Scrutiny information</p>	<p>Partnership Framework.doc</p>		
			<p>Governance assurance statement is approved and published on the website</p>	<p>17-Jul-13</p>		<p>Partnerships - follow-up Questionnaire Jan 2013.doc</p>		
			<p>Governance Framework Local Code is in place and is regularly reviewed.</p>	<p>17-Jul-13</p>		<p>Cabinet Report - Partnerships - Feb 2013.doc</p>		
			<p>Partnership protocol is in place and regularly reviewed</p>	<p>17-Jul-13</p>		<p>Member Induction - Partnerships Briefing.doc</p>		
			<p>Performance is reported regularly in line with the Governance Framework and published on the website</p>	<p>17-Jul-13</p>				
			<p>Scrutiny annual report is published on the website</p>	<p>17-Jul-13</p>				
			<p>Shared service agreements in place</p>	<p>17-Jul-13</p>				
		<p>51</p> <p>Focusing on the purpose of the authority and on the outcomes for the community and creating and implementing a vision for the local area.</p>	<p>Ensure that users receive a high quality of service whether directly or in partnership, or by commissioning</p>	<p>The quality of service for users is measured and information to ensure effective service review is available</p>	<p>Budget completed annually and published for the current year</p>	<p>17-Jul-13</p>	<p>Complaints</p>	<p>Housing Needs Service Delivery.doc</p>
				<p>Effective arrangements are in place to identify and deal with failure in service delivery</p>	<p>Complaints process in place with on-going monitoring and review of complaints and lessons learned. Lessons learned are reported to Standards Committee.</p>	<p>17-Jul-13</p>	<p>Corporate Plan</p>	<p>CorporatePlan2012-2016.pdf</p>
	<p>Corporate Plan and service plans completed and published</p>			<p>17-Jul-13</p>	<p>Financial information</p>	<p>2012-13 Legal Service Plan.doc</p>		
	<p>Medium term financial plan is completed and published</p>			<p>17-Jul-13</p>	<p>Neighbourhood forums</p>	<p>Accountancy Service Plan 2012-13.doc</p>		
	<p>Neighbourhood forums held throughout the year</p>			<p>17-Jul-13</p>	<p>Performance</p>	<p>Alt Svc Delivery Service Plan 2012-13.doc</p>		
	<p>Performance reports are reviewed by CMT, Cabinet and Scrutiny and published on the website</p>			<p>17-Jul-13</p>		<p>Audit service plan 2012-13 (2).doc</p>		
	<p>SIMALTO budget planning exercise planned for 2013/14</p>			<p>17-Jul-13</p>		<p>Bdg Control Serv Plan 2012-13.doc</p>		
						<p>Community Leisure Service Plan 2012-13 (3).doc</p>		
						<p>Corporate Support Serv Plan 2012-13.doc</p>		
						<p>Env Corp Assets 2012 - 2013 Serv Plan combined.doc</p>		
						<p>Financial Svcs Service Plan 2012-13.doc</p>		
						<p>Housing Service Plan 2012-13.doc</p>		
						<p>Leadership and Corporate Communication Service plan 2012-13.doc</p>		
<p>51</p> <p>Focusing on the purpose of the authority and on the outcomes for the community and creating and implementing a vision for the local area.</p>	<p>Ensuring that the authority makes best use of resources and that tax payers and service users receive excellent value for money</p>	<p>Decide how value for money is to be measured and make sure that the authority or partnership has the information needed to review value for money and performance effectively. Measure the environmental impact of policies, plans and decisions</p>	<p>DES Team (Delivering Effective Services) review services for efficiencies. There is an ongoing programme of reviews.</p>	<p>17-Jul-13</p>	<p>Procurement Performance</p>	<p>Annual Performance Report final 29June 2012.pdf</p>		
		<p></p>	<p>Environmental Impact current position forms part of the Head of Service Statement.</p>	<p>17-Jul-13</p>				

Core Principle Description	Supporting Principle Description	Outcome required	DDC Evidence	Evidence verified	Hyperlinks to evidence in Covalent	Attached evidence / documents in Covalent
		Measure the environmental impact of policies, plans and decision	Performance report, which shows key targets for the Council including those for shared services, is produced quarterly. It is reviewed by CMT, Cabinet and Scrutiny and published on the Website.	17-Jul-13		
			Procurement information is available on the website	17-Jul-13		
52	Ensuring effective leadership throughout the authority and being clear about executive and non-executive functions and of the roles and responsibilities of the scrutiny function	A clear statement is set out of the respective roles and responsibilities of the executive and of the executive's members individually, also the approach towards putting this into practice.	Job descriptions for Members and Senior Officers are contained in the constitution	18-Jul-13	Constitution Members Roles and Responsibilities	Constitution.pdf
		Set out a clear statement of the respective roles and responsibilities of other authority members, members generally and of senior officers and of the leadership team and its members individually	Member/officer protocol is in place and is part of the Constitution	18-Jul-13		Counter Fraud and Corruption Policies.doc
		Roles and Responsibilities of Members are published on the website	18-Jul-13	How Decisions are Made at DDC - August 11.doc		
				Induction Evening Pack List.doc		
				IT Questionnaire.doc		
				Ivysoft - Explanatory document.doc		
				Letter to new Councillor - May 11.doc		
				Member Induction - Partnerships Briefing.doc		
				Member Job Description.doc		
				Members' Allowances Scheme 2011.doc		
				Members ICT Guide - May 2011.doc		
				Members ICT Overview - Nov 11.doc		
				DDC Decision-Making Structure - May 11.doc		
				DDC Structure - April 2011.doc		
Ensuring that a constructive working relationship exists between authority members and officers and that the responsibilities of authority members and officers are carried out to a high standard	A scheme of delegation and reserve powers is contained within the constitution, including a formal schedule of those matters specifically reserved for collective decision of the authority, taking account of relevant legislation, and ensure that it is monitored and updated when required	Conditions of employment are part of the Constitution	18-Jul-13		New Personal Payroll Information Sheet for Councillors.doc	
	The chief executive or equivalent is responsible and accountable to the authority for all aspects of operational management Protocols developed to ensure that the leader and chief executive (or equivalent) negotiate their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained				2011 Member Training Programme - Version 2.doc	
Members and officers working together to achieve a common	A senior officer (the S151 officer) is responsible to the authority for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control	Job Descriptions / specifications of Senior Officers are contained within the Constitution including the S151 officer and the Monitoring Officer	18-Jul-13		Personal Information Form.doc Standards for England Blogging Guide.doc Constitution.pdf	

Core Principle Description	Supporting Principle Description	Outcome required	DDC Evidence	Evidence verified	Hyperlinks to evidence in Covalent	Attached evidence / documents in Covalent
purpose with clearly defined functions and roles		A senior officer (usually the monitoring officer) is responsible to the authority for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied	S151 officer give a statement of compliance. This is contained within the Annual Governance Statement	18-Jul-13		
			Scheme of delegation is documented and contained in the constitution	18-Jul-13		
			Standing orders and financial regulations are reviewed on a regular basis as per the Monitoring officer and S151 officer assurance statements	18-Jul-13		
53	Ensuring relationships between the authority and the public are clear so that each knows what to expect of the other	Protocols developed to ensure effective communication between members and officers in their respective roles	Budget process in place and budgets are published on the website.	18-Jul-13	Constitution Corporate Plan Financial information Neighbourhood forums Performance	Housing Needs Service Delivery.doc
		Terms and conditions set out for remuneration of members and officers and an effective structure for managing the process, including an effective remuneration panel (if applicable)	Job evaluations are done by fully trained officers	18-Jul-13		Live partnerships Current 02.01.13.xls
		Effective mechanisms exist to monitor service delivery	Medium term financial plan (MTFP) has been produced and published.	18-Jul-13		Partnership Agreement Guidance.docx
		The organisation's vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated	Member officer protocol is in the constitution	18-Jul-13		Partnership assessment form.docx
		When working in partnership: - ensure that there is clarity about the legal status of the partnership - ensure that representatives of organisations both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions	Partnerships all have clear statements of principle and objectives. Partnership protocols are in the constitution	18-Jul-13		Partnership assessment scoring form.docx
		There is clarity about the legal status of partnerships	Performance is reported each quarter in a report containing key indicators. This is reviewed by CMT, Cabinet and Scrutiny	18-Jul-13		Partnership Framework.doc
		Representatives of the organisation both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions	Review of pay and conditions is continual with relevant policies and practices in place. An independant remuneration panel is established and referred to in the constitution.	18-Jul-13		Partnerships - follow-up Questionnaire Jan 2013.doc
		There is clarity about the legal status of partnerships	Service Plans are refreshed annually and contain revised Performance indicators	18-Jul-13		2012-13 Legal Service Plan.doc
		Representatives of the organisation both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions	Statutory guidance is followed as per the S151 Officer's statement	18-Jul-13		Accountancy Service Plan 2012-13.doc
						Alt Svc Delivery Service Plan 2012-13.doc
						Audit service plan 2012-13 (2).doc
						Financial Svcs Service Plan 2012-13.doc
						Housing Service Plan 2012-13.doc
						Leadership and Corporate Communication Service plan 2012-13.doc
						Constitution.pdf
		Ensuring authority members and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance	The authority's leadership sets a tone for the organisation by creating a climate of openness, support and respect	Standards of conduct and personal behaviour expected of members and staff, of work between members and staff and between the authority, its partners and the community are defined and communicated through codes of		A performance appraisal system is in place
Annual Governance Assurance Statement has been prepared and published along with the annual accounts	18-Jul-13					
Anti-Fraud and Anti-Corruption policy are in place and contained in the constitution	18-Jul-13					
Code of conduct is contained in the constitution	18-Jul-13					

Core Principle Description	Supporting Principle Description	Outcome required	DDC Evidence	Evidence verified	Hyperlinks to evidence in Covalent	Attached evidence / documents in Covalent
54 Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour		conduct and protocols Arrangements are in place to ensure that members and employees of the authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice	Complaints process is detailed on the website	18-Jul-13		
			Disclosures register is available on the Intranet	18-Jul-13		
			Financial regulations are in the Constitution	18-Jul-13		
			Induction processes for new members and staff explain standards of behaviour expected and are contained in the constitution	18-Jul-13		
			Member / officer code of conduct is in place and contained in the constitution.	18-Jul-13		
			Training is sourced as and when required for staff and members. Training requirements are listed in annual PPR's for staff.	18-Jul-13		
	Ensuring that organisational values are put into practice and are effective	Develop and maintain shared values including leadership values for both the organisation and staff reflecting public expectations, and communicate these with members, staff, the community and partners	Complaints responses are published in standards committee agendas and minutes	23-Jul-13	Complaints Constitution Financial Information Standards Committee	Live partnerships Current 02.01.13.xls
		Arrangements are in place to ensure that systems and processes are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice	Decision making practices are contained within the constitution	18-Jul-13		Partnership Agreement Guidance.docx
		An effective standards committee is in place	Member / Officer code of conduct is contained in the Constitution	18-Jul-13		Partnership assessment form.docx
		Shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the authority	Partnership framework and protocols in place	23-Jul-13		Partnership assessment scoring form.docx
		A set of values have been agreed for partnerships against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and collectively	Shared Service agreements are in place. Regular meetings held with management.	18-Jul-13		Partnership Framework.doc
			Standards Committee Terms of reference are contained in the Constitution	18-Jul-13		Partnerships - follow-up Questionnaire Jan 2013.doc
			Whistleblowing procedures are on all notice boards, The intranet and in the Constitution	18-Jul-13		Constitution.pdf
						Cabinet Report - Partnerships - Feb 2013.doc Member Induction - Partnerships Briefing.doc
Being rigorous and transparent about how decisions – are taken and listening and acting on the outcome of constructive scrutiny	Develop and maintain an effective scrutiny function which encourages constructive challenge and enhances the authority's performance overall and that of any organisation for which it is responsible	Complaints procedures are publicised in offices and via the internet	18-Jul-13	Constitution Councillor, Committees, minutes and agendas, Decisions, Councillors and meetings Scrutiny information	Constitution.pdf	
	Develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based	Decision making protocols, Members code of conduct and committee Terms of Reference are contained within the Constitution	18-Jul-13		Standards comm report 4.3.13.pdf	
	Put in place arrangements to safeguard members and employees against conflicts of	Decisions that are forthcoming and those already made are published on the website	24-Jul-13			
		Disclosures register is on the home page of the intranet	24-Jul-13			

Core Principle Description	Supporting Principle Description	Outcome required	DDC Evidence	Evidence verified	Hyperlinks to evidence in Covalent	Attached evidence / documents in Covalent	
55		Members and employees against conflicts of interest and put in place appropriate processes to ensure that they continue to operate in practice	Minutes and agendas are published on the website including Cabinet and Scrutiny. These include a record of any professional advice given	18-Jul-13			
		Develop and maintain an effective audit committee (or equivalent) which is independent of the executive and scrutiny functions or make other appropriate arrangements for the discharge of the functions of such a committee	Scrutiny have two committees each with their own remit, lessons learned and actions taken are also reported. Agendas and minutes are on the website	18-Jul-13			
			The Constitution is subject to annual review	18-Jul-13			
		Ensure that effective, transparent and accessible arrangements are in place for dealing with complaints	The S 151 officer makes an annual statement which contains an opinion on the effectiveness of Internal Audit throughout the year	18-Jul-13			
	Taking informed and transparent decisions which are subject to effective scrutiny and managing risk	Having good-quality information, advice and support to – ensure that services are delivered effectively and are what the community wants/needs	Ensure that those making decisions whether for the authority or the partnership are provided with information that is fit for the purpose – relevant, timely and gives clear explanations of technical and financial issues and their implications. Ensure that proper professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately.	Calendar of decisions, details of decisions, minutes and agendas are all published on the internet	24-Jul-13	Calendar and records of decisions.	
				Governance and budget monitoring arrangements are all contained within the Constitution	18-Jul-13		
				The authority complies with the CIPFA statement of the Role of the Chief Financial Officer	18-Jul-13		
	Ensuring that an effective risk management system is – in place	Ensure that risk management is embedded into the culture of the authority, with members and managers at all levels recognising that risk management is part of their jobs Ensure that effective arrangements for whistle-blowing are in place to which officers, staff and all those contracting with or appointed by the authority have access	Financial standards and regulations form part of the constitution	22-Jul-13	Constitution.	Risk Management and strategy 2011 revision.doc	
			Prevention of Fraud and Corruption Strategy contains a Whistle blowing, Money laundering and Anti-bribery policies. These are within the constitution.	22-Jul-13			Constitution.pdf
			Risk management protocol in place	22-Jul-13			Counter Fraud and Corruption Policies.doc
	Using their legal powers to the full benefit of the citizens and communities in their area	Actively recognise the limits of lawful activity placed on them by, for example, the ultra vires doctrine but also strive to utilise their powers to the full benefit of their communities Recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities place on local authorities by public law Observe all specific legislative requirements placed upon them, as well as the requirements of general law, and in particular to integrate the key principles of good administrative law – rationality, legality and natural justice – into their procedures and decision-making processes	Monitoring officer roles and responsibilities are detailed in the constitution. The Monitoring Officer also gives an Annual Statement which forms part of the Governance Assurance Statement.	22-Jul-13	Constitution	Constitution.pdf	
			Officers do not provide legal advice unless they are qualified to do so	22-Jul-13			
Statutory provisions are detailed in the constitution			22-Jul-13				

Core Principle Description	Supporting Principle Description	Outcome required	DDC Evidence	Evidence verified	Hyperlinks to evidence in Covalent	Attached evidence / documents in Covalent		
5G	Making sure that members and officers have the skills, knowledge, experience and resources they need to perform well in their roles	Provide induction programmes tailored to individual needs and opportunities for members and officer to update their knowledge on a regular basis.	Induction programme is in place for members. Staff induction is tailored to individual needs due to minimal recruitment numbers.	22-Jul-13	Constitution	Constitution.pdf		
		Ensure that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the authority.	Job descriptions and person specifications for top management are all regularly reviewed and in the constitution	22-Jul-13				
			Legislation and other skills training is available through the Ivysoft intranet training package.	22-Jul-13				
			Training and development plans are in place for members. Staff training needs are picked up during the PPR process	22-Jul-13				
	Developing the capacity and capability of members and officers to be effective	Developing the capability of people with governance responsibilities and evaluating their performance, as individuals and as a group	Assess the skills required by members and officers and make a commitment to develop those skills to enable roles to be carried out effectively	Staff Performance reviews are held every 6 months	22-Jul-13	Neighbourhood forums	Induction Evening Pack List.doc	
			Develop skills on a continuing basis to improve performance, including the ability to scrutinise and challenge and to recognise when outside expert advice is needed					
			Ensure that effective arrangements are in place designed to encourage individuals from all sections of the community engage with, contribute to and participate in the work of the authority.	Training and development needs are subject to continual review through the service planning and Performance review process	22-Jul-13			Member Induction - Partnerships Briefing.doc
		Encouraging new talent for membership of the authority so that best use can be made of individuals' skills and resources in balancing continuity and renewal	Ensure that effective arrangements are in place designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the authority	Ensure that career structures are in place for members and officers to encourage participation and development	Training and development plans are in place for Councillors.		22-Jul-13	2011 Member Training Programme - Version 2.doc
					A Strategic Partnership framework is in place		22-Jul-13	Partnership Agreement Guidance.docx
					DES Group have a programme of ongoing service review		22-Jul-13	Partnership assessment form.docx
	Exercising leadership through a robust scrutiny function which effectively engages local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships	Both staff and the community are clear to whom DDC is accountable to and for what	Effective relationships exist between DDC and institutional stakeholders to whom the authority is accountable.	A state of the district report is published annually	22-Jul-13	Assets of community value Neighbourhood forums State of the district Scrutiny	StateoftheDistrict2012.pdf	
				Annual report of scrutiny is published	Neighbourhood forum invitee list is extensive and is drawn up in co-operation with other public bodies to reach as wide an audience as possible.			22-Jul-13
Surveys are done in house enabling a wide range of consultees to be engaged through various media.					22-Jul-13			
			The annual report of overview and scrutiny has been published	22-Jul-13				

Core Principle Description	Supporting Principle Description	Outcome required	DDC Evidence	Evidence verified	Hyperlinks to evidence in Covalent	Attached evidence / documents in Covalent
<p>Engaging with local people and other stakeholders to ensure robust public accountability</p> <p style="text-align: center;">57</p>	<p>Taking an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly by the authority, in partnership or by commissioning</p>	<p>Clear channels of communication are in place with all sections of the community and other stakeholders. Monitoring arrangements are in place to ensure that they operate effectively</p> <p>Arrangements are in place to enable the authority to engage with all sections of the community effectively. These arrangements recognise that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands</p> <p>A clear plan is in place for consulting on issues and engaging with the public and service users. This includes a feedback mechanism for those consultees to demonstrate what has changed as a result</p> <p>Plans are published on an annual basis giving information on the authority's vision, strategy, plans and financial statements as well as information about its outcomes, achievements and the satisfaction of service users in the previous period</p> <p>The authority as a whole is open and accessible to the community, service users and its staff and ensure that it has made a commitment to openness and transparency in a</p> <p>Accountability extends to the recording of asset</p>	<p>Annual financial statements are published</p>	<p>22-Jul-13</p>	<p>Community Constitution Corporate Information Financial information Freedom of information Neighbourhood forums</p>	<p>Partnership Agreement Guidance.docx</p> <hr/> <p>Partnership assessment form.docx</p> <hr/> <p>Partnership assessment scoring form.docx</p> <hr/> <p>Partnership Framework.doc</p> <hr/> <p>Partnerships - follow-up Questionnaire Jan 2013.doc</p> <hr/> <p>Member Induction - Partnerships Briefing.doc</p> <hr/>
			<p>Communication and Engagement Team routinely work and communicate with all sections of the community</p>	<p>22-Jul-13</p>		
			<p>Communication strategy is in the Constitution and a Communication toolkit is available on the front page of the Intranet</p>	<p>22-Jul-13</p>		
			<p>Constitution published and available on the website</p>	<p>22-Jul-13</p>		
			<p>Corporate Plan is published</p>	<p>22-Jul-13</p>		
			<p>Freedom of information scheme is published</p>	<p>22-Jul-13</p>		
			<p>Medium Term Financial Plan Published</p>	<p>22-Jul-13</p>		
			<p>Neighbourhood forums provide opportunity for the public to discuss a wide range of topics</p>	<p>22-Jul-13</p>		
			<p>Partnership framework is in place</p>	<p>22-Jul-13</p>		

Subject:	2013-2016 REVISED STATEMENT OF POLICY AND PRINCIPLES ISSUED UNDER THE GAMBLING ACT 2005
Meeting and Date:	Council – 27 November 2013
Report of:	Susan Herivel, Licensing Team Leader
Portfolio Holder:	Councillor Nigel Collor, Portfolio Holder for Access and Property Management
Decision Type:	Key Decision
Classification:	Unrestricted

Purpose of the Report:	To propose adoption of the draft revised Statement of Policy and Principles issued under the Gambling Act 2005 following the consultation process.
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Recommendation:	That Council adopts the Statement of Policy and Principles issued under the Gambling Act 2005 without modification.
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1. Summary

- 1.1 Section 349 of the Gambling Act 2005 (“the Act”) requires that the Licensing Authority publish a Statement of Policy and Principles as to how it will exercise its functions under the Act.
- 1.2 Although in practice the policy is monitored and reviewed continuously by the Licensing Section, the Gambling Act 2005 also requires that the above policy be formally reviewed every 3 years. A formal review was undertaken and a revised draft policy prepared in February 2013.
- 1.3 The adoption of the policy must be a decision of full Council, but the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 require that for the purposes of s.349 of the Act, the Executive are also involved in the decision making process. As such, the draft policy went to Cabinet on 4 February 2013. Cabinet approved a period of consultation of the draft revised Statement of Policy and Principles.
- 1.4 Cabinet further determined that in the event of no or limited representations being received as a result of this consultation, the Portfolio Holder for Access and Property Management should be authorised to propose adoption of the Statement of Policy with possible modification.
- 1.5 In compliance with the requirements of s.349 of the Act, the authority sent a copy of the draft revised policy to each responsible authority and other bodies that represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Act. A copy was also sent to each of the operators who hold a premises licence within the licensing district, who will represent the interests of those carrying on gambling businesses in the area. Only one comment was received which wholeheartedly approved of the Draft Policy and this is attached at **Appendix E**.
- 1.6 Therefore, in accordance with the decision of the Cabinet on 4 February 2013, the Portfolio Holder for Access and Property Management now proposes adoption of the

Statement of Policy (included at **Appendix A**) to the full Council without modification. The decision of the Portfolio Holder is documented in Decision Notice DD09 and is included as **Appendix B**.

- 1.7 Should the full Council determine to adopt the Policy the authority are required to publish the revised Statement of Policy for a period of four weeks, prior to it coming into effect.

2. **Introduction and Background**

- 2.1 The Guidance to Licensing Authorities published by the Gambling Commission (revised September 2012) states, in relation to consultation, that any written consultation should follow best practice as set out by the Department for Business, Enterprise and Regulatory Reform including allowing 12 weeks for responses.
- 2.2 The Gambling Act 2005 has produced little if any problems. Previous regulation by the Gaming Board was good and we have been fortunate in that the Gaming Board Inspector transferred to the Gambling Commission on transition. Our liaison with him has been good and produced early interventions where potential problems have arisen. It is anticipated that this productive work will continue in the future.
- 2.3 Whilst we are not complacent as to the potential detrimental effects of gambling this licensing area does not appear to be suffering to the degree of some inner city authorities. This may reflect the racial and age demographics of the district.
- 2.4 There have been no major or controversial changes to the draft revised Statement of Policy. A summary of the key changes is included at **Appendix C**.
- 2.5 In addition compliance visits to amusement arcades (now called Adult Gaming Centres and Family Entertainment Centres) have shown that operators are keeping well within the confines of the legislation. Whilst nationally there has been some concern in respect of fixed odds betting terminals in betting offices this has not been apparent in this licensing area despite regular visits to such premises.
- 2.6 A preliminary Equality Impact Assessment has been carried out in accordance with corporate policy and is attached at **Appendix D**. The assessment highlights a number of areas for concern, including potential discrimination for vulnerable persons and licence holders. These issues have been addressed in the policy to ensure that the treatment of applicants, licence holders remains fair and consistent.

3. **Identification of Options**

- 3.1 To adopt the revised draft of the Statement of Policy and Principles under the Gambling Act 2005
- 3.2 To amend the revised draft of the Statement of Policy and Principles under the Gambling Act 2005 and to authorise a further period of public consultation.
- 3.3 To reject the revised draft of the Statement of Policy and Principles under the Gambling Act 2005 and retain the existing policies.

4. **Evaluation of Options**

4.1 To adopt the revised draft of the Statement of Policy and Principles under the Gambling Act 2005 (Recommended)

This is the preferred option as the policy is due for review in accordance with the Gambling Act 2005.

4.2 To further amend the revised draft of the Statement of Policy and Principles under the Gambling Act 2005 and to authorise a further period of public consultation.

Members may wish to amend the policy but should be aware that a further period of consultation may be necessary if any significant changes are made.

4.3 To reject the revised draft of the Statement of Policy and Principles under the Gambling Act 2005 and retain the existing policies.

This option is not advised as the Licensing Authority has a duty under section 349 of the Gambling Act 2005 to review its policy at least every 3 years.

5. **Resource Implications**

5.1 There are no resource implications.

6. **Corporate Implications**

6.1 Comment from the Section 151 Officer: Finance has been consulted and has no further comments to add.

6.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.

6.3 Comment from the Equalities Officer: The Equality officer has been consulted during the development of this report and has no further comments to make other than to remind members that in discharging their responsibilities they are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>

7. **Appendices**

Appendix A – Revised Draft Statement of Policy and Principles issued under the Gambling Act 2005 (2013-2016)

Appendix B – Decision DD09 of Councillor Nigel Collor, Portfolio Holder for Access and Property Management

Appendix C – Summary of Key Changes to the original policy (2010-2013)

Appendix D – Equalities Impact Assessment

Appendix E – Response to Consultation

8. **Background Papers**

Gambling Commission – Guidance to Licensing Authorities 4th Edition

Contact Officer: Sue Herivel, Licensing Team Leader



Dover District Council Statement of Principles Gambling Act 2005

2013-2016

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This Statement of Licensing Principles was approved by Council on XXX

All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 4th Edition, published September 2012.

The Guidance document can be found at:

<http://www.gamblingcommission.gov.uk/pdf/GLA4%20September%202012.pdf>

PART A

1. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives 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

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives and
- in accordance with the authority’s statement of licensing policy

In essence this requires that, unless there are reasons not to do so, the Licensing Authority is obliged to issue the licence as applied for. Reasons for not issuing the licence as applied for would include representations from interested parties or responsible authorities. In these circumstances the Licensing Authority should aim to issue the licences in so far as is in accordance with the above principles and subject to such conditions as it feels are necessary to meet the requirements above.

2. Introduction

Dover District Council is situated in the County of Kent, which contains 12 District Councils in total. The Council area has a population of 106,700. Dover District is situated in East Kent and covers 31,186 hectares. About 60% of the population live in the main towns of Dover, Deal and Sandwich. The remainder of the District is predominately rural although the large village of Aylesham (previously a mining community) is now being developed to meet the needs of an expanding population. Sandwich and Dover are both Cinque Ports and Deal is a member of the Cinque Ports Confederation.

There is a range of retail facilities available to residents within the urban areas although these tend to be local rather than regional shopping facilities. A larger shopping area is planned as part of the Dover Town Investment Zone.



Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles, which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts consulted upon. The statement must be then re-published.

Dover District Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided below. It should be noted that unsolicited comments were received from other persons but we have not listed all of these.

The Gambling Act requires that the following parties be consulted by licensing authorities:

- The Chief Officer of Police;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area;
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.
- A list of consultees is included at the back of the policy.

Our consultation took place between **11 February 2013 to 6 May 2013** and we had regard to the HM Government Code of Practice on Consultation (published July 2008), which is available at:

<http://www.berr.gov.uk/files/file47158.pdf>

The full list of comments made and the consideration by the Council of those comments is available by request to:

Gambling Consultation
Licensing Section
Dover District Council
White Cliffs Business Park
Dover
Kent
CT16 3PJ

via the Council’s website at: ***insert website link.***

The policy was approved at a meeting of the Full Council on XXX and was published via our website on XXX. Copies were placed in the public libraries of the area as well as being available in the Town Hall.

The Policy came into effect on XXX.

Should you have any comments as regards this policy statement please send them via e-mail or letter to the Licensing section at the address above.

It should be noted that this statement of licensing principles will not override the right of any

person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

4. Responsible Authorities

The licensing authority 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 licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Local Safeguarding Children Board for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at:

http://www.doverdc.co.uk/licensing/gambling/responsible_authorities.aspx

5. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

- 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)"

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision-making. It will consider the examples of considerations provided in the Gambling

Commission's Guidance to Licensing Authorities at 8.11 to 8.18 It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken when the councillors are part of the Licensing Committee dealing with the licence application.

If there are any doubts then please contact the Licensing Department:

Licensing Section
Dover District Council
White Cliffs Business Park
Dover
CT16 3PJ
01304 872295
licensing@dover.gov.uk

6. Exchange of Information

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to

institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions that it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

8. Licensing authority functions

Licensing authorities are required under the Act to:

- Be responsible for the licensing of 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 prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that licensing authorities are not be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

PART B PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

1. General Principles

Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

(i) Decision-making

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos - page 12) and also that unmet demand is not a criterion for a licensing authority.

(ii) Definition of "Premises", Division of Premises and Primary Usage

In the Act, 'premises' is defined as including "any place". Section 152 prevents more than one premises licence applying to any single place. But a single building could 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 be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, tracks or shopping centres to obtain discrete premises licences, where appropriate safeguards are in place.

This licensing authority takes particular note of the Gambling Commission's guidance which states that licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (nongambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this

context it should normally 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 activities identified on the premises licence.

The licensing authority will also consider specific measures that may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's guidance.

This licensing authority is also aware that an issue has arisen in some parts of the country, where operators have sought to sub-divide existing single licensed premises, and obtain further premises licences in respect of each sub-division. It has been observed that this practice has been used predominantly in respect of categories of premises licences which allow the operation of a small, fixed number of high-value gaming machines – in effect, using multiple premises licences in respect of different areas of a single business to artificially increase the permitted number of category B machines that can be made available.

The licensing authority notes the Commission's guidance that "in most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean that 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances."

When assessing whether premises can be regarded as separate, the licensing authority proposes to apply the following criteria:

- Does each premises have its own external entrance, or is accessed via another premises?
- Does each premise trade as a separate entity, or under a single banner?
- Are the premises subject to separate non-domestic rateable valuations?
- Is each premises operated by different persons, or the same proprietor?
- What is the quality of separation (i.e. if dividing barriers are to be used, are they temporary or permanent, floor-ceiling division or fixed height, transparent or opaque, etc)?
- Is there a genuine need to establish a division between premises, or is the division aimed solely at artificially increasing the permitted number of high-value gaming machines?

If it is proposed to utilise sterile, non-gambling areas to create sub-divisions, then the licensing authority will apply the following criteria to those areas:

- Is the area proposed for non-gambling activities a token separation?
- Is it genuinely an area which the public would go to for purposes other than gambling?
- Is it in effect a device to introduce artificial separation or genuinely a functionally separate area?

- Is there in effect direct access between the divisions or is there a place from which access can be gained to two premises?

Premises type access restrictions

The licensing authority also notes that any premises subject to multiple discrete premises licences must be able to comply with the mandatory conditions restricting access to each licensed premises, as follows: (Guidance summary of the regulations contained within The Gambling Act 2005 (Mandatory and Default Conditions) Regulations)

The Gambling Commission's relevant access provisions for each premises type are reproduced below:

Adult gaming centres

- no customer must be able to access the premises directly from any other licensed gambling premises.

Betting shops

- access must be from a street (as defined above) or from other premises with a betting premises licence
- no direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- no customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre.

Bingo premises

- no customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track.

Family entertainment centres

- no customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track.

In the case of some divided premises, it appears that the intended primary use of a premises licence had not been offered, with operators solely making use of the additional machine entitlement (for example, holding a Bingo premises licence but not making any facilities for playing bingo available). The Gambling Commission consulted on this issue in 2008 and subsequently issued a revision to the Licence Conditions and Codes of Practice affecting Bingo, Betting and Casino operating licences. Holders of these licences are now mandated to provide suitable and sufficient facilities for their primary gambling activity in any of their associated premises.

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

(iii) Premises "ready for gambling"

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.60-7.66 of the Guidance.

(iv) Location

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

(v) Planning:

The Gambling Commission Guidance to Licensing Authorities states:

***"7.60** In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, in effect those not related to gambling and the licensing objectives. One example of an irrelevant matter*

would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling.

Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. This is why the Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them.”

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

“7.67 When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. Section 210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.”

(vi) Duplication with other regulatory regimes

This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions that cannot be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

Licensing objectives

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission’s Guidance to Licensing Authorities and some comments are made below.

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

This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling

premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way

This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences.

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

This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that *"The Commission does not seek to define 'vulnerable persons', but it does for regulatory purposes assume that this group includes 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 mental health needs, learning disability or substance misuse relating to alcohol or drugs."*

Conditions

Any conditions attached to licences will be proportionate and 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;
- fairly and reasonably related to the scale and type of premises; and reasonable in all other respects.

Decisions upon individual conditions will be made on a case-by-case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below.

This licensing authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures that may be required for

buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions that the licensing authority cannot attach to premises licences, which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

Door Supervisors

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

2. Adult Gaming Centres

This licensing authority 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 do not have access to the premises.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

3. (Licensed) Family Entertainment Centres:

This licensing authority 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.

This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

No Casinos resolution - This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. The Full Council will make any such decision.

Licence considerations / conditions – This licensing authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance at Part 9, bearing in mind the mandatory conditions listed in Part 17 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.

Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, 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 by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

5. Bingo premises

This licensing authority notes that the Gambling Commission's Guidance states:

18.4 *"Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas."*

This authority also notes the Guidance at paragraph 18.5 regarding the employment of persons under 18 years of age **"18.5 Under the Act, children and young persons (anyone up to the age of 18) cannot be employed in providing any facilities for gambling on bingo premises, and children (under 16) cannot be employed, in any capacity, at a time when facilities for playing bingo are being offered. However, young persons, aged 16 and 17, may be employed in bingo premises (while bingo is being played), provided the activities on which they are employed are not connected with the gaming or gaming machines.**

18.7 *"Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed"*.

6. Betting premises

Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, 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 by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

7. Tracks

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Gaming machines. - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Betting machines - This licensing authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, para 20.28).

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and

should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities, para 20.29).

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, para 20.31).

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. (See Guidance to Licensing Authorities, para 20.32).

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, para 20.33).

8. Travelling Fairs

This licensing authority is responsible for deciding 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.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it 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. This licensing authority will work with its neighbouring authorities to ensure that land that crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

The Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

Developers may wish to apply to this authority for a provisional statement before entering into a contract to buy or lease property or land, to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the

applicant to hold an operating licence in order to apply for a provisional statement, nor do they need to have a right to occupy the premises in respect of which the application is made.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

The holder of a provisional statement may subsequently apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant 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:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premise has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

If a developer has already acquired a premise and has a right of occupation, and holds an appropriate operating licence, there is no requirement for them to obtain a provisional statement prior to making an application for a premises licence – this will simply be a matter of choice.

However, where premises are likely to require construction or development work prior to being ready for use for gambling (and as such are not in a state where they can be inspected during the application process), the licensing authority may seek to attach the following additional conditions to any licence granted:

- The premises are to be constructed in accordance with the deposited plans and shall not trade until such time as they have been inspected and approved by officers of the licensing authority.
- The licence is to be offered for surrender should the premises not have been completed in accordance with the deposited plans within the period of 3/6/12 months starting on the day that the licence first takes effect.

10. Reviews:

Interested parties or responsible authorities can make requests for a review of a premises licence; 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;

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason that it thinks is appropriate.

Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of 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.

Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

PART C

Permits / Temporary & Occasional Use Notice

1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for an unlicensed family entertainment centre permit (UFEC). It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance to Licensing Authorities also states: "*In its Licensing Authority Statement of Policy, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. In particular it may want to set out the matters that it will take into account in determining the suitability of the applicant. Given that the premises will particularly appeal to children and young persons, licensing authorities may want to give weight to matters relating to child protection issues.* (24.6)

Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applications to demonstrate:

- *a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;*
- *that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and*
- *that staff are trained to have a full understanding of the maximum stakes and prizes."* (24.7)

It should be noted that a licensing authority cannot attach conditions to this type of permit.

Statement of Principles

This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children 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 appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises. This licensing authority will also expect, in accordance with Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

2. (Alcohol) Licensed premises gaming machine permits.

Automatic entitlement to 2 machines

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.

The licensing authority can 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 condition 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: 3 or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant”.

This licensing authority considers that “such matters” will be decided on merit on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that:

- there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.
- Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help.
- As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with under the appropriate premises licence or permit.

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law
- Clear policies that outline the steps to be taken to protect children from harm.

In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach other 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.

4. Club Gaming and Club Machines Permits

Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its

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

The Commission Guidance also notes "*licensing authorities may only refuse an application on the grounds that:*

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;*
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;*
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;*
- (d) a permit held by the applicant has been cancelled in the previous ten years; or*
- (e) an objection has been lodged by the Commission or the police.*

There is also a 'fast-track' procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to Licensing Authorities states: "*Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced.*"

The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5. 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 a Temporary Use Notice would include hotels, conference centres and sporting venues.

The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of

"premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

6. Occasional Use Notices:

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

Responsible Authorities Contact details:

Licensing Authority

Dover District Council
White Cliffs Business Park
Dover
Kent
Ct16 3PJ

Gambling Commission

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Chief Officer of Police

The Police Licensing Unit
Nackington Police Station,
Nackington Road,
Canterbury
Kent
CT4 7AZ

Kent Fire & Rescue Service

Kent Fire and Rescue Service
Folkestone Fire Safety Office
Park Farm Road
Folkestone
Kent
CT19 5LT

Local Planning Authority

The Planning Department
Dover District Council
White Cliffs Business Park
Dover
Kent
Ct16 3PJ

Environmental protection/ H&S

Environmental Health Section
Dover District Council
White Cliffs Business Park
Dover
Kent
Ct16 3PJ

Child Protection Service

Area Manager
Kent County Council Social Services
St. Peter's House
Dane Valley Road
Broadstairs
Kent CT10 3JJ
ME16 8HL

HM Revenue & Customs

The Betting and Gaming Officer
HM Revenue & Customs
Concorde House
10-12 London Road
Maidstone
Kent

List of Consultees:

- Members of the Council
- Neighbouring Authorities
- Bodies designated under section 157 of the Act as 'Responsible Authorities'
- Town Centre Forums, Partnerships and Managers
- Person/ bodies representative of local residents
- Person/ bodies representative of gambling businesses
- Representatives of persons or business who hold a premises licence
- Persons or business who hold permits
- Organisations working with people who are problem gamblers
- Representatives of health care organisations
- Representatives of voluntary and community organisations working with children and young people

**COMMITTEE SECTION ONLY**

Decision No:	DD09
Notification Date:	18/11/13
Implementation Date: (unless called-in)	22/11/13
Call-in:	Yes

Decision Notice

Delegation to Individual Portfolio Holder

A. Decision taken by: Councillor Nigel Collor, Portfolio Holder for Access and Property Management

B. Delegated Power:

Powers delegated to the Portfolio Holder by Cabinet at its meeting held on 4 February 2013 (CAB 77).

C. Subject (including whether it is a Key Decision and included within the Notice of Forthcoming Key Decisions):

Statement of Policy and Principles 2013-2016 under the Gambling Act 2005.
This is a Key Decision which has been included in the Notice of Forthcoming Key Decisions.

Is the decision likely to disclose exempt information? No If so, please specify the relevant paragraph(s) of Part 1 of Schedule 12A of the Local Government Act 1972.

D. Decision:

To refer the revised Statement of Policy and Principles 2013-2016 to Council for adoption.

E. Reason(s) for decision:

Section 349 of the Gambling Act 2005 requires that the Licensing Authority publishes a Statement of Policy and Principles as to how it will exercise its functions under the Act. This Policy must be reviewed every three years and is now due.

At its meeting held on 4 February 2013 (CAB 77), Cabinet approved a draft Statement of Policy and Principles 2013-2016 for a period of public consultation. Consultation ran from 11 February 2013 until 6 May 2013. Cabinet further agreed that, in the event that limited consultation responses were received, the Portfolio Holder for Access and Property Management be authorised to propose adoption of the Statement of Policy and Principles to the Full Council, with possible modification. Only one response was received which wholeheartedly supported the Draft Statement of Policy and Principles. It is therefore the case that the Statement of Policy be proposed for adoption by the Portfolio Holder without any modifications. It is anticipated that Council will consider this matter at its meeting to be held on 27 November 2013.

Legal, Finance and Equalities Officers were consulted during the preparation of the draft Statement.

F. Details of alternative options considered and rejected:

None – the Licensing Authority is statutorily obliged to have an up to date Statement of Policy and Principles.

G. If the decision-maker has an interest in the matter, the existence and nature of that interest must be stated below:

None.

H. List of persons consulted by the decision-maker:

DDC's Head of Regulatory Services

I. Reason(s) for General Exception/Special Urgency (i.e. why the decision was not included in the current Notice of Forthcoming Key Decisions and why it would be impracticable to defer the decision until the period covered by the next Notice of Forthcoming Key Decisions)

Not applicable.

J. Notice of use of General Exception Procedure (to be followed where at least five clear days will have elapsed between issuing a General Exception Notice and informing the Chairman of the relevant Scrutiny Committee, and the Key Decision being taken)

I have informed the Chairman of the relevant Scrutiny Committee.

Not applicable.

Signed: _____ Dated: _____
(Decision-Taker)

K. Agreement to use of Special Urgency Procedure (to be followed where it is not possible to give five clear days' notice that a Key Decision will be taken)

I agree that the taking of the decision cannot reasonably be deferred.

Not applicable.

Signed: _____ Dated: _____
(Chairman of the relevant Scrutiny Committee)

L. Any conflict of interest declared by any executive member who has been consulted by the decision-maker:

None.

M. Note of any dispensation granted by the Monitoring Officer in respect of any declared conflict of interest:

None.

N. Background Documents:

Statement of Policy and Principles 2013-2016 (available on the Council's website)
Summary of Key Changes (as above)
Equalities Impact Assessment (as above)

Signed: _____
Decision-Maker

Dated: _____

Dover District Council

2013-2016 Statement of Principles Gambling Act 2005

Summary of Key Changes

It should be noted that minor typographical amendments and date changes have not been listed here.

Section	Description
Part B – Premises Licences – (ii) Definition of Premises, division of Premises and Primary Usage (Page 10)	The definition of “Premises” has been extensively reworded to restrict the issue of ‘multiple licences’ within a single building by meaning of sub-division as a meaning of increasing the number of high value gaming machines.
Part B Premises Licences – (v) Planning (Page 14)	Updated to reflect revised guidance issued by the Gambling Commission.
Part B Premises Licences – (vi) Protecting children and other vulnerable persons from being harmed or exploited by gambling (Page 15)	Updated to reflect revised guidance issued by the Gambling Commission.
Part B Premises Licences – 5. Bingo Premises (Page 18)	Updated to reflect revised guidance issued by the Gambling Commission.
Part B Premises Licences – 9. Provisional Statements (Page 21)	Updated to reflect revised guidance issued by the Gambling Commission.
Part C Permits / Temporary & Occasional Use Notice (Page 24)	Updated to reflect revised guidance issued by the Gambling Commission.
Responsible Authorities Contact details (Page 29)	Updated address details
List of Consultees	Revised draft list

Equality Impact Assessment

Department	Division	Officers involved in the assessment
Licensing	Environmental Enforcement and Protection	Diane Croucher - Environmental Enforcement and Protection Manager John Newcombe – Licensing Team Leader Rebecca Pordage – Licensing Enforcement Officer Susan Herivel – Senior technical Support Officer (Licensing) Mary Venables – Corporate Support Officer Sonia Sharp – Senior Solicitor
Name of the policy or service provision to be assessed:	Date of assessment:	Is this a new, revised or existing policy or service provision?
REVISED STATEMENT OF LICENSING POLICY – GAMBLING ACT 2005	January 2013	Revised
<p><u>Overview</u></p> <p>The Public Sector Equality Duty is designed to support decision making by ensuring public bodies consider how different people will be affected by their activities. It applies not only to public bodies themselves but also applies to anyone carrying out public functions on their behalf, such as contractors.</p> <p>The duty states that they must have due regard to the need to: -</p> <ol style="list-style-type: none"> a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not. c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. <p>We need to show in a consistent way, that not only have people got equal access to everything we do, but just as importantly, that we are advancing equality of opportunity for people from the protected groups.</p> <p>Financial and other outside pressures mean that sometimes expensive changes can't be made, but we must be able to show that due regard has been given to people's varying needs and a reasonable adjustment has been considered to accommodate those needs.</p>		

1. Describe the item you are assessing and the outcomes you want from it?

REVISED STATEMENT OF LICENSING POLICY – GAMBLING ACT 2005 – This assessment seeks to consider whether the revised policy is discriminatory in any respect, whether it promotes equality of opportunity, fosters good relations and is consistent.

2. Who is intended to benefit, what is the full scope of the item and who is it aimed at?

Service users, licence holders and members of the Gambling Industry.

The policy has been revised to reflect changes to legislation, guidance and case law, to protect licence holders and ensure fair and consistent treatment of licence holders, complainants and the public.

3. Do the anticipated outcomes meet or hinder any other things that the authority is doing?

The policy promotes safety and equality for service users and licence holders.

4. Who defined the policy, function or service provision and who are the main stakeholders?

The policy was defined by the Licensing Unit. The main stakeholders are the public (service users), licence holders and partner law enforcement agencies.

5. Who implements it and who is responsible for delivery ?

The responsibility for the delivery of the functions relating to the Gambling Act 2005 sits with the Licensing Committee. However, the day-to-day implementation of the policy is delegated to the Licensing Team Leader. Some decisions will be referred to the Licensing Committee and these are set out in the policy.

6. What do you already know about people you expect to benefit or people who already benefit? What consultation have you done and how are you going to monitor feedback?

A comprehensive consultation exercise will be undertaken when the draft policy is published, including posting a printable version on the Council's website and sending out letters outlining the key changes to key stakeholders and recognised interested parties.

Adequate numbers of printed copies will be made available at Council Offices for those wishing to receive a copy.

The consultation will run for a period of 12 weeks, from 11 Feb 2013 to 6 May 2013 and letters will be sent to the following:

- Members of the Council
- Neighbouring Authorities
- Bodies designated under section 157 of the Act as 'Responsible Authorities'
- Town Centre Forums, Partnerships and Managers

- Person/ bodies representative of local residents
- Person/ bodies representative of gambling businesses
- Representatives of persons or business who hold a premises licence
- Persons or business who hold permits
- Organisations working with people who are problem gamblers
- Representatives of health care organisations
- Representatives of voluntary and community organisations working with children and young people

7. Taking each strand of equality, explain how are you going to address the aims of the duty for each of these groups? Does your proposal positively or negatively impact on protected groups? If you conclude that it will negatively impact, explain how you have reached this conclusion and what you are going to do to mitigate this impact.

a. Race

No expected negative impact. All applications dealt with on own merits. Regulatory framework is transparent and fair.

b. Disability

No expected negative impact. All applications dealt with on own merits. Regulatory framework is transparent and fair. Council premises enable disabled access for applicants and the public. Correspondence is available in alternative formats on request.

c. Gender

No expected negative impact. All applications dealt with on own merits. Regulatory framework is transparent and fair.

d. Age

Age is a consideration because the age restrictions contained within legislation. E.g. No under 18s permitted to be in specific premises. Over 16s can participate in lotteries. Children can be in pubs where there are gaming machines but can only access certain machines. Although there will be a differential impact on these age groups, in terms of age the Board is implementing the detailed provisions of the legislation. All applications dealt with on own merits. Regulatory framework is transparent and fair.

e. Religion

No expected negative impact. All applications dealt with on own merits. Regulatory framework is transparent and fair.

f. Sexual orientation.

No expected negative impact. All applications dealt with on own merits. Regulatory framework is transparent and fair.

g. Gender re-assignment

No expected negative impact. All applications dealt with on own merits. Regulatory framework is transparent and fair.

h. Pregnancy and Maternity

No expected negative impact. All applications dealt with on own merits. Regulatory framework is transparent and fair.

i. Marriage and Civil Partnership

No expected negative impact. All applications dealt with on own merits. Regulatory framework is transparent and fair.

8. If there is nothing you can do about any adverse impact can the reasons be justified?

The procedure is designed to meet the needs of all applicants and the general public and ensure that applications are dealt with on their own merits.

9. If you've had to make changes because of adverse impact, have you made sure these don't have a further adverse effect on any other group?

n/a

10. What lessons have been learnt from completing the assessment?

There are no significant issues arising from this assessment.

11. Who will be the owner of the action plan?

Licensing Team Leader

Completing Officer NameJohn Newcombe..... Lead Officer NameJohn Newcombe.....

Action Plan to Remedy Areas of Concern

Description of Concern	Action Required	Date Due	Date Completed	Responsible Officer (Job Title Only)
Impact of Gambling activities on vulnerable persons	Greater liaison with groups representing vulnerable persons and those affected by problem gambling.	By end of policy lifecycle		Licensing Team Leader

From: Cllr Paul Carter

Sent: 08 March 2013 18:04

To: Licensing Section

Subject: GAMBLING POLICY CONSULTATION 2013 - 16

Dear Mr Newcombe,

Thank you for informing me of the consultation on this policy and the opportunity to provide feedback.

I found the Gambling Policy very comprehensive and well written in plain English.

I was pleased to see the improvement of premises definition and the updates from the Gaming Commission both a necessity.

It is good to see the website link will be added as there is an increased trend towards use of digital media and WWW for making enquiries and applications.

It is also good to see the list of consultees revised.

My only request/comment; is it possible to add the contact details, URLs or Phone numbers for the Responsible Authorities as well as the postal address.

It is good to see Licensing Enforcement at Dover is being professionally managed.

Regards

Councillor Paul Carter

Dover District Council

Sandwich Ward

cllrpaul.carter@dover.gov.uk

Subject:	REVIEW OF THE CONSTITUTION 2013
Meeting and Date:	Governance Committee – 19 November 2013 Council – 27 November 2013
Report of:	Director of Governance & Monitoring Officer
Classification:	UNRESTRICTED

Purpose of the report: Article 15 of the Constitution requires that the Constitution should be monitored and reviewed to ensure that the aims and principles of the Constitution are given full effect.

Recommendation: That Governance Committee recommend to Council that the Review of the Constitution 2013 be approved (including those in Part 3 in their entirety (Responsibility for Functions) and the proposed changes be incorporated into the Council's Constitution.

1. Summary

1.1 Article 15 of the Council's Constitution makes provision for the review of the Constitution on an annual basis and also on an ad-hoc basis. This review forms part of the annual review process and incorporates a number of changes reflecting legislative and organisational change. No fundamental changes are proposed to the way in which the governance of the Council operates.

2. Introduction and Background

2.1 Since the introduction of the first version of the Constitution in 2002, the Council has revised the Constitution sixteen times. The current version of the Constitution is issue 17. The Review of the Constitution 2013, which has been undertaken by the Monitoring Officer in conjunction with the Solicitor to the Council and supported by Democratic Support, has produced a draft issue 18.

2.2 The Council's Constitution runs to nearly 500 pages. Owing to its size resources do not admit of it being practical to conduct a detailed analysis of each page on an annual basis. Specific areas are therefore selected each year for review. This year's review has concerned itself with changes arising from to legislation, the Council's organisational structure and the collation of changes already made by decision-making bodies such as the Cabinet or Council during the course of the previous year.

2.3 The key focus of this year's annual review is as follows:

- Articles of the Constitution
- Part 3 Responsibility for Functions – incorporating amendments required as a consequence of legislative and organisational change)
- Part 4 – Council Procedure Rules
- Part 5 – Codes and Protocols (Arrangements for speaking at Planning Committee)

2.4 The changes to the Constitution come in three types – changes requiring Executive approval, changes delegated to the Monitoring Officer to approve and changes requiring Council approval.

2.5 A summary of the key changes is set out below.

Articles of the Constitution

2.6 The Constitution contains 16 Articles that set out how the Council operates and is governed in broad detail.

Article	Summary of Changes
1	The corporate aims and objectives have been updated to reflect those set out in the Corporate Plan.
2	The section on member conduct has been brought into line with the provisions of the new Code of Conduct. Job descriptions - amendment to: <ul style="list-style-type: none"> • Overview and Scrutiny Chairman to reflect new responsibilities in respect of Access to Information; • Standards Committee Chairman to reflect Localism Act and new Code of Conduct changes; and • Leader of the Council / Cabinet Member to reflect strong Leader model.
3	Amendments to bring the article in line with the Council's Petition Scheme.
4	Amendments to be consistent with judicial interpretation of what is meant by a plan or strategy (Buck v Doncaster)
6	Amendments to reflect repeal duty to conduct Best Value Reviews.
7	Amendments to reflect Localism Act 2011 changes to Code of Conduct and strong Leader model. Deletion of Strategic Management Team in line with Council decision of 3 October 2012.
8	Tidying up of regulatory committees to reflect actual situation.
9	The article has been amended to reflect the new Code of Conduct.
10	Amendments to reflect that Neighbourhood Forums are no longer a pilot scheme.
12	Amendments to reflect changes to management structure and changes to the Monitoring Officer's functions arising from Localism Act 2011 and new Code of Conduct.

13	Amendments to reflect changes to arrangements for Member training.
16	Changes to the publication arrangements for the Constitution.

Council Procedure Rules

- 2.7 The Council Procedure Rules have been the subject to incremental changes over a number of years and the objective of reviewing the Rules was to ensure that the rules were still fit for purpose and where appropriate to make presentational changes to improve clarity.

Public Speaking at Planning Committee

- 2.8 The Chairman of the Planning Committee has been exercising his discretion to permit public speaking for a second time in instances where an item has been deferred for consideration at a future meeting. The proposed amendments to this section regularise this situation by codifying the right to speak for a second time in the case of deferred items.

Part 3 – Responsibility for Functions -Officer Delegations

- 2.9 The Council's organisational structure has undergone a number of changes in the last year and this had required amendments to the officer delegations in Part Three. Where these changes are as a result of changes in officer job titles the Monitoring Officer has delegated authority to make these changes to the Constitution and these are presented to Members for note.
- 2.10 The attention of Members is drawn to the delegations of the Director of Finance, Housing and Community which have been the subject of a presentational revision. The purpose of this change is to make it clearer as to the nature of the delegations granted to the Director and the limits on them. It is intended that this model of presentation will be the template for all other areas of delegation as part of the 2014 Review of the Constitution.
- 2.11 The law requires that the Leader of the Council must make any changes relating to the delegation of executive functions. The Council may only make changes to the delegation of those functions which are non-executive. Great care has been taken to ensure that Part 3 correctly identifies which are executive functions and which are non-executive functions and generally the law is reasonably clear on where responsibility for different functions lies. However, at the margins the distinction can become blurred. In view of this potential difficulty it is the practice of Dover District Council for both the Council and the Leader to be asked to approve the entire schedule of delegations to officers. This practice is adopted to minimise the risk of challenge that the delegations have not been approved by the correct decision maker.

Members' Allowances

- 2.12 A separate report will be made to the Governance Committee and Council in January 2014 on the subject of the Quadrennial Review of Members Allowances.

Presentation and Printing of the Revised Constitution

- 2.13 The revised Constitution is not appended to this report due to the size of the document and is instead made available on the Council's website. The cost of printing and posting a each copy of the Constitution is estimated as being in excess of £17 and multiplied by 45 members has a significant cost implication. As an alternative to appending a paper copy to the agenda, an annotated draft version of the Constitution can be found on the Council's website under the page for the Governance Committee agenda for the meeting to be held on 19 November 2013 (<http://moderngov.dover.gov.uk/documents/s7050/Appendix%201%20-%20DRAFT%20CONSTITUTION%20-%20Issue%2018.pdf>). This clearly identifies the proposed changes. A printed copy of the Constitution is available on request by any member of the Council.
- 2.14 Members are requested to consult the online version of the draft Constitution in advance of the meetings of the Governance Committee and the Council. The Monitoring Officer will project a display of an electronic version of the Constitution at the meeting when he will present to Members on the key changes.
- 2.15 The Monitoring Officer has drawn up a work programme for the 2014 Review of the Constitution based on areas that it is expected will need revision as follows:
- Access to Information
 - Finance Procedure Rules / Budget Policy Framework
 - Delegations (Reviewing in respect of organisational and legislative change and ensuring uniformity of presentation)
 - Planning Protocol (to align with new Code of Conduct)

3. Identification of Options

- 3.1 Option 1 – To approve the Review of the Constitution and note the proposed work programme for 2014.
- 3.2 Option 2 – To not approve the Review of the Constitution.

4. Evaluation of Options

- 4.1 Option 1 is the preferred option as it enables the efficient operation of the authority to continue.
- 4.2 Option 2 is not the preferred option as it will significantly impede the day-to-day operation of the authority as the Constitution will no longer be able to operate as a definitive reference for officers.

5. Resource Implications

There are no resource implications arising from the Review of the Constitution.

6. Appendices

Appendix 1 – Draft Constitution of the Council (Version 18)

7. Background Papers

Localism Act 2011

Contact Officer: Rebecca Brough, Team Leader Democratic Support, ext. 2304