

LICENSING COMMITTEE MEETING

Date: Thursday 16 September 2021
Time: 6.30 pm
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Brindle, Bryant, Fort, Garten, Mrs Grigg, Hinder (Vice-Chairman), Joy, McKay, Naghi, Parfitt-Reid, Mrs Robertson, J Sams and Springett (Chairman)

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

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7. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
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Issued on Wednesday 8 September 2021
Over/:

Continued

Alison Broom

Alison Broom, Chief Executive

- | | |
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INFORMATION FOR THE PUBLIC

In order to ask a question at this meeting, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Tuesday 14 September 2021). You will need to provide the full text in writing.

If your question is accepted, you will be provided with instructions as to how you can access the meeting.

In order to make a statement in relation to an item on the agenda, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Tuesday 14 September 2021). You will need to tell us which agenda item you wish to speak on.

If you require this information in an alternative format please contact us, call **01622 602899** or email committee@maidstone.gov.uk.

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MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 17 JUNE 2021

Present: Councillors Brindle, Cooke, Fort, Garten, Mrs Grigg, Hinder, Joy, McKay, Naghi, Parfitt-Reid, Mrs Robertson, J Sams and Springett (Chair)

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Bryant.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Cooke was present as a Substitute Member for Councillor Bryant.

3. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Springett be elected as Chairman of the Committee for the Municipal Year 2021/22.

4. ELECTION OF VICE-CHAIRMAN

RESOLVED: That Councillor Hinder be elected as the Vice-Chairman of the Committee for the Municipal Year 2021/22.

5. URGENT ITEMS

There were no urgent items.

6. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

7. VISITING MEMBERS

There was no Visiting Members.

8. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

9. EXEMPT ITEMS

RESOLVED: That all items be taken in public as proposed.

10. MINUTES OF THE MEETING HELD ON 15 APRIL 2021

RESOLVED: That the Minutes of the Meeting held on 15 April 2021 be approved as a correct record and signed.

11. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 4 MAY 2021

RESOLVED: That the Minutes of the Licensing Act 2003 Sub-Committee Meeting held on 4 May 2021 be approved as a correct record and signed.

12. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from Members of the Public.

13. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

14. DURATION OF MEETING

6.30 p.m. to 6.36 p.m.

MAIDSTONE BOROUGH COUNCIL

Licensing Act 2003 Sub Committee

MINUTES OF THE MEETING HELD ON THURSDAY 22 JULY 2021

Present: Councillors Brindle, Naghi (Chairman) and Mrs Robertson

1. APOLOGIES FOR ABSENCE

There were no apologies.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

3. ELECTION OF THE CHAIRMAN

RESOLVED: That Councillor Naghi be elected as Chairman for the duration of the meeting.

4. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

5. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

6. EXEMPT ITEMS

RESOLVED: That all items be taken in public as proposed.

7. WILDWOODS, EARL STREET - PAVEMENT LICENCE

The persons participating in the hearing were identified as follows:

Chairman – Councillor Naghi
Committee Member – Councillor Mrs Robertson
Committee Member – Councillor Brindle

Legal Advisor – Mr Robin Harris

Democratic Services Officer – Miss Oliviya Parfitt

Applicant – Mr Roy Pereira, represented by Mr Johnny Plant (in attendance virtually)

All parties confirmed that they were aware of the Sub-Committee hearing procedure and had each received a copy of the hearing procedure document.

The Sub-Committee agreed to proceed in the absence of the objector and confirmed that they had read the papers.

The Chairman explained that:

- The Sub-Committee would allow all parties to put their case fully and make full submissions within a reasonable time frame.
- The procedure would take the form of a discussion led by the Sub-Committee and they would usually permit cross-examination conducted within a reasonable timeframe.
- Any person attending the hearing who behaved in a disruptive manner may be directed to leave the hearing by the Sub-Committee (including temporarily) after which, such person may submit to the Sub-Committee over the Instant messaging facilitating any information which that person would have been entitled to give orally had the person not been required to leave the meeting. If this is not possible, they may be permitted to speak at the Chairman's Invitation.

The Chairman enquired whether any draft conditions had been agreed between the applicant and other parties; no draft conditions had been agreed.

The Senior Licensing Officer introduced the report, referencing the objection received from Kent County Council (KCC) as the Highways Authority in Appendix 5 to the report. The objection concerned public safety due to the applicant's proposed seating area on a road which experienced a flow of traffic despite having been pedestrianised. The pavement outside the premises was not wide enough to accommodate tables and chairs.

As the objector was unable to attend, they submitted additional comments which had been distributed to all parties.

The applicant's representative was invited to make their opening statement and stated that the application would assist in ensuring the business's viability following the Covid-19 pandemic. The business had adapted through providing a takeaway service but had reduced the number of staff employed nationally and placed many on furlough. During the easing of the lockdown measures, other local businesses had been able to have outside seating which was something the applicant wished to provide.

The safety of the business's employees and customers was important with outside seating preferred given the rising number of Covid-19 cases. Mr Plant stated that the planters within the road provided shielding to the public and that there was no perceived threat to public safety by having

the seating as proposed in the application. It was felt that by having other businesses provide outside seating, a precedent had been set. The importance of health and safety was reiterated.

In response to questions from the panel, the Senior Licensing Officer confirmed that the authority responsible for the road was Kent County Council, but that the Council would likely be liable in the event of an accident at the proposed site. This was confirmed by the legal advisor.

In response to questions from the legal advisor, Mr Plant confirmed that he had recently contacted KCC Highways but had not received a response. Mr Plant had experienced problems in trying to find out which local authority to contact in the first instance. The protection provided by the planters and the other outside seating within the street was reiterated.

The legal advisor highlighted the proximity of the business and proposed seating area to the nearest junction, which directly contravened the relevant licensing policy. Further, the Traffic Regulation Order implemented was not actively enforced. As the applicant and objector had not been able to reach an agreement on a suitable seating arrangement, the Council was unlikely to be able to confirm that the application did not detrimentally impact public safety.

In response, Mr Plant reiterated the difficulties experienced in discussing the application with the relevant authority and that the business had suffered financially due to the Covid-19 pandemic.

The Sub-Committee responded to Mr Plant's statement in stating that they had visited the proposed seating site, noting the presence of vehicles along the road. As the Council was not the relevant Highways Authority, the Sub-Committee suggested adjourning the meeting to provide Mr Plant with further opportunities to discuss the application with the objector to try and find a suitable solution.

The legal advisor stated that if an alternative proposal was accepted by the Highways Authority, the decision to grant the application would be taken under officer delegations as the original objections would have been withdrawn. If a scheme could not be agreed upon, then the Sub-Committee would be reconvened to determine the application.

Mr Plant thanked the Committee for the adjournment.

The meeting closed at 10.56 a.m.

RESOLVED: That the meeting be adjourned to allow the applicant and their representative to converse further with the Highways Authority, in an effort to produce a proposal suitable to all parties.

Agenda Item 12

LICENSING COMMITTEE

**16 September
2021**

Hackney Carriage & private Hire – Knowledge Test

Final Decision-Maker	LICENSING COMMITTEE
Lead Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer and Report Author	Sharon Bamborough, Head of the Licensing Partnership
Classification	Public
Wards affected	All

Executive Summary

There have been some concerns raised by the trade about the Hackney Carriage / Private Hire Knowledge Test required to be passed by potential new drivers in Maidstone, and officers have undertaken an investigation. There has also been a proposal made by an operator about an alternative scheme for new private hire drivers.

The first part of the report deals with the concerns raised about the Knowledge Test and the findings of officers, and is for information of Members.

The second part of the report contains the proposal by one of the operators to introduce an alternative badge scheme for new private hire drivers which would not require the Knowledge Test and Equo Test to be passed. This will require a decision by members.

Purpose of Report

Section 1. Noting
Section 2. Decision

This report makes the following recommendations to this Committee:

1. To note the findings in respect of the Knowledge Test
2. In respect of the proposal to introduce an alternative badge scheme for private hire new drivers, officers recommend refusal to implement the proposed alternative badge scheme for new drivers

Timetable

Meeting	Date
Licensing Committee	16-09-2021

Hackney Carriage and Private Hire Knowledge Test

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Cross Cutting Objectives	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Risk Management	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Financial	<ul style="list-style-type: none"> As a result of the analysis of past tests it is possible there will be some refunds needed but this is not expected to exceed £1K 	John Littlemore, Head of Housing and Community Services
Staffing	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Legal	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Robin Harris, Mid Kent Legal Services
Privacy and Data Protection	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Equalities	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership

Public Health	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Crime and Disorder	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Procurement	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Biodiversity and Climate Change	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership

2. INTRODUCTION AND BACKGROUND

2.1 A history of the introduction of the knowledge test and analysis of pass rates was considered by the committee at their meeting of 15th April 2021. An extract from that report is attached as **Appendix 1** for easy reference. At that meeting a decision by members was made as follows:

1. The pass rate for the highway code section of the knowledge test, for private hire applicants only, be increased to 90% with the number of questions in that section be increased to 10; and
2. The Routes and Street element of the rest for private hire applicants only be removed for a period of 6 months.

Section One

- 2.2 Recently, the Licensing Service was contacted by the proprietors of Express Cabs & Couriers Ltd (who are a licensed operator within the borough of Maidstone) advising that in recent tests in July they were sure that two potential drivers had correctly answered a question but it had been marked incorrect, which then lead them on to further analysis of other questions in the test and a challenge regarding how some of them were worded.
- 2.3 Investigation was carried out on tests which had been failed and it did reveal some issues. The findings are set out below along with the planned resolutions.
- 2.4 Some tables showing the analysis is attached as **Appendix 2**. For data protection reasons, in the last table, candidates' names have been replaced by a letter, but officers will have the full table with names at the meeting

should there be any queries about particular candidates. The analysis goes back to Sept 2020 when tests re-started following lockdown, that's also when the trade started to complain that drivers were leaving the trade, but more analysis still needs to be done on other failed tests going back to July 2019 which will take time.

Findings

- 2.5 The analysis shows that out of the 44 tests only one was affected adversely and requires a refund and that is in the process of being arranged.
- 2.6 The test question which had the incorrect answer in the system has been corrected and further questions where it was alleged wording was misleading or information in how to answer wasn't available to study have been pulled from the test for now until they can be reviewed (and re-worded if necessary) by the service.
- 2.7 In response to the particular concerns raised by Mr Iandolo, officers have checked each test and based on the queries raised have stated what questions came up in their test and whether applicants passed or failed them. The questions on attire, Byelaw 13 and wearing of seatbelts don't appear to be a problem for candidates and haven't caused an issue, tests that included the question " how many attempts are allowed at the test" haven't caused us to fail any other candidates because they didn't pass that section. The last column in the last table at Appendix 2 addresses these points and assists in showing that really only one question has been a problem.
- 2.8 This is for Member's information.

Section Two:

- 2.9 The proprietors of Express Cabs & Couriers Ltd have put forward a proposal for a 12 month temporary badge for new drivers which would not require them to pass the knowledge test (or new Equo test) before being able to undertake private hire driving work. Please see **Appendix 3**.
- 2.10 Officers would advise that since the knowledge test was introduced in 2017 standards have been raised significantly and Members have approved this approach. The new **statutory** standards for taxi services introduced by the Department for Transport in July 2020 go even further. Maidstone was in such a good place with their own standards when this was introduced last year that there was minimal work to be done to comply with the required implementation – MBC has introduced additional Equo training which specifically deals with safeguarding awareness and we have embraced the additional driver checks required.
- 2.11 Officers would suggest that the hackney carriage/private hire testing is done to such a standard as to give excellent reassurance to the public. Many years ago it may have been perceived to be an easy industry to get into (many might even suggest it was unskilled) but now this is a profession to be proud to be part of and the public have become accustomed to the professional service they enjoy.

- 2.12 Whilst every sympathy is felt for the operators who may struggle to attract drivers, officers do not feel they can recommend the proposed scheme which would put drivers on the road in Private Hire vehicles without all of the required training and testing, because this would go against the national statutory standards. In addition it would undermine the confidence the public has in knowing our drivers have all passed the necessary tests and potentially lead to complaints.
- 2.13 The licensed operator has been invited to the meeting should Members wish to hear from the representatives of the company.
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3. AVAILABLE OPTIONS

- 3.1 In respect of the proposal to introduce an alternative badge scheme for private hire new drivers, to make a decision to:

Either:

Refuse to implement the proposed alternative badge scheme for new drivers

Or

Agree to implement the proposed alternative scheme.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Members are requested to refuse the proposal in Section 2 to have a temporary badge scheme whereby drivers could operate without having sat and passed the knowledge test and Equo training, for the following reasons:
- (i) as this would be contrary to the new National Statutory Standards and would go against previous Member decisions to elevate the training standards and requirements.
 - (ii) The current statistics, despite the concerns raised about the test, show an upward trend in the number of drivers passing
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5. RISK

- 5.1 Failure to introduce the proposed scheme to assist the trade could result in a shortfall of Maidstone licensed drivers. This could see an increase in out of town drivers being in Maidstone illegally cashing in on the employment gap and ultimately causing enforcement issues for the Licensing Department.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 N/A

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 Should Members approve the proposed scheme by the trade some time will be required to communicate hat to the trade and cancel existing booked tests.

8. REPORT APPENDICES

- Appendix 1: Extract from committee minutes of 15.04.2021 outlining the knowledge test and the decision made
 - Appendix 2: Tables of analysis on knowledge tests going back to August 2020
 - Appendix 3: proposal from trade re temporary badge for drivers without knowledge test
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9. BACKGROUND PAPERS

None

- 2.7 In comparison the numbers of applicants passed in those same years are 2 in 2018, 5 in 2019 and 1 in 2020.
- 2.8 Licensing have also received correspondence which express the trades concerns on the impact COVID has had on their businesses and the potential future impact in recruiting new drivers, correspondence has been received from J. Iandolo, owner of Express Taxis, Helen Grant on behalf of an anonymous Maidstone Operator and Mark Jones, owner of Sapphire Cars through Ilsa Butler, One Maidstone (Appendix 2). Operators will have lost drivers because of the lack of work and will need to replace some of them when business picks up. Some licensed drivers will return to the trade but others that have found permanent secure work will not.
- 2.9 The concern the trade have is the amount of time it takes for an applicant to become licensed, currently an applicant must pass the knowledge test before they can submit an application to the Licensing Department. Under normal circumstances the tests are held every 3 weeks with the maximum number of candidates tested being 6, which has now increased to 8. Additional tests are arranged if there is an increase in demand. Tests were held in 2020 when the restrictions were lifted on 8,15,22 & 29 September and then reduced to fortnightly on 6 & 20 October and 3 November, the tests were reduced as the demand was not there for weekly tests. The testing was suspended again in November 20 when the new restrictions were brought in.
- 2.10 After reviewing the comments in the correspondence received, it is not proposed to change the test but to adjust it to assist the trade in getting new private hire drivers licensed in a shorter time. The majority of first time applicants are private hire drivers and the argument has always been that private hire drivers are prebooked and can use SatNav or Apps on their phones to get to their destinations. One of the options we can consider is to remove the Routes and Street sections from the private hire test as it is those area that candidates consistently fail on. The sections will remain for the Hackney and Dual test as they are expected to know the area and not rely on technology. This could be implemented for an agreed fixed term and reviewed after 6 or 12 months. Any Private hire drivers that wishes to become a Dual or Hackney driver will be required to take the Routes and Streets test before they can change their badge.
- 2.11 The alternative option is to keep the test as it is and lower the pass mark for the Routes and Streets sections to an agreed percentage for private hire drivers only. We could consider lowering the pass mark for all candidates for all tests. However, a higher standard is generally expected from Hackney and Dual drivers, also a lot of private hire drivers tend to become Dual drivers at a later date, they do quite well with the routes and streets section of the test because they have gained experience and knowledge of the area while working as a private hire driver.

Test dates information						
Test Date	Location:	Invited:	Confirmed:	Attended:	Cancelled:	No show:
First Lockdown						
15/09/2020	Town Hall	7	7	2	2	3
22/09/2020	Town Hall	5	5	3	1	1
29/09/2020	Town Hall	5	5	3	2	0
06/10/2020	Town Hall	3	3	3	0	0
20/10/2020	Town Hall	5	5	4	1	0
03/11/2020	Town Hall	5	5	3	1	1
Total		30	30	18	7	5
Second Lockdown						
19/05/2021	Town Hall	3	3	2	0	1
02/06/2021	Maidstone House	3	3	2	0	1
16/06/2021	Maidstone House	3	3	2	0	1
24/06/2021	Maidstone House	4	4	3	1	0
30/06/2021	Maidstone House	3	3	3	0	0

07/07/2021	Maidstone House	5	5	5	0	0
14/07/2021	Maidstone House	5	5	3	1	1
21/07/2021	Maidstone House	5	5	1	1	3
28/07/2021	Maidstone House	3	3	2	0	1
04/08/2021	Maidstone House	5	5	4	0	1
11/08/2021	Maidstone House	5	5	4	0	1
18/08/2021	Maidstone House	4	4	3	0	1
25/08/2021	Maidstone House	3	3	2	0	1
Total		51	51	36	3	12
Total Lockdown						

Applicants passed since 15/9/20 - Improvement in pass rate after implementation of the changes to the test agreed in April 2021

Candidate Number	Applicants	Test No	Date of Test	Results
MBC190521PH01	1	2nd Attempt	19/05/2021	Pass
MBC020621PH02	2	1st attempt	02/06/2021	Pass
MBC240621PH01	3	1st attempt in the 2nd round, failed the first 3 in 2020 had a 6 month break	24/06/2021	Pass

MBC070721PH05	4	2nd Attempt	07/07/2021	Pass
MBC070721PH04	5	1st Attempt	07/07/2021	Pass
MBC280721PH02	6	1st attempt	28/07/2021	Pass
MBC040821PH03	7	2nd attempt, but actually passed at 1st attempt	04/08/2021	Pass
MBC250821PH03	8	3rd attempt	25/08/2021	Pass

Yearly Comparison				
Year	No of tests	no of passes	% pass	
2018	40	2	5%	
2019	58	5	8.62%	
2020	37	1	2.70%	
May 21 to August 21	36	8	22.22%	

In the four months since we come out of the second lockdown there has been a significant increase in the number of tests passed.

TOPOGRAPHY TEST – Highway Code Category	No of Q's	2021 (av%)	2020 (av%)	2019 (av%)	2018 (av%)
PH Only					
No of Tests		33	28	35	28

Highway Code (80%)	5	-	75	75.4	82.2
Highway code (90%)	10	77.5	-	-	-

Knowledge Test Candidates – Marked ‘Fail’

From 15/09/2020 – 25/08/2021

17

Test No	Name	Candidate Number	Date	Failed	Checked against matters raised against Private Policy and Law
2020					
1	Candidate A	MBC150920PH04	15/09/20	Generic Policy and Law 60% Private Policy and Law 60% Routes 60% Safeguarding 80%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, Attire & Byelaw 13 question right, seatbelt question wrong, should have been 80% not 60%. Passed at 2 nd test on 19/5/21
1	Candidate B	MBC220920PH03	22/09/20	Compulsory 66.7% Generic Policy and Law 40% Highway Code 60% Places 71.4.1% Private Policy and Law 20% Routes 46.7% Streets 28.6% Road Signs 60%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, Attire & seatbelt question wrong, should have been 40% not 20%.
1	Candidate C	MBC220920PH05	22/09/20	Compulsory 83.3% Highway Code 40%	Asked the no of test attempt question which was answered correctly but was

				Routes 40% Road Signs 40% Safeguarding 60%	marked as incorrect, Attire question right, should have been 100% not 80%. No further tests taken.
1	Candidate D	MBC290920PH01	29/09/20	Compulsory 66.7% Private Policy and Law 60% Routes 40% Safeguarding 80%	Seatbelt question wrong, attire question right. No further tests taken.
1	Candidate E	MBC290920PH03	29/09/20	Compulsory 83.3% Private Policy and Law 60% Routes 66.7% Streets 57.1% Road Signs 60%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, Attire question right, seatbelt question wrong, should have been 80% not 60%.
1	Candidate F	MBC290920PH05	29/09/20	Compulsory 66.7% Generic Policy and Law 40% Private Policy and Law 40% Routes 60% Streets 57.1% Road Signs 60% Safeguarding 20%	Asked attire and seatbelt question both wrong. No further tests taken
1	Candidate G	MBC061020PH01	06/10/20	Compulsory 66.7% Highway Code 60% Places 28.6.1% Routes 46.7% Streets 57.1%	attire question wrong.
2	Candidate B	MBC061020PH02	06/10/20	Compulsory 66.7% Private Policy and Law 60% Routes 66.7% Streets 71.4% Safeguarding 60%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, Byelaws question right, seatbelt question wrong, should have got 80% instead of 60%.. Improved from 1 st test on 22.09.20
1	Candidate H	MBC061020PH03	06/10/20	Compulsory 66.7% Places 57.1.1% Private Policy and Law 60% Routes 20% Streets 71.4%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, Byelaws question right, seatbelt question wrong, should have got 80% instead of 60%.

2	Candidate G	MBC201020PH02	20/10/20	Places 71.4% Routes 46.7%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, Byelaws, attire and seat belt question correct, should have got 100% instead of 80%. Improved from the first test on 6/10/21
3	Candidate B	MBC201020PH03	20/10/20	Compulsory 66.7% Private Policy and Law 60% Routes 46.7% Road Signs 60%	Byelaw question right, seatbelt wrong. Improvement from 2 nd test on 6/10/21 but now has to wait 6 months to try again
2	Candidate H	MBC201020PH04	20/10/20	Compulsory 66.7% Highway Code 60% Routes 60% Streets 57.1%	Attire question wrong. No overall improvement since 1 st test on 6/10/20
2	Candidate E	MBC031120PH03	03/11/20	Compulsory 66.7% Places 71.4% Routes 46.7% Streets 57.1% Road Signs 40% Safeguarding 80%	Seatbelt question wrong, attire right. Seems to have done worse since the first test on 29/9/20
3	Candidate G	MBC031120PH04	03/11/20	Routes 66.7% Road Signs 60%	Byelaw and seatbelt question right. Still hasn't manage to pass all sections since his 2nd test on 20/10/20. Now has to wait 6 months to try again
2021					
From 15.4.21 Routes and Streets Questions removed from test, Highway Code section altered to 10 questions and a 90% pass mark. Equo test introduced from 1.6.21 and so safeguarding removed from then.					
2	Candidate A	MBC190521PH01	19/05/21	Private Policy and Law 60%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, Byelaws question right, seatbelt question wrong, should have got 80% instead of 60%., Needed to pass generic policy and & private Policy

					and law and though we were unaware of the problem at the time with the test attempt question we took the decision to pass the candidate any way with 60%. First test was 15/9/20.
1	Candidate I	MBC190521PH03	19/05/21	Highway Code 60% Private Policy and Law 60% Road signs 60% safeguarding 60%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, Byelaws question right, seatbelt question wrong, should have got 80% instead of 60%.
1	Candidate J	MBC020621PH04	02/06/21	Compulsory 66.7% Highway Code 80%	Asked Byelaws 13 and attire questions correct, seatbelt question wrong. Passed at 2 nd test on 24/6/21.
1	Candidate K	MBC160621PH03	16/06/21	Compulsory 83.3% Generic Policy and Law 60% Highway Code 70% Places 71.4% Private Policy and Law 20%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, asked seatbelt question got it wrong, should have got 40% instead of 20%. No further tests taken.
1	Candidate L	MBC240621PH03	24/06/21	Highway Code 80% Places 57.1% Private Policy and Law 60%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, asked Byelaw 13 question got it correct and seatbelt question wrong, should have got 80% instead of 60%.No further tests taken.
1	Candidate M	MBC240621PH04	24/06/21	Compulsory 83.3% Places 71.4%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, asked Byelaw 13 and attire questions got it correct, should have got 1000% instead of 80%.
1	Candidate N	MBC300621PH01	30/06/21	Compulsory 83.3% Highway Code 60%	Asked the attire question and got it wrong.
2	Candidate I	MBC300621PH03	30/06/21	Compulsory 66.7% Highway Code 80% Private Policy and Law 60%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, asked Byelaw 13 question got it correct, should have got

					80% instead of 60%.. Improvement since first test on 19/5/21.
1	Candidate O	MBC300621PH04	30/06/21	Compulsory 83.3% Generic Policy and Law 60% Places 71.4% Private Policy and Law 60%	Attire & seatbelt questions wrong, byelaw question right
1	Candidate P	MBC070721PH01	07/07/21	Compulsory 83.3% Generic Policy and Law 40% Highway Code 60% Places 57.1% Numeracy 33.3% Road Signs 60%	asked Byelaw 13 question got it correct, Seatbelt question wrong
1	Candidate Q	MBC070721PH03	07/07/21	Compulsory 83.3% Generic Policy and Law 40% Highway Code 80% Places 57.1%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, asked Byelaws 13 question & got correct should have got 100% instead of 80%. No further test as yet.
1	Candidate R	MBC070721PH02	07/07/21	Compulsory 83.3% Generic Policy and Law 60% Highway Code 80% Private Policy and Law 60% Road Signs 60%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, asked attire question & got it wrong should have got 80% instead of 60%.
	Candidate J	MBC070721PH05	07/07/21	Highway Code 60% Places 71.4%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, asked attire question & got correct should have got 100% instead of 80%. Seems to have done worse since his first test on 2/6/21
1	Candidate S	MBC140721PH01	14/07/21	Private Policy and Law 60%	Asked the no of test attempt question which was answered correctly but was marked as incorrect .Should have got 80% instead of 60%. Should have passed test. Failed the seatbelt question
1	Candidate T	MBC140721PH03	14/07/21	Compulsory 83.3%	Asked the no of test attempt question

				Private Policy and Law 60% Places 57.1%	which was answered correctly but was marked as incorrect .Should have got 80% instead of 60%
1	Candidate U	MBC140721PH02	14/07/21	Compulsory 66.7% Generic Policy and Law 60% Highway Code 30% Places 28.6% Numeracy 33.3% Road Signs 60%	Strangely they passed Private Policy and Law part of the test, he was asked the no of test attempt question which he answered correctly but was marked as incorrect .He should have got 100% instead of 80% but he failed every other section of the test. 2 nd test booked for 8/9/21.
3	Candidate M	MBC210721PH02	21/07/21	Compulsory 83.3%	Asked the no of test attempt question which was answered correctly but was marked as incorrect .Should have got 100% instead of 80% also asked attire question & got correct. Improved since first test on 24/6/21. No further test taken as yet.
2	Candidate R	MBC280721PH03	28/07/21	Highway Code 70% Places 57.1% Road Signs 40%	Asked the no of test attempt question which was answered correctly but was marked as incorrect .Should have got 100% instead of 80% also asked Byelaw 13 & attire question & got both correct. Some improvement from the 1 st test on 7/7/21.
3	Candidate I	MBC040821PH02	04/08/21	Compulsory 66.7% Generic Policy and Law 40% Highway Code 80% Private Policy and Law 60%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, got attire question wrong should have got 80% instead of 60%. Still not managed to pass since 2 nd test on 30/6/21. Now needs to wait 6 months.
2	Candidate S	MBC040821PH03	04/08/21	Private Policy and Law 60%	Asked the no of test attempt question again which was answered correctly but was marked as incorrect .Should have got

					80% instead of 60%. passed that section on the 14/7/21 and since then it has been established she should have been passed on 14/7/21.
2	Candidate T	MBC040821PH04	04/08/21	Compulsory 83.3% Private Policy and Law 60%	Asked the no of test attempt question again which was answered correctly but was marked as incorrect .Should have got 80% instead of 60% but actually passes that section at the 1 st test on 14/7/21. Got the seatbelt question wrong again
3	Candidate R	MBC040821PH05	04/08/21	Places 57.1%	Asked the no of test attempt question which was answered correctly but was marked as incorrect .Should have got 100% instead of 80% also asked Byelaw 13 & attire question & got both correct. Improved but still hasn't passed since 2 nd test on 28/7/21, now needs to wait 6 months.
2	Candidate P	MBC110821PH01	11/08/21	Compulsory 66.7% Highway Code 60%	Asked the no of test attempt question which was answered correctly but was marked as incorrect .Should have got 100% instead of 80% also asked Byelaw 13 question got it correct. No improvement since the 1 st test on 7/7/21. No further test as yet.
2	Candidate N	MBC110821PH03	11/08/21	Compulsory 66.7% Highway Code 80% Private Policy and Law 60% Numeracy 66.7%	Asked the attire question got it right and the no of test attempt question which was answered correctly but was marked as incorrect .Should have got 80% instead of 60% they have passed that section. Slight improvement since the 1 test on 30/6/21. No further test as yet.
2	Candidate O	MBC110821PH04	11/08/21	Compulsory 83.3% Highway Code 50%	Asked the no of test attempt question which was answered correctly but was marked as incorrect .Should have got 100% instead of 80% also asked Byelaw 13 question got it correct. No improvent

					since the first test on 30/6/21. No further test as yet.
1	Candidate V	MBC110821PH05	11/08/21	Compulsory 83.3% Generic Policy and Law 60% Highway Code 50% Places 14.3% Numeracy 33.3% Road Signs 60%	Asked Byelaw 13 question got it correct. 2 nd test booked for 1/9/21
1	Candidate W	MBC180821PH01	18/08/21	Compulsory 83.3% Highway Code 60% Places 71.4% Private Policy and Law 60%	Asked attire question got it wrong. No further test as yet.
1	Candidate X	MBC180821PH02	18/08/21	Compulsory 66.7% Places 71.4% Private Policy and Law 60% Road Signs 60%	Asked attire question got it correct & Byelaw 13 question got it wrong. No further test as yet.
1	Candidate Y	MBC180821PH03	18/08/21	Highway Code 50% Places 42.9%	Asked attire question and Byelaw 13 question got both correct. 2 nd test booked for 15/9/21
1	Candidate Z	MBC250821PH02	25/08/21	Generic Policy and Law 40% Highway Code 70% Places 57.1 % Road signs 60%	Asked attire question and Byelaw 13 question got both correct. No further test as yet.

From: David Naghi (Cllr)
Sent: 20 August 2021 16:22
To: JOHN IANDOLO; Val Springett (Cllr); Sharon Bamborough
Subject: Re: Restricted 12-month Licence proposal

Hi John,

Thanks for your email.

I have cc in the Chairman of Licencing Councilor Springgett and Sharon Bamborough in to this email for their informatiom.

I will ask officers to look at your proposals to see if anything can be done to help. Hopefully a report can be given to the next full Licensing Committee meeting on the 16th September and the committee can descuss it. Thanks.

Regards Dave.

From: JOHN IANDOLO
Sent: Friday, August 20, 2021 2:45:49 PM
To: Davidnaghi
Subject: Restricted 12 month Licence proposal

Dear Councillor, Naghi,

Following our telephone conversation last week regarding the failures of Maidstone Borough Council Licensing to implement its knowledge test correctly which has caused a shortfall in driver numbers we propose a 12-month training badge.

In the light of our findings from MBC we also feel a need to have the test examined by the trade to give a realistic overview of what is required to be a good Private hire/ Hackney driver.

We have also consulted other MBC operators who stand alongside us in this proposal.

12-month training badge.

The driver would still be required to have had a

Medical,

Enhanced CRB check

Driving test.

DVLA Check

Once they have completed these sections, they would be able to be licenced with a temporary badge to allow them to earn whilst they learn. In this 12-month period they would need to pass the Maidstone test & EQUO test. If applicant does not pass within this period, they would not be able to obtain a full licence until they have passed.

Applicant would be mentored by an operator & could not swap operators unless authorised by MBC. This would mean each driver & operator has a fair opportunity.

We believe this would solve all operators' issues with needing drivers, along with the public once again being able to have a reasonable chance of getting a taxi when they require Operators would be expected to arrange weekly training to obtain the pass marks for both tests along with customer service, assisting with English (if not applicants first language) and driving assessments.

With the need for drivers greater than ever we believe this would help solve the issue across all fleets in Maidstone. We are also proposing this to other local boroughs.

We would like this proposal implemented ASAP as we may have lost many drivers from the trade because of false pass/ failure marks.

Express has had a consolation with the following operators who also back this proposal

Mr Giovanni landolo – Express Cabs & Couriers Ltd

Mr Benjamin Acres - Streamline (Kent) LTDs

Mr Mark Jones - Sapphire Cars

Mr Robert Veitch – Apollo Taxis

Mr Robert Dyer - Cavalier Taxis

Kind Regards

John landolo

Jason Brown

Operations Manager

Express Cabs & Couriers Ltd

Agenda Item 13

LICENSING COMMITTEE

**16 September
2021**

The Licensing Partnership – Annual Update

Final Decision-Maker	LICENSING COMMITTEE
Lead Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer and Report Author	Sharon Bamborough, Head of the Licensing Partnership
Classification	Public
Wards affected	ALL

Executive Summary

To note the performance of the Licensing Partnership as contained within the report

Purpose of Report

Noting

This report makes the following recommendations to this Committee:

1. To note the performance of the Licensing Partnership as contained within the report and to ask the Head of the Licensing Partnership to continue to provide an annual update on the Licensing Partnership activity to the Licensing Committee each municipal year

Timetable

Meeting	Date
Committee (please state)	16 September 2021

The Licensing Partnership – Annual Update

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
Cross Cutting Objectives	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
Risk Management	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
Financial	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
Staffing	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
Legal	<i>No implications have been identified</i>	[Legal Team]
Privacy and Data Protection	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
Equalities	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
Public Health	<i>No implications have been identified</i>	Sharon Bamborough – Head of the

		Licensing Partnership
Crime and Disorder	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
Procurement	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
Biodiversity and Climate Change	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership

2. INTRODUCTION AND BACKGROUND

- 2.1 The Council is a member of the Licensing Partnership with Tunbridge Wells Borough Council, London Borough of Bexley and Sevenoaks District Council, which provides line management responsibilities to their respective licensing enforcement teams and an administration team at Sevenoaks to carry out the processing of licence applications, notices, permits and representations.
- 2.2 The Licensing Partnership has completed 11 years of working together, with London Borough of Bexley becoming a partner as of 31st October 2016
- 2.3 This arrangement provides each council with sovereignty over its policies and decision making processes whilst operating within a partnership that gives resilience and capacity to deal with the fluctuating demands on the service through the year.
- 2.4 This report is an annual update on the performance and activity of the Licensing Partnership.

2020 – 2021 Performance report

- 2.5 The performance of the Licensing Partnership has been generally good despite the challenges of the past year of moving the processing of work to be done by staff mostly working from home during the on-going pandemic.
- 2.6 The indicators for each of the four authorities and the combined Licensing Partnership results are attached as Appendix A

- 2.7 This has been a challenging year due to the Pandemic. It affected the type of work done as well as how officers could work. We saw a drop in applications of some types (in particular, Temporary Event Notices) but new areas of work were created either from legislation or the need to work differently. For example, the introduction of Pavement licensing created work for three of the four partners. The ever-changing regulations due to covid required constant evaluation of new legislation and dissemination to trade, which lead to enquiries. For those who had to suddenly and permanently work from home (and who did not usually do so), this would have created some IT issues for them in the initial stages of getting set up and having the right equipment. Additional work also included a deferred payment scheme for renewals (for Tunbridge wells, Sevenoaks and London Borough of Bexley).
- 2.8 The general processing and consultation on applications within timeframe has been maintained but there will have been times when performance may not have hit targets. This would have been to various factors, such as the usual annual leave, unanticipated other leave (we had one staff member off with Covid for a number of weeks, another who needed bereavement leave). In addition, as mentioned in the previous paragraph, the wholesale move to work from home for majority of the year would have brought its own challenges in April and May in particular, as staff would have needed to adjust to different working practices and IT issues (not at SDC but for example, their own broadband needing upgrade, having additional monitors at home etc).
- 2.9 In respect of pro-active compliance/enforcement work, with the exception of Bexley, this has proved difficult at times due to the various lockdowns and advice to work from home. This is reflected in performance figures for the other partners but is not seen as a failing by those partners due to the circumstances. Maidstone reduced their performance targets for this type of work in August 2020 in light of the ongoing pandemic and lockdowns. All reports of covid regulation breaches have been investigated/followed up by officers throughout the partnership and they have worked with colleagues in other service areas (Police and Env. Health) to provide information and help resolve issues.
- 2.10 The Partnership handled a large amount of work in 2020/21, but as mentioned earlier, applications volumes were down on the previous year due to the pandemic (for example, very few temporary event notices were submitted compared to a normal year). However, other new areas of work were required which kept the teams busy. The performance measures should be read in conjunction with the entire volumes of work delivered. The headlines of the performance are as follows:
- In this time period, over 9000 applications, notices, permits and other pieces of work were received / carried out across the partnership.
 - From this total, over 2800 pieces of work were for Maidstone
 - Taking into account the different amounts of time needed for different types of applications, and the differing nature of the work carried out for some of the partners, Tunbridge Wells' share of

processing work accounted for approx. 31% of the processing work of the entire partnership in 2020/21

- A deferred payment scheme for renewal applications was agreed in April 2020 to help businesses across three of the four partners. This was very much appreciated by the various trades. For Sevenoaks and Tunbridge Wells, this allowed the taxi trade to submit their renewals on time without needing to pay the fee (which we recognised would be difficult during lockdowns when they could not trade).
- Over **20,000** emails were received in the main Licensing inbox and actioned for all four partners
- Just under **10,000** calls were received to main licensing hotline and dealt with by the Hub team for all four partners.

3. Performance against Service Plan objectives 2020/21

3.1 Objective 1: *To oversee and lead the Licensing Partnership to deliver efficiency savings and achieve performance targets*

- This is ongoing and performance is monitored on a weekly and monthly basis. Please see Appendix A for a report on Key Performance Indicator targets.
- 1:1 meetings and regular face to face meeting with staff are carried out routinely
- the Licensing Partnership Board meets 4 times a year.

Performance against the targets is included in **Appendix A**

3.2 Objective 2: *Be open and proactive about undertaking of licensing functions for other local authorities.*

Result: we have not received any requests or expressions of interest during this year and have not actively pursued any.

3.3 Objective 3: *Seek further efficiency savings in processes and use of online facilities*

- Review (ongoing) processes and procedures of Hub team officers and streamline / change to save time on unnecessary record keeping
Result: achieved
- A move towards paper free workplace for Hub team
Result: achieved (resulting in time savings and reduction in costs)

3.4 Objective 4: *Ensure all online forms are implemented and in use by customers and explore other software solutions*

- The library of online forms should implemented across the four partners – to include new forms for Bexley (Special Treatments) and any updates needed for existing ones
Result: testing on-going, not in use yet - it has not been possible to achieve this in year due to the demands on officers not having spare capacity to do testing in the time frame initially planned)
- Complete testing and go live with electronic record management system, Enterprise (from Idox)

Result: achieved – system has gone live though further development desired.

3.5 Objective 5: *Undertake a programme of training for Members and officers. Ensure all new Members on each Licensing Committee receive appropriate training.*

Result: training has been given as and when required

3.6 Objective 6: *Revision of Policies & Procedures*

- Complete the review Licensing Act 2003 Policies across the Partnership in readiness for January 2021 when they must come into force

Result: achieved

- Review Street trading policy at Maidstone regarding designation of street trading pitches

Result: carried over to 2021/22 service plan at request of Maidstone (due to go to this licensing committee)

- A review of the Hub Team Admin procedures and update where necessary

Result: Achieved but included in new 2021/22 service plan as there are always requests from 17m partners to review certain practices or procedures

- To review taxi policies in Maidstone, Tunbridge Wells and Sevenoaks as needed.

Result: Achieved

- Adapt procedures and requirements in the face of the Coronavirus pandemic to support the trade whilst adhering to regulations

Result: achieved and on-going

3.7 **Objective 7 - Health, Safety and Well Being of Staff**

- Ensure risk assessments are carried out and reviewed as appropriate and at least once a year.

Result: achieved

- Ensure 1:1 meetings are carried out on a regular basis.

Result: achieved

- Ensure any H&S workplace requirements related to the 2020 pandemic are adhered to and workable solutions are in place.

Result: achieved and on-going

The new service plan for 2021/22 is attached as **Appendix B**

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 To note the information, and ensure the Licensing Committee are updated on the performance of the Licensing Partnership

5. RISK

5.1 There are no risks as it is for information only

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 Not applicable

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 Not applicable as this report is on performance for the previous financial year

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix A: Performance data
 - Appendix B: Service plan for 2021/22
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-

9. BACKGROUND PAPERS

none

Licensing - Maidstone - Monthly Performance - 2020/21

Code	LIC 006				
Short Name	Length of time from validation to issue of HC and dual driver licences (Percentage within 10 days)				
	Value	Target	Status	Issued within 10 days	Total number issued
April 2020	100%	90%	✓	1	1
May 2020	100%	90%	✓	1	1
June 2020	100%	90%	✓	3	3
July 2020	100%	90%	✓	1	1
August 2020	100%	90%	✓	1	1
September 2020	100%	90%	✓	1	1
October 2020	100%	90%	✓	4	4
November 2020	100%	90%	✓	2	2
December 2020	100%	90%	✓	1	1
January 2021	100%	90%	✓	6	6
February 2021	100%	90%	✓	4	4
March 2021	100%	90%	✓	5	5

Code	LIC 007				
Short Name	Length of time from validation to issue of PH driver licence (Percentage issued within 10 days)				
	Value	Target	Status	Issued within 10 days	Total number issued
April 2020	100%	90%	✓	4	4
May 2020	100%	90%	✓	3	3
June 2020	100%	90%	✓	3	3
July 2020	100%	90%	✓	2	2
August 2020	100%	90%	✓	2	2
September 2020	100%	90%	✓	1	1
October 2020	100%	90%	✓	1	1

November 2020	87.5%	90%	✓	7	8
December 2020	100%	90%	✓	6	6
January 2021	100%	90%	✓	8	8
February 2021	100%	90%	✓	6	6
March 2021	100%	90%	✓	7	7

Code	LIC 008				
Short Name	Percentage of PHO licences issued within 10 days				
	Value	Target	Status	Issued in 10 days	Total number issued
April 2020	100%	90%	✓	1	1
May 2020	100%	90%	✓	3	3
June 2020	100%	90%	✓	1	1
July 2020	100%	90%	✓	1	1
August 2020	100%	90%	✓	1	1
September 2020	100%	90%	✓	1	1
October 2020	100%	90%	✓	1	1
November 2020	100%	90%	✓	1	1
December 2020	100%	90%	✓	2	2
January 2021	100%	90%	✓	1	1
February 2021	100%	90%	✓	1	1
March 2021	100%	90%	✓	1	1

Code	LIC 010				
Short Name	Premises compliance				
	Value	Target	Status	Numerator	Denominator
April 2020	15	7	✓		
May 2020	21	7	✓		
June 2020	7	7	✓		
July 2020	7	7	✓		
August 2020	8	7	✓		
September 2020	9	7	✓		
October 2020	12	7	✓		

November 2020	11	7	✓		
December 2020	8	7	✓		
January 2021	7	7	✓		
February 2021	8	7	✓		
March 2021	10	7	✓		

Code	LIC 017				
Short Name	The percentage of renewal invitations sent out by deadline				
	Value	Target	Status	No. sent within deadlines	No. of renewal invitations
April 2020	100.00%	95.00%	✓	37	37
May 2020	95.45%	95.00%	✓	21	22
June 2020	97.87%	95.00%	✓	46	47
July 2020	100.00%	95.00%	✓	38	38
August 2020	95.92%	95.00%	✓	47	49
September 2020	100.00%	95.00%	✓	48	48
October 2020	98.75%	95.00%	✓	79	80
November 2020	98.28%	95.00%	✓	57	58
December 2020	100.00%	95.00%	✓	31	31
January 2021	100.00%	95.00%	✓	56	56
February 2021	100.00%	95.00%	✓	55	55
March 2021	100.00%	95.00%	✓	34	34

Code	LIC 018				
Short Name	The percentage of valid temporary event notices processed within one working day of receipt				
	Value	Target	Status	No. processed in one working day	Total no. event notices received
April 2020	100.00%	95.00%	✓	1	1
May 2020	100.00%	95.00%	✓	7	7
June 2020	100.00%	95.00%	✓	5	5

July 2020	100.00%	95.00%		8	8
August 2020	100.00%	95.00%		8	8
September 2020	100.00%	95.00%		9	9
October 2020	100.00%	95.00%		2	2
November 2020	100.00%	95.00%		8	8
December 2020	100.00%	95.00%		2	2
January 2021	100.00%	95.00%		1	1
February 2021	100.00%	95.00%		2	2
March 2021	100.00%	95.00%		7	7

Code	LIC 019				
Short Name	Taxi Compliance				
	Value	Target	Status	Numerator	Denominator
April 2020	4	15			
May 2020	2	15			
June 2020	1	15			
July 2020	10	15			
August 2020	0	7			
September 2020	19	7			
October 2020	17	7			
November 2020	2	7			
December 2020	9	7			
January 2021	13	7			
February 2021	9	7			
March 2021	7	7			

Code	LIC 020				
Short Name	Where continuation fees not received and action taken within a month of overdue date				
	Value	Target	Status	action within	no of renewal

				month of due date	fees not received
April 2020	100%	100%	✓	1	1
May 2020	100%	100%	✓	1	1
June 2020	100%	100%	✓	21	21
July 2020	100%	100%	✓	5	5
August 2020	100%	100%	✓	1	1
September 2020	100%	100%	✓	1	1
October 2020	100%	100%	✓	71	71
November 2020	100%	100%	✓	35	35
December 2020	100%	100%	✓	8	8
January 2021	100%	100%	✓	6	6
February 2021	100%	100%	✓	11	11
March 2021	100%	100%	✓	22	22






Code	LIC 021
Short Name	Percentage of continuation fees invoices issued 1 month in advance of fee being due













	Value	Target	Status	No of invoices sent by due date	No of invoices due
April 2020	100%	95%	✓	26	26
May 2020	100%	95%	✓	32	32
June 2020	100%	95%	✓	39	39
July 2020	100%	95%	✓	94	94
August 2020	100%	95%	✓	86	86
September 2020	100%	95%	✓	39	39
October 2020	99.09%	95%	✓	109	110
November 2020	100%	95%	✓	16	16
December 2020	100%	95%	✓	18	18
January 2021	100%	95%	✓	26	26




February 2021	100%	95%	✓	25	25
March 2021	100%	95%	✓	23	23

Code	LIC 022				
Short Name	The percentage of driver and operator licenses issued within 10 days of validation (Hub Team)				
	Value	Target	Status	No issued within 10 days	Total no licenses issued
April 2020	100.00%	90.00%	✓	3	3
May 2020	100.00%	90.00%	✓	5	5
June 2020	100.00%	90.00%	✓	3	3
July 2020	100.00%	90.00%	✓	3	3
August 2020	100.00%	90.00%	✓	3	3
September 2020	100.00%	90.00%	✓	3	3
October 2020	100.00%	90.00%	✓	5	5
November 2020	100.00%	90.00%	✓	3	3
December 2020	100.00%	90.00%	✓	4	4
January 2021	100.00%	90.00%	✓	8	8
February 2021	100.00%	90.00%	✓	5	5
March 2021	100.00%	90.00%	✓	6	6

Code	LIC 023				
Short Name	Percentage of Private Hire Operator licenses issued within 10 days of validations				
	Value	Target	Status	No issued within 10 days	Total no licenses issued
April 2020	100.00%	90.00%	✓	1	1
May 2020	100.00%	90.00%	✓	3	3
June 2020	100.00%	90.00%	✓	1	1
July 2020	100.00%	90.00%	✓	1	1
August 2020	100.00%	90.00%	✓	1	1
September 2020	100.00%	90.00%	✓	1	1
October 2020	100.00%	90.00%	✓	1	1

November 2020	100.00%	90.00%		1	1
December 2020	100.00%	90.00%		2	2
January 2021	100.00%	90.00%		1	1
February 2021	100.00%	90.00%		1	1
March 2021	100.00%	90.00%		1	1

Code	LIC 024				
Short Name	Percentage of Hackney Carriage driver licenses issued within 10 days of validation				
	Value	Target	Status	No issued within 10 days	Total no licenses issued
April 2020	100.00%	90.00%		1	1
May 2020	100.00%	90.00%		1	1
June 2020	100.00%	90.00%		1	1
July 2020	100.00%	90.00%		1	1
August 2020	100.00%	90.00%		1	1
September 2020	100.00%	90.00%		1	1
October 2020	100.00%	90.00%		1	1
November 2020	100.00%	90.00%		1	1
December 2020	100.00%	90.00%		1	1
January 2021	100.00%	90.00%		2	2
February 2021	100.00%	90.00%		1	1
March 2021	100.00%	90.00%		1	1

Code	LIC 025				
Short Name	Percentage of dual driver licenses issued within 10 days of validation				
	Value	Target	Status	No issued within 10 days	Total no licenses issued
April 2020	100.00%	90.00%		1	1
May 2020	100.00%	90.00%		1	1
June 2020	100.00%	90.00%		1	1

July 2020	100.00%	90.00%	✓	1	1
August 2020	100.00%	90.00%	✓	1	1
September 2020	100.00%	90.00%	✓	1	1
October 2020	100.00%	90.00%	✓	3	3
November 2020	100.00%	90.00%	✓	1	1
December 2020	100.00%	90.00%	✓	1	1
January 2021	100.00%	90.00%	✓	5	5
February 2021	100.00%	90.00%	✓	3	3
March 2021	100.00%	90.00%	✓	4	4

Code	LIC 026				
Short Name	Percentage of unopposed applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date)				
	Value	Target	Status	No. processed within 2 months	Total applications received
April 2020	100%	95%	✓	1	1
May 2020	100%	95%	✓	2	2
June 2020	100%	95%	✓	2	2
July 2020	100%	95%	✓	2	2
August 2020	100%	95%	✓	4	4
September 2020	100%	95%	✓	4	4
October 2020	100%	95%	✓	3	3
November 2020	100%	95%	✓	5	5
December 2020	100%	95%	✓	6	6
January 2021	100%	95%	✓	3	3
February 2021	100%	95%	✓	6	6
March 2021	100%	95%	✓	1	1

Code	LIC 027				
Short Name	The percentage of valid personal licences processed within 2 weeks (Hub Team)				

	Value	Target	Status	No. processed within two weeks	Total number of licences
April 2020	100.00%	95.00%	✓	5	5
May 2020	100.00%	95.00%	✓	1	1
June 2020	100.00%	95.00%	✓	5	5
July 2020	100.00%	95.00%	✓	9	9
August 2020	100.00%	95.00%	✓	4	4
September 2020	100.00%	95.00%	✓	7	7
October 2020	85.71%	95.00%		6	7
November 2020	88.89%	95.00%		8	9
December 2020	100.00%	95.00%	✓	1	1
January 2021	100.00%	95.00%	✓	6	6
February 2021	100.00%	95.00%	✓	9	9
March 2021	100.00%	95.00%	✓	8	8









Code	LIC 028				
Short Name	Action after suspension - Licensing officers resolve by 31 March				
	Value	Target	Status	Number resolved	Number needed resolving
April 2020	100%	95%	✓	1	1
May 2020	100%	95%	✓	1	1
June 2020	100%	95%	✓	1	1
July 2020	100%	95%	✓	1	1
August 2020	100%	95%	✓	1	1
September 2020	100%	95%	✓	1	1
October 2020	100%	95%	✓	1	1
November 2020	100%	95%	✓	1	1
December 2020	100%	95%	✓	1	1
January 2021	100%	95%	✓	1	1













February 2021	100%	95%		5	5
March 2021	100%	95%		8	8


Licensing - Tunbridge Wells - Monthly Performance - 2020/21

Code		LPI_LIC 001(TW)				
Short Name		The percentage of renewal invitations sent out by deadline - Tunbridge Wells				
	Value	Target	Status	No. sent within deadlines	No. of renewal invitations	Annual
April 2020	98.77%	95%	✓	80	81	95%
May 2020	100%	95%	✓	77	77	95%
June 2020	100%	95%	✓	83	83	95%
July 2020	95.95%	95%	✓	71	74	95%
August 2020	100%	95%	✓	30	30	95%
September 2020	100%	95%	✓	82	82	95%
October 2020	98.65%	95%	✓	73	74	95%
November 2020	97.78%	95%	✓	44	45	95%
December 2020	95%	95%	✓	57	60	95%
January 2021	100%	95%	✓	72	72	95%
February 2021	100%	95%	✓	52	52	95%
March 2021	98.04%	95%	✓	50	51	95%

Code		LPI_LIC 002(TW)				
Short Name		The percentage of valid personal licences processed within 2 weeks (Hub Team) - Tunbridge Wells				
	Value	Target	Status	No. processed within two weeks	Total number of licences	Annual
April 2020	100%	95%	✓	6	6	95%
May 2020	100%	95%	✓	1	1	95%
June 2020	100%	95%	✓	3	3	95%
July 2020	100%	95%	✓	3	3	95%

August 2020	100%	95%		3	3	95%
September 2020	100%	95%		5	5	95%
October 2020	66.67%	95%		4	6	95%
November 2020	88.89%	95%		8	9	95%
December 2020	100%	95%		6	6	95%
January 2021	100%	95%		2	2	95%
February 2021	100%	95%		5	5	95%
March 2021	100%	95%		3	3	95%


Code	LPI_LIC 003(TW)					
Short Name	Percentage of unopposed applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date) - Tunbridge Wells					
	Value	Target	Status	No. processed within 2 months	Total applications received	Annual
April 2020	100%	95%		1	1	95%
May 2020	100%	95%		1	1	95%
June 2020	100%	95%		3	3	95%
July 2020	100%	95%		3	3	95%
August 2020	100%	95%		3	3	95%
September 2020	100%	95%		5	5	95%
October 2020	100%	95%		5	5	95%
November 2020	100%	95%		4	4	95%
December 2020	100%	95%		3	3	95%
January 2021	100%	95%		1	1	95%
February 2021	100%	95%		3	3	95%
March 2021	100%	95%		2	2	95%













Code	LPI_LIC 004(TW)					
Short Name	The percentage of valid temporary event notices processed within one working day of receipt - Tunbridge Wells					
	Value	Target	Status	No. processed in one working day	Total no. event notices received	Annual
April 2020	100%	95%		3	3	95%








May 2020	100%	95%	✓	5	5	95%
June 2020	100%	95%	✓	4	4	95%
July 2020	100%	95%	✓	4	4	95%
August 2020	94.74%	95%	⚠	18	19	95%
September 2020	100%	95%	✓	8	8	95%
October 2020	100%	95%	✓	12	12	95%
November 2020	100%	95%	✓	6	6	95%
December 2020	100%	95%	✓	5	5	95%
January 2021	100%	95%	✓	1	1	95%
February 2021	100%	95%	✓	1	1	95%
March 2021	100%	95%	✓	3	3	95%

Code	LPI_LIC 005(TW)
Short Name	The percentage of driver and operator licenses issued within 10 days of validation (Hub Team) - Tunbridge Wells

	Value	Target	Status	No issued within 10 days	Total no licenses issued	Annual
April 2020	100%	90%	✓	11	11	90%
May 2020	100%	90%	✓	9	9	90%
June 2020	84.62%	90%	⚠	11	13	90%
July 2020	100%	90%	✓	8	8	90%
August 2020	100%	90%	✓	4	4	90%
September 2020	100%	90%	✓	5	5	90%
October 2020	100%	90%	✓	8	8	90%
November 2020	100%	90%	✓	4	4	90%
December 2020	100%	90%	✓	7	7	90%
January 2021	100%	90%	✓	7	7	90%

February 2021	100%	90%		4	4	90%
March 2021	100%	90%		9	9	90%

Code	MPI_LIC 003(TW)					
Short Name	Premises compliance - Tunbridge Wells					
	Value	Target	Status	Numerator	Denominator	Annual
April 2020	0	15				180
May 2020	19	15				180
June 2020	30	15				180
July 2020	48	15				180
August 2020	26	15				180
September 2020	23	15				180
October 2020	42	15				180
November 2020	36	15				180
December 2020	31	15				180
January 2021	13	15				180
February 2021	9	15				180
March 2021	18	15				180

Code	MPI_LIC 004(TW)					
Short Name	Taxi Compliance - Tunbridge Wells					
	Value	Target	Status	Numerator	Denominator	Annual
April 2020	12	15				180
May 2020	2	15				180
June 2020	30	15				180
July 2020	16	15				180
August 2020	17	15				180
September 2020	42	15				180
October	55	15				180

2020						
November 2020	23	15	✓			180
December 2020	37	15	✓			180
January 2021	28	15	✓			180
February 2021	27	15	✓			180
March 2021	48	15	✓			180

Code	MPI_LIC 005d(TW)
Short Name	Percentage of Dual driver licenses issued within 10 days of validation - Tunbridge Wells

	Value	Target	Status	No issued within 10 days	Total no licenses issued	Annual
April 2020	100%	90%	✓	6	6	90%
May 2020	100%	90%	✓	4	4	90%
June 2020	88.89%	90%	⚠	8	9	90%
July 2020	90%	90%	✓	9	10	90%
August 2020	100%	90%	✓	9	9	90%
September 2020	100%	90%	✓	2	2	90%
October 2020	100%	90%	✓	15	15	90%
November 2020	100%	90%	✓	4	4	90%
December 2020	100%	90%	✓	6	6	90%
January 2021	100%	90%	✓	6	6	90%
February 2021	100%	90%	✓	3	3	90%
March 2021	100%	90%	✓	6	6	90%

Code	MPI_LIC 005c(TW)
Short Name	Percentage of Private Hire Operator licenses issued within 10 days of validations - Tunbridge Wells

	Value	Target	Status	No issued within 10 days	Total no licenses issued	Annual
April 2020	100%	90%	✓	2	2	90%
May 2020	100%	90%	✓	1	1	90%
June 2020	100%	90%	✓	1	1	90%
July 2020	100%	90%	✓	4	4	90%
August 2020	100%	90%	✓	1	1	90%
September 2020	100%	90%	✓	2	2	90%
October 2020	100%	90%	✓	1	1	90%
November 2020	100%	90%	✓	6	6	90%
December 2020	100%	90%	✓	1	1	90%
January 2021	100%	90%	✓	1	1	90%
February 2021	100%	90%	✓	1	1	90%
March 2021	100%	90%	✓	3	3	90%

Code	MPI_LIC 006(TW)
Short Name	Percentage of continuation fees invoices issued 1 month in advance of fee being due - Tunbridge Wells

	Value	Target	Status	No of invoices sent by due date	No of invoices due	Annual
April 2020	100%	95%	✓	18	18	95%
May 2020	100%	95%	✓	19	19	95%
June 2020	100%	95%	✓	43	43	95%
July 2020	100%	95%	✓	76	76	95%
August 2020	100%	95%	✓	73	73	95%
September 2020	100%	95%	✓	17	17	95%
October 2020	100%	95%	✓	11	11	95%
November 2020	100%	95%	✓	10	10	95%













December 2020	100%	95%		12	12	95%
January 2021	100%	95%		19	19	95%
February 2021	100%	95%		7	7	95%
March 2021	100%	95%		21	21	95%

Code	MPI_LIC 007(TW)					
Short Name	Where continuation fees not received and action taken within a month of overdue date - Tunbridge Wells					

	Value	Target	Status	action within month of due date	no of renewal fees not received	Annual
April 2020	100%	95%		1	1	95%
May 2020	100%	95%		1	1	95%
June 2020	100%	95%		34	34	95%
July 2020	100%	95%		41	41	95%
August 2020	100%	95%		1	1	95%
September 2020	100%	95%		1	1	95%
October 2020	100%	95%		69	69	95%
November 2020	100%	95%		44	44	95%
December 2020	100%	95%		11	11	95%
January 2021	100%	95%		7	7	95%
February 2021	100%	95%		11	11	95%
March 2021	100%	95%		4	4	95%

Code	MPI_LIC 008(TW)					
Short Name	Action after suspension - Licensing officers resolve by 31 March - Tunbridge Wells					


	Value	Target	Status	Number resolved	Number needed resolving	Annual
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April 2020	100%	95%		1	1	95%
May 2020	100%	95%		1	1	95%
June 2020	100%	95%		1	1	95%
July 2020	100%	95%		1	1	95%
August 2020	100%	95%		1	1	95%
September 2020	100%	95%		1	1	95%
October 2020	100%	95%		1	1	95%
November 2020	100%	95%		1	1	95%
December 2020	100%	95%		1	1	95%
January 2021	100%	95%		1	1	95%
February 2021	100%	95%		3	3	95%
March 2021	100%	95%		1	1	95%












Licensing - Sevenoaks - Monthly Performance - 2020/21

Code	LPI_LIC 001(s)					
Short Name	The percentage of renewal invitations sent out by deadline					
	Value	Target	Status	No. sent within deadlines	No. of renewal invitations	Annual
April 2020	100%	95%		61	61	95%
May 2020	100%	95%		55	55	95%
June 2020	98.72%	95%		77	78	95%
July 2020	100%	95%		77	77	95%
August 2020	100%	95%		68	68	95%
September 2020	100%	95%		63	63	95%
October 2020	99.08%	95%		108	109	95%
November 2020	100%	95%		66	66	95%
December 2020	100%	95%		29	29	95%
January 2021	100%	95%		72	72	95%
February 2021	100%	95%		60	60	95%
March 2021	98.48%	95%		65	66	95%

Code	LPI_LIC 002(s)					
Short Name	The percentage of valid personal licences processed within 2 weeks (Hub Team)					
	Value	Target	Status	No. processed within two weeks	Total number of licences	Annual
April 2020	100%	95%		4	4	95%
May 2020	100%	95%		3	3	95%
June 2020	66.67%	95%		2	3	95%
July 2020	100%	95%		2	2	95%
August 2020	100%	95%		1	1	95%
September 2020	100%	95%		3	3	95%
October 2020	100%	95%		5	5	95%
November 2020	88.89%	95%		8	9	95%
December 2020	100%	95%		3	3	95%
January 2021	100%	95%		1	1	95%

February 2021	100%	95%		6	6	95%
March 2021	100%	95%		3	3	95%













Code	LPI_LIC 003(s)					
Short Name	Percentage of unopposed applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date)					
	Value	Target	Status	No. processed within 2 months	Total applications received	Annual
April 2020	100%	95%		3	3	95%
May 2020	100%	95%		2	2	95%
June 2020	100%	95%		1	1	95%
July 2020	100%	95%		2	2	95%
August 2020	100%	95%		4	4	95%
September 2020	100%	95%		3	3	95%
October 2020	100%	95%		1	1	95%
November 2020	100%	95%		4	4	95%
December 2020	100%	95%		1	1	95%
January 2021	100%	95%		3	3	95%
February 2021	100%	95%		1	1	95%
March 2021	100%	95%		2	2	95%

Code	LPI_LIC 004(s)					
Short Name	The percentage of valid temporary event notices processed within one working day of receipt					
	Value	Target	Status	No. processed in one working day	Total no. event notices received	Annual
April 2020	100%	95%		1	1	95%
May 2020	100%	95%		1	1	95%
June 2020	100%	95%		5	5	95%
July 2020	90%	95%		9	10	95%
August 2020	100%	95%		7	7	95%
September 2020	100%	95%		2	2	95%
October 2020	100%	95%		8	8	95%
November 2020	100%	95%		6	6	95%
December 2020	100%	95%		4	4	95%
January 2021	100%	95%		1	1	95%
February 2021	100%	95%		4	4	95%

March 2021	100%	95%		9	9	95%
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Code LPI_LIC 005(s)

Short Name The percentage of driver and operator licenses issued within 10 days of validation (Hub Team)

	Value	Target	Status	No issued within 10 days	Total no licenses issued	Annual
April 2020	100%	90%		11	11	90%
May 2020	100%	90%		9	9	90%
June 2020	84.62%	90%		11	13	90%
July 2020	100%	90%		8	8	90%
August 2020	100%	90%		4	4	90%
September 2020	100%	90%		5	5	90%
October 2020	100%	90%		8	8	90%
November 2020	100%	90%		4	4	90%
December 2020	100%	90%		8	8	90%
January 2021	100%	90%		6	6	90%
February 2021	100%	90%		5	5	90%
March 2021	100%	90%		5	5	90%

Code MPI_LIC 003(s)

Short Name Premises compliance

	Value	Target	Status	Numerator	Denominator	Annual
April 2020	0	15				180
May 2020	3	15				180
June 2020	11	15				180
July 2020	47	15				180
August 2020	12	15				180
September 2020	9	15				180
October 2020	22	15				180
November 2020	19	15				180
December 2020	24	15				180
January 2021	5	15				180
February 2021	4	15				180
March 2021	19	15				180

Code MPI_LIC 004(s)

Short Name	Taxi Compliance					
	Value	Target	Status	Numerator	Denominator	Annual
April 2020	11	15				180
May 2020	2	15				180
June 2020	7	15				180
July 2020	6	15				180
August 2020	6	15				180
September 2020	19	15				180
October 2020	17	15				180
November 2020	20	15				180
December 2020	19	15				180
January 2021	13	15				180
February 2021	4	15				180
March 2021	12	15				180

Code	MPI_LIC 005a(s)					
Short Name	Percentage of Hackney Carriage driver licenses issued within 10 days of validation					
	Value	Target	Status	No issued within 10 days	Total no licenses issued	Annual
April 2020	100%	90%		8	8	90%
May 2020	100%	90%		7	7	90%
June 2020	88.89%	90%		8	9	90%
July 2020	100%	90%		6	6	90%
August 2020	100%	90%		1	1	90%
September 2020	100%	90%		2	2	90%
October 2020	100%	90%		5	5	90%
November 2020	100%	90%		2	2	90%
December 2020	100%	90%		2	2	90%
January 2021	100%	90%		4	4	90%
February 2021	100%	90%		2	2	90%
March 2021	100%	90%		3	3	90%

Code	MPI_LIC 005b(s)					
Short Name	Percentage of Private Hire driver licenses issued within 10 days of validations					
	Value	Target	Status	No issued within 10 days	Total no licenses issued	Annual

April 2020	100%	90%		1	1	90%
May 2020	100%	90%		1	1	90%
June 2020	66.67%	90%		2	3	90%
July 2020	100%	90%		1	1	90%
August 2020	100%	90%		2	2	90%
September 2020	100%	90%		2	2	90%
October 2020	100%	90%		2	2	90%
November 2020	100%	90%		1	1	90%
December 2020	100%	90%		3	3	90%
January 2021	100%	90%		1	1	90%
February 2021	100%	90%		2	2	90%
March 2021	100%	90%		1	1	90%

Code MPI_LIC 005c(s)

Short Name Percentage of Private Hire Operator licenses issued within 10 days of validations

	Value	Target	Status	No issued within 10 days	Total no licenses issued	Annual
April 2020	100%	90%		2	2	90%
May 2020	100%	90%		1	1	90%
June 2020	100%	90%		1	1	90%
July 2020	100%	90%		1	1	90%
August 2020	100%	90%		1	1	90%
September 2020	100%	90%		1	1	90%
October 2020	100%	90%		1	1	90%
November 2020	100%	90%		1	1	90%
December 2020	100%	90%		3	3	90%
January 2021	100%	90%		1	1	90%
February 2021	100%	90%		1	1	90%
March 2021	100%	90%		1	1	90%

Code MPI_LIC 006(s)










Short Name Percentage of continuation fees invoices issued 1 month in advance of fee being due

	Value	Target	Status	No of invoices sent by due date	No of invoices due	Annual
April 2020	100%	95%		6	6	95%
May 2020	100%	95%		11	11	95%

June 2020	100%	95%		55	55	95%
July 2020	100%	95%		109	109	95%
August 2020	100%	95%		55	55	95%
September 2020	100%	95%		14	14	95%
October 2020	100%	95%		8	8	95%
November 2020	100%	95%		5	5	95%
December 2020	100%	95%		12	12	95%
January 2021	100%	95%		19	19	95%
February 2021	100%	95%		11	11	95%
March 2021	100%	95%		16	16	95%

Code	MPI_LIC 007(s)					
Short Name	Where continuation fees not received and action taken within a month of overdue date					
	Value	Target	Status	action within month of due date	no of renewal fees not received	Annual
April 2020	100%	95%		1	1	95%
May 2020	100%	95%		1	1	95%
June 2020	100%	95%		10	10	95%
July 2020	100%	95%		21	21	95%
August 2020	100%	95%		1	1	95%
September 2020	100%	95%		1	1	95%
October 2020	100%	95%		58	58	95%
November 2020	100%	95%		36	36	95%
December 2020	100%	95%		1	1	95%
January 2021	100%	95%		7	7	95%
February 2021	100%	95%		2	2	95%
March 2021	100%	95%		7	7	95%

Code	MPI_LIC 008(s)					
Short Name	Action after suspension - Licensing officers resolve by 31 March					
	Value	Target	Status	Number resolved	Number needed resolving	Annual
April 2020	100%	95%		1	1	95%
May 2020	100%	95%		1	1	95%
June 2020	100%	95%		1	1	95%

July 2020	100%	95%		1	1	95%
August 2020	100%	95%		1	1	95%
September 2020	100%	95%		1	1	95%
October 2020	100%	95%		1	1	95%
November 2020	100%	95%		1	1	95%
December 2020	100%	95%		11	11	95%
January 2021	100%	95%		1	1	95%
February 2021	100%	95%		3	3	95%
March 2021	100%	95%		2	2	95%

Licensing - Bexley - Monthly Performance - 2020/21













Code	LPI_LIC 001(B)					
Short Name	The percentage of renewal invitations sent out by deadline - Bexley					
	Value	Target	Status	No. sent within deadlines	No. of renewal invitations	Annual
April 2020	100%	95%		9	9	95%
May 2020	100%	95%		15	15	95%
June 2020	100%	95%		11	11	95%
July 2020	100%	95%		13	13	95%
August 2020	100%	95%		5	5	95%
September 2020	100%	95%		14	14	95%
October 2020	100%	95%		6	6	95%
November 2020	100%	95%		20	20	95%
December 2020	100%	95%		29	29	95%
January 2021	100%	95%		28	28	95%
February 2021	100%	95%		27	27	95%
March 2021	100%	95%		9	9	95%





Code	LPI_LIC 002(B)					
Short Name	The percentage of valid personal licences processed within 2 weeks (Hub Team) - Bexley					
	Value	Target	Status	No. processed within two weeks	Total number of licences	Annual
April 2020	100%	95%		2	2	95%
May 2020	100%	95%		1	1	95%
June 2020	100%	95%		7	7	95%
July 2020	100%	95%		18	18	95%
August 2020	100%	95%		6	6	95%
September 2020	80%	95%		4	5	95%
October 2020	100%	95%		10	10	95%
November 2020	100%	95%		9	9	95%
December 2020	100%	95%		8	8	95%
January 2021	100%	95%		6	6	95%
February 2021	87.5%	95%		7	8	95%
March 2021	100%	95%		13	13	95%

Code	LPI_LIC 003(B)					
Short Name	Percentage of unopposed applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date) - Bexley					
	Value	Target	Status	No. processed within 2 months	Total applications received	Annual
April 2020	100%	95%		2	2	95%
May 2020	100%	95%		1	1	95%
June 2020	100%	95%		1	1	95%
July 2020	100%	95%		3	3	95%
August 2020	100%	95%		3	3	95%
September 2020	100%	95%		1	1	95%
October 2020	100%	95%		6	6	95%
November 2020	100%	95%		5	5	95%
December 2020	100%	95%		5	5	95%
January 2021	100%	95%		1	1	95%
February 2021	100%	95%		1	1	95%
March 2021	100%	95%		2	2	95%

Code	LPI_LIC 004(B)					
Short Name	The percentage of valid temporary event notices processed within one working day of receipt - Bexley					
	Value	Target	Status	No. processed in one working day	Total no. event notices received	Annual
April 2020	100%	95%		1	1	95%
May 2020	100%	95%		1	1	95%
June 2020	100%	95%		7	7	95%
July 2020	100%	95%		12	12	95%
August 2020	100%	95%		11	11	95%
September 2020	100%	95%		11	11	95%
October 2020	100%	95%		12	12	95%
November 2020	100%	95%		8	8	95%
December 2020	100%	95%		5	5	95%
January 2021	100%	95%		6	6	95%
February 2021	100%	95%		7	7	95%
March 2021	100%	95%		5	5	95%

Code	MPI_LIC 003(B)					
Short Name	Premises compliance - Bexley					

	Value	Target	Status	Numerator	Denominator	Annual
April 2020	95	30				360
May 2020	96	30				360
June 2020	125	30				360
July 2020	102	30				360
August 2020	74	30				360
September 2020	55	30				360
October 2020	67	30				360
November 2020	77	30				360
December 2020	31	30				360
January 2021	30	30				360
February 2021	30	30				360
March 2021	10	30				360

Code	MPI_LIC 09(B) NEW KPI INTRODUCED DECEMBER 2020					
Short Name	Percentage of unopposed applications for new and variation of Special treatments licences processed within 2 calendar months (from date of validation to issue date) (LBB & Hub)					
	Value	Target	Status	No. processed within 2 months	Total applications received	Annual
December 2020	100%	95%		14	14	95%
January 2021	100%	95%		9	9	95%
February 2021	100%	95%		11	11	95%
March 2021	91.67%	95%		22	24	95%

Licensing

Service Plan

2021/22

Licensing
Partnership



Contents

Section	Page Number
Who we are	3
What we do	5
2021/22 Service Objectives	6 - 16
Performance indicators and targets	17 - 18

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1. Who we are

Team	Licensing Partnership comprising London Borough of Bexley, Maidstone Borough Council, Sevenoaks District Council and Tunbridge Wells Borough Council
Head of Service	Sharon Bamborough
Chief Officers	Gary Stevenson (Tunbridge Wells), John Littlemore (Maidstone), Richard Morris (Sevenoaks) and Jane Richardson (LB of Bexley)

Our Structure Chart

Head of Licensing Partnership
1 FTE

Sevenoaks District Council

Tunbridge Wells

Maidstone Borough Council

London Borough of Bexley

Licensing Partnership Manager
1FTE
Senior Licensing Technician – 2 FTE
Licensing Technician – 3 FTE + 1 PT (21 hrs)
Licensing Assistant – 1FTE

Senior Licensing Officer - 2 FTE

Senior Licensing Officer – 1FTE

Licensing Officer 1FTE

Part time Licensing Admin Officer.
20 hours

Senior Licensing Officer 1FTE

Licensing Officer 1 FTE

Part time Licensing Admin Officer
(15 hours)

Licensing Enforcement Officer 1FTE

Principal Licensing Officer 1FTE

Contact Centre

Gateway

Gateway

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2. What we do

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Key Tasks	<ul style="list-style-type: none">■ Manage and oversee the Licensing Partnership.■ Seek to promote the licensing objectives of the relevant legislation.■ Our aim is to protect the public but also allow legitimate businesses within the area to prosper.■ To ensure that the legitimate taxis and private hire trade are able to provide a safe mode of transport to the residents and users within the Partnership's area.■ Compliance – ensure compliance of licensed premises, activities and events following grant of respective licences, permits and / or notices.■ To ensure that unlicensed premises, taxis/private hire and activities are investigated and appropriate action is taken.■ To enhance customer service while ensuring compliance with legislation.■ Fulfilling statutory duty whilst optimising cost savings and maintaining individual client's Council sovereignty.■ Take advantage of economies of scale to buy services and optimise the collaborative working between partners
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3. 2020/21 Service Objectives

Objective 1	To oversee and lead the Licensing Partnership to deliver efficiency savings and achieve performance targets	Responsible Officer Sharon Bamborough
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Performance Measure	Description	2021/22 Target or Outcome (to be achieved by 31.03.2022)
LPI LIC 001	Send out renewal invitations for all licences/permits etc. 2 months (or 4 months for animal licensing) before the expiry date of the licence and if a valid renewal application is not received before the expiry of a licence send a failure to renew letter out within 1 week of the licence expiring and advise the appropriate Authorities accordingly. (Hub Team)	95%
LPI LIC 002	The percentage of valid personal licences processed within 14 working days (Hub Team)	95%
LPI LIC 003	Percentage of <i>unopposed</i> applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date) [All]	95%
LPI LIC 004	The percentage of valid temporary event notices served on Responsible Authorities within one working day of receipt (Hub Team)	95%
LPI LIC 005	The percentage of driver and operator licences issued within 12 working days of validation (Hub team)	90%
MPI LIC 05a	Percentage of Hackney Carriage driver licences issued within 12 working days of validation (Hub team)	90%
MPI LIC 05b	Percentage of Private Hire driver licences issued within 12 working days of validation	90%

MPI LIC 05c	Percentage of Private Hire Operator licences issued within 12 working days of validation	90%
MPI LIC 017	<p>Taxi Compliance (licensing officers at Sevenoaks, Tunbridge Wells and Maidstone):-</p> <ul style="list-style-type: none"> • start action/investigation on receipt of complaints/intelligence within 5 working days (includes visits/letters/interviews etc) • reactive/proactive enforcement investigations ongoing/completed • warnings / penalty points issued • vehicle compliance checks 	<p>Non London partners only: 15 actions per month per authority</p> <p>Except MBC who have re-set to 80 per year (equates to 7 per month)</p>
MPI LIC 018	<p>Premises compliance (all licensing officers throughout partnership) :-</p> <ul style="list-style-type: none"> • notice checks to be carried out within one week of initial display • start action/investigation on receipt of complaints/intelligence within 5 working days (includes visits/letters/interviews etc) • carry out proactive visits in accordance with risk rating system • attend enforcement meetings/briefings/collaborate with partners on multi-agency approach 	<p>Non London partners – 15 actions per month per authority</p> <p>Except MBC who have re-set to 80 per year (equates to 7 per month)</p> <p>Bexley – 30 actions per month</p>
MPI LIC 019	<p>(for partners where Hub team arrange annual fee collection -does not apply to Bexley)</p> <p>(i) Send out invoices for continuation fees for licences/permits issued under the Licensing Act 2003 and Gambling Act 2005 at least 1 month in advance of the fee being due</p> <p>(ii) Where those fees are not received by the due date, take action to suspend/revoke licence/permit within 1 month of the fee being due.</p> <p>(Hub Team)</p>	95%

MPI LIC 020	Action after suspension - Licensing officers to visit /establish status and resolve within one month and start/take any necessary action (all licensing officers throughout partnership except Bexley) (all licensing officers throughout partnership)	95%
BPI LIC 021	Percentage of <i>unopposed</i> applications for new and variation of Special treatments licences processed within 2 calendar months (from date of validation to issue date) [LBB & Hub]	95%

Link to Sevenoaks Corporate Plan	Providing value for money	Link to Sevenoaks Community Plan	Safe Communities
Link to Maidstone Strategic Plan	Keeping Maidstone an attractive place for all - Ensuring there are good leisure and cultural attractions		
Link to Tunbridge Wells Key Objectives in the Vision	Providing Value	Link to Strategic Compass	To ensure we operate in a business-like way
Link to Bexley Corporate Plan (Shaping our Future Together)	Innovation and self sufficiency		

Objective 2	Be open and proactive about undertaking of licensing functions for other local authorities.	Responsible Officer	Licensing Partnership Board
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Performance Measure	Description	2021/22 Target or Outcome
Action	Promote the partnership and be open to enquiries with potential partners to undertake licensing functions for a 5 th partner.	Further functions carried out for other partners.
Action	Implement the required processes/changes to ensure an additional partner is integrated within the Licensing Partnership	A smooth integration of any additional partners

Link to Sevenoaks Corporate Plan	Providing value for money	Link to Sevenoaks Community Plan	Safe Communities
Link to Maidstone Corporate Priorities	Securing a successful economy for Maidstone Borough		

Link to Bexley corporate plan	Innovation and self sufficiency – a commercial approach		
Link to Tunbridge Wells Corporate Priorities	To support a prosperous borough	Link to Strategic Compass	Providing value

Objective 3	Seek further efficiency savings in processes and use of online facilities	Responsible Officer	Sharon Bamborough
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Performance Measure	Description	2021/22 Target or Outcome
Action	Continuous review of processes and procedures of Hub team officers and streamline / change as and when requested by partner officers	More efficient working or meeting new legal requirements To be achieved by 31/03/2022

Link to Sevenoaks Corporate Plan	Supporting and developing the local economy	Link to Sevenoaks Community Plan	Safe Communities
Link to Bexley corporate plan	Innovation and self sufficiency – a commercial approach	Link to Maidstone Corporate Priorities	Securing a successful economy for Maidstone Borough
Link to Tunbridge Wells Corporate Priorities	To support a prosperous borough	Link to Strategic Compass	Providing value

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Objective 4	Ensure all online forms are implemented and in use by customers and explore other software solutions	Responsible Officer	Sharon Bamborough
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Performance Measure	Description	2021/22 Target or Outcome
Action	The library of on line forms should implemented across the four partners – to include new forms for Bexley (Special Treatments) and any updates needed for existing ones (eg animal licensing)	Complete the introduction/update of all online forms. To be achieved by 31/12/2021
Action	Further development of electronic record management system, Enterprise (from Idox)	Increased efficiency and monitoring tools, with enhanced reporting options To be achieved by 31/12/2021

Link to Sevenoaks Corporate Plan	Supporting and developing the local economy	Link to Sevenoaks Community Plan	Safe Communities
Link to Bexley corporate plan	Innovation and self sufficiency – a commercial approach	Link to Maidstone Corporate Priorities	Securing a successful economy for Maidstone Borough
Link to Tunbridge Wells Corporate Priorities	To support a prosperous borough	Link to Strategic Compass	Providing value

Objective 5	Undertake a programme of training for Members and officers. Ensure all new Members on each Licensing Committee receive appropriate training.	Responsible Officer	Sharon Bamborough
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Performance Measure	Description	2021/22 Target or Outcome
Action	Deliver a programme of training to the Members and officers.	Train any new members to Licensing committee and ad hoc training to any other new members appointed for all partners To be achieved by 31/03/2022
Action	Deliver/facilitate training on required topics for officers as needed	To be achieved by 31/03/2022

Link to Sevenoaks Corporate Plan	Keeping the district safe	Link to Sevenoaks Community Plan	Safe Communities
Link to Bexley corporate plan	Growth that benefits all – the right skills for jobs of today and tomorrow	Link to Maidstone Corporate Priorities	Securing a successful economy for Maidstone Borough – range of Employment Skills and opportunities across the Borough
Link to Tunbridge Wells Corporate Priorities	Our People	Link to Strategic Compass	To have relevant skills

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Objective 6	Revision of Policies & Procedures	Responsible Officer	Sharon Bamborough/Lorraine Neale/Sharon Degiorgio/Samantha Laing/Michael Moss
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Performance Measure	Description	2021/22 Target or Outcome
Action	Complete the review of Gambling Policies across the Partnership in readiness for January 2022 when they must come into force	Achieve statutory obligations. To be achieved by 31/12/2021
Action	Continue the review of Street trading policy at Maidstone regarding designation of street trading pitches	To reduce the cost burden of processing each request and/or reduce the number of requests To be achieved by 31/12/2021
Action	Continue the review of the Hub Team Admin procedures and update where necessary	To improve efficiency, reduce errors and speed up processing To be achieved by 31/03/2022
Action	To review taxi policies in Maidstone, Tunbridge Wells and Sevenoaks as and when needed.	To respond to changing needs of public and trade and to keep in line with corporate objectives To be achieved by 31/03/2022
Action	<u>Adapt procedures and requirements in the face of the Coronavirus pandemic to support the trade whilst adhering to regulations</u>	<u>On-going</u>

Link to Sevenoaks Corporate Plan	Supporting and developing the local economy	Link to Sevenoaks Community Plan	Safe Communities
Link to Bexley corporate plan	Innovation and self sufficiency – a commercial approach	Link to Maidstone Corporate Priorities	Securing a successful economy for Maidstone Borough
Link to Tunbridge Wells Corporate Priorities	To support a prosperous borough	Link to Strategic Compass	Providing value

Objective 7	Health, Safety and Well Being of Staff	Responsible Officer	Sharon Bamborough
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Performance Measure	Description	2021/22 Target or Outcome
Action	Ensure risk assessments are carried out and reviewed as appropriate and at least once a year.	Risk assessments are in place and are reviewed. To be achieved by 31/03/2022
Action	Ensure 1:1 meetings are carried out on a regular basis.	All Senior Licensing Officers and Licensing Partnership Manager to ensure meetings take place.
Action	<u>Ensure any H&S workplace requirements related to the 2020 pandemic are adhered to and workable solutions are in place.</u>	<u>All Senior Licensing Officers and Licensing Partnership Manager to ensure requirements are adhered to</u>

Link to Sevenoaks Corporate Plan	Supporting and developing the local economy	Link to Sevenoaks Community Plan	Safe Communities
Link to Bexley corporate plan	Innovation and self sufficiency – a commercial approach	Link to Maidstone Corporate Priorities	Securing a successful economy for Maidstone Borough
Link to Tunbridge Wells Corporate Priorities	To support a prosperous borough	Link to Strategic Compass	Providing value

4. Measuring our Performance

Performance Indicators and Target Setting

Code	Description	Collection period	2021/22 target
LPI LIC 001	Send out renewal invitations for all licences/permits etc. 2 months (or 4 months for animal licensing) before the expiry date of the licence and if a valid renewal application is not received before the expiry of a licence send a failure to renew letter out within agreed timescales of the licence expiring and advise the appropriate Authorities accordingly. (Hub Team)	Monthly	95%
LPI LIC 002	The percentage of valid personal licences processed within 14 working days (Hub Team)	Monthly	95%
LPI LIC 003	Percentage of <i>unopposed</i> applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date) [All]	Monthly	95%
LPI LIC 004	The percentage of valid temporary event notices served on Responsible Authorities within one working day of receipt (Hub Team)	Monthly	95%
LPI LIC 005	The percentage of driver and operator licences issued within 12 working days of validation (Hub team)	Monthly	90%
MPI LIC 05a	Percentage of Hackney Carriage driver licences issued within 12 working days of validation (Hub team)	Monthly	90%
MPI LIC 05b	Percentage of Private Hire driver licences issued within 12 working days of validation (Hub team)	Monthly	90%

Code	Description	Collection period	2021/22 target
MPI LIC 05c	Percentage of Private Hire Operator licences issued within 12 working days of validation (Hub team)	Monthly	90%
MPI LIC 012	Length of time from validation to issue of HC vehicle licence (MPI) - target 12 working days (Hub team)	Monthly	average number of days
MPI LIC 013	Length of time from validation to issue of PH vehicle licence (MPI) - target 12 working days (Hub team)	Monthly	average number of days
MPI LIC 017	<p>Taxi Compliance (licensing officers at Sevenoaks, Tunbridge Wells and Maidstone):-</p> <ul style="list-style-type: none"> start action/investigation on receipt of complaints/intelligence within 5 working days (includes visits/letters/interviews etc) reactive/proactive enforcement investigations ongoing/completed warnings / penalty points issued vehicle compliance checks 	Monthly	<p>Non London partners only: 180 each (equates to 15 actions per month per authority)</p> <p>Except MBC who have re-set to 80 per year (equates to 7 per month)</p>
MPI LIC 018	<p>Premises compliance (all licensing officers throughout partnership)</p> <ul style="list-style-type: none"> notice checks to be carried out within one week of initial display start action/investigation on receipt of complaints/intelligence within 5 working days (includes visits/letters/interviews etc) carry out proactive visits in accordance with risk rating system 	Monthly	<p>Non London partners – 180 each (equates to 15 actions per month per authority)</p> <p>Except MBC who have re-set to 80 per year (equates to 7 per month)</p> <p>Bexley – 360 (equates to 30 actions per month)</p>

	<ul style="list-style-type: none"> attend enforcement meetings/briefings/collaborate with partners on multi-agency approach 		
Code	Description	Collection period	2021/22 target
MPI LIC 019	<p>(for partners where Hub team arrange annual fee collection)</p> <p>Send out invoices for continuation fees for licences/permits issued under the Licensing Act 2003 and Gambling Act 2005 at least 1 month in advance of the fee being due and where those fees are not received by the due date to take action to suspend/revoke licence/permit within 1 month of the fee being due. (Hub Team)</p>	Monthly	95%
MPI LIC 020	Action after suspension - Licensing officers to visit /establish trading status within one month and start/take any necessary action (all licensing officers throughout partnership except Bexley)	Annual	95%
BPI LIC 021	Percentage of <i>unopposed</i> applications for new and variation of Special treatments licences processed within 2 calendar months (from date of validation to issue date) [LBB & Hub]	Monthly	95%

Agenda Item 14

Licensing Committee

16 September 2021

Street Trading Policy - Consultation results

Final Decision-Maker	Communities, Housing and Environment Committee
Lead Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer and Report Author	Lorraine Neale
Classification	Non-exempt
Wards affected	All

Executive Summary

The Street Trading Policy reflects our current practice and regulations on the Council's approach to the administration of the Street Trading Consent function under the Local Government (Miscellaneous Provisions) Act 1976. The new Street Trading Policy will be of benefit to applicants, officers and residents in ensuring that street trading enhances the Borough and ensures improved public safety and protection. It will strengthen the decision making and support the Council's position should issues arise.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

That

1. The Committee notes the consultation responses received (Appendix 1)
2. The Communities, Housing and Environment Committee be recommended to approve the draft Street Trading Policy attached at appendix 3 to the report.

Timetable

Meeting	Date
Communities, Housing and Environment Committee	5 October 2021

Street Trading Policy - Consultation results

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	<i>Senior Licensing Officer</i>
Cross Cutting Objectives	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	<i>Senior Licensing Officer</i>
Risk Management	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	<i>Senior Licensing Officer</i>
Financial	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	<i>Senior Licensing Officer</i>
Staffing	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	<i>Senior Licensing Officer</i>
Legal	<ul style="list-style-type: none"> <i>The relevant legislation in relation to street trading is contained within Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended). The policy provides a framework for consistent decision-making.</i> 	<i>Team Leader (Contentious)</i>
Privacy and Data Protection	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	<i>Senior Licensing Officer</i>
Equalities	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	<i>Senior Licensing Officer</i>
Public Health	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	<i>Senior Licensing Officer</i>
Crime and Disorder	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	<i>Senior Licensing Officer</i>
Procurement	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	<i>Senior Licensing Officer</i>

Biodiversity and Climate Change	<ul style="list-style-type: none"> • <i>There are no implications on biodiversity and climate change.</i> 	<i>Senior Licensing Officer</i>
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2. INTRODUCTION AND BACKGROUND

Background

2.1 Licensing Committee met on 17 September 2020 and approved the draft Street Trading Policy for public consultation. The consultation period was open from 10 February until 13 March 2021. The report was made available on the Maidstone Council consultation webpage and social media channels. Residents who have signed up for consultation reminders were notified and in addition current street traders were e-mailed and notified of the consultation. Consultees could also provide comments to the licensing team in writing, via email or post.

2.2 There were 285 responses received during the consultation, and the consultation report is attached as Appendix 1. Overall there has been broad support to the policy and the majority of respondents agreed in favour of the questions asked. Officers have reviewed the respondents' comments and responses can be found in the table at Appendix 2.

3. AVAILABLE OPTIONS

3.1 To agree to the proposed draft Street Trading Policy as attached as Appendix 3.

3.2 To continue with the current Street trading Policy.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 To agree to the proposed draft Street Trading Policy which will be reviewed every three years but sooner if changes to legislation or circumstance determine it should be. The draft policy is a more comprehensive document which will strengthen the decision making and support the Council's position should issues arise.

5. RISK

5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 N/A

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 Officers will update the Council Webpages to include the policy.

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Street Trading Policy consultation report.
 - Appendix 2: Officers comments
 - Appendix 3: Street Trading Policy 2021-24
-

9. BACKGROUND PAPERS

N/A



STREET TRADING POLICY REVIEW CONSULTATION

2021

ABSTRACT

This document contains the results of the consultation on the Council's Draft Street Trading Policy.

Policy & Information Team

Methodology

The consultation on the draft Street Trading Policy was open from 10 February until 13 March 2021.

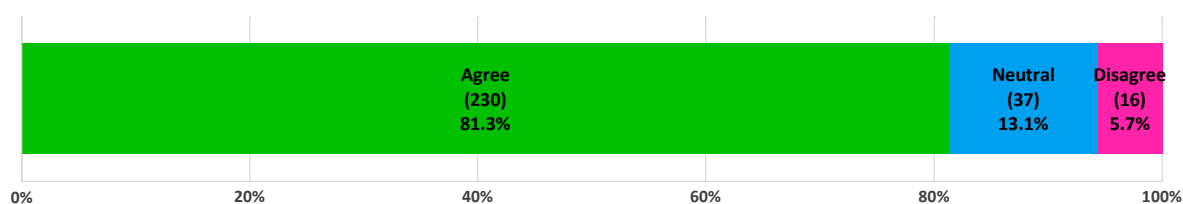
It was promoted online through the Council's website and social media channels. Residents who have signed up for consultation reminders were also notified about the consultation. In addition, current street traders were emailed and notified of the consultation.

Participants in the consultation were invited to view the draft Street Trading Policy for Maidstone and asked for feedback. An online survey is a self-selection methodology, with residents free to choose whether to participate or not. Due to the sample size results have not been weighted.

There was a total of 285 responses. Based on Maidstone's population¹, aged 18 years and over, overall results are accurate to approximately $\pm 5.8\%$ at the 95% confidence level. This means that if the same survey was repeated 100 times, 90 times out of 100 the results would be between $\pm 5.8\%$ of the calculated response. Therefore the 'true' response could be 5.8% above or below the figures reported (i.e. a 50% agreement rate could lie within the range of 44.2% to 55.8%).

Is the draft Street Trading Policy easy to understand?

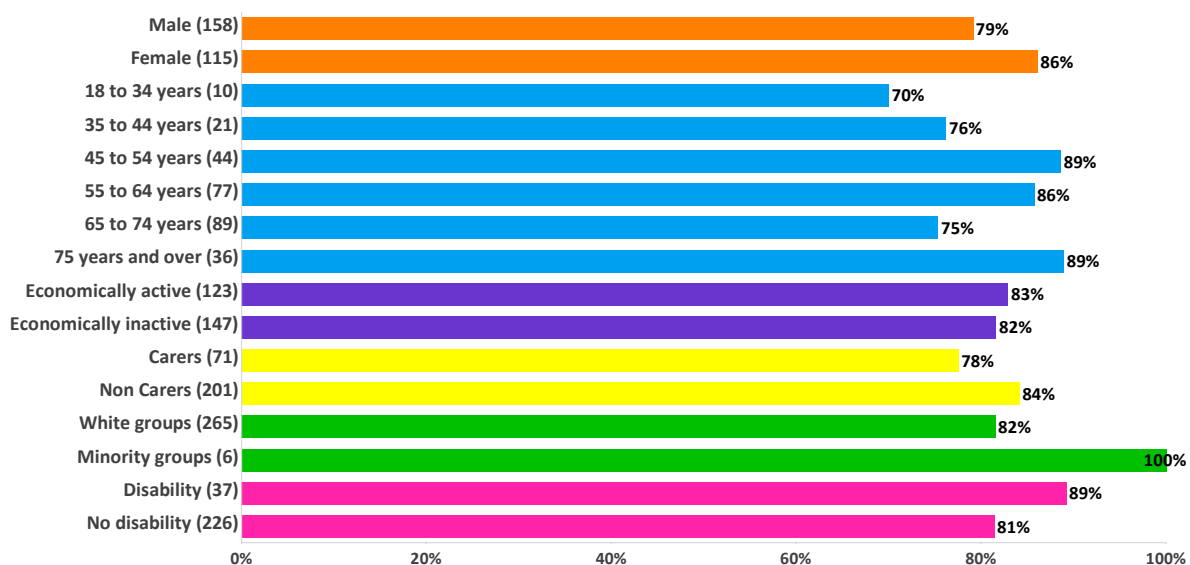
Survey respondents were asked 'To what extent do you agree or disagree that the Draft Street Trading Strategy is clear and easy to understand.' A total of 283 people responded.



Overall, just over four in five respondents agreed (Strongly agree and Agree combined) with one in twenty disagreeing.

The chart below shows the proportion that answered positively (Strongly agree and Agree) across the different demographic groups.

¹ 134,000 (Rounded) – Over 18's ONS Mid-Year Population 2019



Although the 18 to 34 years age group and the minority groups show the lowest and highest levels of agreements respectively, the results for these groups should be treated with caution due the small number of respondents with these characteristics. Other points to note include:

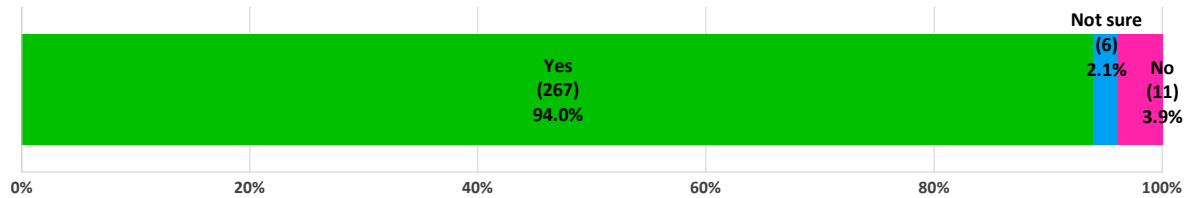
- Men were more likely than Female respondents to disagree that the Draft Street Trading Strategy is clear and easy to understand. 8.2% of male respondents answered this way compared to 2.6% of female respondents.
- There were no respondents from the 75 years and over group that disagreed that the proposed policy was clear and easy to understand.

Respondents that had said they disagreed (Strongly disagree and Disagree responses) and those that responded neutrally (Neither agree nor disagree) were subsequently asked how they thought the Draft Street Trading Policy could be improved. A total of 27 comments were received. These comments have been grouped into themes, with some comments containing multiple themes. The table below shows a summary of the comments within each theme.

Theme	No. Comments	Summary
Length/Layout/ Structure of Policy	15	<ul style="list-style-type: none"> • The document is too long and wordy. • Clearer use of layout with less clauses/sub clauses and clarification of sub-headings.
Language	7	<ul style="list-style-type: none"> • Use of 'jargon' • Not easy for the layman to understand. • Language ambiguous and open to interpretation.
Summary	5	The inclusion of a summary/executive statement, precis, or key points section would improve the draft Street Trading Policy.
Encourage Street Trading	3	<ul style="list-style-type: none"> • A criminal record should not be a barrier to being a Street Trader. • The Policy does not encourage Street Trading "Let local entrepreneurs trade".
Suggestion	2	There was a suggestion for the policy to include more examples and another for including a process map.
Other	2	One commenter stated that enforcement of the policy was weak and another mentioned charity collectors (stating that they are a nuisance).

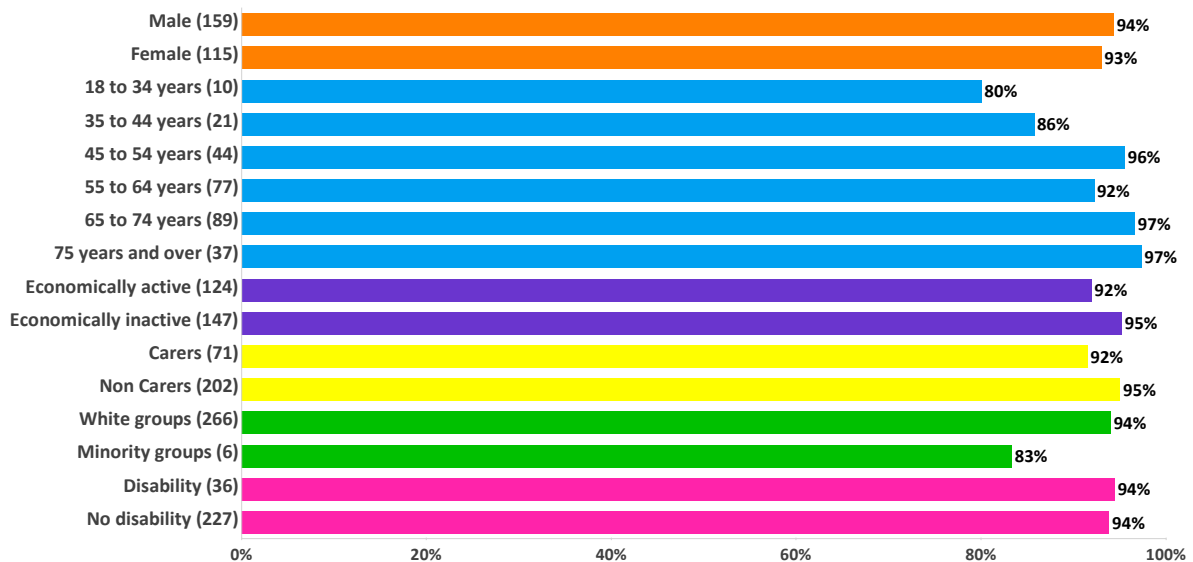
Introduction of Basic Criminal checks

Survey respondents were asked if they supported the introduction of Basic Criminal Checks for Street Trader Consents. A total of 284 people responded.



There was strong support for the introduction of Basic criminal Checks for Street Trading Consents, with more than nine in ten respondents stating they supported this.

The chart below shows the proportion that answered 'Yes' across the different demographic groups.

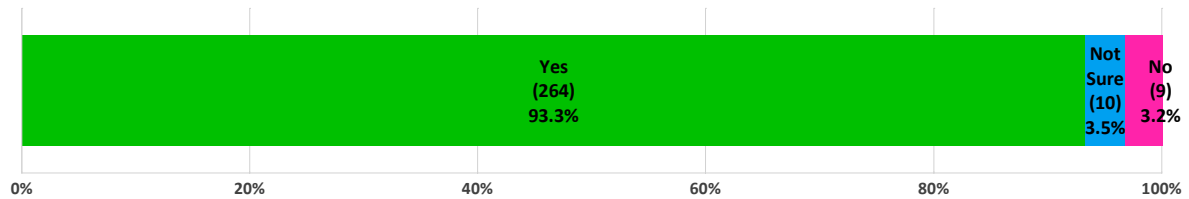


Although the 18 to 34 years age group and the minority groups show the lowest levels of agreements, the results for these groups should be treated with caution due the small number of respondents with these characteristics who responded to the consultation. Other points to note include:

- Female respondents had a greater proportion that answered 'Not sure' when asked about the introduction of Basic Criminal Checks for Street Trading Consents compared to Male respondents. 4.3% of female respondents answered this way compared to 0.6% of Male respondents.
- There were no respondents from Minority groups that answered 'No' to this question.

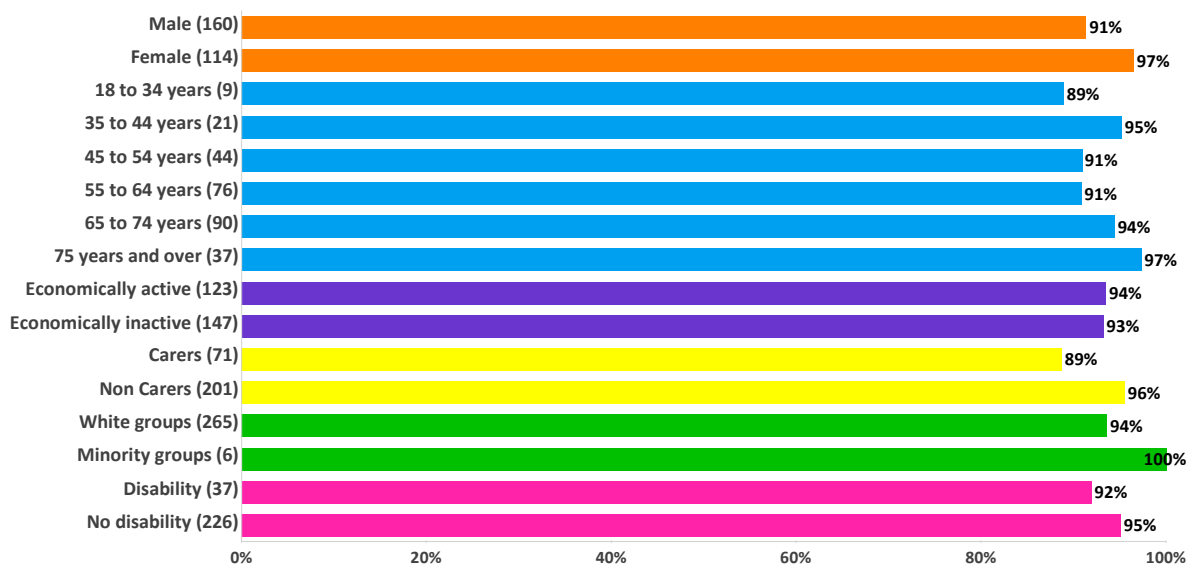
Introduction of Right to Work checks

Survey respondents were asked if they supported the introduction of Right to Work checks for Street Trader Consents. A total of 283 people responded.



There was strong support for the introduction of Right to Work checks for Street Trading Consents, with more than nine in ten respondents stating they supported this.

The chart below shows the proportion that answered 'Yes' across the different demographic groups.

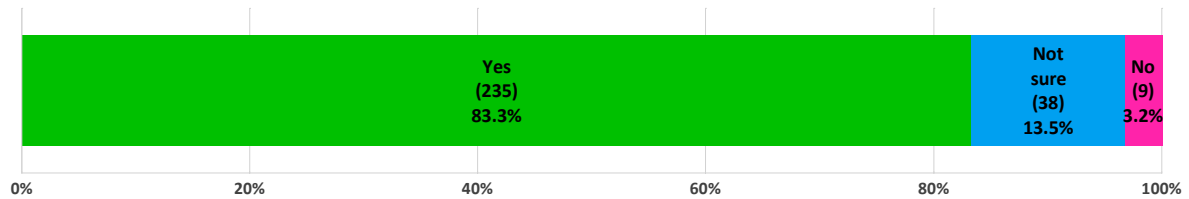


Although the 18 to 34 years age group and the minority groups show the lowest and highest levels of agreements respectively, the results for these groups should be treated with caution due the small number of respondents with these characteristics who responded. Other points to note include:

- There were no respondents from the age groups 18 to 34 or 35 to 44 that answered 'No', when asked if they support the introduction of Right to Work checks for Street Trading Consents.
- The 55 to 64 years group had the greatest proportion that answered 'No' across all groups with 7.9% answering this way.
- No respondents from Minority groups answered 'No' to this question about Right to Work for Street Trading consents. 100% of this group supported the introduction of Right to Work checks.

Is the policy proportionate?

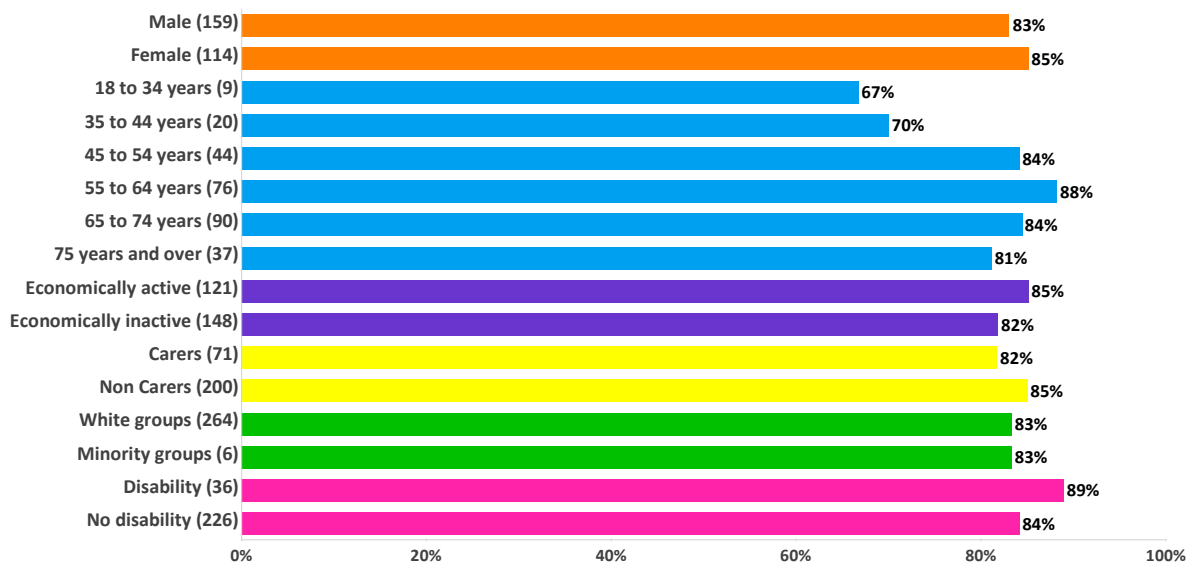
Survey respondents were asked if they thought the proposed Street Trading Policy was proportionate. A total of 282 people responded.



Overall, just over four in five respondents said they felt that the proposed Street Trading Policy was proportionate.

Across the survey this question had the lowest proportion responding 'Yes' and greatest proportion answering that they are uncertain, with just over one in ten responding this way.

The chart below shows the proportion that said they felt that the proposed policy was proportionate across the different demographic groups.



The result for the 18 to 34 years age group and the minority groups should be treated with caution due the small number of respondents with these characteristics. Other points to note include:

- Male respondents had a greater proportion than Female respondents stating that they did not think the proposed Street Trading Policy was proportionate with 5.7% answering this way compared to 0% of Female respondents.
- There were no respondents from the 35 to 44 years, 45 to 54 years and Minority groups that did not think the proposed policy was proportionate.
- 30% of respondents aged 35 to 44 years said they were 'Not sure' if the proposed Street Trading Policy was proportionate – this was significantly higher than the proportion responding the same for the 55 to 64 years group where 5.3% answered this way.

Comments

Survey respondents were asked if they thought anything was missing from the Draft Street Trading Policy and were provided with an open text box for comments. A total of 65 comments were received. 32 comments stated they did not think there was anything missing from the document.

The remaining 33 comments have been grouped into themes, with some comments containing multiple themes; the table below shows a summary of the comments within each theme.

Theme	No. Comments	Summary
Other consideration that should be taken into account	8	<ul style="list-style-type: none"> • Experience • Consult PSPO • Trading near similar businesses/More than one trader selling the same items. • Remorse as part of Criminal Check • Local Residency
Suggestions for Document Inclusions	8	<ul style="list-style-type: none"> • Key Aims, Summary or Overview page. • Summary of changes • Charges for Street Trading Permits • Map • Definitions/Terminology – Pedlars, Nuisance (regarding Section 8 clearing litter, commenter did not feel emphasis was strong enough).
Enforcement & Standards	7	<p>Comments were received around enforcement which included</p> <ul style="list-style-type: none"> • More checks • Checks unfair if bricks and mortar shops were not subject to the same checks. • Need easy process for reporting suspected breaches of policy. • The need for products sold by Street Trader to meet UK standards and regulations e.g. unsafe toys or fake products.
Other 'Street Trading'	4	<p>Comments mentioned widening scope of policy to include/cover:</p> <ul style="list-style-type: none"> • Charity collections • Car advertising and selling vehicles from the public highway • Car washers
Covid-19	2	<ul style="list-style-type: none"> • Requirement for Covid-19 vaccinations if interacting with public. • Behaviour guidelines in respect to Covid-19
Brick & Mortar Shops	2	<ul style="list-style-type: none"> • Commitment to supporting bricks and mortar shops. • Decline of the Town Centre • Loss of trade for storekeepers.
Other	3	<ul style="list-style-type: none"> • Positive about Draft Street Trading Policy. • Concern about policy complying with Human Rights and Equality legislation. • Right to trade.

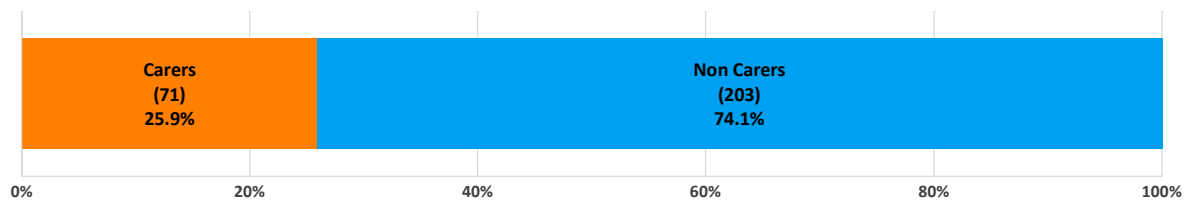
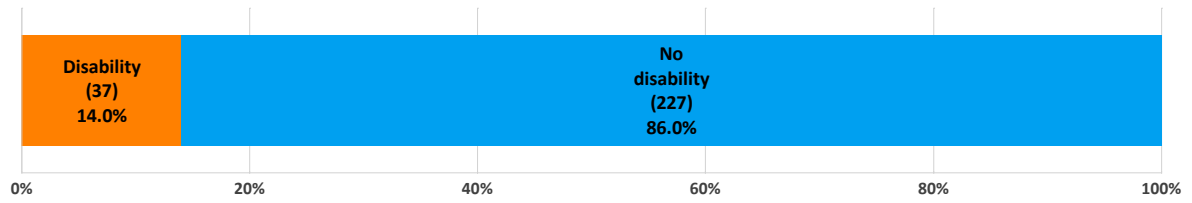
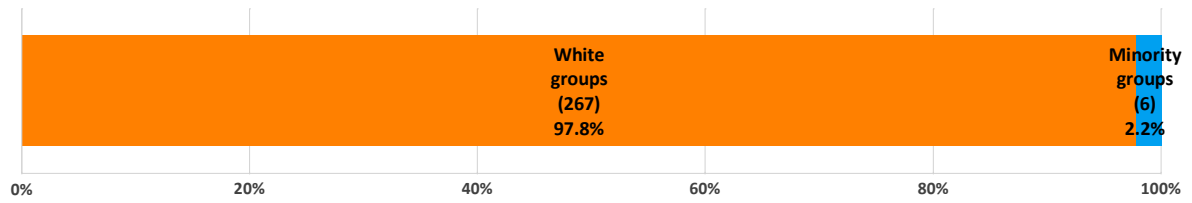
At the end of the survey respondents were given the opportunity to provide additional comments about the proposed Street Trading Policy or clarify their answers. A total of 31 comments were received.

The comments were grouped into themes, with some comments containing multiple themes. The table below shows a summary of the comments within each theme.

Theme	No. Comments	Summary
Policy	10	<ul style="list-style-type: none"> Length of document raised. Suggestion that application process is made easier for one off events and charity stalls. £100m insurance is excessive Third party liability (£10k) seemed low. No pitches in residential areas.
Standards & Enforcement	5	<ul style="list-style-type: none"> Enforcement of the policy is weak. Returnable goods and appropriate standard of goods. More checks on Street Traders.
Bricks & Mortar Establishments	5	<ul style="list-style-type: none"> Street Trading should not take away from established shops. Street Traders have lower costs – selling the same items if therefore unfair. Encouraging Street Trading is detrimental to the Town Centre.
Positive about promoting Street Trading	4	<ul style="list-style-type: none"> Street Trading provides more variety. Street Trading creates a more diverse offer for shoppers. Street Trading makes the Town centre more vibrant.
Nuisance	4	<ul style="list-style-type: none"> Street Traders should not impede access or block other shops or the public highway. Annoyance expressed at being accosted by 'Street Traders', though commenters refer to charity fundraisers and paintball companies.
Living products	2	<ul style="list-style-type: none"> Concern that live animals could be sold by Street Traders.
Other	3	<ul style="list-style-type: none"> Query about food smells from Street Trades. Concern that policy does not comply with Human Rights and Equalities legislation. Concern about financial implications of the policy.

Survey demographics





Is the Draft Street Trading Policy easy to understand ?

Theme	No. Comments	Summary	Officer comment
Length/Layout/ Structure of Policy	15	<ul style="list-style-type: none"> The document is too long and wordy. Clearer use of layout with less clauses/sub clauses and clarification of sub-headings. 	Comments noted and will be considered in future review. Any significant changes now will require a further consultation.
Language	7	<ul style="list-style-type: none"> Use of 'jargon' Not easy for the layman to understand. Language ambiguous and open to interpretation. 	Comments noted and will be considered in future review. Any significant changes now will require a further consultation.
Summary	5	The inclusion of a summary/executive statement, precis, or key points section would improve the draft Street Trading Policy.	Comments noted and will be considered in future review. Any significant changes now will require a further consultation.
Encourage Street Trading	3	<ul style="list-style-type: none"> A criminal record should not be a barrier to being a Street Trader. The Policy does not encourage Street Trading "<i>Let local entrepreneurs trade</i>". 	Comment noted, all applications are considered on a case by case basis Not sure what point is being made ?
Suggestion	2	There was a suggestion for the policy to include more examples and another for including a process map.	This is something that can be considered and included in a future review.
Other	2	One commenter stated that enforcement of the policy was weak and another mentioned charity collectors (stating that they are a nuisance).	All matters are dealt with on a case to case basis. Enforcement is not a new provision in the draft policy. Charity collectors are not included within the legislation for street trading.

General Comments

Theme	No. Comments	Summary	
Other consideration that should be taken into account	8	<ul style="list-style-type: none"> • Experience • Consult PSPO • Trading near similar businesses/More than one trader selling the same items. • Remorse as part of Criminal Check • Local Residency 	<p>Noted.</p> <p>Not sure why PSPO would be consulted, but they could be consulted if the situation warranted it.</p> <p>This is already a consideration in the policy.</p> <p>Each application is assessed on a case by case basis.</p> <p>Applicants must meet policy criteria which does not limit where they must be resident.</p>
Suggestions for Document Inclusions	8	<ul style="list-style-type: none"> • Key Aims, Summary or Overview page. • Summary of changes • Charges for Street Trading Permits • Map • Definitions/Terminology – Pedlars, Nuisance (regarding Section 8 clearing litter, commenter did not feel emphasis was strong enough). 	<p>All noted and will be given due regard in a future review. A further consultation will be required.</p>
Enforcement & Standards	7	<p>Comments were received around enforcement which included</p> <ul style="list-style-type: none"> • More checks • Checks unfair if bricks and mortar shops were not subject to the same checks. • Need easy process for reporting suspected breaches of policy. • The need for products sold by Street Trader to meet UK standards and regulations e.g. unsafe toys or fake products. 	<p>Generally speaking Street trading consent holders do not cause enforcement issues. It's usually illegal Street Traders that are investigated and communicated with. A section can be added in a future review which covers these concerns. Shops do not fall within the remit of Street Trading legislation.</p> <p>It's a criminal offence to deal in counterfeit goods and there is also a variety of safety regulations in force to ensure that things like toys, cosmetics and electrical items are safe to use. It's an offence to supply goods</p>

			that don't comply with regulations and we would expect applicants to comply with legislation . Applicants must list the goods they are selling as part of the application process if Officers are in doubt they will query the items with the applicant.
Other 'Street Trading'	4	<p>Comments mentioned widening scope of policy to include/cover:</p> <ul style="list-style-type: none"> • Charity collections • Car advertising and selling vehicles form the public highway • Car washers 	None of these activities fall within the legislation for street trading.
Covid-19	2	<ul style="list-style-type: none"> • Requirement for Covid-19 vaccinations if interacting with public. • Behaviour guidelines in respect to Covid-19 	Because of the constant changing regulations this information was not included in the Policy and applicants were referred to current guidance. We cannot legally insist all applicants must be vaccinated. Even though most restrictions have been lifted we will still encourage applicants to protect others
Brick & Mortar Shops	2	<ul style="list-style-type: none"> • Commitment to supporting bricks and mortar shops. • Decline of the Town Centre • Loss of trade for storekeepers. 	General Comment - Not relevant in regard to the Street Trading Policy.
Other	3	<ul style="list-style-type: none"> • Positive about Draft Street Trading Policy. • Concern about policy complying with Human Rights and Equality legislation. • Right to trade. 	<p>Noted</p> <p>The Council is bound to act reasonably and consistent with its general obligations, for example those under the Human Rights Act 1998 and the Equality Act 2010.</p>

MAIDSTONE BOROUGH COUNCIL

Review of Street Trading Policy 2021 - 24

DRAFT

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INTRODUCTION

1.1 Introduction

The powers to control Street Trading within the Council's area are conferred by Schedule 4 Local Government (Miscellaneous Provisions) Act 1982, which has been adopted by the Council. Under Schedule 4 of the Act, the Council is able to manage Street Trading by designating streets as Consent Streets, Licence Streets, or Prohibited Streets.

This policy sets out the Council's approach for managing street trading in the district and the process for applications and making decisions.

This new revised policy was approved by the Licensing Committee on and came into effect on.....

Street trading consents are processed and issued by the Council's Licensing Department.

Licensing Department
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ

Tel: 01622 602028

Email: licensing@maidstone.gov.uk

Web: <https://www.maidstone.gov.uk/business/licensing-permits/street-trading>

1.2 Objectives of this Policy

1.2.1 The objectives of this policy are:

a. The Council recognises the valuable contribution that Street Trading can make to the local culture and economy, and the services that Street Traders provide to residents and visitors. Street Trading can provide people with a flexible way of working, to meet the demands of the public where and when such demands arise.

b. Ensure the safety of customers and other persons using the locations where street traders are located.

c. Balance the needs of the wider community, local community and street traders against the needs of those who may be adversely affected by the street trading activities.

d. Provide consistency and transparency in the way in which the Council deals with street trading.

e. Provide applicants and consent holders with advice and guidance on the Council's approach to the administration and enforcement of street trading.

1.3 Review of the Policy

1.3.1 This policy will be kept under review and where any significant amendments are considered necessary these will be approved by the Committee that deals with licensing matters after appropriate and relevant consultations have taken place.

Consultees will include

- Kent Police
- Kent Fire and Rescue
- Kent Highways
- Kent Trading Standards
- Maidstone Planning
- Environmental Health
- Community Protection Team
- Economic Development
- Parish Councils
- Ward Members
- Current Street Traders
- Local businesses
- Residents
- Car parks

Minor amendments that do not impact on the aims and objectives of the policy or reflect changes in legislation will be made with the approval of the Head of Housing and Community Services.

2 WHAT IS STREET TRADING?

2.1 Definitions and Resolution

2.1.1 The Local Government (Miscellaneous Provisions) Act 1982 defines street trading as the selling or exposing or offering for sale any article, including a living thing, in a street.

2.1.2 The Act states that a street includes any road, footway, beach, or other area to which the public have access without payment.

2.1.3 Maidstone Borough Council have designated all land within Maidstone Borough Council's boundary that falls within the above definition of "street", as consent streets

2.1.4 A street trading consent is needed for trading on:

- . Streets, laybys, pavements or any land including verges controlled by Kent Highways unless there is payment for entry
- . Streets, laybys, pavements, or any land, including verges which are privately owned and the public can access, unless payment is made for entry. This includes private car parks such as superstore car parks.

2.2 Exemptions from needing Street Trading Consent

2.2.1 The following are exempted in the legislation and do not need street trading consent:

- a. A market that is granted through a charter or order.
- b. A news vendor selling periodicals or newspapers.
- c. Trading at a petrol station.
- d. Trading at a shop or in a street adjoining a shop as part of the business or shop.
- e. Trading as a roundsman who has defined customers and routes. It has been established in law that mobile ice cream sales are not normally deemed to be roundsmen.
- f. Service Providers, e.g. hair-braiding, face painting and henna tattoos, etc. The Act which governs street trading relates to the selling of articles and as such, it is the Licensing Authority's view, that people who provide a service e.g. hair-braiders, are not considered to be trading for the purposes of the legislation. However, if quantities of accessories used in hair braiding are also offered for sale then this may be street trading and may require consent.

Pedlars are not exempt in Maidstone due to the Maidstone Act 2006

This came into force on 7 September 2006. This removed the exemption for pedlars to act with the authority of a Pedlars Certificate to trade within the Borough. Pedlars must now have a Street Trading Consent to trade on the streets within the Borough of Maidstone. There is power to seize articles, receptacles and equipment by an officer of the Council or Constable if there is reason to suspect an offence has been committed under this Act.

2.3 Exemption for individual charity stalls with a Street Collection Permit

2.3.1 Individual charity stalls in a street can apply for a street collection permit which allows collecting money for a charitable cause (including through the sale of items). If a street collection permit is granted there is no requirement for a street trading consent. Please contact the Licensing Team for further information on applying for street collection permits.

2.4 Indoor Market Areas

2.4.1 Indoor market areas do not constitute street trading as they can be classed as shops which are exempt from street trading legislation.

2.5 Events with an Entrance Fee

2.5.1 Events that have an entry fee do not constitute street trading and do not need street trading consent

2.6 Community and Charitable Events

Community and Charity events are important in terms of promoting local causes and participation in local matters. The Council should assist organisers of these types of events in order to encourage community engagement. These types of events will normally be organised by a Parish Council, Maidstone Borough Council or by a recognised group or charity with aims of engaging with and providing support to the local community. Any trading activity would be incidental to the event and where the event organiser does not charge a pitch or similar fee to trade at the event then it may be possible for the Council to waive the fee, or charge a nominal amount .

3 TYPES OF CONSENTS

The Council issues the following four types of street trading consent: All applications for street consent require 21 days notice to be given to the Licensing Department.

3.1 Static Unit Consent

3.1.1 Static street trading consents are issued for a stall or vehicle which returns to one place every day or for regular periods of time. The unit or stall must be removed each day at the end of the trading period unless planning rules allow otherwise.

3.1.2 A static street trading consent may be granted for any period not exceeding 12 months.

3.2 Mobile Unit Consent

3.2.1 Mobile street trading consents are issued to traders who wish to move from place to place. A mobile consent trader must not remain in one place for more than 30 minutes at a time and not return to the same site within 2 hours. A typical mobile consent would be an ice-cream van.

3.2.2 A mobile street trading consent only permits trading within Maidstone Borough Council's area. If the unit goes into areas outside of Maidstone it will also need consent from the relevant authority.

3.2.3 A mobile street trading consent may be granted for any period not exceeding 12 months.

3.3 Short Term Consent

3.3.1 Short Term Consent - Short term consents are issued to traders who wish to consider whether they could be successful at a certain location selling their specific goods. The consent is considered a trial consent and only one will be issued to an individual. They are granted for a period between 1 and 12 days. Any trader who wishes to continue trading after the 12 day period will need to submit a further application for the full 12 months. There is no consultation fee charged for this type of consent

3.4 Multi User Consent

3.4.1 Multi User consents are issued to specific individuals managing an event.

3.4.2 A Multi User consents can cover a number of stalls.

3.4.3 The Multi User must meet the criteria set below.

- . It has a nominated organiser.
- . It has the approval of the local public authority/landowner.
- . It adds value to the town's trade through the provision of specialist products.
- . It does not operate in detriment to the local community.

3.4.4 If the application is made by an organisation they must nominate a named individual who will be responsible for managing use of the consent.

3.4.5 The consent will be issued for a maximum of 12 months and can be renewed.

3.4.6 The consent holder will be responsible for ensuring compliance with times and location permitted by the consent and the conditions attached at all times whilst the consent is being used to facilitate street trading as well as any relevant bylaws.

3.4.7 The consent holder will be responsible for ensuring that any local residents, businesses or shops are not obstructed by the stall/stalls and that all emergency exits to buildings are kept clear. The consent holder must ensure that stalls can be moved quickly in the event that access is needed for emergency vehicles.

3.4.8 The consent holder will be required to keep records of all traders that trade under the consent which will include:

Event date

Company Name

Individuals Name

Trader Name

DOB

N.I number

Address

Food registration certificate number

Vehicle registration if relevant

Contact details.

Type of goods sold

This information will be required by the Licensing Department

3.4.9 As part of the application process the Council will consult all businesses in the vicinity of the Multi User consent . If, at any point after the grant of the consent, any existing or new occupiers of businesses or residential properties make objection to stalls being located outside of their premises the consent may be reviewed which could result in it being varied or amended.

3.4.10 It should be noted that Multi User Consents may incur other fees and charges from Maidstone Council if the land used belongs to Maidstone Borough Council. This will be in addition to the street trading consent fees.

4 CHOOSING A TRADING LOCATION/PITCH

4.1.1 Before applying for a street trading consent, applicants must first identify a suitable trading pitch or site. It is for the applicant to identify a suitable pitch having regard to the requirements in this policy and their business needs. The Council does not hold a list of available trading pitches.

4.1.2 A suitable pitch must meet the following criteria:

- . Be safe for other street users including traffic and pedestrians.
- . Be safe for customers using the street trading unit.
- . Not cause any potential for obstruction, interference, inconvenience or nuisance to other street users including other traders, traffic and pedestrians.
- . Not cause any potential for nuisance to residents and other businesses for example noise and/or smell.
- . The goods being sold complement and do not conflict with the goods sold by other established retailers within vicinity.

4.1.3 In particular account must be taken of the following:

- . Access roads on industrial estates, where heavy lorries manoeuvre, are generally unsuitable places for static units.

- . Locations close to residential properties are unlikely to be suitable due to the potential noise and smell nuisance to residents.
- . Lay-bys on main roads must have good visibility to ensure the safety for traffic entering and leaving the trading site/lay-by.
- . There should be suitable parking spaces for customer and trading vehicles.
- . Units should not cause loss of parking spaces to residents or businesses.
- . Units in town centres must not impede the movement of pedestrians or delivery vehicles or block the frontage of shops or access to existing premises.

5 OTHER MATTERS TO CONSIDER BEFORE MAKING AN APPLICATION

5.1 Suitability of the Applicant

5.1.1 Applications cannot be considered from anyone under the age of 17.

5.1.2 When determining an application for the grant or renewal of a street trading consent the council will consider all relevant information relating to the suitability of the applicant to hold such a consent including:

(a) Whether the applicant has any unspent convictions under the Rehabilitation of Offenders Act 1974.

5.1.3 Where the criminal conviction certificate provided by the applicant shows current offences (i.e. those that are unspent under the Rehabilitation of Offenders Act 1974, the Council will consider the following:

- . whether the conviction is relevant;
- . the seriousness of the offence;
- . the length of time since the offence occurred;
- . whether there is a pattern of offending behaviour;
- . whether that person's circumstances have changed since the offence occurred;
- . the circumstances surrounding the offence and the explanation offered by that person.

5.1.4 Annex B is a list of the offences that the Council considers relevant to a street trading consent application.

5.2 Goods For Sale

5.2.1 Food - Traders wishing to sell food items must be registered as a food business with the Council in whose area the trading unit is stored when it is not at the trading site. Or, if food is pre-prepared before the unit goes to the trading site, you must be registered with Council in whose area the food preparation is undertaken.

5.2.2 Vehicles on the side of the road -This refers to vehicles placed on the highway and advertised for sale and includes any vehicle displaying signs that name an individual or business; or displays notices/signs intended to sell the vehicle. This

authority may take enforcement action against person who are advertising vehicles for sale on the public highway , currently it is the crime waste team that deal with these matters. For the purposes of this part of the policy public highway includes footpaths and adjacent verges and public open land as well as the road itself. It does not include private land. Where any vehicle is offered for sale on the highway that is not taxed and insured, the Police may also refer it to the DVLA Enforcement Team. Enforcement also may be taken under the Highways Act 1980 and the Clean Neighbourhoods and Environment Act 2005. Street Trading consents are not issued for the purpose of selling vehicles on the highway.

5.2.3 Alcohol - If you intend to sell alcohol you will need authorisation under the Licensing Act 2003 in addition to street trading consent. Please contact the Licensing Section for further advice.

5.3 Assistants/Employees

5.3.1 You will be required to check the right to work of any persons you employ to assist you under your street trading consent. Any trader found to allow an illegal worker to work as part of their trading activities is likely to have their street trading consent reviewed and/or revoked.

5.3.2 The Council will require the name, address, date of birth, national insurance number, a basic criminal check (not more than 1 month old) and a photograph of all persons assisting on a regular basis. The basic criminal check must be updated every 3 years. For the purposes of this policy we would consider any person who works on the unit, without the consent holder being present, for more than 14 days a year, as assisting on a regular basis.

5.4 Waste

5.4.1 A street trading consent holder is responsible for disposal of refuse and must not use Council, highway or other public waste bins unless there is a specific arrangement in place. The consent holder has a duty of care to dispose of commercial waste lawfully.

5.4.2 There must be no disposal of liquid waste down the drains or onto the pavement, road or grassland. This includes waste cooking oil.

5.5 Trading Hours

5.5.1 An application should specify what hours the applicant wishes to trade. Evening and night time hours are likely to have more impact on local residents in terms of noise and disturbance. Applications for later times are more likely to raise objections which may lead to those times being refused or conditions imposed.

5.5.2 The consent holder will be permitted 30 minutes preparation time prior to the start of their trading hours in order to set up the trading vehicle and there will be 30

minutes to close down and pack up. Consent holders are not permitted to trade during set up and closing times. Multi User consent holders will be permitted 90 minutes prior and after trading times to set up and close down the stalls.

5.5.3 Trader's who wish to serve hot food and drink between 23:00 and 05:00 will also need a licence for late night refreshment under the Licensing Act 2003. Please contact the Licensing Team for further information.

5.6 Planning Permission

5.6.1 A street trading consent is given to units where the unit is removed every day at the end of the trading period. If a unit is permanently located at a site it is unlikely to require street trading consent but will require planning permission. Units that are removed every day may also require planning permission in addition to street trading consent. This will be dependant on the amount of time and days that the unit is located at the site. Please contact the Planning Section for further advice.

5.6.2 If a unit that holds street trading consent is not removed every day at the end of the trading period and it is considered that the unit is in fact permanently located in one position, then street trading consent may be revoked.

6 HOW TO APPLY FOR STREET TRADING CONSENT (All consent types)

6.1 Advice for New Applicants

6.1.1 On receipt of an application the Council will undertake a consultation exercise in order to seek the views of other agencies and, if relevant, neighbouring businesses and residents. There is a non-refundable fee to cover the cost of administering the consultation (this is not applicable to short term consents).

6.1.2 The consultation process will normally take at least 14 days and a decision will then be normally made within 7 days of the consultation ending. All applicants should allow a minimum 21 days for their applications to be processed.

6.1.3 Once a decision is made to grant a street trading consent there is a consent fee. This must be paid before the consent is issued and trading can commence.

6.2 Submitting an Application

6.2.1 The following must be submitted with the initial application:-

- a. Application form.
- b. Notice of Intention.
- c. Proof of eligibility of the applicant to work in the UK (where applicable).

d. Plan showing the proposed trading location with position of the unit(s) shown in red. (Not required for mobile units).

e. Written permission from a landowner if the street trading activity is to be carried out on any land owned privately.

f. Payment of a non-refundable consultation fee to cover initial administration and consultation costs (this not required for short term consents).

6.2.2 If, following consultation the location is deemed suitable, the following must be submitted before a final decision is made:

a. Third party public liability insurance up to £10,000,000.

b. A Basic Criminal Disclosure check that is not more than 1 month old for the applicant and any person/s that will be assisting on a regular basis. Basic Criminal Disclosure checks can be obtained from the Disclosure and Barring Service. Information can be found online at: <https://www.gov.uk/request-copy-criminal-record> or by calling 03000 200 190. (Not applicable to short term consents).

c. One passport sized photograph of the applicant and any person/s that will be assisting with the trading on a regular basis. (Not applicable to multi user and short term consents).

6.3 Consultation

Consultation Static Consents and Multi User Consents

6.3.1 On receipt of a valid static or multi user application the Council will consult with the following:-

- . Kent Constabulary.
- . Kent Highways.
- . The relevant Parish Council(s).
- . The Maidstone Borough Councillor(s) for the Ward(s) concerned.
- . Environmental Health Officers at Maidstone Borough Council.
- . Planning Officers at Maidstone Borough Council.
- . Where appropriate local residents and businesses within 100 metres of the proposed site.
- .the relevant department/individual when it's in relation to public owned land.

6.3.2 The Council will allow up to 5 working days to begin the 14 days consultation for people/relevant bodies to make comments in relation to the application.

Consultation - Mobile and Short Term Consents

6.3.3 On receipt of a valid mobile or short term consent application the Council will consult with the following:-

- . Kent Constabulary.
- . The relevant Parish Council.
- . Relevant Ward Councillor(s).
- . Environmental Health Officers at Maidstone Borough Council.
- . the relevant department/individual when it's in relation to public owned land.

6.3.4 The Council will allow up to 5 working days to begin the 14 days consultation for people/relevant bodies to make comments in relation to the application.

6.4 Determining Applications

6.4.1 The Head of Housing and Community Services has delegated powers to issue or refuse an application following the consultation period.

6.4.2 Account will be taken of objections and/or letters of support made during the consultation period. The authority will consider the suitability of the site and the applicant taking account of, but not exclusively, the criteria in this policy.

6.4.3 Each application will be decided on its own merits.

6.5 Street Trading Badges

6.5.1 On grant of a street trading consent a street trading identification badge (except for short term consents and multi user consents) will be issued. The badge must be worn by the person it relates to where it can be clearly seen by the public at all times the person is trading. If the badge is lost or damaged the consent holder must contact the Council as soon as possible. A charge will be made for a replacement badge.

7 FEES AND CHARGES

7.1.1 A list of the current street trading consent fees and charges is available by contacting the Licensing Team.

7.1.2 Initial applications (apart from short term consents) must be accompanied by payment of a non-refundable administration fee to cover initial administration and consultation to determine suitability of the site. The consultation exercise will not commence until this payment is made.

7.1.3 Once a decision is made to grant a consent the full consent fee must be paid before the consent will be issued.

7.1.4 The fees will normally be reviewed on an annual basis.

7.1.5 Street trading fees may be waived in relation to charitable or community events at the discretion of the Head of Housing and Community Services. Each event will be judged on its own merits. However the following criteria will be considered:

- . The street trading is part of an organised event with an organising group/committee/individual.
- . The primary purpose of the event is fundraising for a charitable cause or is for the benefit of the community.
- . The event does not take place any more than once a year.
- . Stalls are pre-booked.

7.2 Payment Methods

- . Cheque - made payable to "Maidstone Borough Council".
- . Debit or credit card – Can used at the Council Offices or by telephone to the Licensing hub between normal office opening hours on 01732 227001.

8 RESPONSIBILITIES OF THE CONSENT HOLDER

8.1.1 The consent holder must act in accordance with the conditions attached to the consent.

8.1.2 A street trading consent entitles the applicant to trade lawfully in the location(s) specified in the consent. Please note there are many other users of streets and the consent does not grant exclusive rights of occupation or ownership of a specific location.

8.1.3 A street trading consent is not a permit to disregard other laws or usual restrictions. For example:

- . Always observe parking restrictions and do not obstruct the highway or entry or exit roads to private property.
- . Other relevant legislation such as the Food Hygiene (England) Regulations 2006, Safety At Work etc Act 1974 and Part II, section 34 of the Environmental Protection Act 1990 (disposing of waste) must be complied with.
- . A consent holder must not cause a nuisance to the occupants of neighbouring properties from noise, litter, disposal of waste or any antisocial activity.

8.2 Changes to The Unit

8.2.1 You must contact the Licensing Section if you want to change your unit. You may need to make a new application or a variation application if the change is significant and impacts on the objectives of this policy.

8.3 Changes of Assistants

8.3.1 A consent holder must provide the Licensing Section with a photograph and basic criminal record disclosure that is not more than 1 month old for any new persons that assist on a regular basis. See paragraph 5.3.2 for definition of assisting on a regular basis.

9 RENEWAL

9.1.1 Applications to renew an existing street trading consent must be made at least 21 days prior to the expiry of the existing consent.

9.1.2 A renewal application may be refused if the renewal application is made late.

9.1.3 The following must be submitted with a renewal application

- . Renewal Application Form
- . Renewal Fee
- . Copy of current third party liability insurance up to £10,000,000.

9.1.4 Additional Requirements at Renewal:

. A Basic Criminal Disclosure for the consent holder and any persons that assist on a regular basis from the Disclosure and Barring Service that is not more than 3 years old.

. 1 recently taken passport size photograph of the consent holder and any persons that assist on a regular basis.(Not required for Multi User Consents)

10 TRANSFER OF CONSENTS

10.1.1 Street trading consents are non transferable. If there is an agreement between a current consent holder and a proposed new consent holder to take over an existing unit and location, the original consent holder must surrender their consent and the proposed new consent holder must submit a new application. The proposed new consent holder, who has made the agreement with the existing consent holder, will be given priority in applying for the location provided that the new application is submitted within 5 working days after the current consent holder surrenders their consent. The applicant will need to follow the process for submitting a new application.

11 VARIATION OF CONSENTS

11.1 A street trading consent may be varied to change the conditions attached to the consent. This includes conditions relating to trading times and periods. This does not include a change of consent holder or a change of location. A variation application should be submitted with the following:

- a. Variation Application form.
- b. Notice of Intention.
- c. Written permission for the proposed change from the landowner if the street trading activity is carried out on any land owned privately.
- d. Photograph of the new/changed unit if applicable.
- e. Payment of the non-refundable consultation fee.

11.2 Consultation will be in accordance with the new application process. However if the variation is minor the consultation may be reduced at the discretion of the Head of Housing and Community Services.

12 CONDITIONS ATTACHED TO CONSENTS

12.1 When granting or renewing a street trading consent the Council may attach such conditions to it as they consider reasonably necessary.

12.2 Street trading consents will usually be granted subject to the standard conditions detailed in Annex A to this Policy.

12.3 Where appropriate, additional conditions may be added to a specific consent.

13 REFUSAL, REVOCATION AND APPEALS

13.1 A consent may be revoked at any time by the Council and the Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation.

13.2 The Act does not provide an applicant or a consent holder with any direct right of appeal against a decision to refuse the grant, variation or renewal of a street trading consent, the revocation of a street trading consent, or against any restrictions or conditions imposed on a street trading consent.

13.3 If an applicant or any relevant party wishes to make representations in respect of a decision to grant, refuse or revoke a street trading consent the applicant/consent holder/relevant party should put this in writing with the reasons to the Licensing Section within 28 days of being notified of the decision. The request will be reviewed by the Head of Housing and Community Services, who will consider whether it is reasonable and proportionate for an appeal to be heard by the Licensing Sub Committee. The review of the decision will take account of the reasons for the original decision and the representation or any further evidence put forward by the applicant/consent holder/other party.

14 COMPLAINTS AND ENFORCEMENT

14.1 General Principles

14.1.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible members of the trade.

14.1.2 All decisions and enforcement actions taken by the Licensing Authority will be in accordance with the Council's Corporate Enforcement Policy and the principles of consistency, transparency and proportionality set out in the Regulator's Compliance Code.

14.1.3 Consent Holders must allow access to Authorised Officers of the Council and Police Officers at all reasonable times.

14.2 Offences

14.2.1 The following are offences under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 relevant to the Maidstone area:-

- . Engaging in street trading in a consent street without Consent.
- . Breaches of a condition in relation to trading location or unit or trading period.
- . Breaches of a condition attached to the granted Consent.

14.2.2 A person guilty of the above offences may be liable on conviction to a fine of up to £1000.

14.3 Complaints

14.3.1 Where complaints are received regarding the carrying on of street trading activities, these will be investigated in a prompt and professional manner.

14.3.2 If a complaint is found to be justified then the following actions may be taken by Officers:

- . Verbal warning.
- . Written warning.
- . Simple caution.
- . Prosecution.
- . Revoke the Consent.

ANNEX A

STANDARD CONDITIONS APPLICABLE TO HOLDERS OF A STREET TRADING CONSENT THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

It is important that the consent holder should understand and at all times observe these conditions. Any breach of any Condition could result in revocation of the street trading consent.

1 Street trading can only take place in accordance with the times and permissions of the consent.

2 A consent may be revoked at any time by the Council and the Council shall not in any circumstances whatsoever be liable to pay any compensation the holder in respect of such revocation.

3 The consent holder shall return this consent to Maidstone Borough Council immediately on revocation or surrender of the Consent.

4 Any consent holder found to be employing persons who do not have the right to work in the UK will have their consent immediately revoked.

5 A consent cannot be sub-let.

6 Consent holders shall permanently and clearly display on the street trading unit, in a conspicuous position readily visible to the public, the valid consent that has been issued by the Council. (Static and Mobile Consents only).

7 The consent holder and any assistants shall sell/offer for sale only such goods or types of goods as may be specified in the street trading consent granted to the consent holder.

8 The consent holder shall at all times maintain a valid Third Party Public Liability Insurance Policy of at least £10,000,000 to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon request by an authorised officer of the Council.

9 The consent holder shall keep his trading site and immediate adjacent area in a clean and tidy condition during permitted trading hours and also leave the site in a clean and tidy condition and unobstructed at the end of each period of use under the terms of this consent. For these purposes the term 'immediate adjacent area' refers to all public land within a 50 metres radius from the trading location over which the public have access.

10 No waste matter shall be discharged into or allowed to enter any highway drain or water course.

11 Every static street trading unit and any vehicles or equipment associated with it shall be removed from the site at the end of the day. The unit must not be left on site when not in use unless explicit written consent has been given by the Head of Housing and Community Services

12 The consent relates only to the unit described in the application or as defined on the certificate of consent.

13 The use of awnings; external display stands and the positioning of tables, chairs and sunshades around the unit are also prohibited without the written permission of the Head of Housing and Community Services.

14 The display of advertising signs, other than on the unit itself, is prohibited without the written permission of the Head of Housing and Community Services. Signage may also require planning permission.

15 Holders of a mobile street trading consent must not trade in one place for more than 30 minutes at a time and must not return to the same location within 2 hours.

16 No street trading unit shall be located and no street trading activity shall be carried on so as to cause obstruction of any street or endanger persons using the street.

17 The consent holder shall not trade in such a way as to cause a statutory or public nuisance to persons using the street, public place, or occupiers of premises in the vicinity. Noise from equipment (including amplified audio equipment) used in connection with the consented street trading activity shall also not give rise to a statutory or public nuisance.

18 The consent holder shall make adequate arrangements to ensure that all persons connected with the operation of the unit have the means and opportunity to visit suitable toilet facilities when necessary. The consent holder shall ensure that the facilities available are made use of.

19 The consent holder shall comply with the requirements of Part II, section 34 of the Environmental Protection Act 1990 with respect to waste resulting from his/her trading. The consent holder will make available the relevant documentation as proof of compliance at the request of an authorised officer of the Council.

20 If, and when required, the consent holder shall present the street trading unit to an officer of the Council for inspection.

21 The Council reserves the right to refuse to renew a static street trading consent if the applicant has not, without reasonable cause, traded at the site on a regular basis in the previous 6 months. In such circumstances the street trading consent may be granted to another applicant.

22 Street trading shall not be carried on at any time unless the appropriate fee for the street trading consent has been duly paid to the Council.

23 The consent Holder shall at all times conduct business in a clean, honest, civil and business like manner without interfering with the business of other traders and consent holders.

24 Nothing contained in these conditions shall relieve the consent holder or their employees or agents from any legal duty or liability and the consent holder shall indemnify the Council in respect of all claims, actions, demands or costs arising from this consent.

25 The Council may vary or make additions to the Conditions applying for any or all street trading consents, at any time.

ANNEXE B

RELEVANT OFFENCES WHEN DETERMINING SUITABILITY OF AN APPLICANT FOR A STREET TRADING CONSENT

a. Dishonesty

A street trading consent will not be granted unless 3 - 5 years have lapsed since a conviction for an offence that involves dishonesty, for example theft or fraud, or completion of any sentence imposed whichever is the later.

b. Violence

If an applicant has been convicted for an offence for violence which involves loss of life, a street trading consent will not be granted.

In other cases a street trading consent will not be granted unless 3 – 10 years have lapsed since a conviction for an offence relating to violence or completion of any sentence imposed whichever is the later.

c. Drugs

A street trading consent will not be granted unless 5 - 10 years have lapsed since a conviction relating to the supply or importation of drugs or completion of any sentence imposed whichever is the later.

A Street trading consent will not be granted unless 3 - 5 years have lapsed since a conviction for an offence relating to the possession of drugs or completion of any sentence imposed whichever is the later.

d. Sexual and Indecency Offences

A street trading consent will not be granted where there are convictions for rape, indecent assault, any sexual offence involving children and any conviction for an offence under the Sexual Offences Act 2003, or for indecent exposure.

e. Exploitation

A street trading consent will not be granted if there are convictions relation to exploitation of another individual. This will include slavery, child sexual exploitation and grooming.

f. Motoring Convictions

In most cases, motoring offences are unlikely to be relevant when considering a street trading consent application. However, there may be instances where the offences are of a very serious

nature or may be relevant to the type of street trading activity. In those cases a street trading consent will not be granted unless 3 - 5 years have lapsed since any such convictions or completion of any sentence imposed whichever is the later.

g. Street Trading Legislation

The Council takes a serious view on applicants who have been convicted of street trading offences under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. In particular, a street trading consent will not be granted unless 2 years have lapsed since any offence under the 1982 Act or if there is more than one conviction then 5 years must have lapsed.

h. Formal Cautions and Fixed Penalty Notices

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

i. Existing Consent Holders Convicted Of An Offence

The Council may consider revoking the consent if the consent holder is convicted of an offence and in particular there will be concern if the offence falls into one of the categories detailed above.

DRAFT

Agenda Item 15

Licensing Committee

16 September 2021

Gambling Act 2005: Statement of Licensing Policy 2022 - 2025

Final Decision-Maker	Full Council
Lead Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer and Report Author	Lorraine Neale
Classification	Non-exempt
Wards affected	All

Executive Summary

The Gambling Act 2005 requires that the Council publish a 'Statement of Licensing Principles that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The Council's current Policy Statement was published in January 2019. This report provides Members with information and guidance on a revised Statement of Gambling Policy under the Gambling Act 2005 and requests approval for public consultation.

Purpose of Report

Decision.

This report makes the following recommendations to this Committee:

1. That the Committee considers the draft Gambling Act 2005 Statement of Principles 2022-2025 for public consultation, and instructs officers to carry out the consultation as detailed in the report.

Timetable

Meeting	Date
Licensing Committee	11 November 2021
Council	8 December 2021

Gambling Act 2005: Statement of Licensing Policy 2022 - 2025

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<ul style="list-style-type: none"> <i>This Policy will help to promote a safer borough whilst protecting the health of residents by helping to ensure that gambling activity is safe and controlled</i> 	<i>Senior Licensing Officer</i>
Cross Cutting Objectives	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	<i>Senior Licensing Officer</i>
Risk Management	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	<i>[Senior Licensing Officer</i>
Financial	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	<i>Senior Licensing Officer</i>
Staffing	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	<i>Senior Licensing Officer</i>
Legal	<ul style="list-style-type: none"> <i>The Licensing Authority must formally review its adopted Statement of Principles for the Gambling Act 2005 Policy. Section 349 of the Act requires the authority to review this every three years and keep it under review from time to time. Without an up-to-date Policy in place, this could leave the authority open to legal challenge over the legitimacy of any decisions made</i> 	<i>Senior Licensing Officer</i>
Privacy and Data Protection	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	<i>Senior Licensing Officer</i>
Equalities	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	<i>Senior Licensing Officer</i>
Public Health	<i>Harm from gambling has become a serious and worsening public health problem in the UK and is found at the individual, social (family and</i>	<i>Health and Inclusion</i>

	<p><i>friends) and community levels. This includes financial hardship, psychological distress and interpersonal conflict or relationship breakdown. The harm from gambling to wider society includes fraud, theft, loss of productivity in the workforce and the cost of treating this addiction, associated anxiety and depression, and potential harms to others from reduced usable income.</i></p>	
<p>Crime and Disorder</p>	<ul style="list-style-type: none"> • <i>The Council has a statutory duty to contribute to the reduction of crime and disorder within the Borough under S.17 of the Crime and Disorder Act 1988. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime is one of the licensing objectives as defined in the Gambling Act 2005 and in the current statement of Licensing Principles.</i> • <i>Section 17, Crime and Disorder Act 1998</i> <i>17(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.</i> • <i>The Statement helps to promote a safer borough whilst protecting the health of residents by helping to ensure that gambling activity is safe and controlled</i> 	<p><i>Senior Licensing Officer</i></p>
<p>Procurement</p>	<ul style="list-style-type: none"> • <i>No implications have been identified</i> 	<p><i>Senior Licensing Officer</i></p>
<p>Biodiversity and Climate Change</p>	<ul style="list-style-type: none"> • <i>There are no implications on biodiversity and climate change.</i> 	<p><i>Senior Licensing Officer</i></p>

2. INTRODUCTION AND BACKGROUND

Background

- 2.1 The Gambling Act 2005 requires that the Council publish a 'Statement of Licensing Principles', that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.
- 2.2 The Council's current Policy Statement was published on 12th December 2018. This report provides Members with information and guidance on a revised Statement of Gambling Policy under the Gambling Act 2005 and requests approval for public consultation.
- 2.3 The Gambling Act came into force in September 2007 although the "first appointed day" (when the Council could start to receive applications) was 31 January 2007. In preparation, each licensing authority is required to develop, consult and publish a statement of its licensing policy and principles. The current statement, which is attached at Appendix A sets out the principles which the authority applies in exercising its licensing function under the Act.
- 2.4 The general principles of the Gambling Policy remain the same and the document is still centred around the Gambling Act's three statutory licensing objectives, namely:
- 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; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.5 The Statement of Policy needs to provide clarity to applicants and other parties to support the application process, to create efficiencies and manage and demonstrate expectations. It should ensure that applicants have a clear understanding of the impacts of their licensed business or proposed activities on others and what they must do to enhance the positive impacts and mitigate any detrimental impacts.
- 2.6 The Statement of Policy document, along with the Gambling Act 2005 and the Objectives and Gambling Commission Guidance, will all be referred to when considering applications in respect of the following: -
- Premises licences (this includes casinos, bingo halls, adult gaming centres, family entertainment centres, racetracks and betting shops).
 - Permits (licensed premises gaming machine permits, club permits, prize gaming permits, notification of two or less machines).
 - Lotteries (small society lotteries, incidental non-commercial lotteries, private lotteries and customer lotteries).
 - Temporary use notices and occasional use notices for short term gambling events.

Proposal

2.7 The current statement was comprehensively reviewed in 2018 to reflect the updated Guidance published by the Gambling Commission. Although the Commission has subsequently provided amendments to the guidance in April and May 2021 this does not require any specific amendment to the policy. As such, there are no changes to the proposed statement of principles. It has not been the subject of any legal challenge or complaint. It is therefore considered the current Statement of Gambling Policy remains fit for purpose and Officers are seeking authorisation to consult on the current Statement of Gambling Policy.

Consultation

2.9 Before determining its policy for any three-year period the Licensing Authority must consult the persons listed in section 349(3) of the 2005 Act. These are:

- The Chief Officer of Police
- One or more persons who appear to the Council to represent the interests of persons carrying on gambling businesses in the borough
- One or more persons who appear to the Council to represent persons who are likely to be affected by the exercise of the Council's functions under the Act.

2.10 The Statutory Guidance states that the list of persons to be consulted is deliberately wide so as to allow licensing authorities to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the Statement of Policy. It is however a matter for licensing authorities to develop their own consultation practices, including the methods for consultation and who they consider it necessary to consult with.

2.11 In accordance with good practice, and previous Statement of Policy consultations, it is therefore proposed to consult with:

- All Ward Councillors
- Parish Councils
- All bodies designated under s.157 of the Act as Responsible Authorities
- Kent County Council Trading Standards
- Association of British Bookmakers
- National Casino Forum
- British Amusement Catering Trade Association
- Bingo Association
- The British Horseracing Authority Limited
- British Beer and Pub Association
- British Institute of Innkeeping
- Gamblers Anonymous UK
- Gamcare
- Be Gamble Aware
- National Problem Gambling Clinic
- Responsible Gambling Trust

- Samaritans
- Citizen Advice Bureaux
- Gordon Moody Association
- Greene King plc
- Enterprise Inns plc
- Admiral Taverns
- J D Wetherspoon
- Shepherd Neame Ltd
- BetFred
- Buzz Bingo
- Cashino Gaming Ltd
- Family Leisure Holdings Ltd
- Ladbrokes Betting and Gaming Ltd
- Power Leisure Bookmakers Ltd (Paddy Power)
- Jennings Racing Ltd
- William Hill
- Ivor Thomas Amusements Ltd
- Leisure Link and Inspired Gaming
- The General Public

2.12 A 4-week consultation is proposed commencing Monday 27 September 2021 and concluding at the end of Sunday 24th October 2021. Methods of consultation will be via the Council's website and notice board and also by direct email and mail shots.

2.13 Following the public consultation, all responses received will be carefully considered and, where appropriate, further necessary amendments will be recommended to the Licensing Committee to consider. The results of the consultation will be provided to Licensing Committee on 11th November 2021. It would then be recommended for approval by Full Council on 8th December 2021 and, following one month's notice in a newspaper, the approved revised policy statement would take effect in January 2022.

3. AVAILABLE OPTIONS

3.1 The Act requires the Council to review its Statement of Gambling Principles every 3 years and requires that we consult on the proposed statement of principles. A review of the Statement has been completed.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 A comprehensive updated policy will improve the consistency in delivering the service and will better inform applicants of the licensing process in an open and transparent way, enabling the Authority to continue to have a 'fit for purpose' policy in place.

5. RISK

5.1 There are no Risk Management issues as the matter has been dealt with in accordance with our Pavement Licensing Policy.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 N/A

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 4 Week consultation.

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Draft Statement of Licensing Policy 2022 -2025
-

9. BACKGROUND PAPERS

[Gambling Act 2005](#)

[Gambling Act 2005 Guidance to Licensing Authorities](#)

Maidstone Borough Council

'Gambling Act 2005 Statement of Licensing Principles' 2022 -2025

Sept 2021

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1. The Licensing Objectives

The Gambling Act 2005 ('The Act') requires that in exercising most of its functions under the Act, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005. The licensing objectives are:

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

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

Maidstone Borough Council as "The Licensing Authority" for the Maidstone Borough will aim to permit the use of premises for gambling as set out in section 153 of the Gambling Act 2005.

Principles to be applied - Section 153

In exercising its functions under this part, the Licensing Authority shall aim to permit the use of premises for gambling in so far as the authority think it meets one or all of the following: –

- a) the Gambling Commission's code of practice;
- b) the Guidance to local authorities;
- c) the Licensing Authority's own statement of principles;
- d) the three licensing objectives.

In determining whether to grant a Premises Licence a Licensing Authority must not have regard to the expected demand for gambling premises that are the subject of the application.

Any objection to an application for a Premises Licence or request for a review of an existing licence should be based on the Licensing Objectives of the Gambling Act 2005. It should be noted that, unlike the Licensing Act 2003, the Gambling Act 2005 does not include as a specific Licensing Objective for the prevention of public nuisance. The licensing authority take the view that certain issues, incidents or events that might typically be classed as nuisance, public nuisance or antisocial behaviour might also be considered to be issues, incidents or events of disorder. The licensing authority will apply the ordinary meaning of disorder and consider each case on its own merits. The licensing authority will in all cases consider whether other relevant legislation would be more appropriate in the circumstances of any given application.

2. Introduction

The Maidstone Borough Council Area

MAIDSTONE BOROUGH COUNCIL - PARISHES



Maidstone Borough Council is a member of the Licensing Partnership, which includes Tunbridge Wells Borough Council, Sevenoaks District Council and the London Borough of Bexley. However, this policy relates to Maidstone.

Licensing authorities are required by the Gambling Act 2005 to publish a Gambling Policy Statement, setting out the principles that they propose to apply when exercising these functions. This Statement may be reviewed from time to time but must be republished at least every three years. This policy was approved by Full Council on ?? ??? 2021 to come into force January 2022.

In determining its policy the Licensing Authority shall have regard to Commission's Guidance and give appropriate weight to the views of those who respond to its consultation.

This draft policy has been prepared in accordance with the Gambling Commission's 5th Edition Guidance to Licensing Authorities (April 2021).and contains the minimum of amendments and no changes to the intent or direction of the previous policy, which is that the Council seeks to ensure that premises for Gambling uphold the licensing objectives.

The Commission has introduced the following amendments to the Guidance which:

- reflect regulatory and legislative changes since the 2012 version;
- reflect recent changes to the social responsibility provisions within the Commission's Licence Conditions and Codes of Practice;
- promote local partnership working between licensing authorities, the Commission and the industry to work in partnership to address local issues and concerns; and
- provide greater clarity about the wide range of powers afforded to licensing authorities to manage local gambling regulation through measures such as their statement of licensing policy.

The Licensing Authority will consult widely on the Gambling Policy statement before it is finalised and published.

The Act requires that the following parties be consulted by Licensing Authorities:

- the Chief Officer of Police for the Authority's area;
- one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area;
- one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

A list of those persons consulted is attached at appendix 5.

The consultation for the policy took place between ?? ??? and ?? ??? 2021 for a period of ?? weeks. The Licensing Authority has followed, as far is reasonably practicable given the time constraints, the Revised Code of Practice (April 2004) and the Cabinet Office Guidance on consultations by the public sector .

The full list of comments made and the consideration by the Licensing Authority of those will be available upon request to: The Licensing Administration Team via email licensing@sevenoaks.gov.uk or by telephoning 01732 227 004.

The draft policy is published on Maidstone Borough Council's website <http://www.maidstone.gov.uk/> .

This policy statement will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

3. Declaration

In producing the final licensing policy statement, this Licensing Authority declares that it will have had regard to the licensing objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission, as amended, and any responses from those consulted on the policy statement.

Appendices have been attached to this statement providing further information and guidance that is intended only to assist readers and should not be interpreted as legal advice or as part of the Council's policy. Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005, the Guidance, or regulations issued under the Act.

4. Licensing Authority Functions

Function	Who deals with it
Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences	Licensing Authority
Issue Provisional Statements	Licensing Authority
Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits	Licensing Authority
Issue Club Machine Permits to Commercial Clubs	Licensing Authority
Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres	Licensing Authority
Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines	Licensing Authority
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	Licensing Authority
Register small society lotteries below prescribed thresholds	Licensing Authority
Issue Prize Gaming Permits	Licensing Authority
Receive and endorse Temporary Use Notices	Licensing Authority
Receive Occasional Use Notices	Licensing Authority
Provide information to the Gambling Commission regarding details of licences issued (see section 8 on 'information exchange')	Licensing Authority
Maintain registers of the permits and licences that are issued under these functions	Licensing Authority

Gambling Commission Functions

Function	Who deals with it
Issue and renewal of Operating Licences	Gambling Commission
Review Operating Licences	Gambling Commission
Issue Personal Licences	Gambling Commission
Issue Codes of Practice	Gambling Commission

Issue Guidance to Licensing Authorities	Gambling Commission
Licence remote gambling through Operating Licences	Gambling Commission
Issue licences in relation to the manufacture, supply, installation, adaptation, maintenance or repair of gaming machines	Gambling Commission
Deal with appeals against Commission decisions	Gambling Appeals Tribunal

The Licensing Authority is not involved in licensing remote gambling. This will fall to the Gambling Commission via operating licences.

Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

5. Operators

Gambling businesses are required to have an operator licence issued by the Gambling Commission before they can operate in Great Britain. Operator licences can be issued for up to ten different types of gambling activity and a separate licence is needed for both remote and non-remote gambling of the same types.

An operator licence gives a general authorisation for a business to provide gambling facilities, but a business wishing to provide non-remote gambling facilities in a Licensing Authority area is required to apply for a premises licence that is specific to the particular premises.

Operators are required to comply with conditions attached to both their operator and individual premises licences. They are also required to adhere to the mandatory provisions in the Gambling Commission's Social Responsibility Code of Practice and take account of the provisions in the Ordinary Code of Practice (although these are not mandatory).

The Licence Conditions and Codes of Practice (LCCP) were updated in April 2015 and have introduced significant new responsibilities for operators in relation to their local premises. With effect from April 2016, all non-remote licensees that run gambling premises will be required to assess the local risks to the licensing objectives arising from each of their premises and have policies, procedures and control measures to mitigate them.

Licensees are required to take into account the Licensing Authority's statement of principles in developing their risk assessments.

6. Risk Assessments

Gambling operators are required to undertake a risk assessment for all their existing premises as from 6th April 2016. In undertaking their risk assessments, they must take into account relevant matters identified in the Licensing Authority's Statement of Policy.

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.

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 in May 2016.

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.

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.

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.

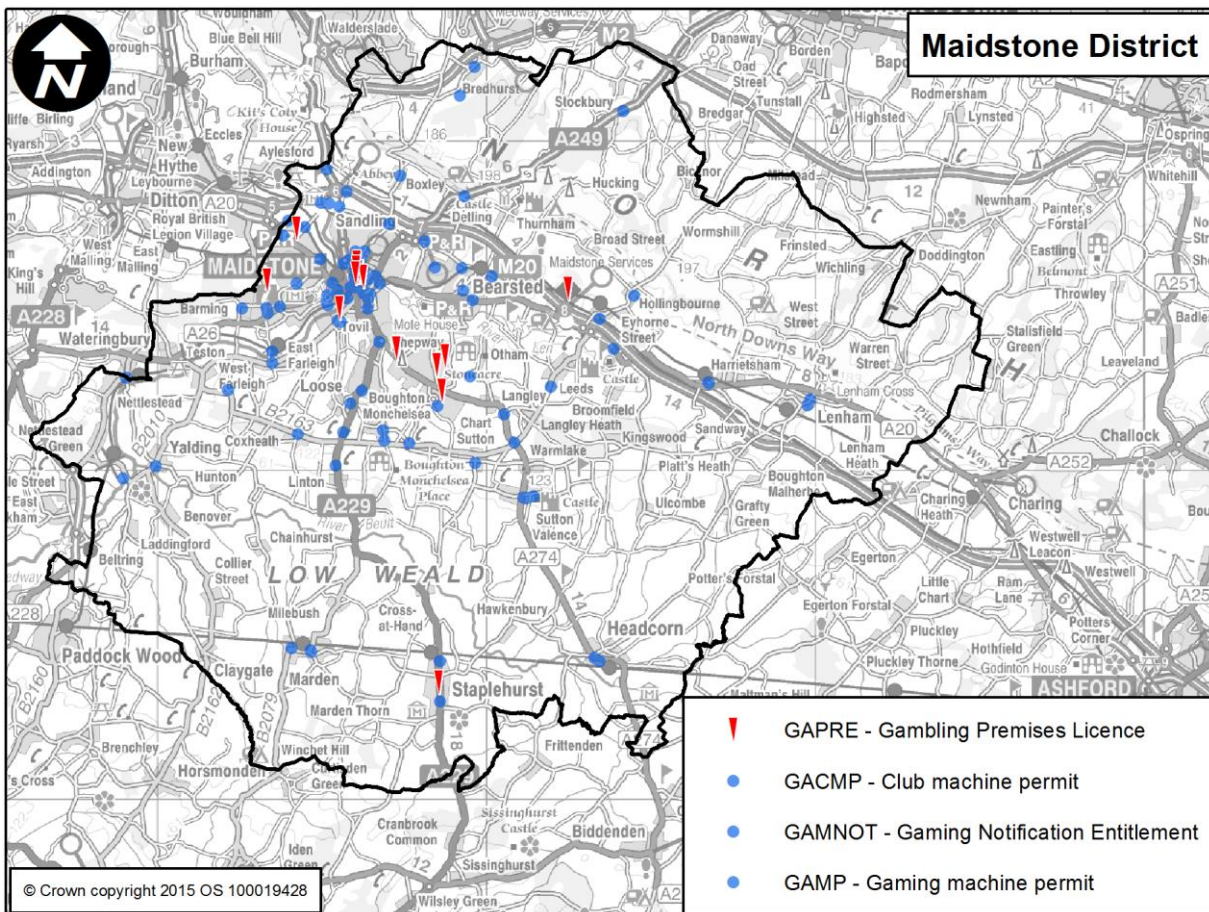
This Statement of Principles does not preclude any application being made and every application will be decided on its individual merits, with the opportunity given for the applicant to show how potential concerns can be overcome.

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.

7. Local Area Profile (LAP)

The Guidance indicates licensing authorities complete and map their own assessment of local risks and concerns by developing Local Area Profiles to help shape their statements (although there is no requirement to do this). In simple terms, the objective of the profile is to set out what the area is like, what risks this might pose to the licensing objectives, and what the implications of this are for the Licensing Authority and operators. Importantly, risk in this context includes potential and actual risks, thereby taking into account possible future emerging risks, rather than reflecting current risks only.

Gambling Premises are mapped out within the Borough (red markers) and those premises that have gaming machine permits (Licensed Premises and Club) and gaming permits (Clubs) to indicate the location of the premises. There are 17 betting gambling premises across the Borough and there are no areas of high density of gambling premises. Gambling premises and gambling activities are concentrated in and around Maidstone, which the map demonstrates.



In assessing local area profiles, Licensing Authorities can also take into account the location of

- schools, sixth form colleges, youth centres etc., with reference to the potential risk of under-age gambling

- hostels or support services for vulnerable people, such as those with addiction issues or who are homeless, given the greater risk of problem gambling among these groups
- religious buildings
- any known information about issues with problem gambling
- the surrounding night time economy, and possible interaction with gambling premises
- patterns of crime or anti-social behaviour in the area, and specifically linked to gambling premises
- the socio-economic makeup of the area
- the density of different types of gambling premises in certain locations
- specific types of gambling premises in the local area (E.g., seaside resorts may typically have more arcades or FECs).

In drafting this document relevant bodies and organisations were contacted for evidence of existing problems. However, information at the time of drafting this Statement of Principles was unavailable. This Licensing Authority does not have evidence that there are specific issues at the moment to support the assertion that any part of the Borough had or is experiencing problems from gambling activities.

Complaints are only one means to consider addressing risk as they are related to an event that has happened, rather than the probability of an event happening and the likely impact of that. This position will be kept under review, and in the event that it changes, further research will be carried out to discover the extent of the problems and to prepare a Local Area Profile (LAP). If there is a need or evidence to develop the LAP further this will be done outside the scope of this document and updated as information changes.

8. Responsible Authorities

In exercising the Licensing Authority's 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 following principles have been applied:

- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the Commission's Guidance for Local Authorities the Licensing Authority designates the following for this purpose:

Children's and Families - KCC Social Service

The contact details of all the Responsible Bodies under the Gambling Act 2005 are listed at Appendix 3 of the policy.

9. Interested parties

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party.

Section 158 of the Gambling Act 2005 defines interested parties as persons who, in the opinion of the Licensing Authority;

- 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;
- c) represents persons who satisfy paragraph (a) or (b).

An interested party can make representations about licence applications or apply for a review of an existing licence.

Each application will be decided upon its merits. This Authority will not apply rigid rules to its decision-making. However, it will consider the Commission's Guidance issued to local authorities.

The Gambling Commission has emphasised that 'demand' cannot be a factor in determining applications.

The Guidance states that moral objections to gambling are not a valid reason to reject applications for premises licences, as such objections do not relate to the licensing objectives. All objections must be based on the licensing objectives.

The Commission has recommended that the Licensing Authority state within its Gambling Policy Statement that interested parties may include trade associations, trade unions, and residents and tenants' associations. However, this Authority will not generally view these bodies as interested parties unless they have a person who in the opinion of the Licensing Authority:-

- a) live sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) have business interests that might be affected by the authorised activities; or
- c) represents persons who satisfy paragraph a) or b).

Interested parties can be persons who are democratically elected, such as Councillors and MP's. No evidence of being asked to represent an interested person will be required provided the Councillor/MP represents the relevant ward. Likewise, parish councils may be considered to be interested parties.

Apart from these exceptions this Authority will require written confirmation that a person/body/advocate/relative is authorised to represent an interested party. Where they can demonstrate that they represent person in (a) or (b) above, a letter of authorisation from one of these persons, requesting the representative to speak on their behalf will be sufficient.

Councillors who are not within the definition of an "interested party" may attend meetings of the Licensing Committee's Sub-Committees but have no right to address the hearing unless appointed by an 'interested party' to assist or represent that party.

In determining whether a person lives or has business interests sufficiently close to the premises, that they are likely to be affected by the authorised activities, the Licensing Authority will consider the following factors:-

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the location of the person making the representation;
- the potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment);
- the circumstances of the complaint. This does not mean the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises;
- the catchment area of the premises (i.e. how far people travel to visit); and
- whether the person making the representation has business interests in that catchment area that might be affected.

If there are any doubts then please contact the Licensing Team via email at licensing@maidstone.gov.uk or by telephone 01622 602528.

10. Exchange of Information

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

The principle that this Licensing Authority will apply is that it will have regard to the provisions of the Gambling Act 2005 in its exchange of information, and the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will have regard to any revised Guidance issued by the Gambling Commission on this matter as well as any regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Any protocols established as regards information exchange with other bodies will be made available.

11. Public Register

The Licensing Authority is required to keep a public register and share information contained in it with the Gambling Commission and others. Regulations will prescribe what information should be kept in the register. Copies of the register may be obtained on payment of a fee.

12. Compliance and Enforcement

The Licensing Authority will act in accordance with the relevant legislation and Guidance as amended from the Gambling Commission and adopt the principles of better regulation set out in the Regulators Compliance Code.

The purpose of the Licensing Authority's enforcement protocol is to facilitate co-operation and co-ordination between enforcement agencies in pursuance of both the Gambling Act 2005 and the Licensing Act 2003.

A copy can be requested via email at licensing@sevenoaks.gov.uk or by telephoning the Licensing Administration Team 01732 227004.

In accordance with the Gambling Commission's Guidance for local authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes.

The Licensing Authority, as recommended by the Gambling Commission's Guidance, has adopted a risk-based inspection programme.

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

The Licensing Authority's principles are that:

It will adopt the Guidance for local authorities and it will endeavour to be:

- Proportionate
Intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
- Accountable
Authorities must be able to justify decisions and be subject to public scrutiny.
- Consistent
Rules and standards must be joined up and implemented fairly.
- Transparent
Enforcement should be open and regulations kept simple and user friendly.
- Targeted
Enforcement should be focused on the problems and minimise side effects.

The Licensing Authority will adopt a risk-based inspection programme.

New premises, premises under new management, premises where complaints have been received or intelligence received relevant to the licensing objectives and premises or operators where compliance failings have been identified previously will attract a higher risk rating. Premises located in areas where there have been incidents of crime affecting or relating to gambling premises, or where the premises themselves have been the victims or involved in such crime, shall also attract a higher risk rating. The Council will conduct baselining assessments to assess initial risk ratings for gambling premises in its district. 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.

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.

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.

Premises found to be fully compliant will attract a lower risk rating. Those where breaches are detected will attract a higher risk rating.

The Licensing Authority will take appropriate enforcement action against those responsible for unlicensed premises/activity. Action will be carried out in accordance with the Enforcement Policy.

The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for Operating and Personal Licences.

Appendix 1

Factors to be taken into account when considering applications for premises licences, permits and other permissions including matters that will be considered when determining whether to review a licence.

1. Permits

- i. **Unlicensed Family Entertainment Centre (FEC) gaming machine permits**
(Statement of Principles on Permits - Schedule 10 para7)

Where a premises does not hold a Premises Licence but wishes to make available Cat D gaming machines it may apply to the Licensing Authority for this permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

As unlicensed family entertainment centres will particularly appeal to children and young persons, weight shall be given to child protection issues. The Licensing Authority has considered and will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The policies and procedures are expected to include:

- What staff should do if they suspect that truant children are on the premises;
- How staff should deal with unsupervised young children on the premises;
- How staff should deal with children causing perceived problems on or around the premises;
- Safeguarding awareness training
- A basic criminal record check for staff or equivalent criminal records check for the applicant and also the person who has the day to day control of the premises;

The Licensing Authority will also expect applicants to demonstrate

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

It should be noted that a Licensing Authority cannot attach conditions to this type of permit and that the “statement of principles” only applies to initial applications and not to renewals (paragraph 8(2)). For initial applications, the Licensing Authority need not (but may) have regard to the licensing objectives and shall have regard to any Gambling Commission Guidance.

The Gambling Commission's Guidance for local authorities states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits....., licensing authorities may want to give weight to child protection issues."

The Gambling Commission's Guidance also states: "An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the Chief Officer of Police has been consulted on the application."

Statement of Principles: This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The efficiency of such policies and procedures will each be considered on their merits. However, they may include:-

- appropriate measures/training for staff as regards suspected truant school children on the premises;
- measures/training covering how staff would deal with unsupervised very young children being on the premises;
- children causing perceived problems on/around the premises; and
- Safeguarding awareness training

With regard to renewals of these permits, the Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

(ii) (Alcohol) Licensed Premises (Licensing Act 2003) Gaming Machine Permits – (Schedule 13 Para 4(1))

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of categories C and/or D. The premises licence holders merely need to notify the Licensing Authority. The Licensing Authority may make an order disapplying the automatic entitlement in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act 2005;
- the premises are mainly used for gaming; or
- an offence under the Gambling Act 2005 has been committed on the premises.

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

This Licensing Authority considers that “such matters” will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.

Measures which will satisfy the Licensing Authority that there will be no access may include the adult machines being in sight of the bar or in the sight of staff that will monitor that the machines are not being used by those under 18 years old. This applies to licensed family entertainment centres and bingo premises and not adult gaming centres and betting premises which are adult only premises. Notices and signage may also help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

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

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

(iii) Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 (3))

Given that the premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to request from the applicant, the Licensing Authority will want to give weight to child protection issues and will ask the applicant to set out the types of gaming that he or she is intending to offer. The applicant will be expected to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. These considerations should also apply to unlicensed family entertainment centre permits.

- What staff should do if they suspect that truant children are on the premises;
- How staff should deal with unsupervised young children on the premises;
- How staff should deal with children causing perceived problems on or around the premises;
- Safeguarding awareness training; and
- A basic criminal record check for staff or equivalent criminal records check for the applicant and also the person who has the day to day control of the premises;

The Licensing Authority will also expect applicants to demonstrate

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);
- that staff are trained to have full understanding of the maximum stakes and prizes; and
- that the gaming offered is within the law

In making its decision on an application for this permit the Licensing Authority need not (but may) have regard to the licensing objectives and shall have regard to any Gambling Commission Guidance.

The Gambling Act 2005, attaches mandatory conditions to all prize gaming permits. The Licensing Authority cannot attach conditions. The mandatory conditions are as follows:

The limits on participation fees, as set out in regulations, must be complied with;

- the 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.
- Prize gaming permits are issued for 10 years and there is no annual fee.

Members' Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D), equal chance gaming and games of chance as set out in regulations. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D). A

If a club does not wish to have the full range of facilities permitted by a club gaming permit or if they are a commercial club not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act), they may apply for a club machine permit which will enable the premises to provide gaming machines (three machines of categories B4, C or D).

The Guidance for local authorities states: "Members' Clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, it must be permanent in nature, not established to make a commercial profit and must be controlled by its members equally. unless the gaming is restricted to bridge and whist but there is no need for a club to have an alcohol licence.

The Licensing Authority is aware that it may refuse an application on one or more of the following grounds:

- (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, or by both;
- (c) an offence under the Act or a breach of a condition of a permit has been committed by the applicant while providing gaming activities;
- (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.

Fast Track Procedure (Schedule 12(10))

There is also a procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12, para 10). As the Gambling

Commission's Guidance for local authorities' states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:

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

There are statutory conditions on club gaming permits that no child uses a category B3A, B4 or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

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?

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?

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

Appendix 2

2. Gambling Premises Licences

(i) Decision making - general:

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

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

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant Guidance issued by the Gambling Commission;
- reasonably consistent with the Licensing Objectives; and
- in accordance with the Authority's Statement of Licensing Policy.

Any conditions attached to licences by the Licensing Authority will be proportionate and will be:

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

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. The Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

An applicant for a licence will need to specify what supervision is proposed for the area where machines are sited and to clarify how supervisors will be trained to recognise vulnerable adults.

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

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

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

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

There are also conditions which the Licensing Authority cannot attach to premises licences which are:

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

(ii) "Premises":

Premises are defined in the Act as "any place". It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises and as the Guidance for local authorities' states, it "will always be a question of fact in the circumstances". The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

The Licensing Authority will have regard to the Commission's Guidance on the division of premises and access between premises.

The Licensing Authority takes particular note of the Guidance for Local Authorities which states that in considering applications for multiple licences for a building (split premises) or those for a specific part of the building to be licensed, licensing authorities should be aware that:

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

The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that references to "the premises" are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. The Licensing Authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensures that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

(iii) Location:

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

(iv) Planning:

Planning and licensing are different regulatory systems and will be dealt with separately. The Gambling Commission's Guidance states: "When dealing with a premises licence

application for finished buildings, the Licensing Authority should not take into account whether those buildings have or comply with the necessary planning or building consents.

Those matters should be dealt with under relevant planning control, building and other regulations and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.”

(v) Duplication:

As stated above in section 12 on Compliance and Enforcement, as per the Gambling Commission’s Guidance for local authorities the Licensing Authority will seek to avoid duplication with other regulatory regimes so far as possible.

(vi) Door Supervisors:

The Gambling Commission’s Guidance advises local authorities that licensing authorities may require persons operating premises in which gambling takes place to take measures such as the supervision of entrances; segregation of gambling from non-gambling areas frequented by children (assuming such non-gambling areas are compatible with requirements of the Act); and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

Any person employed to fulfil a condition on a premises licence that requires door supervision should hold a relevant licence issued by the Security Industry Authority (SIA).

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

The Licensing Authority therefore has specific requirements for door supervisors working at casinos or bingo premises, where there are multiple licensable activities and/or the Police Licensing Officer has concerns about the licensing objectives being undermined.

Where the premises are licensed under the Licensing Act 2003 door supervisors will be required to hold a relevant licence issued by the Security Industry Authority (SIA).

(vii) Licensing objectives:

The Licensing Authority has considered the Commission’s Guidance to local authorities in respect of the licensing objectives.

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.

(viii) Reviews:

Interested parties or responsible authorities can make requests for a review of a premises licence; however, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the following matters:

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

Consideration will be given as to whether the request is frivolous, vexatious, or will certainly not cause the Licensing Authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The Licensing Authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate.

(ix) Provisional Statements:

The Licensing Authority notes the Guidance from the Gambling Commission which states:

S.204 of the Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

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

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (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.
- (c) Where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and licensing authorities should discuss any concerns they have with the applicant before making a decision.
- (d) Operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Gambling premises do not have to be complete

before a Premises Licence can be granted. The Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them.

(x) Adult Gaming Centres (AGC):

The Licensing Authority particularly notes the Commission's Guidance which states: "No-one under the age of 18 years of age is permitted to enter an AGC. Licensing authorities will wish to have particular regard to the location of an entry to AGCs to minimise the opportunities for children to gain access. This may be of particular importance in areas where young people may be unsupervised and an AGC is in a complex, such as a shopping centre or airport."

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.

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

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

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

(xi) (Licensed) Family Entertainment Centres (FECs):

Family Entertainment Centres are wholly or mainly used for having gaming machines available for use.

The Licensing Authority will, as per the Gambling Commission's Guidance refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences.

As 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.

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

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

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

(xii) Tracks:

The Licensing Authority is aware that the Gambling Commission may provide specific Guidance as regards tracks. The Licensing Authority shall have regard to this Guidance in the discharge of its functions.

(xiii) Casinos:

The Licensing Authority has not passed a 'no Casino' resolution under Section 166(1) of the Gambling Act 2005; therefore this would allow the authority to grant a Casino licence.

Any future decision to pass or not pass such a resolution will be made by the Council's Licensing Committee and will need to be endorsed by the Full Council, but will only be taken after a full consultation process has been undertaken within its area.

(xiv) Bingo:

The Licensing Authority will have regard to the Gambling Commission's Guidance.

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.

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.

(xv) Temporary Use Notice (TUN):

There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the Licensing Authority to decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building/site (see Gambling Commission's Guidance for Local Authorities).

(xvi) Occasional Use Notice (OUN):

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

(xvii) Small Society Lotteries:

The Council will adopt a risk-based approach towards our compliance responsibilities for small society lotteries. We consider the following list, although not exclusive, could affect the risk status of the operator:

- Submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- Submission of incomplete or incorrect returns
- Breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event as either an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- By, or on behalf of, a charity or for charitable purposes
- To enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact us on 01622 602028 or email licensing@maidstone.gov.uk to seek further advice

(xviii) Travelling Fairs:

It will fall to the Licensing Authority to decide whether, where category D machines and/or equal chance prize gaming without a permit are to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

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

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses its boundaries is monitored so that the statutory limits are not exceeded.

Help with gambling related problems:

A list of organisations where people may seek help will be available on the Licensing Authority's website.

Appendix 3

Responsible Authorities:

Further information about the Gambling Act 2005 and the Council's licensing policy can be obtained from:

Licensing Team

Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ

Tel: 01622 602028

e-mail: licensing@maidstone.gov.uk

Website: www.maidstone.gov.uk

Local Planning Authority

Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ

Tel: 01622 602736

e-mail:

planningsupport@midkent.gov.uk

Chief Police Officer – (West Division)

Maidstone Police Station
Palace Avenue
Maidstone
Kent
ME15 6NF

Tel: 01622 690690

e-mail:

west.division.licensing@kent.pnn.police.uk

Information can also be obtained from:

Gambling Commission

Victoria Square House
Victoria Square
Birmingham. B2 4BP

Tel: 0121 230 6666

Fax 0121 230 6720

e-mail: info@gamblingcommission.gov.uk

Website: www.gamblingcommission.gov.uk

Environmental Protection/ Health and Safety

Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ

Tel: 01622 602202

e-mail:

enforcementoperations@maidstone.gov.uk

Kent Safeguarding Children's Board

KCC Social Services
Sessions House
County Road
Maidstone
Kent ME14 1XQ

e-mail: kscb@kent.gov.uk

social.services@kent.gov.uk

Appendix 4

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

Gambling Act 2005	Functions	Delegation
	Final approval of three year licensing policy	Full Council
	Policy not to permit casinos	Full Council
	Fee Setting (when appropriate)	Full Council
Section 29	Duty to comply with requirement to provide information to Gambling Commission	Officers
Section 30	Functions relating to the exchange of information	Officers
Section 163	Determination of application for Premises Licence in respect of which representations have been made (and not withdrawn) Determination of application for Premises Licence where no relevant representations received	Licensing Sub-Committee Officers
Section 162	Attachment of condition to Premises Licence or exclusion of default condition	Licensing Sub-Committee
Section 162	Decision as to whether representation is vexatious, frivolous, or would certainly not influence the authority's determination of application	Officers in consultation with the Head of Service
Section 187	Determination of application to vary Premises Licence in respect of which representations have been made (and not withdrawn) Determination of application to vary Premises Licence in respect of which no representation received	Licensing Sub-Committee Officers
Section 188	Determination of application for transfer of Premises Licence in respect of which representations have been made (not withdrawn) Determination of application for transfer of Premises Licence where no representations received	Licensing Sub-Committee Officers
Section 193	Revocation of Premises Licence for failure to pay annual fee	Officers
Section 194	Determination that a Premises Licence has lapsed	Officers
Section 195	Reinstatement of lapsed Premises Licence in respect of which representations have been made (and not withdrawn) Reinstatement of lapsed Premises Licence where no representation is received	Licensing Sub-Committee Officers
Section 198	Rejection of application for review of Premises Licence on various grounds	Officers in consultation with Head of Service
Section 200	Initiation of review of Premises Licence	Officers
Section 201	Determination that representation about review of Premises Licence is frivolous, vexatious or will certainly not influence a review of a Premises Licence	Officers in consultation with Head of Service

Section 202	Determination of action following review of Premises Licence	Licensing Sub-Committee
Section 204	Determination of application for provisional statement in respect of Premises Licence where representations have been made (and not withdrawn) Determination of application for provisional statement in respect of which no representations received	Licensing Sub-Committee Officers
Section 205	Decision to disregard representations made in respect of application for a Premises Licence after issue of provisional statement	Officers in consultation with Head of Service
Section 218	Issue of counter notice to Temporary Use Notice where number of permitted days are exceeded	Officers
Section 221	Objection to Temporary Use Notice	Officers
Section 222	Issue of counter notice in response to Temporary Use Notice	Licensing Sub-Committee
Section 284	Making of Order to remove exemptions from specified premises	Licensing Sub-Committee
Section 304	Power to designate officer of a Licensing Authority as an authorised person for a purpose relating to premises	Officers
Section 346	Institution of criminal proceedings in respect of an offence under the provisions of the Act	Officers in consultation with Head of Service
Schedule 10		
Paragraph 8	Determination of application for Family Entertainment Centre Gaming Machine Permit	Director of Regeneration and Communities (or in his absence the Head of Housing & Community Services) (Refusal to be exercised only in consultation with Head of Service)
Paragraphs 14 and 15	Notification of lapse of Family Entertainment Centre Gaming Permit	Officers in consultation with Head of Service
Schedule 11		
Paragraph 44	Registration of society for small society lottery	Officers
Paragraph 48	Refusal of application for registration of society for small society lottery	Officers in consultation with Head of Service
Paragraph 50	Revocation of registration of society for small society lottery	Officers in consultation with Head of Service
Paragraph 54	Cancellation of registration of society for small society lottery for non-payment of annual fee	Officers
Schedule 12		
Paragraphs 5 and 10 and 24	Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit in respect of which representations have been made (and not withdrawn) Determination of application for Club	Licensing Sub-Committee Officers

	Gaming Permit and Club Registration Permit and for renewal of permit where no representations received	
Paragraph 15	Determination of application for variation of Club Gaming Permit and in respect of which Club Registration Permit and cancellation of permit representations have been made (and not withdrawn) Determination of application for variation of Club Gaming Permit and Club Registration Permit and cancellation of permit where no representations	Licensing Sub-Committee Officers
Paragraph 21	Cancellation of Club Gaming Permit and Club Registration Permit	Licensing Sub-Committee
Paragraph 22	Cancellation of Club Gaming Permit and Club Registration Permit for failure to pay annual fee	Officers
Schedule 13		
Paragraphs 4, 15 and 19	Determination of application for grant, variation or transfer of Licensed Premises Gaming Machine Permit	Officers (Refusal and limitation on number of machines only in consultation with Head of Service
Paragraph 16	Cancellation of Licensed Premises Gaming Machine Permit or variation of number or category of machines in respect of which representations received (and not withdrawn)	Sub-Committee
Paragraph 17	Cancellation of Licensing Premises Gaming Machine Permit and variation of number or category of machine where no representations received Cancellation of Licensed Premises Gaming Machine Permit for failure to pay annual fee	Officers Officers
Schedule 14		
Paragraphs 9 and 18	Determination of application for Prize Gaming Permit and application for renewal of Permit	Officers (Refusal only in consultation with Head of Service
Paragraph 15	Determination that Prize Gaming Permit has lapsed	Officers

Appendix 5

LIST OF CONSULTEES

All Maidstone Borough Councillors

All Parish Councillors

All premises currently licensed to sell or supply alcohol

All premises currently licensed for regulated entertainment

All premises currently licensed for late night refreshments

Any other prescribed in regulations by Secretary of State

Town Centre Management

Environment Agency

British Waterways Board

GamCare

2 & 3 Baden Place

Crosby Row

London SE1 1YW

Tel: 020 7378 5200

Website: www.gamcare.org.uk

The Bingo Association

Lexham House

75 High Street (North)

Dunstable

Bedfordshire LU6 1JF

Tel: 01582 860921

Website: www.bingo_association.co.uk

British Casino Association

38 Grosvenor Gardens

London SW1W 0EB

Tel: 020 7730 1055

Website: www.britishcasinoassociation.org.uk

This list is not finite and other persons or organisations may be added.

SUMMARY OF GAMING MACHINES BY PREMISES

Appendix 6

Premises type	Machine category							
	A	B1	B2	B3	B3A	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)	Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)							
Small casino (machine/table ratio of 2-1 up to maximum)	Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)							
Pre-2005 Act casino (no machine/table ratio)	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead							
Betting premises and tracks occupied by pool betting	Maximum of 4 machines categories B2 to D							
Bingo premises	Maximum of 20% of total number of gaming machines which are available for use on the premises categories B3 or B4							
Adult gaming centre	Maximum of 20% of total number of gaming machines which are available for use on the premises categories B3 or B4							
Family entertainment centre (with premises licence)	No limit on category C or D machines							
Family entertainment centre (with permit)	No limit on category D machines							
Clubs or miners' welfare institute (with permits)	Maximum of 3 machines in categories B3A or B4 to D*							
Qualifying alcohol-licensed premises	1 or 2 machines of category C or D automatic upon notification							
Qualifying alcohol-licensed premises (with gaming machine permit)	Number of category C D machines as specified on permit							
Travelling fair	No limit on category D machines							
	A	B1	B2	B3	B3A	B4	C	D

1 Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight¹⁰⁷ category B gaming machines, or 20% of the total number of gaming machines, whichever

is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.

2. Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.
3. Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FEC's and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.
4. Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.
5. Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

Appendix 7

SUMMARY OF MAXIMUM STAKE AND MAXIMUM PRIZE BY CATEGORY OF GAMING MACHINE.

Machine category	Maximum stake (from January 2014)	Maximum prize (from January 2014)	Allowed premises
A	Unlimited	Unlimited	Regional Casino
B1	£5	£10,000 (with the option of a maximum £20,000 linked progressive jackpot on a premises basis only)	Large Casino, Small Casino, Pre-2005 Act casino and Regional Casinos
B2	£100	£500	Betting premises and tracks occupied by pool betting and all of the above
B3	£2	£500	Bingo premises, Adult gaming centre and all of the above
B3A	£2	£500	Members' club or Miners' welfare institute only
B4	£2	£400	Members' club or Miners' welfare club, commercial club and all of the above.
C	£1	£100	Family entertainment centre (with Commission operating licence), Qualifying alcohol licensed premises (without additional gaming machine permit), Qualifying alcohol licensed premises (with additional LA gaming machine permit) and all of the above.
D money prize	10p	£5	Travelling fairs, unlicensed (permit) Family entertainment centre and all of the above

D non-money prize (other than crane grab machine)	30p	£8	All of the above.
D non-money prize (crane grab machine)	£1	£50	All of the above.
D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)	All of the above.
D combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)	All of the above.

* These values are subject to change

Appendix 8

STATEMENT OF PRINCIPLES FOR UNLICENSED FAMILY ENTERTAINMENT CENTRES, GAMING MACHINE PERMITS & PRIZE GAMING PERMITS GAMBLING ACT 2005

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1. The Gambling Act 2005

Unless otherwise stated any references in this document to the Council is to Maidstone Borough Council as the Licensing Authority.

The Act requires the Council, as the Licensing Authority, to aim to permit the use of premises for gambling in so far as the authority thinks it:

- In accordance with a relevant code of practice,
- In accordance with any relevant Guidance issued by the Gambling Commission,
- Reasonably consistent with the licensing objectives, and
- In accordance with the Licensing Authority policy issued under the Act.

The licensing objectives are:

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

2. Purpose of this document

This document has been prepared to assist persons considering making an application for either an unlicensed family entertainment centre (UFEC) gaming machine permit or a prize gaming under the Gambling Act 2005.

Maidstone Borough Council fully endorses the licensing objectives detailed above and expects all applicants to work in partnership to promote these objectives through clear and effective management of each gambling operation whether in respect of a permit or premises licence.

In respect of UFEC gaming machine permits it has been prepared in accordance with Paragraph 7 of Schedule 10 of the Act and in respect of prize gaming permits it has been prepared in accordance with paragraph 8 of Schedule 14 of the Act. The document should be read in conjunction with Maidstone Council Statement of Licensing Policy and Principles. – Gambling Act 2005.

The purpose of the document is to clarify measures that the Council will expect applicants to demonstrate when applying for either of these permits so the Council can determine the suitability of the applicant and the premises for a permit.

Within this process the Council will aim to grant the permit where the applicant is able to demonstrate that:

- They are a fit and proper person to hold the permit, and
- They have considered and are proposing suitable measures to promote the licensing objectives and they have a legal right to occupy the premises to which the permit is sought.

The measures suggested in this document should be read as guidance only and the Council will be happy for applicants to suggest measures above and beyond those listed in the document and or to substitute measures as appropriate.

3. Unlicensed Family Entertainment Centres

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

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

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

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

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

4. Prize Gaming Permits

Section 288 defines gaming as 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. The prizes will be determined by the operator before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where bingo is offered and the prizes are displayed.

A prize gaming permit is a permit issued by the Council to authorise the provision of facilities for gaming with prizes on specified premises.

Applicants should be aware of the conditions in the Gambling Act 2005 by which prize gaming permits holders must comply. 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

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

Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time. Permits are granted for a period of ten years.

5. Statement of Principles for UFEC gaming machine permits and prize gaming permits

Supporting documents

The Council will require the following supporting documents to be served with all UFEC gaming machine permit and prize gaming permit applications:

- 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.)

In the case of applications for a UFEC gaming machine permit evidence that the machines to be provided are or were supplied by a legitimate gambling operator who holds a valid gaming machine technical operating licence issued by the Gambling Commission together with a plan of the premises to which the permit is sought showing the following items:

- 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 and the particular type of machines to be provided (e.g. Slot machines, penny falls, cranes)
- 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 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.

(Unless agreed with the Council, the plan should be drawn to a standard scale with a key showing the items mentioned above. The standard scale is 1:100)

6. Child Protection Issues

The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The Council will assess these policies and procedures on their merits, and they should (depending on the particular permit being applied for) include appropriate measures / training for staff as regards the following:

- Maintain contact details for any local schools and or the education authority so that any truant children can be reported
- Employ policies to address the problems associated with truant children who may attempt to gain access to the premises and gamble when they should be at school
- Employ policies to address any problems that may arise during seasonal periods where children may frequent the premises in greater numbers, such as half terms and summer holidays
- Maintain information at the premises of the term times of any local schools in the vicinity of the premises and also consider policies to ensure sufficient staffing levels during these times
- Display posters displaying the 'Child Line' phone number in discreet locations on the premises e.g. toilets
- Maintain an incident register of any problems that arise on the premises related to children such as children gambling excessively, truant children, children being unruly or young unaccompanied children entering the premises (The register should be used to detect any trends which require attention by the management of the premises.)
- Ensure all young children are accompanied by a responsible adult
- Maintain policies to deal with any young children who enter the premises unaccompanied
- Enhanced criminal records checks for all staff who will be working closely with children

NB: Any supporting evidence of the above measures e.g. Training manuals or other similar documents/written statements should be attached to the application.

7. Protection of Vulnerable Persons.

The Council will expect the applicant to show that there are policies and procedures in place to protect vulnerable persons.

The Council will assess these policies and procedures on their merits; however they may (depending on the particular permit being applied for) include appropriate measures / training for staff as regards the following:

- Display Gamcare helpline stickers on all gaming machines
- Display Gamcare posters in prominent locations on the premises
- Training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable
- Consider appropriate positioning of ATM and change machines (including the display of Gamcare stickers on any such machines)

NB: Any supporting evidence of the above measures e.g. Training manuals or other similar documents/written statements should be attached to the application.

8. Miscellaneous Matters

The applicant should also be mindful of the following possible control measures (depending on the particular permit being applied for) to minimise crime and disorder and the possibility of public nuisance as follows:

- Maintain an effective CCTV system to monitor the interior and exterior of the premises
- Keep the interior and exterior of the premises clean and tidy
- Ensure the external lighting is suitably positioned and operated so as not to cause nuisance to neighbouring and adjoining premises
- Consider the design and layout of the outside of the premises to deter the congregation of children and youths
- Restrict normal opening hours to 8.45am to midnight daily
- Not permit any person who is drunk and disorderly or under the influence of drugs, to enter or remain on the premises
- Take such steps as are reasonably practicable to eliminate the escape of noise from the premises
- Ensure, where possible the external doors to the premises remain closed, except when in use, by fitting them with a device for automatic closure or by similar means
- Ensure that the premises are under the supervision of at least one responsible, adequately trained person at all times the premises are open

NB: Any supporting evidence of the above measures e.g. Training manuals or other similar documents/written statements should be attached to the application.

Applicants may obtain an enhanced Disclosure Barring Service disclosure on application to Disclosure Scotland on 0870 609 6006 or online at www.disclosurescotland.co.uk