

**You are hereby summoned to attend a meeting of the**

**MAIDSTONE BOROUGH COUNCIL**



Date: Wednesday 12 December 2012

Time: 6.30 p.m.

Venue: Town Hall, High Street,  
Maidstone

Membership:

Councillors Nelson-Gracie (The Mayor), Ash,  
Barned, Beerling, Black,  
Mrs Blackmore, Brindle, Burton,  
Butler, Chittenden, Collins, Cox,  
Cuming, Daley, English, Garland,  
Mrs Gibson, Mrs Gooch, Greer,  
Ms Griffin, Mrs Grigg, Harwood,  
Mrs Hinder, Hogg, Hotson, Mrs Joy,  
Lusty, McKay, McLoughlin, Moriarty,  
B Mortimer, D Mortimer, Moss,  
Munford, Naghi, Newton, Paine,  
Parvin, Mrs Parvin, Paterson, Pickett,  
Mrs Ring, Mrs Robertson, Ross, Sams,  
Springett, Mrs Stockell, Thick, Vizzard,  
Warner, Mrs Watson, de Wiggondene,  
J.A. Wilson, Mrs Wilson and Yates

**Continued Over/:**

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**Issued on 4 December 2012**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEBBIE SNOOK on 01622 602030**. To find out more about the work of the Council, please visit [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

*Alison Broom*

**Alison Broom, Chief Executive, Maidstone Borough Council,  
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

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## **AGENDA**

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1. Prayers
2. Apologies for Absence
3. Disclosures by Members and Officers
4. Disclosures of Lobbying
5. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
6. Minutes of the meeting of the Borough Council held on 19 September 2012
7. Mayor's Announcements
8. Petitions

1 - 6

Notice has been given pursuant to Council Procedure Rule 11 of the intention to present a petition in the following terms:-

We the undersigned believe that the removal of the Concurrent Functions Grant and its replacement by the proposed Parish Services Scheme will seriously damage the provision of essential local services or lead to a significant percentage increase in the tax burden on residents of parished areas. We further believe that the proposal will cause an unfair difference in the treatment of residents between parished and unparished areas and re-establish double-taxation on Parishes that the Concurrent Functions Grant has addressed over the last 20 years or more. We call upon Maidstone Borough Council to turn away from the proposed abolition of the Concurrent Functions Grant and to continue with current arrangements (that have already been subject to cuts of more than 35% since 2010-11). Alternatively, we call upon Maidstone Borough Council to establish an alternative rating system for Parishes to reflect their lesser absorption of Borough services, while recognising that Parishes must play their part in keeping the overall standards and central services of the Borough at an acceptable level. Should Maidstone Borough Council not commit, as a matter of priority, to maintaining funding for parished areas at the current level (which is already substantially reduced), we call on our Parish Council to arrange an appropriate poll under the 1972 Local Government Act, in co-ordination with other Parishes within the Borough.

9. Question and Answer Session for Members of the Public
10. Questions from Members of the Council to the
  - (a) Leader of the Council
  - (b) Cabinet Members
  - (c) Chairmen of Overview and Scrutiny Committees
  - (d) Chairmen of other Committees

11. Current Issues - Report of the Leader of the Council, Response of the Group Leaders and Questions from Council Members	
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# Agenda Item 6

## **MAIDSTONE BOROUGH COUNCIL**

### **MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 19 SEPTEMBER 2012**

**Present:** Councillor Nelson-Gracie (The Mayor) and Councillors Ash, Beerling, Black, Mrs Blackmore, Brindle, Burton, Butler, Chittenden, Collins, Cox, Cuming, Daley, English, Garland, Mrs Gibson, Mrs Gooch, Greer, Ms Griffin, Mrs Grigg, Harwood, Hogg, Hotson, Mrs Joy, Lusty, McKay, McLoughlin, Moriarty, B Mortimer, D Mortimer, Moss, Munford, Naghi, Newton, Paine, Parvin, Mrs Parvin, Pickett, Mrs Ring, Mrs Robertson, Sams, Springett, Mrs Stockell, Thick, Warner, de Wiggondene, Mrs Wilson and Yates

46. **PRAYERS**

Prayers were said by the Reverend Canon Andrew Sewell of St Paul's Church, Boxley Road.

47. **COUNCILLOR MALCOLM ROBERTSON**

The Council stood in silence for one minute in memory of Councillor Malcolm Robertson who died on 10 August 2012.

48. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Barned, Mrs Hinder, Paterson, Vizzard and J A Wilson.

49. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

50. **DISCLOSURES OF LOBBYING**

There were no disclosures of lobbying.

51. **EXEMPT ITEMS**

**RESOLVED:** That the items on the agenda be taken in public as proposed.

52. **MINUTES OF THE MEETING OF THE BOROUGH COUNCIL HELD ON 20 JUNE 2012**

**RESOLVED:** That the Minutes of the meeting of the Borough Council held on 20 June 2012 be approved as a correct record and signed.

53. MINUTES OF THE EXTRAORDINARY MEETING OF THE BOROUGH COUNCIL HELD ON 5 JULY 2012

RESOLVED: That the Minutes of the extraordinary meeting of the Borough Council held on 5 July 2012 be approved as a correct record and signed.

54. MAYOR'S ANNOUNCEMENTS

The Mayor announced that:-

- The Council and 36 Engineer Regiment (Search) had signed the Armed Forces Community Covenant which aimed to encourage the civilian community to offer support to the local armed forces community and to make it easier for service personnel, families and veterans to access help and support available from the Ministry of Defence, statutory providers and the voluntary sector. The Covenant was signed last week just before Commanding Officer Lieutenant Colonel Ed Robinson and a number of the 36 Engineer Regiment (Search) deployed to Afghanistan for a six month tour of duty. On behalf of the Council, he wished them well.
- He had attended the annual wreath laying and service of remembrance for The Queen's Own Buffs Princess of Wales's Royal Regiment on Sunday 16 September 2012 and had been disappointed that the Council's usual turnout of 10-15 Members could not be achieved on this occasion.
- He wished to remind Members of forthcoming events including the MacMillan Coffee Morning to be held at the Town Hall on Friday 28 September 2012 and the Ladies Lunch to be hosted by the Mayoress at a restaurant in Headcorn on 12 October 2012 in aid of the Mayor's Charities.
- This was the last meeting of the Council that Civic Officer Tim Goodwin would be in attendance as he was leaving the employment of the Council on Friday 21 September 2012. On behalf of the Council, he wished him well.

The Mayor and representatives of the three political groups then paid tribute to Councillor Malcolm Robertson who passed away in August.

55. PETITIONS

There were no petitions.

56. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Question to the Leader of the Council

Mr Stuart Jeffery asked the following question of the Leader of the Council:-

*Noting the 10% reduction in central government grant for Council Tax Benefit, to what extent could the shortfall in funding be reduced if Council Tax was raised in 13/14?*

The Leader of the Council responded to the question.

Councillor Mrs Wilson, the Leader of the Opposition, and Councillor Mrs Gooch, the Leader of the Independent Group, then responded to the question.

Mr Jeffery asked the following supplementary question of the Leader of the Council:-

*As two Conservative Councils in Kent went out on a limb last year by raising Council Tax, do you feel that you have done or are planning to do all that you can possibly do to mitigate the benefit cut so that those who can afford to pay Council Tax can help those who cannot especially since 13% of the children in this Borough are in families that claim benefits?*

The Leader of the Council responded to the question.

Councillor Mrs Wilson, the Leader of the Opposition, and Councillor Mrs Gooch, the Leader of the Independent Group, then responded to the question.

To listen to the responses to these questions, please follow this link:-

[http://clients.westminster-digital.co.uk/maidstone/mg\\_proxy.aspx?mg\\_m\\_id=1610](http://clients.westminster-digital.co.uk/maidstone/mg_proxy.aspx?mg_m_id=1610)

## 57. QUESTIONS FROM MEMBERS OF THE COUNCIL

### Question to the Leader of the Council

Councillor Newton asked the following question of the Leader of the Council:-

*Can the Leader confirm how many slips, trips and falls have been reported to Maidstone Borough Council since the opening of the regenerated High Street and how many claims for injuries sustained are being made to date?*

The Leader of the Council responded to the question.

Councillor Newton asked the following supplementary question of the Leader of the Council:-

*In early July, there was a report called "Safer Streets" that was produced by M V A Consultancy who identified, following inspection, a trip hazard within the bus, taxi and loading bays due to the lack of contrast between kerb and carriageway materials. I raised this at an Overview and Scrutiny*

*Committee meeting, but did not get an answer. Are you aware of the report?*

The Leader of the Council responded to the question.

Question to the Cabinet Member for Planning, Transport and Development

Councillor Daley asked the following question of the Cabinet Member for Planning, Transport and Development:-

*Observation of the use of the Mill Street Car Park on Sundays gives the impression that it is very sparsely used. Would the Cabinet Member please advise:-*

- *The total amount collected in parking fees on Sundays for the period 1 June to 31 August 2012?*
- *The total number of Parking Charge Notices issued on Sundays and the amount collected in the same period?*
- *The cost of the policing of this car park on Sundays for the same period.*

The Cabinet Member for Planning, Transport and Development responded to the question.

Councillor Daley asked the following supplementary question of the Cabinet Member for Planning, Transport and Development:-

*In view of the relatively small amounts of money involved, will the Cabinet Member consider ways in which there can be some method of relieving churchgoers of the burden of car parking charges on Sundays to cover the hours 10.00 a.m. to midday?*

The Cabinet Member for Planning, Transport and Development responded to the question.

To listen to the responses to these questions, please follow this link:-

[http://clients.westminster-digital.co.uk/maidstone/mg\\_proxy.aspx?mg\\_m\\_id=1610](http://clients.westminster-digital.co.uk/maidstone/mg_proxy.aspx?mg_m_id=1610)

58. CURRENT ISSUES - REPORT OF THE LEADER OF THE COUNCIL, RESPONSE OF THE GROUP LEADERS AND QUESTIONS FROM COUNCIL MEMBERS

The Leader of the Council submitted his report on current issues.

After the Leader of the Council had submitted his report, Councillor Mrs Wilson, the Leader of the Opposition, and Councillor Mrs Gooch, the Leader of the Independent Group, responded to the issues raised.

A number of Members then asked questions of the Leader of the Council and the Leader of the Opposition on the issues raised in their speeches.

59. REPORT OF THE CABINET HELD ON 8 AUGUST 2012 - ASSET MANAGEMENT PLAN 2012-15

It was moved by Councillor Hotson, seconded by Councillor Garland, that subject to the amendment of the document to reflect the recent decision of the Cabinet to proceed with the demolition of the King Street Multi-Storey Car Park and the submission of a planning application for the construction of a surface level car park whilst continuing to seek development opportunities for the longer term use of the site, the recommendation of the Cabinet relating to the adoption of the revised Asset Management Plan 2012-15 be approved.

RESOLVED: That subject to the amendment of the document to reflect the recent decision of the Cabinet to proceed with the demolition of the King Street Multi-Storey Car Park and the submission of a planning application for the construction of a surface level car park whilst continuing to seek development opportunities for the longer term use of the site, the revised Asset Management Plan 2012-15, attached as Appendix A to the report of the Cabinet, be adopted.

60. REPORT OF THE GENERAL PURPOSES GROUP HELD ON 3 SEPTEMBER 2012 - APPOINTMENT OF INDEPENDENT PERSON AND RESERVE

It was moved by Councillor Chittenden, seconded by Councillor Black, that the recommendation of the General Purposes Group relating to the appointment of the Independent Person be approved.

RESOLVED: That Mrs Dorothy Phillips be appointed as the Independent Person until 30 June 2013.

61. ORAL REPORT OF THE CABINET HELD ON 12 SEPTEMBER 2012

It was noted that there were no further reports from the Cabinet on this occasion.

62. ORAL REPORT OF THE AUDIT COMMITTEE HELD ON 17 SEPTEMBER 2012

It was moved by Councillor Butler, seconded by Councillor Mrs Wilson, that the following recommendation of the Audit Committee be approved:-

That the Audit Committee's Annual Report 2011/12 (circulated separately), which demonstrates how the Committee has discharged its duties during 2011/12, provides assurance to the Council that important governance issues are being monitored and addressed by the Committee and provides evidence to support the Annual Governance Statement, be noted.

RESOLVED: That the Audit Committee's Annual Report 2011/12 (circulated separately), which demonstrates how the Committee has discharged its duties during 2011/12, provides assurance to the Council that important governance issues are being monitored and addressed by



the Committee and provides evidence to support the Annual Governance Statement, be noted.

63. REPORT OF THE HEAD OF DEMOCRATIC SERVICES - COMMITTEE MEMBERSHIP

It was moved by the Mayor, seconded by Councillor Garland, that the recommendation contained in the report of the Head of Democratic Services relating to the membership of the Planning Committee be approved.

RESOLVED: That the following change be approved to reflect the wishes of the Leader of the Conservative Group:-

Planning Committee - Members

Delete Councillor Thick. Insert Councillor Paine.

64. DURATION OF MEETING

6.30 p.m. to 7.50 p.m.

# Agenda Item 12

## **MAIDSTONE BOROUGH COUNCIL**

**12 DECEMBER 2012**

### **REPORT OF THE CABINET HELD ON 21 NOVEMBER 2012**

#### **LOCAL COUNCIL TAX DISCOUNT SCHEME**

##### **Issue for Decision**

To consider endorsing a new Local Council Tax Discount Scheme.

##### **Recommendation Made**

1. That a local council tax discount scheme be adopted which introduces the following changes:-
  - An 8.5% reduction in the rate of council tax benefit applicable to all working age households during 2013-14, whilst otherwise maintaining the structure of the current national scheme.
  - A 13% reduction in the rate of council tax benefit applicable to all working age households during 2014-15 & 2015-16, subject to the future demand and grant received for the scheme.
  - Removal of the 10% council tax discount awarded to owners of second homes from 1<sup>st</sup> April 2013.
  - A reduction in the period of exemption for vacant properties (class C) from 6 months to 1 month from 1<sup>st</sup> April 2013.
2. That the Director of Regeneration and Communities, in consultation with the Cabinet Member for Corporate Services, be given delegated authority to make such changes as are necessary to maintain the operational effectiveness and viability of the scheme between 2013/14 and 2015/16.
3. That a substantive review of the scheme is undertaken in 2015/16, with any recommended changes to the scheme presented to Cabinet for implementation from 2016-17.

##### **Reasons for Recommendation**

The Cabinet considered the report of the Director of Regeneration and Communities regarding a new local council tax discount scheme to be adopted following the withdrawal of the current national council tax benefit scheme from April 2013.

Whilst the criteria for the new local scheme are to be decided locally, the Council is required to take account of the following factors:

- Overall funding by central Government is to reduce by 10%;
- Awards for Pensioners must be maintained at the current rate;
- Criteria should support the wider policy aims of making work pay;
- Duties under the Equalities Act;
- Requirement for the scheme to be adopted by 31 January 2013 and operational from 1<sup>st</sup> April 2013.

As a discount, the cost of the scheme has the effect of reducing the council tax base and thus affects all tiers of authorities including Major Preceptors i.e. Kent County Council, Police and Fire and Rescue.

In addition to the changes within the benefit system, the Local Government Finance Act 2012 also provides new local discretion in relation to the discounts and exemptions provided for empty properties and second homes.

This includes the option to remove the current 10% discount that is provided for second homes and replace the current mandatory exemptions for the following categories of properties with a reduced level of discount:

- Properties that are empty and in need of substantial refurbishment or repair (Class A);
- Properties that are empty for up to 6 months (Class C);
- Properties where the mortgagee is in possession (Class L).

The Council will also have the option to charge an additional premium over and above the full rate of council tax for properties that have been empty for two years or more.

Whilst further work is required in relation to opportunities to be introduced through the Local Government Finance Act 2012, consideration has been given to how the changes could support and help mitigate the full impact of the changes to council tax benefit, whilst reducing the period that properties remain empty within the borough.

As a consequence, Kent County Council has been actively involved in coordinating a number of options, which have been modelled and discussed at officer level through the Joint Kent Chief Executives Group, Kent Finance Officers' Group and Kent Benefit Managers' Group and at Member level through the Kent Forum.

A summary of the options was presented to Cabinet in July 2012, attached at Appendix A to the report of the Director of Change, Planning and the Environment, with Option 6 recommended as the preferred scheme.

The scheme outlined within option 6 provided for a 13% reduction in current council tax benefit entitlements, whilst otherwise retaining the existing rules and criteria. It would also use the new discretion introduced through the Local Government Finance Act 2012 to remove the 10% discount provided for second homes and reduce the exemption for empty properties (Class C) from 6 to 1 month.

Option 6 was identified as the preferred scheme on the basis that it supports:

- The policy aim of making work pay;
- Low income households by mitigating the reduction in part;
- The public interest by not adding to general level of council tax;
- A reduction in the length of time that properties remain empty; and
- A reduced risk to the council should the cost for the scheme increase, due to the undertaking provided by major preceptors.

### Consultation

The Council has a statutory duty to consult on the proposed scheme in advance of making a decision.

In approaching the consultation a number of Kent Authorities engaged the Consultation Institute for advice and support in conducting the process. This has resulted in a robust approach to identification of key stakeholders and in planning consultation activity, with accreditation by the Consultation Institute to be sought at the end of the process.

A public consultation was undertaken between 6 August 2012 and 8 October to outline and seek views on three primary options set out below. Residents were also asked whether the Council should look to make other changes to the scheme and if so, whether the benefit of those changes should be used to reduce further the proposed 13% reduction, target support for vulnerable groups or be used to help support people into employment.

- Option 1 - reduce benefit awards by 24.5% to reflect in full the reduction in government grant and protection of pensioners.
- Option 2 - reduce benefit awards by 18.5% and reduce the discount for empty homes from 6 months to 3 months.
- Option 3 - reduce benefit awards by 13%, reduce discounts for empty homes from 6 months to 1 month and remove the 10% discount for second homes.

A total of 786 responses were received. 671 responses were received to the postal survey, 103 surveys online and 12 responses provided in person.

A report of the consultation outcomes was provided at Appendix B to the report of the Director of Regeneration and Communities, with a summary of the findings detailed below.

The majority of respondents supported the Councils preferred scheme, identified within the consultation as option 3.

<b>Q1 Which of the following options do you support - Overall</b>		
<b>Option</b>	<b>Total</b>	<b>%</b>
Option 1 - reduce benefit by 24.5%	107	14.1%
Option 2 - reduce benefit by 18.5% & reduce empty home discount	63	8.3%
Option 3 reduce benefit by 13% & reduce empty & second homes discounts	366	48.2%

None of the options	223	29.4%
<b>Grand Total</b>	<b>759</b>	
No response to the question	27	

That response was consistent across all the customer groupings with the exception of respondents that own an empty or second home whose preference was option 1.

<b>Q1 Which of the following options do you support - Second &amp; Empty Homeowners</b>					
<b>Option</b>	<b>Yes</b>		<b>No</b>		<b>Total</b>
Option 1 - reduce benefit by 24.5%	28	<b>35.4%</b>	72	11.1%	100
Option 2 - reduce benefit by 18.5% & reduce empty home discount	21	26.6%	36	5.6%	57
Option 3 reduce benefit by 13% & reduce empty & second homes discounts	22	27.8%	333	<b>51.5%</b>	355
None of the options	8	10.1%	205	31.7%	213
<b>Grand Total</b>	<b>79</b>		<b>646</b>		<b>725</b>
No response to the question					61

The response from ethnic groups and disabled people showed a higher proportion of respondents agreeing with none of the options.

The free text comments received as part of the survey response and feedback from consultation meetings, provided a consistent response in highlighting concerns regarding the impact of additional cost to low income households and accumulative impact of benefit changes on vulnerable customers groups such as the disabled.

<b>Free text comments received as part of the survey</b>	
Will Struggle if Removed / Concerned About Increase	28.1%
-Make Savings Elsewhere / Find Alternatives	20.1%
-Remove / Cut discounts for Second Homes	11.2%
-Remove / Cut discounts for Empty Homes	10.4%
-Discourage Dependency on Benefits / Help People Back to Work	10.1%

The proposed reduction from 6 months to 1 month for empty residential properties was highlighted by some as a concern in that it may not allow sufficient time for properties to be returned to the letting market as tenants vacate. It was also felt by some that low income households may have to choose between payment of rent or council tax, resulting in increased rent arrears.

#### Announcement of Transitional Arrangement

On the 18 October the Department for Communities and Local Government announced the introduction of a £100 million transitional fund to help Council's lessen the impact for residents in year 1.

It is important to note that the fund only applies to the first year with the Council required to meet certain criteria to qualify for any funding.

The funding criteria require that the Council's local scheme passes on an increase of no more than 8.5% in the first year for those currently

receiving full benefit and provides for no sharp reduction in support for those entering work.

Should the council vary the proposed scheme to meet the criteria the additional funding to be provided through the transitional fund would be £239,445 for Maidstone. This is sufficient to meet the cost of varying the scheme in the first year from the proposed 13% to 8.5%.

The use of the transitional fund is supported by the major preceptors who have agreed to underwrite the cost of the scheme in the first year, should the Council make application for transitional funding and vary the criteria to meet the required 8.5%.

This change has been widely welcomed by Council's within Kent and is expected to form the basis of a county wide approach.

### **Alternatives considered and why not recommended**

If the Council fails to adopt a local scheme a default scheme will be applied, mirroring the existing arrangements. With a 10% reduction in grant from Government that will result in additional cost of £1.3million to Maidstone Borough Council and major preceptors. Such a cost is unaffordable.

The Council could look to pass on the full reduction to working age residents in receipt of council tax benefit. However, with the Pensioner caseload protected this would equate a 24.5% reduction, £225 average cost for households affected, creating an unreasonable risk of financial hardship.

The funding of £239,445 available through the transitional fund would also be unavailable.

The Council could look to vary the percentage reduction in benefit through wider changes to the discounts and exemptions for empty properties, however, in doing so needs to balance the needs and impact on both recipients of council tax benefit and landlords / property developers.

The proposed scheme looks to achieve such a balance and is supported by the consultation response.

### **Background Papers**

None

## **MAIDSTONE BOROUGH COUNCIL**

**12 DECEMBER 2012**

### **REPORT OF THE LICENSING ACT 2003 COMMITTEE** **HELD ON 12 NOVEMBER 2012**

#### **GAMBLING ACT 2005 - DRAFT STATEMENT OF LICENSING PRINCIPLES**

##### **Issue for Decision**

To consider approving the Gambling Act 2005 Statement of Licensing Principles.

##### **Recommendation Made**

That the Gambling Act 2005 Statement of Licensing Principles be approved.

##### **Reasons for Recommendation**

The Licensing Act 2003 Committee, at their meeting held on 12 November 2012, considered the report of the Head of Democratic Services regarding the Gambling Act 2005 Statement of Licensing Principles (attached at Appendix A).

A 12 week consultation took place between 1 August and 24 October 2012 and letters were sent to the consultees listed at Appendix 3 of the Policy. The consultation information and documents were also available on the Council's website during the dates specified.

There were no comments on the draft received during the consultation period.

##### **Background Papers**

None



## **Maidstone Borough Council**

### **'Gambling Act 2005 Statement of Licensing Principles'**

**"Prepared in Accordance with Legislation and  
Gambling Commission Guidance"**

**January 2013**

**V0.3**



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## **1. The Licensing Objectives**

In exercising their functions under the Gambling Act 2005(the Act), Licensing Authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

This Licensing Authority is aware that, as per Section 153, in exercising its functions under Part 8 of the Act 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

## **2. Introduction**

Maidstone Borough Council is situated in the County of Kent, which contains 12 Borough and District Councils and 1 Unitary Authority in total. Each Council is represented on the Kent & Medway Regulatory Licensing Steering Group (K&MRLStGp) whose role includes the identification of issues on which a consistent countywide approach is considered essential and the formulation of recommended policy that establishes a minimum standard on these identified issues.

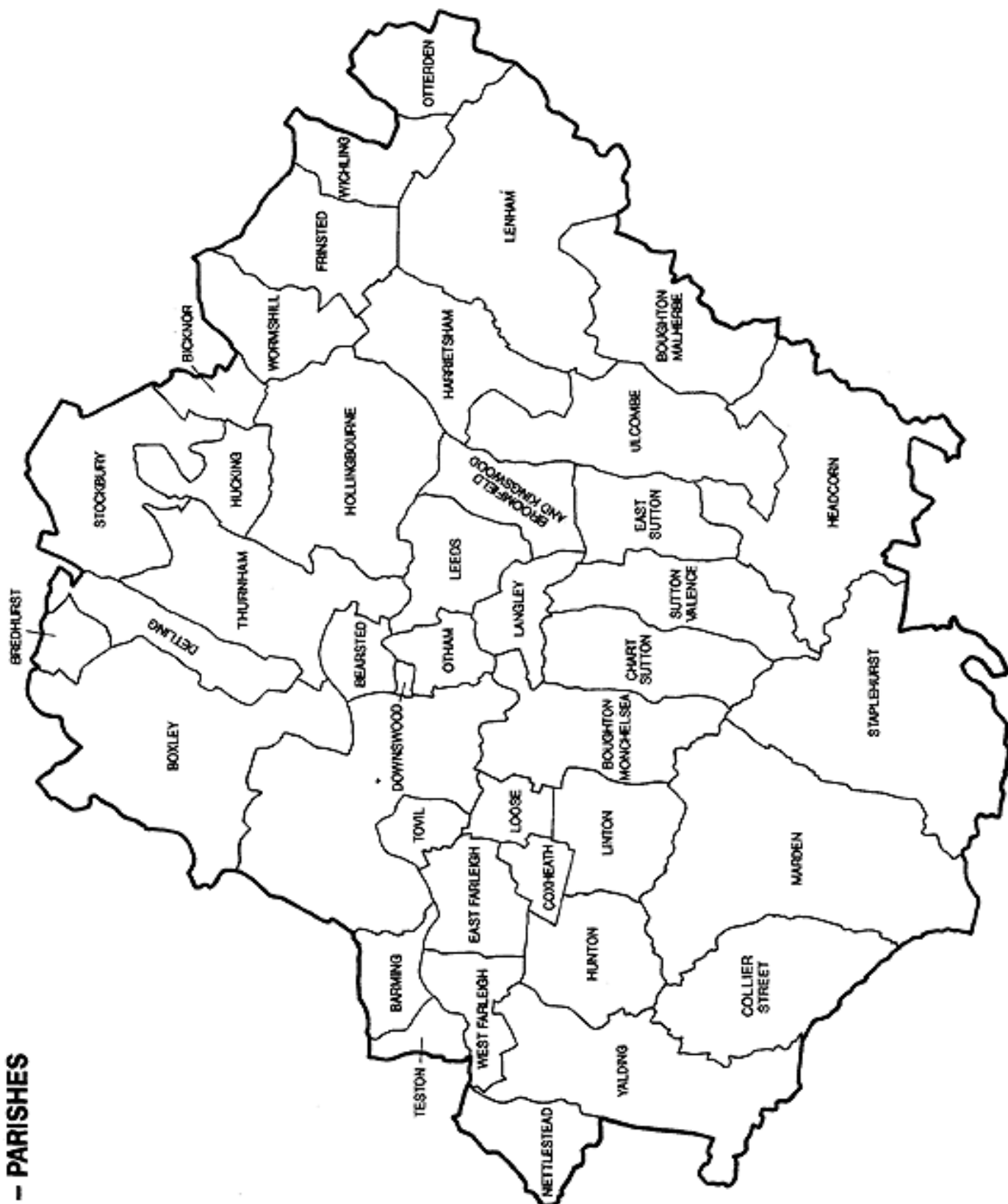
This policy has been formulated in discussion with the Kent & Medway Regulatory Licensing Steering Group.

The Council area has a population of 140,000 (2001 Census<sup>i</sup>) making it the second largest in the County in terms of population. In terms of area it is the largest, covering 97,000 acres. The Council area is mainly rural surrounding the urban area of Maidstone. The Council is partly parished and the parish boundaries are shown on the map below.

<sup>1</sup> Figures for the 2010 census will be available in September 2012, amendments will be made then

# The Maidstone Borough Council Area

## MAIDSTONE BOROUGH COUNCIL - PARISHES



Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles that they proposed to apply when exercising their functions. This statement must be published at least every three years. The statement can also be reviewed from "time to time" and the amended parts re-consulted upon. The statement must then be re-published.

In determining its policy the Licensing Authority must have regard to Gambling Commission guidance and will give appropriate weight to the views of those who respond to its consultation.

Maidstone Borough Council consulted widely on this Policy Statement before finalising and publishing. A list of the persons we consulted is provided below. It should be noted that unsolicited comments were received from other persons but we have not listed all of these.

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

- The Chief Officer of Police
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Gambling Act 2005

The list of persons consulted when preparing this Policy Statement is deliberately wide. The List of persons this Authority consulted is attached at Appendix 3.

Our consultation took place between 1 August 2012 and 24 October 2012

In determining its Statement of Principles the Licensing Authority must have regard to the Gambling Commission's guidance for local authorities, and having regard to that guidance will give appropriate weight to the views of those it has consulted. In determining what weight to give particular representations, the factors to be taken into account included:

- who is making the representations (what is their expertise or interest);
- relevance of the factors to the Licensing Objectives
- how many other people have expressed the same or similar views;
- how far the representations relate to matters that the Licensing Authority should be including in its Statement of Principles.

The full list of comments made and the consideration by the Council of those comments is available by request to Neil Harris – Head of Democratic Services at: Licensing Department, Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent, ME15 6JQ.

- Email: [neilharris@maidstone.gov.uk](mailto:neilharris@maidstone.gov.uk)
- Tel: 01622 602020
- Council's website at: [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

The policy was approved at a meeting of the Full Council on **12 December 2012** and was published via our website **13 December 2012**. Copies have been placed in the public libraries of the area as well as being available in the principal Council Offices.

Should you have any comments as regards this Policy Statement please send them via e-mail or letter to the following contact:

Name: Neil Harris  
Head of Democratic Services  
Address: Maidstone Borough Council  
Maidstone House  
King Street  
Maidstone Kent ME15 6JQ  
E-mail: [neilharris@maidstone.gov.uk](mailto:neilharris@maidstone.gov.uk)

It should be noted that 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 Gambling Act 2005.

### **3. Declaration**

In producing the final Statement of Licensing Principles, this Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the Policy Statement.

### **4. Casinos**

#### **Proposal for a Casino**

This Licensing Authority submitted a proposal for a Premises Licence for a small casino, to the Independent Casinos Advisory Panel. Details regarding this proposal are available via request to Zena Cooke, Director of Regeneration and Communities, on 01622 602364. The submission was not shortlisted for further consideration by the Panel.

#### **No Casinos resolution**

This Licensing Authority has NOT passed a 'No Casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this Policy Statement with details of that resolution. Any such decision will be made by the Full Council.

#### **Casinos and Competitive Bidding**

This Licensing Authority is aware that where a licensing authority area is enabled to grant a Premises Licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the Local Authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This Licensing Authority will run such a competition in line with any regulations/codes of practice issued under the Gambling Act 2005.

## Licence Considerations/Conditions

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

## Betting Machines

This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

## 5. The licensable activities

Some matters in the Act are determined by the Gambling Commission and some by Maidstone Council as Licensing Authority. The table below sets out those matters determined by the Council. The Gambling Commission functions are set out on page 31.

Function	Who deals with it
Issuing of <i>Premises Licences</i> . where gambling activities are to take place.	Licensing Authority
Issue <i>Provisional Statements</i> .	Licensing Authority
Regulate <i>Members' Clubs</i> and <i>Miners' Welfare Institutes</i> who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits.	Licensing Authority
Issue <i>Club Machine Permits</i> to <i>Commercial Clubs</i> .	Licensing Authority
Grant permits for the use of certain lower stake gaming machines at <i>unlicensed Family Entertainment Centres</i> .	Licensing Authority
Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines.	Licensing Authority
Issue <i>Licensed Premises Gaming Machine Permits</i> 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 <i>small society lotteries</i> below prescribed thresholds.	Licensing Authority
Issue <i>Prize Gaming Permits</i> .	Licensing Authority
Receive and Endorse <i>Temporary Use Notices</i> .	Licensing Authority

Receive <i>Occasional Use Notices</i> .	Licensing Authority
Provide information to the Gambling Commission regarding details of Licences issued (see Section 8. on Exchange of Information).	Licensing Authority
Maintain registers of the permits and licences that are issued under these functions.	Licensing Authority

Please Note:

The Gambling Commission functions are listed on page 33.

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.

## 6. Responsible Authorities

In exercising this 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 Gambling Commission's draft Guidance for Local Authorities this Authority designates the following for this purpose:

Children, Families and Education  
Strategy, Policy and Performance  
Sessions House  
County Hall  
Maidstone  
Kent ME14 1XQ

The contact details of all the Responsible Bodies under the Gambling Act 2005 are listed at Appendix 4.

## 7. Interested Parties

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

"For the purposes of this Part a person is an Interested Party in relation to an application for or in respect of a Premises Licence if, in the opinion of the Licensing Authority which issues the Licence or to which the application is made, the person:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) has business interests that might be affected by the authorised activities; or
- c) represents persons who satisfy paragraph (a) or (b)"

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

Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision-making. It will however consider the following as per the Gambling Commission's Guidance to Local Authorities (paragraphs 8.11 to 8.18):

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment);
- the circumstances of the complainant. This is not the personal characteristics of the complainant but the interests of the complainant, which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that "sufficiently close to be likely to be affected" could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) residential hostel for vulnerable adults;
- the 'catchment' area of the premises (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.

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

The Gambling Commission has emphasised to Licensing Authorities, that 'demand' cannot be a factor in decisions.

Guidance also states that moral objections to gambling are not a valid reason to reject applications for Premises Licences. This is because such objections do not relate to the licensing objectives (Guidance to Licensing Authorities Para 5.28 September 2012 4<sup>th</sup> Edition Guidance).

The Gambling Commission has recommended that the Licensing Authority state that interested parties include trade associations and trade unions, and residents and tenants' associations (paragraph 8.17). This Authority will not



however generally view these bodies as interested parties unless they have a member who can be classed as one under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

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

Care should be taken when approaching Councillors that they are not part of the Licensing Committee dealing with the Licence application as this may put them in a difficult position by giving them an interest and it may even disable them from sitting on the Committee. If there are any doubts then please contact Mr Neil Harris on 01622 602020 and email [neilharris@maidstone.gov.uk](mailto:neilharris@maidstone.gov.uk).

## **8. Exchange of Information**

Licensing Authorities are required to include in their 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, and the functions under Section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened and its duties under the Freedom of Information Act 2000. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

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

Full details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their full details will be disclosed.

## **9. Enforcement**

The Kent & Medway Licensing Steering Group has formulated an Enforcement Protocol which each Licensing Authority and Responsible Authority has agreed.

The purpose of this 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. It will underpin the mutual operational support required to tackle licensing issues. A copy of this can be requested from Neil Harris, Head of Democratic Services, 01622 602020 or by email [neilharris@maidstone.gov.uk](mailto:neilharris@maidstone.gov.uk).

In accordance with the Gambling Commission's Guidance for Local Authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

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

This Licensing Authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities and it will endeavour to be:

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

This Licensing Authority has adopted and implemented a risk based inspection programme, based on;

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

The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises.

The Gambling Commission will be the enforcement body for the Operating and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

This Licensing Authority also keeps itself informed of developments as regards work of the BIS Department for Business Innovation and Skills in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements are available upon request to the licensing department, Neil Harris, Head of Democratic Services [neilharris@maidstone.gov.uk](mailto:neilharris@maidstone.gov.uk) or [licensing@maidstone.gov.uk](mailto:licensing@maidstone.gov.uk) our risk methodology is also available on request.

## APPENDIX 1

The Gambling Commission's Guidance for Licensing Authorities states the following. The paragraphs below endeavour to meet this requirement:

*"The Licensing Authority should set out in its statement what factors it may take into account when considering applications for premises licences, permits and other permission and matters that it will consider when determining whether to review a licence. This is where considerations such as the proximity of gambling premises to schools and vulnerable adult centres, or to residential areas where there may be a high concentration of families with children, should be detailed (where they are relevant). Any such policy must, however, come with the qualification that each case will be decided on its merits, so if an applicant can show how they might overcome licensing objective concerns, that will have to be taken into account."* (6.37)

### **1. PERMITS**

#### **(i) Unlicensed Family Entertainment Centre Gaming Machine Permits**

##### **(Statement of Principles on Permits - Schedule 10 Paragraph 7)**

Where a premise does not hold a Premises Licence but wishes to provide 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).

The Gambling Act 2005 states that a Licensing Authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25.

The Gambling Commission's Guidance for Local Authorities states:

*"In its Licensing Authority Statement of Policy, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. In particular it may want to set out the matters that it will take into account in determining the suitability of the applicant. Given that the premises will particularly appeal to children and young persons, licensing authorities may want to give weight to matters relating to child protection issues."*(24.6)

The Guidance also states:

*"The licensing authority can grant or refuse an application for a permit, but cannot add conditions. 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. Unlicensed FECs, by definition, will not be subject to*

*scrutiny by the Commission as no operating (or other) licences will be applied for and issued. Licensing authorities might wish to consider asking applicants to demonstrate:*

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

### **Statement of Principles**

This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises. This Licensing Authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

With regard to **renewals** of these permits, the licensing authority may only refuse to renew a permit on the grounds that:

- an authorised local authority officer has been refused access to the premises without reasonable excuse
- renewal would not be reasonably consistent with the licensing objectives. In this respect, the licensing authority will have the benefit of having consulted the chief officer of police and will be aware of any concerns that have arisen about the use of the premises during the life of the permit. (24.17)

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

### **(ii) (Alcohol) Licensed Premises 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 applicant merely needs to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

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

This Licensing Authority considers that *"such matters"* will be decided on a case by case basis but generally there will be 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 ensure that under 18 year olds do not have access to the adult only gaming machines.

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

It is recognised that some alcohol licensed premises may require a Premises Licence for their non-alcohol licensed areas.

Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre Premises Licence.

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

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

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

The Gambling Act 2005 states that a Licensing Authority may:

“Prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which

“May, in particular, specify matters that the Licensing Authority proposes to consider in determining the suitability of the applicant for a permit”.

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

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

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

It should be noted that there are conditions in the Gambling Act 2005 that the permit holder must comply with, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

#### **(iv) Club Gaming and Club Machines Permits**

Members Clubs and Miners’ Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide up to three gaming machines in total of categories B4, C or D but only one machine of category B3A, equal chance gaming and games of chance as set-out in Regulations. A Club Machine Permit will enable the premises to provide up to three gaming machines in total of categories B4, C or D but only one machine of category B3A,.

Commercial clubs are not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act) so they should apply for a club machine permit.

Gambling Commission 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, unless the gaming is permitted by separate regulations. The Secretary of State has made such regulations and these cover bridge and whist clubs. A members' club must be permanent in nature and established and conducted for the benefit of its members and not as a commercial enterprise. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations. They may apply for club gaming or club machine permits."*

This Licensing Authority is aware that:

"Licensing Authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a Members' or Commercial Club or Miners' Welfare Institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the Police"(25.40)

When considering whether the applicant fulfils the requirements for a members' or commercial club or miners' welfare institute it will take account of the factors listed in section 25 of the Commission's Guidance

There is also a 'fast-track' procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003 Schedule 12 paragraph 10.

As the Gambling Commission's Guidance 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 that:*



- (a) *the Club is established primarily for gaming, other than gaming prescribed under section 266 of the Act*
- (b) *in addition to the prescribed gaming, the applicant provides facilities for other gaming; or*
- (c) *a Club Gaming Permit or Club Machine Permit issued to the applicant in the last ten years has been cancelled."* (25.45)

When considering whether the club is established primarily for gaming the Licensing Authority will take account of the factors listed in section 25 of the Commission's Guidance

There are statutory conditions on Club Gaming Permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a Code of Practice about the location and operation of gaming machines.

## 2. 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 which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

This Licensing Authority is aware that in making decisions about Premises Licences it should aim to permit the use of premises for gambling in so far as it thinks it 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 will be proportionate and will be:

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

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

This 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 non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

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

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

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

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

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 including “split premises”**

“Premises” is defined in the Act as “any place” Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different

parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities are advised to pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in its Guidance to Licensing Authorities that:

*"In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."* (7.14)

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

- The third licensing objective seeks to protect children from being harmed by gambling. In practice, that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence. (7.18)

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?

- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission's relevant access provisions for each premises type are reproduced below from paragraph 7.25 of the Guidance.

### **(iii) Location**

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

### **(iv) Primary Activity**

By distinguishing between premises types the Act makes it clear that the primary gambling activity of the premises should be that described. Thus, in a bingo premises, the primary activity should be bingo. Subject to the gaming machine entitlements which various types of licence bring with them (and except in the case of tracks), the Act does not permit premises to be licensed for more than one of the above activities. The Licensing Authority will take account of the Commission's document setting out the indicators that are used to assess as to whether the requirements for betting being the primary gambling activity in any particular premises are being met.

### **(v) Planning**

Planning and Licensing are different regulatory systems and will be dealt with separately.

This Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it.

It will, though, listen to, and consider carefully, any concerns about conditions which are not able to be met by Licensees due to planning restrictions should such a situation arise.

**(vi) Duplication**

As stated in Section 9. on Enforcement, as per the Gambling Commission's Guidance for Local Authorities, this Licensing Authority will seek to avoid duplication with other regulatory regimes so far as possible.

**(vii) Door Supervisors**

The Gambling Commission advises in its Guidance for Local Authorities that Licensing Authorities may consider whether there is a need for Door Supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the Door Supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority (SIA). This Licensing Authority therefore has specific requirements for Door Supervisors working at casinos or bingo premises which are that they provide a CRB check with no relevant current convictions. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

For premises other than casinos and bingo premises, operators and Licensing Authorities may decide that supervision of entrances/machines is appropriate for particular cases but it will need to be decided whether these need to be SIA Licensed or not. It will not be automatically assumed that they need to be.

**(viii) Licensing Objectives**

This Licensing Authority has considered the Gambling Commission's Guidance to Local Authorities and some comments are provided with regard to 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**

This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that Licensing Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of crime this Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of Door Supervisors. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether Police assistance was required and how threatening the behaviour was to those who witnessed it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

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

This Licensing Authority has noted that the Gambling Commission in its Guidance for Local Authorities has noted that:

*"Generally the Commission would not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the Operating Licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence."*

This Licensing Authority also notes, however, that the Gambling Commission also states:

*"In relating to the licensing tracks the Licensing Authorities' role will be different from other premises in that track operators will not necessarily have an Operating Licence. In those circumstances the Premises Licence may need to contain conditions to ensure that the environment in which betting takes place is suitable."*

This Licensing Authority understands that there may be further guidance from the Gambling Commission on this issue which it will have regard to, when available.

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

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

This Licensing Authority will also take into account the Codes of Practice which the Gambling Commission issues as regards this Licensing objective, in relation to specific premises such as casinos.

As regards the term "*vulnerable persons*" it is noted that the Gambling Commission is not seeking to offer a definition but states that:

*"It will be for regulatory purposes to assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs."*

This Licensing Authority will consider the objective on a case-by-case basis. Should a practical definition prove possible in future then this Policy Statement will be updated with it, by way of a revision.

## **(ix) 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.

As well as consideration as to whether the request is frivolous, vexatious, or will certainly not cause this Authority to wish to alter/revoke/suspend the Licence, or whether it is substantially the same as previous representations or requests for review.

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

Review will be determined by the Licensing Committee.

## **(x) Provisional Statements**

Section 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

This Licensing Authority notes the Guidance for the Gambling Commission which states 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"; and that*

*"Requiring the building to be complete ensures that the Authority can inspect it fully".*

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 reflects a change in the operator's circumstances.
- (c) Where the premises has not been constructed (11.9 Guidance)

This Licensing Authority has noted the Gambling Commission's Guidance that:

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

- which could not have been raised by way of representations at the provisional licence stage*
- which, in the authority's opinion, reflect a change in the operator's circumstances*
- 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."*(11.7, 11.8 & 11.9)

#### **(xi) Adult Gaming Centres**

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

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

- Proof of age schemes
- CCTV
- 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.

The question of sub-division of such premises has been the subject of further Gambling Commission Guidance. This Licensing Authority will have regard to any relevant additional guidance that may be issued by the Gambling Commission in respect to such applications any decision-making.

This Authority accepts that there must be no direct entry from one adult gaming centre into another and will have regard to any relevant guidance issued by the Gambling Commission in respect to such applications.

## **(xii) (Licensed) Family Entertainment Centres**

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

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

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

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

This Licensing Authority will, as per the Gambling Commission's Guidance refer to the Commission's website to see any conditions that apply to 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 published in the 3<sup>rd</sup> Edition Guidance May 2009.

## **(xiii) Tracks**

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

This Licensing Authority will therefore expect the Premises Licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities.

It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

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

- Proof of age schemes
- CCTV
- 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.

### ***Gaming machines***

Further guidance from the Gambling Commission is awaited as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This Licensing Authority notes the Commission's Guidance that Licensing Authorities therefore need to consider the location of gaming machines at tracks, and applications for track Premises Licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

### ***Betting machines***

This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. (16.34)

It will also take note of the Gambling Commission's suggestion that Licensing Authorities will want to consider restricting the number and

location of such machines in respect of applications for track betting premises licences.

### ***Condition on rules being displayed***

The Gambling Commission has advised in its Guidance for Local Authorities that "... *Licensing Authorities should attach a condition to track Premises Licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.*"

### ***Applications and plans***

This Licensing Authority awaits regulations setting out any specific requirements for applications for Premises Licences but is in accordance with the Gambling Commission's suggestion:

*"To ensure that Licensing Authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities; and that*

*Plans should make clear what is being sought for authorisation under the track betting Premises Licence and what, if any, other areas are to be subject to a separate application for a different type of Premises Licence."*

This Licensing Authority also notes that in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate Premises Licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

## **(xiv) Bingo**

The Gambling Commission's Guidance states:

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

This Licensing Authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming

machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

In these cases this Licensing Authority will have particular regard to the Gambling Commission Guidance on the 'meaning of premises' (7.12 – 7.20) and how it relates to the primary gambling activity.

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

#### **(xv) Premises “ready for gambling”**

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

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

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

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

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

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.59-7.66 of the Guidance.

#### **(xvi) Temporary Use Notices**

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, e.g. backgammon, mah-jongg ,rummy kalooki, dominoes, cribbage, bingo and poker.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

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

#### **(xvii) Occasional Use Notices**

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

#### **(xviii) Travelling Fairs**

The Act defined a travelling fair as "wholly or principally" providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year.

It will fall to this 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

our boundaries is monitored so that the statutory limits are not exceeded.

**(ixx) Betting Premises**  
**Betting Machines**

This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature /circumstances of betting machines an operator wants to offer.

The Licensing Authority recognises that the design and layout of betting premises (or any other premises including tracks) will vary so will have particular regard to the siting of age restricted gaming machines within each individual premises to ensure, so far as is reasonably practicable, that staff properly monitor the use of these machines by children and young persons.

This Licensing Authority reserve the right to request that gaming machines are re-positioned where circumstances demonstrate that it is appropriate to do so.

Factors to be taken into consideration will include the following:

- \_ CCTV
- \_ Re-location of the machines
- \_ Door buzzers
- \_ Remote cut off switches
- \_ Training provision
- \_ Any other factor considered relevant

## GAMBLING COMMISSION FUNCTIONS

Function	Who deals with it
Issue and renewal of <i>Operating Licences</i>	Gambling Commission
Review <i>Operating Licences</i>	Gambling Commission
Issue <i>Personal Licences</i>	Gambling Commission
Issue <i>Codes of Practice</i>	Gambling Commission
Issue <i>Guidance to Licensing Authorities</i>	Gambling Commission
Licence remote gambling through Operating Licences	Gambling Commission
Issue licences in relation to the <i>manufacture, supply, installation, adaptation, maintenance or repair of gaming machines</i>	Gambling Commission
Deal with appeals against Commission decisions	Gambling Appeals Tribunal



## **LIST OF PERSONS CONSULTED**

**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](http://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](http://www.bingo_association.co.uk)

### **British Casino Association**

38 Grosvenor Gardens

London SW1W 0EB

Tel: 020 7730 1055

Website: [www.britishcasinoassociation.org.uk](http://www.britishcasinoassociation.org.uk)

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

**RESPONSIBLE AUTHORITIES CONTACT DETAILS****Licensing Authority**

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

**Gambling Commission**

Victoria Square House  
 Victoria Square  
 Birmingham B2 4BP

**Chief Officer of Police for the area in which the premises is wholly or partially situated.**

Maidstone Police Station  
 Palace Avenue  
 Maidstone  
 Kent ME15 6NF

**Kent Fire & Rescue Service**

The Godlands  
 Tovil  
 Maidstone  
 Kent  
 ME15 6XB

**Local Planning Authority**

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

**Environmental protection/Health & Safety**

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

**Kent Social Services**

Children, Families and Education  
 Strategy, Policy and Performance  
 Sessions House  
 County Hall  
 Maidstone  
 Kent  
 ME14 1XQ

**HM Revenue and Customs**

National Registration Unit

Portcullis House

21 Indian Street

Glasgow

G2 4PZ

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>SUB-COMMITTEE OF LICENSING COMMITTEE</b>	<b>OFFICERS</b>
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting (when appropriate)	X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission or responsible authorities	Where no representations received from the Commission or responsible authorities
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where objections have been made and not withdrawn	Where no objections made/objections have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

## **MAIDSTONE BOROUGH COUNCIL**

### **COUNCIL**

**12 DECEMBER 2012**

### **REPORT OF THE MEETING OF THE AUDIT COMMITTEE HELD ON 26 NOVEMBER 2012**

#### **TREASURY MANAGEMENT STRATEGY 2012/13 – MID-YEAR PERFORMANCE**

In accordance with CIPFA's Code of Practice on Treasury Management 2011, the Audit Committee has considered the report of the Head of Finance and Customer Services setting out details of the activities of the Treasury Management function as at the midpoint of the 2012/13 financial year. The Code suggests that Members should be informed of Treasury Management activities at least twice a year.

The report also addressed proposed amendments to the Treasury Management Strategy 2012/13 and the Prudential Indicators arising from the Cabinet's consideration of a report on investment opportunities, including the possible use of prudential borrowing to finance capital expenditure. A copy of the Record of Decision of the Cabinet is attached as Appendix A to this report.

The Treasury Management Strategy includes an assumption that borrowing will not be required in 2012/13 to support the Capital Programme. In the light of the decision of the Cabinet, borrowing is now a possibility. The actual mechanism for funding the Capital Programme, even with the inclusion of an additional £6m of investment expenditure, may not require formal borrowing, but this is dependent upon a number of factors. Should prudential borrowing prove to be the most cost effective method of financing the Capital Programme then it will be necessary to have the permission to borrow clearly set out in the Strategy. The amendment required is therefore to include the assumed borrowing of £6m in the Strategy for 2012/13.

In terms of the Prudential Indicators, it is a statutory duty for the Council to determine and keep under review the Affordable Borrowing Limits. These are listed within Appendix B to this report.

The Indicators shown in the Appendix include the amendments necessary to borrow up to £6m in relation to the Capital Programme and an additional £4m short term for cash flow purposes, making a maximum at any one time of £10m. The currently approved Strategy for 2012/13 includes £4m for each value making a maximum of £8m.

Borrowing forms part of the two external debt indicators. These Indicators are identified in the Appendix as the "Operational Limit" and the "Authorised Limit". The Operational Limit shows only the borrowing that is long term to finance the Capital Programme. The value of this borrowing becomes £6m under the Cabinet proposal. If cash flow management requires short term borrowing to cover out going cash flows, the Authorised Limit is enforced to ensure a maximum of £4m of additional borrowing can occur short term. The amendment required is therefore to increase the Operational Limit and the Authorised Limit by the additional £2m required.

The Committee noted the position with regard to the activities of the Treasury Management function as at 30 September 2012 and accepted the proposed amendments to the Treasury Management Strategy for 2012/13, but is seeking assurances that the property investment governance arrangements are sound and that controls are in place to minimise the risks to the Council associated with this new area of activity.

**RECOMMENDED: That the Treasury Management Strategy for 2012/13 be amended to include confirmation that up to £6m can be borrowed to support the Capital Programme and that the revised Prudential Indicators as set out in Appendix B to this report be approved.**

**MAIDSTONE BOROUGH COUNCIL**

**RECORD OF DECISION OF THE CABINET**

Decision Made: 12 September 2012

**INVESTMENT OPPORTUNITY**

**Issue for Decision**

This report considers investment proposals for the council to help improve income and achieve the Council's priorities

**Decision Made**

1. That the three areas of investment be supported, subject to the controls set out in the report of the Assistant Director of Environment and Regulatory Services.
2. That a member advisory panel be established in accordance with the terms of reference set out in Appendix 2 to the report of the Assistant Director of Environment and Regulatory Services.
3. That a Cabinet Committee be established, in accordance with the terms set out in Appendix 2 to the report of the Assistant Director of Environment and Regulatory Services, to make decisions on possible acquisitions, having regard to the views of the members advisory panel. The committee to comprise of the Leader of the Council, the Cabinet Member for Economic and Commercial Development and the Cabinet Member for Corporate Services. The remaining Cabinet Members are able to be appointed as substitute members of the Committee.
4. That an agent or agents be appointed on a commission only basis, in accordance with the maximum sliding scale identified in Appendix 1 to the report of the Assistant Director of Environment and Regulatory Services, to bring forward potential acquisitions on a confidential basis.
5. That the Audit Committee and the Council be recommended to authorise prudential borrowing of up to £6million within the current financial year 2012/13 and to set aside a fund of £500,000 from balances to cover any potential scheme failure.

**Reasons for Decision**

The current economic climate is causing significant financial pressures on local authorities. Revenue provision through government grant is

reducing and will continue to reduce. In order to achieve the Council's strategic goals and indeed to maintain services, there is a need for the Council to be more business-like.

The Government is actively encouraging local authorities to use prudential borrowing to generate additional income, support improved sustainability and provide encouragement for businesses to invest and regenerate.

The Cabinet, at its meeting on 25 July, considered the Council's Capital Programme and in particular, the possibility of prudential borrowing. This confirmed that the Council has the power to borrow to finance capital expenditure, subject to the guidance set out in the Code of Practice published by the Chartered Institute of Public Finance and Accountancy. Compliance with the code is a statutory requirement. In summary, the key objectives of the Code are:

- To ensure within a clear framework that capital expenditure plans are affordable, prudent and sustainable;
- That treasury management decisions are taken in accordance with good professional practice;
- That local strategic planning, asset management planning and proper option appraisal are supported; and
- To provide a clear and transparent framework to ensure accountability.

If the Council were to consider prudential borrowing as a source of funding for the capital programme, it would be required to evidence that such funding is affordable, prudent and sustainable. Given the current economic circumstances and the expected future pressure on resources, borrowing would place additional pressure on the savings requirements of the Council. At this time, it would only be appropriate to consider borrowing where the overall benefit of the schemes within the programme outweighs the additional pressure on the general fund or the outcome is self-supporting.

The Cabinet resolved:-

- a) That the proposed amendments to the capital strategy including the prudential borrowing where this achieves commercial development, outlined in Section 1.5 of the report of the Corporate Leadership Team, be agreed.
- b) That officers develop and present proposals that achieve the Council's objectives through commercial development, as set out in Section 1.5 of the report.
- c) That the evaluation of resources available and scheme proposals as set out in paragraph 1.6.5. of the report, identifying the appropriate use of the resources available, be approved.



Section 1.5 of the Cabinet report identifies the possible use of prudential borrowing when the following criteria apply:

- a) Schemes (or proposals) are commercial in nature
- b) The outcome returns a financial benefit at least equal to the cost incurred by borrowing to fund the schemes.
- c) After covering the cost of funding, a further financial or non-financial benefit accrues to the Council that directly or indirectly supports the strategic plans policy outcomes.

The report of the Assistant Director of Environment and Regulatory Services considers three areas of prudential borrowing that will meet the guidelines of the CIPFA Code of Conduct and the criteria identified in the above decision of Cabinet on 25 July 2012.

#### Property Portfolio

Most local authorities have property portfolios and this Council owns assets with a value around £79 million. The major asset owned by the Council is the Park Wood Industrial Estate which generates over £300k per annum to the Council.

Property investment opportunities can become available which would require prudential borrowing, but would generate surplus income to support the Council's strategic priorities. Such acquisitions would comply with the CIPFA code and the recent Cabinet report and must:-

- Have existing long-term good quality tenants
- Be in good condition with long term lease and suitable construction
- Make an annual rate of return beyond the capital repayment based on a maximum 50-year repayment.
- Be available at an affordable price to meet the requirements of best consideration.

Such property, including those outside the Borough but within the UK, do not often come to the open market and the Council, if it wishes to consider such acquisitions, will have to procure suitable professional advice.

In order to achieve the best opportunities for the Council, expert advice would be needed and the Council would appoint an agent or agents who would work on a commission only basis, to be based on a sliding scale according to the value of the acquisition. This was shown in Appendix 1 to the report of the Assistant Director of Environment and Regulatory Services. Such agents would bring forward suitable acquisitions on a confidential basis.

#### Property Portfolio Governance

This is a new area of activity for the Council and the governance of such arrangements is critical to ensure the processes and responsibilities are

clear and transparent.

It is proposed that the Council establishes an informal members advisory panel to review the business cases brought forward and advise the decision makers. The proposed terms of reference of the panel were provided in Appendix 2 to the report of the Assistant Director of Environment and Regulatory Services.

It is also proposed that due to the *ad hoc* and sometimes urgent way that proposals are brought forward, that decisions are made by a committee of cabinet, the members of which, if needed, could meet quickly to consider an urgent proposition.

It was recommended that the committee would comprise of the Leader of the Council, Cabinet Member for Economic and Commercial Development and the Cabinet Member for Corporate Services. Substitute Cabinet members would be permitted. The terms of reference are also provided in Appendix 2 to the report of the Assistant Director of Environment and Regulatory Services.

It would be the agents' responsibility to ensure that all costs are identified in the detailed business case. In this way, the Council would bear no additional costs, its exposure being limited to pre-agreed commission for each transaction as it arises.

It would be the relevant officers, supported by the agents, responsibility to present prospective acquisitions to the members panel, supported by a full report to include third party valuation, financial assessment, title report, etc. In turn, any recommended proposals would be presented to the cabinet committee for approval.

Such reports and recommendations would be comprehensive and capable of enabling a decision to be made which meets the guidelines identified above. This is likely to include external independent advice regarding the elements of the business case.

A possible flow diagram is shown below:-



The appointment of an agent would need to meet the requirements of the Council's procurement policy

It is considered prudent that a limit on acquisitions be set each year in accordance with the Council's treasury management arrangements and that for the present year, 2012/13, this be set at £6million. This will need Audit Committee and full Council approval.

### Derelict Residential Properties

The Government is encouraging Councils to use prudential borrowing to bring back derelict residential properties to habitable use. This could include long-term empty properties.

The Council's Housing service has already secured government funding to support the restoration of 10 properties but surveys have identified that there are in the region of 50 properties in the borough that are derelict and 500 that have been empty for more than two years.

In addition, the Council is facing, due to the current economic downturn, ever increasing costs to provide homeless individuals and families with temporary accommodation.

It was suggested that, if restored, these derelict and long-term empty properties could be used to provide that temporary accommodation, which would be cheaper than the current costs of bed and breakfast and provide a regular income to repay the purchase costs.

These acquisitions should be made through the Property Investment Governance arrangements identified above.

Again, all acquisitions will need to meet the CIPFA prudential code and guidelines established by Cabinet.

### Strategic Property Investment

Given the current economic position, there may be certain circumstances where development, within the borough, is not progressing in a way that the "market" would enable without intervention. It could be that bringing forward that development would assist the Council in achieving its strategic objectives. An example might be where a significant number of new jobs would be created.

In order to see the development come forward, the Council may decide to intervene and provide financial or technical support. Each case would be subject to a detailed report by the appointed agent and a detailed business case in accordance with the Property Investment Governance arrangements identified above.

Again, all the criteria set out above would need to be met, although in such cases, the Council could accept a proposal which would only return

the original outlay and not necessarily provide an additional yield.

### Possible Business Failure

It is inevitable that in investing in these properties, there are risks and possible failure, although unlikely given the controls, could occur. It is therefore proposed to establish a fund of £500k to cover any potential scheme failure. This is also relevant for the report on commercial opportunities, also on the Cabinet agenda.

These are the only circumstances in which the Council will consider prudential borrowing at the present time.

Other capital projects will have to be funded from surplus received and through other funding sources.

### **Alternatives considered and why rejected**

The Cabinet could have decided not to agree to the options but this would prevent any possible activity from the potential venture.

The Cabinet could have decided to propose different governance arrangements but the arrangements suggested in the report of the Assistant Director of Environment and Regulatory Services provide for clear decision making and transparency.

### **Background Papers**

The Prudential Code, published by the Chartered Institute of Public Finance and Accountancy.

Report to cabinet on the capital programme July 2012

Should you be concerned about this decision and wish to call it in, please submit a call in form signed by any two Non-Executive Members to the Head of Change and Scrutiny by: **21 September 2012**

## **PRUDENTIAL INDICATORS**

### **Capital Financing Requirement**

2011/12 Actual £,000	2012/13 Estimate £,000	2012/13 Actual £,000
0	6,000	0

It has been agreed that £6m external funding may be needed to fund the council's capital programme in 2012/13.

### **Authorised Limit for External Debt**

	2011/12 Actual £,000	2012/13 Estimate £,000	2012/13 Actual £,000
Borrowing	8,000	10,000	0
Other Long Term Liabilities	6,684	6,294	6,294
Total	14,684	16,294	6,294

This limit is the main limit set as a maximum for external borrowing. It fulfils the requirements under section 3 of the Local Government Act 2003. No borrowing was undertaken so no limits were breached.

### **Operational Limit for External Debt**

	2011/12 Actual £,000	2012/13 Estimate £,000	2012/13 Actual £,000
Borrowing	4,000	6,000	0
Other Long Term Liabilities	6,684	6,294	6,294
Total	10,684	12,294	6,294

This limit should be the focus of day to day treasury management. It is similar to the Authorised Limit but excludes the allowance for temporary cash flow borrowing as perceived as not necessary on a day to day basis

### **Upper Limit for Fixed Interest Rate Exposure**

2011/12 Actual %	2012/13 Estimate %	2012/13 Actual %
99	100	93

This is the maximum amount of net borrowing and investment that can be at a fixed rate. Due to the nature of the council's cashflows it is likely that this limit will only be approached towards the end of the financial year when there are less surplus funds available for short term investment.

### **Upper Limit for Variable Interest Rate Exposure**

2011/12 Actual %	2012/13 Estimate %	2012/13 Actual %
48	80	53

This is the maximum amount of net borrowing and investment that can be at a variable rate. The limit set reflects the fact that during the year there can be excess surplus funds available for short term investment. These arise from timing differences between receipts received and payments made.

### **Principal Invested for more than 364 Days**

2011/12 Actual £,000	2012/13 Estimate £,000	2012/13 Actual £,000
3,000	3,000	2,000

This indicator is set to reflect current advice from our Treasury Management Advisors.

# Agenda Item 15

## **MAIDSTONE BOROUGH COUNCIL**

### **COUNCIL**

**12 DECEMBER 2012**

### **REPORT OF THE HEAD OF DEMOCRATIC SERVICES**

Report prepared by Debbie Snook

#### **1. STANDARDS REGIME**

- 1.1 Under the provisions of the Localism Act 2011, the Council is required to appoint an Independent Person who must be consulted before any decision is taken on an investigated complaint of misconduct by a Borough or Parish Councillor. The Independent Person may be consulted on other standards issues and by a Member who is the subject of a complaint.
- 1.2 At the meeting of the Council held on 19 September 2012, Mrs Dorothy Phillips was appointed as the Independent Person for a transitional period until 30 June 2013. At that time it was not possible to appoint a reserve Independent Person to advise in the absence of the Independent Person. Since then, Mr Don Wright, who served as an Independent Member and Chairman of the old Standards Committee, has been appointed as the Independent Person for Tunbridge Wells Borough Council. The General Purposes Group interviewed Mr Wright at the same time as Mrs Phillips and invited him to consider being the reserve Independent Person. At that time he did not wish to take this up, but he is now willing to be Maidstone's reserve Independent Person under reciprocal arrangements with Tunbridge Wells Borough Council so that he may be consulted in the event of Mrs Phillips being unable to act. However, since Mr Wright has in the recent past been an Independent Member of the Standards Committee, his term of office is limited to June 2013. At that time the Council must appoint a new Independent Person (and reserve).
- 1.3 The new non-statutory Standards Committee comprises three Members from each political group of the Council (a political group being two or more Members who have asked to be treated as a political group) nominated, as usual, by the Group Leaders and appointed by the full Council.
- 1.4 It has been agreed that there is advantage to be gained from having a Parish Councillor representative on the Sub-Committees when they

hold hearings into allegations of misconduct by Parish Councillors and, in this connection, the Council, at its meeting held on 20 June 2012, appointed Councillors Paul Butcher and Eileen Riden to serve as non-voting Parish Councillor representatives on the new Standards Committee for an initial period until November 2012.

- 1.5 The terms of office of Councillors Butcher and Mrs Riden have now expired and the Maidstone Area Committee of the Kent Association of Local Councils has nominated them for re-appointment for a further term of 3½ years until the Annual Meeting of the Council in 2016.

**1.6 RECOMMENDED:**

- 1.6.1 That Mr Don Wright be appointed as Maidstone's reserve Independent Person until June 2013 to be consulted in the event of Mrs Phillips being unable to act.**

- 1.6.2 That Councillors Paul Butcher and Eileen Riden be re-appointed to serve as non-voting Parish Councillor representatives on the new Standards Committee for a further term of 3½ years until the Annual Meeting of the Council in 2016.**

Background Documents

None

# Agenda Item 16

## **MAIDSTONE BOROUGH COUNCIL**

### **COUNCIL**

**12 DECEMBER 2012**

## **REPORT OF THE HEAD OF DEMOCRATIC SERVICES**

**Report prepared by Janet Barnes**

### **1. CALENDAR OF MEETINGS 2013-2014**

#### **1.1 Issue for Decision**

1.1.1 To approve the calendar of meetings for the forthcoming municipal year for Council and the Non-Executive meetings of the Authority.

#### **1.2 Recommendation of the Head of Democratic Services**

1.2.1 That the Calendar of Meetings for 2013/14, as attached at Appendix A, be approved.

1.2.2 That the Calendar of Meetings for 2013/14 – Option 2, as attached at Appendix B, be approved to take effect should the local elections be delayed until June 2014 to coincide with the European election.

#### **1.3 Reasons for Recommendation**

1.3.1 The Calendar of Meetings for 2013/14 is attached at Appendix A and sets out the proposed dates for the Council and various non-Executive meetings. These dates follow the normal pattern of meetings for each of the Committees.

1.3.2 The European election is due to be held in June 2014 but the actual date and whether the local elections will be delayed to coincide with the European elections (as has been done previously) has yet to be announced by the Secretary of State.

1.3.3 In anticipation of this, a second option for the Calendar of Meetings is attached at Appendix B and it is recommended that Council agree that these dates be agreed to take effect should the local elections be delayed to coincide with the European election in June 2014.

1.3.4 Extraordinary Council meetings will be called if necessary.



1.3.5 Included in the Calendar of Meetings are dates for Member Development Sessions, including training dates for Licensing, Planning, Audit and Scrutiny Members. However, as there are no Borough elections in May 2013, there are no scheduled induction training dates for new Members.

1.4 Alternative Action and why not Recommended

1.4.1 The dates of the above meetings are in accordance with the normal pattern for meetings.

1.5 Impact on Corporate Objectives

1.5.1 Setting the dates of future meetings at this time allows for advanced notice for the public and internal matters to be organised which helps towards our objective of Corporate and Customer excellence.

1.6 Risk Management

1.6.1 There are no risks associated with this report.

1.7 Other Implications

1.7.1

1. Financial
2. Staffing
3. Legal
4. Equality Impact Needs Assessment
5. Environmental/Sustainable Development
6. Community Safety
7. Human Rights Act
8. Procurement
9. Asset Management


1.8 Relevant Documents

1.8.1 Appendices

Appendix A – Calendar of Meetings – Option 1

Appendix B – Calendar of Meetings – Option 2

1.8.2 Background Documents

None

**IS THIS A KEY DECISION REPORT?**

Yes

☐

No

X

If yes, when did it first appear in the Forward Plan?

.....

This is a Key Decision because: .....

.....

Wards/Parishes affected: .....

.....

# **CALENDAR OF MEETINGS 2013/14 – OPTION 1**

	MAY 2013	JUNE	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY 2014
Council (Wed)	15 (11.15 am) AGM		24		18			11		26		23	14 (11.15 am)AGM
Cabinet (Wed)	15	12	10	14	11	9	13	18	15	12	12	9	
Planning (Thurs)	16	6/27	18	8/29	19	10/31	21	12	16	6/27	20	10	
Adjourned Planning (Thurs)	23	13	4/25	15	5/26	17	7/28	19	23	13	6/27	14	
Licensing (Thurs) plus training @ 3.30pm		20			4		14		30			3	
CS OSC (Tues)		4		6			5		7	4		8	
Comm OSC (Tues)	21		16		10		12		14		11		
R&ED OSC (Tues)	28		23		17		19		21		18		
Audit (Mon)			15		16		25				3		
Member Development Sessions	29	5 – P, Pt 1 10 – A 11 – S 26 – S	3 – A 17 – P, Pt2 22 – MS/T 31 – S	7 – P, Pt3	2 – A 9 – MS/T 25 – P, Pt4	23 – MS/T	6 – P 20 – MS/T 27 – A		29 – MS/T	17 – MS/T 19 – A	26 – MS/T	30 – MS/T	

CS = Corporate Services    Comm = Communities    R&ED = Regeneration & Economic Development    OSC = Overview and Scrutiny Committee

Member Development Sessions – P = Planning, S = Scrutiny, A = Audit, MS/T = Member Seminar/Training

## **CALENDAR OF MEETINGS 2013/14 – OPTION 2** **(if Local Election delayed to coincide with European Election)**

	MAY 2013	JUNE	JUL	AUG	SEPT	OCT	NOV	DEC	JAN 2014	FEB	MAR	APR	MAY	JUNE
Council (Wed)	15 (11.15 am) AGM		24		18			11		26		23		25 (11.15 am)AGM
Cabinet (Wed)	15	12	10	14	11	9	13	18	15	12	12	9	14	
Planning (Thurs)	16	6/27	18	8/29	19	10/31	21	12	16	6/27	20	10	1/22	
Adjourned Planning (Thurs)	23	13	4/22 (Mon)	15	5/26	17	7/28	19	23	13	6/27	14	8/29	
Licensing (Thurs) plus training @ 3.30pm		20			4		14		30			3		
CS OSC (Tues)		4		6			5		7	4		8		
Comm OSC (Tues)	21		16		10		12		14		11		13	
R&ED OSC (Tues)	28		23		17		19		21		18			
Audit (Mon)			15		16		25				3		20	
Member Development Sessions	29	5 – P, Pt 1 10 – A 11 – S 26 – S	3 – A 17 – P, Pt2 22 – MS/T 31 – S	7 – P, Pt3	2 – A 9 – MS/T 25 – P, Pt4	23 – MS/T	6 – P 20 – MS/T 27 – A		29 – MS/T	17 – MS/T 19 – A	26 – MS/T	30 – MS/T		

CS = Corporate Services    Comm = Communities    R&ED = Regeneration & Economic Development    OSC = Overview and Scrutiny Committee

Member Development Sessions – P = Planning, S = Scrutiny, A = Audit, MS/T = Member Seminar/Training

## **MAIDSTONE BOROUGH COUNCIL**

### **COUNCIL**

**12 DECEMBER 2012**

### **REPORT OF THE HEAD OF DEMOCRATIC SERVICES**

Report prepared by Debbie Snook

#### **1. COMMITTEE MEMBERSHIP**

- 1.1 Notification has been received of proposed changes to the membership of Committees.

#### **2. RECOMMENDED:**

- 2.1 That the following changes be approved to reflect the wishes of the Leader of the Liberal Democrat Group:-

Communities Overview and Scrutiny Committee

Substitute Members

Remove Councillor Pickett. Insert Councillor Mrs Watson.

Member and Employment and Development Panel

Members

Insert Councillor Mrs Joy.

- 2.2 Background Documents

None.