



# **Council Meeting**

## **Council Offices White Cliffs Business Park Dover**

Wednesday, 18 October 2023

Summons and Agenda

**Nadeem Aziz**  
Chief Executive





Democratic Services  
White Cliffs Business Park

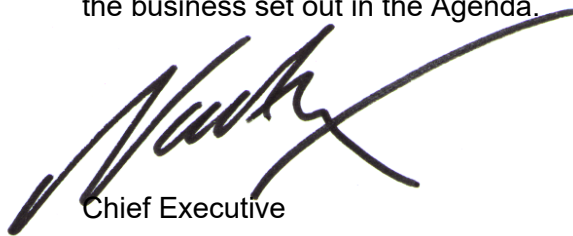
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10 October 2023

To the Members of the Council,

You are hereby summoned to attend a meeting of the **COUNCIL** to be held in the Council Chamber at these Offices on Wednesday 18 October 2023 at 6.00 pm for the transaction of the business set out in the Agenda.



Chief Executive

Members of the Council:

J S Back	M F Hibbert	D J Parks
T J Bartlett	S Hill	M P Porter
M Bates	N S Kenton	J L Pout
D G Beaney	R M Knight	O C de R Richardson
S H Beer	J P Loffman	M W Rose
E A Biggs	S M S Mamjan	C A Vinson
S B Blair	S C Manion	H M Williams
P M Brivio	K Mills	C F Woodgate
G Cowan	M W Moorhouse	L M Wright
D G Cronk	D P Murphy	C D Zosseder
D R Friend	M J Nee	

AGENDA

1 **APOLOGIES** (Page 7)

To receive any apologies for absence.

2 **MINUTES** (Page 8)

To confirm the Minutes of the meeting held on 19 July 2023 (to follow).

3 **DECLARATIONS OF INTEREST** (Page 9)

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

4 **ANNOUNCEMENTS** (Page 10)

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

5 **LEADER'S TIME** (Page 11)

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

In accordance with Council Procedure Rule 10 (Leader's Time):

- (a) The Leader (and Cabinet) shall have up to 15 minutes to make within this report any statements that they wish on any topic or subject that they feel should be drawn to the attention of the Council.
- (b) The Leader of the Main Opposition Group (or their nominee) shall be allowed up to 10 minutes to respond.
- (c) The Leader of the Council shall be allowed up to 5 minutes to exercise a right of reply (or 25% of the time given to the Opposition Group Leader(s), whichever is the greatest).

6 **SEAT ALLOCATION AND GROUP APPOINTMENTS** (Page 12)

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

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

7 **QUESTIONS FROM THE PUBLIC** (Page 13)

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

- (a) Questions will be asked in the order in which notice of them was received, except that the Chairman may group together similar questions.
- (b) The period for questions by the public shall be limited so that no further questions shall be put after the elapse of 15 minutes from the commencement of the first question.
- (c) A maximum of three minutes is allowed for the each question to be read.
- (d) A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply.
- (e) Afterwards, any other Member at the Chairman's discretion may speak for up to two minutes on a question or reply.

**Questions from the Public**

The questions received during the notice period are set out in the agenda papers.

8 **CLIMATE AND ECOLOGY BILL** (Page 14)

To consider the report of the Strategic Director (Place and Environment) (to follow).

9 **CORPORATE GOVERNANCE LOCAL CODE REVIEW** (Pages 15 - 56)

To consider the attached report of the Head of Corporate Services and Democracy.

10 **REVISION TO CONTRACT STANDING ORDERS** (Pages 57 - 72)

To consider the attached report of the Head of Finance & Investment and the Monitoring Officer.

11 **REVISED STATEMENT OF POLICY AND PRINCIPLES ISSUED UNDER THE GAMBLING ACT 2005 (2023 - 2026)** (Pages 73 - 134)

To consider the attached report of the Strategic Director (Corporate and Regulatory).

12 **QUESTIONS FROM MEMBERS** (Pages 135 - 136)

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

Members may ask one supplementary question in addition to their original question.

The questions received are set out in the order received in the agenda papers.

13 **URGENT BUSINESS TIME** (Page 137)

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

**Access to Meetings and Information**

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is step free access via the Council Chamber entrance and an accessible toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- In order to facilitate the broadcast of meetings there have been cameras set up in the Council Chamber that communicate with Microsoft Teams Live. This enables meetings held in the Council Chamber to be broadcast for public viewing through the Council's website.
- The meetings in which these cameras will be used include meetings of: (a) Council; (b) Cabinet; (c) Dover Joint Transportation Advisory Board; (d) General Purposes Committee; (e) Electoral Matters Committee; (f) Governance Committee; (g) Planning

Committee; (h) General Purposes Committee and (i) Overview and Scrutiny Committee. Only agenda items open to the press and public to view will be broadcast.

- These recordings will be retained for 30 days from the date of the meeting. The recordings will be uploaded to YouTube as soon as practicable after the day of the meeting. In normal circumstances this would be within 2 working days of the meeting. However, there may be circumstances where it will take longer. The recordings can be viewed on the Council's YouTube Channel - [Council meetings - YouTube \(@doverdc\)](#)
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- The Council will not make available copies of the recordings either in whole or in part other than in compliance with a legal requirement arising under The Freedom of Information Act 2000, UK GDPR, The Data Protection Act 2018 or some other enactment, rule of law or direction of a court or tribunal which is binding on it.
- 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 will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- Members of the Committee may receive confidential information relating to personal data as part of an item of an exempt or confidential business on the agenda. It is each Member's responsibility to ensure that this information is handled securely and confidentially as required under data protection legislation. This information must only be retained for as long as necessary and when no longer required disposed of via a shredder or the Council's secure disposal arrangements.

For further information about how this information should be processed, please view the Council's Data Protection Policy and Appropriate Policy Document at [www.dover.gov.uk/Corporate-Information/PDF/Data-Protection-Policy.pdf](http://www.dover.gov.uk/Corporate-Information/PDF/Data-Protection-Policy.pdf)

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

**APOLOGIES**

To receive any apologies for absence.

**MINUTES**

To confirm the Minutes of the meeting held on 19 July 2023 (to follow).



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.

**ANNOUNCEMENTS**

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

**LEADER'S TIME**

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

In accordance with Council Procedure Rule 10 (Leader's Time):

- (a) The Leader (and Cabinet) shall have up to 15 minutes to make within this report any statements that they wish on any topic or subject that they feel should be drawn to the attention of the Council.
- (b) The Leader of the Main Opposition Group (or their nominee) shall be allowed up to 10 minutes to respond.
- (c) The Leader of the Council shall be allowed up to 5 minutes to exercise a right of reply (or 25% of the time given to the Opposition Group Leader(s), whichever is the greatest).

**AGENDA ITEM 6: SEAT ALLOCATION AND GROUP APPOINTMENTS**

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

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

## Questions Raised on Notice by Members of the Public

(a) To the Executive

In accordance with Rule 11 of the Council Procedure Rules, notice was given by a member of the public to ask the following question:

**(1) Sarah Waite-Gleave will ask the Leader of the Council:**

“Mindful of the encouraging assurances made by the DDC leader at the last full council meeting in July, what progress has been made as regards replacing the closeted Climate Change PAG with a structure with slightly wider representation?”

**(2) Dr Brian Philp MBE will ask the Leader of the Council:**

“Whilst wishing the new Council every future success, please could I ask that, in view of the massive 50 year programme of excavation, publication and tourism by my Kent Archaeological Rescue Unit across ancient Dover, which included the discovery, excavation, preservation and fund raising for the Roman Painted House, and the later construction of the cover-building over it, the latter on behalf of the PH Trust, and the subsequent management for 46 years ending in June 2022, which won four national awards and welcomed over 700,000 visitors, at no management cost to Dover Council, that the new Council could very kindly consider acknowledging our major contribution to tourism and heritage of this World famous town?”

In accordance with Council Procedure Rule 11.7, the Chairman will invite the questioner to put the question exactly as submitted to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

In accordance with Council Procedure Rule 11.8, a questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply.

A maximum of three minutes shall be allowed for the question to be read. The period for questions by the public shall be limited so that no further question shall be put after the elapse of 15 minutes from the commencement of the first question.

Any questions which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

**Climate and Ecology Bill**

To consider the report of the Strategic Director (Place and Environment) (to follow).

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<b>Subject:</b>	<b>CORPORATE GOVERNANCE LOCAL CODE REVIEW</b>
<b>Meeting and Date:</b>	<b>Governance Committee – 28 September 2023 Council – 18 October 2023</b>
<b>Report of:</b>	<b>Rebecca Brough, Head of Corporate Services and Democracy</b>
<b>Classification:</b>	<b>UNRESTRICTED</b>

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

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**Recommendation:**

- (a) That the Governance Committee recommend to the Council that the revised Corporate Governance Local Code be adopted.
- (b) That the Council adopt the revised Corporate Governance Local Code.

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## 1. Summary

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

## 2. Introduction and Background

2.1 The Council is required to conduct an annual review of the effectiveness of its systems of internal control and report on the extent to which it complies with its adopted Corporate Governance Local Code. This must be conducted in accordance with the Delivering Good Governance in Local Government Framework produced by the Chartered Institute of Public Finance and Accountancy (CIPFA).

2.2 The Council in 2017 reaffirmed its commitment to the principles of good governance by adopting a new Corporate Governance Local Code that reflected the latest revision of the Delivering Good Governance in Local Government Framework produced in 2016. This Framework remains unchanged since 2016 and the Council's Corporate Governance Local Code continues to reflect it.

2.3 In reviewing the Corporate Governance Local Code this year, it has been noted that there are a number of changes to post titles that need to be updated to reflect changes to the organisation. This report seeks to make those changes to bring it in line with the current organisational structure of the Council.

2.4 There are no other changes proposed to the Corporate Governance Local Code. However, it should be noted that the Corporate Governance Local Code also contains the Council's Risk Management Strategy which is currently under review. An updated Risk Management Strategy is expected to be submitted to a meeting of the Governance Committee later this municipal year.

## 3. Identification of Options

3.1 Option 1: To adopt the revised Corporate Governance Local Code.

3.2 Option 2: To not adopt the revised Corporate Governance Local Code.

3.3 Option 3: To make a different amendment than that proposed to the Corporate Governance Local Code.

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

- 4.1 Option 1 is the preferred option. It updates the Corporate Governance Local Code to reflect the current organisational structure and responsibilities while ensuring that it remains fully compliant with the requirements of the Accounts and Audit Regulations 2015 and the CIPFA Delivering Good Governance in Local Government Framework (2016).
- 4.2 Option 2 is not the preferred option as the Corporate Governance Local Code would continue to make reference to posts that are no longer on the Council's establishment.
- 4.3 Option 3 is not the preferred option as it potentially could lead to non-compliance with the Council's obligations under the Accounts and Audit Regulations 2015 and the CIPFA Delivering Good Governance in Local Government Framework (2016). If Members wish to make any changes other than those set out in the report, it is requested that officers be instructed to bring back a report assessing the implications of these changes.

#### **5. Resource Implications**

- 5.1 There are no resource implications arising from this report.

#### **6. Climate Change and Environmental Implications**

- 6.1 There are no direct Climate Change or Environmental implications arising from the recommendations in this report.

#### **7. Corporate Implications**

- 7.1 Comment from the Section 151 Officer: Accountancy has been consulted and has no further comments. (JS)
- 7.2 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.
- 7.3 Comment from the Equalities Officer: This report regarding the adoption of the revised Corporate Governance Local Code 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/section/149>

#### **8. Appendices**

Appendix 1 – Revised Corporate Governance Local Code

#### **9. Background Papers**

Accounts and Audit Regulations 2015

CIPFA Delivering Good Governance in Local Government Framework (2016)

Contact Officer: Rebecca Brough, Head of Corporate Services and Democracy, [rebecca.brough@dover.gov.uk](mailto:rebecca.brough@dover.gov.uk)





# Corporate Governance Local Code

Revised: ~~May 2017~~ September 2023

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# Introduction

## What Do We Mean By Governance?

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

The International Framework: Good Governance in the Public Sector defines governance as:

*Governance comprises the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved.*

*To deliver good governance in the public sector, both governing bodies and individuals working for public sector entities must try to achieve their entity's objectives while acting in the public interest at all times.*

*Acting in the public interest implies primary consideration of the benefits for society, which should result in positive outcomes for service users and other stakeholders.*

For Dover District Council, good governance comprises the systems, processes, cultures and values we follow so that we can pursue our vision and objectives effectively, delivering intended outcomes for our communities, whilst minimising the risks involved. We aim to meet the standards of the best and ensure that our governance arrangements are sound.

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

## Purpose of This Corporate Governance Local Code

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

## Delivering Good Governance

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

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

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

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

the Corporate Governance Framework, with Risk Management and with Performance Management.

### **Testing our Arrangements**

We test our arrangements by:

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

In order to review our current arrangements, we:

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

### **Key elements of our Governance Arrangements**

#### Compliance

- With relevant laws, regulations, policies and procedures
- Financial management requirements, including the role of the Chief Financial Officer (section 151 Officer)
- Effective arrangements to discharge the roles of Head of Paid Service, Monitoring Officer and Section 151 Officer
- Effective counter fraud and anti-corruption arrangements
- Governance/audit committee

#### Performance

- Clear channels of communication
- Commitment to openness and transparency
- Effective decision making, including the scheme of officer delegations
- Performance management and reporting
- Clear roles and responsibilities for officers and members
- Effective Overview and Scrutiny function
- Induction and development of members and officers

# Background

## The Principles of Conduct

The Committee for Standards in Public Life, the seven "Nolan" Principles form an important part of the Governance Framework for Members, Officers and partners.

The principles are:

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

## Dover District Council's Member Code of Conduct

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

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

## Code of Conduct for Officers

The Council's Code of Conduct for employees provides staff with an effective ethical framework within which to work and aims to give the Council's communities confidence that the staff are working on their behalf in an appropriate manner. The Council's Conditions of

Service require all officers to abide with the Code of Conduct for employees. Officers should be aware and comply with all policies of the Council.

The public is entitled to expect the highest standards of conduct from all local government employees. The role of employees is to serve the Council in providing advice, implementing its policies and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity, complying with the Seven Principles of Public Life.

# Governance Principles

## Development of the Principles of Governance

In 2007 the CIPFA/SOLACE joint working group issued a framework called *Delivering Good Governance in Local Government* together with an accompanying guidance note. This was aimed at helping Local Authorities develop and maintain their own codes of governance.

The guidance was updated in 2011 and 2012 to reflect the latest Accounts and Audit regulations. The Framework was further reviewed in 2016 and a revised edition published in April 2017.

The Framework positions the attainment of sustainable economic, societal and environmental outcomes as a key focus of governance processes and structures. The framework defines the principles that underpin the governance of this local authority.

## Core and Supporting Principles

The seven core principles are taken from the International Framework: *Good Governance in the Public Sector* and help local authorities demonstrate good governance through their local codes.

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

- A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law
- B. Ensuring openness and comprehensive stakeholder engagement

Principles A and B permeate implementation of principles C to G.

- C. Defining outcomes in terms of sustainable economic, social, and environmental benefits
- D. Determining the interventions necessary to optimise the achievement of the intended outcomes
- E. Developing the entity's capacity, including the capability of its leadership and the individuals within it
- F. Managing risks and performance through robust internal control and strong public financial management
- G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability

Good governance is dynamic, and Dover District Council is committed to improving governance on a continuing basis through a process of evaluation and review.

Core Principle	Sub Principles
<p><b>A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law</b></p> <p>Local government organisations are accountable not only for how much they spend, but also for how they use the resources under their stewardship. This includes accountability for outputs, both positive and negative, and for the outcomes they have achieved. In addition, they have an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. It is essential that, as a whole, they can demonstrate the appropriateness of all their actions across all activities and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law.</p>	<p><b>Behaving with Integrity</b></p> <ul style="list-style-type: none"> <li>• Ensuring members and officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the organisation</li> <li>• Ensuring members take the lead in establishing specific standard operating principles or values for the organisation and its staff and that they are communicated and understood. These should build on the seven Principles of Public Life</li> <li>• Leading by example and using the standard operating principles or values as a framework for decision making and other actions</li> <li>• Demonstrating, communicating and embedding the standard operating principles or values through appropriate policies and processes which are reviewed on a regular basis to ensure that they are operating effectively</li> </ul> <p><b>Demonstrating strong commitment to ethical values</b></p> <ul style="list-style-type: none"> <li>• Seeking to establish, monitor and maintain the organisation's ethical standards and performance</li> <li>• Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the organisation's culture and operation</li> <li>• Developing and maintaining robust policies and procedures which place emphasis on agreed ethical values</li> <li>• Ensuring that external providers of services on behalf of the organisation are required to act with integrity and in compliance with ethical standards expected by the organisation</li> </ul> <p><b>Respecting the rule of law</b></p> <ul style="list-style-type: none"> <li>• Ensuring members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations</li> <li>• Creating the conditions to ensure that the statutory officers, other key post holders, and members, are able to fulfil their responsibilities in accordance with legislative and regulatory requirements</li> <li>• Striving to optimise the use of the full powers available for the benefit of citizens, communities and other stakeholders</li> <li>• Dealing with breaches of legal and regulatory provisions effectively</li> <li>• Ensuring corruption and misuse of power are dealt with effectively</li> </ul>



Core Principle	Sub Principles
<p><b>B. Ensuring openness and comprehensive stakeholder engagement</b></p> <p>Local government is run for the public good, organisations therefore should ensure openness in their activities. Clear, trusted channels of communication and consultation should be used to engage effectively with all groups of stakeholders, such as individual citizens and service users, as well as institutional stakeholders.</p>	<p><b>Openness</b></p> <ul style="list-style-type: none"> <li>• Ensuring an open culture through demonstrating, documenting and communicating the organisation's commitment to openness</li> <li>• Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption is for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential should be provided</li> <li>• Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used. In due course, ensuring that the impact and consequences of those decisions are clear</li> <li>• Using formal and informal consultation and engagement to determine the most appropriate and effective interventions/ courses of action</li> </ul> <p><b>Engaging comprehensively with institutional stakeholders</b></p> <ul style="list-style-type: none"> <li>• Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably</li> <li>• Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively</li> <li>• Ensuring that partnerships are based on: trust, a shared commitment to change, a culture that promotes and accepts challenge among partners and that the added value of partnership working is explicit</li> </ul> <p><b>Engaging with individual citizens and service users effectively</b></p> <ul style="list-style-type: none"> <li>• Establishing a clear policy on the type of issues that the organisation will meaningfully consult with or involve communities, individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes</li> <li>• Ensuring that communication methods are effective and that members and officers are clear about their roles with regard to community engagement</li> <li>• Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds</li> </ul>

Core Principle	Sub Principles
	<p>including reference to future needs</p> <ul style="list-style-type: none"> <li>• Implementing effective feedback mechanisms in order to demonstrate how views have been taken into account</li> <li>• Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity</li> <li>• Taking account of the impact of decisions on future generations of tax payers and service users</li> </ul>

Core Principle	Sub Principles
<p><b>C. Defining outcomes in terms of sustainable economic, social, and environmental benefits</b></p> <p>The long-term nature and impact of many of local government's responsibilities mean that it should define and plan outcomes and that these should be sustainable. Decisions should further the organisation's purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stakeholders, including citizens, service users, and institutional stakeholders, is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.</p>	<p><b>Defining Outcomes</b></p> <ul style="list-style-type: none"> <li>• Having a clear vision, which is an agreed formal statement of the organisation's purpose and intended outcomes containing appropriate performance indicators, which provide the basis for the organisation's overall strategy, planning and other decisions</li> <li>• Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer</li> <li>• Delivering defined outcomes on a sustainable basis within the resources that will be available</li> <li>• Identifying and managing risks to the achievement of outcomes</li> <li>• Managing service users' expectations effectively with regard to determining priorities and making the best use of the resources available</li> </ul> <p><b>Sustainable economic, social and environmental benefits</b></p> <ul style="list-style-type: none"> <li>• Considering and balancing the combined economic, social and environmental impact of policies and plans when taking decisions about service provision</li> <li>• Taking a longer-term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the organisation's intended outcomes and short-term factors such as the political cycle or financial constraints</li> <li>• Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs</li> <li>• Ensuring fair access to services</li> </ul>

Core Principle	Sub Principles
<p><b>D. Determining the interventions necessary to optimise the achievement of the intended outcomes</b></p> <p>Local government achieves its intended outcomes by providing a mixture of legal, regulatory, and practical interventions (courses of action). Determining the right mix of these courses of action is a critically important strategic choice that local government has to make to ensure intended outcomes are achieved. They need robust decision-making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of resource inputs while still enabling effective and efficient operations. Decisions made need to be reviewed frequently to ensure that achievement of outcomes is optimised.</p>	<p><b>Determining the interventions</b></p> <ul style="list-style-type: none"> <li>• Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and associated risks. Therefore ensuring best value is achieved however services are provided</li> <li>• Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts</li> </ul> <p><b>Planning interventions</b></p> <ul style="list-style-type: none"> <li>• Establishing and implementing robust planning and control cycles that cover strategic and operational plans, priorities and targets</li> <li>• Engaging with internal &amp; external stakeholders in determining how services and other courses of action should be planned and delivered</li> <li>• Considering and monitoring risks facing each partner when working collaboratively, including shared risks</li> <li>• Ensuring arrangements are flexible and agile so that the mechanisms for delivering goods and services can be adapted to changing circumstances</li> <li>• Establishing appropriate key performance indicators as part of the planning process in order to identify how the performance of services and projects is to be measured</li> <li>• Ensuring capacity exists to generate the information required to review service quality regularly</li> <li>• Preparing budgets in accordance with objectives, strategies and the medium term financial plan</li> <li>• Informing medium and long term resource planning by drawing up realistic estimates of revenue and capital expenditure aimed at developing a sustainable funding strategy</li> </ul> <p><b>Optimising achievement of intended outcomes</b></p> <ul style="list-style-type: none"> <li>• Ensuring the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints</li> <li>• Ensuring the medium term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage</li> </ul>

Core Principle	Sub Principles
	<ul style="list-style-type: none"> <li>• Ensuring the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term</li> <li>• Ensuring the achievement of 'social value' through service planning and commissioning.</li> </ul>

Core Principle	Sub Principles
<p><b>E. Developing the entity's capacity, including the capability of its leadership and the individuals within it</b></p> <p>Local government needs appropriate structures and leadership, as well as people with the right skills, appropriate qualifications and mind-set, to operate efficiently and effectively and achieve intended outcomes within the specified periods. A local government organisation must ensure that it has both the capacity to fulfil its own mandate and to make certain that there are policies in place to guarantee that its management has the operational capacity for the organisation as a whole. Because both individuals and the environment in which an organisation operates will change over time, there will be a continuous need to develop its capacity as well as the skills and experience of individual staff members. Leadership in local government is strengthened by the participation of people with many different types of backgrounds, reflecting the structure and diversity of communities.</p>	<p><b>Developing the entity's capacity</b></p> <ul style="list-style-type: none"> <li>• Reviewing operations, performance and use of assets on a regular basis to ensure their continuing effectiveness</li> <li>• Improving resource use through appropriate application of techniques such as benchmarking and other options in order to determine how resources are allocated so that defined outcomes are achieved effectively and efficiently</li> <li>• Recognising the benefits of partnerships and collaborative working where added value can be achieved</li> <li>• Developing and maintaining an effective workforce plan to enhance the strategic allocation of resources</li> </ul> <p><b>Developing the capability of the entity's leadership and other individuals</b></p> <ul style="list-style-type: none"> <li>• Developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained</li> <li>• Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body</li> <li>• Ensuring the leader and the chief executive have clearly defined and distinctive leadership roles within a structure whereby the chief executive leads in implementing strategy and managing the delivery of services and other outputs set by members and each provides a check and a balance for each other's authority</li> <li>• Developing the capabilities of members and senior management to achieve effective leadership and to enable the organisation to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks by: <ul style="list-style-type: none"> <li>○ ensuring members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged</li> <li>○ ensuring members and officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis</li> </ul> </li> </ul>

Core Principle	Sub Principles
	<ul style="list-style-type: none"> <li>○ ensuring personal, organisational and system-wide development through shared learning, including lessons learnt from governance weaknesses both internal and external</li> <li>● Ensuring that there are structures in place to encourage public participation</li> <li>● Taking steps to consider the leadership's own effectiveness and ensuring leaders are open to constructive feedback from peer review and inspections</li> <li>● Holding staff to account through regular performance reviews which take account of training or development needs</li> <li>● Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing</li> </ul>

Core Principle	Sub Principles
<p><b>F. Managing risks and performance through robust internal control and strong public financial management</b></p> <p>Local government needs to ensure that the organisations and governance structures that it oversees have implemented, and can sustain, an effective performance management system that facilitates effective and efficient delivery of planned services.</p> <p>Risk management and internal control are important and integral parts of a performance management system and are crucial to the achievement of outcomes. Risk should be considered and addressed as part of all decision making activities. A strong system of financial management is essential for the implementation of policies and the achievement of intended outcomes, as it will enforce financial discipline, strategic allocation of resources, efficient service delivery and accountability. It is also essential that a culture and structure for scrutiny are in place as a key part of accountable decision making, policy making and review. A positive working culture that accepts, promotes and encourages constructive challenge is critical to successful scrutiny and successful service delivery. Importantly, this culture does not happen automatically, it requires repeated public commitment from those in authority.</p>	<p><b>Managing risk</b></p> <ul style="list-style-type: none"> <li>• Recognising that risk management is an integral part of all activities and must be considered in all aspects of decision making</li> <li>• Implementing robust and integrated risk management arrangements and ensuring that they are working effectively</li> <li>• Ensuring that responsibilities for managing individual risks are clearly allocated</li> </ul> <p><b>Managing performance</b></p> <ul style="list-style-type: none"> <li>• Monitoring service delivery effectively including planning, specification, execution and independent post implementation review</li> <li>• Making decisions based on relevant, clear objective analysis and advice pointing out the implications and risks inherent in the organisation's financial, social and environmental position and outlook</li> <li>• Ensuring an effective scrutiny or oversight function is in place which provides constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the organisation's performance and that of any organisation for which it is responsible</li> <li>• Providing members and senior management with regular reports on service delivery plans and on progress towards outcome achievement</li> <li>• Ensuring there is consistency between specification stages (such as budgets) and post implementation reporting (eg financial statements)</li> </ul> <p><b>Robust internal control</b></p> <ul style="list-style-type: none"> <li>• Aligning the risk management strategy and policies on internal control with achieving objectives</li> <li>• Evaluating and monitoring risk management and internal control on a regular basis</li> <li>• Ensuring effective counter fraud and anti-corruption arrangements are in place</li> <li>• Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor</li> <li>• Ensuring an audit committee or equivalent group/ function, which is independent of the executive and accountable to the governing body: <ul style="list-style-type: none"> <li>○ provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment</li> </ul> </li> </ul>



Core Principle	Sub Principles
	<ul style="list-style-type: none"> <li>○ that its recommendations are listened to and acted upon</li> </ul> <p><b>Managing data</b></p> <ul style="list-style-type: none"> <li>• Ensuring effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data</li> <li>• Ensuring effective arrangements are in place and operating effectively when sharing data with other bodies</li> <li>• Reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring</li> </ul> <p><b>Strong public financial management</b></p> <ul style="list-style-type: none"> <li>• Ensuring financial management supports both long term achievement of outcomes and short-term financial and operational performance</li> <li>• Ensuring well-developed financial management is integrated at all levels of planning and control, including management of financial risks and controls</li> </ul>

Core Principle	Sub Principles
<p><b>G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability</b></p> <p>Accountability is about ensuring that those making decisions and delivering services are answerable for them. Effective accountability is concerned not only with reporting on actions completed, but also ensuring that stakeholders are able to understand and respond as the organisation plans and carries out its activities in a transparent manner. Both external and internal audit contribute to effective accountability.</p>	<p><b>Implementing good practice in transparency</b></p> <ul style="list-style-type: none"> <li>• Writing and communicating reports for the public and other stakeholders in a fair, balanced and understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate</li> <li>• Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand</li> </ul> <p><b>Implementing good practices in reporting</b></p> <ul style="list-style-type: none"> <li>• Reporting at least annually on performance, value for money and stewardship of resources to stakeholders in a timely and understandable way</li> <li>• Ensuring members and senior management own the results reported</li> <li>• Ensuring robust arrangements for assessing the extent to which the principles contained in this Framework have been applied and publishing the results on this assessment, including an action plan for improvement and evidence to demonstrate good governance (the annual governance statement)</li> <li>• Ensuring that this Framework is applied to jointly managed or shared service organisations as appropriate</li> <li>• Ensuring the performance information that accompanies the financial statements is prepared on a consistent and timely basis and the statements allow for comparison with other, similar organisations</li> </ul> <p><b>Assurance and effective accountability</b></p> <ul style="list-style-type: none"> <li>• Ensuring that recommendations for corrective action made by external audit are acted upon</li> <li>• Ensuring an effective internal audit service with direct access to members is in place, providing assurance with regard to governance arrangements and that recommendations are acted upon</li> <li>• Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations</li> <li>• Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the annual governance statement</li> </ul>

Core Principle	Sub Principles
	<ul style="list-style-type: none"><li data-bbox="683 262 1374 383">• Ensuring that when working in partnership, arrangements for accountability are clear and the need for wider public accountability has been recognised and met</li></ul>

# The Annual Governance Process

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

Annually, there is a review of the effectiveness of the Council's system of internal control and this informs the Annual Governance Statement. Dover District Council is required to prepare its annual governance statement to report publicly on the extent to which we comply with this local code of corporate governance.

This includes how we have monitored and evaluated the effectiveness of our governance arrangements in the year, and on any planned changes in the coming period. The annual governance statement is a valuable means of communication. It enables the Council to explain to the community, service users, tax payers and other stakeholders its governance arrangements and how the controls it has in place manage risks of failure in delivering its outcomes

The ~~Director of Governance~~ Strategic Director (Corporate and Regulatory) and the Monitoring Officer provides an opinion on the level of assurance that the governance arrangements can provide and that the arrangements continue to be regarded as fit for purpose in accordance with the governance framework.

The Leader and Chief Executive sign the statement on behalf of the Council.

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

## Completing the Assurance Statement

The annual governance assurance statement will include the following information:

- An acknowledgement of our responsibility for ensuring there is a sound system of governance
- A description of the key elements of our governance framework.
- A description of the key elements of the review of effectiveness
- What the current year's review involved including a description of the processes that were applied.
- Significant governance issues, including an agreed action plan to deal with any issues.
- Improvements made during the year and how issues identified in the previous year's action plan have been addressed and resolved.
- An opinion by the ~~Director of Governance and Monitoring Officer~~ Strategic Director (Corporate and Regulatory) on the level of assurance that the systems and processes that comprise our governance arrangements provide.
- Statement of approval of the Leader and Chief Executive of the Council, including a commitment to monitor implementation as part of the next year's review.

The Completion Process provides the detailed stages of the Annual Assessment. The Chief Executive, Statutory Officers, other Strategic Directors, Internal Audit and managers across the authority all have a role to play in this assessment. -The overall assurance given is not a

pass or fail. It is a narrative statement pointing to the Council's strengths and weaknesses and any areas for improvement.

### Principles Adopted

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

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

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

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

### **Preparation of the Annual Governance Statement**

Data is collected throughout the year, including where relevant supporting documents. The action plan is prepared and monitored.

The opinion provided by the ~~Director of Governance~~ Strategic Director (Corporate and Regulatory) on the level of assurance that the governance arrangements provide and the Statement that the Leader and Chief Executive sign will be compiled from the evidence held:

### Internal Control Opinion

- An Assurance Statement from the Head of the Audit Partnership. This is compiled from the Internal Audit review of this Council's Corporate Governance arrangements.
- The Strategic Director (Corporate and Regulatory), ~~Director of Governance and the Monitoring Officer~~ and the ~~Director of Finance, Housing and Community~~ Strategic Director (Finance and Housing) (S151 Officer) will review the internal control opinion and framework evidence, including service assurance statements, the audit review of Corporate Governance, the Constitutional review, Performance reporting, Risk management arrangements and the individual audit and risk management assessments.

### Governance and Internal Control

- Comment and recommendations from the ~~Director of Governance~~ Strategic Director (Corporate and Regulatory), ~~and Monitoring Officer~~, ~~Director of Finance, Housing and Community~~ Strategic Director (Finance and Housing) (Section 151 Officer) and the Solicitor to the Council and Monitoring Officer, who have responsibility for overseeing the operation of the Governance Framework and the Corporate Governance Local Code.

- The ~~Director of Governance's (Monitoring Officer)~~ Strategic Director (Corporate and Regulatory) review of the Council's performance against the Governance Framework.
- The Strategic Director (Corporate and Regulatory) ~~of Governance (Monitoring Officer)~~ and the Strategic Director (of Finance and Housing) and Community's (Section 151 Officer) review of the Effectiveness of Internal Audit.
- Confirmation from other Strategic Directors via a Service Assurance Statement that:
  - Risks have been identified. They are recorded and monitored in accordance with the Council's Risk Management Strategy.
  - Staff are fully aware of the requirements of their job, and have access to the appropriate Council rules and policies to assist them.
  - Internal and External Audit reports and recommendations have been acted on.
  - Reports from other review agencies have been acted on.
  - Business arrangements are conducted in accordance with the law and proper standards.
  - Public money is safeguarded and properly accounted for, and used economically, efficiently and effectively.
  - The service has in place appropriate management and reporting arrangements to enable it to satisfy itself that its approach to Corporate Governance is both adequate and effective.
  - A statement of assurance that improvement plans exist to rectify any acknowledged deficiency.
- ~~The Annual Report of the Chairman of the Standards Committee (to May 2017) on the ethical conduct of the Council.~~
- The ~~Director of Governance (Monitoring Officer) and~~ Solicitor to the Council and Monitoring Officer's annual review of the Constitution.
- The Solicitor to the Council's annual statement giving his opinion on the Council's compliance with relevant laws and regulations, and its legal obligations and requirements.
- The Head of Paid Service annual statement giving his opinion on officers' compliance with the seven general principles of good conduct.
- The ~~Head of Corporate Services~~ Strategic Director (Corporate and Regulatory) annual statement giving his opinion on compliance with the Council's Risk Management Strategy.
- The Director-Head of Shared Services annual statement giving his opinion of the Robustness of IT Systems.

#### Other processes and reviews

- Confirmation that Council policies are fully implemented.
- The annual Constitutional review has been undertaken.
- Checking that Council values and ethical standards are met.

- Ensuring Laws and regulations are complied with
- Publishing financial statements and performance information accurately and reliably.
- Confirmation that resources are managed efficiently and effectively.
- The External Auditor's Annual Audit and Inspection Letter, service assessments and other associated reviews.
- Confirmation that internal reviews are undertaken and findings are acted upon.
- Performance Reporting being seen to drive improvement.
- The ~~Director of Governance and Monitoring Officer~~ Strategic Director (Corporate and Regulatory) and the ~~Strategic Director (Finance and Housing)~~ Director of Finance, Housing and Community (Section 151 Officer) will prepare a Draft Annual Governance Assurance Statement which will be considered by CMT and Cabinet who will provide the final review, evaluation and approval.
- The Governance Committee, acting as the Audit Committee will monitor the overall governance process and ensure that the process is robust and agreed actions identified are properly implemented.
- The final statements will then be signed ~~before the end of June~~ by the Leader and Chief Executive based on a clear evidence trail.

On-going monitoring and review is co-ordinated by the ~~Director of Governance~~ Strategic Director (Corporate and Regulatory)

- The contents of this code will be reviewed annually alongside the Annual Governance Assurance Statement and will be kept up to date in the light of changing circumstances. The ~~Director of Governance (Monitoring Officer)~~ Strategic Director (Corporate and Regulatory) will maintain the documentation but Members and Officers must own the whole process.
- In addition, review and monitoring will be undertaken during the course of the year. This will be co-ordinated by the ~~Director of Governance (Monitoring Officer)~~ Strategic Director (Corporate and Regulatory) and includes:
  - Monitoring the Corporate Governance arrangements and recommended courses of action by the Section 151 Officer, ~~and the Monitoring Officer and Solicitor to the Council~~ and Monitoring Officer.
  - Internal Audit review of Corporate Governance arrangements and auditable activities identified through risk based audit plans.
  - Ensuring management ownership for the delivery of agreed objectives, within a Corporate Governance Framework, whilst managing effectively their identified opportunities and risks.
  - Performance measurement of governance arrangements through the collection of Governance data on the Performance Management System.

- Performance measurement of key objectives and associated risks using agreed key and local performance indicators.
- On-going review of Risk Management arrangements and recommended courses of action by the Head of Corporate Services, Section 151 Officer and Head of the Audit Partnership.
- On-going monitoring and review of compliance with the Seven Principles of Conduct by the Solicitor to the Council and Monitoring Officer, ~~Head of EK Human Resources~~Head of Human Resources, Payroll and Communications, ~~Solicitor to the Council~~, Head of Corporate Services and Democracy~~Democratic Services~~ and the Standards~~Governance~~ Committee.
- Ad hoc reviews initiated by the Chief Executive and/or Service~~Strategic~~ Directors.
- Planned service reviews through a rolling programme of review.
- External Audit review of Corporate Governance arrangements and other auditable activities.
- The External Auditors will inspect the Annual Governance Assurance Statement, the evidence and position statements that support the statement, the risk management process and this Council's overall Corporate Governance arrangements.
- Mid-year updates are given to Governance Committee on progress in implementing actions identified in the annual statement.

The ~~Director of Governance and Monitoring Officer~~Strategic Director (Corporate and Regulatory), ~~Director of Finance, Housing and Community~~Strategic Director (Finance and Housing) (Section 151 Officer) and Solicitor to the Council and Monitoring Officer have responsibility for overseeing the implementation and monitoring of the operation of the Local Code. -The Head of the Audit Partnership has been given the responsibility for periodically reviewing the arrangements. -Each of these officers also contributes to the annual assessment process and a clear separation of duties is required for these complementing but distinct roles.

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



**EXAMPLE STRATEGIC DIRECTOR'S STATEMENT - Dover District Council – Annual Governance Process**  
**Strategic Director's Assurance Statement**

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

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

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

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

Please return the certified statements, preferably in electronic format

Please ensure that the form is also signed by the relevant Portfolio Holder.

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

Thank you for your assistance.

Louise May  
Strategic Director (Corporate and Regulatory)

Mike Davis  
Strategic Director (Finance & Housing) (S151 Officer)

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

## **FINANCIAL STATEMENT**

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

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

<b>Accounts - Financial and Legal Implications</b>	<b>Confirmation (Yes /No) and Evidence</b>	<b>Details and Any Actions Planned</b>
In my division there are no contingent liabilities (see footnote 1 below) that are likely to have a significant effect on the finances or operations of the Council.		
In my division, there are no instances of non-compliance with laws or regulations that are likely to have a significant effect on the finances or operations of the Council.		
In my division, there are no post balance sheet events (see footnote 2 below) that have occurred that are likely to have a significant effect on the finances or operations of the Council.		
In my division, there are no pending claims, proceedings or litigation that are likely to have a significant effect on the finances or operations of the Council.		
In my division, there are no other significant transactions with related parties other than those already disclosed.		
In my division, there are no instances of known error, irregularity, including fraud, which are likely to have a significant effect on the finances or operations of the Council.		

Footnotes:

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

Certified by, Signature:	
Name:	
Designation:	
Date:	

# Risk Management

## Introduction

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

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

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

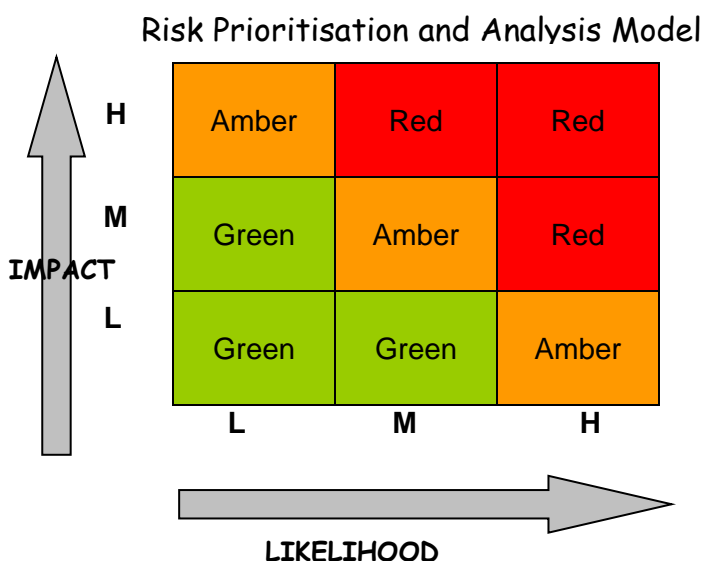
## Risk Strategy and Approach

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

## Risk Management in Practice

- Risk Management is a five stage on-going process as follows:-
  - Identification
  - Analysis
  - Evaluation
  - Mitigation and control
  - Monitoring

- As part of risk analysis, an assessment should be undertaken of the impact and likelihood of risks occurring. Risks can then be plotted onto the following evaluation model:



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

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

<b>IMPACT</b>			
<b>Key Risk Areas</b>	<b>High</b>	<b>Medium</b>	<b>Low</b>
	<ul style="list-style-type: none"> <li>Property loss or damage &gt; £50k.</li> <li>Lack of external funding due to concerns over service delivery or project management</li> <li>Substantial loss or failure of investments</li> </ul>	<ul style="list-style-type: none"> <li>Unaccountable short falls in stock/inventories or other assets.</li> <li>Property loss/damage in excess of £50k.</li> <li>Lack of provision when funding stream ends</li> </ul>	
Health & Safety	<ul style="list-style-type: none"> <li>Potential for loss of life</li> <li>Large scale major illness</li> <li>Forced closure of offices/leisure facilities/block of flats due to H&amp;S legislation</li> <li>HSE Investigation with Fine</li> </ul>	<ul style="list-style-type: none"> <li>Major illness</li> <li>Serious injury - including disablement</li> <li>Forced close of smaller office/facility due to failure to comply with H&amp;S legislation</li> </ul>	<ul style="list-style-type: none"> <li>Broken bones/illness</li> <li>Partial closure of offices/facility</li> </ul>
IT	<ul style="list-style-type: none"> <li>Complete failure of IT system.</li> <li>Breach of licence.</li> </ul>	<ul style="list-style-type: none"> <li>Temporary failure of IT system.</li> <li>Software problems.</li> </ul>	<ul style="list-style-type: none"> <li>Minor problems with new software.</li> </ul>
Project aims	<ul style="list-style-type: none"> <li>Objectives of project not achieved.</li> <li>Time/costs greatly exceeded.</li> </ul>	<ul style="list-style-type: none"> <li>Key Milestone missed.</li> </ul>	<ul style="list-style-type: none"> <li>Minor delays/problems.</li> </ul>
Personnel resourcing	<ul style="list-style-type: none"> <li>Critical staff resignations.</li> <li>Inability to attract new staff</li> </ul>	<ul style="list-style-type: none"> <li>Industrial action</li> </ul>	<ul style="list-style-type: none"> <li>Some hostile relationships, minor non-co-operation</li> </ul>
Service delivery	<ul style="list-style-type: none"> <li>Long-term suspension of service.</li> <li>Failure of service.</li> <li>High level of public dissatisfaction.</li> </ul>	<ul style="list-style-type: none"> <li>Short term reduction in service provision.</li> <li>Pockets of dissatisfaction.</li> </ul>	<ul style="list-style-type: none"> <li>Low standard of service provision evidenced by messages of complaint</li> </ul>
Statutory Responsibilities	<ul style="list-style-type: none"> <li>Failure to enforce regulatory powers.</li> <li>Major fraud.</li> <li>Criminal Proceedings against the Council.</li> <li>Public Inquiry to review substantial</li> </ul>	<ul style="list-style-type: none"> <li>Adverse finding by the Local Authority Ombudsman.</li> <li>Failure to test emergency plans.</li> </ul>	<ul style="list-style-type: none"> <li>Minor breach</li> </ul>

<b>IMPACT</b>			
<b>Key Risk Areas</b>	<b>High</b>	<b>Medium</b>	<b>Low</b>
	failure of a Council Service. Adverse findings of Standards Committee. No contingency planning.		

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

### **Risk Methodology**

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



# Risk Management Strategy

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

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

The risk management objectives of the Council are to:

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

These objectives will be achieved by:

- Defining roles and responsibilities of Officers and Members within the organisation in relation to risk management.
- Providing relevant training on risk management to relevant officers and Members of the authority
- Encouraging officers participating in other professional discipline groups to consider risk management.
- Making sure officers are made aware of risk management information received from insurers and other related sources.
- Maintaining a risk management framework to provide for:-
  - A useful and meaningful Corporate risk register
  - Appropriate incident recording to enable the analysis of risk data
  - The annual review of the risk management framework

## Roles and Responsibilities

### Members

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

### Executive and Corporate Management Team

- Corporate Management Team is responsible for identifying key risks as part of their strategic responsibilities.
- The [Strategic Director \(Corporate and Regulatory\)](#)~~Director of Governance~~ will undertake an annual strategic risk review
- The [Strategic Director \(Corporate and Regulatory\)](#)~~Director of Governance~~, supported by the Head of Corporate Services [and Democracy](#) has overall responsibility for ensuring the minimum agreed level of risk management is undertaken.

### Strategic Directors/Head of Service

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

### Employees Generally

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

### Insurance

- The [Strategic Director \(Corporate and Regulatory\)](#)~~Director of Governance~~ in consultation with the Corporate Services (Insurance Team) will:
  - Regularly review and advise upon the Council's insurance requirements and arrangements, and arrange insurance cover as necessary
  - Annually review the adequacy of the Council's internal Insurance Provisions and Reserves, and advise on action to be taken
  - Advise Officers and Members on insurance covers available and/or in place and advise Officers on claims procedures, and process claims arising
  - Assist in the development and provision of claims data to aid future risk control

# Performance Management

## Introduction

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

## Performance Management Framework

### Performance Planning

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

### Performance Monitoring

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

### Performance Reporting

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

The steps involved in the performance planning process are:

<b>Timescale</b>	<b>Activity</b>
Continuous	The Corporate Plan is a continuously evolving document which includes the latest high level strategic priorities and priority actions for the Council.
September	Each September, <b>Strategic</b> Directors and Heads of Service identify their objectives for the next financial year. These will be closely aligned to those shown in the Corporate Plan. Interim Personal Performance Reviews held. Objectives and targets are adjusted if necessary.
October	Revenue Budget estimates are prepared for the coming year.

<b>Timescale</b>	<b>Activity</b>
November/December	Draft Business plans and service budgets are reviewed/finalised making sure that they align with the Corporate Plan and the budget. Business plans include service objectives; these can be measured by performance indicators where necessary. Shared services develop plans and targets ready for agreement by the respective <a href="#">Strategic</a> Directors, DDC Client Officers and the relevant Portfolio Holder.
December	Business Plans and Budgets are agreed.
April	Personal Performance Reviews are also undertaken, reviewing individual performance against objectives. New personal targets are agreed. Corporate and Business Plans become live documents

## **The Corporate Plan**

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

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

## **Service Strategies**

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

## **Business Plans**

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

The Business Plan is the document that translates the strategic aims of the Council into service objectives and an annual programme of appropriately resourced activities. –These are managed and monitored by the relevant [Strategic](#) Director and Heads of Service.

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

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

## **Shared Services**

Shared services also develop plans and targets which are agreed by their respective [Strategic](#) Directors, DDC Client Officers and the relevant Portfolio Holder. These are agreed

by Cabinet and in case of dispute the East Kent Services Board (Chief Executives Group) will mediate.

### **Performance Monitoring**

Performance results are collated by Corporate Services into the Performance Report and reported quarterly to CMT and Cabinet. The report is then available for full scrutiny by the ~~Scrutiny (Policy and Performance)~~Overview and Scrutiny Committee. It provides an ~~up-to-date~~up-to-date picture of the Council's current performance with commentary from the relevant Strategic Director.

### **Partnership Evaluation Criteria**

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

### **The Strategic Performance Dashboard Report**

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

#### Service Delivery

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

#### Strategic Director's comments

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

#### Performance Comments

A short explanation of any underperforming areas or performance indicators.

#### Key initiatives and Outcomes

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

#### Concerns/Risks

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

#### Financial Performance

This section provides a summary of budget and actual.

The Performance Report is published on the Council's website.

#### Quarterly Focus

A detailed analysis of a business area or specific topic.

### The Quarterly Review Process

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

The report is then considered by the Cabinet Member with responsibility for Governance and then by Cabinet and Scrutiny, with recommendations from Scrutiny being made back to the Cabinet.

### The On-going Review Process

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

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

### **Performance Indicators**

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

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

### Timing for Submitting Indicator Results

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

### Standards for Target Setting

- Targets are discussed and agreed by the [Strategic](#) Directors and Portfolio Holder(s) prior to inclusion in Business Plans. Corporate Management Team will review all targets to ensure that a realistic, but challenging level of performance improvement is

being sought. Targets are then taken to Cabinet for approval. Arrangements for achieving targets should be built into Business Plans.

### Acting on Performance Information

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

### **Financial Performance**

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

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

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

### **Individual Performance Appraisal Review****Personal Development Review**

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

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

The ~~Performance Review~~Personal Development Review process involves twice yearly interviews between an employee and their manager. ~~These take place in September and April each year.~~ The first meeting enables the results to be considered as part of Business Planning, Corporate Planning, budget setting and development of training plans. The

second meeting is a mid year review that examines outturn performance for the financial year and reviews the objectives and targets set.

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

### **Quality Assurance, Audit & Risk Management**

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

#### Audit and Performance Teams

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

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



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<b>Subject:</b>	<b>REVISION TO CONTRACT STANDING ORDERS</b>
<b>Meeting and Date:</b>	<b>Governance Committee – 28 September 2023</b> <b>Council – 18 October 2023</b>
<b>Report of:</b>	<b>Head of Finance &amp; Investment and Monitoring Officer</b>
<b>Decision Type:</b>	<b>Non- Executive</b>
<b>Classification:</b>	<b>Unrestricted</b>

---

**Purpose of the report:** The purpose of this report is to propose revisions to Contract Standing Orders to the Council for adoption.

---

**Recommendation:** Governance Committee: -

That the Governance Committee recommends to Council that the revised Contract Standing Orders appended to this report are adopted.

Council: -

That the Council, acting on the recommendation of the Governance Committee and the Monitoring Officer, adopts the revised Contract Standing Orders appended to this report.

---

**1. Summary**

1.1 A requirement of the existing Contract Standing Orders (CSO's) is that they are reviewed and updated on a regular basis with any such recommendations made by the Monitoring Officer being agreed and adopted by the Council (after consideration by the Governance Committee).

**2. Introduction and Background**

2.1 Contract Standing Orders were last updated by Council on the 25<sup>th</sup> January 2023. Following their agreement, it has come to notice that there was a typographical error in the version adopted and in addition, there are two further amendments proposed for clarity in respect of the Council's obligations under the Local Government Transparency Code.

2.2 This report sets out the amendments proposed, and the revised Council's Contract Standing Orders (attached at Appendix A). The amendments are summarised below.

2.3 **Publishing Contracts on the Councils Contract Register** - It is proposed to amend this to read: -

*5.4.7 that all contracts of a value of £5,000 or more are included on the Councils Contract Register (This includes purchase orders that meet the £5000 threshold).*

2.5 The proposed amendment ensures full compliance with the Local Government Transparency Code and provides clarity that contracts shall also deem to include all purchase orders that also meet the £5,000 threshold (currently only Contracts over £15,000 are included on the Council's Contract Register).

2.6 **Financial Thresholds and Procedures** - In accordance with Part 4 of the Public Contracts Regulations 2015 and guidance issued by the Cabinet Office, it is proposed to amend to read:

*7.4.1 All contract opportunities with a value of £30,000 **inclusive of VAT** and above must be published on 'Contracts Finder' where the Council has advertised such opportunity in the form of a notice or advertisement as set out in 7.3 above.*

2.7 The proposed amendment (adding the wording 'inclusive of VAT') clarifies the position regarding the inclusion of VAT.

2.8 **Extensions and Other Variations to Existing Contracts** - In order to rectify the typographical error in the version adopted by Council on the January 23, it is proposed to re-instate the wording highlighted in bold below that was omitted error from the previous version: -

*14.2.2 Subject to a written report in an approved format to be submitted to the Monitoring Officer (or his nominee) and Section 151 Officer (or his nominee); which shall include reasons for the extension or other variation which demonstrate that the need for the extension or other significant variation is genuinely exceptional **or provisions are made for extension in the existing contract.***

*14.2.3 Subject to approval by the Monitoring Officer and Section 151 Officer (or his nominee), who shall record that they have considered the reasons for the extension or other significant variation and that they are satisfied that the circumstances justifying the extension are genuinely exceptional **or provisions are made for extension in the existing contract.***

### **3 Identification of Options**

3.1 Option 1: That the Governance Committee recommend to Council that the revised Contract Standing Orders appended to this report are adopted.

3.2 Option 2: That the Governance Committee do not recommend to Council that the revised Contract Standing Orders appended to this report are adopted.

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

4.1 Option 1 is the recommended option to ensure Contract Standing Orders are reflective of current legislation and working practices.

4.2 Option 2 is not the recommended option as it will mean Contract Standing Orders are not reflective of current legislation and working practises.

### **5. Resource Implications**

5.1 There are no resource implications arising from this report.

### **6. Appendices**

Appendix 1 – Revised Contract Standing Orders

7. **Background Papers**

Public Contract Regulations 2015

Local Government Transparency Code

Contact Officer:

Dean Coulls, Procurement Manager, [dean.coulls@dover.gov.uk](mailto:dean.coulls@dover.gov.uk) 01304 872424

# **CONTRACT STANDING ORDERS**

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# Contract Standing Orders

## 1. Introduction – Purpose of the Contract Standing Orders

1.1 Purchasing decisions and processes are important because the money involved is public money. The purpose of these Contract Standing Orders is to provide a structure within which procurement decisions are made and implemented (including the grant of service concessions) and which ensure that the Council:

1.1.1 Furthers its corporate objectives

1.1.2 Uses its resources efficiently

1.1.3 Purchases quality goods, services and works

1.1.4 Safeguards its reputation from any implication of dishonesty or corruption.

1.1.5 Improves the economic, social and environmental well being of the district

1.2 Procurement by the Council, from planning to delivery, shall incorporate (where appropriate) principles of sustainability, efficiency, whole life costings and cost savings.

1.3 These Contract Standing Orders are made in accordance with the requirements of Section 135 of the Local Government Act 1972.

1.4 These Contract Standing Orders do not provide guidelines on what is the best way to purchase works, supplies (goods) and services and grant service concessions. They set out minimum requirements to be followed. Further information and guidelines are set out in the Council's Procurement Guide and the guidance documents available on the Intranet.

## 2. General Principles – Application and Compliance with Contract Standing Orders

2.1 These Contract Standing Orders apply to the purchase by or on behalf of the Council of works, supplies (goods) and services and the granting of service concessions.

2.2 These Contract Standing Orders apply to all contracts including all purchase orders, service concessions and contractual arrangements entered into by or on behalf of the Council, except for the specific types of contracts and purchasing methods which are listed in 2.3.

2.3 These Contract Standing Orders do not apply to:

2.3.1 Employment contracts

2.3.2 Contracts relating solely to the purchase or sale of interests in land

2.3.3 Contracts for retention of legal counsel and the appointment of expert witnesses in legal proceedings

2.3.4. Service level agreements setting out the conditions which the Council applies to its funding of particular voluntary sector bodies.

### 3. **General Principles Applying to All Contracts**

3.1 All purchases however small shall be in writing.

3.2 All contracts of a value of £15,000 or more shall be made using either:

3.2.1 the Councils *Standard Terms & Conditions of Contract* or

3.2.2 a standard form of contract (e.g. New Engineering Contract (NEC), Joint Contracts Tribunal (JCT), etc) or

3.2.3 the Suppliers Terms & Conditions

Advice and agreement must be sought from Legal Services prior to award.

3.3 As a minimum, all contracts of a value of £15,000 or more shall include clauses which set out:

3.3.1 The works, supplies (goods), services, service concessions, material, matters or things to be carried out or supplied

3.3.2 Specify the price to be paid, the estimated price or the basis on which the price is to be calculated

3.3.3 The time within which the contract is to be performed

3.3.4 Quality requirements and/or standards which must be met

3.3.5 Requirements on the contractor to hold and maintain appropriate insurance

3.3.6 What happens in the event that the contractor fails to comply with its contractual obligations (in whole or in part)

3.3.7 Requirements on the contractor to comply with all relevant equalities and health and safety legislation

3.3.8 That the Council shall be entitled to cancel the contract and recover losses in the event that the contractor does anything improper to influence the Council to give the contractor any contract or commits an offence under the Bribery Act 2010 or s117(2) Local Government Act 1972.

3.4 Written contracts shall not include non-commercial terms unless these are necessary to achieve best value for the Council and necessary to enable or facilitate the Council's compliance with the public sector equality duty<sup>1</sup>

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<sup>1</sup> Section 149 Equality Act 2010

imposed on it by the Equality Act 2010. In this context, "non commercial" means requirements unrelated to the actual performance of the contract.

- 3.5 All contracts shall include relevant specifications and/or briefs/technical requirements which are prepared taking into account the need for effectiveness of delivery, quality, sustainability and efficiency (as appropriate) and the information set out in the Council's Procurement Guide.

#### **4. Regulatory Context**

- 4.1 All purchasing shall be conducted in accordance with Regulatory Provisions which are:
- 4.1.1 All relevant statutory provisions
  - 4.1.2 The Public Contract Regulations 2015 (PCR2015)
  - 4.1.3 The Council's Constitution including these Contract Standing Orders, the Council's Financial Procedure Rules and Scheme of Delegation
  - 4.1.4 The Council's Procurement Guide and other policies and procedures of the Council as appropriate.
- 4.2 In the event of conflict between the above, the Public Contract Regulations 2015 will take precedence, followed by the Council's Constitution, then the Council's Procurement Guide and guidelines, policies and procedures.

#### **5. Responsibilities of Directors, Heads of Service and Responsible Officers**

- 5.1 Each Director shall have overall responsibility for the purchasing undertaken by his/her Directorate.
- 5.2 Each Head of Service shall be responsible for the purchasing undertaken by his or her service and shall
- 5.2.1 be accountable to the Executive for the performance of his/her duties in relation to purchasing
  - 5.2.2 comply with the Council's decision making processes including, where appropriate, implementing and operating a Scheme of Delegation
  - 5.2.3 appoint a Responsible Officer in writing who shall be an authorised signatory
  - 5.2.4 take immediate action in the event of breach of these Contract Standing Orders which will include as a minimum promptly informing the Councils Monitoring Officer of such breach.
  - 5.2.5 consider any procurement risk(s) as part of any overall risk assessment
- 5.3 A Responsible Officer is an officer with responsibility for conducting purchasing processes for the purchase of works, supplies (goods) or services on behalf of the Council.



- 5.4 A Responsible Officer's duties in respect of purchasing are to ensure:
- 5.4.1 compliance with all Regulatory Provisions (see 4.1) and integrity of the tender process
  - 5.4.2 that all relevant officers are reminded of the statutory provisions and the Council's requirements relating to declarations of interest affecting any purchasing process in order for them to comply with these requirements
  - 5.4.3 that there is an appropriate analysis of the requirement, timescales, procedure and documentation to be used
  - 5.4.4 the purchasing process, from planning to delivery incorporates (where appropriate) principles of sustainability, efficiency, whole life costings and cost savings
  - 5.4.5 compliance with the Council's decision making processes, in particular in relation to Key Decisions
  - 5.4.6 that all quotations or tenders sought of a value of £15,000 or more are undertaken in partnership with the Procurement Manager to ensure a corporate approach and delivery of the works, supplies (goods) or services
  - 5.4.7 that all contracts of a value of £5,000 or more are included on the Councils Contract Register (This includes purchase orders that meet the £5,000 threshold).
  - 5.4.8 that proper records of all contract award procedures, waivers, exemptions and extensions are maintained, with separate files for each purchase of a value of £15,000 or more
  - 5.4.9 that value for money is achieved
  - 5.4.10 that adequate and appropriate security (such as a bond or guarantee) is taken to protect the Council in the event of non-performance.
- 5.5 In considering how best to procure works, supplies and services, Directors, Heads of Service and/or Responsible Officers (as appropriate in the context), shall consult with the Procurement Manager to take into account wider contractual delivery opportunities and purchasing methods including the use of Purchasing Schemes and e-procurement/purchasing methods, and the availability of local authority charging and trading powers under the Local Government Act 2003.
- 5.6 It is a disciplinary offence to fail to comply with these Contract Standing Orders and the Council's Procurement Guide. All employees have a duty to report breaches of Contract Standing Orders to the Monitoring Officer.
- 5.7 Any officer or Member who suspects any misconduct or corruption in relation to the purchase by or on behalf of the Council of works, supplies (goods) and services must immediately report that suspicion to the Council's Monitoring Officer.

## 6. Scheme of Delegation

- 6.1 Council procurement may only be undertaken by officers with the appropriate delegated authority to carry out such tasks as set out in the Council's Scheme of Delegation. Officers with delegated authority may only delegate to other officers who have the appropriate skills and knowledge for the task and such delegation shall be recorded in writing by the officer delegating the task and notified to the relevant Director/Head of Service.
- 6.2 Officers shall, where appropriate, be informed by their Director/Head of Service of the extent of any delegated authority and applicable financial thresholds.

## 7. Financial Thresholds and Procedures

- 7.1 The table below sets out the general rules applying to the choice of purchasing procedure for contracts at the stated threshold values.
- 7.2 There is a general presumption in favour of competition. Wherever possible contract opportunities should be advertised by way of a public notice. The Council should consider the potential effect of a contract on interstate trade (at a European level). If a contract may be of interest to contractors from EU member states then this may result in a need to advertise in a manner which ensures that potential contractors from EU member states are aware of the opportunity, even for small value contracts or contracts under the PCR2015 Threshold levels outlined below.
- 7.3 The public notice referred to at 7.2 may take the form of a notice or advertisement in an electronic or paper format, on an easily accessible website or other electronic media and/or in the press, trade journals, Contracts Finder or Find a Tender Service ("FTS") (as appropriate). The Responsible Officer may choose to place one or more public notices in different media.
- 7.4 In accordance with Part 4 of the Public Contracts Regulations 2015 and guidance issued by the Cabinet Office:
- 7.4.1 All contract opportunities with a value of £30,000 inclusive of VAT and above must be published on 'Contracts Finder' where the Council has advertised such opportunity in the form of a notice or advertisement as set out in 7.3 above.
- 7.4.2 All contract opportunities for which a Contract Notice was sent to FTS for publication must also be published on 'Contracts Finder'.

### Table setting out financial thresholds and procedures

Total Value £	Type of contract	Procedure to be used
0 to £15,000	Works, Supplies and Services	At least one written quote in advance (there is a general presumption in favour of competition and as such Officers may seek additional quotations where possible)

£15,000 to £100,000	Works, Supplies and Services	At least three written quotes obtained by Procurement in advance using the Councils <i>Invitation to Quote</i> document
£100,000 to £177,898* **	Supplies and Services	At least three written tenders obtained by Procurement in advance, using the Councils <i>Invitation to Tender</i> document
£177,898* ** plus  ** *PCR2015 Threshold for supplies and services ex VAT  Note: £552,950 threshold applies for social and some specific services listed within the Public Contracts Regulations 2015	Supplies and Services	PCR2015 Rules apply – full competitive process following advertisement in the FTS for supplies and some services. For social and some specific services reduced requirements apply under the PCR2015 Rules but there is a presumption in favour of advertising and a competitive process*
£100,000 to £4,447,448**	Works	At least three written tenders obtained by Procurement in advance, using the Councils <i>Invitation to Tender</i> document
£4,447,448** plus **PCR2015 Threshold for works ex VAT	Works	PCR2015 Rules apply – full competitive process with tenders following FTS advertisement

\* The PCR2015 Rules apply to service contracts to differing degrees depending on the service. Responsible Officers should act cautiously and seek advice when considering the procedure to be used and application of the PCR2015 Rules to services contracts

\*\* or relevant threshold in force at the time under the PCR2015 Rules

**Note: Whilst the new PCR2015 thresholds now include VAT (due to the UK's obligations under the WTO), thresholds above are shown excluding VAT for ease and alignment with the Councils sub thresholds**

7.5 Where contracts are of a type and value which means that they are subject to the PCR2015 Rules then there are five main types of PCR2015 procedures available. These are the open, restricted, competitive dialogue, competitive procedure with negotiation and innovation partnership procedures. Care must be taken to ensure that the correct and most appropriate procedure is used and assistance on the choice and use of PCR2015 procedure should be sought from the Procurement Manager and Legal Services.

## 8. Financial Thresholds and Processes Applying to Approval and Execution of Contracts

8.1 For contracts over the relevant PCR2015 threshold (in force at the time), the choice of purchasing procedure to be used and the decision to proceed to

advertisement must be authorised in writing by the relevant Director/Head of Service in advance acting in consultation with the Procurement Manager and/or Solicitor to the Council where appropriate.

8.2 When a decision is made to award a contract then the Responsible Officer must, in addition to complying with his/her general obligations under these Contract Standing Orders ensure, in particular, that:

8.2.1 the appropriate approvals have been obtained to authorise that decision; and

8.2.2 where appropriate, a standstill period complying with the PCR2015 Rules is incorporated into the final award process.

8.3 Any contracts valued at £100,000 or above shall be executed as a deed or be signed by at least two officers of the council with appropriate delegated authority or made under seal of the Council and attested by at least one officer. All other contracts may be signed by officers with appropriate delegated authority. £100,000 shall be the threshold for the purposes of Regulation 8 of the Local Authority (Executive Arrangements) (Modification of Enactments and Further Provisions) (England) Order 2001.

8.4 Electronic signatures may be used in accordance with the Electronic Signature Regulations 2002 provided the sufficiency of security arrangements has been approved by the Senior ICT Manager.

## **9. Calculating the Contract Value**

9.1 The starting point for calculating the contract value for the purposes of these Contract Standing Orders is that the contract value shall be the genuine pre-estimate of the value of the entire contract excluding Value Added Tax. This includes all payments to be made, or potentially to be made, under the entirety of the contract and for the whole of the predicted contract period (including proposed extensions and options).

9.2 There shall be no artificial splitting of a contract to avoid the application of the provisions of the PCR2015 Rules and/or these Contract Standing Orders.

9.3 The PCR2015 Rules can cover contracts, which are below the stated PCR2015 threshold, where they constitute repeat purchases and/or purchases of a similar type in a specified period. Responsible Officers should therefore seek advice from the Procurement Manager on the application of the PCR2015 Rules where they envisage that they may require repeat purchases and/or purchases of a similar type.

## **10. Principles Underlying Tendering Processes and Tender Evaluation**

10.1 All tendering procedures (including obtaining quotes), from planning to contract award and signature, shall be undertaken in a manner so as to ensure:

10.1.1 Sufficient time is given to plan and run the process

10.1.2 Equal opportunity and equal treatment

10.1.3 Openness and transparency

10.1.4 Probity

10.1.5 Outcomes which deliver sustainability, efficiency and cost savings (where appropriate).

## **11. Submission and Opening of Tenders**

11.1 An Invitation to Tender shall be issued by the Council for all contracts over £100,000 via the Councils e-tendering system and tenders shall be submitted in accordance with the requirements of the Invitation to Tender Document.

11.2 Any tenders received shall be kept secure electronically and unopened until the time and date specified for the opening

11.3 No tender received after the time and date specified for its opening shall be accepted or considered by the Council unless agreed by the Monitoring Officer in exceptional circumstances.

11.4 Tenders shall be opened, certified and recorded electronically by an Officer appointed by the Monitoring Officer via the Councils e-tendering system.

## **12. Evaluation of Quotes and Tenders**

12.1 All quotes and tenders shall be evaluated in accordance with evaluation criteria notified in advance to those submitting quotes/tenderers.

12.2 Tenders subject to the PCR2015 Rules shall be evaluated in accordance with the PCR2015 Rules.

12.3 Save in exceptional circumstances approved in advance by the Monitoring Officer all contracts shall be awarded on the basis of the quote or tender which represents best value for money to the Council and not on the basis of lowest price.

## **13. Waivers**

13.1 The requirement for the Council to conduct a competitive purchasing process for contracts in excess of £15,000 may be waived in the following circumstances.

13.1.1 For contracts which are not subject to the PCR2015 Rules, the work, supply or service or grant of service concession is required as a matter of urgency and a delay would be likely to lead to financial loss, personal injury or damage to property; or

13.1.2 the circumstances set out in the Public Contract Regulations 2015 Regulation 32 apply or

13.1.3 if the goods or materials to be purchased are available from only one manufacturer; or

- 13.1.4 where the supply is for parts for existing machinery, or where the terms of supply of equipment require that maintenance be undertaken by a specified provider; or
  - 13.1.5 where the Work is of a specialist nature, the skill of the contractor is of primary importance, and the supply market has been tested and found to be limited; or
  - 13.1.6 where the supply is for maintenance to existing IT equipment or software, including enhancements to current software, which can only be performed by the licensed developer or owner of the system; or
  - 13.1.7 at the discretion of the relevant Head of Service who may proceed in a manner most expedient to the efficient management of the service/Council with reasons recorded in writing.
- 13.2 A Responsible Officer who seeks a waiver of Contract Standing Orders, shall do so only in advance and only in exceptional circumstances. Further guidance on what may constitute exceptional circumstances permitting waiver of these Contract Standing Orders is set out in the Council's Procurement Guide.
- 13.3 All waivers from these Contract Standing Orders must be:
- 13.3.1 Fully documented
  - 13.3.2 Subject to a written report in an approved format to be submitted in advance to the Monitoring Officer (or his nominee) or Section 151 Officer (or his nominee), which shall include reasons for the waiver which demonstrate that the waiver is genuinely required
  - 13.3.3 Subject to approval in advance by the Monitoring Officer (or his nominee) or Section 151 Officer (or his nominee) who shall record that they have considered the reasons for the waiver and that they are satisfied that the circumstances justifying the waiver are genuinely exceptional.
- 13.4 All decisions on waivers must take into account:
- 13.4.1 Probity
  - 13.4.2 Best value/value for money principles.
- 13.5 For contracts subject to the PCR2015 Rules, any waiver from the requirement for competition must meet the conditions set out in the PCR2015 Rules in addition to the general requirements above.
- 13.6 A waiver shall not be applied for reasons of poor contract planning.

#### 14. **Extensions and Other Variations to Existing Contracts**

- 14.1 Where extensions or other variations to existing contracts are made the extensions must be determined in accordance with the contract terms, for a specified period and made in accordance with the principles set out in the Council's Procurement Guide.
- 14.2 Any extension or other significant variation must be:
  - 14.2.1 Fully documented
  - 14.2.2 Subject to a written report in an approved format to be submitted to the Monitoring Officer (or his nominee) and Section 151 Officer (or his nominee); which shall include reasons for the extension or other variation which demonstrate that the need for the extension or other significant variation is genuinely exceptional or provisions are made for extension in the existing contract.
  - 14.2.3 Subject to approval by the Monitoring Officer (or his nominee) and Section 151 Officer (or his nominee), who shall record that they have considered the reasons for the extension or other significant variation and that they are satisfied that the circumstances justifying the extension are genuinely exceptional or provisions are made for extension in the existing contract.
- 14.3 Any extension or other variation must take into account:
  - 14.3.1 Probity
  - 14.3.2 Best value/value for money principles.
- 14.4 For contracts subject to PCR2015 Rules, any extension must meet the conditions set out in the PCR2015 Rules in addition to the more general requirements set out above.

## 15. **Purchasing Schemes**

- 15.1 A Responsible Officer may use Purchasing Schemes subject to the following conditions and the Council's Procurement Guide.
- 15.2 Responsible Officers must check in advance with the Procurement Manager to ensure that
  - 15.2.1 The Council is legally entitled to use the Purchasing Scheme
  - 15.2.2 The purchases to be made do properly fall within the coverage of the Purchasing Scheme
  - 15.2.3 The establishment and operation of each Purchasing Scheme is in compliance with the PCR2015 Rules (where they apply) and meets the Council's own requirements.
- 15.3 A "Purchasing Scheme" may include:
  - 15.3.1 Contractor prequalification lists/select lists

- 15.3.2 Framework arrangements (including those set up by The Crown Commercial Service)
  - 15.3.3 Purchasing arrangements set up by central purchasing bodies and commercial organisations
  - 15.3.4 Consortium purchasing
  - 15.3.5 Collaborative working arrangements
  - 15.3.6 Formal agency arrangements
  - 15.3.7 E-procurement/purchasing schemes and methods
  - 15.3.8 Other similar arrangements such as the Government eMarketplace
- 15.4 Where a Purchasing Scheme is used then there shall be a whole or partial exemption from the obligations under these Contract Standing Orders in respect of the choice and conduct of procedures to the extent permitted and indicated in the Council's Procurement Guide.

**16. Review and Changes to these Contract Standing Orders**

- 16.1 These Contract Standing Orders shall be reviewed and updated on a regular basis. Save in the case of revisions to the PCR2015 Thresholds in Contract Standing Order 7, amended Contract Standing Orders shall be recommended by the Monitoring Officer and shall be agreed and adopted by the Council after consideration by the Governance Committee. The Solicitor to the Council will make revisions to the PCR2015 Thresholds as and when they occur.

**17. Suspension of these Contract Standing Orders**

- 17.1 These Contract Standing Orders may be suspended in accordance with Article 16 of the Constitution.



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<b>Subject:</b>	<b>2023 – 2026 REVISED STATEMENT OF POLICY AND PRINCIPLES ISSUED UNDER THE GAMBLING ACT 2005</b>
<b>Meeting and Date:</b>	<b>Council – 18 October 2023</b>
<b>Report of:</b>	<b>Louise May, Strategic Director (Corporate &amp; Regulatory)</b>
<b>Classification:</b>	<b>Unrestricted</b>

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<b>Purpose of the report:</b>	<b>To seek adoption of the revised Statement of Policy and Principles issued under the Gambling Act 2005 following the consultation process.</b>
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<b>Recommendation:</b>	<b>That Council approve the revised Statement of Policy and Principles under the Gambling Act 2005 without modification.</b>
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## 1. Summary

- 1.1 Section 349 of the Gambling Act 2005 (“the Act”) requires that the Licensing Authority publish a Statement of Policy and Principles as to how it will exercise its functions under the Act.
- 1.2 Although in practice the policy is monitored and reviewed continuously by the Licensing Section, the Gambling Act 2005 also requires that the above policy be formally reviewed every 3 years. A formal review was undertaken and a revised draft policy prepared in July 2023. Following a period of consultation, the Statement of Policy is now ready for adoption.

## 2. Introduction and Background

- 2.1 The Gambling Act 2005 has produced little if any problems. Our liaison with the Gambling Commission has been good and produced early interventions where potential problems have arisen. It is anticipated that this productive work will continue in the future.
- 2.2 The adoption of the revised Statement of Policy must be a decision of full Council, but 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. As such, the draft policy was approved by the Portfolio Holder for Transport, Licensing and Environmental Services for a period of consultation, on the basis that, in the event of no or limited representations being received as a result of the consultation, the Portfolio Holder for Transport, Licensing and Environmental Services should propose adoption of the Statement of Policy, with or without modification as necessary. The Portfolio Holder for Transport, Licensing and Environmental Services has referred the policy to Council for adoption without modification.
- 2.3 Consultation took place between 23 August and 20 September 2023. In compliance with the requirements of s.349 of the Act, the authority wrote to each responsible authority and other bodies that represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Act. A letter was also sent to each of the operators who hold a premises licence within the licensing district, who will represent the interests of those carrying on gambling businesses in the area. No comments were received in response to this consultation.

- 2.4 Should the full Council determine to adopt the Policy, the authority are required to publish the revised Statement of Policy for a period of four weeks, prior to it coming into effect.
- 2.5 Whilst the Council is 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.
- 2.6 There have been no changes to the revised Statement of Policy, apart from to update local information and dates. A copy of the revised policy is shown at **Appendix A**.
- 2.7 An Equality Impact Assessment has been carried out in accordance with corporate policy and is attached at **Appendix B**. No negative impact is expected on those groups who hold a protected characteristic.

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

- 3.1 To adopt the revised Statement of Policy and Principles under the Gambling Act 2005.
- 3.2 To amend the revised Statement of Policy and Principles under the Gambling Act 2005.
- 3.3 To reject the revised draft of the Statement of Policy and Principles under the Gambling Act 2005 and retain the existing policies.

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

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

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

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

Members may wish to amend the policy. However, Members should note that if any significant changes are made, it may be necessary to undertake a further period of public consultation, thus delaying implementation of the new policy.

- 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 is required under section 349 of the Gambling Act 2005 to review its policy at least every 3 years.

### 5. **Resource Implications**

There are no resource implications.

### 6. **Corporate Implications**

- 6.1 Comment from the Section 151 Officer: Accountancy has been consulted on the report and have no further comments to add (WP).
- 6.2 Comment from the Solicitor to the Council: The Strategic Director (Corporate & Regulatory) 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>.

7. **Appendices**

Appendix A – Revised Draft Statement of Policy and Principles 2023 - 26

Appendix B – Equalities Impact Assessment

8. **Background Papers**

Gambling Commission – Guidance to Licensing Authorities 5<sup>th</sup> Edition

Contact Officer: Rebecca Pordage, Licensing Manager, ext 42279



# Statement of Principles for Gambling 2023-2026



# 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 ?????

### 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 23 August 2023 – 20 September 2023. 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, Kent 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.police.uk](mailto:licensing.east.division@kent.police.uk).

### Kent Fire and Rescue Service

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

### Local Planning Authority

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

Environmental Health  
Dover District Council  
White Cliffs Business Park  
Dover, Kent CT16 3PJ  
Email: [ddc.envprotection@dover.gov.uk](mailto:ddc.envprotection@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  
Excise Processing Teams  
BX9 1GL  
Email: [NRUBettinggaming@hmrc.gov.uk](mailto:NRUBettinggaming@hmrc.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 or Members of 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  
Dover District Council; Environmental Protection, Planning  
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  
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. Key facts from the Gambling Commission on participation and problem gambling for the year to March 2023 states:
- In year to March 2023, overall participation in any gambling activity (in the last four weeks) remained statistically stable at 44%



(compared to previous year)

- In year to March 2023, the in-person gambling participation rate remained statistically stable at 27% although significantly below the pre-pandemic level of around 35%
- The online gambling participation rate remained statistically stable at 26% (compared to previous year)
- The overall headline problem gambling rate as measured by the short form PGSI is statistically stable at 0.3%. The moderate risk and low risk rates are also statistically stable at 1.2% and 1.8% respectively (compared to previous year).

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.

# Gambling participation

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

3% decrease from 2016

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



3% decrease from 2016

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



**48%** of men have gambled



**41%** of women have gambled



Participation in premise based gambling has decreased across most activities



Online participation has increased across most activities



18% of adults have gambled online



Playing on machines in a bookmakers has remained stable



Football is the most popular betting activity



33% of gamblers gamble once a week

# Chapter 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.
49. The Dover District covers an area of 320 square kilometres and has around 32 kilometres of coastline. Just over a fifth of the district (22%) is designated as part of the Kent Downs Area of Outstanding Natural Beauty, and 3% as Heritage Coast, centred on the famous white cliffs on either side of Dover.
50. 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 116,400 (2021).
51. In recent years, Dover town has had a significant investments with high-speed rail link to London, new retail in the St James' area, revamped promenade and beachfront, a new pier to the west of the harbour and a new marina.
52. The population of the Dover District is predominately white, with 94.9% of white ethnic origin. The largest ethnic minority group in the district is "Asian, Asian British", with 2.1% of the population identifying within this category.
53. 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.
54. 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.
55. The average age of people living in the Dover district is 46 years. This is higher than the the average for the South East (41 years) and England (40 years).
56. The rate for violent crime offences in the District has increased to 47.6 per 1,000 population. This rate is high that the regional value of 32.3 and England's value of 34.9. The District is in the high quintile for England.

## Chapter Three

### Licensing Objectives and Local Area Risk Assessments

57. 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.
58. 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.
59. 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

60. 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.
61. 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.
62. 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.
63. 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.

64. 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.
65. 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.
66. 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

67. 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.
68. 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.

69. 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”.
70. 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.
71. 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

72. 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

73. 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.
74. 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

75. 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.
76. 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.
77. 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.
78. 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.
79. 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.
80. 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.

81. 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.

82. 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

83. 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.

84. 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'.

85. 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.

86. 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.
87. 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.
88. 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.
89. 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.
90. 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.
91. 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.”
92. 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.

93. 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.
94. 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

95. 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.
96. '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

97. 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.

98. 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.
99. 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

100. 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.
101. 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.
102. 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.
103. Staff should be in a position to monitor entrances and gaming machines and challenges should be initiated at the earliest opportunity.

104. 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.
105. 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.
106. Applicants should demonstrate how they will identify self-excluded persons.
107. Where applicable, operators shall be able to demonstrate they are participating effectively in the relevant multi-operator self-exclusion scheme.

## Casinos

108. 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

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

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

113. 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.

114. 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.

115. 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

116. 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.

117. 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.

118. 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.

119. 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.
120. 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.
121. 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.
122. 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

123. 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.
124. 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
125. 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.
126. 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.
127. 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.

128. 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.
129. 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.
130. 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.
131. 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.

132. 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.
133. 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.
134. 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.
135. Section 152 of the Act permits tracks to be the subject of multiple Premises Licences.
136. 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)

137. 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.

138. 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.
139. The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures / licence conditions may cover issues such as:
- 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)

140. 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.
141. 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.

142. 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.

143. 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

144. 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.

145. 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

146. 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

147. 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.
148. 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.
149. 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.
150. 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.
151. 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.
152. 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.
153. 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

154. 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.
155. 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.
156. 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 Dover 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

157. 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.
158. 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

159. 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.
160. 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.
161. 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.
162. 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.
163. 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.)

164. 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.

165. 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

166. 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.

167. 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.
168. Licensees siting gaming machines must comply with the relevant Gambling Commission Code of Practice.
169. 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).
170. 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.
171. 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

172. 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.
173. 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.
174. 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.
175. 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.
176. 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.
177. 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.

178. 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

179. 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.
180. 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.
181. Given that the prize gaming will particularly appeal to children and young persons, the Licensing Authority will give weight to child protection issues.
182. 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.
183. 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.
184. 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

185. 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)).
186. A commercial club is defined as a club where membership is required but the club is operated for commercial gain.
187. 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.

188. 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.
189. 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.
190. 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.
191. 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?
192. 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?
193. 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

194. 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.
195. The Licensing Authority can only grant a Temporary Use Notice to a person or a company holding a relevant Operating Licence.
196. 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.
197. 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

198. 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

199. 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

200. 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.
201. 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.
202. 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

203. 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.
204. 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.

205. Participation in a lottery is a form of gambling. Lotteries must be conducted in a socially responsible manner and in accordance with the Act.
206. 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

207. 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.
208. 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.
209. 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

210. 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.

211. The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it.
212. 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

213. 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

214. 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.
215. 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

216. 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.
217. The Licensing Authority with which a small society lottery is required to register must be in the area where their principal office is located.
218. 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.

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

## Refusal of registration

223. 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.
224. 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.

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

## Revocation of a small society's registered status

226. 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.

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

## Administration and returns

228. 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.

229. 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).

230. 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.

231. 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.

232. 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.

233. 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.

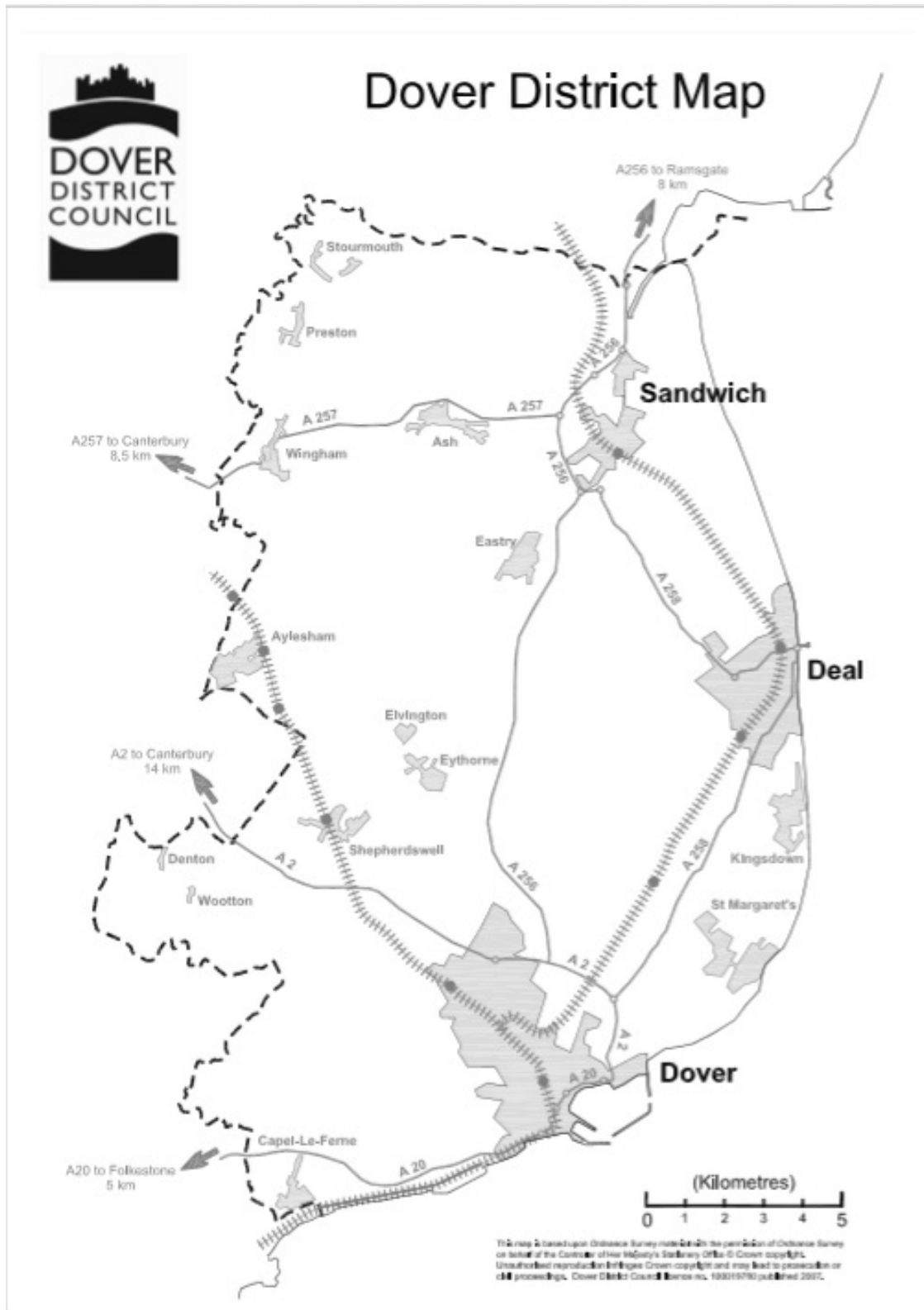
## Appendix One – Consultation

A public consultation was carried out in respect of this Statement of Principles from 23 August 2023 to 20 September 2023.

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 a link to the Policy posted on the Council's website.



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



**Equality Impact Assessment**

<b>Department</b>  Licensing	<b>Division</b>  Licensing & Legal Services	<b>Officers involved in the assessment</b>  Rebecca Pordage – Licensing Manager Katy McLester – Licensing Enforcement Officer
<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>  27 September 2023	<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 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 Manager. 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?**

The consultation ran for a period of 4 weeks, from 23 August 2023 to 20 September 2023 and letters were 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 Manager

**Completing Officer Name .....Rebecca Pordage..... Lead Officer Name .....Rebecca Pordage.....**

**Action Plan to Remedy Areas of Concern**

<b>Description of Concern</b>	<b>Action Required</b>	<b>Date Due</b>	<b>Date Completed</b>	<b>Responsible Officer (Job Title Only)</b>
Impact of Gambling activities on vulnerable persons	Greater liaison with groups representing vulnerable persons and those affected by problem gambling.	Ongoing		Licensing Manager

Appendix 1

## Questions Raised on Notice by Members

(a) To Chairmen/Vice-Chairmen of Committees

There were no questions received for Chairmen/Vice-Chairmen of Committees.

(b) To the Executive

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

(1) **Councillor S H Hill will ask:**

**Portfolio Holder for Transport, Licensing and Environmental Services, Councillor J L Pout**

"Traffic in Dover greatly affects residents in my ward and Dover more widely at peak times. Therefore, would you expect the planned improvements at Brenly Corner to impact Dover?"

(2) **Councillor C A Vinson will ask:**

**Portfolio Holder for Finance, Governance, Climate Change and Environment, Councillor S H Beer**

"What would be the financial cost to Dover District Council of triggering the break clause in the waste collection and street cleansing contract before its current end date in 2029?"

(3) **Councillor N S Kenton will ask:**

**Portfolio Holder for Planning and Built Environment, Councillor E A Biggs**

"Why is there no consultation planned with residents and existing service users in relation to the changes to the garden waste collection service agreed at Cabinet in September 2023, when a consultation was specifically required in the previous Cabinet decision made in December 2022?"

(4) **Councillor N S Kenton will ask:**

**Portfolio Holder for Planning and Built Environment, Councillor E A Biggs**

"Does the portfolio holder believe replacing the fortnightly collection of up to 6 x 120 litre green waste bags with a single 240 litre wheeled bin, while also putting up the subscription charge, represents a fair exchange?"

**(5) Councillor D R Friend will ask:**

**Portfolio Holder for Housing, Skills and Education, Councillor P M Brivio**

“When will the portfolio holder publish detailed plans on how and where she intends to build the promised “200 environmentally sound Council houses per year” promised in Labour’s manifesto?”

**(6) Councillor O C de R Richardson will ask:**

**Portfolio Holder for Community and Corporate Property, Councillor C D Zosseder**

“How much revenue does the South Street car park in Deal generate each year, and what the average utilisation of the car park during chargeable hours?”

**(7) Councillor O C de R Richardson will ask:**

**Portfolio Holder for Community and Corporate Property, Councillor C D Zosseder**

“What is the current level of vacancies in the DDC asset maintenance team?”

**(8) Councillor N S Kenton will ask:**

**Portfolio Holder for Planning and Built Environment, Councillor E A Biggs**

“Will he share with Council the action plan that has been created to address failings in the street cleansing function highlighted in the recent internal audit which had ‘no assurance’.”

**(9) Councillor M Bates will ask:**

**Portfolio Holder for Transport, Licensing and Environmental Services, Councillor J L Pout**

“Is the Portfolio Holder for Transport, Licensing and Regulatory Services satisfied that the Quiet Zone implemented along the A20 has resolved the concerns of those residents in Aycliffe at times when TAP is in operation during the early hours?”

**(10) Councillor C A Vinson will ask:**

**Portfolio Holder for Community and Corporate Property, Councillor C D Zosseder**

“When will the play equipment removed from Marke Wood in July 2023 be replaced?”



**URGENT BUSINESS**

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