

# Public Document Pack



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24 May 2019

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE** will be held in the HMS Brave Room at these Offices on Tuesday 4 June 2019 at 6.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Rebecca Brough on (01304) 872304 or by e-mail at [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk).

Yours sincerely

A handwritten signature in black ink, appearing to read "N. Keen", written over a white background.

Chief Executive

Scrutiny (Policy and Performance) Committee Membership:

L A Keen (Chairman)  
C D Zosseder (Vice-Chairman)  
S H Beer  
T A Bond  
D P Murphy  
O C de R Richardson  
J Rose  
M Rose  
C A Vinson  
P Walker

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

3 **DECLARATIONS OF INTEREST** (Page 5)

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

4 **MINUTES** (Pages 6 - 8)

To confirm the attached Minutes of the meeting of the Committee held on 2 April 2019.

5 **PUBLIC SPEAKING**

Please note that in accordance with the agreed Protocol for Public Speaking at Overview and Scrutiny, the right to speak only applies to agenda items 11 to 15.

The right of the public to speak does not apply to the following agenda items: Apologies, Appointment of Substitute Members, Declarations of Interest, Minutes, the Forward Plan, the Scrutiny Work Programme, any agenda item that is not accompanied by a written report and items that are exempt business.

Members of the public wishing to speak must register to do so by no later than 2.00 pm on the second working day before the meeting.

6 **DECISIONS OF THE CABINET RELATING TO RECOMMENDATIONS FROM THE SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE**

There were no decisions taken by the Cabinet at its meeting held on 3 June 2019 in respect of recommendations from the Scrutiny (Policy and Performance) Committee.

7 **ISSUES REFERRED TO THE COMMITTEE BY COUNCIL, CABINET, SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE OR ANOTHER COMMITTEE**

There are no items for consideration.

8 **ITEMS CALLED-IN FOR SCRUTINY OR PLACED ON THE AGENDA BY A MEMBER OF THE COMMITTEE, ANY INDIVIDUAL NON-EXECUTIVE MEMBERS OR PUBLIC PETITION**

(a) Items placed on the agenda by a Member of the Committee or any individual Non-Executive Member

Any individual Councillor may request that a matter is placed on the agenda of one of the Council's Overview and Scrutiny Committees by providing Democratic Support with notice of the matter prior to the agenda being published.

There are no items for consideration.

(b) Items the subject of Call-In

Executive Decisions may be called-in by the Chairman or Spokesperson of the Scrutiny (Policy and Performance) Committee or any three non-executive members.

There are no items for consideration.

(c) Public Petition

There are no items for consideration.

9 **NOTICE OF FORTHCOMING KEY DECISIONS** (Pages 9 - 13)

It is intended that Members should use the Notice of Forthcoming Key Decisions to identify topics within the remit of the Committee for future scrutiny.

10 **SCRUTINY WORK PROGRAMME** (Pages 14 - 15)

It is intended that the Committee monitor and prioritise its rolling work programme.

11 **PUBLIC SPACES PROTECTION ORDER** (Pages 16 - 33)

To consider the attached report of the Head of Regulatory Services.

12 **2019-2022 REVISED STATEMENT OF POLICY AND PRINCIPLES ISSUED UNDER THE GAMBLING ACT 2005** (Pages 34 - 125)

To consider the attached report of the Head of Regulatory Services.

13 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - REQUEST FOR INCREASE IN HACKNEY CARRIAGE FARE TARIFF** (Pages 126 - 153)

To consider the attached report of the Head of Regulatory Services.

14 **IMPROVEMENT WORKS TO DEAL DEPOT**

To consider the report of the Strategic Director (Operations and Commercial).

*Report to follow.*

15 **PERFORMANCE REPORT – QUARTER 4, 2018/19** (Pages 154 - 172)

To consider the attached report of the Chief Executive.

16 **EXCLUSION OF THE PRESS AND PUBLIC** (Page 173)

The recommendation is attached.

MATTERS WHICH THE MANAGEMENT TEAM SUGGESTS SHOULD BE CONSIDERED IN PRIVATE AS THE REPORT CONTAINS EXEMPT INFORMATION AS DEFINED WITHIN PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AS INDICATED AND IN RESPECT OF WHICH THE PROPER OFFICER CONSIDERS THAT THE PUBLIC INTEREST IN MAINTAINING THE EXEMPTION OUTWEIGHS THE PUBLIC INTEREST IN DISCLOSING THE INFORMATION

17 **PURCHASE OF NEW AFFORDABLE HOUSING AT 113 FOLKESTONE ROAD, DOVER** (Pages 174 - 180)

To consider the attached report of the Strategic Director (Corporate Resources)

#### **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](http://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.
- 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, Democratic Services Manager, telephone: (01304) 872304 or email: [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk) for details.

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

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

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

Other Significant Interest (OSI)

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

Voluntary Announcement of Other Interests (VAOI)

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

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

Minutes of the meeting of the **SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 2 April 2019 at 6.00 pm.

Present:

Chairman: Councillor M I Cosin

Councillors: T A Bond  
M R Eddy  
B Gardner (as substitute for J M Heron)  
P J Hawkins  
M J Ovenden

Officers: Strategic Director (Corporate Resources)  
Director of Property Services (East Kent Housing)  
Director of Customer Services  
Democratic Services Manager

121 APOLOGIES

Apologies for absence were received from Councillors R J Frost and J M Heron.

122 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that in accordance with Council Procedure Rule 4, Councillor B Gardner had been appointed as substitute member for Councillor J M Heron.

123 DECLARATIONS OF INTEREST

There were no declarations made by Members.

124 MINUTES

The Minutes of the meetings held on 12 February 2019 and 12 March 2019 were approved as a correct record and signed by the Chairman.

125 PUBLIC SPEAKING

The Democratic Services Manager advised that no members of the public had registered to speak on items on the agenda to which the public speaking protocol applied.

126 DECISIONS OF THE CABINET RELATING TO RECOMMENDATIONS FROM THE SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE

Members received the decisions of the Cabinet relating to recommendations made by the Committee.

RESOLVED: That the Cabinet decisions relating to recommendations from the Scrutiny (Policy and Performance) Committee be noted.

127 ISSUES REFERRED TO THE COMMITTEE BY COUNCIL, CABINET, SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE OR ANOTHER COMMITTEE

There were no items of business.

128 ITEMS CALLED-IN FOR SCRUTINY OR PLACED ON THE AGENDA BY A MEMBER OF THE COMMITTEE, ANY INDIVIDUAL NON-EXECUTIVE MEMBERS OR PUBLIC PETITION

There were no items of business.

129 NOTICE OF FORTHCOMING KEY DECISIONS

The Democratic Services Manager presented the Notice of Forthcoming Key Decisions to the Committee for its consideration.

RESOLVED: That the Notice of Forthcoming Key Decisions be noted.

130 SCRUTINY WORK PROGRAMME

The Democratic Services Manager presented the Scrutiny Work Programme to the Committee for its consideration.

RESOLVED: That the Work Programme be noted.

131 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor M R Eddy, duly seconded and

RESOLVED: That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the items to be considered involved the likely disclosure of exempt information as defined in paragraph 3 of Part I of Schedule 12A of the Act.

132 AWARD OF CONTRACT - ASBESTOS SURVEY, TESTING AND REMOVAL WORKS

The report was introduced by the Director of Property Services (East Kent Housing) who advised Members in relation to of the procurement exercise undertaken in relation to the award of the new asbestos surveying, testing and removal works contract in respect of the Council's housing stock.

RESOLVED: That it be recommended to Cabinet that in future they re-examine the concept of awarding a single contract for the asbestos surveying, testing and removal works with a view to offering separate contracts for (i) surveying and testing; and (ii) removal works.

133 AWARD OF CONTRACT - FIRE PRECAUTION WORKS

The report was introduced by the Director of Property Services (East Kent Housing) who advised Members on the procurement exercise undertaken in relation to the award of the new fire precaution works contract in respect of the Council's housing stock.

RESOLVED: That the report be noted.

The meeting ended at 7.19 pm.

## Notice of Forthcoming Key Decisions which will be made on behalf of the Council

Key Decisions 2018/19	Item	Date of meeting at which decision will be taken by Cabinet (unless specified otherwise)	Head of Service	Portfolio Holder
1	Neighbourhood Plans	June 2013 and ongoing (see entry)	Regeneration & Development	Built Environment
2	Review of Tenancy Strategy and Tenancy Policy	This item has been withdrawn	Strategic Housing	Housing & Homelessness
3	Review of Local Plan	(i) 1 March 2017; (ii) 1 October 2018; and (iii) To be confirmed	Regeneration & Development	Built Environment
4	Property Acquisitions	Ongoing (decisions to be taken by Portfolio Holder for Corporate Resources and Performance or Strategic Director (Corporate Resources))	Finance & Housing	Corporate Resources & Performance
5	To consider an options appraisal and feasibility study for Tides Leisure & Indoor Tennis Centre and seek approval to progress to the detailed design phase	2 July 2018	Assets & Building Control	Property Management & Environmental Health
6	Dover Waterfront Masterplan Area Action Plan	This decision will now be incorporated into the Local Plan Review	Regeneration & Development	Built Environment
7	Planning Enforcement Plan	10 September 2018	Regulatory Services	Environment, Waste & Health
8	Representations on the Thanet District Council Local Plan	This decision will be taken by the Leader of the Council	Regeneration & Development	Leader of the Council
9	To seek approval for public consultation on the draft Sandwich Walled Town Conservation Area Appraisal	July/September 2019 and date to be confirmed	Regeneration & Development	Built Environment
10	Hackney Carriage and Private Hire vehicles - access for wheelchair users	July/September 2019	Regulatory Services	Access & Licensing
11	Development of a social lettings agency	This item has been withdrawn	Strategic Housing	Housing & Homelessness
12	Approval of project to develop housing to be occupied on an	14 May 2018	Strategic Housing	Housing & Homelessness

Key Decisions 2018/19	Item	Date of meeting at which decision will be taken by Cabinet (unless specified otherwise)	Head of Service	Portfolio Holder
	interim basis by homeless households			
13	To seek Cabinet approval for public consultation on draft Upper Deal Conservation Area Character Appraisal	3 June 2019 and date to be confirmed	Regeneration & Development	Built Environment
14	Letting of the café/restaurant on Deal Pier	Decision taken by the Portfolio Holder for Property Management and Environmental Health	Assets & Building Control	Property Management & Environmental Health
15	Aylesham Village Expansion – Acquisition of third-party land	July/September 2019	Regeneration & Development	Corporate Resources & Performance
16	Statement of Community Involvement	14 May and 10 September 2018	Regeneration & Development	Built Environment
17	Dover District Council Local Development Scheme	14 May 2018	Regeneration & Development	Built Environment
18	Kent Environment Strategy	14 May 2018	Assets & Building Control	Environment, Waste & Health
19	Transfer of Freehold of Sandwich Guildhall	2 July 2018	Assets & Building Control	Property Management & Environmental Health
20	Sandwich Historical Boatyard	Decision taken by the Leader of the Council on 15 June 2018	Assets & Building Control	Leader of the Council
21	To decide on requirements for a new Public Spaces Protection Order following public consultation	2 July 2018	Regulatory Services	Environment, Waste & Health
22	To consider the cessation of cash and cheque transactions at Council Offices	This item has been withdrawn	Finance & Housing	Corporate Resources & Performance
23	Creation of a local property company	5 November 2018	Finance & Housing	Corporate Resources & Performance
24	Contaminated land strategy	2 July 2018	Regulatory Services	Property Management & Environmental Health
25	Consideration of pest control provision	Decision taken by the Director of Governance on 28 November 2018	Regulatory Services	Property Management & Environmental Health
26	Award of contract for Kearsney Abbey café building extension	Decision taken by the Portfolio Holder for Property Management and Environmental Health	Assets & Building Control	Property Management & Environmental Health

<b>Key Decisions 2018/19</b>	<b>Item</b>	<b>Date of meeting at which decision will be taken by Cabinet (unless specified otherwise)</b>	<b>Head of Service</b>	<b>Portfolio Holder</b>
27	Catering provision at Kearsney Abbey and Russell Gardens	July/September 2019	Operational Services	Property Management & Environmental Health
28	Award of contract for landscape and listed structure repairs at Kearsney Abbey	4 February 2019	Parks & Open Spaces	Property Management & Environmental Health
29	To consider the delimitation of Hackney Carriage vehicles	1 October 2018	Regulatory Services	Access & Licensing
30	Award of contract for the refurbishment of Norman Tailyour House	Decision taken by Director of Finance, Housing and Community on 23 November 2018	Assets & Building Control	Property Management & Environmental Health
31	Deed of Variation to the Aylesham Development Agreement	July/September 2019	Regeneration & Development	Built Environment
32	To approve arrangements for the implementation and delivery of infrastructure for a Bus Rapid Transit System connecting Whitfield to Dover town centre	July/September 2019	Inward Investment	Access & Licensing
33	Redevelopment of William Muge and Snelgrove Houses site, Dover	1 October 2018	Assets & Building Control	Property Management & Environmental Health
34	Grant scheme for commercial property renovations in Dover, Deal and Sandwich high streets	10 September 2018	Finance	Corporate Resources & Performance
35	Approval of Kearsney Abbey café 'Changing Places' facility and contingency fund for café/landscape improvements	10 September 2018	Operational Services	Property Management & Environmental Health
36	Lease of Historic Boatyard, The Quay, Sandwich	5 November 2018	Assets & Building Control	Leader of the Council
37	Acceptance of grant and allocation of funding for restoration of Maison Dieu (Dover Town Hall)	10 September 2018	Assets & Building Control	Property Management & Environmental Health
38	Purchase of affordable housing in Aylesham	July/September 2019	Finance & Housing	Corporate Resources & Performance
39	Demolition of Dover Leisure Centre	July/September 2019	Assets & Building Control	Property Management & Environmental Health
40	Authority Monitoring Report	4 March 2019	Regeneration & Development	Built Environment
41	East Kent Waste Project 2021	5 November 2018	Director of Environment & Corporate Assets	Environment, Waste & Health
42	Grant of easement at Matthews Close, Deal	3 December 2018	Assets & Building Control	Property Management & Environmental Health
43	Redevelopment and regeneration of the site of the former Co-op store in Stembrook and surrounding area	Decision taken by Director of Environment and Corporate Assets on 12 December 2018	Inward Investment	Leader of the Council

Key Decisions 2018/19	Item	Date of meeting at which decision will be taken by Cabinet (unless specified otherwise)	Head of Service	Portfolio Holder
44	Approval of Street-Lighting Works	3 December 2018	Assets & Building Control	Property Management & Environmental Health
45	Charges for Parking during the Christmas Period	Decision taken by the Portfolio Holder for Access and Licensing	Operational Services	Access & Licensing
46	Fees and Charges – agreement on levels for 2019/20	14 January 2019	Finance & Housing	Corporate Resources & Performance
47	Approval to carry-out further repairs (phase 2) to Deal Pier to include new lighting, and a new CCTV system as well as further general repairs and improvements	4 February 2019	Assets & Building Control	Property Management & Environmental Health
48	Recommendation to Council of the draft 2019/20 Budget and Medium-Term Financial Plan 2019/20-2022/23 and approval by Cabinet of various delegations within the Budget	(i) 4 February 2019 (ii) 4 March 2019	Finance & Housing	Corporate Resources & Performance
49	Review of Parking Charges	14 January 2019	Operational Services	Access & Licensing
50	Restoration of Maison Dieu (Dover Town Hall), Dover	14 January 2019	Assets & Building Control	Property Management & Environmental Health
51	Provision of community facility at Maison Dieu, Dover	14 January 2019	Assets & Building Control	Property Management & Environmental Health
52	Award of contract for upgrade of CCTV infrastructure	4 February 2019	Community Services	Community Services
53	Approval of Victoria Road and Wellington Road (Deal) Conservation Area Appraisal	July/September 2019 and date to be confirmed	Regeneration & Development	Built Environment
54	Approval to release corporate contingency funds for repairs to corporate assets	4 February 2019	Assets & Building Control	Property Management & Environmental Health
55	Variation of Public Spaces Protection Order relating to dogs	July/September 2019	Regulatory Services	Property Management & Environmental Health
56	Approval to enter into a partnership with Kent County Council for provision of highway services	4 February 2019	Inward Investment	Leader of the Council
57	To seek agreement for the disposal of the Council's leasehold interest in flat 35 and garage 74, The Gateway, Marine Parade, Dover	Decision taken by Portfolio Holder for Property Management and Environmental Health on 1 March 2019	Assets & Building Control	Property Management & Environmental Health
58	To approve the use of Building Foundations for Growth	July/September 2019	Inward Investment	Leader of the Council

Key Decisions 2018/19	Item	Date of meeting at which decision will be taken by Cabinet (unless specified otherwise)	Head of Service	Portfolio Holder
	Funding and to authorise the completion of an appropriate legal agreement			
59	Award of contract for fire precaution works to properties within the Council's housing stock	1 April 2019	Head of Finance & Housing	Housing & Homelessness
60	Award of contract for asbestos surveys, testing and removal works to properties within the Council's housing stock	1 April 2019	Head of Finance & Housing	Housing & Homelessness
61	Approval of purchase of new financial management system and budget monitoring system	Decision taken by Portfolio Holder for Corporate Resources and Performance on 28 March 2019	Head of Finance & Housing	Corporate Resources & Performance
62	Approval of project to purchase new-build properties at Folkestone Road, Dover for use as affordable housing	3 June 2019	Head of Strategic Housing	Housing & Homelessness
63	Procurement of Street Cleansing Contract	3 June 2019	Head of Commercial Services	Environment, Waste & Health
64	To approve consultation on revised Gambling Policy 2019-22	3 June and 2 September 2019	Head of Regulatory Services	Access & Licensing
65	To consider proposed increase in Hackney Carriage fares	3 June and 2 September 2019	Head of Regulatory Services	Access & Licensing
66	Upgrade of Office 2010 to MS365, procurement of licences and hardware refresh	3 June 2019	Head of Community and Digital Services	Corporate Resources & Performance
67	Approval of project to purchase land adjacent to The Ark, Noah's Ark Road, Dover for affordable interim housing	3 June 2019	Head of Strategic Housing	Housing & Homelessness

- Note: (1) Key Decisions which are shaded have already been taken and do not appear in this updated version of the Notice of Forthcoming Key Decisions.
- (2) The Council's Corporate Management Team reserves the right to vary the dates set for consultation deadline(s) and for the submission of reports to Cabinet and Council in respect of Key Decisions included within this version of the notice. Members of the public can find out whether any alterations have been made by looking at the Council's website ([www.dover.gov.uk](http://www.dover.gov.uk)).

# OVERVIEW AND SCRUTINY WORK PROGRAMME 2019/20

## SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE

Month	Issue	Resource Implications for Scrutiny				Action
		Members On-going or Single item?	Officers (Corporate Expenditure unless otherwise stated)	Scrutiny Budget Expenditure		
				Projected	Actual	
June 2019	Public Spaces Protection Order	Single Item	Head of Regulatory Services	£0		To consider the report.
	Revised Statement of Policy and Principles 2019-22 issued under the Gambling Act 2005	Single Item	Head of Regulatory Services	£0		To consider the report.
	Local Govt. (Miscellaneous Provisions) Act 1976 – Request for increase in Hackney Carriage Fare Tariff	Single Item	Head of Regulatory Services	£0		To consider the report.
	Improvement Works to Deal Depot	Single Item	Strategic Director (Operations & Commercial)	£0		To consider the report.
	Performance Report – Q4 2018/19	Quarterly	Chief Executive	£0		To consider the report.
	Purchase of New Affordable Housing (113 Folkestone Road, Dover)	Single Item	Strategic Director (Corporate Resources)	£0		To consider the report.
July 2019						

Month	Issue	Resource Implications for Scrutiny				Action
		Members On-going or Single item?	Officers (Corporate Expenditure unless otherwise stated)	Scrutiny Budget Expenditure		
				Projected	Actual	
August 2019	No Scheduled Meeting					
September 2019						
October 2019						
November 2019						
December 2019						
January 2020						
February 2020						
March 2020						
April 2020						

*Please note items beyond the current month are subject to change depending on Forward Plan, etc.*

<b>Subject:</b>	<b>PUBLIC SPACES PROTECTION ORDER</b>
<b>Meeting and Date:</b>	<b>Cabinet – 3 June 2019</b>
<b>Report of:</b>	<b>Diane Croucher, Head of Regulatory Services</b>
<b>Portfolio Holder:</b>	<b>Councillor Nicholas Kenton, Portfolio Holder for Planning and Regulatory Services</b>
<b>Decision Type:</b>	<b>Key</b>
<b>Classification:</b>	<b>Unrestricted</b>
<b>Purpose of the report:</b>	<b>To seek Cabinet approval to vary the dog control Public Spaces Protection Order, made in July 2018, in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014.</b>
<b>Recommendation:</b>	<p>That, having regard to the conditions within s.59 of the Anti-Social Behaviour, Crime and Policing Act 2014, Cabinet:</p> <ol style="list-style-type: none"> <li>1. Approves the variation of the Public Spaces Protection Order (Dover District Council) 2018;</li> <li>2. Delegates authority to the Head of Regulatory Services to carry out all necessary publicity required by virtue of the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations;</li> <li>3. Sets the amount of any fixed penalty notice issued under s.68 of the Act at £75.</li> </ol>

**1. Summary**

On 2 July 2018 Cabinet approved the variation and extension of a dog control Public Spaces Protection Order (PSPO), which initially came into force on 27 July 2015, for another three years. This was further to consultation carried out in accordance with Section 72 of the Anti-Social Behaviour Crime and Policing Act 2014.

Cabinet also authorised further public consultation on seven areas not included in the initial exercise.

**2. Introduction and Background**

2.1 Prior to 27 July 2015 the exclusion and restriction of dogs from certain areas was dealt with under a number of byelaws. Fouling was addressed through use of the Dogs (Fouling of Land) Act 1996. The Anti-social Behaviour Crime and Policing Act 2014 enabled local authorities to update these controls through the creation of Public Spaces Protection Orders.

2.2 Dover District Council's first PSPO came into force on 27 July 2015 and created 4 offences

- Failing to remove dog faeces (covering the whole district).
- Failing to put a dog on a lead after a request by an authorised officer (covering the whole district)
- Failing to keep a dog on a lead in specified places.

- Allowing a dog into specified areas where dog exclusion applies.
- 2.3 Following extensive consultation, the PSPO was renewed for another three years from 27<sup>th</sup> July 2018.

Unless specified, this covers

*'any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.*

This definition is detailed under section 74(1) of the Act.

- 2.4 During the renewal process consultees identified 7 areas, outlined below, which were not included in the initial consultation.
- Parish Council request for St. Augustine's Church in East Langdon to be dogs on leads only
  - Staff at Gazen Salts Nature Reserve in Sandwich requested the current requirement for dogs on leads be changed to exclusion.
  - Churchwarden of St Clements in Sandwich requested dogs on leads only.
  - Kent Wildlife Trust requested a dogs on lead and dogs exclusion area is added in the area around Sandwich/Pegwell Bay & Princes Golf Course dunes.
  - Extend the area of dog exclusion to include the now enclosed children's play area by Whitfield Recreation Ground.
  - Extend the dogs on lead area in Hamilton Road Cemetery to cover additional area used for burials.
  - Extend the dogs on lead area in Kearsney Abbey to cover the area known as Mill Ruins. This is a result of a dog off lead attack leading to the death of a swan and 5 cygnets.

These are detailed, including maps, in Appendix 1.

- 2.5 Further necessary consultation relating to these areas was carried out resulting in 150 responses. Some commented on more than one area giving 275 comments overall. A breakdown of the comments is given in Appendix 2.

- 2.6 Of the 275 comments:

- 43% were in favour
- 15% partly in favour
- 41% against
- 1% not specifying for or against.

- 2.7 The main areas of objection were in relation to:

- Dog exclusion from Gazen Salts Nature Reserve
- Dog exclusion from Sandwich mudflats and salt marshes
- Dogs on leads on dunes by Princes Golf Course.

Kent Wildlife Trust requested dogs be excluded from the mudflats and salt marshes as the area is a critical feeding, roosting and breeding area for birds. This is supported by the Sandwich Bay Birds Observatory Trust.

They advise canine intrusion has had a significant impact in reducing both numbers and diversity of species in recent years with the complete loss of the breeding little

tern colony at Shellness Point. The impact of dogs in these areas is not only detrimental to the quality of life of various bird species but also to the local community which includes those working there to protect the animals and those who visit to enjoy the wildlife.

This community includes the 600 people who are members of the Sandwich Bay Bird Observatory Trust. The trust also has one full-time employee and around 25 volunteers. They run many wildlife groups as outlined below:

- monthly Wildlife Explorers group for children between 8 and 12 years old.
- the Phoenix group, is run monthly for 13 to 18 year olds.
- Guided walks on Thursdays, Fridays and Sundays throughout the year
- Classes on Tuesday & Wednesday evenings in the autumn

Accommodation is also available for wildlife lovers who wish to maximise their time there.

Kent Wildlife Trust employs 4 people full time at Sandwich Bay. They are supported by an Estates Manager who is also a direct employee of the Trust. This is in addition to the 34 people who do voluntary work there. The Trust has 32,000 members, many of whom will visit Sandwich Bay. There are no detailed numbers on the amount of visitors but staff at the site estimate it to be a minimum of 20 a day although this will fluctuate with seasons and weather.

The area at the mudflats and salt marshes is considered a world class wetlands and has several designations protecting it from harm e.g. it is a

- SSSI (site of special scientific interest)
- NNR (national nature reserve)
- A wetland of international importance under the Ramsar Convention 1971
- SAC (special area of conservation)
- SPA (special protection area)

The mudflats at Pegwell Bay on the other side of the River Stour from the Sandwich Flats falls under Thanet District Council who have already made it a dog exclusion area under their PSPO.

Gazen Salts is used by ground nesting birds, water voles and other wildlife which have been disturbed by dogs in the past.

- 2.8 Cemetery and churchyards. The approach to dogs on lead in these areas is taken to allow dog owners to visit the last resting place of loved ones with their pet. It also aims to respect others who may be bothered by dogs off lead whilst visiting graves of friends or family.
- 2.9 Children's play park at Whitfield. The current PSPO excludes all dogs from enclosed children's play areas. There is sufficient space in the adjacent recreation ground for dogs to be exercised.
- 2.10 The RSPCA made a general comment on the importance of having areas to be exercised off leads to a dog's welfare.
- 2.11 When deciding whether to make requirements or restrictions on dogs and their owners, the Council needs to consider whether there are suitable alternatives for dogs to be exercised without restrictions. It is felt there are numerous areas

throughout the district where owners can take their dogs for exercise. Some of these areas are immediately adjacent to areas where exclusions are proposed e.g.

- Gazen Salts Nature Reserve is bordered by a recreation ground.
- There are large areas leading to the dunes, mudflats and saltmarshes at Sandwich Bay where dogs can be exercised.
- Kearsney Parks has several areas with no dog restrictions.

The proposals therefore offer a balanced approach recognising the needs of the dog owning community as well as the general public.

- 2.12 The measures do not apply to assistance dogs.
- 2.13 Further to comments received and research carried out the current PSPO shall also be altered to update the definition of 'assistance dogs' to reflect wording in the Equality Act 2010.
- 2.14 Section 72 of the Anti-Social Behaviour Crime & Policing Act 2014 requires that, when deciding in whether to vary a Public Spaces Protection Order, local authorities must have particular regard to Articles 10 and 11 of the European Convention on Human Rights. These are concerned with the right to freedom of expression and the right to freedom of assembly & association respectively.
- 2.15 It is not considered the proposed variation impacts on the right to freedom of expression. Neither is it considered that the Public Spaces Protection Order restricts the right to freedom of assembly and association. People may still visit the Sandwich mudflats and salt marshes dog exclusion area, they just would not be able to take their dogs. It is not considered this right carries with it a right to freedom of assembly and association with a dog. Even if this analysis were incorrect the right to freedom of assembly and association is not an absolute right, restrictions may be placed upon this right as provided for by law and as are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This introduction of the dog exclusion area is regarded as a proportionate and legitimate means of protecting the rights and freedoms of society to enjoy e.g. wildlife in the area.
- 2.16 The current PSPO is available at this [link](#).
- 2.17 If Cabinet are minded to authorise the variation of the PSPO, there is a further requirement for publicity within the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations. These require that where a local authority has made a PSPO, they must publish it on their website and erect such notices as it considers sufficient to advise members of the public that the PSPO has been made and the effect of such an order. The majority of sites already have signs and these will only need minor amendments.

### **3. Identification of Options**

- 3.1 Option 1 - Authorise the variations as detailed in Appendix 1 to come into force on 24<sup>th</sup> June 2019  
Option 2 - Reject the variations and maintain the PSPO which came into force on 27<sup>th</sup> July 2018.

### **4. Evaluation of Options**

- 4.1 Option 1 – The recommended option. The overall aim of the variations is to

- maintain a comprehensive and consistent approach to the control of dogs in the district,
- balance the needs of dog owners and other members of the community,
- address concerns raised by the Kent Wildlife Trust

4.2 Option 2 – Make no changes to the PSPO which came into force on 27 July 2018.

- Kent Wildlife Trust advise dogs have a major impact on wildlife on their reserves. Failure to approve these changes could lead to further detriment to these important areas.
- Kearsney Park – approving the proposed change helps protect birds using the river in the park.
- Playpark, cemetery and churchyard. The proposed changes bring these areas into line with similar sites throughout the district and thus maintain consistency.

5. **Resource Implications**

Signs shall be erected /altered advising of the new restrictions. This will cost in the region of £500 and can be met from existing budgets.

6. **Corporate Implications**

6.1 Comment from the Section 151 Officer: Finance has been consulted and has nothing further to add (SB).

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 include provision for amending the PSPO to update the definition of ‘assistance dogs’ within the Equality Act 2010. There are no other equality implications specifically highlighted however, in discharging their duties, 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 - list and maps of proposed variations to 2018 PSPO

Appendix 2 – breakdown of comments received to proposed variation of PSPO 2018

8. **Background Papers**

Public Spaces Protection Orders - Extract from Anti-Social Behaviour, Crime and Policing Act 2014 statutory guidance.

Contact Officers:

Paul Neagle  
Environmental Protection Manager  
[envhealth@dover.gov.uk](mailto:envhealth@dover.gov.uk)  
01304 872291

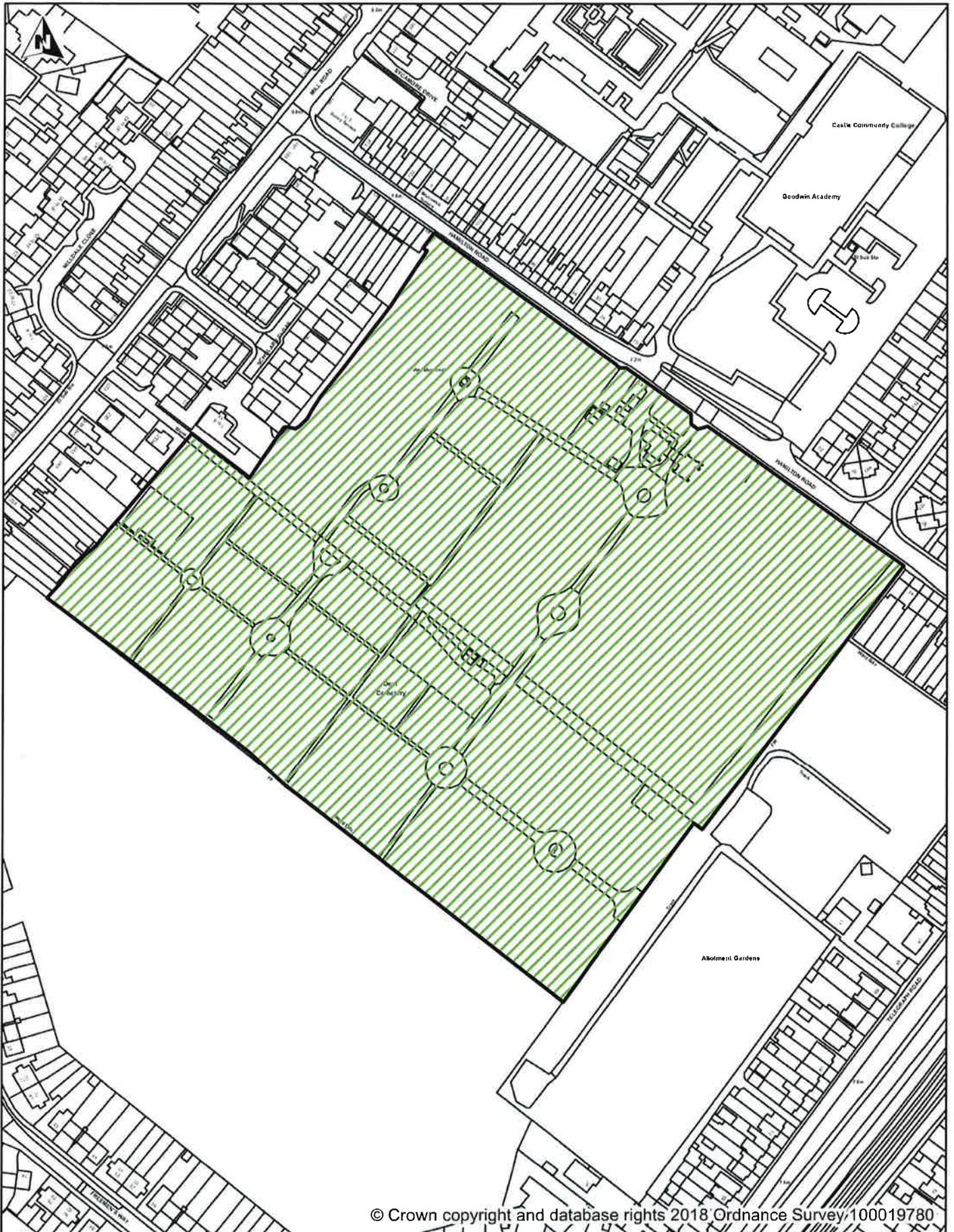
Andrzej Kluczynski  
Environmental Crime Team Leader  
[envcrime@dover.gov.uk](mailto:envcrime@dover.gov.uk)  
01304 872096



## APPENDIX 1

### Summary of proposed variations to July 2018 PSPO

Map no.	Location	Proposed Variation
1.	Hamilton Road Cemetery, Deal	Extend the dogs on leads area in Hamilton Road Cemetery to cover additional area used for burials
2.	St Augustine's Churchyard East Langdon	Introduction of dogs on lead requirement in churchyard
3.	Walkway that runs adjacent to River Dour leading to Kearsney Abbey (Café side) accessed from Minnis Lane	Extend the dogs on leads area in Kearsney Abbey to cover the area known as Mill Ruins.
4.	Sandwich Nature Reserve,	The current requirement for dogs on leads at Sandwich Nature Reserve off Gazen Salts in Sandwich to be changed to exclusion
5.	St Clements Churchyard, Sandwich	Introduction of dogs on lead requirement in churchyard
6.	Sandwich Bay a. Prince Golf Course Dunes (Dogs on Leads) b. Sandwich Mudflats and Salt Marshes (Dog Exclusion)	A dogs on leads and dogs exclusion area to be added in the area around Sandwich/Pegwell Bay & Princes Golf Course dunes
7.	Enclosed Children's Play Area, Whitfield Recreation Ground	Extend the area of dog exclusion to include the now enclosed children's play area by Whitfield Recreation Ground



**Dover District Council Public Spaces Protection Order  
Proposed Variation:-**

**Legend**

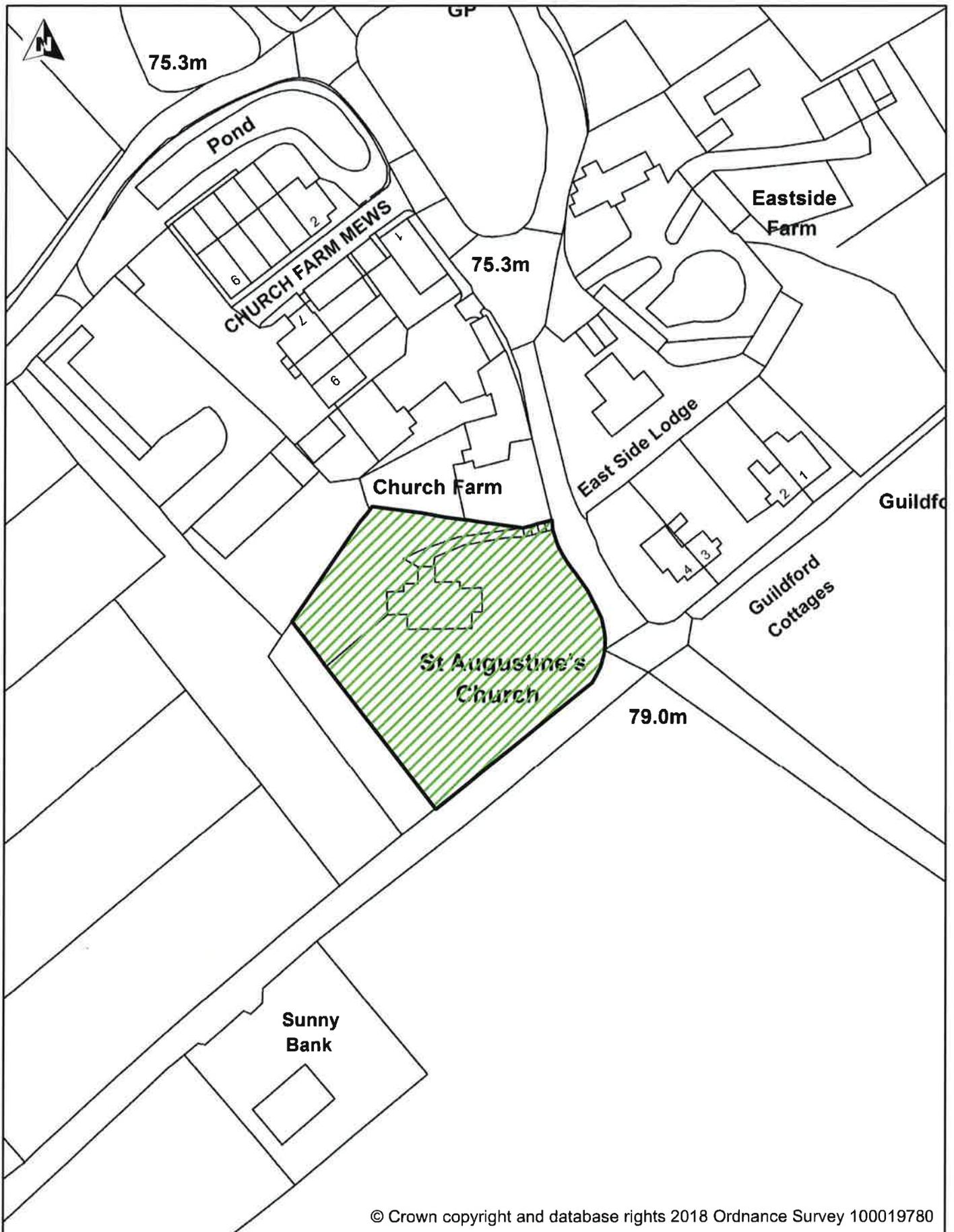


Dover District Council  
Honeywood Close  
White Cliffs Business Park  
Whitfield  
DOVER  
CT16 3PJ

**Map 1**

**Hamilton Road Cemetery, Deal**

-  Dog Exclusion
-  Dogs On Leads
-  Seasonal Dog Bans



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**Dover District Council Public Spaces Protection Order  
Proposed Variation:-**

**Map 2**

**St Augustine's Churchyard, The Street, East Langdon**

**Legend**

-  Dog Exclusion
-  Dogs On Leads
-  Seasonal Dog Bans



Dover District Council  
Honeywood Close  
White Cliffs Business Park  
Whitfield  
DOVER  
CT16 3PJ



**Dover District Council Public Spaces Protection Order  
Proposed Variation:-**

**Map 3**

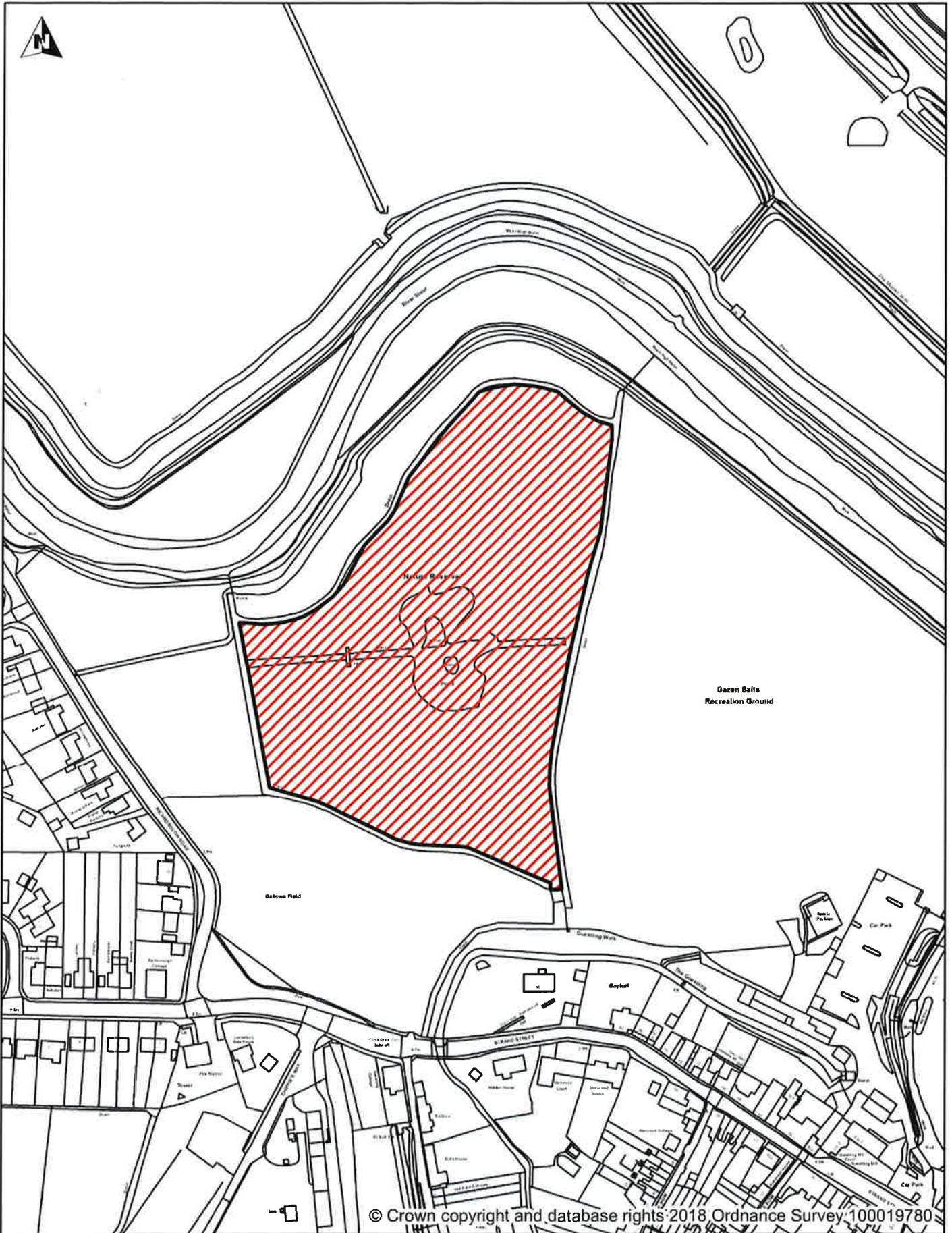
**Kearsney Abbey (Cafe Side) and Walkway Adjacent  
Abbey Lake Accessed from Minnis Lane**

**Legend**

-  Dog Exclusion
-  Dogs On Leads
-  Seasonal Dog Bans



Dover District Council  
Honeywood Close  
White Cliffs Business Park  
Whitfield  
DOVER  
CT16 3PJ



**Dover District Council Public Spaces Protection Order  
Proposed Variation:-**

**Map 4**

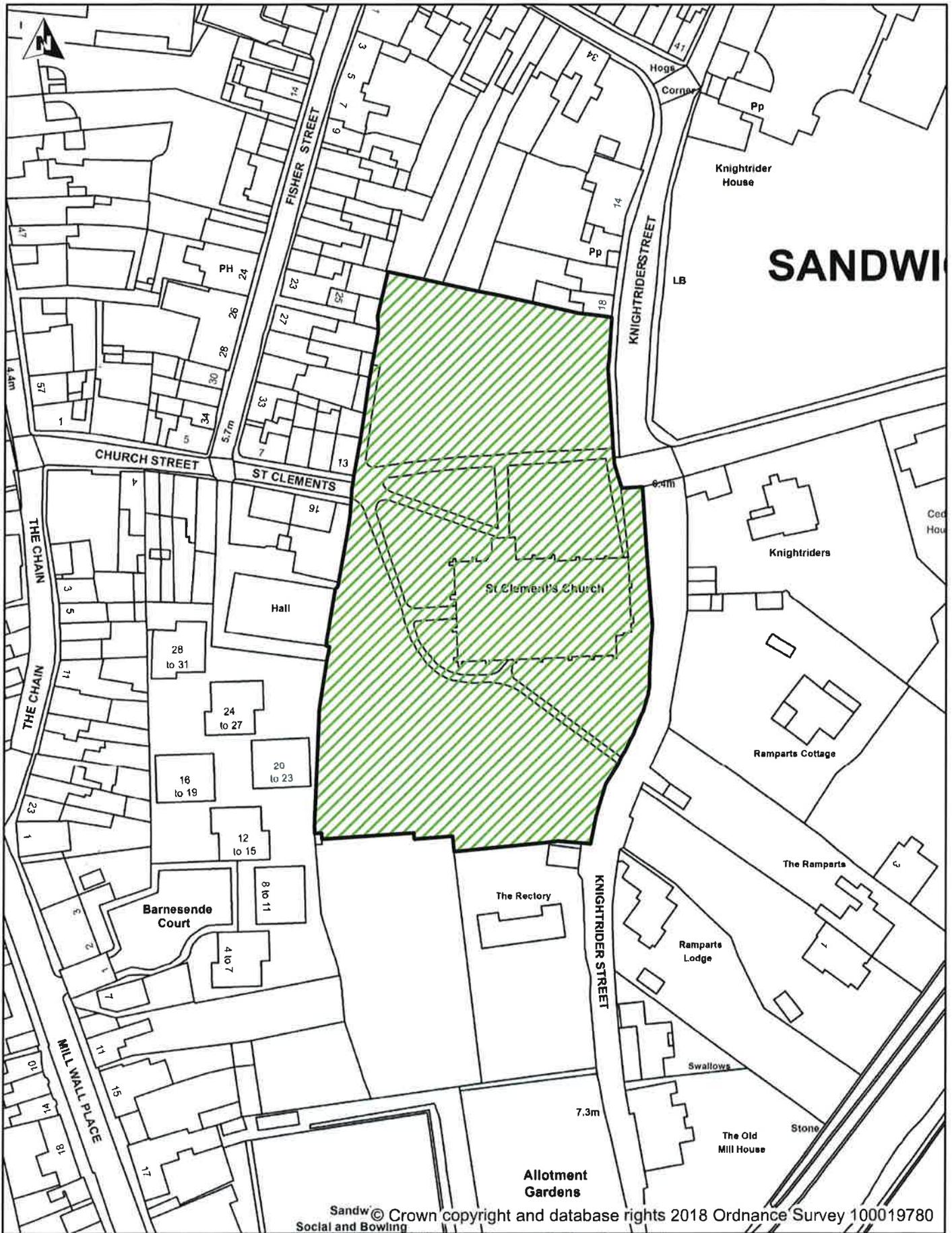
**Sandwich Nature Reserve Off Gazen Salts, Sandwich**

**Legend**

-  Dog Exclusion
-  Dogs On Leads
-  Seasonal Dog Bans



Dover District Council  
Honeywood Close  
White Cliffs Business Park  
Whitfield  
DOVER  
CT16 3PJ



**Dover District Council Public Spaces Protection Order  
Proposed Variation:-**

**Map 5**

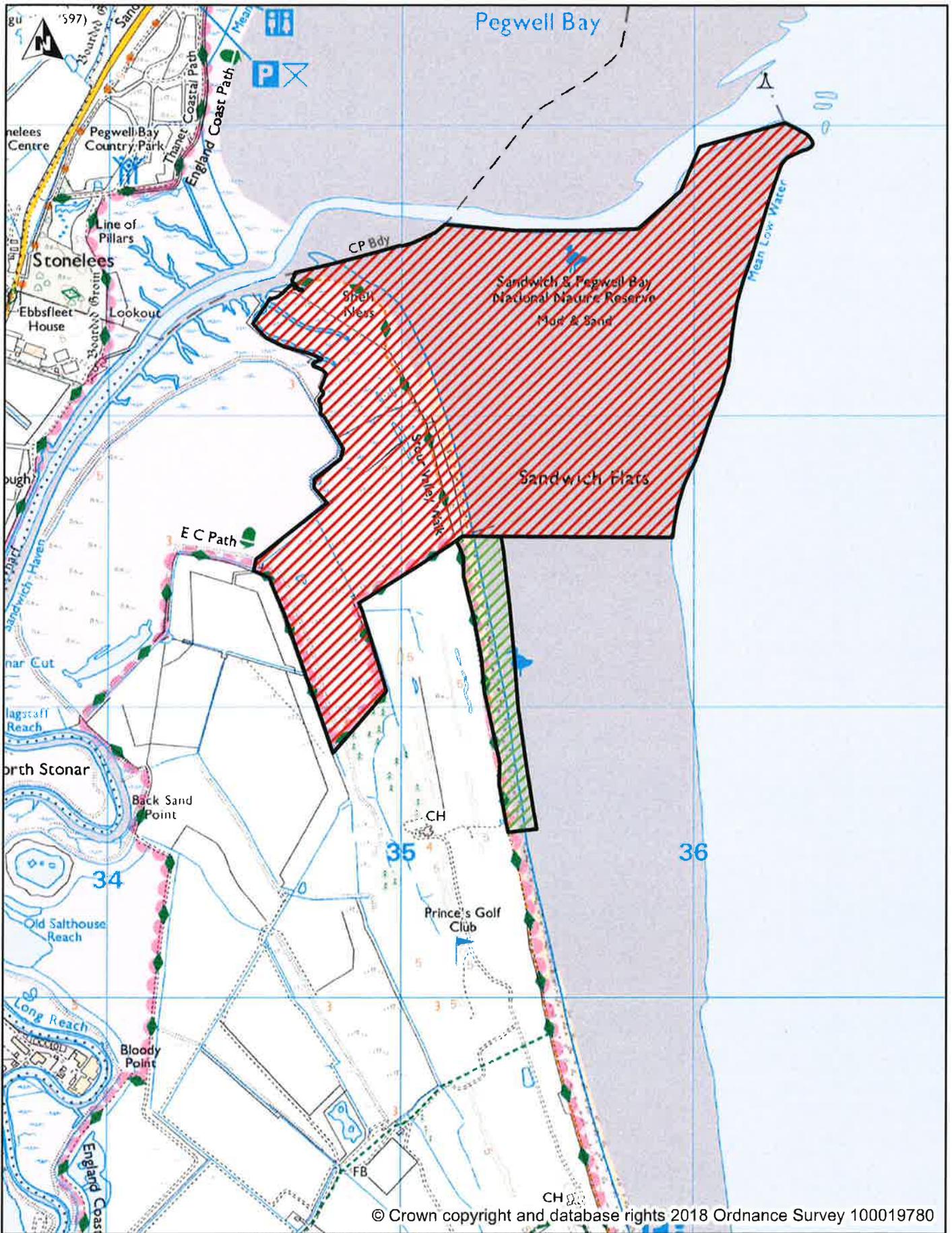
**St Clement's Churchyard, Knight Rider Street, Sandwich**

**Legend**

-  Dog Exclusion
-  Dogs On Leads
-  Seasonal Dog Bans



Dover District Council  
Honeywood Close  
White Cliffs Business Park  
Whitfield  
DOVER  
CT16 3PJ



**Dover District Council Public Spaces Protection Order  
Proposed Variation:-**

**Legend**

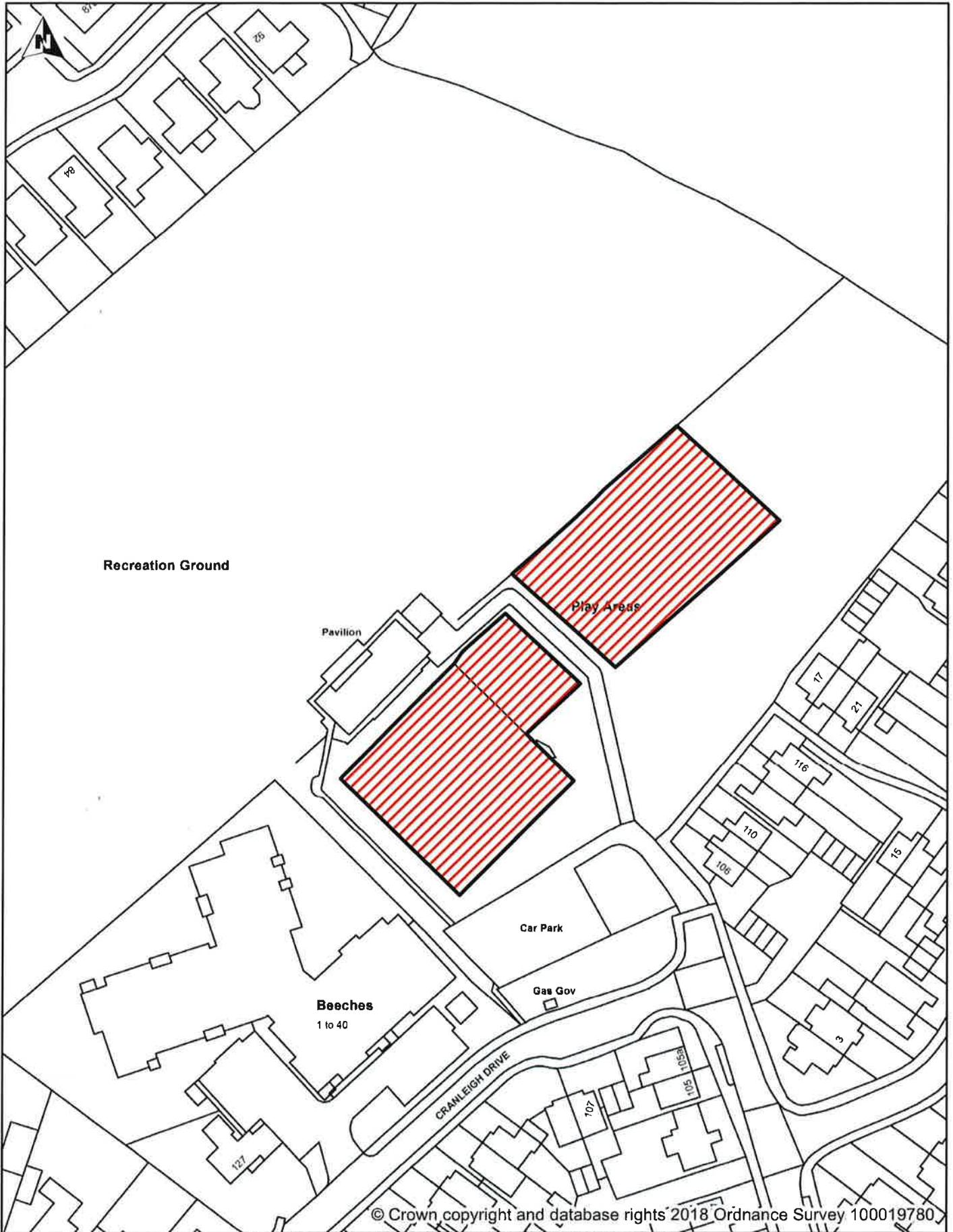
-  Dog Exclusion
-  Dogs On Leads
-  Seasonal Dog Bans



Dover District Council  
Honeywood Close  
White Cliffs Business Park  
Whitfield  
DOVER  
CT16 3PJ

**Map 6**

**Princes Golf Course Dunes and Sandwich Bay Mudflats  
and Salt Marshes**



**Dover District Council Public Spaces Protection Order  
Proposed Variation:-**

**Legend**

-  Dog Exclusion
-  Dogs On Leads
-  Seasonal Dog Bans



Dover District Council  
Honeywood Close  
White Cliffs Business Park  
Whitfield  
DOVER  
CT16 3PJ

**Map 7**

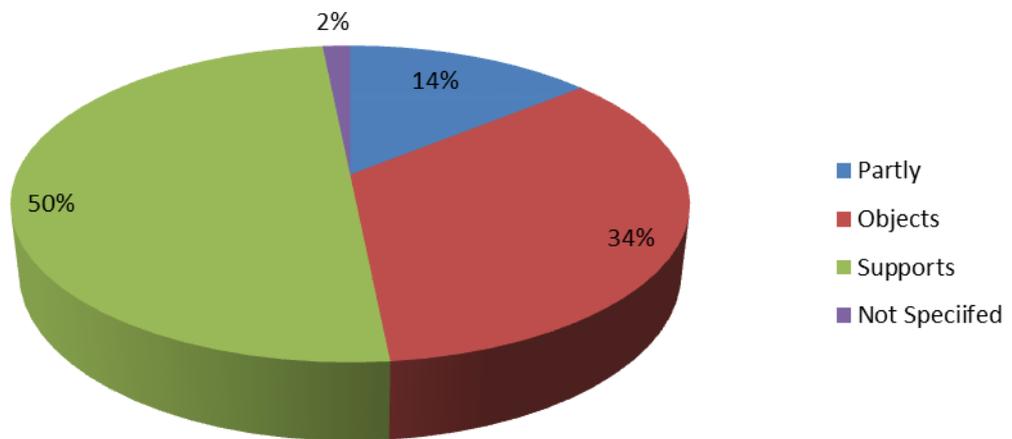
**Enclosed Children's Play Areas and MUGA, Whitfield  
Recreation Ground off Cranleigh Drive, Whitfield**



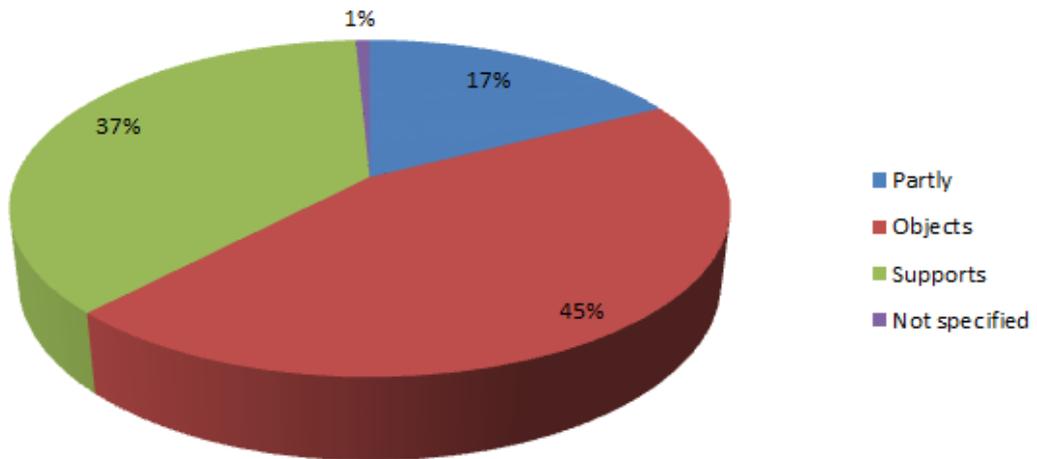
**Appendix 2 – breakdown of comments received to proposed variation of PSPO 2018**

<b>Location</b>	<b>Comments supporting</b>	<b>Comments partly supporting</b>	<b>Comments objecting</b>	<b>Comments not specifying for or against</b>	<b>Total</b>
<b>Sandwich Nature Reserve, off Gazen Salts Sandwich</b>	<b>32</b>	<b>9</b>	<b>22</b>	<b>1</b>	<b>64</b>
<b>Princes Golf Course Dunes and Sandwich Bay Mudflats and Salt Marshes</b>	<b>49</b>	<b>23</b>	<b>59</b>	<b>1</b>	<b>132</b>
<b>Walkway adjacent to River Dour to Kearsney Abbey (café side) accessed from Minnis Lane</b>	<b>9</b>	<b>3</b>	<b>10</b>	<b>0</b>	<b>22</b>
<b>Children’s Play Area Whitfield Recreation Ground</b>	<b>9</b>	<b>2</b>	<b>4</b>	<b>0</b>	<b>15</b>
<b>St Augustine's Churchyard, East Langdon</b>	<b>4</b>	<b>1</b>	<b>4</b>	<b>0</b>	<b>9</b>
<b>St Clements Churchyard, Knightrider Street, Sandwich</b>	<b>12</b>	<b>1</b>	<b>11</b>	<b>0</b>	<b>24</b>
<b>Hamilton Road Cemetery,, Deal</b>	<b>4</b>	<b>1</b>	<b>4</b>	<b>0</b>	<b>9</b>
<b>Total</b>	<b>119</b>	<b>40</b>	<b>114</b>	<b>2</b>	<b>275</b>

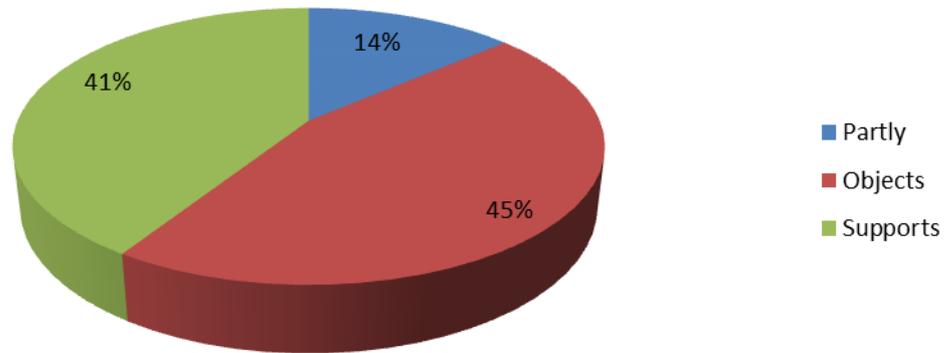
### Sandwich Nature Reserve, Gazen Salts, Sandwich



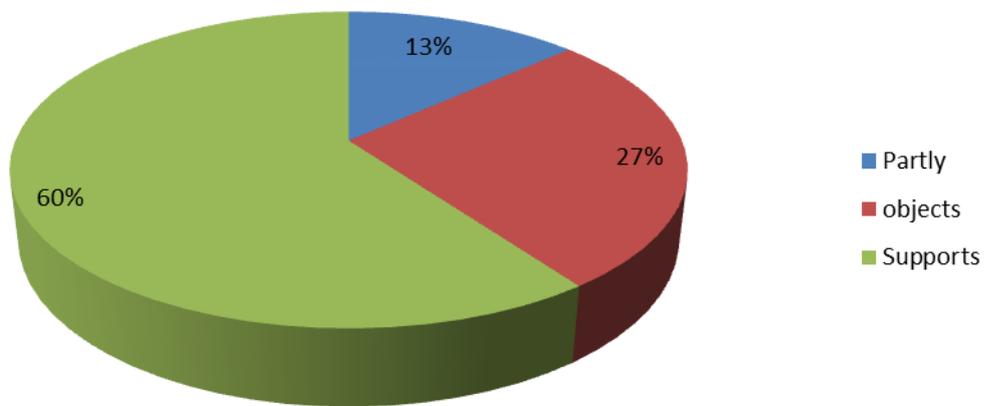
### Princes Golf Course Dunes and Sandwich Bay Mudflats and Salt Marshes



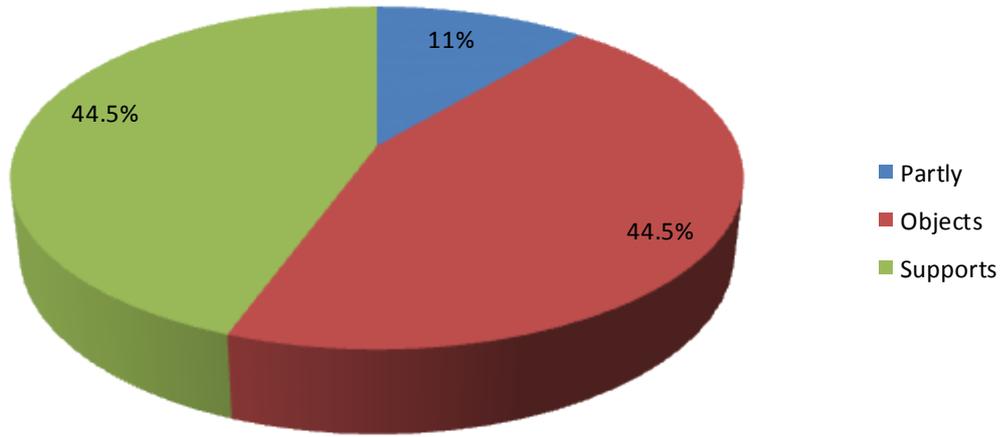
**Walkway that runs adjacent to River Dour  
leading to Kearsney Abbey (Café side)  
accessed from Minnis Lane**



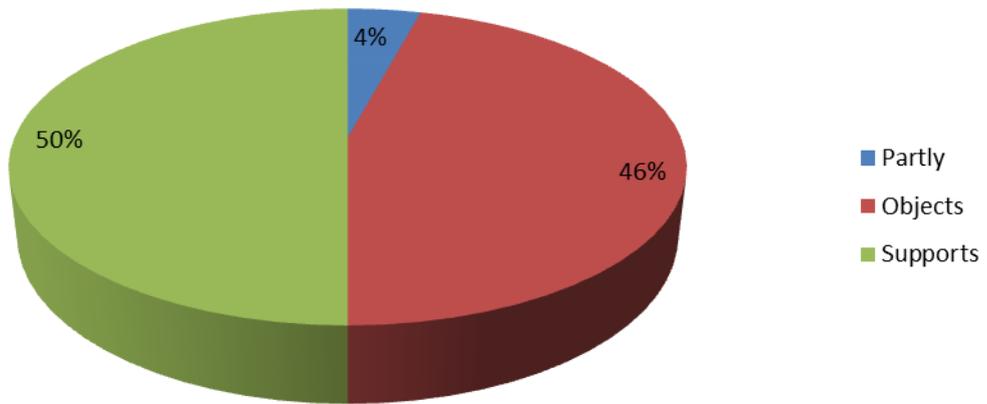
**Enclosed Childrens Play Area Whitfield  
Recreation Ground**



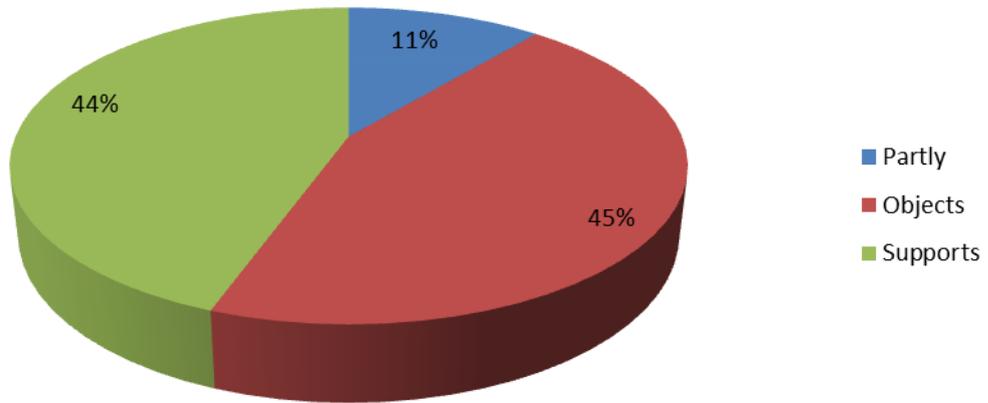
### St Augustine's Churchyard, East Langdon



### St Clements Churchyard, Knightrider Street, Sandwich



## Hamilton Road Cemetery, Hamilton Road, Deal



---

<b>Subject:</b>	<b>2019-2022 REVISED STATEMENT OF POLICY AND PRINCIPLES ISSUED UNDER THE GAMBLING ACT 2005</b>
<b>Meeting and Date:</b>	<b>Cabinet – 3 June 2019</b>
<b>Report of:</b>	<b>Diane Croucher, Head of Regulatory Services</b>
<b>Portfolio Holder:</b>	<b>Councillor Nigel Collor, Portfolio Holder for Transport and Licensing</b>
<b>Decision Type:</b>	<b>Key Decision</b>
<b>Classification:</b>	<b>Unrestricted</b>

---

**Purpose of the report:** To introduce and seek approval to consult on the draft revised Statement of Policy and Principles issued under the Gambling Act 2005.

---

- Recommendation:**
1. That Cabinet approves the draft revised Statement of Policy and Principles under the Gambling Act 2005 and authorises the commencement of a period of public consultation, between 10 June 2019 and 22 July 2019.
  2. That the Portfolio Holder for Transport and Licensing be authorised in the following terms:
    - (a) In the event that no consultation responses are received, that the Portfolio Holder proposes adoption of the Statement of Policy to the full Council without modification.
    - (b) In the event that limited consultation responses are received, that the Portfolio Holder proposes adoption of the Statement of Policy to the full Council with modification.
    - (c) In the event that significant consultation responses are received, that the Portfolio Holder refers the matter back to full Cabinet in order that they may make a proposal to the full Council.
- 

**1. Summary**

- 1.1 Section 349 of the Gambling Act 2005 (“the Act”) requires that the Licensing Authority publish a Statement of Policy and Principals 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. It is now time for that formal review to be

undertaken. A copy of the revised draft policy is included at **Appendix A**. A copy of the current policy dated 2016 – 19 is shown at **Appendix B**.

- 1.3 Whilst the adoption of the policy must be a decision of full Council, the Local Authorities (Functions and Responsibilities) (England) Regulations require that for the purposes of s.349 of the Act, the Executive are also involved in the decision making process.
- 1.4 It is intended that the Statement of Policy be proposed for adoption, after the aforementioned consultation period, at the meeting of Council on 30 October 2019. Following adoption of the Policy by the full Council, the authority are required to publish the revised Statement of Policy for a period of four weeks, prior to it coming into effect.
- 1.5 In compliance with the requirements of s.349 of the Act, it is intended that the authority will send 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. It is also intended to send details of where the draft policy can be viewed 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. There are 32 such licences. The issuing of permits is dealt with under a separate, subordinate, policy that is not required to be reviewed at this time

## 2. **Introduction and Background**

- 2.1 The Guidance to Licensing Authorities published by the Gambling Commission (revised September 2015) states, in relation to consultation, that consultation should follow best practice as set out by the Department for Business, Enterprise and Regulatory Reform. In fact, this guidance has been replaced with guidelines published by the Cabinet Office and this suggests that timescales for consultation should be proportionate and realistic to allow stakeholders sufficient time to provide a considered response. It goes on to say that the timing and length of a consultation should be decided on a case by case basis. In this instance, it is proposed that the period of consultation for this review should be 6 weeks.
- 2.2 The Gambling Act 2005 has produced little if any problems. We have been fortunate in that the Gambling Commission continue to offer support and joint working in order to ensure 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 An Equality Impact Assessment has been carried out in accordance with corporate policy and is attached at **Appendix C**.

## 3 **Identification of Options**

- 3.1 To approve the revised draft of the Statement of Policy and Principles under the Gambling Act 2005 and to authorise a period of public consultation.
- 3.2 To amend the revised draft of the Statement of Policy and Principles under the Gambling Act 2005 and to authorise a 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 approve the revised draft of the Statement of Policy and Principles under the Gambling Act 2005 and to authorise a period of public consultation. (Recommended)

This is the preferred option as the policy is due for review.

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

Members may wish to amend the policy prior to consultation.

- 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**

The only resource implications for this proposal are to cover the costs of consultation. This will involve the posting of policy on the website and a letter drop to each responsible authority and other interested parties. These costs will be accommodated within the existing budget provision.

#### **6 Corporate Implications**

- 6.1 Comment from the Finance Officer: Finance has been consulted and has nothing further to add (SB)

- 6.2 Comment from the Solicitor to the Council: The Head of Governance has been consulted during the preparation of this report and has no further comment to make.

- 6.3 Comment from the Equalities Officer: In preparation for the report it is noted that an Equality Impact Assessment has been carried out which has resulted in no significant issues arising from this assessment. 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>.

- 6.4 Other Officers (as appropriate): None.

#### **7 Appendices**

Appendix A – Revised Draft Statement of Policy and Principles issued under the Gambling Act 2005 (2019–22)

Appendix B – Current Statement of Policy and Principles issued under the Gambling Act 2005 (2016-19)

Appendix C – Equalities Impact Assessment

## **Background Papers**

Gambling Commission – Guidance to Licensing Authorities 4<sup>th</sup> Edition

Contact Officer: Rebecca Pordage, Licensing Team Leader x 2229



**Statement of Principles for Gambling  
2019- 2022**

# Dover District Council Statement of Principles for Gambling

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# Foreword

## Dover District Council Statement of Principles for Gambling

We are required under the Gambling Act 2005 to produce a new policy on our approach to premises used for gambling every three years. This edition has been comprehensively revised to reflect clearly the expectations of Dover District Council in its role as a Licensing Authority.

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

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

# Chapter One

## Introduction and Overview

This Policy document includes the Statement of Principles for Gambling of the Dover District Council effective from XXXXX.

### Definitions Used in this Policy

**‘the Act’** means the Gambling Act 2005

**‘the Council’** means Dover District Council

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

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

**‘Licensing Authority’** means Dover District Council

**‘Licensing Committee’** refers to the Statutory Licensing Committee of the Dover District Council

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

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

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

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

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

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

### Introduction

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

3. The Gambling Commission issues Licence Conditions and Codes of Practice for gambling operators. Social Responsibility Codes have the force of a licence condition. The Gambling Commission also issue Ordinary Codes, which set out best industry practice. They are not licence conditions, but operators are expected to follow them unless they have alternative arrangements in place which they can demonstrate are equally as effective.
4. The Licensing Authority, when carrying out inspections of gambling operators, reserves the right to assess compliance with such matters set out in the Gambling Commission's Licence Conditions and Codes of Practice as it sees fit, and will share intelligence with the Gambling Commission about any issues of non-compliance in this respect.
5. The licensing objectives under the Gambling Act 2005 are:
  - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
  - Ensuring that gambling is conducted in a fair and open way;
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
6. The Council consulted widely upon this revised Statement of Principles from 10<sup>th</sup> June 2019 – 19 July 2019. A list of persons consulted on the revised Statement can be found on Page 10. Further consultation details can be found at Appendix One.
7. The Act requires the following to be consulted in the revision of the statement:
  - the Chief Officer of Police;
  - people and bodies representing the interests of persons in gambling businesses in the area;
  - people and bodies who represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
8. Nothing in this Statement of Principles overrides the right of any person to make an application, make representations about an application or apply for a review of a licence. Each will be considered on its own merits and in accordance with the statutory requirements of the Act.
9. In reviewing this Statement of Principles, the Council has had regard to the licensing objectives under the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission and to the responses arising from our consultation.

## Responsible Authorities

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

The principles are:

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

### **Licensing Authority**

Dover District Council  
White Cliffs Business Park  
Dover CT16 3PJ  
Email: [licensing@dover.gov.uk](mailto:licensing@dover.gov.uk)

### Gambling Commission

Victoria Square House  
Victoria Square  
Birmingham B2 4BP  
Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

### Licensing, CSU

The Police Licensing Unit  
Canterbury Police Station  
Old Dover Road  
Canterbury CT1 3JQ  
Email: [licensing.east.division@kent.pnn.police.uk](mailto:licensing.east.division@kent.pnn.police.uk).

### Kent Fire and Rescue Service

Kent Fire and Rescue Service South  
Folkestone Fire Safety Office  
Park Farm Road  
Folkestone CT19 5LT  
Email: [tfs.southgroup@kent.fire-uk.org](mailto:tfs.southgroup@kent.fire-uk.org)

### Kent Fire and Rescue Service East

Fire Safety Office  
Canterbury Fire Station  
Upper Bridge Street  
Canterbury CT1 2NH  
Email: [tfs.eastgroup@kent.fire-uk.org](mailto:tfs.eastgroup@kent.fire-uk.org)

Local Planning Authority  
Dover District Council  
White Cliffs Business Park  
Dover CT16 3PJ  
Email: [developmentcontrol@dover.gov.uk](mailto:developmentcontrol@dover.gov.uk)

Environmental Health  
Dover District Council  
White Cliffs Business Park  
Dover CT16 3PJ  
Email: [envhealth@dover.gov.uk](mailto:envhealth@dover.gov.uk)

Child Protection Service  
Child Protection Team  
Kent County Council  
Room 2.60, 2nd Floor  
Sessions House  
County Hall  
Maidstone  
Email: [social.service@kent.gov.uk](mailto:social.service@kent.gov.uk)

HM Revenue & Customs  
Portcullis House  
21 India Street  
Glasgow G2 4PZ  
Email: [rubetting&gaming@hmrc.gsi.gov.uk](mailto:rubetting&gaming@hmrc.gsi.gov.uk)

## Interested Parties

13. Interested parties are persons who may make representations to applications or apply to the Council for the review of an existing licence. These parties are defined in section 158 of the Act as a person who:
  - (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
  - (b) has business interests that might be affected by the authorised activities, or
  - (c) represents persons who satisfy paragraph (a) or (b).
14. When determining whether a person is an interested party for the purposes of the Act, the Licensing Authority will not apply rigid rules but will treat each case on its merits.
15. In considering whether a person lives sufficiently close to a premises to be considered to be an interested party the following matters will be taken into account:
  - the size of the premises
  - the nature of the premises

- the distance of the premises from the home or workplace of the person making the representation
  - the potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises)
  - the circumstances of the person and nature of their interests, which may be relevant to the distance from the premises.
16. In determining whether a person or organisation "has business interests" the Licensing Authority will adopt the widest possible interpretation and include trade associations, trade unions, partnerships, charities, faith groups, voluntary organisations such as hostels and medical practices, bodies for Gambling Addiction, as appropriate.
  17. The Licensing Authority will regard bodies such as trade associations, trade unions, residents' and tenants' associations and professional advisors such as solicitors, barristers and consultants as capable of representing interested parties where they are satisfied that the interested party has asked for representation. The Licensing Authority will only regard representative bodies as interested parties in their own right if they have a member who can be classed as an interested person under the terms of the Act.
  18. In principle, the Licensing Authority will allow any person to represent an interested party but will seek confirmation that the person genuinely represents the interested party. We will generally require evidence that a person/body (e.g. an advocate or relative) 'represents' an interested party. If persons representing interested parties are Councillors, Members of Parliament or Members of the European Parliament, then no specific evidence of being asked to represent an interested person will be required so long as they represent the area likely to be affected.
  19. If individuals wish to approach Councillors to ask them to represent their views those Councillors shall not sit on a Licensing Sub-Committee that meets to determine the licence application. If there are any doubts then either interested parties or Councillors should contact the Licensing Authority for advice.

## Geographical Area Covered by this Statement of Principles

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

## List of Bodies Consulted on this Statement of Principles

British Amusement Catering Trade Association (BACTA)  
Association of British Bookmakers  
Gamble Aware  
The Gambling Commission  
Kent Police  
Kent Fire & Rescue Service  
HM Revenues and Customs  
Kent County Council's Public Health Department  
Kent County Council's Children's Social Services  
Operators of Betting Premises in Dover District  
Operators of Adult Gaming Centres in Dover District  
Operators of Family Entertainment Centres in Dover District  
Operators of Bingo Premises in Dover District  
Holders of Gaming Machine Permits in Dover District  
Holders of Club Gaming Permits in Dover District  
Holders of Club Machine Permits in Dover District  
Dover DC Ward Councillors  
Town and Parish Councils within the district

## Exchange of Information

21. The Council will act in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission.
22. Section 29 of the Gambling Act 2005 enables the Gambling Commission to require information from Licensing Authorities (including the manner in which it is compiled, collated and the form in which it is provided), provided that it:
  - forms part of a register maintained under the Gambling Act 2005;
  - is in the possession of the Licensing Authority in connection with a provision under the Gambling Act 2005.
23. Section 350 of the Gambling Act 2005 allows Licensing Authorities to exchange information with other persons or bodies for use in the exercise of functions under the Act. These persons or bodies are:
  - A constable or Police force
  - An enforcement officer
  - A Licensing Authority
  - HMRC
  - The First Tier Tribunal
  - The Secretary of State
  - Scottish Ministers
24. Information requests from such parties should be made to the Licensing Authority in writing, setting out clearly what information is required and the reason the information is required. The requirements of the Data Protection Act 2018 and GDPR will be complied with. Freedom of Information requests

can be submitted online at:

<https://www.dover.gov.uk/Corporate-Information/Freedom-of-information/Freedom-of-Information.aspx>

25. The Licensing Authority will also have regard to Guidance issued by the Gambling Commission to local authorities as well as any relevant regulations issued by the Secretary of State under the powers provided for in the Act.

## Enforcement

26. The primary aim of enforcement is to achieve compliance. Though enforcement may be taken to mean the formal approach, it may also include advice and support to business to achieve compliance.
27. Inspections will be carried out on a risk basis. New premises, premises under new management, premises where complaints have been received or intelligence received relevant to the licensing objectives, and premises or operators where compliance failings have been identified previously, will be viewed as higher risk. Premises located in areas where there have been incidents of crime affecting or relating to gambling premises, or where the premises themselves have been the victims or involved in such crime, shall also be considered higher risk.
28. Compliance may be achieved through encouraging a sense of community, improved communication, and proactive work with licensees and businesses. Such proactive work may include project work, giving advice and information, and initiatives that educate, inform and encourage partners and stakeholders to work together efficiently and effectively. The principal objective in taking a holistic approach to managing the gambling industry is to prevent problems from occurring before they begin.
29. However, it is recognised that such aims cannot always be achieved, and that active enforcement of the law may be the only effective means of securing compliance. To this end the following enforcement options are available to the Licensing Authority:
  - verbal or written advice
  - verbal warning
  - written warning
  - mediation between licensees and interested parties
  - licence review
  - simple caution
  - prosecution
30. These actions are not mutually exclusive and it may be that one course of action follows another, depending on the individual circumstances.
31. The Licensing Authority operates a partnership approach to dealing with enforcement matters concerning licensed premises. This may include working

with the Police or any of the other responsible authorities under the Act, or working with colleagues from other Council departments or outside agencies.

32. The Kent & Medway Licensing Steering Group has formulated an Enforcement Protocol which each licensing authority and responsible authority has agreed. The purpose of the protocol is to facilitate co-operation and co-ordination between enforcement agencies and sets out general enforcement principles.
33. The Licensing Authority needs to be satisfied premises are being run in accordance with the provisions of the Act, the licensing objectives, the Licence Conditions and Codes of Practice issued by the Gambling Commission and any conditions attached to the Premises Licence. To achieve this, the Licensing Authority will inspect premises, look at gambling facilities, gaming machines and policies and procedures, meet with licence holders and carry out general monitoring of areas as necessary.
34. Inspection and enforcement under the Act will be based on the principles of risk assessment, a graduated response and the targeting of problem premises. The frequency of inspections will be determined on risk-based criteria with high risk operations receiving more attention than premises carrying lower risk.
35. Premises found to be fully compliant will attract a lower risk rating. Those where breaches are detected will attract a higher risk rating.
36. The Licensing Authority will take appropriate enforcement action against those responsible for unlicensed premises/activity. Action will be carried out in accordance with these enforcement principles.
37. Before deciding which course of action to take, the Licensing Authority shall consider the following matters:
  - the history of the premises
  - the history of the offender
  - the offender's attitude
  - the circumstances of the offence
  - whether the offender has a statutory defence to the allegations
  - the impact or potential impact of the breach on the public
  - the quality of the evidence against the offender
  - the likelihood of achieving success in a prosecution
  - the likely punishment that will be incurred if the case goes to Court
  - whether the course of action proposed is likely to act as a deterrent
  - whether the course of action, if it is publicised, is likely to have a beneficial effect on the behaviour of others
38. The Licensing Authority will operate within the principles of natural justice and take into account the Human Rights Act 1998. This includes, in particular:
  - Every person is entitled to the peaceful enjoyment of his possessions – a licence is a possession in law and persons may not be deprived of their possessions except where it is in the public

- interest;
  - Every person is entitled to a fair hearing.
39. The Licensing Authority officers are committed to the principles of good regulation as set out in the Regulators Code. This means our inspection and enforcement activities will be carried out in a way that is:
- Proportionate: only intervening when necessary. Remedies will be appropriate to the risk posed, and costs identified and minimised;
  - Accountable: able to justify our decisions, and be subject to public scrutiny;
  - Consistent: implementing rules and standards fairly in a joined-up way;
  - Transparent: acting in open way, and keeping conditions placed on Premises Licences simple and user friendly; and
  - Targeted: focusing on the problems, and aiming to minimise the side effects.

## The Council's Functions

40. Councils, when acting as Licensing Authorities are required under the Act to:
- license premises where gambling activities are to take place by issuing Premises Licences
  - issue Provisional Statements
  - regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
  - issue Club Machine Permits to commercial clubs
  - grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
  - receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
  - issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
  - register small society lotteries below the prescribed thresholds
  - issue Prize Gaming Permits
  - receive and endorse Temporary Use Notices
  - receive Occasional Use Notices for betting at tracks
  - provide information to the Gambling Commission regarding details of licences, permits and other permissions issued
  - Maintain registers of the permits and licences that are issued under these functions.
41. Councils are not involved in licensing online gambling, which is the responsibility of the Gambling Commission.

## Duplication with Other Regulatory Regimes

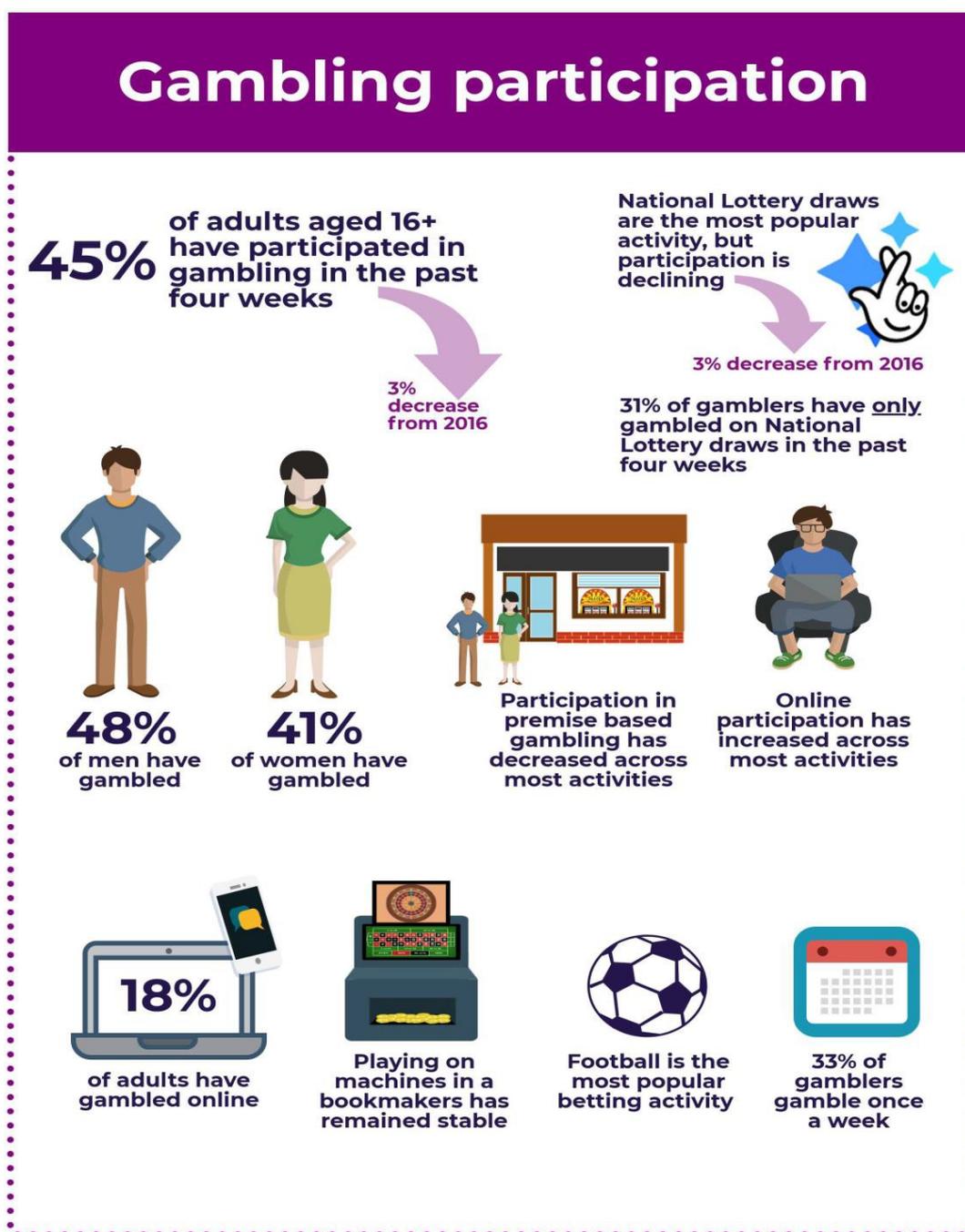
42. The Licensing Authority will seek to avoid duplication with other statutory and regulatory regimes where possible, including planning. The Licensing Authority will not consider planning permission or building regulations approval when making decisions under the Gambling Act. Nor will it regard the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

## Gambling Prevalence and Problem Gambling

44. Research commissioned by the Gambling Commission as part of the Health Survey for England in 2016 found the following:
  - 56% of people in England gambled in 2016
  - 42% of people in England (excluding those who had only played National Lottery draws) gambled in 2016
  - 0.7% of people in England identified as problem gamblers
  - 1.2% of gamblers in England identified as problem gamblers
  - 3.6 % of people in England were at low or moderate risk of developing problems with their gambling
  - 6.6 % of gamblers in England are at low or moderate risk of developing problems with their gambling
45. Problem gambling can have a detrimental effect on personal finances as the attempt to chase losses becomes unmanageable. As well as spending wages, savings and spare cash, debts can also be a feature of problem gambling as a result of borrowings and loans to cover gambling losses. However, the effects of problem gambling can cost more than money. Problem gamblers often say they feel isolated as a result of their solitary pursuits of chasing losses. There is a tendency to stay away from school, college or work in order to gamble. In addition, there is often a preoccupation with gambling, a lack of interest in maintaining relationships and a lack of motivation to engage in social activities. There is often reluctance amongst gamblers to spend money on items of clothing or household goods as this expenditure is often seen as funds for gambling. There can also be an unwillingness to pay utility bills as money would rather be used for gambling purposes. Problem gambling can be progressive in nature and problem gamblers can end up engaging in criminal activity to fund

their gambling. This can lead to lifelong consequences with criminal convictions.

- 46. Between April 2017 and March 2018, Gamcare received 22 calls from persons with a Dover postcode. The biggest age group of these callers was 36 – 45.
- 47. The following Gambling Commission infographic provides a useful summary of the national picture on gambling participation.



## Chapter Two

### Welcome to Dover District Council

#### General Description

48. The Dover District is one of twelve districts that make up the county of Kent and is bordered by Thanet to the north, Folkestone and Hythe to the south-west and Canterbury to the north-west. Its location means that the district is at the centre of travel to and from continental Europe but on the edge of domestic economic activity.
49. The Dover District covers an area of 31,484 hectares, with a coastline of around 20 miles. The district contains two urban areas, a market town and a large rural area made up of dozens of villages and smaller settlements. The Dover District is connected to the main highways network by the M20/A20 and M2/A2 corridors, which provide a direct link to London. High speed rail links also connect Dover, Martin Mill, Walmer, Deal and Sandwich to London and the wider rail network. It has a population of around 114,200 (2016).
50. The population of the Dover District is predominately white, with 96.7% of white ethnic origin and 3.3% non-white ethnic origin.
51. Dover District Council is comprised of 17 wards. The Dover district has a wide range of sports and leisure facilities on offer including leisure centres, swimming pools, county parks and gardens, play areas, cinemas, theatres and museums. The Dover District is also famous for its golf courses including the Royal St George's in Sandwich, which has hosted the Open Championship.
52. The economy of the Dover District is closely linked with the Port of Dover, which is Europe's busiest ferry port and a vital international gateway for the movement of passengers and trade. Other important sources of employment in the district include construction and accommodation and food services.
53. The average age of people living in the Dover district is 43.3 years. This is higher than the national (39.8 years) and county (40.0 years) averages.
54. At the end of 2017 the crime rate was about the same as the average crime rate across similar areas.

## Chapter Three

### Licensing Objectives and Local Area Risk Assessments

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

#### Risk Assessment

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

- the location of any nearby sensitive premises, such as hostels and other facilities used by vulnerable persons e.g. drug and alcohol addictions;
- whether there is a prevalence of street drinking in the area, which may increase the risk of vulnerable persons using the premises;
- the type of gambling product or facility offered;
- the layout of the premises;
- the external presentation of the premises;
- the location of nearby transport links and whether these are likely to be used by children or vulnerable persons;
- the customer profile of the premises;
- staffing levels;
- staff training, knowledge and experience;
- whether there is any indication of problems with young persons attempting to access adult gambling facilities in that type of gambling premises in the area.

62. It is recommended that operators liaise with other gambling operators in the area to identify risks and consult with any relevant responsible authorities as necessary.
63. This Statement of Principles does not preclude any application being made and every application will be decided on its individual merits, with the opportunity given for the applicant to show how potential concerns can be overcome.
64. The Licensing Authority expects applicants to keep a copy of the local area risk assessment on the licensed premises and to ensure that all staff have seen the risk assessment, have received training in respect of its content, and are able to produce the risk assessment on request by an authorised officer of the Council, the Police or the Gambling Commission.

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

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

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

## Ensuring that gambling is conducted in a fair and open way

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

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

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

## Chapter Four

### Premises Licences

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

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- relate to the scale and type of premises; and
- reasonable in all respects.

79. Certain matters set out in the Act may not be the subject of conditions. These are:

- conditions which make it impossible to comply with an Operating Licence
- conditions as to gaming machines that contradict the provisions in the Act
- conditions making activities, premises or parts of them operate as a membership club
- conditions on fees, winnings, stakes or prizes.

80. Conditions will be attached to individual licences on the basis of their merits. However, there will be a number of measures the Licensing Authority will commonly consider utilising in order to pursue the licensing objectives. These may include measures such as:

- the supervision of entrances;
- separation of gambling from non-gambling areas frequented by children;
- the supervision of gaming machines in premises not specifically for adult gambling and
- appropriate signage for adult only areas.

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

## Split Premises

81. The Gambling Commission's Guidance states that a building can, in principle, be divided into more than one premises and be subject to more than one Premises Licence provided they are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises. An example is given of units within a shopping mall, where each unit is separate self-contained premises contained within one building. It is also possible for licensed premises to be located next to each other.

82. The Gambling Commission state they do 'not consider that areas of a building that are artificially separated, for example by ropes or moveable partitions, can properly be regarded as separate premises'.

83. Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the Licensing Authority will need

to be satisfied the premises are genuinely separate premises, and not an artificially created additional part of single premises.

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

91. The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or cashpoint machines.
92. Where the Licensing Authority is satisfied that a building can be divided into separate premises it will expect applicants to ensure that:
- the premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part;
  - the premises are not configured so children are likely to enter an adult only area to join a parent gambling in that adult only area,
  - entrances and exits from parts of a building covered by one or more Premises Licences are separate and identifiable so the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit;
  - customers should be able to participate in the activity named on the Premises Licence.

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

## Access to Premises

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

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

## Plans

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

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

made or to which exit leads.

96. The Regulations also state that other than in respect of a track, the plan must show 'the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence'. The Licensing Authority may, however, consider that these minimum requirements are insufficient to satisfy them in respect of the licensing objectives at tracks, Gambling Commission Guidance, Codes of Practice or its own Statement of Principles. In such cases, the Licensing Authority may ask for such additional information to be shown on the plan as it deems necessary to enable it to discharge its duties effectively. Information shown on the plan that is not required by Regulations will not form part of the Premises Licence and will only be used by the Licensing Authority to help it make a considered decision on the application.
97. If plans change in any material respect during the lifetime of the licence, the applicant will be in breach of their licence and would either need to make a fresh application under s.159 or to seek an amendment to the licence under s.187 of the Gambling Act 2005. If the changes are substantial, this may, in the opinion of the Licensing Authority, render the premises different to those to which the licence was granted. In such cases, variation of the licence under s.187 would not be possible and an application for a new application would be required under s.159.

## General Requirements for All Premises

98. The Licensing Authority expects all applicants for gambling Premises Licences to ensure there is adequate provision for staff to supervise persons using the licensed premises. This is to identify those who have self-excluded, vulnerable persons, under age persons, persons gambling beyond limits they have set for themselves, person who may be involved in crime, persons who may be prone to anti-social behaviour, persons who are drinking alcohol where this is prohibited and persons who are showing signs of distress in respect of their gambling.
99. Applicants must take the structure and layout of the premises into account when considering their own policies and procedures. For example, where it is not possible for counter staff to supervise persons using gambling facilities such as gaming machines, the Licensing Authority would expect applicants to volunteer conditions that floor walkers will be used or that counter staff will be able to view all areas of the premises on CCTV provided to the counter area where it can be clearly seen.
100. Arrangements must be made for how staff will deal with customers who become aggressive and for ejecting patrons who are, for example, self-excluded, vulnerable or under age. This will include staff training and ensuring there are appropriate numbers of staff to deal with problems.
101. Staff should be in a position to monitor entrances and gaming machines and challenges should be initiated at the earliest opportunity.

102. Where access to premises is age restricted, the Licensing Authority expects applicants to have a Think 21 policy in place and to train its staff in recognising acceptable forms of identification. Posters should also be displayed stating that the relevant policy is in place and that users may be challenged.
103. Licence holders should record details of persons who have self-excluded, persons who have been ejected or refused admission, persons who have been barred by the operator, and any instances of crime or disorder that occurs on, or in association with, the licensed premises.
104. Applicants should demonstrate how they will identify self-excluded persons.
105. Where applicable, operators shall be able to demonstrate they are participating effectively in the relevant multi-operator self-exclusion scheme.

## Casinos

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

## Bingo

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

a bingo premises and readily identifiable as such to any customer using the premises.

111. In determining applications for bingo premises, the Licensing Authority shall consider the following:
- proof of age schemes
  - CCTV
  - entry control system
  - staff numbers
  - staff training
  - supervision of entrances/ machine areas
  - whether children are permitted on the premises and, if so, how the operator intends to prevent them from playing bingo or being able to access adult only machine areas
  - notices/ signage
  - opening hours
  - the times and frequency of which bingo is offered
  - whether bingo is offered by a caller or only electronically
  - whether the premises are clearly identifiable as being licensed for the purposes of offering bingo facilities
  - provision of responsible gambling information

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

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

## Betting Premises

114. This policy applies to applications for off-course betting premises. This is betting that takes place other than at a track, typically in a betting shop.
115. The Licensing Authority must be satisfied that the primary use of the premises is to operate as betting premises. The applicant will be expected to demonstrate they are offering sufficient facilities for betting or otherwise should not make gaming machines available on the premises.
116. In determining applications for betting premises, the Licensing Authority shall consider the following:

- proof of age schemes
- CCTV
- entry control system
- staff numbers
- staff training
- counter layout
- supervision of entrances/ machine areas
- machine privacy screens
- notices/ signage
- opening hours
- provision of responsible gambling information

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

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

- the summary of the contractual terms on which gambling is offered, which is a condition of the licence holder's Operating Licence issued by the Gambling Commission.

## Betting Tracks and Other Sporting Venues

121. Tracks include premises where a race or other sporting event takes place, or is intended to take place. These may be subject to one or more than one Premises Licence, provided each licence relates to a specified area of the track. The Gambling Commission Guidance identifies that operators of track betting premises will not necessarily hold an Operating Licence issued by the Commission. The Licensing Authority will have particular regard to proposals and measures to ensure the environment in which betting takes place is suitable for betting and that betting is conducted in a fair and open way.
122. Examples of tracks include:
- Horse racecourses
  - Greyhound tracks
  - Point to point meetings
  - Football, cricket and rugby grounds
  - Athletics stadia
  - Golf courses
  - Venues hosting darts, bowls or snooker tournaments
  - Premises staging boxing matches
  - Sections of river hosting fishing competitions
  - Motor racing events
123. The offence of permitting a child or young person to enter gambling premises under section 47 of the Act does not apply to tracks. Therefore the Licensing Authority will consider the impact upon the objective of protection of children and vulnerable persons, the need to ensure that entrances to each type of licensed premises within the sporting venue are distinct, and that children are excluded from gambling areas which they are not permitted to enter.
124. The possibility of multiple licences at tracks is noted in Part 20 of the Gambling Commission Guidance. The Licensing Authority will expect the applicant for a Premises Licence to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities. Children and young persons are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but are still prevented from entering areas where gaming machines (other than Category D machines) are provided. Children and young persons are not prohibited from playing Category D machines on a track.
125. In determining applications for betting at tracks, consideration will be given to appropriate measures/licensing conditions to address the matters listed below:

- proof of age schemes such as Think 21
- CCTV
- entry control system
- supervision of entrances/ machine areas
- physical separation of areas
- notices/ signage
- opening hours
- provision of responsible gambling information
- provision of policies and procedures in relation to social responsibility measures as set out below
- staffing levels
- staff training and records of staff training
- recording of incidents such as underage challenges, customer interactions for problem gambling, self-exclusions and complaints and disputes relating to gambling
- details of action to be taken where an on course bookmaker has breached their Gambling Commission Operating Licence conditions repeatedly, for example where children have been able to gamble.

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

126. Track betting operators must be able to demonstrate their adoption of socially responsible gambling policies and procedures. Such policies and procedures must ensure that track betting activities promote the licensing objectives of ensuring that gambling is conducted in a fair and open way and children and other vulnerable people are not harmed or exploited by gambling.
127. A track Premises Licence does not in itself entitle the holder to provide gaming machines. However, by virtue of section 172(9) of the Act, track owners who hold both a track Premises Licence AND a pool betting Operating Licence issued by the Gambling Commission (this currently only applies to greyhound tracks) may provide up to four Category B2 to D gaming machines on the track.
128. The Licensing Authority will consider the location of gaming machines at tracks, and applicants for track Premises Licences will need to demonstrate that, where the applicant holds or seeks a pool betting Operating Licence and is going to use their full entitlement to gaming machines, these machines are located in areas from which children are excluded. The applicant will be required to provide information as to what measures it will put in place around the gaming machines to ensure that children are excluded.
129. The Licensing Authority will expect applicants to include detailed plans for the track itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”), pool betting, and any other proposed gambling facilities. Plans should make clear what is being sought for authorisation under the track betting Premises Licence and what, if any, other areas are to be subject to a separate application for a different type of Premises

Licence. Any such plans must also contain the information prescribed by regulations.

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

## Adult Gaming Centres (AGC's)

135. Adult gaming centre (AGC) Premises Licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a relevant Operating Licence from the Gambling

Commission and must seek a Premises Licence from the Licensing Authority. Gaming machines are a form of gambling attractive to children and AGC's may contain machines of a similar format to the Category D machines on which children are allowed to play. However, persons under the age of 18 are not permitted to enter an AGC.

136. Because gaming machines provides opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The Licensing Authority in considering Premises Licences for AGC's will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds are not attracted to, or gain access to, the premises.
137. The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures / licence conditions may cover issues such as:
  - proof of age schemes
  - CCTV
  - entry control system
  - supervision of entrances/ machine areas
  - physical separation of areas
  - notices/ signage
  - opening hours
  - staffing levels
  - staff training
  - provision of problem gambling information
  - self-exclusion schemes

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

## Family Entertainment Centres (FEC's)

138. Generally, FEC's must be operated by a person or body having an Operating Licence from the Gambling Commission. Unlicensed Family Entertainment Centres do not require the operator to have a Gambling Commission Operator's Licence or Premises Licence from the Licensing Authority, but do need to have a gaming machine permit as set out in the section on Permits. Unlicensed Family Entertainment Centres may only be used to provide Category D gaming machines.
139. Gaming machines are a form of gambling which is attractive to children and licensed FEC's will contain both Category D machines on which they are allowed to play, and Category C machines on which they are not. Because gaming machines provide opportunities for solitary play and for immediate payouts, they are more likely to engender repetitive and excessive play. The Licensing Authority, in considering applications for FEC Premises Licences, will

specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

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

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

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

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

## Door Supervisors

142. The Gambling Commission Guidance advises that Licensing Authorities may consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, but there can also be a need for supervision to stop premises becoming a source of crime. Door supervisors at casinos or bingo premises are not required to be registered by the Security Industry Authority (SIA) under the Private Security Industry Act 2001. Door supervisors not directly employed by a casino or bingo operator do however have to be SIA registered.

143. For betting offices and other premises, the operator and/or the Licensing Authority may decide that supervision of entrances or machines is appropriate in particular cases. The Licensing Authority will make door supervision a

requirement where there is evidence, from the history of trading at the premises or in the area that the premises cannot be adequately supervised by counter staff or that problem customers cannot be dealt with effectively by counter staff alone and that door supervision is both necessary and proportionate.

## Provisional Statements

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

## Reviews

145. Requests for a review of a Premises Licence can be made by interested parties or responsible authorities, including the Licensing Authority. However, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- any relevant Code of Practice issued by the Gambling Commission;
  - any relevant guidance issued by the Gambling Commission;
  - the licensing objectives;
  - this Statement of Principles.
146. The Licensing Authority may reject an application for review if it thinks the grounds on which the review is sought:
- a) are not relevant to the relevant code of practice or guidance issued by the Gambling Commission, the licensing objectives or the Licensing Authority's statement of principles;
  - b) are frivolous;
  - c) are vexatious;
  - d) 'will certainly not' cause the Licensing Authority to revoke or suspend the licence or to remove, amend or attach conditions on the Premises Licence;
  - e) are substantially the same as grounds cited in a previous application relating to the same premises (the Licensing Authority will consider the length of time that has passed since the earlier application in deciding whether this is a reasonable reason to reject the review application);

- f) are substantially the same as representations made at the time the application for the Premises Licence was considered. While the Licensing Authority will consider the length of time that has passed since the representations were made, it will not normally review a licence on the basis of the same arguments considered on the grant of the Premises Licence.
147. General objections to gambling as an activity are not likely to be considered relevant reasons for a review. Other examples of irrelevant considerations include demand for gambling premises, issues relating to planning, public safety and traffic congestion.
148. The Licensing Authority can initiate a review of a particular Premises Licence, or any particular class of Premises Licence, for any reason it believes is appropriate. This includes reviewing a Premises Licence on the grounds that a Premises Licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
149. The Licensing Authority may review any matter connected with the use made of a particular premises if it has reason to believe the Premises Licence conditions are not being observed, or for any other reason which gives it cause to believe a review may be appropriate.
150. A responsible authority or interested party may apply to the Licensing Authority to review a Premises Licence. Such reviews can be made in relation to, amongst other things if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address, where incidents that have adversely effected one or more licensing objectives have occurred at premises that could have been prevented if advice and guidance from a responsible authority had been heeded, or if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder.
151. As a review of a Premises Licence can lead to its revocation, the Licensing Authority will consider whether informal actions to ensure timely or immediate compliance have been exhausted prior to an application being made. The Licensing Authority accepts that an application for review may be appropriate without informal measures being taken, but will seek to establish that all options have been considered in determining review applications.

# Chapter Five

## Travelling Fairs and Permits

### Travelling Fairs

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

### Permits

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

The Licensing Authority is responsible for issuing the following permits:

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

## Unlicensed family entertainment centre gaming machine permits

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

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

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

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

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

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

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

## Automatic entitlement to two gaming machines

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

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

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

## Permit for three or more gaming machines

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

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

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

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

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

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

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

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

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

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

## Prize Gaming Permits

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

## Club Gaming and Club Machine Permits

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

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

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

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

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

# Chapter Six

## Notices

### Temporary Use Notices

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

### Occasional Use Notices

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

## Chapter Seven

### Small Society Lotteries

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

#### Definition of lottery

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

#### Definition of society

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

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

## External Lottery Managers

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

## Lottery Tickets

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

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

## Where tickets may be sold

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

## Prizes

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

## Small society registration

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

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

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

## Refusal of registration

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

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

## Revocation of a small society's registered status

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

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

## Administration and returns

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

227. The limits are as follows:

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

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

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

conducted (this must be at least 20% of the proceeds)

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

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

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

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

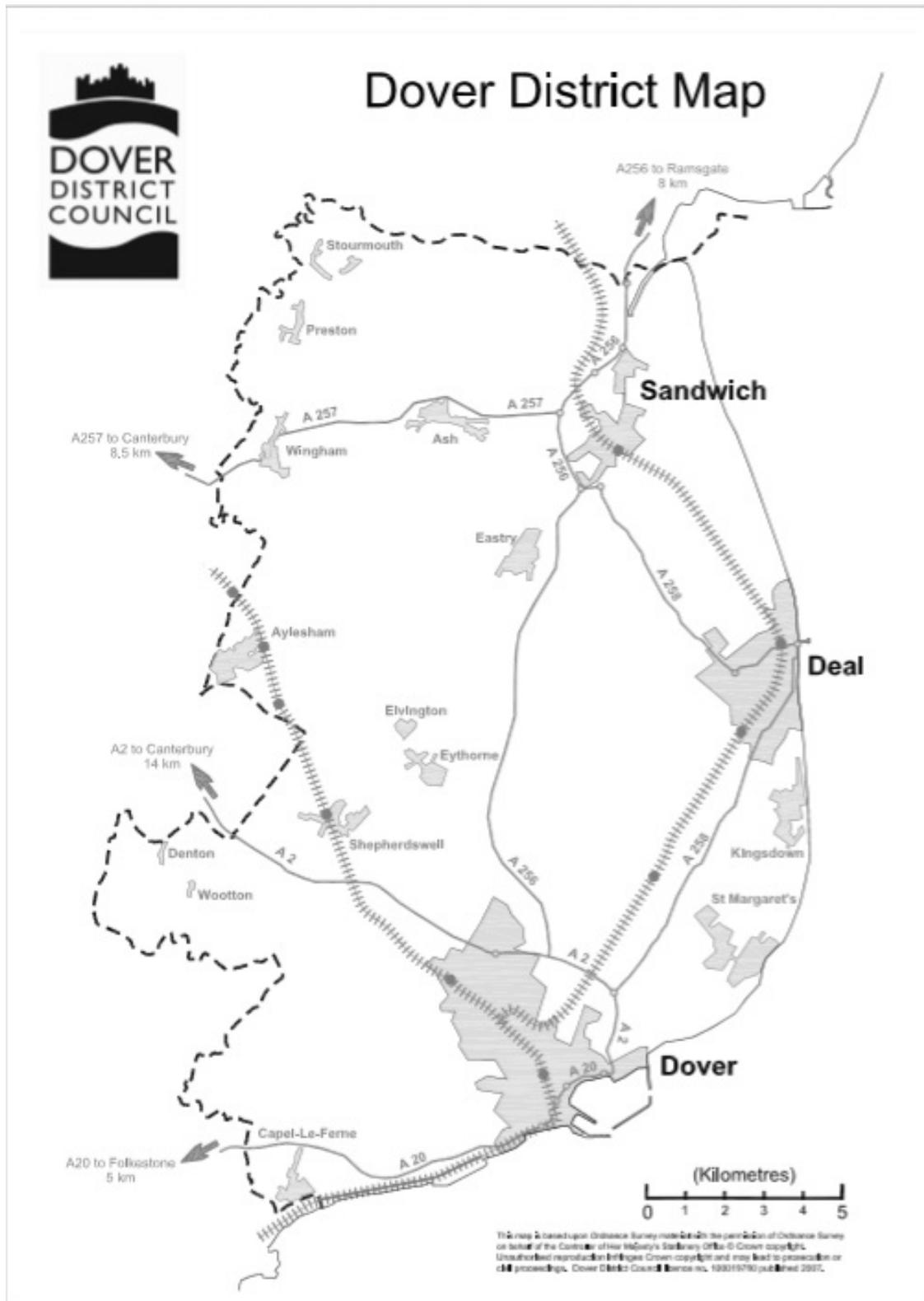
231. The Licensing Authority will monitor the cumulative totals of returns to ensure that societies do not breach the annual monetary limit of £250,000 on ticket sales. The Licensing Authority must notify the Commission if returns reveal that a society's lotteries have exceeded the values permissible,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

## Appendix One – Consultation

A public consultation was carried out in respect of this Statement of Principles from 10 June 2019 to 22 July 2019.

As well as sending consultation letters and emails to parties directly mentioned in the Introduction and Overview, a public notice was displayed at Dover District Council Offices for the duration of the consultation and an advertisement of the consultation was published in the Kent Mercury on XXXXX.

# Appendix Two: Map of the area covered by this Statement of Principles





## **Appendix B**

# **Dover District Council Statement of Principles Gambling Act 2005**

**2016-2019**

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*This Statement of Licensing Principles was approved by Council on 27 January 2016.*

*All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 5<sup>th</sup> Edition, published September 2015.*

*The Guidance document can be found at: <http://www.gamblingcommission.gov.uk>*

## 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:

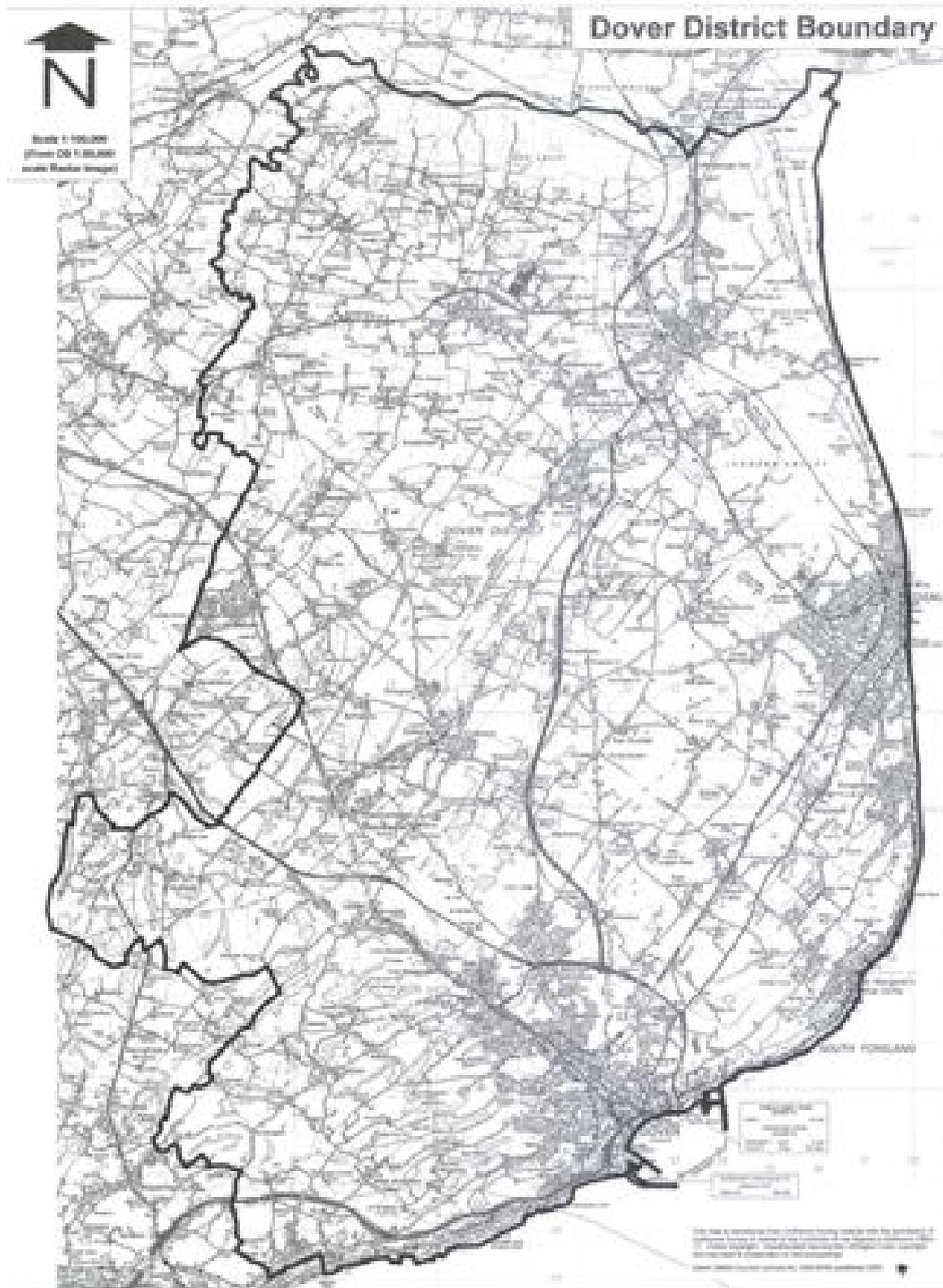
- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives and
- in accordance with the authority’s statement of licensing policy

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.

The consultation took place between 3 November 2015 and 15 December 2015.

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

or by emailing [licensing@dover.gov.uk](mailto:licensing@dover.gov.uk).

The policy was approved at a meeting of the Full Council on 27 January 2016 and was published via our website on 1 February 2016. 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 1 March 2016.

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.dover.gov.uk/Business/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 however consider the following matters as recommended by the Guidance to local authorities:

- the size of the premises
- the nature of the premises

- the distance of the premises from the location of the person making the representation
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and
- the nature of the complainant (not the personal characteristics of the complainant but the interests of the complainant, which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) residential hostel for vulnerable adults).
- The catchment area of the premises (ie how far people travel to visit); and
- Whether the person making the representation has business interests in that catchment area, that might be affected.

**The Gambling Commission has emphasised to licensing authorities, that ‘demand’ cannot be a factor in decisions.**

**Guidance also states that moral objections to gambling are not valid reasons to reject applications for premises licences. This is because such objections do not relate to the licensing objectives (Guidance to Licensing Authorities Para 5.28)**

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](mailto:licensing@dover.gov.uk)

## **6. Exchange of Information**

In holding and exchanging information with other bodies during the exercise of its functions under the Act the licensing authority will act in accordance with the provisions of the Act, the Data Protection principles as set out in the Data Protection 1998 and its duties under the Freedom of Information Act 2000.

The licensing authority will have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

## **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. The Gambling Commission will be responsible for compliance as regards unlicensed premises.

## 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.

As regards licence conditions, the Guidance for local authorities states that "Conditions imposed by the licensing authority must be proportionate to the circumstances which they are seeking to address. In particular licensing authorities should ensure that the premise licence conditions are:

- 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;
- reasonable in all other respects.

The Commission also adds that the "licensing authority should take decisions on individual conditions on a case by case basis, although this will be against the background of any general policy set out in this guidance or their own licensing authority statement of policy".

There are also conditions which 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

**The Gambling Commission has also emphasised to local authorities, that ‘demand’ cannot be a factor in decisions.**

## **(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. It is for the licensing authority to decide whether different parts of a building can be properly regarded as being separate premises taking into consideration Guidance issued by the Gambling Commission.

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 or those relating to a specific part of the building to be licensed, licensing authorities 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.

## **(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.

### **(iii) 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.”*

Planning and licensing are different regulatory systems and will be dealt with separately. The Guidance states: “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. Not 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.

In accordance with the Guidance this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

#### ***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.

The Guidance has noted that “disorder is intended to mean activity that is more serious and disruptive than mere nuisance. 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 Guidance states that licensing authorities may require persons operating premises in which gambling takes place to take measures such as the supervision of entrances; segregation of gambling from non-gambling areas frequented by children (assuming such non-gambling areas are compatible with requirements of the Act); and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

It is to be noted that door supervisors at licensed casino or bingo premises are exempt from the requirements of the Private Security Industry Act 2001. Where an authority imposes door supervision requirements on such licences, the personnel will not need licensing under the 2001 Act.

However, where a casino or bingo premises are licensed under the Licensing Act 2003 Door Supervisors employed are required to be licensed under the Private Security Industry Act 2001 to enable them to perform their functions under that Act.

## **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.

Guidance for local authorities states that "section 77 does not prevent the licensee from contracting a third-party to install cash dispensers (ATMs) on their premises, which may accept both credit and debit cards. Such an arrangement is subject to requirements that the premises licence holder has no other commercial connection in relation to gambling with the provider of the ATMs (aside from the agreement to site the machines), does not profit from the arrangement, and does not make any payment in connection with the machines. All premises licences also include a mandatory condition which requires that any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling in order to do so".

#### 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.

Guidance for local authorities states that “section 77 does not prevent the licensee from contracting a third-party to install cash dispensers (ATMs) on their premises, which may accept both credit and debit cards. Such an arrangement is subject to requirements that the premises licence holder has no other commercial connection in relation to gambling with the provider of the ATMs (aside from the agreement to site the machines), does not profit from the arrangement, and does not make any payment in connection with the machines. All premises licences also include a mandatory condition which requires that any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling in order to do so”.

## **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)

The term 'unlicensed family entertainment centre' is one defined in the Act and refers to a premises which provides category D gaming machines together with various other amusements such as computer games and "penny pushers".

The premises is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide its category D gaming machines. It should not be confused with a 'licensed family entertainment centre' that does require a premises licence because it contains both category C and D gaming machines.

Unlicensed family entertainment centres (UFECs) will be most commonly located at seaside resorts, in airports and at motorway service centres, and will cater for families, including unaccompanied children and young persons. The council will only grant a UFEC gaming machine permit where it is satisfied that the premises will be operated as a bona fide unlicensed family entertainment centre.

In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in this "Statement of Principles" have been addressed through the application.

Applicants only need to address the "Statement of Principles" when making their initial applications and not at renewal time (permits are granted for a period of 10 years).

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.

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 South**

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

### **Kent Fire & Rescue Service East**

Fire Safety Office  
Canterbury Fire Station  
Upper Bridge Street  
Canterbury  
CT1 2NH

### **HM Revenue & Customs**

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

### **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**

Child Protection Team  
Kent County Council  
Room 2.60, 2<sup>nd</sup> Floor  
Sessions House  
County Hall  
Maidstone

### 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

## Equality Impact Assessment

<b>Department</b>  Licensing	<b>Division</b>  Regulatory Services	<b>Officers involved in the assessment</b>  Rebecca Pordage – Licensing Team Leader Lucy Manzano – Public Protection Manager
<b>Name of the policy or service provision to be assessed:</b>  REVISED STATEMENT OF LICENSING POLICY – GAMBLING ACT 2005	<b>Date of assessment:</b>  29 April 2019	<b>Is this a new, revised or existing policy or service provision?</b>  Revised
<p><b><u>Overview</u></b></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> <ul style="list-style-type: none"> <li>a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;</li> <li>b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not.</li> <li>c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ul> <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>		
<p><b>1. Describe the item you are assessing and the outcomes you want from it?</b></p> <p>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.</p>		

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

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

The policy has been reviewed to reflect changes to legislation 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 local authority are legally required to produce and maintain a Gambling Policy. Guidance on how to produce a policy is provided by the Gambling Commission. The policy was produced by the Licensing Team Leader. The main stakeholders are the public (service users), licence holders and other enforcement authorities such as the Police and the Gambling Commission.

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

The Gambling Commission regulate commercial gambling in Great Britain in partnership with the licensing authority. 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. 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 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 6 weeks, from 10 June 2019 to 22 July 2019 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**

No expected negative impact. For the protection of minors no under 18s are permitted into specific premises as outlined by the policy. Over 16s can participate in lotteries. Children can be in pubs where there are gaming machines but can only use certain prescribed machines. 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 Name .....Rebecca Pordage..... Lead Officer Name .....Rebecca Pordage.....

**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.	Ongoing		Licensing Team Leader

Appendix 1

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<b>Subject:</b>	<b>LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - REQUEST FOR INCREASE IN HACKNEY CARRIAGE FARE TARIFF</b>
<b>Meeting and Date:</b>	<b>Cabinet – 3 June 2019</b>
<b>Report of:</b>	<b>Diane Croucher, Head of Regulatory Services</b>
<b>Portfolio Holder:</b>	<b>Councillor Nigel Collor, Portfolio Holder for Transport and Licensing</b>
<b>Decision Type:</b>	<b>Key Decision</b>
<b>Classification:</b>	<b>Unrestricted</b>

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**Purpose of the report:** To seek approval to consult on the maximum fare increase proposal submitted by the Dover Federation of Taxi Operators.

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**Recommendation:**

1. That Cabinet approves a period of consultation with the trade and public on the maximum fare increases proposed by the Dover Federation of Taxi Operators, and considers any representations at a future meeting.

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### Summary

1. The fixing of fares in respect of hackney carriages is a statutory function of the District Council under the provisions of Section 65, Local Government (Miscellaneous Provisions) Act 1976.
2. The formal statutory procedure requires the Council to publish a notice containing the table in at least one local newspaper and specify a period of not less than 14 days from the first publication of the notice during which time objections to the variation can be made.
3. In the event of any objections to the variation being received, the Authority must consider those objections before bringing the variation into operation. The date on which the table of fares comes into operation, with or without modification, shall be not less than 2 months after the date on which it would have come into operation if no objections were received or if objections had been withdrawn.
4. The current hackney carriage table of fares came into force in January 2012, and is shown at **Appendix A**.
5. The Licensing Section has received a proposal for a review of the table of fares. The proposal was received from some members of the Dover Federation of Licensed Taxi Operators (**Appendix B**). The proposal has been received in response to increased vehicle running costs.
6. Officers are aware that not all members of the trade support the Federation's proposal. Therefore, rather than go straight into the formal procedure it is proposed to undertake a preliminary non-statutory consultation in advance of the invoking the formal procedures identified in paragraphs 1 to 3 above.

## Introduction and Background

7. A proposal was received from some members of the Dover Federation of Taxi Operators. A forum was held at the Council Offices in order that the federation could explain the proposal in full and any questions could be answered. Some of the members of the Federation do not agree with the proposal, and have been advised that if the proposal goes out for consultation, they will have an opportunity to put their views across then. It should be noted that this is a maximum tariff, so hackney proprietors may charge less than this if they wish to do so.
8. Data from the April 2019 issue of The Private Hire and Taxi Monthly has been utilised to compare this authority's current fares with other local authorities throughout the country. According to the Private Hire and Taxi Monthly, Dover District Council currently has the 147<sup>th</sup> highest taxi tariff in the country. Canterbury is ranked 144<sup>th</sup> highest, Ashford 69<sup>th</sup>, Folkestone & Hythe 116<sup>th</sup> and Thanet 280<sup>th</sup> out of a total of 362 local authority areas (**Appendix C**).
9. Comparative data from the AA of fuel prices between 2012 and 2018 shows a decrease from 142p to 125p for a litre of diesel, and a decrease from 134p to 122.5p for a litre of unleaded (**Appendix D**). This does not take into account any potential increased running costs (insurance, tax, car maintenance etc).
10. Denis Carter (a member of the Federation) has provided a presentation (on behalf of the Dover Federation of Taxi Operators) which explains the calculations behind the proposal, and this is shown at **Appendix E**.

## The Proposal

11. The application is for the following amendments to the Table of Fares:
  - Tariff 1 (6.00 am – 12 midnight daily)

For hiring commenced between the hours of 6.00 am and 11.00 pm each day

    - Changing the start yards from **400 yards to 300 yards**
    - Changing the Drop Yards from **117 yards to 207 yards**
    - Changing the price for each 207 yards or 45 seconds from **£0.10 to £0.20**
    - Changing the Start price from **£3.30 to £3.20**
    - Thus meaning that the **first mile cost will increase from £4.50 to £4.60**
    - And that **each additional mile cost will increase from £1.50 to £1.70**
  - Tariff 2 (12 midnight – 6.00 am daily,

This tariff is no longer to be used for Statutory Holidays and Bank Holidays.

    - Changing the start yards from **400 yards to 300 yards**
    - Changing the Drop Yards from **117 yards to 207 yards**
    - Changing the price for each 207 yards or 45 seconds from **£0.15 to £0.30**
    - Changing the Start price from **£4.95 to £4.80**



- 4.3 Option 3 – Choosing option 3 will not enable the licensing authority to consult the public on the hackney carriage tariff and would leave the tariff as it is.

## **5 Resource Implications**

The consultation will be accommodated within the existing budget provision.

## **6 Corporate Implications**

- 6.1 Comment from the Finance Officer: Finance has been consulted and has nothing further to add (SB).
- 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 equality implications however in discharging their duties 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>.
- 6.4 Other Officers (as appropriate):

## **7 Appendices**

Appendix A – Current tariff

Appendix B – New proposal submitted by Dover Federation of Licensed Taxi Operators

Appendix C – PHTM figures

Appendix D – AA fuel price information relating to 2012 and 2018.

Appendix E – Presentation provided by Denis Carter (on behalf of Dover Federation of Licensed Taxi Operators).

## **8. Background Papers**

None.

Contact Officer: Rebecca Pordage, Licensing Team Leader x2229



## Hackney Carriage Table of Fares 1.1.12 onwards

Applies to all journeys within the District Boundary and to journeys outside the District Boundary unless agreed otherwise between driver and hirer prior to the hiring.

### TARIFF 1

**For hiring commenced between 06:00 hrs and 12 Midnight each day**

- ❖ For the first 400 yards or 1 minutes and 20 seconds **£3.30**
- ❖ For each succeeding 117 yards or 23.5 seconds thereafter or a combination of both. **£0.10**

### TARIFF 2

**For hiring commenced between 12 midnight and 06:00 hrs each day, Statutory Holidays and Bank Holidays (excluding Christmas and New Year):**

- ❖ For the first 400 yards or 1 minute and 20 seconds **£4.95**
- ❖ For each succeeding 117 yards or 23.5 seconds thereafter or a combination of both. **£0.15**

### TARIFF 3

**For hiring commenced between 18:00 hrs Christmas Eve and 06:00hrs 27 December and between 18:00 hrs New Year's Eve and 06:00 hrs 2 January:**

- ❖ For the first 400 yards or 1 minutes 20 seconds **£6.60**
- ❖ For each succeeding 117 yards or 23.5 seconds thereafter or a combination of both **£0.20**

### EXTRAS

- ❖ For Hiring on Sundays **£1.00**
- ❖ For each article of luggage **£0.20**
- ❖ For each person in excess of one **£0.20**

**MPV's that carry more than 4 passengers 50% of the above tariffs (1,2,3)**

### ADVERSE WEATHER CONDITIONS

During adverse weather conditions, defined as when the Stagecoach Bus Company withdraw their services due to adverse weather, the tariffs relating to distance and waiting time are increased by 50 per cent

### SOILING CHARGE

- ❖ To cover cleaning and loss of income, where the interior of the vehicle is soiled (at the discretion of the driver) not exceeding **£50.00**

# D.F.O.L.T.O

## Dover Federation of Licence Taxi Operators

Chairman: Mark Pierce  
07391037371

Vice Chairman: Charlie Moore  
07909585513

Treasurer: George Cox  
07796933338

Secretary Edmond Nikaj  
0780966180  
15 Noah's Ark Terrace Dover CT170D

Licensing Department  
Rebecca Pordage

Dover District Council  
White Cliffs Business Park  
Dover  
CT163PJ  
12<sup>th</sup> November 2018

Ref: To our meeting on Thursday 8<sup>th</sup> November 2018 at Dover District Council Office Whitfield

Persons present D.D.C Licence officers Rebecca and PJ  
Taxi Trade Charlie Moore, Edmond Nikaj and Denis Carter

To review the fare stature for the Taxi Trade  
Valued comments from both sides and as requested in writing from the Taxi Trade

(Highlighted areas are amended items)

	<b>TARIFF 1</b>
<b>For hiring commenced between 06:00 hrs and 12 Midnight each day</b>	
For the first 300 yards or 1 minute and 20 seconds	<b>£3.20</b>
For each succeeding 207 yards or 45 seconds	
Thereafter or a combination of both	<b>£0.20</b>
	<b>TARIFF 2</b>
<b>For hiring commenced between 12 midnight and 06:00 hrs each day</b>	
For the first 300 yards or 1 minute and 20 seconds	<b>£4.80</b>
For each succeeding 207 yards or 45 seconds	<b>£0.30</b>
Thereafter or a combination of both	
	<b>TARIFF 3</b>
<b>For hiring commenced between 18:00 hrs Christmas Eve and 06:00 hrs 27 December and between 18:00 New Year Eve and 06:00 2<sup>nd</sup> January</b>	
For the first 300 yards or 1 minute 20 seconds	<b>£6.40</b>
For each succeeding 207 yards or 45 seconds	<b>£0.40</b>
Thereafter or a combination of both	

### EXTRAS

**MPV that carry more than 4 passengers 50% of the above TARIFFS (1-2-3)**

**For Hiring on Sundays and Statutory Holidays and Bank Holidays (Excluding Christmas and New Year)**

For hiring on Sunday and Statutory Holidays and bank Holidays	<b>£1:00</b>
For each article of luggage	<b>£0.20</b>
For each person in excess of one	<b>£0.20</b>

### ADVERSE WEATHER CONDITIONS

During adverse weather conditions defined as when the Stagecoach Bus Company withdraw their services  
Due to adverse weather, the tariffs relating to distance and waiting time are increased by 50%

### SOILING CHARGE

To cover cleaning and loss of income, where the interior of the vehicle is soiled (at the discretion of the driver  
Not exceeding (**£50.00**))

Secretary  
Edmond Nikaj .....

# The Bryan Roland Memorial

## NATIONAL HACKNEY FARES TABLE APRIL 2019

### TABLE COLOUR CODE

RISE IN 2019
RISE IN 2018
RISE IN 2017
RISE IN 2016
RISE IN 2015
RISE IN 2014
RISE IN 2013
RISE IN 2012
RISE IN 2011
RISE IN 2010
RISE IN 2008
RISE IN 2007
NO SET FARE

POSITION	TARIFF ONE COUNCIL	TWO MILE FARE	POSITION	TARIFF ONE COUNCIL	TWO MILE FARE	POSITION	TARIFF ONE COUNCIL	TWO MILE FARE
1	LONDON (HEATHROW)	£10.60	66	SOUTH GLOUCESTER	£6.60	131	EAST HERTS	£6.10
2	LUTON AIRPORT	£9.20	67	WAVENEY	£6.60	132	ELMBRIDGE	£6.10
3	WATFORD	£8.40	68	NORTH DEVON	£6.55	133	FYLDE	£6.10
4	EPSOM & EWELL	£7.80	69	ASHFORD	£6.50	134	HASTINGS	£6.10
5	LONDON	£7.80	70	GLASGOW	£6.50	135	NEW FOREST	£6.10
6	BOURNEMOUTH	£7.40	71	MAIDSTONE	£6.50	136	NORTH WARWICK	£6.10
7	MID SUSSEX	£7.40	72	SOUTH CAMBRIDGE	£6.50	137	TAMWORTH	£6.10
8	CARRICK	£7.30	73	SOUTH SOMERSET	£6.50	138	CHARNWOOD	£6.05
9	READING	£7.20	74	WORTHING	£6.50	139	SHETLAND ISLES	£6.05
10	TUNBRIDGE WELLS	£7.20	75	BRISTOL	£6.40	140	ABERDEENSHIRE	£6.00
11	JERSEY	£7.19	76	COUNTY OF HEREFORD	£6.40	141	BASILDON	£6.00
12	DARTFORD	£7.10	77	CREWE & NANTWICH	£6.40	142	BOSTON	£6.00
13	MOLE VALLEY	£7.10	78	EAST HAMPSHIRE	£6.40	143	BRACKNELL FOREST	£6.00
14	PENWITH	£7.10	79	HARLOW	£6.40	144	CANTERBURY	£6.00
15	SEVENOAKS	£7.06	80	LEEDS	£6.40	145	CARMARTHENSHIRE	£6.00
16	HERTSMERE	£7.00	81	MALVERN HILLS	£6.40	146	CASTLE POINT	£6.00
17	POOLE	£7.00	82	OXFORD	£6.40	147	DOVER	£6.00
18	STROUD	£7.00	83	PURBECK	£6.40	148	EAST LINDSEY	£6.00
19	TONBRIDGE & MALLING	£7.00	84	RUSHMOOR	£6.40	149	GLOUCESTER	£6.00
20	WILTSHIRE	£7.00	85	SHEFFIELD	£6.40	150	GREAT YARMOUTH	£6.00
21	RESTORMEL	£6.95	86	SOUTH LAKELAND	£6.40	151	KETTERING	£6.00
22	HARROGATE	£6.90	87	STEVENAGE	£6.40	152	LUTON	£6.00
23	VALE OF WHITE HORSE	£6.90	88	SURREY HEATH	£6.40	153	MILTON KEYNES	£6.00
24	WEALDON	£6.90	89	TENDRING	£6.40	154	NORTH DORSET	£6.00
25	WEYMOUTH & PORTLAND	£6.90	90	WOKING	£6.40	155	PLYMOUTH	£6.00
26	ADUR	£6.80	91	WOKINGHAM	£6.40	156	PRESTON	£6.00
27	BATH & NORTH EAST SOMERSET	£6.80	92	TORBAY	£6.39	157	SLOUGH	£6.00
28	BRIGHTON & HOVE	£6.80	93	EDINBURGH	£6.35	158	SOUTH HAMS	£6.00
29	CARADON	£6.80	94	COVENTRY	£6.30	159	STOCKPORT	£6.00
30	CHELTENHAM	£6.80	95	DACORUM	£6.30	160	TAMESIDE	£6.00
31	CHRISTCHURCH	£6.80	96	EAST DEVON	£6.30	161	TEST VALLEY (x)	£6.00
32	COLCHESTER	£6.80	97	ISLE OF MAN	£6.30	162	THREE RIVERS	£6.00
33	EAST LOTHIAN	£6.80	98	LEWES	£6.30	163	THURROCK	£6.00
34	GUERNSEY	£6.80	99	FOREST OF DEAN	£6.27	164	VALE OF GLAMORGAN	£6.00
35	GUILDFORD	£6.80	100	MIDLOTHIAN	£6.22	165	WARWICK	£6.00
36	HART	£6.80	101	ARGYLL & BUTE	£6.20	166	WEST DORSET	£6.00
37	NORTH CORNWALL	£6.80	102	BIRMINGHAM	£6.20	167	WEST LINDSEY	£6.00
38	NOTTINGHAM	£6.80	103	BRAINTREE	£6.20	168	WIRRAL	£6.00
39	SWALE	£6.80	104	CHICHESTER	£6.20	169	DARLINGTON	£5.95
40	WEST BERKSHIRE	£6.80	105	DERBY	£6.20	170	BABERGH	£5.90
41	YORK	£6.80	106	EAST CAMBRIDGESHIRE	£6.20	171	BASSETLAW	£5.90
42	KERRIER	£6.75	107	HORSHAM	£6.20	172	BROXBORNE	£5.90
43	NUNEATON & BEDWORTH	£6.75	108	IPSWICH	£6.20	173	DUDLEY	£5.90
44	CHELMSFORD	£6.70	109	LINCOLN	£6.20	174	DURHAM COUNTY COUNCIL	£5.90
45	CHESTER	£6.70	110	MENDIP	£6.20	175	MANCHESTER	£5.90
46	EASTLEIGH	£6.70	111	NORTHAMPTON	£6.20	176	NORTHUMBERLAND	£5.90
47	GRAVESHAM	£6.70	112	PORTSMOUTH UA	£6.20	177	SOUTH AYRSHIRE	£5.90
48	ROTHER	£6.70	113	ROCHFORD	£6.20	178	TANDBRIDGE	£5.90
49	SWINDON	£6.70	114	RUNNYMEDE	£6.20	179	WALSALL	£5.90
50	HARBOROUGH	£6.68	115	SEDGEMOOR	£6.20	180	CALDERDALE	£5.85
51	TORRIDGE	£6.62	116	FOLKESTONE & HYTHE	£6.20	181	SCOTTISH BORDERS	£5.85
52	ARUN	£6.60	117	SOLIHULL	£6.20	182	TEWKSBURY	£5.85
53	BASINGSTOKE & DEANE	£6.60	118	SOUTHAMPTON	£6.20	183	BLACKPOOL	£5.80
54	BRENTWOOD	£6.60	119	SOUTHEND ON SEA	£6.20	184	BRIDGEND	£5.80
55	CRAWLEY	£6.60	120	SPELTHORNE	£6.20	185	BROMSGROVE	£5.80
56	CAMBRIDGE CITY	£6.60	121	ST ALBANS	£6.20	186	CARLISLE	£5.80
57	EAST DORSET	£6.60	122	STRATFORD ON AVON	£6.20	187	EAST KILBRIDE	£5.80
58	EXETER	£6.60	123	TAUNTON DEANE	£6.20	188	FAREHAM	£5.80
59	FIFE	£6.60	124	TEIGNBRIDGE	£6.20	189	HAVANT	£5.80
60	HIGH PEAK	£6.60	125	WAVERLEY	£6.20	190	HIGHLAND	£5.80
61	MEDWAY	£6.60	126	WEST OXFORD	£6.20	191	LEICESTER	£5.80
62	MORAY	£6.60	127	WINCHESTER	£6.20	192	NEWCASTLE-UPON-TYNE	£5.80
63	NORTH HERTS	£6.60	128	CENTRAL BEDFORDSHIRE	£6.13	193	NORTH LINCOLNSHIRE	£5.80
64	NORWICH	£6.60	129	CARDIFF	£6.10	194	NORTH NORFOLK	£5.80
65	SCARBOROUGH	£6.60	130	CLACKMANNAN	£6.10	195	NORTH TYNESIDE	£5.80

POSITION	TARIFF ONE COUNCIL	TWO MILE FARE	POSITION	TARIFF ONE COUNCIL	TWO MILE FARE	POSITION	TARIFF ONE COUNCIL	TWO MILE FARE
196	ORKNEY	£5.80	261	SHROPSHIRE	£5.50	326	NORTH LANARKSHIRE	£5.00
197	REIGATE & BANSTEAD	£5.80	262	STAFFORD	£5.50	327	PETERBOROUGH	£5.00
198	RUGBY	£5.80	263	TORFAEN	£5.50	328	ROSSDALE	£5.00
199	RUTHERGLEN	£5.80	264	CEREDIGION	£5.46	329	SOUTH NORTHANTS	£5.00
200	SELBY	£5.80	265	SALFORD	£5.46	330	STOKE-ON-TRENT UA	£4.95
201	SOUTH RIBBLE	£5.80	266	ALLERDALE	£5.45	331	CHORLEY	£4.90
202	TRAFFORD	£5.80	267	BARROW IN FURNESS	£5.44	332	CORBY	£4.90
203	UTTLESFORD	£5.80	268	CAERPHILLY	£5.40	333	FLINTSHIRE	£4.90
204	WEST SOMERSET	£5.80	269	CHILTERN	£5.40	334	TELFORD & WREKIN	£4.90
205	WEST SUFFOLK	£5.80	270	DUNBARTON & VALE OF LEVEN	£5.40	335	WELLINGBOROUGH	£4.90
206	WINDSOR & MAIDENHEAD	£5.80	271	KINGSTON-UPON-HULL	£5.40	336	WESTERN ISLES	£4.85
207	WORCESTER	£5.80	272	MACCLESFIELD	£5.40	337	ASHFIELD	£4.80
208	WYRE	£5.80	273	MID SUFFOLK	£5.40	338	DERBYSHIREDALES	£4.80
209	YNS MON	£5.80	274	NEWARK & SHERWOOD	£5.40	339	HAMILTON	£4.80
210	KINGS LYNN & WEST NORFOLK	£5.76	275	NORTHERN IRELAND	£5.40	340	MANSFIELD	£4.80
211	CHESTERFIELD	£5.75	276	PEMBROKESHIRE	£5.40	341	ROCHDALE	£4.80
212	DONCASTER	£5.75	277	PERTH & KINROSS	£5.40	342	BLACKBURN	£4.70
213	EAST AYRSHIRE	£5.75	278	POWYS	£5.40	343	HYNDBURN	£4.70
214	WYCOMBE	£5.75	279	ROTHERHAM	£5.40	344	WEST LANCASHIRE	£4.70
215	ANGUS	£5.70	280	THANET	£5.40	345	BOLSOVER	£4.60
216	CANNOCK CHASE	£5.70	281	WYCHAVON	£5.40	346	WAKEFIELD	£4.60
217	EASTBOURNE	£5.70	282	COTSWOLD	£5.35	347	BURNLEY	£4.50
218	ISLE OF WIGHT	£5.70	283	EAST DUNBARTONSHIRE	£5.34	348	HARTLEPOOL	£4.50
219	MID DEVON	£5.70	284	BARNSELY	£5.30	349	KNOWSLEY	£4.50
220	MONMOUTHSHIRE	£5.70	285	BLABY	£5.30	350	MERTHYR TYDFIL	£4.50
221	NORTH SOMERSET	£5.70	286	BRADFORD	£5.30	351	REDCAR & CLEVELAND	£4.50
222	RENFREWSHIRE	£5.70	287	CRAVEN (x)	£5.30	352	STOCKTON ON TEES	£4.50
223	RYEDAILE (x)	£5.70	288	EAST RENFREW	£5.30	353	OADBY & WIGSTON	£4.40
224	STIRLING	£5.70	289	FENLAND	£5.30	354	PENDLE	£4.40
225	SWANSEA	£5.70	290	LICHFIELD	£5.30	355	AYLESBURY VALE	£4.30
226	WELWYN HATFIELD	£5.70	291	MELTON	£5.30	356	MIDDLESBROUGH	£4.30
227	DUNDEE CITY	£5.66	292	REDDITCH	£5.30	357	NEWCASTLE-UNDER-LYME	£4.20
228	ABERDEEN CITY	£5.60	293	RIBBLE VALLEY	£5.30	358	SOUTH KESTEVEN	£3.50
229	BRECKLAND	£5.60	294	VALE ROYAL	£5.30	359	MALDON	£
230	DENBIGHSHIRE	£5.60	295	WIGAN	£5.30	360	RUTLAND	£
231	GOSPORT	£5.60	296	WYRE FOREST	£5.30	361	SOUTH DERBYSHIRE	£
232	HINCKLEY & BOSWORTH	£5.60	297	BEDFORD	£5.26	362	SOUTH OXFORDSHIRE	£
233	LANCASTER	£5.60	298	BURY	£5.24			
234	LIVERPOOL	£5.60	299	AMBER VALLEY	£5.20			
235	NEWPORT	£5.60	300	BLAENAU GWENT	£5.20			
236	NORTH EAST LINCOLNSHIRE	£5.60	301	BOLTON	£5.20			
237	NORTH KESTEVEN	£5.60	302	CLYDEBANK	£5.20			
238	NORTH WEST LEICESTER	£5.60	303	CONWY	£5.20			
239	RICHMONDSHIRE	£5.60	304	EAST RIDING	£5.20			
240	RUSHCLIFFE	£5.60	305	ELLESMERE PORT	£5.20			
241	SANDWELL	£5.60	306	HALTON	£5.20			
242	SOUTH BUCKINGHAM	£5.60	307	INVERCLYDE	£5.20			
243	SUFFOLK COASTAL	£5.60	308	RHONDDA CYNON TAF	£5.20			
244	SUNDERLAND	£5.60	309	SOUTH LANARKSHIRE (Clydesdale)	£5.20			
245	WEST LOTHIAN	£5.60	310	SOUTH TYNESIDE	£5.20			
246	WOLVERHAMPTON	£5.60	311	STAFFS MOORLANDS	£5.20			
247	WREXHAM	£5.60	312	WARRINGTON	£5.20			
248	CHERWELL	£5.56	313	CONGLETON	£5.10			
249	BROXTOWE	£5.50	314	GATESHEAD	£5.10			
250	DUMFRIES & GALLOWAY	£5.50	315	NORTH AYRSHIRE	£5.10			
251	EAST STAFFORDSHIRE	£5.50	316	SEFTON	£5.10			
252	EDEN	£5.50	317	SOUTH STAFFORDSHIRE	£5.10			
253	EPPING FOREST	£5.50	318	ST HELENS	£5.10			
254	EREWASH	£5.50	319	SOUTH HOLLAND	£5.05			
255	FALKIRK	£5.50	320	COPELAND	£5.00			
256	GEDLING	£5.50	321	DAVENTRY	£5.00			
257	GWYNEDD	£5.50	322	EAST NORTHANTS	£5.00			
258	HAMBLETON	£5.50	323	KIRKLEES	£5.00			
259	HUNTINGDONSHIRE	£5.50	324	NEATH PORT TALBOT	£5.00			
260	OLDHAM	£5.50	325	NORTH EAST DERBYSHIRE	£5.00			

### TABLE COLOUR CODE

RISE IN 2019
RISE IN 2018
RISE IN 2017
RISE IN 2016
RISE IN 2015
RISE IN 2014
RISE IN 2013
RISE IN 2012
RISE IN 2011
RISE IN 2010
RISE IN 2008
RISE IN 2007
NO SET FARE

Councils 359-362 do not impose a tariff for their hackney carriages and instead the individual vehicle charges an agreed fare prior to the journey.

**NATIONAL AVERAGE TWO MILE HACKNEY FARE TARIFF ONE IS NOW £5.88**

**PLEASE NOTE**  
The eagle-eyed amongst you might have noticed that there is no symbol for a fare rise in 2009, this isn't a typo it's just that no councils had a last fare rise in this year.  
Where an (x) appears by a listing, it refers to the fact that a fare update has been passed by the council, but the price of our two-mile fare has not increased.  
This month St Edmundsbury Council and Forest Heath have merged under a new listing for this table as West Suffolk. This month they are at 205.

# The Bryan Roland Memorial

## NATIONAL HACKNEY FARES TABLE APRIL 2019

# Fuel Price Report

January 2012



## FUEL PRICE REPORT JANUARY 2012

Pump prices have started the new year back on the rise, with diesel a penny shy of the record set in May of last year. Volatility in the oil and fuel markets make it difficult to predict where prices are heading, but the average cost of petrol in the UK has been above 130p a litre since March and diesel above 140p since July. Oil price: \$111 a barrel.

**Unleaded** prices have risen by 1.0ppl from 132.5ppl to 133.5ppl. **Diesel** prices have risen by 0.8ppl from 141.1ppl to 141.9ppl. The price difference between unleaded and diesel has fallen to 8.4ppl.

**Northern Ireland** recorded the highest price for **unleaded** at 134.6ppl. **The North** recorded the lowest price for **unleaded** at 132.4ppl. **Northern Ireland** recorded the highest **diesel** price at 142.8ppl. **Yorkshire and Humberside** have the cheapest **diesel** at 141.2ppl.

Supermarket prices for **unleaded** rose by 0.8ppl to 131.8ppl. The gap between supermarket prices and the UK average for **unleaded** has risen to 1.7ppl.

The UK has the eighth highest petrol price in Europe and the third highest diesel price.

Garages and Supermarkets	Unleaded 95 Octane (pence)		Diesel (pence)		Super Unleaded (pence)		LPG (pence)
	litres	(gallons)	litres	(gallons)	litres	(gallons)	litres
Northern Ireland	134.6	611.9	142.8	649.18	142.6	648.3	73.9
Scotland	133.3	606.0	142.3	646.91	139.8	635.5	66.8
Wales	133.5	606.9	142.4	647.36	139.5	634.2	78.4
North	132.4	601.9	141.4	642.82	140.8	640.1	72.2
North West	133.1	605.1	141.4	642.82	141.0	641.0	78.7
Yorkshire & Humberside	132.5	602.4	141.2	641.91	141.0	641.0	74.4
West Midlands	133.4	606.4	141.8	644.64	141.8	644.6	75.5
East Midlands	133.2	605.5	141.5	643.27	140.7	639.6	71.3
East Anglia	134.4	611.0	142.3	646.91	141.0	641.0	73.2
South East	134.1	609.6	142.2	646.45	141.1	641.5	76.1
South West	133.7	607.8	142.3	646.91	140.0	636.5	75.0
London	134.4	611.0	142.0	645.54	141.7	644.2	74.2
<b>UK AVERAGE</b>	<b>133.5</b>	<b>606.9</b>	<b>141.9</b>	<b>645.09</b>	<b>141.0</b>	<b>641.0</b>	<b>74.7</b>
Per cent taken as Tax		60.1		57.51		57.8	

Supermarkets	Unleaded 95 Octane		Diesel		Super unleaded		LPG
	litres	(gallons)	litres	(gallons)	litres	(gallons)	litres
<b>SUPERMARKET AVERAGE</b>	<b>131.8</b>	<b>599.2</b>	<b>139.7</b>	<b>635.1</b>	<b>136.9</b>	<b>622.4</b>	<b>69.8</b>
Per cent taken as Tax		60.6		58.15		59.0	

The AA Public Affairs Fuel Price Report uses data sourced from Experian Catalist ([www.catalist.com](http://www.catalist.com))  
They are an average of mid-month prices from the respective regions.

## OVERSEAS PRICE COMPARISONS

Source of overseas price comparisons: European prices - European Road Information Centre (Geneva) based on figures as at 10 January 2012 and ec.europa weekly oil bulletins. USA prices - Energy Information Administration, US Dept. of Energy – as at 16 January 2012.

### FUEL PRICES IN EUROPE AND THE USA

Country	Currency	Local Currency per litre		UK pence per litre	
		Unleaded	Diesel	Unleaded	Diesel
Austria	Euro	1.35	1.37	112.92	114.09
Belgium	Euro	1.65	1.52	138.06	127.20
Czech Republic	Czech Koruna	35.70	36.30	117.76	119.74
Denmark	Danish Krone	12.59	11.75	141.51	132.07
Finland	Euro	1.58	1.53	131.72	127.71
France	Euro	1.55	1.46	129.46	121.53
Germany	Euro	1.51	1.42	126.04	118.44
Greece	Euro	1.63	1.53	136.48	127.71
Netherlands	Euro	1.75	1.48	146.42	123.53
Hungary	Forint	424.00	443.00	117.20	122.45
Ireland	Euro	1.55	1.53	129.38	127.87
Italy	Euro	1.71	1.66	142.41	138.40
Luxembourg	Euro	1.34	1.26	112.00	105.41
Estonia	Euro	1.29	1.36	107.66	113.51
Norway	Norwegian Krone	14.05	13.04	153.33	142.31
Latvia	Lats	0.95	0.95	112.76	113.48
Lithuania	Litas	4.50	4.49	108.85	108.61
Poland	Zloty	5.45	5.59	105.18	107.88
Slovakia	Euro	1.45	1.39	121.36	116.26
Slovenia	Euro	1.38	1.31	115.26	109.00
Portugal	Euro	1.53	1.40	127.54	116.76
Spain	Euro	1.30	1.29	108.58	107.74
Sweden	Swedish Krona	14.63	14.94	139.58	142.54
Switzerland	Swiss Francs	1.73	1.90	119.59	131.35
United States of America	US Dollars	0.8959	1.02	58.01	65.91
Malta	Euro	1.41	1.34	117.77	111.92
Bulgaria	Leva	2.44	2.60	104.19	111.02
Cyprus	Euro	1.24	1.32	103.57	110.00

Note: We receive international prices to 3 decimal places and calculate the UK pence per litre on that price. Therefore, some countries will show the same price in their local currency to 2 decimal places, but the UK pence price could be slightly different. **Please note the unleaded prices for France, Germany and Finland are for E10. That's petrol containing 10 per cent ethanol.**

[http://www.theaa.com/public\\_affairs](http://www.theaa.com/public_affairs)

Unleaded prices have risen 1p from 120.7 ppl to 121.7 ppl. Diesel prices have gone up 1.2p from 123.2p to 124.4p. The price difference between diesel and unleaded has grown to 2.7 ppl.

**The South East** has recorded the highest price for **unleaded** at 122.5 ppl. **Scotland and Yorkshire & Humberside** have recorded the lowest price for **unleaded** at 120.8 ppl. The **South East** has recorded the highest **diesel** price at 125.2 ppl. **Northern Ireland** has the cheapest **diesel** at 123.4 ppl.

Supermarket prices for **unleaded** now average 118.9 ppl. The gap between supermarket prices and the UK average for **unleaded** has fallen back to 2.8 ppl.

Garages and Supermarkets	Unleaded 95 Octane (pence)		Diesel (pence)		Super Unleaded (pence)		LPG (pence)
	litres	(gallons)	litres	(gallons)	litres	(gallons)	litres
Northern Ireland	120.9	549.6	123.4	561.0	128.9	586.0	0.0
Scotland	120.8	549.2	124.1	564.2	131.9	599.6	51.9
Wales	121.2	551.0	124.4	565.5	133.3	606.0	52.9
North East	121.0	550.1	123.8	562.8	130.0	591.0	62.9
North West	121.4	551.9	124.1	564.2	131.1	596.0	53.7
Yorkshire & Humberside	120.8	549.2	123.9	563.3	129.8	590.1	0.0
West Midlands	121.0	550.1	123.7	562.4	133.2	605.5	63.4
East Midlands	121.6	552.8	124.4	565.5	131.1	596.0	0.0
Essex and East Anglia	122.3	556.0	124.9	567.8	132.7	603.3	0.0
London	122.2	555.5	125.1	568.7	133.1	605.1	0.0
South East	122.5	556.9	125.2	569.2	132.7	603.3	0.0
South West	121.9	554.2	124.7	566.9	131.6	598.3	0.0
<b>UK AVERAGE</b>	<b>121.7</b>	<b>553.3</b>	<b>124.4</b>	<b>565.5</b>	<b>132.1</b>	<b>600.5</b>	<b>58.0</b>
Per cent taken as Tax		64.3		63.3		60.5	

Supermarkets	Unleaded 95 Octane		Diesel		Super unleaded		LPG
	Litres	(gallons)	litres	(gallons)	litres	(gallons)	litres
<b>SUPERMARKET AVERAGE</b>	<b>118.9</b>	<b>540.5</b>	<b>121.5</b>	<b>552.3</b>	<b>124.5</b>	<b>566.0</b>	<b>52.8</b>
Per cent taken as Tax		65.4		64.4		63.2	

The AA's fuel price report uses data sourced from Experian Catalist ([www.catalist.com](http://www.catalist.com))

They're an average of mid-month prices from the respective regions.

## EUROPE AND THE USA

Sources of overseas price comparisons:

European prices

- ec.europa weekly oil bulletins (15 January 2018)
- TCS Information Services (12 January 2018)

USA prices

- Energy Information Administration, US Dept. of Energy (15 January 2018)

Country	Currency	Local Currency per litre		UK pence per litre	
		Unleaded	Diesel	Unleaded	Diesel
Austria	Euro	1.21	1.16	107.47	103.20
Belgium	Euro	1.37	1.30	121.67	115.82
Czech Republic	Czech Koruna	30.56	29.93	107.74	105.52
Denmark	Danish Krone	11.42	9.73	135.96	115.84
Finland	Euro	1.48	1.36	131.34	121.45
France	Euro	1.48	1.40	131.35	124.48
Germany	Euro	1.35	1.19	120.39	105.96
Greece	Euro	1.54	1.32	137.48	117.45
Netherlands	Euro	1.60	1.30	142.47	115.84
Hungary	Forint	363.40	373.88	104.00	107.00
Ireland	Euro	1.40	1.30	124.57	115.67
Italy	Euro	1.57	1.44	139.50	128.33
Luxembourg	Euro	1.20	1.06	106.58	94.21
Estonia	Euro	1.31	1.30	116.91	116.02
Norway	Norwegian Krone	15.78	15.05	144.78	138.08
Latvia	Euro	1.22	1.13	109.07	100.93
Lithuania	Euro	1.17	1.10	103.83	97.62
Poland	Zloty	4.74	4.63	101.28	98.93
Slovakia	Euro	1.32	1.20	117.36	107.03
Slovenia	Euro	1.30	1.24	115.89	110.63
Portugal	Euro	1.53	1.34	136.59	119.50
Spain	Euro	1.25	1.16	111.67	103.61
Sweden	Swedish Krona	14.78	17.73	133.14	159.71
Switzerland	Swiss Francs	1.59	1.64	121.15	124.96
United States of America	US Dollars	0.68	0.80	48.54	57.10
Malta	Euro	1.31	1.18	116.65	105.07
Bulgaria	Leva	2.04	2.05	92.46	92.88
Cyprus	Euro	1.23	1.25	109.77	110.93
Romania	New Leu	5.33	5.43	101.83	103.74

[V2. Updated 09 February 2018 to correct an error with Ireland and Italy prices]

# Proposed Taxi Fare increase

- 1 Research Licence Districts
- 2 Work out a fair meter price that is good for the trade and public
- 3 Compare against Local Bus Fares
- 4 To leave the change workable for next fare increase

# Taxi fare tables

- League table of all 363 Councils
- How the book works
- Prices to the right of the town are colour coded The prices are for the first two miles the colour is the year it was implemented



To find a tariff suitable for our  
use

# 2012 Dover 140

## 2008 Canterbury 137

Canterbury had their increase 4 years before us So they are due for a fare increase We both are on £6.00 for the first 2 miles

135	BOSTON	£6.00	●
136	BRACKNELL FOREST	£6.00	●
137	CANTERBURY	£6.00	●
138	CARMARTHENSHIRE	£6.00	●
139	CASTLE POINT	£6.00	●
140	DOVER	£6.00	●
141	EAST HAMPSHIRE	£6.00	●

# 2012 Folkestone 103

Folkestone's fare increase was the same time as ours  
But they are 20p over 2 miles more than us  
they also due for a fare increase

101	DERBY	£6.20	●
102	EAST CAMBRIDGESHIRE	£6.20	●
103	FOLKESTONE & HYTHE	£6.20	●
104	HORSHAM	£6.20	●
105	IPSWICH	£6.20	●
106	LINCOLN	£6.20	●
107	MENDIP	£6.20	●
108	NORTHAMPTON	£6.20	●
109	ROCHFORD	£6.20	●

# 2017 Ashford 70

This Tariff looks like the one to work towards £6.40 for the first 2 miles

66	MOLE VALLEY	£6.50	●
67	SOUTH CAMBRIDGE	£6.50	●
68	SOUTH SOMERSET	£6.50	●
69	WORTHING	£6.50	●
70	ASHFORD	£6.40	●
71	BRISTOL	£6.40	●
72	CREWE & NANTWICH	£6.40	●
73	HARLOW	£6.40	●
74	LEEDS	£6.40	●

# Conclusion

- 70 Ashford £6.40 2017
- 103 Folkestone & Hythe £6.20 2012
- 137 Canterbury £6.00 2008
- 140 Dover £6.00 2012

# Proposed fare increase

	Start Price	Unit price	start yards	drop yards	First mile	Next mile
<b>2008 Metre Price</b>	£3.00	£0.10	400	117	£4.20	£1.50
<b>2012 Meter Price</b>	£3.30	£0.10	400	117	£4.50	£1.50
<b>percentage increase</b>	<b>10%</b>				<b>6.90%</b>	
<b>Proposed Fare</b>	£3.20	£0.20	300	207	£4.60	£1.70
	<b>-3%</b>				<b>2%</b>	
<b>Decrease start price</b>	£3.30 to <b>£3.20</b>			<b>-3%</b>		
<b>First mile from</b>	<b>£4.50</b> to £4.60			<b>2%</b>		
<b>Each mile after first mile from</b>	<b>£1.50</b> to £1.70					
<b>First two Miles from</b>	<b>£6.00</b> to £6.30			<b>5.1%</b>		
<b>Prices above are to the nearest Pound or 10p</b>						

# Outcome

Prices base on first 2 miles

- 70 Ashford £6.40 2017
- 88 Dover £6.30 2019
- 103 Folkestone & Hythe £6.20 2012
- 137 Canterbury £6.00 2008

# Local public transport Bus's

4 people travelling in a taxi should be cheaper than 4  
on a bus  
(local fares)

# Lets compare prices

- Its your turn now to give me taxi prices for 4 people travelling
- I will start with Deal Drivers

# South Street to St Leonards Church



## Ticket Results

### Suggested route

bus 81 Deal, South Street → Upper Deal, St Leonard's Church - Leaving 16:52 / Arriving 16:59

### Single & return tickets



#### single

- valid for one single journey
- 4 Adult

[Full terms & conditions for this ticket](#)

Paper ticket - on bus  
Available to buy on the bus.

Total  
**£6.80**



#### return

- valid for one outward and one return journey between the same points
- 4 Adult

[Full terms & conditions for this ticket](#)

Paper ticket - on bus  
Available to buy on the bus.

Total  
**£10.40**

# Pencester Road to Common Lane River



## Ticket Results

### Suggested route

bus 90 Dover, Pencester Road (Stop B) → River, Common Lane - Leaving 16:34 / Arriving 16:52

### Single & return tickets



#### single

- valid for one single journey
- 4 Adult

[Full terms & conditions for this ticket](#)

Paper ticket - on bus  
Available to buy on the bus.

Total  
**£10.80**



#### return

- valid for one outward and one return journey between the same points
- 4 Adult

Paper ticket - on bus  
Available to buy on the bus.

Total  
**£16.40**

# South street to Walmer Cricket ground



## Ticket Results

South Street, Deal to St Richards Road, Walmer, Deal      leaving 17:00 on Sat 12 Jan      4 passengers

### Single & return tickets

	<b>single</b> <ul style="list-style-type: none"><li>• valid for one single journey</li><li>• 4 Adult</li></ul> <a href="#">Full terms &amp; conditions for this ticket</a>	Paper ticket - on bus Available to buy on the bus.	Total <b>£8.80</b>
	<b>return</b> <ul style="list-style-type: none"><li>• valid for one outward and one return journey between the same points</li><li>• 4 Adult</li></ul> <a href="#">Full terms &amp; conditions for this ticket</a>	Paper ticket - on bus Available to buy on the bus.	Total <b>£13.20</b>

# Old Park Barracks to Pencester road



## Ticket Results

### Suggested route

bus 61 Whitfield, Old Park Barracks → Dover, Pencester Road - Leaving 16:28 / Arriving 16:51

### Single & return tickets



#### single

- valid for one single journey
- 4 Adult

[Full terms & conditions for this ticket](#)

Paper ticket - on bus  
Available to buy on the bus.

Total  
**£10.80**



#### return

- valid for one outward and one return journey between the same points
- 4 Adult

Paper ticket - on bus  
Available to buy on the bus.

Total  
**£16.40**

# The outcome

- I have given you a tariff which is middle range of local Councils
- A taxi fare that competes with local bus service
- Plus altered the yardage to make it easier for future tariff changes

- Thank you for  
Listening

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<b>Subject:</b>	<b>PERFORMANCE REPORT – QUARTER 4, 2018/19</b>
<b>Meeting and Date:</b>	<b>Cabinet – 3 June 2019</b> <b>Scrutiny (Policy and Performance) Committee – 4 June 2019</b>
<b>Report of:</b>	<b>Nadeem Aziz, Chief Executive</b>
<b>Portfolio Holder:</b>	<b>Councillor Stephen Manion, Portfolio Holder for Finance and Governance</b>
<b>Decision Type:</b>	<b>Non-Key Decision</b>
<b>Classification:</b>	<b>Unrestricted</b>

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<b>Purpose of the report:</b>	To monitor performance against key objectives.
<b>Recommendation:</b>	The Council’s Performance Report and Actions for the 4th Quarter 2018/19 be noted.

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## 1. Summary

The Council’s Performance Report for the 4th Quarter 2018/19 reports on performance against key performance targets throughout the Council, East Kent Shared Services and East Kent Housing during the fourth quarter. It incorporates comments from each Director on performance within their directorate plus any key initiatives and concerns they may have.

## 2. Introduction and Background

- 2.1 Monitoring of performance against key targets is key to the achievement of the Council’s aims and objectives. The Performance Report provides a summary of the Council’s key performance figures for the 12 months to 31 March 2019.
- 2.2 The Performance Report contains information relating to the performance of the Council against key corporate indicators and considers the performance of a range of indicators against previous year’s performance.
- 2.3 The Performance Report identifies areas where performance is on track throughout the fourth quarter of 2018/19, whilst recognising the need for further improvements in some areas. Each Director provides additional commentary focussing on areas of high or low performance.
- 2.4 A section is included to show performance within the Shared Services against key indicators. A more comprehensive set of indicators for EK Services, including Civica, and East Kent Housing are monitored through the monitoring structures established by the Agreements under which those services are delivered, with any areas of significant concern being capable of escalation into this quarterly monitoring report, if required.

3. **Identification of Options**

3.1 Not applicable.

4. **Resource Implications**

4.1 None.

5. **Corporate Implications**

5.1 Comment from the Section 151 Officer: The Director of Finance, Housing and Community has been consulted in the preparation of this report and has no additional comments to add (HL)

5.2 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.

5.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications however in discharging their duties members are reminded 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>

6. **Appendices**

Appendix 1 – Q4 Performance Report

7. **Background Papers**

None.

Contact Officer: Michelle Farrow, Head of Leadership Support

# Dover District Council Performance Report For the Quarter Ending – 31 March 2019

## Introduction

- Summary of Performance Indicators

## KEY

▲	Improved performance
▶	Maintained performance
▼	Decline in performance

Status	Quarter 1		Quarter 2		Quarter 3		Quarter 4		Direction of Travel to previous Qtr
	No.	%	No.	%	No.	%	No.	%	
Green	21	64%	20	61%	23	70%	22	67%	▼
Amber	8	24%	7	21%	5	15%	7	21%	▲
Red	4	12%	6	18%	5	15%	4	12%	▲
Total	33	100%	33	100%	33	100%	33	100%	

## Shared Services Performance

### EK Services & DDC Digital

PI	Description	Outturn 2017/18	DDC Target 2018/19	Q1	Q2	Q3	Q4	Current Cumulative figure	Absolute Number of Cases this Qtr where applicable	Direction of Travel to previous Qtr	RAG Status
ACC011	Percentage of on-line payments to cash and cheque	89%	Data for information only	90%	90%	92%	91%	91%		▼	N/A
EKS01d	Percentage of incidents resolved within agreed target response time - ICT	97.50%	95%	96%	99%	95%	95%	96%		▶	Green
EKS02d.1	Percentage of incidents resolved within 1 working day	76%	60%	69%	90%	65%	64%	72%		▼	Green

## EK Services & DDC Digital

PI	Description	Outturn 2017/18	DDC Target 2018/19	Q1	Q2	Q3	Q4	Current Cumulative figure	Absolute Number of Cases this Qtr where applicable	Direction of Travel to previous Qtr	RAG Status
<b>EKS02d.2</b>	Percentage of incidents resolved within 3 working days	86.75%	80%	83%	96%	81%	84%	86%		▲	<b>Green</b>
<b>EKS04d</b>	Percentage availability of email service	99.96%	97.50%	100%	100%	100%	100%	100%		▶	<b>Green</b>
<b>PLA005</b>	Percentage of electronic planning applications received	82.05%	80%	76.79%	86.33%	89.4%	69.57%	80.52%	618	▼	<b>Green</b>
<b>WEB001</b>	Percentage availability of the corporate website (DDC responsibility)	99.95%	99.50%	100%	100%	100%	99.90%	99.98%		▶	<b>Green</b>
<b>WEB002</b>	Number of Keep me Posted subscriptions	74,413	N/A	8,264	8,691	9,207	9,938	36,100		▲	<b>N/A</b>
<b>WEB003</b>	Facebook subscribers	5,908	N/A	6,063	6,224	6,410	6,754	25,451		▲	<b>N/A</b>

### EKS Director's Comments

#### Performance:

All ICT KPIs met for Qtr 4 and also for YTD overall

#### Key Initiatives/Outcomes:

Nothing to report for Q4

#### Concerns/Risks

Nothing to report for Q4

## Civica

PI	Description	Outturn 2017/18	DDC Target 2018/19	Q1	Q2	Q3	Q4	Current Cumulative figure	Absolute Number of Cases this Qtr where applicable	Direction of Travel to previous Qtr	RAG Status
<b>Benefits</b>											
KPI01-D (was EKS13d)	Pay benefit quickly	6.27 days	8.5 days	5.96 days	5.42 days	5.94 days	5.38 days	6.07 days		▲	Green
KPI02-D (was EKS14d)	Percentage of correct Housing Benefit and Council Tax Benefit decisions	99.54%	96%	96.95%	99.25%	97.01%	99.57%	97.18%		▲	Green
<b>Council Tax</b>											
KPI03-D (was EKS18d)	The percentage of council taxes due for the financial year which were received in year by the authority.	97.87%	97.80%	29.08%	56.80%	84.07%	97.66%	97.66%		N/A	N/A
<b>Business Rates</b>											
KPI04-D (was EKS19d)	Percentage of Business Rates collected	99.02%	98.20%	30.60%	55.20%	84.92%	98.21%	98.21%		▲	Green
<b>Customer Services</b>											
KPI06-D (was EKS026d)	Average call waiting time in seconds	1 minute 28 seconds	90 seconds	77 seconds	51 seconds	74 seconds	111 seconds	74 seconds		▼	Green

## **Civica Comments**

### **Performance:**

- The contractual year-end target for KPI03D (Council Tax collection rate) was not met. Civica achieved 97.66% against the annual target of 97.85%. This incurs a 'one step' £5k penalty charge which will be paid directly to the council, so please advise whether you are happy for the EKS Client Team to invoice Civica directly, on DDC's behalf.
- KPI01D - Speed of Benefits processing year-end target was met.
- KPI02D - Accuracy of HB processing year end target was met
- KP104D - Business Rates collection year-end target was met
- KPI05D - % of calls automated year-end target was met.
- KPI06D - Average call wait time year-end target was met.
- All customer feedback has been responded to within the required timescale and upheld complaints are lower than expected levels for this time of year. The Client Team continue to monitor all customer feedback and will flag any recurrent themes or concerns.

### **Key Initiatives/Outcomes:**

Nothing to report for Q4

### **Concerns/Risks:**

Nothing to report for Q4

## EK Housing

PI	Description	Outturn 2017/18	DDC Target 2018/19	Q1	Q2	Q3	Q4	Current Cumulative figure	Absolute Number of Cases this Qtr where applicable	Direction of Travel to previous Qtr	RAG Status
EKHL1	Average time taken to re-let council dwellings	13.71 days	15 days	18.58 days	20.81 days	19.83 days	23.59 days	20.48 days		▼	Red
EKHC2	Rent arrears as % of annual debit	2.35%	2.50%	2.89%	3.08%	4.03%	4.11%	4.11%		▼	Red
EKHC3	Former tenant arrears as % of annual debit	0.73%	0.50%	0.84%	0.99%	1.10%	1.24%	1.24%		▼	Red
EKHD1	Total current tenant arrears (including court costs)	£466,344	N/A	£ 562,672	£ 599,821	£ 786,316	£ 787,875	£ 787,875		▼	N/A
EKHD2	Average current tenant arrears per rented unit	£97.17	N/A	£118.96	£139.92	£179.73	£183.78	£183.78		▼	N/A
EKHD3	Total former tenant arrears (including court costs)	£144,542	N/A	£ 163,813	£ 192,599	£ 213,812	£ 237,626	£ 237,626		▼	N/A
EKHD4	Amount of former tenant arrears written off	£9,242	N/A	£0.00	£0.00	£0.00	£0.00	£0.00		▶	N/A
EKHM1	Percentage of total responsive jobs completed on time	99.59%	98%	98.39%	97.33%	98.62%	98.02%	98.11%	8930 of 9102 (YE)	▼	Green
EKHM5	Percentage of properties with a valid gas safety certification	99.90%	100%	99.85%	99.98%	99.85%	99.43%	99.43%	4017 of 4040	▼	Amber

### East Kent Housing Director's Comments: Performance:

- Void performance has averaged at 20.48 calendar days for the year; this is for 'standard re-lets' (excluding time spent in Major Works)
- Rent arrears have risen as the roll out of Universal credit continues, but we have managed to stabilise performance between Q3 and Q4.
- Responsive repairs performance has been consistent throughout the year and is in target at 98.11%
- LGSRs have missed target with 23 properties overdue at the end of the quarter. Enhanced access management arrangements and early intervention measures have been implemented to minimise the number overdue during the demobilisation period.

## EK Housing

### **Key Initiatives/Outcomes:**

Of the overall £787,875 total arrears, £32,705 relates to court costs, and £422,320 relates to Universal Credit (UC). Current tenant rent arrears account for 4.11% of the total rental income received throughout the year. This is outside the DDC target of 2.5%. However, as UC is paid a number of weeks in arrears and requires a greater amount of officer time, the high levels of arrears were expected. We have recruited 12 additional officers across EKH to work on supporting residents with the transition to UC, ensuring that we collect the maximum income.

During the last quarter void performance has been affected because of the high number of nomination refusals and delays, particularly during January and February, as well as some excessive void clearance and repair work. Of the overdue voids, 4 had delays waiting for nominations and 10 refusals. We are having weekly meetings with the void contractor to ensure that we minimise any delay caused by them.

### **Concerns/Risks:**

At 31 March, 23 properties were without a valid Landlord Gas Safety Record (LGSR), and a mitigation plan has been agreed with P&R. The current contractor, P&R, has opted to bring the contract to an end and will continue to deliver this service until 3 July 2019. The Council is currently procuring a new contractor. During this time, EKH and the four Client Councils are working together to ensure that residents receive a satisfactory service.

## Corporate Resources

PI	Description	Outturn 2017/18	DDC Target 2018/19	Q1	Q2	Q3	Q4	Current Cumulative figure	Absolute Number of Cases this Qtr (where applicable)	Direction of Travel to previous Qtr	RAG Status
ACC004	Percentage of invoices paid on time	96.56%	91.50%	98%	98%	98%	98%	98%	2159	▶	Green
CSU001	Percentage of ASB cases resolved within 30 days	100%	98%	100%	91.84%	93.88%	100%	96.43%	81	▲	Amber
ENH005	Percentage of complaints regarding nuisance responded to within 5 working days	98.50%	95%	99%	100%	99%	100%	99.50%	208	▲	Green
ENH012	Number of Fixed Penalty Notices issued for litter	1781	N/A	296	72	19	494	881		N/A	N/A
ENH013	Percentage of stray dog enquiries responded to within target time.	99.75%	95%	100%	100%	100%	100%	100%	50	▶	Green
ENH015	Number of Fixed Penalty Notices issued for dog fouling	11	N/A	5	1	0	0	6		N/A	N/A
ENH016	Number of Envirocrime prosecutions completed	113	N/A	85	50	59	6	200		N/A	N/A
GOV001	Number of working days/shifts lost due to sickness absence per FTE	6.35 days	N/A	1.78 days	2.24 days	2.04 days	2.24 days	8.30 days		▼	compare to Q4 2017/18
GOV002	Number of working days/shifts lost due to long term sickness absence over 10 days per FTE	3.16 days	N/A	1.11 days	1.72 days	1.32 days	1.17 days	5.32 days		▲	compare to Q4 2017/18
GOV003	The number of second stage complaints referred to the Council's Complaints Officer	40	N/A	2	3	6	9	20		N/A	N/A
GOV004	The number of FOI requests received	899	N/A	272	272	232	295	1071		N/A	N/A
HOU010a	Number of households living in Temporary Accommodation including B&B	89	90	96	118	124	124	124		▶	Red

## Corporate Resources

PI	Description	Outturn 2017/18	DDC Target 2018/19	Q1	Q2	Q3	Q4	Current Cumulative figure	Absolute Number of Cases this Qtr (where applicable)	Direction of Travel to previous Qtr	RAG Status
<b>HOU010b</b>	Number of households in bed & breakfast (The data provided in HOU010a and b shows the number of households on the last day of the quarter.)	24	20	27	37	35	24	24		▲	<b>Amber</b>
<b>HOU011</b>	The number of households presenting as homeless where a duty to re-house is accepted	173	N/A	16	24	33	36	109		▼	<b>N/A</b>
<b>HOU012</b>	The number of children in B&B and nightly paid	131	N/A	134	175	167	183	183		▼	<b>N/A</b>
<b>LIC005</b>	The percentage of licensed premises inspections completed by target date	49.50%	80%	100%	97%	100%	100%	99.25%	10	▶	<b>Green</b>
<b>LIC006</b>	The percentage of unopposed licensing and permit applications processed within 5 working days	97.50%	75%	99%	99%	100%	99%	99.25%	388	▶	<b>Green</b>
<b>PSH007</b>	Number of DFG applications completed (for information only)	66	N/A	30	14	33	30	107		<b>N/A</b>	<b>N/A</b>
<b>PSH008</b>	Percentage of completed DFG applications approved within 10 working days from receipt of application	91.30%	N/A	87%	70%	79%	80%	79%		▲	<b>N/A</b>

## Strategic Director (Corporate Resources) Comments:

### Performance:

#### General Fund Revenue Budget

- As at 28<sup>th</sup> February 2019 the General Fund is projecting a surplus of £236k, an improvement of £137k on the original budgeted surplus of £99k, and a small reduction of £14k on the surplus of £250k reported last quarter, as shown in the table below:

<b>General Fund Budget Monitoring Summary to 31<sup>st</sup> December 2018</b>	<b>£000</b>	<b>£000</b>
<b>Original budget surplus</b>		<b>(99)</b>
Recharges - Reduction in recharges to HRA and Projects, resulting in higher charges to General Fund, partly offset by salary vacancy provision below	424	
NNDR Income – additional income from Enterprise Zone Relief grant (prior year element) and S31 Grant for other reliefs, incl. extra grant for small business rates relief ‘threshold changes’	(258)	
Transfer to IT Reserve for future IT improvements and digitisation	175	
Homelessness - Temporary accommodation costs - reduction above target (£369k), less transfer to Periodic Ops Reserve (£150k) for potential SWEP costs	(219)	
Investment income - additional income due to further investments in pooled funds and better returns from those investments, less additional cost of treasury advice and short term loans	(201)	
Off-Street Parking income	199	
Grounds Maintenance – additional income from works rechargeable to third parties	(100)	
Salary Vacancy Provision - Savings in excess of vacancy provision budgeted, due to maternity savings, vacant posts, etc. less restructure costs	(91)	
Licensing - Increased income from cabs, private hire vehicles, premises, gambling, etc.	(71)	
Port Health - Improved income, mainly from Endorsement of Organic Certificates	(54)	
Increased cost of waste recycling contract due to higher property numbers and indexation	50	
Other net variances – adverse	9	
<b>Total Variances – favourable</b>		<b>(137)</b>
<b>Projected budget surplus</b>		<b>(236)</b>
Balances Brought Forward		(2,527)
<b>Projected Year End Balances</b>		<b>(2,763)</b>

- Homelessness – the figures assume that savings arising from 24 HRA buy-back purchases in the first 11 months and a further 10 buy-back purchases being processed by legal, and a general reduction in B&B / nightly-paid numbers and durations will be sufficient to meet the £200k savings target included in the original budget. A further reduction in temporary accommodation costs of £369K is anticipated, of which £150k has been transferred to the Periodic Operations reserve for the probability of SWEP (severe weather emergency protocol) being implemented during the winter months. However, please also see the “Concerns/Risks” section below.

- The use of the Housing Initiatives reserve and the 1:4:1 monies (retained right-to-buy receipts) continues to increase the stock of properties within the HRA, particularly of properties that could be used to provide interim accommodation to homeless people.
- The Treasury Management returns are exceeding budget due to improved returns and further investments in pooled funds.
- Income from works rechargeable by the Grounds Maintenance team to external organisations is expected to generate £100k unbudgeted income.
- Recharge income has reduced, leading to a £424k pressure, but partly offset by vacancy savings exceeding budget by £91k. This pressure is mainly due to the reduction in charges to the HRA from Housing Needs (with the offsetting increase being allocated to Homelessness) and Property Services. There is also a further increase in charges to the General Fund due to reduced officer time spent on GF and HRA projects.
- In addition to the NNDR Income variance in the table above, we are estimating £820k extra income from the '100% retention pilot scheme' ('financial stability' element), which has been transferred to the special projects reserve to fund the 'property renovation grants scheme' (£500k) and other projects to be agreed. There is also a separate share of 'Growth Fund' retention monies to be determined for inclusion.
- There is a reduction in subsidy income for benefit overpayments, due to the transfer of claimants to Universal Credit of £112k, which is fully covered by use of the Periodic Operations Reserve. There is a further reduction for DWP Admin Grant of £50k, which is not covered by reserve use.
- Please see the main Budget Monitoring report for February 2019 for full details of all major variances.

### Housing Revenue Account

- The HRA balance at 28 February 2019 is forecast to be £0.984m.

<b>HRA Budget Monitoring Summary to 28 February 2019</b>	<b>£000</b>	<b>£000</b>
<b>Original budget surplus</b>		<b>(5)</b>
Reduction of external decoration budget due to termination of contract	(220)	
Reduction of paths and paving budget	(50)	
Increase on aerials and fire precaution budgets	36	
Adjustment on Major Repairs Reserve	(260)	
Direct revenue financing of capital spend	(1,197)	
Tenants incentive scheme increased	16	
Review of internal recharges	(296)	
Increase in tenant service charges	(194)	
Redundancy pension costs	32	
Other net variances (favourable)	(4)	
<b>Total Variances – favourable</b>	<b>(2,137)</b>	
<b>Projected budget surplus</b>		<b>(2,142)</b>
Transfer to Housing Initiatives Reserve		2,170
<b>Contribution to HRA Balance</b>		<b>28</b>
Balances Brought Forward		(1,012)
<b>Projected Year End Balances</b>		<b>(984)</b>

## Medium Term Capital Programme

- Within the capital programme, projects approved to proceed are fully financed; the main changes in the Medium Term Capital Programme are shown below:

<b>Capital Budgets (28th February 2019)</b>	<b>Current year £000</b>	<b>Total Cost of Programme £000</b>
<b>Position as at 31<sup>st</sup> December 2018</b>	<b>77,233</b>	<b>253,105</b>
Phasing changes to reflect the 2018/19 expected outturn.	(2,509)	-
Additional funding from provisions included in MTFP approved for existing projects: £98.5k for Aylesham retail units; £600k for Deal Pier works; £100k for Kearsney Park for People project.	98	799
Funding approved from provisions included in MTFP for new projects: £935k for Street-lighting; £199.8k for CCTV; £25k for VM Ware server; £10.5k for property investment purchase.	35	1,170
Approved allocations from provisions included in MTFP (details above)	(109)	(1,944)
New funding added to programme; Southern Water contribution to Deal Pier works	7	7
<b>Total Capital Programme – position as at 28th February 2019</b>	<b>74,755</b>	<b>253,137</b>

### Concerns/Risks:

- The implementation of the new Homeless Reduction Act in April 2018 has resulted in an initial increase in homeless applications to the council and the new process has various stages of responsibilities that may result in changes to the figures moving forward. The position is being continuously monitored and will be reported further in future reports.
- There has been no increase in the number of households in all types of temporary accommodation and the total in bed and breakfast has reduced by 31%, from 35 to 24. This is in part where, following investigations, a decision is made that the household is not owed a full housing duty and the placement is ended. The bed and breakfast figure includes singles and couples with complex issues that make them unattractive to private landlords. The limited amount of studio and one bedroom accommodation (in both private and social housing) means those households where we have accepted a full housing duty are likely to face a delay before being offered suitable secure housing. The number of households where we have accepted a full housing duty has risen slightly which reflects an increase in the number of homeless applications and something being seen nationally. We are still seeing a reduction in the availability of private rented market accommodation, however we continue to try and engage with private landlords and agents to maximise the supply of housing in order to offer our homeless households an alternative to social housing.
- Appeals and public inquiries against planning decisions are occurring more regularly and can be expensive and time-consuming to resolve. While money is set aside in reserves for the ongoing costs of prior year appeals, these may not be sufficient to fund new appeals arising or unexpected additional costs. It is currently proposed to use contingency to fund specialist planning and legal advice in relation to the resubmitted planning application for Western Heights, as well as a public inquiry re Abbey Homes, totalling £150k (est.). However, it is anticipated that there will be a possible further appeal in 2019/20 against any decision on the resubmitted Western Heights application, which could cost circa £160k and for which no provision has currently been made.
- Additional planning resource has been engaged, currently funded from reserves (including from excess planning income), which is likely to create a future pressure, as the specific earmarked reserves are now being depleted. This is built into the 2019/20 budget.

- Investment income remains under pressure from low interest rates and uncertainty following the Brexit vote. In 2017/18 the Council made investments in Diversified Income Funds (pooled funds) to offset the impact of reducing interest rates on bank deposits, money market funds and loans to other local authorities. Further investments have been made in Diversified Income funds during the year so far, which continue to enable us to increase returns for current and future years.
- Business Rates (BR) income remains volatile and complex to calculate, and is subject to changes arising from: the 2017 revaluation; the level of successful appeals; the profiling of Enterprise Zone relief given; the levels of claims for Small Business Rates Relief and other reliefs; and fluctuations in estimates of 'business rates growth' due to the scale or timing of regeneration projects.
- Additionally, VOA makes odd judgements that are largely beyond question by local authorities. While appeals backdating is meant to be limited and closed lists cannot be appealed against after the closure date (31st March 2017 for the 2010 list), loopholes and decisions by VOA seem to enable late appeals to be admitted with potentially significant losses of income. We have had to include the impact of such a decision in relation to Dover Harbour Board's 2010 valuation adjustment, with £617k current year impact (incl. prior year element),. Fortunately this is largely offset by a proposed Kent-wide approach to appeals provision calculations against the 2017 list, which will reduce the charge against NNDR income for the current year.
- There are also upside risks in respect of business rates, such as the favourable impact of being in the pilot scheme (est. £820k additional 'Financial Stability Fund' share, plus further 'Growth Fund' monies to be determined), and the positive impact of changes to occupancy at Discovery Park, improving the levels of Enterprise Zone relief and its compensatory grant from Central Government (est. £331k favourable, but recognition deferred to 2019/20 under statutory rules). However, the final retained income from the pilot scheme is now interdependent on the results of the other Kent authorities.
- Please see the main Budget Monitoring report for further details of current issues and their mitigation.

The new Environmental Enforcement contractors are beginning to have an impact on the number of FPN's issued for littering with a large increase in quarter 4. The reduction in number of Envirocrime prosecutions in quarter 4 correlates to the drop in FPN's issued within quarter 3 as many of the prosecutions undertaken by the team relate to non-payment of FPN's

### **Key Initiatives/Outcomes:**

Work continues to tackle the costs associated with homelessness, short term accommodation placements and the shortage of housing stock (see General Fund section above), and to identify additional funding for the potential costs of any appeal/inquiry against the eventual decision on the resubmitted Western Heights planning decision (see Concerns/Risks above). Otherwise, the projected outturns for General Fund, HRA and Capital Programme do not indicate the need for corrective action in 2018/19. Where appropriate the variances identified have been taken into account in the 2019/20 – 2022/23 MTFP and will continue to be monitored during subsequent years.

Brexit preparations are continuing to have a big impact on the Public Protection team but the recruitment of 3 additional staff will help ease this pressure.

Division	FTE @ 1 April 2018	(Leavers)/ Joiners/ Transfers	FTE @ 31 March 2019
Chief Executive	37.13	+0.60	36.49
Governance	46.3	+2	50.69
Corporate Resources	45.10	+0.22	47.23
Operations and Commercial	93.03	0.00	101.31
HR & Audit	26.59	+1	27.44
<b>Total Staff FTE</b>	<b>248.15</b>	<b>+3.82</b>	<b>263.16</b>

## Operations and Commercial

PI	Description	Outturn 2017/18	DDC Target 2018/19	Q1	Q2	Q3	Q4	Current Cumulative figure	Absolute Number of Cases this Qtr (where applicable)	Direction of Travel to previous Qtr	RAG Status
MUS002	The number of visits to the museum in person per 1,000 population	229.11	200	69.48	76.18	42.00	46.13	233.79		▲	Green
PKG003	Number of PCNS issued	17,433	N/A	3794	2688	2975	3635	13092		N/A	N/A
PLA001	Percentage of <b>major</b> planning applications determined in 13 weeks (exc. section 106 agreements) or within an agreed extension of time or Planning Performance Agreement	89.52%	65%	83.33 %	75%	92%	75%	81.33%		▼	Green
PLA002	Percentage of <b>non-major</b> planning applications determined in 8 weeks (exc. Section 106 agreements)	87.50%	75%	88.83 %	83.1%	88%	73%	83.23%		▼	Green
PLA003	The percentage of decisions for major applications overturned at appeal (+)	2.70%	<10%	16%	5%	0%	7.6%	5.7%	52	▼	Green
PLA004	The percentage of decisions for non-major applications overturned at appeal (+)	3.15%	<10%	0.87%	0.4%	0.1%	0.7%	0.9%	791	▼	Green
PLA007	Number of new houses completed.	106 (Base at 31.03.18 = 52526)	N/A	70	200	120	130	5304620%		N/A	N/A
PLA008	Growth in Business Rates base (number of registered businesses)	25 (Base at 31.03.18 = 4012)	N/A	18	8	38	18	4094		N/A	N/A

## Operations and Commercial

PI	Description	Outturn 2017/18	DDC Target 2018/19	Q1	Q2	Q3	Q4	Current Cumulative figure	Absolute Number of Cases this Qtr (where applicable)	Direction of Travel to previous Qtr	RAG Status
PLA009	% of appeals upheld by the Planning Inspectorate as a % of those submitted	N/A	N/A	23%	10.5%	33%	20%	22%		N/A	N/A
WAS003	Number of collections missed per 100,000 collections of household waste.	3.75	15	5	25.68	14.92	4.72	12.58		▲	Green
WAS010	Residual household waste per household	339kg	350kgs	365kgs	361kgs	355kgs	355kg	359kg (awaiting March 2019)		▶	Amber
WAS011	Household waste sent for reuse, recycling or composting	49.50%	50%	48%	48%	49%	46%	48% (awaiting March 2019)		▼	Amber
WAS012	Environmental cleanliness: Percentage of streets containing litter	6.75%	5%	6%	7%	8%	3%	6%		N/A	N/A
WAS013	Environmental cleanliness: Percentage of street containing detritus	14.25%	10%	23%	26%	14%	15%	19.5%		N/A	N/A

### Strategic Director (Operations and Commercial) comments

#### Performance:

A significant amount of officer time has been spent over recent months on contingency planning for a range of Brexit outcomes, which has created pressures on staff time especially within the parking and transportation team.

The Planning & Regeneration Department has implemented a new planning computer system (Uniform) during this quarter, which involved some system down-time that has impacted on this quarter's figures for determining planning applications. The out-turn for the year on the two main indicators (PI001 and 2) are indicative as the performance data has not migrated across correctly. We are confident that both performance targets have been exceeded. Appeal performance

## Operations and Commercial

remains within target with 4 out of 5 appeals being dismissed.

Performance within other service areas remains strong.

### **Key Initiatives/Outcomes:**

#### Planning & Regeneration

The implementation of Uniform over recent months has provided an impetus to the digital transformation of the service. Following an internal review of the service undertaken in 2018 an Action Plan has been prepared and this will now be led by the new Head of Service, Lois Jarrett who joins the Council on 13 May.

#### Commercial Services

##### Parks & Open Spaces

The new leisure centre landscaping has now been completed by the in-house GM team.

This year's winter works programme has been completed across the district with assistance again for the Kearsney Parks project by works being carried out by the in house team. Works in some of the cemeteries and closed churchyards has taken place to remove self-sown trees and ivy covering graves. Works will continue with changes to shrub beds, hedges and flower beds throughout the year. Friends groups being formed to help take over enhancements to various sites across the district.

The Kearsney Parks Project Buildings contract has been awarded and construction is progressing well. The Landscape contract has just been awarded. The project is still on course for completion by June 2020. An additional officer is being recruited to complete the team required to manage this project in May 2019.

The WCCP continues to embed new ways of working and new funding is being sourced and being received. This area is starting to become more commercially focused with opportunities to expand in the coming months and years Discussions with partner organisations regarding future funding are going very well.

There is a significant list of projects large and small within this service area which continues to grow year on year with no major increase to the overall budget.

##### Transport & Parking Services:

This area continues to perform effectively with work starting on a review of all areas of the service with an increasing focus on the strategic direction of the service recognising the interdependencies between parking & transport and other areas of the council. Parking income is down due in part to the St James car park being free for a large part of the year and the loss of income streams from car parks at Dover and Tides Leisure Centre.

##### Waste services:

The current contract is still going well and the team and consultants are now working on the new contract due to start in January 2021. The business case for carrying out street cleansing services in-house has been reviewed as part of this process.

## Operations and Commercial

### Museum & Tourism

The two year temporary appointment of a Collections Manager has begun the process of the relocation of the museum stores. The moving of these is a prerequisite for the NLHF (formerly HLF) funded project to restore and refurbish Maison Dieu in Dover, a project that is well underway with the appointment of a Project Management Team, Activity Planner, Architect, Designer and Archaeologist.

The Tourism Strategy consultation was very well attended and the material gained from the discussions will be woven in to the emerging strategy that is being driven forward by the new Strategic Tourism Manager.

### Asset & Building Control

The highlight of the past three months and indeed the year has been the successful opening of the new Dover District Leisure Centre, which opened on time and on budget. Other key projects undertaken during this period include:

- Work to lower deck Deal pier completed
- Middle Street/Union Road car park resurfacing undertaken.
- NTH on site and progressing on schedule – all ground works complete, steel work completed, roof 50% complete
- WM&S contractors on site, Homes England funding secured, marketing agent secured.
- Demolition of old DLC –negotiations progressing in respect of extent of works and interaction with archaeology.
- Refurb works to Tides completed.

### **Concerns/Risks:**

Ongoing work seeking to limit the impact of significant congestion in the District as a consequence of Brexit. Business continuity plans are being reviewed.

Parking income is becoming a concern with the loss of car parks and limited scope to increase parking charges.

**DOVER DISTRICT COUNCIL**

Scrutiny (Policy and Performance) Committee – 4 June 2019

**EXCLUSION OF THE PRESS AND PUBLIC**

**Recommendation**

That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting for the remainder of the business on the grounds that the item(s) to be considered involve the likely disclosure of exempt information as defined in the paragraph of Part 1 Schedule 12A of the 1972 Act set out below:

<u>Report Title</u>	<u>Paragraphs Exempt</u>	<u>Reason Exempt</u>
Purchase of New Affordable Housing at 113 Folkestone Road, Dover	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

**Agenda Item No 17**

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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