

You are hereby summoned to attend a meeting of the

MAIDSTONE BOROUGH COUNCIL



Date: Wednesday 9 December 2015

Time: 6.30 p.m.

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Ash, Mrs Blackmore, Boughton, Brice, Burton, Butler, Chittenden, Clark, Cox, Cuming, Daley, Ells, English, Fissenden, Fort, Garland, Mrs Gooch, Greer, Mrs Grigg, Harper, Harwood, Hemsley, Mrs Hinder, Mrs Joy, McKay, McLoughlin, Moriarty (Mayor), B Mortimer, D Mortimer, Munford, Naghi, Newton, Paine, Mrs Parvin, Paterson, Perry, Pickett, Mrs Ring, Mrs Robertson, Ross, Round, J Sams, T Sams, Sargeant, Springett, Mrs Stockell, Thick, Vizzard, Watson, Webb, Webster, de Wiggondene, Willis, J.A. Wilson and Mrs Wilson

Continued Over/:

Issued on 1 December 2015

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Alison Broom

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

AGENDA

Page No.

1. Prayers
2. Apologies for Absence
3. Dispensations (if any)
4. Disclosures by Members and Officers
5. Disclosures of Lobbying
6. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
7. Minutes of the meeting of the Borough Council held on 16 September 2015 1 - 7
8. Mayor's Announcements
9. Petitions
10. Question and Answer Session for Members of the Public
11. Questions from Members of the Council to the Chairmen of Committees
12. Current Issues - Report of the Leader of the Council, Response of the Group Leaders and Questions from Council Members
13. Report of the Policy and Resources Committee held on 21 October 2015 - Council Tax Reduction Scheme 2016/17 8 - 10
14. Report of the Strategic Planning, Sustainability and Transportation Committee held on 10 November 2015 - Local Development Scheme 2014 - 2017 11 - 29
15. Report of the Licensing Committee held on 26 November 2015 - Gambling Act 2005 - Statement of Licensing Principles 2016 - 2019 30 - 70
16. Report of the Licensing Committee held on 26 November 2015 - Draft Statement of Licensing Policy 2016 - 2021 71 - 106
17. Oral Report of the Strategic Planning, Sustainability and Transportation Committee to be held on 1 December 2015 (if any)
18. Oral Report of the Communities, Housing and Environment Committee to be held on 8 December 2015 (if any)

19. Notice of the following motion has been given by Councillor Mrs Joy, seconded by Councillor English, supported by Councillors Vizzard, Willis and Pickett:

This Council notes:

- Speed limits on Britain's residential roads are 60% higher than comparable European nations;
- More than half of all road accidents occur on roads with 30 mph limits;
- Reducing speed limits on residential roads has been found to lower the incidence of accidents and the number of fatalities and serious accidents that result from them;
- The significant contribution a 20 mph limit could make to improving Maidstone's air quality;
- New Department of Transport guidelines making it easier for local authorities to adopt a 20 mph default speed limit on residential roads; and
- The significant support shown for 20 mph limits in recent surveys of local residents.

This Council therefore resolves to:

Use all appropriate avenues to press the County Council to reconsider its existing policies on speed limits and to support a Borough-wide 20 mph speed limit on residential roads.

20. Report of the Head of Finance and Resources - Calendar of Meetings 2016 - 2017

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Agenda Item 7

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON WEDNESDAY 16 SEPTEMBER 2015

Present: Councillor Moriarty (The Mayor) and Councillors Ash, Mrs Blackmore, Boughton, Brice, Burton, Butler, Chittenden, Clark, Cox, Cuming, Daley, English, Fissenden, Fort, Garland, Greer, Mrs Grigg, Harper, Hemsley, Mrs Hinder, Mrs Joy, McKay, McLoughlin, B Mortimer, D Mortimer, Munford, Naghi, Newton, Paine, Mrs Parvin, Perry, Pickett, Mrs Ring, Mrs Robertson, Ross, Round, J Sams, T Sams, Sargeant, Springett, Mrs Stockell, Thick, Vizzard, Webb, Webster, de Wiggondene, Willis, J A Wilson and Mrs Wilson

41. MINUTE'S SILENCE

The Council stood in silence for one minute in memory of Mary Black, a former Member for Allington Ward and Mayor of Maidstone, Mick Stevens, a former Member for Heath Ward and Leader of the Council, and Allan Willett, a former Lord Lieutenant of Kent, all of whom had died recently.

42. PRAYERS

Prayers were said by the Reverend Canon Andrew Sewell.

43. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Ells, Mrs Gooch, Harwood and Paterson.

The Mayor welcomed Councillor Brian Mortimer who had been absent from meetings due to ill-health.

44. DISPENSATIONS

There were no applications for dispensations.

45. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

46. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

47. EXEMPT ITEMS

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

48. MINUTES OF THE MEETING OF THE BOROUGH COUNCIL HELD ON 15 JULY 2015

RESOLVED: That the Minutes of the meeting of the Borough Council held on 15 July 2015 be approved as a correct record and signed.

49. MAYOR'S ANNOUNCEMENTS

The Mayor introduced Paul Spooner, the interim Director of Planning and Development.

The Mayor then updated Members on recent/forthcoming events, and thanked them for their support.

50. PETITIONS

There were no petitions.

51. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Question to the Chairman of the Policy and Resources Committee

Mrs Susan Hogg asked the following question of the Chairman of the Policy and Resources Committee:

As the Councillors in this Chamber have been elected to serve the people of Maidstone, please can the Chairman of the Policy and Resources Committee tell me why some Councillors are not answering electors' phone calls or emails, and what do you think is an adequate time scale for people to have an acknowledgement or answer to their query or questions?

The Chairman of the Policy and Resources Committee replied that:

This has proved to be quite an interesting question because the situation is not as straightforward as it seems. There are no rules laid down as to how, when or, indeed, if a Councillor should answer questions from members of the public. I think that will come as quite a surprise to everybody. It is up to individual Councillors to make these decisions themselves. However, obviously, if one of their residents feels that they are failing in their duties, it is open to them to contact the Monitoring Officer and make a complaint if they wish to do so.

I cannot tell you as Chairman of the Policy and Resources Committee why some Councillors are not answering their phone calls or emails because there is nothing within the remit of my post that says I have to contact

every Councillor on the Committee to see whether they are doing what we would all hope they do.

You also asked me if I have a personal view on this, and the answer is I do because we have an Officer handbook, and in that it says Officers should endeavour to respond to all letters within 10 working days, and, if this is not possible, the customer should be informed of when they can expect a reply. Officers should endeavour to respond to emails within 2 working days, and, if this is not possible, an email should be sent advising the customer of when they can expect a reply.

I hope that all of us as Councillors would endeavour to try and follow the same protocol that the Officers have, but with the caveat that the majority of Councillors do not have any PA support. The number of emails, in particular, that we get these days makes it almost impossible to answer them all within 2 working days. I personally get between 90 and 120 emails a day. Other Councillors get a huge number of emails and you need to factor in holidays etc. Being a Councillor is a voluntary role, and Members have other work and family commitments etc.

I do hope that all Councillors will endeavour to follow the Officer protocol, but it is not something that we can insist upon under any circumstances.

Councillor Mrs Blackmore, the Leader of the Conservative Group, Councillor Newton, on behalf of the Leader of the Independent Group, Councillor Sargeant, the Leader of the UKIP Group, and Councillor McKay, the Leader of the Labour Group, then responded to the question.

52. QUESTIONS FROM MEMBERS OF THE COUNCIL TO THE CHAIRMEN OF COMMITTEES

Question to the Chairman of the Strategic Planning, Sustainability and Transport Committee

Councillor J Sams asked the following question of the Chairman of the Strategic Planning, Sustainability and Transport Committee:

A decision was made at the meeting last week not to make the setting of the AONB a landscape of local value. In the spirit of transparency, can I ask after the agenda was sent out for that meeting, who, when and why was the decision made to put this to the committee in the urgent update report given to Councillors and seen by residents on the night of the meeting?

The Chairman of the Strategic Planning, Sustainability and Transport Committee replied that:

The Strategic Planning, Sustainability and Transport Committee agenda of 8 September included a report seeking amendments to the countryside policy of the emerging Local Plan, expressly referring to Landscapes of Local Value. Following publication of the agenda, on 2 September Committee Members undertook site visits with Officers in order to review

some of the landscapes, including the setting of the AONB. As a result of deliberations during the site visit, an urgent update report was prepared for the 8 September meeting, clearly setting out the reasons as to why it was not necessary to designate the setting of the AONB as a Landscape of Local Value. At the meeting the Head of Planning and Development apologised for the late changes in the report recommendation; and I asked the Committee Members if they were happy to accept the urgent update and gave adequate time for them to read the update before the agenda item was discussed. I am happy that correct procedures were followed. I also believe that it is better to have more information before Members than less. The earlier report was there still with its considerations; the update did not force a different decision. The whole topic was fully debated.

Councillor J Sams asked the following supplementary question of the Chairman of the Strategic Planning, Sustainability and Transport Committee:

Following the call-in of the decision of the Strategic Planning, Sustainability and Transport Committee, how can we ensure that all of the information available after the agendas have been printed is included in appendices and sent out and that the urgent update is used for precisely that purpose?

The Chairman of the Strategic Planning, Sustainability and Transport Committee replied that:

I am not sure about the status of the referral of that decision currently, but I would very much hope that should it be going ahead, the accompanying report is as full as possible. I do think that Members should actively seek time with Officers to find out information in a proactive manner and I would discourage all of us from thinking that we should only be making decisions on the basis of what appears in reports; we should expand our thinking and investigations as much as possible. The very nature of the Local Plan timescale at the moment does put us under certain pressure. We have to get the necessary business transacted and decisions made if we are to stand a chance of being successful with the Local Plan next year and of bringing to the Borough the protection it gives and the control back to the Council in planning matters.

53. 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 her report on current issues, and welcomed Councillor Matt Boughton to his first meeting of the Council.

After the Leader of the Council had submitted her report, Councillor Mrs Blackmore, the Leader of the Conservative Group, Councillor Newton, on behalf of the Leader of the Independent Group, Councillor Sargeant, the

Leader of the UKIP Group, and Councillor McKay, the Leader of the Labour Group, responded to the issues raised.

A number of Members then asked questions of the Leader of the Council on the issues raised in her speech.

54. REPORT OF THE AUDIT, GOVERNANCE AND STANDARDS COMMITTEE - AUDIT COMMITTEE - ANNUAL REPORT TO COUNCIL 2014/15

It was moved by Councillor McLoughlin, seconded by Councillor Daley, and

RESOLVED: That the Audit Committee Annual Report 2014/15 (attached as Appendix 1 to the report of the Audit, Governance and Standards Committee), which demonstrates how the Committee discharged its duties during 2014/15, provides assurance that important internal control, governance and risk management issues were monitored and addressed by the Committee, and provides assurance to support the Annual Governance Statement, be noted.

55. ORAL REPORT OF THE STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORT COMMITTEE HELD ON 8 SEPTEMBER 2015

It was noted that there was no report arising from the meeting of the Strategic Planning, Sustainability and Transport Committee held on 8 September 2015.

56. ORAL REPORT OF THE COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE HELD ON 15 SEPTEMBER 2015

It was noted that there was no report arising from the meeting of the Communities, Housing and Environment Committee held on 15 September 2015.

57. NOTICE OF MOTION - CENTENARY OF THE END OF THE FIRST WORLD WAR

The Mayor announced that Councillor Newton had withdrawn his motion asking the Council to support, in principle, the provision of resources for the organisation of an event to mark the centenary of the end of the First World War in 2018.

58. REPORT OF THE HEAD OF FINANCE AND RESOURCES - OVERVIEW AND SCRUTINY ANNUAL REPORT 2014/15

It was moved by Councillor J A Wilson, seconded by Councillor Springett, and

RESOLVED: That the Overview and Scrutiny Annual Report to Council 2014/15 be noted subject to the following amendments:

The deletion of the duplicate paragraph on page 10; and

The amendment of paragraph 7 of revised page 23 circulated at the meeting to read:

That the new Committees consider the topics (listed below) as part of their work programmes in the next Municipal Year.

59. REPORT OF THE HEAD OF FINANCE AND RESOURCES - NON-ATTENDANCE AT COUNCIL MEETINGS

It was moved by the Mayor, seconded by Councillor Mrs Wilson, and

RESOLVED: That since Councillor Brian Mortimer is present this evening, the report of the Head of Finance and Resources relating to Councillor Mortimer's absence from Council meetings on the grounds of ill-health be withdrawn from the agenda.

60. REPORT OF THE HEAD OF FINANCE AND RESOURCES - REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

It was moved by the Mayor, seconded by Councillor Mrs Blackmore, and

RESOLVED: That since a request has not been received for a review to be carried out of the arrangements for the allocation of seats on Committees, the report of the Head of Finance and Resources relating to the allocation of seats on Committees be withdrawn from the agenda.

61. MEMBERSHIP OF COMMITTEES

It was moved by the Mayor, seconded by Councillor Ash, and

RESOLVED: That the wishes of the Group Leaders with regard to the membership of Committees and Substitute membership, as set out in the lists circulated, be accepted.

MAIDSTONE BOROUGH COUNCIL ACTING AS CORPORATE TRUSTEE OF THE CHARITY KNOWN AS THE COBTREE MANOR ESTATE

62. REPORT OF THE HEAD OF FINANCE AND RESOURCES - REVIEW OF ALLOCATION OF SEATS ON THE COBTREE MANOR ESTATE CHARITY COMMITTEE

It was moved by the Mayor, seconded by Councillor Mrs Blackmore, and

RESOLVED: That since a request has not been received for a review to be carried out of the arrangements for the allocation of seats on Committees, the report of the Head of Finance and Resources relating to the allocation of seats on the Cobtree Manor Estate Charity Committee be withdrawn from the agenda.

63. MEMBERSHIP OF THE COBTREE MANOR ESTATE CHARITY COMMITTEE

It was moved by the Mayor, seconded by Councillor J A Wilson, and

RESOLVED: That the wishes of the Group Leaders with regard to the membership of the Cobtree Manor Estate Charity Committee and Substitute membership, as set out in the lists circulated, be accepted.

MAIDSTONE BOROUGH COUNCIL ACTING AS CORPORATE TRUSTEE OF THE QUEEN'S OWN ROYAL WEST KENT REGIMENT MUSEUM TRUST

64. REPORT OF THE HEAD OF FINANCE AND RESOURCES - REVIEW OF ALLOCATION OF SEATS ON THE QUEEN'S OWN ROYAL WEST KENT REGIMENT MUSEUM TRUST COMMITTEE

It was moved by the Mayor, seconded by Councillor Daley, and

RESOLVED: That since a request has not been received for a review to be carried out of the arrangements for the allocation of seats on Committees, the report of the Head of Finance and Resources relating to the allocation of seats on the Queen's Own Royal West Kent Regiment Museum Trust Committee be withdrawn from the agenda.

65. MEMBERSHIP OF THE QUEEN'S OWN ROYAL WEST KENT REGIMENT MUSEUM TRUST COMMITTEE

It was moved by the Mayor, seconded by Councillor Ash, and

RESOLVED: That the wishes of the Group Leaders with regard to the membership of the Queen's Own Royal West Kent Regiment Museum Trust Committee and Substitute membership, as set out in the lists circulated, be accepted.

66. DURATION OF MEETING

6.30 p.m. to 7.40 p.m.

MAIDSTONE BOROUGH COUNCIL

COUNCIL

9 DECEMBER 2015

REPORT OF THE POLICY AND RESOURCES COMMITTEE HELD ON 21 OCTOBER 2015

COUNCIL TAX REDUCTION SCHEME

Issue for Decision

The Council is asked to consider the Local Council Tax Reduction Scheme to be applied during 2016/17.

Recommendation Made

That having noted the potential impact on claimants including those with disabilities, carers and other working age groups, the Council Tax Reduction Scheme be maintained from 1st April 2016 at its current level.

Reasons for Recommendation

As part of the changes introduced through the Welfare Reform Act the national scheme for council tax benefit was abolished from 31 March 2013 and replaced by a requirement to determine a local discount scheme.

Government funding for the local scheme was reduced by 10% from 1st April 2013 and a requirement made that awards for claimants of pensionable age be protected from any reduction. The pensioner caseload represents 43% of the overall caseload.

In responding to that change a number of options were presented to Cabinet in July 2012, with Cabinet identifying the preferred scheme to be a 13% reduction in council tax benefit entitlements, whilst otherwise retaining the existing rules and criteria.

At the same time Cabinet proposed a number of changes to the council tax discounts and exemptions for empty properties, the additional revenue from which would help meet the shortfall in the proposed council tax support scheme funding.

A public consultation was undertaken to outline and seek views on three primary options identified by Cabinet as set out below.

- § 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 with option 3, the Council's preferred scheme, receiving the greatest support (48.2%).

On the 18 October 2012 the Department for Communities and Local Government announced the introduction of a £100 million transitional fund to help Councils lessen the impact for residents in the first year of the scheme.

The funding criteria required that the Council's local scheme pass on an increase of no more than 8.5% in the first year and provide for no sharp reduction in support for those entering work. An additional grant of £239,445 was made available to the Council in the first year.

Following consideration of the consultation results and opportunity provided through the transitional fund, Cabinet made the following recommendation which was agreed by Council in December 2012.

- An 8.5% reduction in the rate of Council Tax Support 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 Support applicable to all working age households during 2014/15 and 2015/16, subject to the future demand and grant received for the Scheme.

The Council implemented a scheme in April 2013 where persons eligible for Council Tax Support would pay a minimum contribution of 8.5% towards their liability. The Local Government Finance Act 2012 states that a public consultation must take place if a scheme is either amended or replaced. The increase from 8.5% to 13% for 2014/15 was considered a change under the legislation.

A further consultation was therefore undertaken which included a direct mailing to a sample of 500 households in receipt of council tax support and wider participation through voluntary sector partners and the wider taxpayer through an online survey. The consultation set out 2 primary options. Option 1, to reduce benefit awards by 18.5% and Option 2, to reduce benefits awards by 13%. A total of 61 responses were received to the consultation, with 55% identifying option 2 as their preferred scheme.

Following consideration of the consultation results, it was agreed by Council that a Local Council Tax Support Scheme be adopted with a reduction of 13% in the rate of Council Tax Support applicable to all working age households during 2014/15, with the scheme reconfirmed through Council for 2015/16.

The scheme adopted was endorsed by Kent County Council and the other major preceptors, with the same model adopted throughout Kent, with some local variations. By adopting the "County" scheme the council received £125,000 per annum towards the cost of administration from the major preceptors.

Alternatives Considered and Why Not Recommended

A range of alternative options for 2015/16 were considered through the Strategic Leadership and Corporate Services Overview and Scrutiny committee as part of their 2014/15 work programme.

During the course of the review the committee explored the funding available to finance the future scheme, the operation and impact of the current scheme and a range of alternative schemes including:

- Option 1 – retaining the current scheme (13% reduction)
- Option 2 - remove council funding (18.65% reduction)
- Option 3 – county scheme (18.5% reduction)
- Option 4 – increase council funding (no reduction)
- Option 5 – vary criteria (2nd adult rebate, backdating, capital)
- Option 6 – increase council funding (protect disabled and carers)

In considering any change to the scheme it was agreed that it was necessary to balance the cost of the scheme with the impact on working age residents in receipt of the discount. The sustainability of the scheme was also highlighted as an issue with no increase in grant funding expected and the cost of the scheme to increase in line with council tax. Given the need for many residents to budget for such costs it was also considered desirable to maintain a level of consistency in the level of payment required.

In considering the options against that criteria the consensus was that options 2, 3 and 6 were unaffordable or would provide an unreasonable increase for residents receiving a discount. It was felt that the risks in implementing option 5 outweighed the potential benefit of the scheme.

The existing scheme (option 1) was considered to provide a reasonable balance in terms of cost to the council and impact on residents, which was subsequently recommended by Cabinet and approved by Full Council for 2015/16.

The work with overview and scrutiny was completed for the current year's scheme but remains valid for consideration of the scheme for 2016/17.

A copy of the Scheme, which Council at its meeting on 10 December 2014, agreed to maintain at its current level can be found via this link <http://services.maidstone.gov.uk/meetings/documents/s39631/AppACouncilTaxReductionSchemeMaidstone2013.pdf>

Agenda Item 14

MAIDSTONE BOROUGH COUNCIL

COUNCIL

9 DECEMBER 2015

REPORT OF THE STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE FROM 10 NOVEMBER 2015

LOCAL DEVELOPMENT SCHEME 2014-2017

Issue for Decision

The Council is required to produce a Local Development Scheme, which sets out a range of local plans it is proposing to prepare over a minimum period of three years.

The Local Development Scheme (attached as **Appendix A**) sets out the programme for the production of the Maidstone Borough Local Plan, from publication for consultation in February/March 2016, through submission and examination, to an estimated adoption date in March 2017.

Recommendation Made

That the Local Development Scheme 2014-2017 be adopted by Council at its meeting on 9 December 2015, to come into effect on the date of adoption.

Reason for Recommendation

The Council is required to produce a Local Development Scheme (LDS), which sets out the range of local plans it is proposing to prepare over a minimum three year period. There is no requirement to include a programme for the production of Supplementary Planning Documents (SPD) but, historically, the Council has identified the key SPDs needed to deliver the detail of higher tier policies. Local authorities are charged with keeping their LDS up-to-date and to review its progress through annual monitoring reports.

The Council's current Scheme was adopted in 2013 following the decision to combine the preparation of two local plans (Core Strategy and Development Delivery) into a single Maidstone Borough Local Plan. Local plans are prepared in accordance with planning regulations¹ and a partial consultation (Regulation 18) on the local plan was programmed for Autumn 2013. However, further work proved necessary to supplement the evidence base that underpins the local plan, so a full draft Maidstone Borough Local Plan was published for Regulation 18 Consultation between

¹ The Town and Country Planning (Local Planning) (England) Regulations 2012

March and May 2014.

Since May 2014, the representations received together with additional potential development sites, which were submitted through a further call for sites, have been considered through a series of meetings of the Strategic Planning, Sustainability and Transportation (SPST) Committee (and the former Planning, Transport and Development Overview & Scrutiny Committee and Cabinet). Account has also been taken of the Council's newly published evidence base documents and changes to national policy and guidance that may impact on the policies of the local plan.

A partial Regulation 18 Consultation was undertaken during October 2015 which focused on new and deleted policies and site allocations, together with key amendments to policies and site allocations. Approved amendments arising from the 2014 public consultation together with recommended changes resulting from the 2015 public consultation will be incorporated into the Publication version of the Maidstone Borough Local Plan (Regulation 19), which will be presented to the SPST Committee on 13 January 2016 and to Council on 25 January 2016. Having considered the views of the public and other bodies on the content of the local plan, the next step is the Publication of the proposed submission version of the local plan, when the consultation stage (Regulation 19) is focused on whether the plan has been prepared in accordance with legal requirements and it meets the tests of soundness.

The programme for the production of the Maidstone Borough Local Plan is set out below. Once the local plan has been submitted to the Secretary of State for examination the timetable is in the hands of the Planning Inspectorate. Although the Inspectorate has given an indication of timescales, the programme will ultimately depend on the volume and complexity of the issues raised by respondents. Further, if there are main modifications to the plan following examination, the modifications will be subject to consultation which will add approximately three months to the adoption date.

Of particular importance to the local plan programme is the Written Statement made by the Minister of State for Housing and Planning on 21 July 2015. The statement makes clear that in cases where local plans have not been produced by early 2017 (5 years after the publication of the National Planning Policy Framework), the government will "intervene to arrange for the Plan to be written, in consultation with local people, to accelerate the production of a Local Plan". The timetable set out below will enable the Council to retain ownership of the production of its local plan.

Maidstone Borough Local Plan Stage	Timetable
Publication consultation (Regulation 19)	12 February to 30 March 2016
Submission to the Secretary of State (Regulation 22)	May 2016
Hearing sessions (Regulation 24) – estimate	September 2016
Adoption (Regulation 26) – estimate	March 2017

A suite of Supplementary Planning Documents (SPD) to expand or add detail to the higher tier policies in the Maidstone Borough Local Plan will be required following the plan's adoption. The SPD process is quicker than that for local plans because they are not subject to examination, although must be taken through public consultation. Three SPDs have previously been agreed as a priority in the adopted LDS: Parking Standards, Landscape Character Guidelines, and Affordable Housing and Local Needs Housing. This list is still relevant, and further SPDs agreed by the Committee will be added to this list over time.

Alternatives Considered

Not adopting the Local Development Scheme 2014-2017. This is not recommended because the Local Development Scheme would not be compliant with Section 15 of the Planning and Compulsory Purchase Act 2008 (as amended by the Localism Act 2011). Consequently, the Council would not have met its legal compliance on this matter and the Maidstone Borough Local Plan would be found unsound.

Background Papers

None.

**This document is produced by
Maidstone Borough Council**

**This Local Development Scheme came into effect on
9 December 2015 and replaces all previous versions of
the Scheme**

All enquiries should be addressed to:

**Spatial Policy
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ**

**Telephone: 01622 602000
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What is the Local Development Scheme?

1.1 Councils are required to produce a **Local Development Scheme** (LDS) under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). The LDS is a three year project plan which sets the timetable for the production of Maidstone Borough Council's local plan. It explains how the council will resource and manage the preparation of documents, and includes a risk assessment of events that might impact on the programme together with an explanation of how such risks will be mitigated.

1.2 The Scheme needs to ensure that the local plan is put into place systematically, that it is kept up-to-date, and that the community is actively involved in the process. The LDS makes the planning authority more accountable, and it offers the wider community some certainty about when and how it can engage in the plan making process. This Scheme includes a programme for the preparation of the Maidstone Borough Local Plan. Whilst there is no requirement to include a timetable for the production of supplementary planning documents (SPD), the council has identified key SPDs that are a priority to support the delivery of local plan policies.

The Development Plan

1.3 The **Development Plan** is central to the planning system and is needed to guide the decision making process for land uses and development proposals. The development plan includes adopted local plans and neighbourhood development plans.

1.4 The development plan for Maidstone comprises a number of local documents: adopted development plan documents (DPD), which are now called local plans; saved policies from the adopted Maidstone Borough-wide Local Plan 2000; and the Kent Minerals and Waste Local Plans that are prepared by Kent County Council. At 9 December 2015, the development plan comprises:

- Affordable Housing DPD (December 2006)
- Open Space DPD (December 2006)
- Maidstone Borough-wide Local Plan Saved Policies (September 2007)
- The Kent Minerals and Waste Local Plans.

Planning Documents

1.5 The Local Plan is the plan for the future development of the borough and it can contain a single document or a series of local plans. Maidstone's local plan currently includes previously adopted development plan documents and saved policies from the Maidstone Borough-wide Local Plan, all of which will be superseded by the Maidstone Borough Local Plan once adopted. The production of local plans is dependent on community and stakeholder involvement, public consultation, sustainability appraisal and independent examination. The principal local plan must set out the spatial vision, objectives and key policies for the delivery of the framework, and it plays a key part in delivering the spatial objectives of the council's Sustainable Community Strategy and the Strategic Plan.

1.6 Neighbourhood Development Plans are not compulsory but, once made, they are a statutory document that form part of the development plan. In Maidstone these are prepared by parish councils or neighbourhood forums, and the plans are subject to consultation, examination and referendum. The plans must be in general conformity with the strategic policies of the adopted local plan, and should have regard to any emerging local plan. The council currently has 12 designated neighbourhood areas and a further neighbourhood area is subject to consultation. Five neighbourhood plans are at various stages of production.

1.7 The **Policies Map** is a map of the borough which illustrates areas of protection and site specific proposals set out in the local plan. Maidstone has an on-line policies map that can be accessed through its website.

1.8 Supplementary Planning Documents (SPD) expand or add detail to local plan policies and are prepared with stakeholder and public engagement. They are not subject to sustainability appraisal or examination because the local plan policies they support will have gone through this process. SPDs are a material consideration in the determination of planning applications, but they do not form part of the development plan or the local plan. Adopted **Planning Policy Advice Notes** are also a material consideration, and those that meet the disciplines of SPD production can be given commensurate weight in the decision making process.

1.9 In addition to the Local Development Scheme, the **Statement of Community Involvement (SCI)** and **Monitoring Reports** are a crucial part of the plan making process. The SCI explains how and when local communities and stakeholders will become involved in the preparation of documents. Annual monitoring reports measure the success of local plan objectives, targets and adopted policies.

1.10 The council's adopted planning documents are set out below.

Local Plan

- Affordable Housing DPD (2006)
- Open Space DPD (2006)
- Saved policies from the Maidstone Borough-wide Local Plan (2007)

Supplementary Planning Documents

- Sustainable Construction: Using Water SPD (2006)
- Loose Road Character Area Assessment SPD (2008)
- London Road, Bower Mount Road, Buckland Hill Character Area Assessment SPD (2008)
- Residential Extensions SPD (2009)

Planning Policy Advice Notes

- Kent Downs Area of Outstanding Natural Beauty Management Plan 2014-2019
- Kent Design Guide 2005/06
- Kent County Council Vehicle Parking Standards (interim guidance) (2006/2008)

- Domestic and Medium Scale Solar PV Arrays (up to 50KW) and Solar Thermal (2014)
- Large Scale (>50KW) Solar PV Arrays (2014)

Supporting Documents

- Local Development Scheme 2014-2017 (December 2015)
- Statement of Community Involvement (2013)
- Monitoring Reports.

Community Infrastructure Levy

1.11 The **Community Infrastructure Levy (CIL) Charging Schedule** will set out the standard charges that the council will levy on specified types of development, in order to fund the infrastructure needed to support growth. The timetable for preparing the Charging Schedule will closely follow the local plan programme, and the schedule will be supported by a **Infrastructure Delivery Plan** which will identify what, where, when and how the infrastructure needed over the lifetime of the local plan will be delivered.

1.12 The Charging Schedule will identify the schemes and/or types of infrastructure to be funded by CIL through the Regulation 123 List. Section 106 planning agreements which are negotiated with developers to obtain infrastructure funding will continue to play a significant role in securing site specific infrastructure to support the delivery of key development sites allocated in the emerging Maidstone Borough Local Plan.

1.13 The process for preparing a CIL Charging Schedule is similar to that for local plans, and is set out in The Community Infrastructure Levy Regulations 2010. Public consultation on the council's CIL preliminary draft Charging Schedule (Regulation 15) was undertaken from 21 March to 7 May 2014. Formal public consultation on the CIL draft Charging Schedule (Regulations 16/17) is programmed for May 2016, with a view to submitting the schedule to the Secretary of State for examination (Regulations 19/20) in August 2016.

Review of the Local Development Scheme 2013-2015

2.1 Maidstone's Local Development Scheme was first adopted in 2005 and has been the subject of a number of reviews, the latest in 2013. In 2013, the Scheme combined the preparation of two local plans (the Core Strategy and Development Delivery) into a single Maidstone Borough Local Plan. A local plan must be prepared in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012.

2.2 Following previous consultations on iterations of the Core Strategy, a partial consultation (regulation 18) on the local plan was programmed for October/November 2013. Although much of the Core Strategy could be incorporated into the new local plan, it subsequently became clear that further evidence was necessary, for example, to confirm the borough's objectively assessed housing need and complete additional viability testing. Consequently the 2013 LDS programme has not been met.

2.3 Instead of a partial consultation on the local plan in autumn 2013, a public consultation (Regulation 18) on the entire draft Maidstone Borough Local Plan was undertaken between 21 March and 7 May 2014. A further "call for sites" ran alongside the consultation, to enable the council to undertake an appraisal of the sites' development potential for housing or Gypsy and Traveller accommodation. Since then, the council has given consideration to the representations received, through a series of committee meetings, and has taken account of the impact of changes in national policy such as the introduction of the National Planning Practice Guidance in March 2014. Several policies and site allocations in the draft Maidstone Borough Local Plan 2014 are in the process of being amended as a result. As part of the preparation of the local plan, the council also resolved to undertake a partial consultation (Regulation 18) focusing on key changes to new, amended and deleted policies and site allocations. The consultation ran for 4 weeks from 2 to 30 October 2015.

2.4 The amendments arising from the 2014 and 2015 public consultations will be incorporated into the Publication version of the Maidstone Borough Local Plan (Regulation 19) which will be published in February 2016. Having considered the views of the public and other bodies on the content of the local plan, Regulation 19 consultation is focused on whether the local plan has been prepared in accordance with legal requirements and it meets the tests of soundness.

2.5 Since the 2013 LDS was prepared, the council has published the following documents to supplement its evidence base. These documents will assist in supporting the local plan during examination.

- Retail Capacity Study (2013)
- Town Centre Assessment (2013)
- Local Plan Viability Testing (2013 and 2015)
- Agricultural Land Classification Study (2014)
- Economic Sensitivity Testing and Employment Land Forecast (2014)
- Qualitative Employment Site Assessment Report (2014)
- Strategic Housing Market Assessment updates (2014 and 2015)

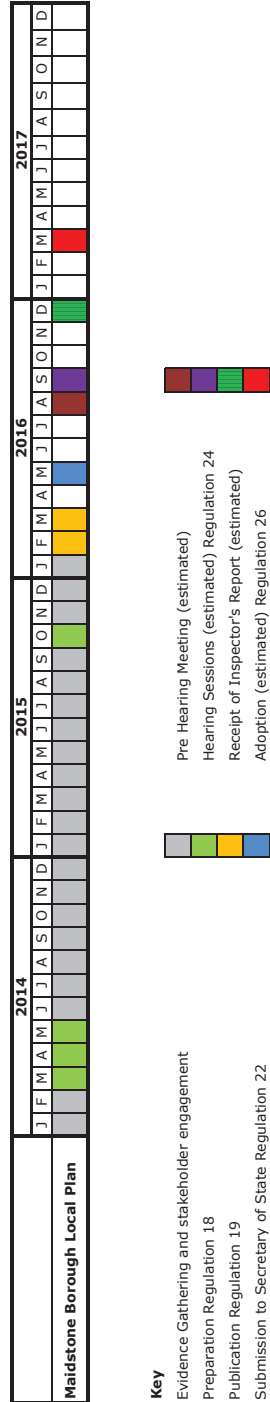
- Strategic Housing and Economic Development Land Availability Assessment (2015)
- Landscape Capacity Study (2015).

2.6 Although not a requirement for the LDS, the 2013 Scheme included a suite of supplementary planning documents (SPD) that are needed as a priority to add detail to policies contained in emerging Maidstone Borough Local Plan. This list remains pertinent, and the adoption of the documents will closely follow the adoption of the local plan.

- A **Parking Standards SPD** is required to set local parking standards for new commercial and residential development
- A **Landscape Character Guidelines SPD** is required to develop a "toolkit" to assist with the determination of planning applications within the landscape areas identified in the Council's Landscape Character Assessment (2012)
- An **Affordable and Local Needs Housing SPD** will deliver the detail of the affordable housing and local needs housing policies of the Maidstone Borough Local Plan.

2.7 Further supplementary planning documents and master plans that will support a range of local plan policies will be produced following the adoption of the priority SPDs.

Local Development Scheme 2014-2017



Note: If there are main modifications to the local plan post-examination, the modifications would be subject to consultation and consequently delay adoption by approximately 3 months.

Monitoring and Review

2.8 The council will continually assess and build on its evidence base to ensure it has sufficient social, environmental, economic and physical information to identify the spatial characteristics and needs of the borough to inform the preparation of its local plan. The local plan will explain how its policies will be delivered and implemented, and will identify performance indicators against which the success of policies will be monitored. A number of the performance indicators will be monitored through annual Monitoring Reports, and the council will monitor and review the LDS programme to ensure that the key stages for document production set out in the Scheme are met.



Risk Management

3.1 The adoption of the Maidstone Borough Local Plan will reduce the risk of inappropriate development and will provide a clear policy direction to Councillors, the development industry and members of the public. The council is continually assessing the risks to the LDS programme and must consider how risks can be minimised and managed should problems be encountered.

Risk	Impact	Mitigating Actions
New National planning legislation and/or guidance is published.	Additional work is required to comply with new requirements, causing delay to the programme.	A watching brief is kept on the introduction of new and amended planning legislation and guidance, and changes are responded to promptly. Counsel has been retained to offer legal advice on document content and processes, to ensure that risks to the preparation of plans are appropriately considered.
The level of public engagement at consultation stages is greater than that forecast.	Increased time required to assess a greater volume of representations, or to prepare additional evidence in order to respond to complex issues.	Time has been built into the programme to consider and respond to representations, an on-line consultation system is in place to manage the volume of representations, and additional resources have been employed to create flexibility.
Difficulties arise in staff recruitment and retention.	Slippage in the local plan programme.	Staff vacancies have been filled promptly where possible, and incentives used to attract staff. The team is currently fully staffed, but redeployment of staff or employment of consultants to meet key milestones can be considered if difficulties arise.
Staff time is diverted to other work.	Slippage in the local plan programme.	The council has prioritised and resourced the production of its local plan.
There is insufficient funding to progress the local plan.	Quality of the evidence base is compromised and/or key milestones cannot be met.	The council has a dedicated budget for the preparation of the local plan and costs are closely monitored. The council will ensure that the budget is managed efficiently and effectively, and will identify any likely deficiencies at an early stage.

Risk	Impact	Mitigating Actions
IT systems are unreliable and/or inadequate for consultation and examination processes.	Slippage in the local plan programme caused by administrative delays.	Corporate liaison on IT and Communications matters are essential, in order to resolve problems at an early stage. Objective, which is an on-line system, is used to create and publish consultation documents, and to manage representations received.
Council rejects the Maidstone Borough Local Plan.	Document requires additional work to build consensus, and results in repetition of specific stages of the plan making process.	Political and stakeholder co-operation is essential for the council to meet key target dates. The local plan has been underpinned by a robust evidence base, and steered by the Strategic Planning, Sustainability and Transportation Committee (and formerly by the Overview & Scrutiny Committee and Cabinet). The Strategic Planning, Sustainability and Transportation Committee has cross-party membership, and the views of visiting Councillors have been taken into account at committee meetings. Three "drop-in" sessions have been arranged for Councillor briefings, prior to consideration of the Publication version of the local plan (Regulation 19).
Maidstone Borough Local Plan is found unsound during examination.	Document requires additional work and results in repetition of specific stages of the plan making process.	Risks to the adoption of the local plan are generally associated with meeting the tests of soundness at examination. Legal services have been retained to offer advice on document content and processes, and the local plan has been subject to critical friend analysis. The plan has also benefited from reviews by the Planning Advisory Service and the Planning Inspectorate. The council will continue to fully engage with stakeholders during the preparation of the local plan, and to satisfy its duty to cooperate with partners.

3 . Risk Management

10

Risk	Impact	Mitigating Actions
A legal challenge to the Maidstone Borough Local Plan is raised.	Document requires additional work and results in repetition of specific stages of the plan making process.	Legal services have been retained to ensure regulations are complied with.

Table 3.1 Risks to the programme for the Maidstone Borough Local Plan

Maidstone Borough Local Plan

MAIDSTONE BOROUGH LOCAL PLAN	
Subject	Sets the spatial vision and strategy for the future development of Maidstone to 2031; identifies borough wide site specific land allocations for new housing, business, retail and infrastructure; includes policies for the regeneration of the town centre; designates protection areas; and includes development management policies.
Status	Local Plan
Coverage	Maidstone borough
Content	<ul style="list-style-type: none"> • The Council's spatial vision, spatial objectives, and strategy for the distribution of development 2011 to 2031 • The delivery of growth targets for housing and employment, together with supporting infrastructure • The allocation of development sites, in accordance with the spatial strategy and defined on the policies map • Safeguarding of identified employment areas • Provision for housing needs through an appropriate dwelling mix, affordable housing and local needs housing • A criteria based policy and pitch target, together with land allocations, to meet the needs of Gypsies, Travellers and Travelling Showpeople • The delivery of quality and sustainable new development • Town centre and suburban regeneration • Designation of rural service centres and larger villages • Protection and enhancement of the borough's historic and natural environment • Delivery of sustainable transportation and other infrastructure • Development management policies.
Chain of Conformity - national	Central government policy and guidance, including the National Planning Policy Framework and Planning Practice Guidance.
Chain of Conformity - local	Regard to the Maidstone Sustainable Community Strategy, Strategic Plan, Economic Development Strategy and Housing Strategy.
Policies Map	To be amended to reflect the adoption of the Maidstone Borough Local 26 26n

4 . Document Project Plan

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Timetable	
SA Scoping Report	June 2013
Preparation (Reg 18)	21 March to 7 May 2104, and 2 to 30 October 2015
Publication (Reg 19)	12 February to 30 March 2016
Submission (Reg 22)	May 2016
Pre Hearing Meeting (estimate)	August 2016
Hearing Sessions (estimate)(Reg 24)	September 2016
Receipt of Inspector's Report	December 2016
Adoption (estimate)(Reg 26)	March 2017
Arrangements for Production	
Internal Partners	Teams within the directorates of Planning & Development, Environment & Shared Services, and Chief Executive; Corporate Leadership Team; Strategic Planning, Sustainability and Transportation Committee.
External Partners	Appropriate national consultees, Town Centre Management, parish councils, adjacent local planning authorities, Kent County Council, and other stakeholders and community groups set out in the SCI.
External Resources	Kent County Council, Highways England, infrastructure providers, the Homes and Communities Agency, and use of external consultants to provide evidence (as required).

Table 4.1 Project Plan for the Maidstone Borough Local Plan

Glossary of terms

Acronym	Term	Description
	Development Plan	The Development Plan includes adopted local plans and neighbourhood development plans, and sets a framework for the decision making process.
DPD	Development Plan Document	A DPD is a spatial planning document that is subject to independent examination. DPDs are now known as local plans.
KCC	Kent County Council	The county planning authority, responsible for producing the Kent Minerals and Waste Local Plans.
LDS	Local Development Scheme	The LDS is a business programme (or timetable) for the production of the local plan.
	Local Plan	The plan for the future development of the local area, drawn up by a local authority in consultation with the community. Once adopted, the local plan becomes part of the development plan. The local plan for Maidstone currently includes adopted DPDs and saved policies. These will be superseded by the the Maidstone Borough Local Plan once it is adopted. The Local Plan does not include SPDs or Planning Policy Advice Notes, although these documents are material considerations in the decision making process.
MBC	Maidstone Borough Council	The local planning authority responsible for producing the local plan.
NDP	Neighbourhood Development Plan	Neighbourhood development plans (also known as neighbourhood plans) are prepared by a parish council or neighbourhood forum for a particular neighbourhood area. Neighbourhood plans must be in conformity with the strategic policies of the local plan and, once made, form part of the council's development plan.
	Planning Policy Advice Notes	Advice notes are a material consideration in planning decisions but are not part of the local plan or the development plan. If subject to adequate stakeholder and public consultation, advice notes can carry commensurate weight with SPDs in the decision making process.
	Policies Map	The policies map uses an on-line ordnance survey map base to show all land use policies and proposals, and is updated as each new local plan

		is adopted so that it reflects the up-to-date planning strategy for the borough.
	Saved policies	Policies from the adopted Maidstone Borough-wide Local Plan (2000) that were saved in 2007 under the Planning and Compulsory Purchase Act 2004.
SA	Sustainability Appraisal	The SA is a tool for appraising policies and proposals to ensure they reflect sustainable development objectives, including social, economic and environmental objectives. An SA must be undertaken for all local plans.
SCI	Statement of Community Involvement	The SCI specifies how the community and stakeholders will be involved in the process of preparing local planning documents.
SCS	Sustainable Community Strategy	The SCS is produced by local authorities with the aim of improving the social, environmental and economic well being of their areas. The actions of the local public, private, voluntary and community sector are coordinated through the SCS.
SEA	Strategic Environmental Assessment	SEA is a generic term used to describe the environmental assessment of policies, plans and programmes. The European SEA Directive requires a formal environmental assessment of certain plans and programmes, including those in the field of planning and land use.
SoS	Secretary of State	Secretary of State for Communities and Local Government.
SPD	Supplementary Planning Document	An SPD provides further detail to policies set out in local plans. SPDs are a material consideration in the decision making process but are not part of the development plan or the local plan.

MAIDSTONE BOROUGH COUNCIL

COUNCIL

9 DECEMBER 2015

REPORT OF THE LICENSING COMMITTEE HELD ON

26 NOVEMBER 2015

Gambling Act 2005 – Statement of Licensing Principles 2016-2019

Issue for Decision

Maidstone Borough Council is the Licensing Authority under the provisions of the Gambling Act 2005 (the Act). The Council is required to produce a Statement of Gambling Principles to demonstrate how applications under the Act will be dealt with. The Act requires that the Licensing Authority publish its Statement of Licensing Principles at least every three years. The date for publishing is on or before the 31 January 2016.

Recommendation Made

That Council adopt the Draft Gambling Act 2005 Statement of Licensing Principles 2016-2019.

Reason for Recommendation

The authority needs to revise the current policy to meet statutory requirements, ensure coverage of the changes in the legislation and to set out how the Authority intends to approach its licensing responsibilities; in particular what it expects from management of different types of licensed premises in their business activities.

By being open and transparent in the approach taken in administering the licensing regime the public can see the efficiency of the service and have confidence in the decision making process.

A comprehensive policy will improve the consistency in delivering the service and will better inform applicants of the licensing process in an open and transparent way. This will contribute towards providing a better customer service. This document will be in place until the further revision is completed which will incorporate the recently published Gambling Commission Guidance.

Alternatives Considered

No alternatives were considered. It is a legislative requirement that the policy be reviewed at least every three years, and that a public

consultation is carried out. Failure to review and adopt the Statement of Gambling Principles would result in the Council failing to comply with legislation and risk of challenge to any decisions made based upon an out dated Statement.

Background Papers

None.



Maidstone Borough Council

'Gambling Act 2005 Statement of Licensing Principles' 2016 -2019

This Statement of Principles was prepared under Section 349 of the Gambling Act 2005 with regard to Guidance issued by the Gambling Commission. Please note that this Statement is to be regarded as an interim Statement required to meet the Council's statutory obligations. The Council is aware that the Gambling Commission has recently published revised guidance during the consultation period for this document and when this has been considered the Council will undertake a full review of this Statement to ensure that it complies with any revised guidance issued.

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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 Principles

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

2. Introduction

Maidstone Borough Council is situated in the County of Kent and generally speaking lies between the North Downs and the Weald. The County of Kent 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.

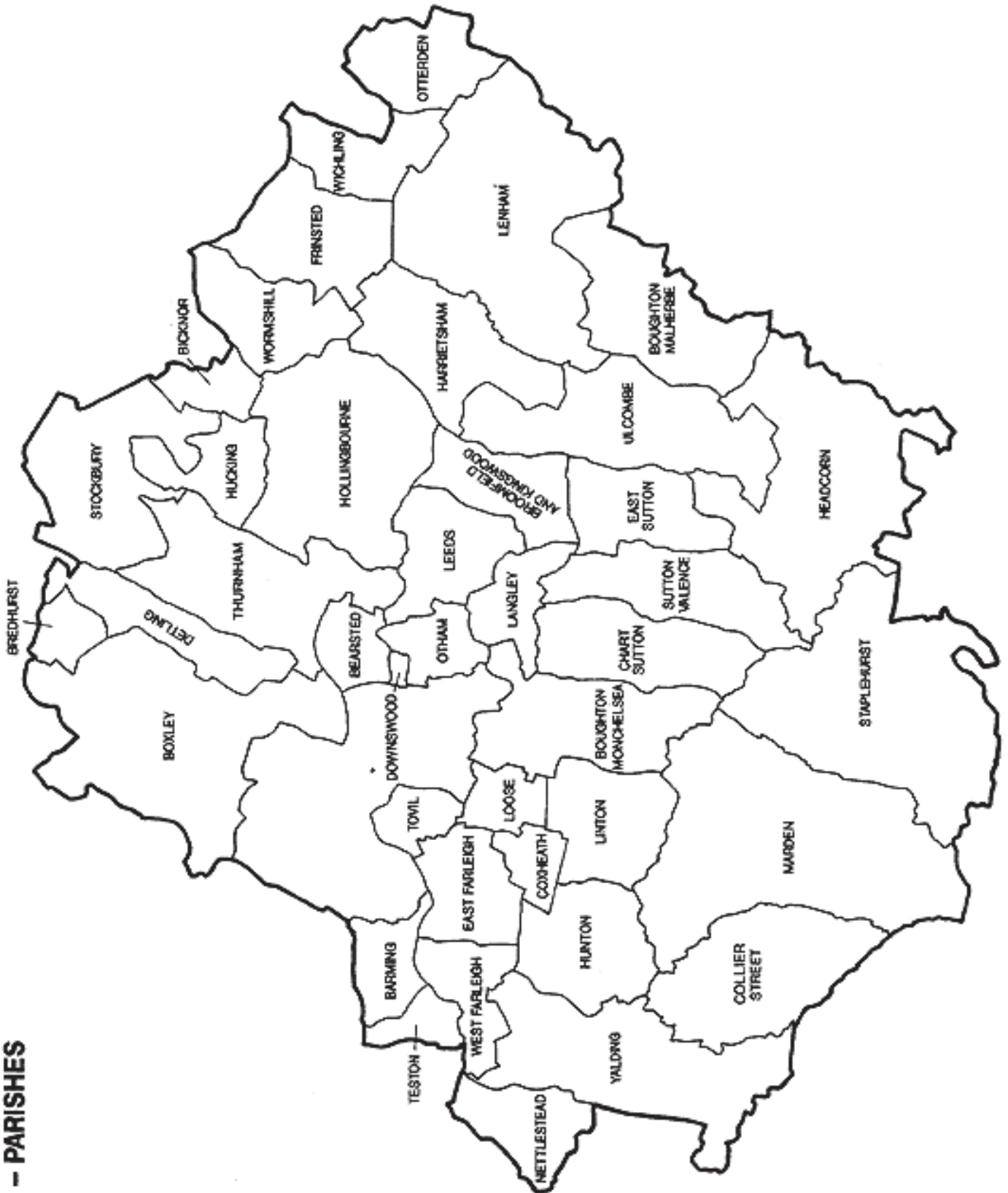
The Council area has a population of 159,300 people (*2013 Mid-Year ward estimates ex ONS (via KCC) making it the largest in the County in terms of population. In terms of area it is the largest, covering 97,194 acres. The Council area is mainly rural surrounding the urban area of Maidstone. The Council is partly parished and the parish boundaries are shown on the map below.

Latest population data* is as follows:
Urban Population 119, 450
Rural Population 39, 850

Age Range	Number * based on mid-year 2013 estimates	%
Under 16	30,650	19.3
16 - 19	7,350	4.6
20 - 29	18,550	11.6
30 - 59	64,290	40.4
60 - 74	25,390	15.9
75 and over	13,070	8.2

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 John Littlemore – Head of Housing and Community Services at: Licensing Department, Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent, ME15 6JQ.

- Email: johnlittlemore@maidstone.gov.uk
- Tel: 01622 602207
- Council's website at: www.maidstone.gov.uk

The policy was approved at a meeting of the Full Council on **9 December 2015** and was published via our website on 10 December 2015. 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: John Littlemore
Head of Housing and Community Services
Address: Maidstone Borough Council
Maidstone House
King Street
Maidstone Kent ME15 6JQ
E-mail: johnlittlemore@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 Paul Spooner, Interim Director of Planning and Development, 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 4th 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 John Littlemore on 01622 602207 and email johnlittlemore@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 John Littlemore, Head of Housing and Community Services, 01622 602207 or by email johnlittlemore@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 Principles .

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, John Littlemore, Head of Housing and Community Services johnlittlemore@maidstone.gov.uk or licensing@maidstone.gov.uk our risk methodology is also available on request.

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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 Principles , 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.

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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 Principles .

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 Principles .

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 3rd 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-baring 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

The Bingo Association

Lexham House

75 High Street (North)

Dunstable

Bedfordshire LU6 1JF

Tel: 01582 860921

Website: www.bingo_association.co.uk

British Casino Association

38 Grosvenor Gardens

London SW1W 0EB

Tel: 020 7730 1055

Website: www.britishcasinoassociation.org.uk

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

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

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TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE OF LICENSING COMMITTEE	OFFICERS
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	

Agenda Item 16

MAIDSTONE BOROUGH COUNCIL

COUNCIL

9 DECEMBER 2015

REPORT OF THE LICENSING COMMITTEE HELD ON

26 NOVEMBER 2015

Draft Statement of Licensing Policy 2016 – 2021

Issue for Decision

The Licensing Act 2003 requires that, at least every 5 years, the Council publish a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply when exercising its licensing functions under the Act.

The Council's current Policy Statement took effect from 2010 but there have been a number of changes made necessary as a result of wide ranging reforms to the Licensing Act 2003. In light of those amendments, this new draft policy forms a secure foundation on which to determine applications in a way that clearly promotes the licensing objectives.

This Policy Statement if agreed will take effect from 6 January 2016 remaining in force for a period of five years. It can be subject to regular review by the Council.

Recommendation Made

That Council approve the Statement of Licensing Policy 2016-2021.

Reason for Recommendation

The authority needs to revise the current policy to meet statutory requirements, ensure coverage of the changes in the legislation and to set out how the Authority intends to approach its licensing responsibilities ;in particular what it expects from management of different types of licensed premises in their business activities and how they intend to promote the four licensing objectives.

By being open and transparent in the approach taken in administering the licensing regime the public can see the efficiency of the service and have confidence in the decision making process.

Alternatives Considered

The Council could choose not to review and agree a revised policy but a failure to adopt a revised policy in early 2016 would be in breach of statutory requirement and put the authority at risk of legal challenge to decisions made under an out of date policy.

In any event the current policy does not reflect the impacts of the amendments to legislation and requires updating to support the licensing decision making process.

Background Papers

None.

STATEMENT OF LICENSING POLICY

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6th January 2016 until 5th January 2021

Licensing Act 2003

ALL applications will be considered on their merits, as well as against the relevant policy and statutory framework

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STATEMENT OF LICENSING POLICY

INTRODUCTION

Maidstone Borough Council is a member of a Licensing Partnership which includes Sevenoaks District Council and Tunbridge Wells Borough Council. However this policy relates solely to Maidstone Borough Council and its area.

This is the Statement of Licensing Policy as determined by the Council in respect of its licensing functions under the Licensing Act 2003. This document sets out the position and view of the Licensing Authority in respect of matters in connection with the discharge of its licensing function.

This Statement of Licensing Policy commences on 6 January 2016 and continues for a five year period. During the five year period the Policy will be kept under review and the authority will make such revisions to it at such times as it considers appropriate. Further licensing statements will be published every five years thereafter or earlier as necessary.

All references to the 'Guidance' refer to the latest version of the Home Office Guidance to Licensing Authorities issued under section 182 of the Licensing Act 2003.

The 2003 Act requires the Council to carry out its various licensing functions with a view to promoting the following four licensing objectives:

- **the prevention of crime and disorder;**
- **public safety;**
- **the prevention of public nuisance;**
- **the protection of children from harm.**

The aims of this Statement of Licensing Policy, in line with the four licensing objectives, are to:

- help build a fair and prosperous society that properly balances the rights of people and their communities with the needs of business.
- minimise any nuisance or disturbance to the public through the licensing process;
- integrate its aims and objectives with other initiatives, policies and strategies that will:
 - (1) reduce crime and disorder;
 - (2) encourage tourism;
 - (3) encourage an early evening and night time economy which is viable, sustainable and socially responsible;
 - (4) reduce alcohol misuse;
 - (5) encourage employment;

- (6) encourage the self sufficiency of local communities;
- (7) reduce the burden of unnecessary regulation on business;
- (8) encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally.

The Council will endeavour to work with other Local Authorities to ensure that a consistent approach is taken in licensing matters, whilst respecting the differing needs of individual communities throughout the local authority area.

In the preparation of this policy the Licensing Authority will have given proper regard to the local strategies on crime prevention, planning, transport, culture, tourism and economic development to ensure proper coordination and integration of the aims and actions of these policies.

The Licensing Act is part of a wider Government strategy to tackle crime, disorder and anti-social behaviour and reduce alcohol harm. The Licensing Authority will continue to develop strategies with the police, and the other enforcement agencies, as appropriate, for the management of the night-time economy. Central to this is the enforcement of the law relating to the sales of alcohol to drunk and underage people and drunkenness or disorder on, or in the immediate vicinity of licensed premises.

This policy covers a wide variety of premises and activities carried on within them. For this reason, this policy cannot detail all the factors that influence the achievement of the licensing objectives nor can this policy detail all the control measures that may be appropriate. However, there will be zero tolerance of dealing in or using controlled drugs (as defined by the Misuse of Drugs Act 1971) on licensed premises.

1 CONSULTATION

1.1 The Statement of Licensing Policy will be kept under review and where any significant amendments are considered necessary these will only be made after consultations have taken place in accordance with Section 5 of the Act. Amendments required due to a change in legislation that do not impact on the aims and objectives of the Policy or the promotion of the Licensing Objectives will be made with the approval of the Licensing Manager in order for the policy to remain legislatively current.

1.2 Proper weight, in accordance with the Guidance, has been given to the views of all those consulted. Those consulted in the preparation of this Policy included:

- the Chief Officer of Police for Kent
- the fire and rescue authority for Kent
- the Director of Public Health for all areas within Maidstone Borough
- persons/bodies representative of local premises licence holders
- persons/bodies representative of club premises certificate holders
- persons/bodies representative of local personal licence holders; and
- persons/bodies representative of businesses and residents in the MB area

1.3 In accordance with the guidance the following persons have also been

consulted on this revised statement:

- Kent Police Licensing Team
- the Superintendent of Police for Maidstone Borough Council area

- all Council members
- all parish councils
- all bordering local authorities
- all other responsible authorities under the Licensing Act 2003
- members of the public who requested to be consulted and have responded previously.
- British Beer & Pub Association

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THE POLICY

2. BACKGROUND

2.1 When administering licensing matters the council as the Licensing Authority will promote of the four Licensing Objectives set out in section 4 of Part 2 of the Licensing Act 2003.

The four licensing objectives are the:

- **Prevention of Crime and Disorder**
- **Prevention of Public Nuisance**
- **Public Safety**
- **Protection of Children from Harm**

The Licensing Authority gives equal weight to each of these objectives.

2.2 The 2003 Act requires Licensing Authorities to publish a 'Statement of Licensing Policy' (the Policy) that sets out the approach the Licensing Authority will take when administering applications and other processes under the Licensing Act 2003 to ensure the promotion of the licensing objectives.

2.3 This Statement of Licensing Policy has been prepared in accordance with the provisions of the 2003 Act having regard to the amended guidance issued under section 182 of the Act the Police Reform and Social Responsibility Act 2012 and the Live Music Act 2012.

2.4 Maidstone Borough Council is the Licensing Authority pursuant to the Licensing Act 2003 (the Act) and is responsible for considering a range of licence applications and variations to licences for a number of activities detailed below. The purpose of licensing is to regulate the carrying on of licensable activities on licensed premises, at qualifying clubs and under temporary event notices,(TENs). The activities as defined by the Act are:

- Sale by retail of alcohol
- supply of alcohol (club)
- The provision of regulated entertainment which includes:
 - the performance of a play
 - an exhibition of a film
 - an indoor sporting event
 - boxing or wrestling entertainment
 - a performance of live music
 - playing of recorded music
 - performance of dance
 - entertainment of a similar description to the above 3.
(where they take place in the presence of an audience for the purpose of entertaining them)
- Provision of late night refreshment

It should be noted that following the introduction of the Live Music Act 2012, a licence is not required to stage a performance of live music, or the playing of recorded music if:

- it takes place between 8AM and 11PM; and
- it takes place at an alcohol on-licensed premises; and
- the audience is no more than 500 people

You also don't need a licence:

- to put on unamplified live music at any place between the same hours; or
- to put on amplified live music at a workplace between the same hours and provided the audience is no more than 500 people.

2.6 The types of premises likely to be included within the licensing regime include:

- Pubs and night clubs
- Off licences (includes supermarkets/shops selling alcohol)
- Restaurants serving alcohol
- Restaurants serving hot food and drink after 11pm
- Private members clubs/social clubs
- Hotels/guest houses selling alcohol
- Cinemas/theatres
- Community premises and village halls
- Providers of temporary events involving licensable activities

and any other premises at which licensable activities are to be provided.

2.7 The Policy will apply across a range of applications which include the following:

- New Premises Licences and Club Premises Certificates
- Variations to Premises Licences and Club Premises Certificates
- Provisional Statements for proposed premises yet to be built
- Transfer of Premises Licences
- Disapplication of mandatory condition in respect of alcohol sales at village halls and community premises
- Variations of licences to change the Designated Premises Supervisor
- Reviews of Premises Licences and Club Premises Certificates
- Personal Licences
- Temporary Events Notices

2.8 The Licensing Authority also regulates other activities at licensed premises which include sexual entertainment events and gambling

3. LICENSING AUTHORITY GENERAL POLICY CONSIDERATIONS

- 3.1 The Licensing Authority encourages the development of premises which are not alcohol-led and which are aimed at different sectors of the population, including all ages and genders. Premises that promote the arts, a food offer, or other cultural activities are particularly encouraged.
- 3.2 Where premises such as pubs are alcohol-based, they are encouraged to consider diversifying their provisions so as to encourage a mixed customer-base and wider attractions, including community uses, soft refreshments, snacks and live entertainment. Diversification is important in the promotion of the licensing objectives as well as ensuring a sustainable economic future for premises.
- 3.3 The Licensing Authority recognises the need to promote and encourage live and recorded music, dancing, theatre and other forms of entertainment for the wider cultural benefit of communities generally. The potential for limited disturbance in neighbourhoods will be carefully balanced with the wider benefits.
- 3.4 Pre application advice is available from licensing officers upon request and where appropriate. The Licensing Authority expects that applicants will have in advance researched and understood the relevant Law in relation to their application and their particular business plans as well as this Policy. It is not for licensing officers to determine the business needs and capabilities of an applicant but advice can be offered in relation to the licensing objectives. In addition guidance notes are available on the licensing pages of Council's website – www.maidstone.gov.uk/business/licensing-and-permits and at <http://www.maidstone.gov.uk/business/environmental-health/health-and-safety/event-planning>
- 3.5 Licensing officers will also provide advice to other parties on the licensing process where needed in relation to objecting to or supporting applications that may affect them. However, MBC cannot provide legal advice to applicants or other parties.
- 3.6 *Supermarkets and other 'off' licensed premises selling alcohol.* The Licensing Authority will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises throughout their opening times. However where there are reasons for restricting or amending hours, for example, where premises become the focus of disorder and disturbance, such restrictions or amendments will be considered where relevant representations have been made.
- 3.7 All 'off' licensed premises must comply with the Licensing Act 2003 Mandatory Conditions Order in relation to age related sales. The Licensing Authority also expects such premises to consider any appropriate and proportionate additional measures to prevent and deter proxy sales on behalf of under 18's.
- 3.8 Licensees should also carefully consider alcohol sales to customers who have or appear to have alcohol related health issues, and whether those customers already appear under the influence of alcohol when attempting to make purchases.
- 3.9 The Licensing Authority expects adequate checks to be made and all reasonable steps taken to ensure alcohol delivered by way of online shopping services (as provided by

most large supermarket chains) is not delivered to minors to prevent a risk of underage consumption.

- 3.10 Where self-pay till points are made available in stores selling alcohol, provision must be considered for alcohol sales to be identified and approved prior to completion of the purchase.
- 3.11 *Designated Premises Supervisor (DPS) at alcohol licensed premises.* Whilst this role has a limited definition under the Licensing Act 2003, it is expected that this person nominated on a licence will normally have overall responsibility for the day to day management and control of the licensed premises and in particular be responsible for the safe receipt, storage and sale of alcohol.
- 3.12 The Licensing Authority would normally expect the DPS to be onsite at the licensed premises for the majority of time when alcohol is being sold subject to working hours' legislation and absence for sickness and holidays. The Licensing Authority expects the DPS to provide training to staff in relation to alcohol sales and to authorise the employees the DPS considers competent to sell alcohol on their behalf in writing.
- 3.13 The Licensing Authority expects that a DPS should usually have responsibility for only one licensed premises at a time to ensure good management of the premises and the licensable activities. Where the same person is a nominated DPS on more than one premises licence and representations are made, the Licensing Authority will wish to satisfy itself that the premises in question can properly be managed by that person whilst responsibly promoting the licensing objectives.
- 3.14 *Film Exhibitions*¹⁴, the licensing authority expects licence holders or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the licensing authority itself.
- 3.15 *Live Music.* It is acknowledged the implementation of the Live Music Act in 2012 has resulted in a lighter touch regulation of live music up to 11pm on alcohol licensed premises, and this is seen as a positive approach for premises wishing to provide live music. However, the Licensing Authority does not see this as an opportunity for licensees to provide live music events that cause nuisance and disturbance to local residents or businesses.
- 3.16 The Licensing Authority expects that where unregulated live music is proposed at licensed premises, all due care and consideration is taken to prevent disturbance. The council will consider using its powers under the Environmental Protection Act 1990 to prevent and control public nuisance caused by poorly managed live music at licensed premises.
- 3.17 *Deregulated Entertainment.* Where the further deregulation of schedule 1 of the Licensing Act has reduced the regulatory controls on some regulated entertainment activities, the Licensing Authority will expect licensees to ensure that no nuisance or disturbance is caused to local residents and businesses when providing the deregulated activities. The Licensing Authority will consider using alternative powers as per para 3.15.
- 3.18 *Late Night Levy (LNL).* Whilst it is acknowledged that the provisions for implementing a late night levy arise from the Police Reform and Social Responsibility Act 2011, any levy will potentially have a direct impact on all licensed premises within the Borough. The

Licensing Authority has considered the options around the imposition of a LNL and has no plans at the time of drafting this policy to consider an imposition of the levy. Should evidence arise to support implementing a levy the statutory consultation process will be followed and the authority will use its discretion_very carefully in relation to design and impact of a levy.

- 3.19 In advance of any decision to implement a LNL, this authority will enter into discussions with the Police with a view to agreeing the allocation of the Police share of the levy to support the policing of the night time economy within this Borough .
- 3.20 *Early Morning Alcohol Restriction Order (EMARO)*. The Licensing Authority has considered the options around the imposition of an early morning alcohol restriction order and has no plans at the time of developing this policy to consider such an Order. There is currently evidence of low levels of alcohol related crime and disorder, nuisance and anti-social behaviour within the Borough which is decreasing. Should evidence arise to support implementing an EMARO, the statutory consultation process will be followed and the matter referred to the Full Council for determination.
- 3.21 *Licensing and planning permission*. The use of a licensed premises or place may be subject to planning controls. This is a separate regulatory regime outside the scope of the Licensing Act 2003. The Licensing Authority recognises that there is no legal basis for refusing a licence application in the absence of any planning permission for the business to which the licence application relates. However, all applicants should be in possession of the necessary planning authorisation for their activities or planning enforcement may be considered.
- 3.22 *Need for licensed premises and Cumulative Impact*. ‘Need’ concerns the commercial demand for particular licensed premises such as a pub, club or hotel. This is a ‘market forces’ matter and is not of concern to the Licensing Authority. ‘Cumulative Impact’ means the potential impact on the promotion of the licensing objectives by a significant or excessive number of licensed premises concentrated in one locality. This is a matter for consideration by the Licensing Authority.
- 3.23 The Licensing Authority acknowledges that a concentration of some types of licensed premises in a locality can result in increased footfall, congregation of the public in the streets and potential for increased crime and disorder, litter and anti-social behaviour, as well as noise nuisance to local residents. This would be a result of the presence of the number of premises and not attributable to individual businesses. The licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation
- 3.24 The Licensing Authority, having regard to the evidence available, considers that currently there is no particular part of the Borough where there is a negative cumulative impact of licensed premises on any of the licensing objectives. If residents or a Responsible Authority (in particular the Police) provide relevant evidence through a representation in the future that supports the imposition of a Policy that restricts the number of new and/or later opening premises, this will be considered and consulted on.
- 3.25 The absence of an existing cumulative impact or saturation policy does not, however, prevent any responsible authority or other person making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. The Licensing

Authority will also take into account the effect on resources, including police resources, to cope with any influx of visitors to an area, particularly late at night.

4. RESPONSIBLE AUTHORITIES AND OTHER PERSONS

- 4.1 Responsible authorities are public bodies that are statutory consultees that must be notified of applications by the applicant. The full list and contact details can be found at Appendix A and are contained on the Maidstone Borough Council web-site at Responsible Authorities.
- 4.2 When dealing with applications and variations for licences and reviews of premises licences, the Licensing Authority is obliged to consider representations from two categories of persons, referred to as 'Responsible Authorities' and 'Other Persons'. This allows for a broad range of persons to comment both for and against applications for premises licences and club premises certificates and for reviews.
- 4.3 The Licensing Authority may only consider representations that are relevant to the promotion of the licensing objectives.
- 4.4 The Licensing Authority will take care to ensure that concerns raised by Responsible Authorities in relation to their own legislative functions are not taken into account if they are not relevant to the application for a premises licence under the Act, or the promotion of the licensing objectives. It would expect those authorities to use their powers and duties within their statutory roles to control such matters. Any representation made by a Responsible Authority that relates to the promotion of the licensing objectives will be accepted.
- 4.5 The Licensing Authority must give the appropriate amount of weight to representations made by the Police on crime and disorder matters. The Police are the Licensing Authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. The Licensing Authority will accept all reasonable and proportionate representations made by the Police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives.
- 4.6 Where an 'Other Person or Persons' request to be represented when seeking to make a representation, the Licensing Authority will require written evidence from the person/s being represented that they have authorised a third party to speak or write on their behalf.
- 4.7 The Licensing Authority will examine closely all representations to ensure that they are not frivolous, repetitive or vexatious. Matters that this authority will look at are likely to include:
- whether there is a history of making representations that are not relevant or which have been previously considered vexatious or frivolous and are intended to cause aggravation or annoyance
 - whether the representation raises a 'relevant' issue
 - whether the representation raises issues specifically to do with the premises and/or the licensable activities that are the subject of the application.
- 4.8 The above considerations are not exhaustive, and the Licensing Authority will have regard to anything a person making a representation, or persons representing them, say about his or her status to make representations. Nothing in this Policy should be taken

to undermine the right of any person to make a representation on an application or to seek a review of a licence where provision to do so exists.

- 4.9 The Health Authority is now included on the list of Responsible Authorities. It is acknowledged that they may be useful in providing evidence of alcohol related crime and disorder or public nuisance etc. that are directly linked to premises or a cluster of premises. It may also be able to provide relevant information on alcohol related admissions that relate to specific licensed premises.
- 4.10 *The Licensing Authority as a Responsible Authority.* The Licensing Authority has carefully considered its role as a Responsible Authority under the Act. It will achieve a separation of responsibilities through procedures and approved delegations within the authority to ensure procedural fairness and eliminate conflicts of interest. A separation is achieved by allocating distinct functions (i.e. those of Licensing Authority and Responsible Authority) to different officers within the licensing team.
- 4.11 The Licensing Authority does not expect to act as a Responsible Authority on behalf of third parties but accepts that there may be rare circumstances where this approach may be required. An example may be where matters arise at premises of which the licensing authority is aware of the negative impact on the promotion of the licensing objectives and residents, and other third parties have failed to take action by either requesting a review or making representation.

5. EXCHANGE OF INFORMATION

- 5.1 The Licensing Authority will act in accordance with the provisions of the Licensing Act 2003 and the Data Protection Act 1998 in its exchange of information. Where a protocol is established to set out the mechanism for exchange of information with other regulatory bodies, any such protocol will be made publicly available.

6. HUMAN RIGHTS AND EQUAL OPPORTUNITIES

- 6.1 The Human Rights Act 1998 makes it unlawful for a local authority to act in a way which is incompatible with the European Convention on Human Rights. In making decisions and determining appropriate action the council will have due regard to the Convention. The Licensing Authority will interpret the LA2003 in a manner consistent with the Human Rights Act 1998.
- 6.2 The Licensing Authority will consider the effect upon people's human rights and adopt a principle of proportionality and the need to balance the rights of the individual with the rights of the community as a whole. Action taken by the council which affects another's rights must be no more onerous than is necessary in a democratic society.
- 6.3 The Equality Act 2010 requires public bodies to consider all individuals when carrying out their day to day work – in shaping Policy, in delivering services and in relation to their own employees. It requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities.
- 6.4 The Equality Duty supports good decision making – it encourages public bodies to understand how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies can be

more efficient and effective. The Equality Duty therefore helps public bodies to deliver the Government's overall objectives for public services.

7. COMPLIANCE AND ENFORCEMENT

- 7.1 There are a range of offences detailed under Part 7 of the Licensing Act 2003. The Licensing Authority will liaise with the Responsible Authorities to determine enforcement of specific offences on a case by case basis. Offences related to sales of alcohol to minors will be enforced by the Police or Trading Standards Authority unless they form part of a range of offences identified by the Licensing Authority.
- 7.2 The Licensing Authority has an approved Licensing Enforcement Policy which complies with the Regulators' Code and it has also adopted the Kent and Medway Enforcement Protocol.
- 7.3 A risk-based inspection programme is in place, which includes the targeting of high risk premises which require greater attention, whilst operating a lighter touch in respect of low risk and well managed premises. The risk-based approach is based on Home Office Guidance; the activities authorised and premises compliance history.
- 7.4 Annual fees and suspension of licences for non-payment.- The Licensing Authority is required under section 55A of the Licensing Act to suspend premises licenses where the annual fee has not been paid. The Licensing Authority will invoice each licensee when the annual fee is due setting out the fee that is due and the consequences for non-payment. Where the fee has not been paid or there has been no claim of administrative error by the end of 21 days of the due date, the Licensing Authority will serve the required 2 working day notice to suspend the licence.
- 7.5 Where a licence is suspended this means that no licensable activities will be authorised to be provided at the premises until the suspension is lifted on receipt of payment of the overdue fee. Officers will conduct enforcement visits to premises where a licence has been suspended and will take the appropriate action in accordance with the council's enforcement policy.
- 7.6 If an operator does not wish to carry on the activities that require the premises licence or certificate anymore it is important the licence or certificate is surrendered to prevent maintenance fees being accrued.

CONSIDERATION OF APPLICATIONS

8 NEW PREMISES LICENCES

8.1 In making decisions about applications for licences the Licensing Authority will have regard to:

- The Licensing Act 2003
- the Statutory Guidance issued under section 182 of the Licensing Act 2003,
- The Statement of Licensing Policy made under section 5 of the Licensing Act

that any decisions made that depart from guidance or policy only do so for reasons set out in the decision.

8.2 Where elements of applications are unclear or unspecific, particularly in relation to operating schedules and trading hours, the Licensing Authority will expect the applicants to provide additional information for clarity on a request from the licensing team.

8.3 Licensing officers will routinely check that the Public Notices at the premises and the Public Notices in newspapers are displayed in accordance with the regulations as part of the validation process.

8.4 Licensing officers will also notify ward councillors to whose ward the application relates, and the parish council for the relevant parish of receipt of an application via the weekly premises tracker.

8.5 Where there are no representations about an application the licence will be automatically granted after 28 days under the terms and conditions applied for. Licensing officers will interpret the detail of the operating schedule and convert that into consistent enforceable licence conditions.

8.6 Where relevant representations are received the application will be referred to the Licensing Sub-committee for determination at hearing, unless all parties agree that a hearing is not necessary. Where applications result in the need for a hearing the process at section 16 of this policy will apply.

9 VARIATIONS TO LICENCES

9.1 From time to time licensees may wish to change the nature of the business, vary the trading hours or the licensable activities on offer. These can range from minor changes having little or no impact such as minor changes to the premises plan to more significant changes that will affect the promotion of the licensing objectives. These could include for example; the provision of additional activities, increasing capacities or longer and later trading hours. However where a variation is so substantial that it significantly changes the nature of the business and layout of the premises it is likely that a new premises licence application will be required rather than a variation.

9.2 The relevant parts of this Policy to be applied to significant variation applications is the same as for new premises licence applications at section 8 above.

- 9.3 Where applications are made for minor variations officers will consider whether there are any impacts on any of the Licensing Objectives. Where the variation proposed creates a significant impact on any of the Licensing Objectives the application will be rejected and the applicant advised to seek a standard variation.
- 9.4 Where minor impact or no impact is considered Officers will consult with the relevant (if any) responsible authorities.

10. VARIATIONS TO SPECIFY A NEW DESIGNATED PREMISES SUPERVISOR (DPS)

- 10.1 The Licensing Authority expects that usually the nominated DPS on a licence will be involved in and supervising the day to day operation of licensed premises that sell alcohol. Where the person nominated as DPS ceases to undertake that role the Licensing Authority would expect the licensee to replace that person as soon as is reasonably practicable to maintain adequate control of the premises.
- 10.2 Where a DPS notifies the Licensing Authority that he or she has resigned, the licensing officers will enter into immediate discussion with the licensee in relation to the mandatory conditions concerning the sale of alcohol, and provide appropriate advice to prevent unauthorised alcohol sales.
- 10.3 All applications to specify a new DPS must be made by the licence holder or by a person/body authorised in writing to act on the licensee's behalf.
- 10.4 Where there are no representations the default position is to grant the variation.
- 10.5 The Licensing Authority will give the appropriate weight to relevant representations received from the Police about a proposed DPS. Applications that receive relevant representations will be referred for a hearing at which point the Sub Committee may approve or reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so..

11. TRANSFERS OF PREMISES LICENCES

- 11.1 Before a licence transfer can be administered, the Licensing Authority usually expects consent to have been obtained from the previous premises licence holder. If this is not possible the applicant will be expected to demonstrate that he or she has taken all reasonable steps to secure consent to transfer the licence.
- 11.2 It is acknowledged that in some cases licensees leave premises and do not provide any forwarding contact details, or there has been a death or incapacity of the licence holder. In such cases where a licensee cannot reasonably be contacted to give approval, a licence will be transferred in accordance with the requirements of the Act.
- 11.3 Where a relevant Police objection to the transfer is received the application will be determined through the hearings process unless it is agreed by the applicant and Police as unnecessary..

12. PROVISIONAL STATEMENTS FOR PREMISES

- 12.1 A provisional statement may be applied for, by a person interested in a premises, where a proposed licensed premises has yet to be built or altered for the purpose of becoming a licensed premises. This option allows potential applicants advance notice of whether

a premises licence is likely to be granted on completion of its construction or conversion.

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

12.3 The holder of a provisional statement may apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, where the application is for a licence in the same form as the provisional statement and the work described in the schedule of works has been satisfactorily completed. Representations are excluded where:

Where the relevant person could have made the same or substantially the same representations about the provisional statement application but failed to do so without reasonable excuse and there has been no material change in circumstances of the premises or area in the vicinity of the premises since the provisional statement.

13. CLUB PREMISES CERTIFICATES

13.1 The Licensing Authority acknowledges the importance and history of members clubs and the privileged position held by clubs historically in relation to alcohol licensing.

13.2 Members clubs are able to obtain a club premises certificate to authorise licensable activities for their members and their guests. There is no requirement for any members to hold a personal licence under the Licensing Act 2003, and there is no requirement to specify a designated premises supervisor. It is acknowledged that alcohol is supplied by and for the members through their membership of the club.

13.3 In order to apply for a club premises certificate the Licensing Authority must be satisfied that the club is a qualifying club and satisfies the legal conditions set out in the Act. Applicants for a club premises certificate will be required to complete a club declaration form setting out how the club will meet the conditions and definitions stated in the Act. Licensing officers will have delegated authority to make additional enquiries where appropriate in order to satisfy that a proposed club meets the criteria laid out in the Act.

13.4 The fundamental principles for premises licence applications set out at section 15 of this Policy will apply to applications for club premises certificates subject to exemptions in respect of the DPS and the requirement for evidence of the club's status.

13.5 Any qualifying club wishing to offer licensable activities at events to which non-members will attend will be required to authorise such activities by way of a Temporary Event Notice or by ensuring compliance with the club rules to allow the public to enjoy the clubs facilities and activities without jeopardising the validity of the club premises certificate.

13.6 The Licensing Authority expects 'public' events on club premises to be authorised by a Temporary Event Notice. It is expected that club committee members will seek advice from the Licensing Authority prior to providing such activities for non-members to prevent any unauthorised activities.

- 13.7 Where the Licensing Authority identifies that a club no longer meets the conditions set out in section 62 of the Licensing Act 2003 or where the Licensing Authority obtains evidence to demonstrate that a club no longer acts in good faith as a qualifying club, it will give the club a notice withdrawing the club premises certificate.
- 13.8 Suspension of Club Premises Certificates may also occur under section 92A of the LA2003, failure to pay annual fee.

14. REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

- 14.1 The Licensing Authority acknowledges that matters can arise at premises that raise concern as to the continued promotion of the licensing objectives at licensed premises.
- 14.2 The Act allows a licence to be **reviewed** where such matters arise. It is expected that most reviews will be applied for by Responsible Authorities.
- 14.3 Although this Licensing Authority is also a Responsible Authority and may bring about a review application, it is not expected that it will act as a Responsible Authority on behalf of other parties (for example, local residents, local councillors or community groups).
- 14.4 Such parties can make relevant representations to the Licensing Authority in their own right, and it is reasonable for the Licensing Authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the Licensing Authority is aware of relevant grounds to make a representation, it may consider acting in its capacity as Responsible Authority.
- 14.5 The Licensing Authority will determine whether a review application is relevant and the validity of a review application will be determined by a licensing officer. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- relevant to one or more of the licensing objectives
 - Not frivolous, vexatious or repetitious.
- 14.6 The Licensing Authority would expect grounds for a review to be evidence based but will consider each application on its merits.
- 14.7 Where a review application is accepted the Licensing Authority will encourage the parties to enter into mediation during the consultation period to help resolve or narrow issues arising. The Council would be happy to assist in these meetings being chaired by a member of their team but all parties may choose to have a different third party as a mediation chairperson.
- 14.8 All reviews, save where agreed by all parties as unnecessary, will lead to a hearing before a sub-committee. This may be a full hearing or a condensed hearing to consider the outcome of mediation. However other parties who have made representation but not been involved in mediation will be permitted to voice their representations at the hearing in accordance with the Hearings Regulations. The Policy applied to hearings can be found in section 16.
- 14.9 The authority considers that where reviews are raised as a result of serious crime and disorder causing that licensing objective to be undermined, then it is likely that the a revocation of the licence will be considered.

15. APPLICATION TO VARY PREMISES LICENCE AT COMMUNITY PREMISES TO REMOVE THE MANDATORY REQUIREMENT FOR A DPS.

- 15.1 The Licensing Authority acknowledges the value that local community premises bring to their localities and that most are operated and managed by volunteers. The mandatory requirement for a nominated DPS to be in place at alcohol licensed community premises can be burdensome and difficult for an individual to manage at such premises.
- 15.2 The Act allows management committees at community premises to take over the responsibility of the alcohol sales by applying to the Licensing Authority to remove the requirement to have a nominated DPS at the premises to authorise sales of alcohol. The Licensing Authority will, subject to strong evidence that a community premises is well managed by an experienced committee, support applications to remove the mandatory condition requiring all alcohol sales to be authorised by a personal licence holder.
- 15.3 Before considering an application the Licensing Authority will satisfy itself that a premises meets the definition of a community premises. Enquiries will be made as to the regular use of the premises and whether it is in the main 'community' based. Where there is a regular 'commercial' or 'non-community based' use or a membership requirement to use the premises it is unlikely that such a premises would meet the definition of a community premises and permission to remove the requirement for a DPS is likely to be refused.
- 15.4 In general it is expected that premises that form part of a church hall or chapel hall or are a village, parish or community hall or other similar building would in most cases meet the definition of a community premises, although each will be considered on its individual merits and the evidence provided or obtained.
- 15.5 The licensing officers will consider, on a case by case basis, all applications to remove the mandatory condition and will ask such questions or seek the necessary evidence to confirm the suitability of the management committee to collectively authorise the supply of alcohol the premises .
- 15.6 Committees that make an application will be expected to have members who are aware of the law relating to the sale of alcohol, contain steps within their operating schedule to prevent offences relating to alcohol sales and also to include appropriate rules in hiring agreements where the premises is hired out to the public for events that will involve the sale of alcohol.

16 HEARINGS

- 16.1 Any application that has resulted in the submission of relevant representation from any party will be referred to the Licensing Sub-Committee for a hearing and determination in accordance with the 2003 Act and the Licensing Act 2003 (Hearings) Regulations 2005.
- 16.2 A sub-committee will consist of 3 suitably trained members of the Licensing Committee. The sub-committee will be advised on the law by a member of the Council's Legal Services Team. That legal team member will not be involved in the application process to prevent a conflict of interest by ensuring a clear separation of roles.
- 16.3 This Policy will play a key role in achieving consistency in decision making.

- 16.4 Where representations are made only by Responsible Authorities, the Licensing Authority would expect applicants and Responsible Authorities to enter into negotiation or mediation prior to a hearing in an attempt to resolve or narrow issues before attending the licensing hearing and to achieve an outcome satisfactory to all parties.
- 16.5 Parties will be advised of the hearing date and procedure in advance and in accordance with the statutory process. At all hearings the sub-committee will have regard to the Guidance issued under section 182 of the Act. This authority may use its discretion where there are strong and defensible reasons for departing from the Guidance and where it considers it right to do so. In any such case this authority will clearly express and explain its reasons for doing so.
- 16.6 The Licensing Authority must give the appropriate amount of weight to representations made by the Police on crime and disorder matters. It will give appropriate weight to all representations made by all parties based on the content and relevance to the promotion of all licensing objectives.
- 16.7 All decision notices will be in writing and will include clearly stated reasons to explain a decision on an application.

17. LICENCE CONDITIONS

- 17.1 A key concept in the Licensing Act is that conditions that are attached to licences or certificates are tailored to suit the individual style and characteristics of the premises and its activities and the impact of those activities. Those conditions must be appropriate and proportionate in order to promote the licensing objectives at that premises.
- 17.2 All licences that authorise the sale of alcohol will be subject to the mandatory conditions set out in the Act and Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 as amended (and any subsequent Mandatory Conditions that are introduced).
- 17.3 Applicants will be expected to include appropriate steps to promote the licensing objectives within their operating schedule which will be converted to conditions on a premises licence or club premises certificate. Those steps will be expected to be proportionate, achievable, enforceable and relevant to the business in question and will ensure the promotion of each of the four licensing objectives.
- 17.4 Where applications receive valid representations and are subject to a hearing, the sub-committee will consider the evidence provided within representations, the detail of the application, the nature of the premises and business and only where appropriate and proportionate will attach conditions to a licence to secure the promotion of the licensing objectives in light of the evidence provided.
- 17.5 Decisions on individual licence conditions will be made on a case by case basis, and where there are concerns over the effective promotion of the licensing objectives, the applicant will be given the opportunity to offer suggestions on how the objectives can be met. This authority will work closely with all parties and the applicant in establishing workable, enforceable and reasonable conditions for new and variation applications.
- 17.6 In all cases the Licensing Authority will have regard to the Guidance when considering the implementation of licence conditions.

17.7 In all cases conditions will aim to promote the licensing objectives, be unambiguous and enforceable, appropriate to the activities and the business, achievable and applicable to the premises and the areas around the premises which is within the licensees control.

17.8 The Licensing Authority recognises the need to avoid, so far as possible, duplication with other regulatory systems including Health and Safety at Work, Fire Safety, Food Hygiene and Nuisance Control. However these regulations may not cover the unique circumstances of some activities and entertainment. In these circumstances, the council may therefore, where necessary, attach conditions to premises licenses for the promotion of the licensing objectives.

17.9 CONDITIONS TO PROMOTE THE PREVENTION OF CRIME AND DISORDER.

Under the Act the Licensing Authority has a duty to promote the licensing objectives, and, a further duty under the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the borough.

17.10 The applicant will be expected to detail in their operating schedule how they will prevent crime and disorder on and close to the premises. Such detail should reflect the licensable activities on offer, location and character of the area, the nature of the premises use and the range of customers likely to use the premises.

These may include, but are not limited to, the following:

- Prevention of disorderly conduct and anti-social behaviour
- Prevention of underage drinking
- Prevention of sales of alcohol to intoxicated customers
- Prevention of drunkenness both on and in the vicinity of the premises
- Prevention of drug use and drug dealing
- Restriction to responsible drinks promotions
- Use of safety glass
- Inclusion of a wind-down time following alcohol sales period
- Adequate seating to discourage “vertical drinking”
- The offer of food and snacks or other entertainment or occupation to discourage persistent drinking

17.11 In busier premises the Licensing Authority would usually expect to see a short (e.g.30 mins) ‘wind down’ or ‘drinking up’ period allowed for after the cessation time of entertainment and alcohol sales as this is effective in assisting in a reduction in noise and exuberance of customers before leaving the premises.

17.12 Applicants will be expected to seek advice from the Police and the Licensing Authority will give appropriate weight to requests by the Police for premises to be protected by SIA registered door staff subject to the provision of relevant evidence. Where the Licensing Authority determines after consultation with the police that a premises is one that warrants additional security and monitoring it would expect applicants to include the

provision of SIA approved door staff at the premises at appropriate times. Relevant premises are usually those used mainly for drinking alcohol, have later opening hours and are situated within the Town Centre night time economy area.

17.13 Where appropriate, applicants for licences in the Town Centre areas providing mainly alcohol, music and dancing would be expected to consider inclusion of a provision of safety glasses to prevent a risk of injury on the rare occasion that a glass may be used as a weapon.

17.14 The use of CCTV should be considered where appropriate or on the advice and recommendations of the Police and to a quality and standard approved by the Police for evidential purposes. Licensees will be expected to fully comply with the requirements of the Information Commissioners Office and the Data Protection Act 1998 in respect of any surveillance equipment installed at a premises.

17.15 In any application resulting in hearing the sub-committee will consider each application on its individual merits and determine the imposition of conditions that are appropriate to promotion of the licensing objectives.

17.16 **CONDITIONS TO PROMOTE PUBLIC SAFETY.**

The applicant will be expected to show how the physical safety of persons attending the premises will be protected and to offer any appropriate steps in the operating schedule to promote this.

17.17 Such steps will not replace the statutory obligation on the applicant to comply with all relevant legislation under the Health and Safety at Work etc. Act 1973 or under the Regulatory Reform (Fire Safety) Order 2004.

17.18 Applicants will be expected to have carried out the necessary risk assessments to ensure safe occupancy levels for the premises. Where a representation from the Fire Authority suggests that for the promotion of the Public Safety objective a maximum occupancy should be applied, the Licensing Authority will consider adding such a limit as a licence condition.

Where appropriate an operating schedule should specify occupancy limits for the following types of licensed premises:

- (i) High Volume Vertical Drinking e.g. premises that provide mainly stand up drinking facilities with limited seating/table space and the primary activity is the sale of alcohol
- (ii) Nightclubs
- (iii) Cinemas
- (iv) Theatres
- (v) Other premises where regulated entertainment is likely to attract a large number of people.
- (vi) Where conditions of occupancy have arisen due to representations received.

17.19 CONDITIONS TO PROMOTE THE PREVENTION OF PUBLIC NUISANCE.

The applicant will be expected to detail any appropriate and proportionate steps to prevent nuisance and disturbance arising from the licensable activities at the premises and from the customers using the premises.

17.20 The applicant will be expected to demonstrate that they have considered the following and included steps to prevent public nuisance:

- (i) Proximity of local residents to the premises
- (ii) Licensable activities proposed and customer base
- (iii) Hours and nature of operation
- (iv) Risk and Prevention of noise leakage from the premises from equipment, customers and machinery
- (v) Prevention of noise from customers leaving the premises and customer pick up points outside premises and from the Car Park.
- (vi) Availability of public transport to and from the premises
- (vii) Delivery and collection times and locations.
- (viii) Impact of external security or general lighting on residents.
- (ix) History of management of and complaints about the premises.
- (x) Applicant's previous success in preventing Public Nuisance.
- (xi) Outcomes of discussions with the relevant Responsible Authorities.
- (xii) Impact of location, noise and contamination from outside smoking areas on neighbours and other customers
- (xiii) Collection of litter arising from the premises

17.21 Steps to prevent public nuisance may include a range of options including noise limiting devices, sound insulation, wind down periods, acoustic lobbies, management of smoking areas etc.

17.22 Steps will differ depending on the individual premises and activities and it is for the applicant to ensure that reasonable, effective and appropriate steps are included within the operating schedule.

17.23 CONDITIONS TO PROMOTE THE PROTECTION OF CHILDREN FROM HARM.

Applicants will be expected to detail any appropriate and proportionate steps to protect children at the premises from any harm. The Licensing Authority recognises the right of licensees (serving alcohol) to allow accompanied children into their premises. The Licensing Authority would not seek to restrict access by children (above that specified in the Act) unless it is necessary for the prevention of physical, moral or psychological harm.

17.24 Steps to protect children from harm must be carefully considered for inclusion where:

- (i) There is entertainment or services of an adult nature provided.
- (ii) There have been previous convictions for under age sales of alcohol.
- (iii) There has been a known association with drug taking or dealing.
- (iv) There is a significant element of gambling on the premises.
- (v) There is a presumption that children under 18 should not be permitted entry such as to nightclubs (apart from when specific events are held for under 18's).
- (vi) Outcomes of discussions with relevant Responsible Authorities suggest such steps are applicable.

17.25 Nothing in the Licensing Act prevents licensees from excluding children from a licensed premises and no condition can be added to require the admission of children.

17.26 Where there are no matters that give rise to concern in respect of children at premises the Licensing Authority would expect to see the relevant box on an application form completed to specify NONE.

18. PERSONAL LICENCES

18.1 Any person who wishes to act as a DPS at licensed premises must be in possession of a personal licence issued under the Licensing Act 2003. Any other person may also apply for a personal licence subject to meeting the necessary criteria. The Licensing Authority acknowledges the default grant position for applicants who meet the statutory criteria under the Licensing Act 2003.

18.2 The Police will only be consulted where the applicant declares a previous conviction for a relevant offence. A relevant conviction is one that is listed in Schedule 4 of the Licensing Act 2003.

18.3 Where a representation is received from the Police the Licensing Authority must hold a hearing unless the Police and the authority agree that it is unnecessary. The application must be rejected if it is considered appropriate for the promotion of the crime prevention objective and granted in any other case.

18.4 The Police must give a notice of objection to the Licensing Authority within the statutory 14 day consultation period. The Licensing Authority accepts that there is no discretion to accept a late notification from the Police even if the objection provided evidence that to grant the licence would undermine the crime prevention objective.

18.5 The Licensing Authority requires all personal licence holders to advise if there is a change of their name or address in accordance with the Act. All licence holders are advised of this requirement when a licence is granted. Any changes will be updated and an amended licence will be issued within 20 working days of a notification of change.

18.6 The Licensing Authority anticipates that the Magistrates' and Crown Courts will take appropriate action in relation to a personal licence where licence holders are convicted of relevant offences in those courts after the grant of a personal licence and notify the Licensing Authority of any action taken in respect of a personal licence.

18.7 The Licensing Authority requires personal licence holders to undertake their duty to disclose any convictions for a relevant offence after a personal licence has been granted. The Licensing Authority and/or the Police will take appropriate formal action against the licence holder where subsequent relevant convictions are not declared under that duty.

19. TEMPORARY EVENT NOTICES

19.1 The Licensing Act 2003 makes provision for the authorisation of a person (known as a premises user) to provide licensable activities on a temporary basis at unlicensed premises, or to add activities and/or extend the hours of existing activities at a licensed premises. The activities are authorised by the serving of a Temporary Event Notice (TEN) on the Licensing Authority, subject to the notice meeting the proper criteria as detailed under the Act.

19.2 Comprehensive planning of events is essential and where there are likely to be impacts on neighbouring residents or businesses as a result of the activities to be authorised by a TEN, the Licensing Authority expects the premises user to have considered any potential impacts and how they may be mitigated.

19.3 The Licensing Authority welcomes requests for advice from applicants who wish to provide temporary events to ensure they understand the law relating to such events and to reduce the likelihood of objections being made.

19.4 There are two types of TEN, Standard or Late. Both are subject to a numerical limit on the number of each type of TEN that can be served by personal licence holders and non-personal licence holders in a calendar year. There is also a numerical limitation on the number of TENs that may be served in respect of individual premises or place.

19.5 **Standard TEN.** A standard TEN must be served at least 10 working days (Monday to Friday excluding Bank Holidays) before the event commences. The 10 working days excludes the day of service and the day on which the event starts. Copies of the TEN must be served on the Licensing Authority, The Environmental Health (EH) Department, and the Police. The fee is payable only to the Licensing Authority. Applicants are encouraged to serve TENs at least 28 days before the proposed events to allow greater time for an event to be planned.

19.6 Where numerical limits are exceeded the Licensing Authority will serve a counter notice and the proposed licensable activities will not be authorised.

19.7 Where objections are received from the Police and/or EH and not withdrawn, the notice will be referred for a hearing before the Licensing Sub-Committee. The Sub-Committee may approve the TEN as applied for, add appropriate conditions (if the TEN takes place on a premises with an existing premises licence) or reject a TEN by serving a counter notice.

19.8 **Late TEN.** A late TEN may be served between 9 and 5 working days before a proposed event commences. The same limitations apply to the day the notice was served and the day of the event. Where numerical limits are exceeded a counter notice will be served and the proposed licensable activities will not be authorised.

19.9 If the late TEN is served with fewer than 5 working days' notice it is deemed invalid and would be rejected. The proposed activities would not be authorised. The Licensing Authority has no discretion to accept TENs outside the permitted statutory deadlines.

- 19.10 Where valid representations are received from the Police or EH in respect of a late TEN, the TEN will be rejected and proposed activities will be unauthorised. A refund of the fee will not be made.
- 19.11 The Licensing Authority will take the appropriate action where there is evidence that licensable activities have been provided without the authorisation of a TEN.
- 19.12 It should be noted that if a TEN has been processed and is no longer required the fee will not be refunded as the Licensing Authority has already carried out its obligations.

20. OTHER RELEVANT MATTERS

- 20.1 **Adult entertainment.** The Licensing Authority has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and premises offering regular entertainment of a sexual nature must be licensed as a sex establishment under those provisions.
- 20.2 The Licensing Authority acknowledges that exemptions under the above legislation do allow sexual entertainment to be provided at premises licensed under the Licensing Act 2003, as long as it is provided on no more than 11 occasions within 12 months and with at least 1 month between each occasion. Those infrequent events will be regulated by the licence granted under the Licensing Act 2003 where that licence authorises performances of dance and where the original application specified that such adult entertainment was proposed to be provided.
- 20.3 **Gaming machines in licensed premises - Automatic entitlement.** There is provision in the Gambling Act 2005 (GA2005) for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of category C and/or D. The premises licence holder merely needs to notify this Licensing Authority and pay the prescribed fee.
- 20.4 This 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 (under the GA2005);
 - gaming has taken place on the premises that breaches a condition of section 282 of the GA2005 (for example, the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines);
 - the premises are mainly used for gaming; or
 - an offence under the GA2005 has been committed on the premises.
- 20.4 **Gaming Machine Permit** – If a premises wishes to have more than 2 machines of categories C and/or D, then it needs to apply for a permit and this authority will consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under section 25 of the Act, and such matters as officers consider relevant.

- 20.5 In determining such matters, consideration will be given to all the objectives but particularly the need to protect children from harm and to the need to protect vulnerable persons from harm or being exploited by gambling. The applicant will be required to satisfy the authority that there will be sufficient measures to ensure that minors do not have access to the adult only gaming machines.
- 20.6 Measures to satisfy the authority relate to restricting access to age restricted machines and adult machines being in sight of the bar, or in sight of staff who will monitor that the machines are not being used by minors. Notices and signage should also be displayed to this effect. Applicants may consider the provision of information leaflets and helpline numbers for organisations such as GamCare to demonstrate their responsibility in the protection of vulnerable persons and compliance with Codes of Practice issued by the Gambling Commission.
- 20.7 **Gambling in alcohol 'On' licensed premises.** Exempt gaming is equal chance gaming that is generally permissible in any club or alcohol licensed premises. Equal chance gaming includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker. Such gaming should be ancillary to the purposes of the premises.
- 20.8 This exemption is automatically available to all clubs or alcohol licensed premises, but is subject to statutory stakes and prize limits determined by the Secretary of State. Licensees are encouraged to seek advice from the Gambling Commission at www.gamblingcommission.gov.uk or this Licensing Authority before providing any forms of gambling at alcohol licensed premises.
- 20.9 Licensees should consider appropriate arrangements for customers who wish to smoke outside the premises in an effort to ensure that any unlicensed pavement area are not also used as allocated smoking area. This is to prevent nuisance and potential health harms to any non-smokers who may use the area.

21. INFORMATION

- 21.1 In order to ensure that applicants and persons who make representations have the necessary information to be able to do so, information is available on the Maidstone Borough Council website www.maidstone.gov.uk or by contacting the licensing team by email (licensing@maidstone.gov.uk), or by telephone on 01622 602028

APPENDIX A

Maidstone is the County Town of Kent situated in the heart of the “Garden of England”. Maidstone Borough includes a variety of picturesque rural villages. Maidstone town has a vibrant retail centre, historic attractions and is a popular visitor destination with a busy day, evening and night time economy, and many cultural and leisure activities.

SOUTH EAST ENGLAND



There are 507 premises licences and 33 club premises certificate issued to businesses associated with the Licensing Act provisions. There are 461 licences that allow the sale of alcohol, 98 are on sales only, 142 are off sales only and 222 that allow both on and off sales. There are 321 premises licensed for late night refreshment. This premises includes Leeds Castle which holds cultural events and evening concerts during the summer months, the Lockmeadow Leisure Complex providing multi-screen cinema, restaurants and a night club, the Hazlitt Theatre and Exchange Complex, the County Agricultural Showground at Detling, Mote Park which has staged many popular music events and many premises such as restaurants, hotels, public houses, village halls and community centres in the rural area. There were also 386 Temporary Event notices dealt with in 2014/15

Tourism along with economic development works to deliver the Council’s key priority of prosperity, by attracting visitor expenditure to the local economy, by the promotion of Maidstone as an attractive location for inward investment and through support for existing and start-up tourism businesses. This works in partnership with the Council’s priority of Quality Living by engendering community pride in Maidstone and improving the quality of life.

Maidstone has a population of 155,143 people (2011 census) comprised of the following:

Maidstone	no	%
Under 16	29667	19.1
16 to 19	7385	4.8
20 to 29	18274	11.8
30 to 59	63102	40.6
60 to 74	24470	15.8
75 and over	12245	7.9

In Maidstone, violence against the person increased from 1,889 offences in 2012/13 to 2,349 offences in 2013/14 (+24.4%). This rate of increase is below the county increase and shows a peak during the summer months. Maidstone is ranked 6th in the county, the same ranking as 2012/13.

For community safety it is important to state that its aim is to create safer communities in the Borough by reducing crime and disorder in a cost effective way, through involving the community and partnership working. In December 2006 the Council made Designation Orders under the provisions of the Criminal Justice and Police Act 2001 (as amended by the Licensing Act 2003) in relation to alcohol consumption in public places.

The Council were satisfied that nuisance or annoyance had been caused to the public or disorder caused, associated with the consumption of alcohol. The Orders provide the Police with the power to require consumption to cease and confiscate containers. The areas covered by the Orders included:-

- Area 1 – Town Centre Maidstone
- Area 2 – Snowdon Parade, Vinters Park
- Area 3 – Mote Park, Maidstone
- Area 4 – Northumberland Court, Maidstone
- Area 5 – Cumberland Green, Maidstone
- Area 6 – Barming Recreation Ground (also known as Barming Heath)
- Area 7 – Parkwood Green, Maidstone

These will be reviewed and consideration given to Public Spaces Protection Orders (PSPOs) under new legislation as appropriate.

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Appendix B

Contact details of Local Authority Licensing Department as at 11.06.2015

Lorraine Neale Senior Licensing Officer Email: lorryneneale@maidstone.gov.uk Telephone: 01622 602028	Louise Davis Licensing Officer louisedavis@maidstone.gov.uk Telephone: 01622 602727
Licensing Department Maidstone Borough Council Maidstone House King Street Maidstone Kent ME15 6JQ Licensing Partnership Sevenoaks District Council Council Offices PO Box 182 Argyle Road Sevenoaks Kent TN13 1GP Web; www.maidstone.gov.uk/business/licencesandpermits Email: licensing@maidstone.gov.uk Telephone: 01622 602028	

See the Maidstone Borough Council Website www.maidstone.gov.uk for details of the Town and Parish Councils within the Borough. Details of your local Councillors may also be obtained from the website.

Information on licensing applications being processed is available on the licensing pages of Maidstone Borough Council's website www.maidstone.gov.uk or the Licensing Partnership website at Sevenoaks District Council website www.sevenoaks.gov.uk

**Appendix C
Responsible Authorities**

<p>Kent Fire & Rescue Service Asst Divisional Officer Maidstone Fire Safety Loose Road Maidstone Kent ME15 6QD</p> <p>Tel: 01622 774126 Email: maidstone.firesafety@kent.fire-uk.org</p>	<p>Maidstone & Malling Police Divisional Licensing Coordinator Community Safety Unit Tonbridge and Malling Borough Council Gibson Drive Kings Hill West Malling ME19 4LZ</p> <p>Tel: 01622 604296 Email: west.division.licensing@kent.pnn.police.uk</p>
<p>Trading Standards Kent County Council 1st Floor, Invicta House County Hall Maidstone Kent. ME14 1XX</p> <p>Tel: 03000 412000 TSwest@kent.gov.uk</p>	<p>Social Services Kent County Council Social Services Mid Kent Area, District Office Maidstone House King Street Maidstone Kent ME15 6JQ</p> <p>Tel: 01622 691640 Fax: 01622 691135</p>
<p>Local Planning Authority Maidstone Borough Council Maidstone House King Street Maidstone Kent ME15 6JQ</p> <p>Tel: 01622 602736 or 602737 Email: DevelopmentControl2@maidstone.gov.uk</p>	<p>Public Health Kent Kent Public Health Department Room 3.45, Sessions House, County Hall, County Road Maidstone Kent ME14 1XQ</p> <p>Tel: 0300 333 6379 Gillian.Montgomery@kent.gov.uk</p>
<p>Director of Regeneration and Prosperity Maidstone Borough Council Maidstone House King Street Maidstone Kent ME15 6JQ</p> <p>Tel: 01622 602364</p>	<p>Environmental Health Maidstone Borough Council Maidstone House King Street Maidstone Kent ME15 6JQ</p> <p>Tel: 01622 602111 Email: Enforcementoperations@maidstone.gov.uk</p>
<p>FOR VESSELS ONLY – ALSO SEND TO: Environment Agency</p>	<p>FOR VESSELS ONLY – ALSO SEND TO: Environment Agency</p>

<p>Kent Area Office Orchard House Endeavour Park London Road Addington West Malling Kent ME19 5SH Tel: 08708 506506 Website: www.environment-agency.gov.uk Email: enquiries@environment-agency.gov.uk</p>	<p>Kent Area Office Orchard House Endeavour Park London Road Addington West Malling Kent ME19 5SH Tel: 08708 506506 Website: www.environment-agency.gov.uk Email: enquiries@environment-agency.gov.uk</p>
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Appendix D

References to guides of best practice

Revised guidance issued under section 182 of Licensing Act 2003
www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003

Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics
www.ioa.org.uk

Good Practice Guide: Licensing published jointly by the Justices' Clerks' Society and the Magistrates' Association (April 1999)
www.magistrates-association.org.uk

Code Of Practice And Guidance Notes On Noise Control For Concerts And Outdoor Events
www.cieh.org/policy/noise_council_environmental_noise.html

Maidstone Borough Council Event Planning (SAG)
www.maidstone.gov.uk/residents/events/event-planning

The National Alcohol Harm Reduction Strategy Toolkit
www.alcoholconcern.org.uk

The Point of Sale Promotions published by BBPA
www.beerandpub.com

Public Places Charter
www.ash.org.uk

National Pubwatch
www.nationalpubwatch.org.uk

Appendix E

Contact details and useful addresses (e.g. Chamber of Trade, BBPA, BII, SIA etc.)

<p>Maidstone Chamber of Commerce Innovation Centre Medway Maidstone Road Chatham Kent ME5 9FD Phone: 01634 565 162</p>	<p>Disclosure and Barring Service (DBS) Customer services PO Box 165 Liverpool L69 3JD Information line: 0870 90 90 811 Website: https://www.gov.uk/disclosure-barring-service</p>
<p>British Beer & Pub Association Ground Floor Brewers' Hall Aldermanbury Square London EC2V 7HR Tel: 020 7627 9191 Fax: 020 7627 9123 contact@beerandpub.com Press Office: 020 7627 9199</p>	<p>British Institute of Inn keeping (BII) Wessex House 80 Park Street Camberley Surrey. GU15 3PT Tel: 01276 684 449 Fax: 01276 23045 www.bii.org Email: reception@bii.org</p>
<p>SIA PO Box 49768 London. WC1 V6WY Website: www.the-sia.org.uk Tel: 0844 892 1025 Fax: 0844 892 0975</p>	

Appendix F - Recommended delegation of functions as per S182 of the guidance

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for a personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	If no objection made
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	If no objection made
Applications for interim authorities		If a police objection	If no objection made
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.			All cases
Decision to object when Local Authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a temporary event notice		All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition		If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination for a minor variation			All cases

Agenda Item 20

COUNCIL

9 December 2015

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Calendar of Meetings

Final Decision-Maker	Council
Lead Head of Service	Paul Riley, Head of Finance and Resources
Lead Officer and Report Author	Paul Riley, Head of Finance and Resources Poppy Collier, Democratic Services Officer
Classification	Public
Wards affected	None

This report makes the following recommendations to this Committee:

1. That the Calendar of Meetings 2016/17 as attached at Appendix A be agreed.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all
- Securing a successful economy for Maidstone Borough
Ensuring that the Council's committees are scheduled to consider business regarding the above priorities.

Timetable

Meeting	Date
Council	9 December 2015

Calendar of Meetings

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 To consider the new Calendar of Meetings for 2016/17.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 The proposed Calendar of Meetings for 2016/17 is attached at Appendix A. This sets out the proposed dates for the Council and Service, Regulatory and Other Committees within the Committee structure. The calendar also includes dates for new Member Induction training as well as Induction training dates for new Planning Committee and Audit, Governance and Standards Committee members, together with dates for Planning Committee member training throughout the municipal year.
- 2.2 It will be noted that the Annual Meeting of Council is on Saturday 21 May 2016, to be held in conjunction with a Civic Parade.
- 2.3 It will be noted that following the Annual Meeting there will be meetings of all four service Committees, the Democracy Committee and the Employment Committee, to be held on 24 May 2016. The meetings will elect the Chair and Vice-Chair for each committee, other than for the Chair of Policy and Resources Committee who will be appointed at the Annual Meeting.
- 2.4 With the exception of Planning Committee there will be no other meetings during August.
- 2.5 Extraordinary Council meetings will be called if necessary.
-

3. AVAILABLE OPTIONS

- 3.1 The dates of the meetings are in accordance with the normal pattern for meetings based on the Committee structure.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 That the Calendar of Meetings be agreed.

5. CROSS-CUTTING ISSUES AND IMPLICATIONS

None identified.

Issue	Implications	Sign-off
Impact on Corporate Priorities	NA	
Risk Management	NA	
Financial	None identified.	Suzan Jones, Finance Team
Staffing	NA	
Legal	None identified.	Team Leader Corporate Governance
Equality Impact Needs Assessment	None identified.	Clare Wood, Policy & Information Officer
Environmental/Sustainable Development	NA	
Community Safety	NA	
Human Rights Act	NA	
Procurement	NA	
Asset Management	NA	

6. REPORT APPENDICES

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

- Appendix A: Calendar of Meetings 2016/17
-

7. BACKGROUND PAPERS

None.

CALENDAR OF MEETINGS 2016/17

Appendix A

SPS&T = Strategic Planning, Sustainability & Transport
HCL = Heritage, Culture & Leisure

CHE = Communities, Housing & Environment
JTB = Joint Transportation Board

	MAY 2016	JUNE	JUL	AUG	SEPT	OCT	NOV	DEC	JAN 2017	FEB	MAR	APR 2017
Council (Wed)	21 (Sat) AGM		20		21			7			1	12
Policy & Resources (Wed)	24 Tue	29	26 Tue		28	26	23	14	18	15	29	26
Planning (Thurs)		2/23	14	4/25	15	6/27	17	8	12	2/23	16	6/27
Adjourned Planning (Thurs)		9/30	21	11	1/22	13	3/24	15	19	9	2/23	10 Mon
Licensing (Thurs)		16			29			1	26		30	
SPS&T (Tues)	24	14	12		13	11	8	6	10	7	14	11
CHE (Tues)	24	21	19		20	18	15	13	17	14	21	18
HCL (Tues)	24		5		6		1		3		7	
JTB (Wed)			13			19			25			19
Audit, Governance & Standards (Mon)			11		19		21		16		20	
Democracy Committee (Thurs)	24 Tue		7		8		10		5		9	
Employment Committee	24											

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CALENDAR OF MEETINGS 2016/17

Appendix A

Training for 2016-17

Subject	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr
New Member Induction	31/5 10:30 – 3pm New Member Induction											
Planning	26/5 2-5pm – Planning Induction	22/6 6-9pm Specialist Planning training 28/6 6-9pm LP&NP process	25/7 6-9pm NPPF/NPPG		14/9 6-9pm Specialist Planning training 27/9 6-9pm The meaning of Development, Planning Policies & determining planning applications	25/10 6-9pm Planning conditions, reasons for refusal, S106 & enforcement	10/11 6-9pm Specialist Planning training 22/11 6-9pm Transport and Heritage	19/12 6-9pm Landscape, open space & ecology –				
Licensing	TBA - Licensing Induction											
Audit, Governance and Standards			6/7 10-1pm Induction									