

COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE MEETING

Date: Tuesday 11 December 2018
Time: 6.30 pm
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors M Burton, Garten, Joy, D Mortimer (Chairman), Powell (Vice-Chairman), Purle, Mrs Robertson, Rose and Webb

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

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2. Notification of Substitute Members	
3. Urgent Items	
4. Notification of Visiting Members	
5. Disclosures by Members and Officers	
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7. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
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Issued on Monday 3 December 2018

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

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To move that the public be excluded for the items set out in Part II of the Agenda because of the likely disclosure of exempt information for the reasons specified having applied the Public Interest Test.

**Head of
Schedule 12 A
and Brief
Description**

20. Exempt Appendix - Heather House	3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)	118 - 119
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PUBLIC SPEAKING AND ALTERNATIVE FORMATS

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

In order to speak at this meeting, please contact Democratic Services using the contact details above, by 5 p.m. one clear working day before the meeting (i.e. Friday 7th December). If asking a question, you will need to provide the full text in writing. If making a statement, you will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated on a first come, first served basis.

To find out more about the work of the Committee, please visit www.maidstone.gov.uk.

Should you wish to refer any decisions contained in these minutes to the Policy and Resources Committee, please submit a Decision Referral Form, signed by three Councillors, to the Head of Policy, Communications and Governance by: 27th November 2018.

MAIDSTONE BOROUGH COUNCIL

Communities, Housing and Environment Committee

MINUTES OF THE MEETING HELD ON TUESDAY 13 NOVEMBER 2018

Present: Councillors Garten, Joy, D Mortimer (Chairman),
Newton, Perry, Purle, Mrs Robertson, Rose and Webb

Also Present: Councillor McKay

87. **AMENDMENT TO THE ORDER OF BUSINESS**

RESOLVED: That Item 13. Draft Medium Term Financial Strategy 2019/20 - 2023/24 was to be discussed before Item 12. Agenda Item Request - Graffiti and Overgrown Trees in St Peter Street.

88. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Powell and Councillor M Burton.

89. **NOTIFICATION OF SUBSTITUTE MEMBERS**

The following Substitute Members were present:

- Councillor Perry for Councillor M Burton
- Councillor Newton for Councillor Powell

90. **URGENT ITEMS**

There were no urgent items.

91. **NOTIFICATION OF VISITING MEMBERS**

Councillor McKay was present as a Visiting Member and indicated his intention to speak on Item. 14 Maidstone Housing Delivery Partnership Proposals.

92. **DISCLOSURES BY MEMBERS AND OFFICERS**

Councillor Purle said that, with regard to Item 12. Agenda Item Request - Graffiti and Overgrown Trees in St Peter Street, he lived on the street, but intended to speak and vote when the item was considered as it was not a disclosable interest.

93. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

94. TO CONSIDER WHETHER ANY ITEMS SHOULD BE TAKEN IN PRIVATE BECAUSE OF THE POSSIBLE DISCLOSURE OF EXEMPT INFORMATION.

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

95. MINUTES OF THE MEETING HELD ON 16 OCTOBER 2018

RESOLVED: That the minutes of the meeting held on 16 October 2018 be approved as a correct record and signed.

96. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

97. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC (IF ANY)

There were no questions from members of the public.

98. COMMITTEE WORK PROGRAMME

RESOLVED: That the Committee Work Programme be noted.

99. DRAFT MEDIUM TERM FINANCIAL STRATEGY 2019/20 - 2023/24

Ms Ellie Dunnet, Head of Finance, informed the Committee that the Draft Medium Term Financial Strategy 2019/20 - 2023/24 was presented for consideration and comment. Ms Dunnet explained that as there was financial uncertainty for the period of 2020 onwards, three scenarios had been modelled to reflect neutral, adverse and favourable revenue projections. It was stated that the Draft Medium Term Financial Strategy was to be developed alongside the New Strategic Plan, to ensure consistency.

The Committee commented that the Draft Strategy was well balanced considering the financial uncertainties that were being faced. Consideration was given to the commercialisation of services such as Grounds Maintenance, as well as the promotion of economic development through the acquisition of land and commercial property to generate rental income.

Officers agreed to provide further information on the Grounds Maintenance Service to the Committee.

RESOLVED: That the feedback and suggestions provided by the Committee be noted and shared with Officers.

Voting: Unanimous

100. AGENDA ITEM REQUEST - GRAFFITI AND OVERGROWN TREES IN ST PETER STREET

Councillor Purle introduced his report.

The Committee recognised that the issue of graffiti impacted areas across the borough, and therefore a wider piece of work to target large landowners with graffiti problems was required.

Mr William Cornall, Director of Regeneration and Place, stated that Network Rail had been approached since the matter was raised, and that further work would be undertaken ahead of a report being discussed at the Committee.

RESOLVED: That an Officer report be submitted to the Communities, Housing and Environment Committee outlining options to resolve the issues of graffiti and other nuisances in the St Peter Street & Buckland Hill area and identify and pursue other action for areas in the borough.

Voting: Unanimous

101. MAIDSTONE HOUSING DELIVERY PARTNERSHIP PROPOSALS

Mr Cornall informed the Committee that entering a Housing Delivery Partnership would mean a return to building affordable housing. This would represent a reversal of the Council decision in 2004, which transferred the Council's affordable housing stock to Golding Homes. Mr Cornall explained that the Council no longer held a Housing Revenue Account (HRA), which was required to hold and fund housing. The HRA could be reopened, but it would have no borrowing capacity as it held no assets or income. A specialist legal firm were therefore appointed to advise on the mechanisms that could achieve a return to building affordable housing. The Local Plan sought to create 883 new houses each year, of which 332 were affordable homes. Over the last seven years, 64% of the affordable housing target had been achieved.

Councillor McKay spoke as a Visiting Member.

The Committee commented that:

- It was crucial to select an appropriate Registered Provider partner, to ensure that those living in affordable housing received the right level of front-line services.
- There was a need to ensure that any new houses were built in an appropriate area, at the right level of quality, quantity and dispersion to avoid any stigma regarding affordable housing.
- Consultation with Parish Councils was crucial, and that dialogue with each Parish individually would be beneficial.

- Consideration needed to be given to those currently living in affordable housing owned by Housing Associations, to ensure that they were not disadvantaged.

In response to questions from the Committee, Mr Cornall stated that this was the first step to return to building affordable housing, and that it would require commitment from both Members and Officers to deliver. While governance would be complex, and there were significant financial considerations, the proposal would ensure that Maidstone Borough Council held a position of both enabler and provider in the affordable housing market. Furthermore a full procurement process would be undertaken when selecting a partner.

RESOLVED: That

- 1) An Affordable Housing Supplementary Planning Guidance be produced.
- 2) The Policy and Resources Committee are recommended to agree the funding of £7.5m per annum over a five year period for the Maidstone Housing Delivery Partnership Proposal.
- 3) Subject to funding approval of £7.5m per annum over a five year period by the Policy and Resources Committee, the Communities, Housing and Environment Committee agrees that:
 - a) Delegated authority be given to the Director of Regeneration and Place, in consultation with the Chairman and Vice Chairman of the Communities, Housing and Environment Committee, to secure co-investment between the Council and Registered Provider of £15m pa total over a 5 year period.
 - b) Co-investment between the Council and a Registered Provider be targeted at achieving a 50% market share of the S106 affordable housing market in Maidstone.
 - c) A programme of engagement with Parish Councils be commenced, to gauge the appetite for bringing forward rural exception sites for affordable housing, on a Parish by Parish basis.
 - d) Further consideration be given to choosing an appropriate Registered Provider partner.

Voting: For – 8 Against – 1 Abstentions – 0

102. DURATION OF MEETING

6.30 p.m. to 8.12 p.m.

2018/19 WORK PROGRAMME

	Committee	Month	Lead	Report Author
Homelessness and Rough Sleeper Strategy Review	CHE	Jan-19	John Littlemore	Hannah Gaston
Fees & Charges 2019/20	CHE	Jan-19	Mark Green	Ellie Dunnet
Strategic Plan 2019/20 - 2023/24 - Final	CHE	Jan-19	Alison Broom	Angela Woodhouse
Medium Term Financial Strategy - Budget Proposals 2019/20	CHE	Jan-19	Mark Green	Ellie Dunnet
Waste Contract Review	CHE	Jan-19	Jennifer Shepherd	Jennifer Shepherd
Safeguarding Policy Review	CHE	Feb-19	John Littlemore	Matt Roberts
Q3 Budget Monitoring 2018/19	CHE	Feb-19	Ellie Dunnet	Paul Holland
Q3 Performance Report 2018/19	CHE	Feb-19	Angela Woodhouse	Anna Collier
Litter Enforcement Review	CHE	Feb-19	Jennifer Shepherd	John Edwards / Jamie Duffv
MBC Provided Gypsy and Traveller Sites - requested by Cllr Harwood	CHE	Feb-19	William Cornall	John Littlemore
GP Provision Update	CHE	Mar-19	Alison Broom/CCG	Alison Broom
Crime and Disorder Overview and Scrutiny Committee	CHE	Mar-19	John Littlemore	Matt Roberts
Adoption of the new Homelessness Strategy 2019-2024	CHE	Mar-19	John Littlemore	Hannah Gaston
Environmental Health Annual Report	CHE	Apr-19	John Littlemore	Tracey Beattie

2018/19 WORK PROGRAMME

	Committee	Month	Lead	Report Author
Environmental Services - Commercial developments	CHE	TBC	Jennifer Shepherd	Jennifer Shepherd
Options to Resolve the Issue of Graffiti in the Borough	CHE	TBC	William Cornall	
Local Care Hubs	CHE	TBC	Alison Broom	
MBC Affordable Housing Supplementary Planning Guidance (SPG)	CHE	TBC	William Cornall	Mark Egerton

Communities, Housing and Environment Committee

11/12/18

External Board/Outside Body

External Board/Outside Body	Cutbush and Corrall
Councillor(s) represented on the Outside Body/External Board	Clive English Denise Joy
Report Author	Clive English
Date of External Board/Outside Body Meeting Attended	Buildings Committee 20 th November October Board Meeting

Purpose of the External Board/Outside Body:

The Charity exists to provide housing to people over 50 who demonstrate a genuine need and have a connection to the area. The Charity operates several sites in the Town Centre and a site in Harrietsham

Update:

The Charity is completing its 5 year programme to upgrade its properties and is also carrying out additional work to meet changed requirements in relation to EPC certification. It is undertaking the preliminary work to ascertain whether a new construction programme can be brought forward and what the investment strategy necessary to support this work would be.

Communities, Housing and Environment Committee

11/12/18

External Board/Outside Body

External Board/Outside Body	Maidstone Mediation
Councillor(s) represented on the Outside Body/External Board	Clive English
Report Author	Clive English
Date of External Board/Outside Body Meeting Attended	24th October Committee Meeting AGM 15th November

Purpose of the External Board/Outside Body:

To provide Mediation services to the public across a range of provisions to the people of Maidstone, Malling and in some disciplines wider parts of Mid Kent.

Update:

Maidstone Mediation is continuing to provide services relating to Neighbourhood Disputes, Parent and Teen interactions, Anger Management, Peer Mediation (for some 23 schools) and homelessness.

Following the success of the first set of courses, further courses are being run within the Prison Service to support the ongoing deployment of Prison Mediators.

Services are capable of being referred to by Housing Providers, MBC or by self-referrals, the Police, or mental health teams, depending on the service, and work is being put in to try to involve more Registered Housing Providers.

There is a need for more volunteers and a free training course on mediation skills will be run on Tuesdays and Thursdays from January 8th until 7th February. Anyone interested can contact maidstonemediation@gmail.com

MAIDSTONE BOROUGH COUNCIL

COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE

11 DECEMBER 2018

REFERENCE FROM THE LICENSING COMMITTEE

Statement of Licensing Principles for Gambling Act 2005 2019-2022

At its meeting held on 22 November 2018 the Licensing Committee considered a report from the Head of Housing and Community Services which provided details of the responses received from a consultation exercise undertaken on the draft Statement of Gambling Policy. The 12 week consultation took place between 6 August 2018 and 28 October 2018 and received three responses.

All Licensing Authorities are required under Section 349 of the Gambling Act 2005 to prepare and publish a statement of licensing principles that they propose to apply in exercising their functions under the Act during the three year period to which the Statement of Gambling Principles applies.

Section 155 states that this function may not be delegated from Council and so the Licensing Committee is recommending the proposed document following consideration of consultation responses and resulting amendments to Communities, Housing and Environment Committee for onward recommendation to Council for adoption.

Attached at Appendix A to this Reference is a copy of the report that was presented to the Licensing Committee. Appendix B is a copy of the Statement of Principles with track changes for ease of reference.

RESOLVED: That the Communities, Housing and Environment Committee recommend the amended Statement of Principles to Council (as attached at Appendix B) for adoption.

Licensing Committee**22 November 2018**

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

No**Statement of Principles for Gambling Act 2005
Policy 2019 -2022**

Final Decision-Maker	Full Council
Head of Service	John Littlemore
Lead Officer/Report Author	Lorraine Neale
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

That the Committee recommends to the Communities, Housing & Environment Committee the draft Gambling Act 2005 Statement of Principles 2019-2022 Policy (at Appendix 1), with the inclusion of amendments following the consultation responses received ,for adoption by Council.

This report relates to the following Five Year Plan Key Objectives:

- Keeping Maidstone Borough an attractive place for all

Timetable (* please delete those not applicable)

Meeting	Date
Communities, Housing & Environment Committee	11 December 2018
Full Council	12 December 2018

Statement of Licensing Principles for Gambling Act 2005 2019 -2022

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of licensing principles that they propose to apply in exercising their functions under the Act during the three year period to which the policy applies. Section 155 states that this function may not be delegated from Council and so this Committee is recommending a proposed document following consideration of consultation responses and resulting amendments to Communities, Housing and Environment Committee for onward recommendation to Council for adoption.
- 1.2 The purpose of this report is to ask the Licensing Committee to consider the consultation responses and proposed amendments to the draft Policy and confirm the content is recommended for approval.
- 1.3 The 12 week consultation commenced 6 August 2018 and concluded 28 October 2018 and those responses are included (Appendix 2) in the report which is seeking approval for the recommendation for approval by Communities, Housing and Environment Committee on 11 December 2018 to recommend adoption of the amended Statement of Principles at Council on 12 December 2018.
- 1.4 The proposed revised Statement of Principles is included at Appendix 1.

2. INTRODUCTION AND BACKGROUND

- 2.1 Maidstone Borough Council is the Licensing Authority under the provisions of the Gambling Act 2005 (the Act).
- 2.2 In accordance with the above Act Licensing authorities are required to develop, consult on, and publish a Statement of Gambling Policy every three years that sets out the principles they propose to apply in exercising their functions under the Gambling Act 2005 during that period..
- 2.3 The current policy was approved at Full Council on 1 March 2017 but needs to be revised and re-published prior to 20 January 2019 for a further three-year period. A “light touch’ review was undertaken in 2016 to comply with Section 349 of the Act:

“For the purposes of section 349 of the Act (requirement on licensing authorities to publish a policy statement every three years), the first appointed day shall be 31st January 2007”.

This was because publication of the 5th edition of Gambling Commission Guidance was published too late to include in the draft. A further detailed review of the policy was carried out in 2017 to include the 5th edition of Gambling Commission Guidance. Although the current policy has only been in issue for 2 years a review is required under S349.

- 2.4 A revised draft of the policy was put before the Licensing Committee at their meeting of 19 July 2018, at which they agreed to authorise officers to consult with all relevant interested parties and the results of the consultation be reported back to Licensing Committee to recommend to the Communities, Housing & Environment Committee any amendments for them to refer the Policy to Full Council for adoption.
- 2.5 The gambling objectives are:
- i) preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime
 - ii) ensuring that gambling is conducted in a fair and open way and
 - iii) protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.6 The draft Policy that went out for consultation provides clarity in some areas of the Policy taken from the Guidance published by the Gambling Commission (5th Edition, September 2015). The amendments to the previous statement are highlighted using track changes in Appendix 1. There were no changes to the intent or direction of the Policy, which sets out how the Council seeks to regulate gambling activities under its control and provide a framework for consistent decision making
- 2.7 A comprehensive consultation exercise was carried out in accordance with the Act and Statutory Guidance over a 12 week period between 6 August and 28 October 2018.
- 2.8 An extensive list of interested parties were contacted directly and invited to comment on the revised draft policy. In addition, public notices inviting comment were placed on the Council's website. The full list of consultees is included in the draft policy at appendix 5.
- 2.9 The draft policy was made available to view electronically online and in hard copy at the council offices.
- 2.10 Despite the long consultation period and wide-reaching methodology, only three responses were received; this may be because the new policy was widely consulted on as was the earlier revision by Maidstone Borough Council and the principles are the same. The responses are from a resident who makes comment on gambling problems and addictions but does not propose any changes to the policy; a favourable response from Boxley Parish Council with no changes proposed and from the Gambling Commission containing a number of suggested minor amendments. (Appendix 2)

- 2.11 The Gambling Commissions suggested amendments have been incorporated in the draft policy as they are points of clarification and assist in understanding the sections involved. The amendments can be seen in bold in the draft Policy at pages 17,19 and 29.
- 2.12 The Government recently announced that they will, through the introduction of secondary legislation, reduce the maximum stakes on Fixed Odds Betting Terminals from £100 to £2. In anticipation of this, a footnote has been added to Appendix 7 of the Policy, showing a table of gaming machine stakes and prizes, to advise that these values are subject to change and are understood to have been delayed to Oct 2019 from April. .

3 AVAILABLE OPTIONS

- 3.1 It is a statutory requirement for the Council to have a current statement of licensing principles in place covering the principles for its functions under the Act. The Council is also required to have regard to guidance issued by the Gambling Commission, which also specifies requirements for gambling policies. If the Council did not comply with the Commission’s guidance, then it would need to have good reasons for failing to do so. The content of the proposed Gambling Policy is recommended having regard to the requirements in the Act, Regulations and guidance.

4 PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 That Committee recommends to the Communities, Housing & Environment Committee the draft Statement with further minor amendments following consultation for referral to Council for adoption.

5 CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 Included at Appendix 2

6 CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	No issues identified	[Head of Service or Manager]
Risk Management	No issues identified	[Head of Service or Manager]
Financial	No issues identified	[Section 151 Officer & Finance Team]
Staffing	No issues identified	[Head of Service]
Legal	The Licensing Authority must formally review its adopted	[Legal Team]

	Statement of Principles for the Gambling Act 2005 Policy. Section 349 of the Act requires the authority to review this every three years and keep it under review from time to time. Without an up-to-date Policy in place, this could leave the authority open to legal challenge over the legitimacy of any decisions made.	
Equality Impact Needs Assessment	None identified at this stage.	[Policy & Information Manager]
Environmental/Sustainable Development	. No issues identified	[Head of Service or Manager]
Community Safety	No issues identified	[Head of Service or Manager]
Human Rights Act	No issues identified	[Head of Service or Manager]
Procurement	No issues identified	[Head of Service & Section 151 Officer]
Asset Management	No issues identified	[Head of Service & Manager]

7 REPORT APPENDICES –

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

- Appendix 1: Revised Draft Policy with track changes and Gambling Commission amendments in bold
- Appendix 2: Consultation responses

8 BACKGROUND PAPERS

- Gambling Commission Guidance to licensing authorities 5th edition, September 2015
<http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>
- Existing Statement of Principles
http://www.maidstone.gov.uk/_data/assets/pdf_file/0004/164686/Gambling-Licensing-Policy-April-2017.pdf
- Licence Conditions and Codes of Practice for Operators
<http://www.gamblingcommission.gov.uk/PDF/LCCP/Licence-conditions-and-codes-of-practice-April-2018.pdf>

Maidstone Borough Council

'Gambling Act 2005 Statement of Licensing Principles' ~~2016-2019~~ - ~~2019-2022~~

~~September 2016~~ July 2018

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1. The Licensing Objectives

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

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

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

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

Principles to be applied - Section 153

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

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

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

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

2. Introduction

The Maidstone Borough Council Area

MAIDSTONE BOROUGH COUNCIL - PARISHES



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

Licensing authorities are required by the Gambling Act 2005 to publish a Gambling Policy Statement, setting out the principles that they propose to apply when exercising these functions. This Statement may be reviewed from time to time but must be republished at least every three years. This policy was approved by Full Council on ~~1st March 2017~~ to come into force ~~2nd March 2017~~.

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

This draft policy has been prepared in accordance with the Gambling Commission's 5th Edition Guidance to Licensing Authorities (September, 2015). and contains the minimum of amendments and no changes to the intent or direction of the previous policy, which is that the Council seeks to ensure that premises for Gambling uphold the licensing objectives.

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

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

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

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

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

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

The consultation for the policy will take place between ~~6 October 2016??~~ and ~~23 December 2016,??~~ a period of ~~12-6~~ weeks. The Licensing Authority has followed, as far is reasonably practicable given the time constraints, the Revised Code of Practice (April 2004) and the Cabinet Office Guidance on consultations by the public sector__.

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

The draft policy is published on Maidstone Borough Council's website <http://www.maidstone.gov.uk/>. ~~Copies will be placed in the public libraries within the area and is available in the Council's principal offices.~~

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

3. Declaration

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

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

4. Licensing Authority Functions

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

Gambling Commission Functions

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

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

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

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

5. Operators

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

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

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

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

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

6. Risk Assessments

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

~~Following that date, operators must also undertake a review of these assessments when certain triggers are met. These 'triggers', along with the Council's views on what would~~

~~instigate either a new assessment or the review of an existing one are detailed at appendix B attached to this document.~~

~~Operators are advised to share their risk assessments when submitting such applications, or otherwise at the request of the Licensing Authority, such as when they are inspecting a premises.~~

~~Such risk assessments can make reference to the Licensing Authority's Local Area Profile, which may be compiled with respect to reported gambling-related problems in an area.~~

~~The Licensing Authority expects applicants to have a good understanding of the area in which they either operate, or intend to operate. The applicant will have to provide evidence that they meet the criteria set out in this Statement of Principles and demonstrate that in operating the premises they will promote the licensing objectives.~~

~~The Gambling Commission introduced a Social Responsibility Code of Practice requiring operators of premises used for gambling to conduct local area risk assessments and an Ordinary Code stating this should be shared with the Licensing Authority in certain circumstances in May 2016.~~

~~The Licensing Authority expects applicants for Premises Licences in its area to submit a risk assessment with their application when applying for a new premises licence, when applying for a variation to a premises licence or when changes in the local environment or the premises warrant a risk assessment to be conducted again.~~

~~The risk assessment should demonstrate the applicant has considered, as a minimum:~~

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

~~It is recommended that operators liaise with other gambling operators in the area to identify risks and consult with any relevant responsible authorities as necessary.~~

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

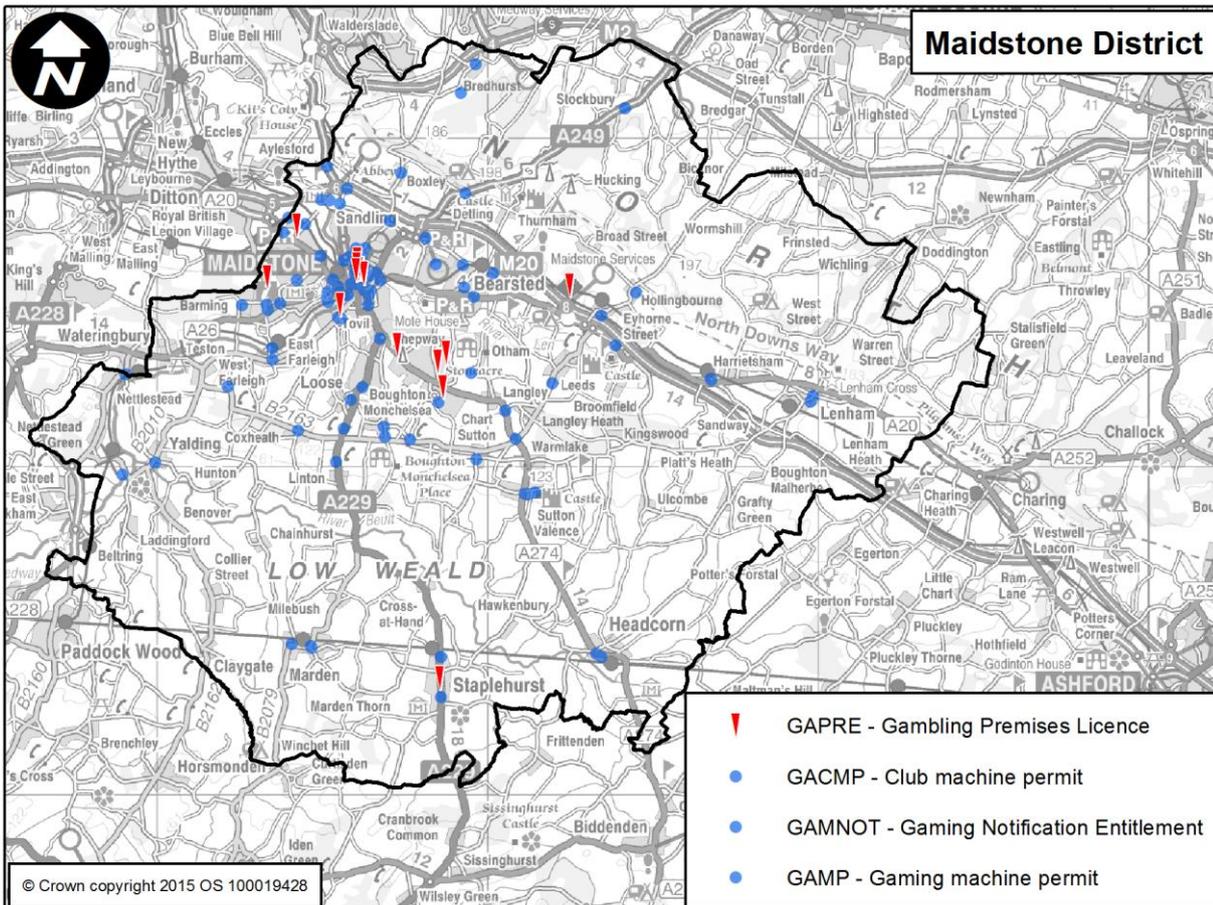
~~The Licensing Authority expects applicants to keep a copy of the local area risk assessment on the licensed premises and to ensure that all staff have seen the risk~~

assessment, have received training in respect of its content, and are able to produce the risk assessment on request by an authorised officer of the Council, the Police or the Gambling Commission.

7. Local Area Profile (LAP)

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

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



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

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

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

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

8. Responsible Authorities

In exercising the Licensing Authority's powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm, the following principles have been applied:

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

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

Children's and Families - KCC Social Service

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

9. Interested parties

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

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

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

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

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

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

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

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

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

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

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

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

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

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

If there are any doubts then please contact the Licensing Team via email at licensing@maidstone.gov.uk or by telephone 01622 ~~602028~~602528.

10. Exchange of Information

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

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

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

11. Public Register

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

12. Compliance and Enforcement

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

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

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

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

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

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

The Licensing Authority's principles are that:

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

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

The Licensing Authority will adopt a risk based inspection programme.

New premises, premises under new management, premises where complaints have been received or intelligence received relevant to the licensing objectives and premises or operators where compliance failings have been identified previously will attract a higher risk rating. Premises located in areas where there have been incidents of crime affecting or relating to gambling premises, or where the premises themselves have been the victims or involved in such crime, shall also attract a higher risk rating. The Council will conduct baselining assessments to assess initial risk ratings for gambling premises in its district. The Licensing Authority operates a partnership approach to dealing with enforcement matters concerning licensed premises. This may include working with the Police or any of the other responsible authorities under the Act, or working with colleagues from other Council departments or outside agencies.

The Licensing Authority needs to be satisfied premises are being run in accordance with the provisions of the Act, the licensing objectives, the Licence Conditions and Codes of Practice issued by the Gambling Commission and any conditions attached to the Premises Licence. To achieve this, the Licensing Authority will inspect premises, look at gambling facilities, gaming machines and policies and procedures, meet with licence holders and carry out general monitoring of areas as necessary.

Inspection and enforcement under the Act will be based on the principles of risk assessment, a graduated response and the targeting of problem premises. The frequency of inspections will be determined on risk-based criteria with high risk operations receiving more attention than premises carrying lower risk.

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

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

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

Appendix 1

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

1. Permits

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

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

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

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

The Licensing Authority will also expect applicants to demonstrate

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- What staff should do if they suspect that truant children are on the premises;
- How staff should deal with unsupervised young children on the premises;
- How staff should deal with children causing perceived problems on or around the premises;
- Safeguarding awareness training; and

- A basic criminal record check for staff or equivalent criminal records check for the applicant and also the person who has the day to day control of the premises;

The Licensing Authority will also expect applicants to demonstrate

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

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

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

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

- the all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize) or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.
- Prize gaming permits are issued for 10 years and there is no annual fee.

(iv) Club Gaming and Club Machines Permits (Schedule 12 Para 1) [insert page 44 - 45, need more club info.](#)

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

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

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

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

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons, or by both;
- (c) an offence under the Act or a breach of a condition of a permit has been committed by the applicant while providing gaming activities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Gambling Commission or the police.

Fast Track Procedure (Schedule 12(10))

There is also a procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12, para 10). As the Gambling Commission's Guidance for local authorities' states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:

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

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

The Licensing Authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit. In order to do this, it may require proof of additional information from the operator such as:

- is the primary activity of the club something other than gaming?
- are the club's profits retained solely for the benefit of the club's members?
- are there 25 or more members?
- are the addresses of members of the club genuine domestic addresses and do most members live reasonably locally to the club?
- do members participate in the activities of the club via the internet?
- do guest arrangements link each guest to a member?
- is the 48 hour rule being applying for membership and being granted admission being adhered to?
- are there annual club accounts available for more than one year?
- how is the club advertised and listed in directories and on the internet?
- are children permitted in the club?
- does the club have a constitution and can it provide evidence that the constitution was approved by members of the club?
- is there a list of Committee members and evidence of their election by the club members?

When examining the club's constitution, the Licensing Authority would expect to see evidence of the following:

- Who makes commercial decisions on behalf of the club?
- Are the aims of the club set out in the constitution?
- Are there shareholders or members? Shareholders indicate a business venture rather than a non-profit making club.
- Is the club permanently established? (Clubs cannot be temporary).
- Can people join with a temporary membership? What is the usual duration of membership?
- Are there long term club membership benefits?

Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming. The Licensing Authority may consider such factors as:

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

Appendix 2

2. Gambling Premises Licences

(i) Decision making - general:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) "Premises":

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

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

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

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

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

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

(iii) Location:

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

(iv) Planning:

Planning and licensing are different regulatory systems and will be dealt with separately. The Gambling Commission's Guidance states: "When dealing with a premises licence application for finished buildings, the Licensing Authority should not take into account whether those buildings have or comply with the necessary planning or building consents.

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

(v) Duplication:

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

(vi) Door Supervisors:

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

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

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

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

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

(vii) Licensing objectives:

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

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

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

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

(viii) Reviews:

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

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

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

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

(ix) Provisional Statements:

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

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

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

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been

addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances.

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

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which in the authority's opinion reflect a change in the operator's circumstances.

(c) Where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and licensing authorities should discuss any concerns they have with the applicant before making a decision.

(e)(d) Operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Gambling premises do not have to be complete before a Premises Licence can be granted. The Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them.

(x) Adult Gaming Centres (AGC):

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

Because gaming machines provides opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The Licensing Authority in considering Premises Licences for AGC's will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds are not attracted to, or gain access to, the premises.

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

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry

- Notices/signage
- Specific opening hours
- Self-exclusion ~~Self-barring~~ schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

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

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

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

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

As gaming machines are a form of gambling which is attractive to children and licensed FEC's will contain both Category D machines on which they are allowed to play, and Category C machines on which they are not. Because gaming machines provide opportunities for solitary play and for immediate payouts, they are more likely to engender repetitive and excessive play. The Licensing Authority, in considering applications for FEC Premises Licences, will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

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

- * CCTV
- * Supervision of entrances/machine areas
- * Physical separation of areas
- * Location of entry
- * Notices/signage
- * Specific opening hours
- * Self-exclusion ~~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.

(xii) Tracks:

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

(xiii) Casinos:

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

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

(xiv) Bingo:

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

The Licensing Authority expects that where children are permitted in bingo premises, any Category B or C machines are located in an area which is separated from the rest of the premises by barriers or in a separate room, where it is made clear that entry is permitted only for those aged 18 or over. Appropriate signage should be provided to this effect and the area should be monitored by staff, either through direct supervision or by monitored CCTV.

To avoid a situation where a premises holds a bingo Premises Licence primarily to benefit from the gaming machine allowance, the Licensing Authority will need to be satisfied that bingo is regularly played in any premises for which a Premises Licence is issued and that the premises presentation is clearly that of a bingo premises and readily identifiable as such to any customer using the premises.

(xv) Temporary Use Notice (TUN):

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

(xvi) Occasional Use Notice (OUN):

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

(xvii) Small Society Lotteries

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

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

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

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

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

(xviii) Travelling Fairs:

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

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

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

Help with gambling related problems:

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

Appendix 3

Responsible Authorities:

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

Licensing Team

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

Tel: 01622 602028

e-mail: licensing@maidstone.gov.uk

Website: www.maidstone.gov.uk

Local Planning Authority

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

Tel: 01622 602736

e-mail:

planningsupport@midkent.gov.uk

Chief Police Officer – (West Division)

Maidstone Police Station
Palace Avenue
Maidstone
Kent
ME15 6NF

Tel: 01622 690690

e-mail:

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

Information can also be obtained from:

Gambling Commission

Victoria Square House
Victoria Square
Birmingham. B2 4BP

Tel: 0121 230 6666

Fax 0121 230 6720

e-mail: info@gamblingcommission.gov.uk

Website: www.gamblingcommission.gov.uk

Environmental Protection/ Health and Safety

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

Tel: 01622 602202

e-mail:

enforcementoperations@maidstone.gov.uk

Kent Safeguarding Children's Board

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

e-mail: kscb@kent.gov.uk

social.services@kent.gov.uk

Appendix 4

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

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

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

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

Appendix 5

LIST OF CONSULTEES

All Maidstone Borough Councillors

All Parish Councillors

All premises currently licensed to sell or supply alcohol

All premises currently licensed for regulated entertainment

All premises currently licensed for late night refreshments

Any other prescribed in regulations by Secretary of State

Town Centre Management

Environment Agency

British Waterways Board

GamCare

2 & 3 Baden Place

Crosby Row

London SE1 1YW

Tel: 020 7378 5200

Website: www.gamcare.org.uk

The Bingo Association

Lexham House

75 High Street (North)

Dunstable

Bedfordshire LU6 1JF

Tel: 01582 860921

Website: www.bingo_association.co.uk

British Casino Association

38 Grosvenor Gardens

London SW1W 0EB

Tel: 020 7730 1055

Website: www.britishcasinoassociation.org.uk

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

SUMMARY OF GAMING MACHINES BY PREMISES

Appendix 6

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

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

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

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

Appendix 7

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

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

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

* [These values are subject to change](#)

Appendix 8

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

Contents

1. The Gambling Act 2005
2. Purpose of this document
3. Unlicensed Family Entertainment Centres (UFECs)
4. Prize Gaming Permits
5. Statement of Principles for UFEC gaming machine permits and prize gaming permits
6. Supporting documents
7. Child Protection Issues
8. Protection of Vulnerable Persons
9. Miscellaneous Matters

1. The Gambling Act 2005

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

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

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

The licensing objectives are:

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

2. Purpose of this document

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

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

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

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

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

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

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

3. Unlicensed Family Entertainment Centres

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

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

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

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

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

4. Prize Gaming Permits

Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where bingo is offered and the prizes are displayed.

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

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

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

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

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

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

Supporting documents

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

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

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

- The boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways where any category D gaming machines are positioned and the particular type of machines to be provided (e.g. Slot machines, penny falls, cranes)
- The location where any prize gaming will take place (including any seating and tables) and the area where any prizes will be displayed
- The positioning and types of any other amusement machines on the premises
- The location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area the location of any ATM/cash machines or change machines the location of any fixed or temporary structures such as columns or pillars
- The location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
- The location of any public toilets in the building.

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

6. Child Protection Issues

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

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

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

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

7. Protection of Vulnerable Persons.

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

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

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

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

8. Miscellaneous Matters

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

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

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

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

From: Clerk Boxley PC [mailto:clerk@boxleyparishcouncil.org.uk]
Sent: 07 September 2018 19:40
To: Lorraine Neale
Subject: Draft Gambling Act Statement of Principles Policy for 2019-2022

At its meeting on 3 September the parish council made the following comments

The Draft Statement of Principles are supported.

Regards

Pauline Bowdery

Pauline Bowdery
Clerk

Web: www.boxleyparishcouncil.org.uk

From: REDACTED [mailto:]
Sent: 10 August 2018 13:04
To: Lorraine Neale
Subject: Draft Gambling Act Policy.

Hi Lorraine,

This is a response to the recent Consultation email fro MBC. I have not read the policy.

I just wanted to say that gambling is for many people an addiction that is harmful to them and to others. I have seen it destroy marriages, often with severe adverse effects on children, and lead people into crime and imprisonment.

Since the 1950s we have moved on from gambling that for many was largely based on low stake football pools and 'penny in the slot' machines in amusement arcades. Now we have lottery entries on sale in many newsagents and elsewhere, gambling machines that can milk hundreds in a short period of time, casinos and on line gambling that almost invariable leave people severely out of pocket, and 'competitions' on various TV shows and elsewhere that make large sums for their organisers (is that covered by gambling law? it definitely should be,)

I will not attempt to go into the psychology of the gambler here. I just wanted to say that anything that the Council can do to limit this terrible disease would be most welcome.

Thank you,
REDACTED,

From: gamblingcommission.gov.uk]

Sent: 10 September 2018 08:38

To: Licensing (MBC)

Subject: Comments on Maidstone's Draft Statement of Principles for Gambling

The Commission has been sent a copy of Maidstone's draft Statement of Principles for Gambling. I have had the opportunity to read the document and have some comments to make which may assist. This is not a representation, and there is no need to treat it as such – the comments are for your advice only.

1. Unlicensed FEC Permits - You should specify here that a uFEC Permit is only where the applicant wishes to make Cat D gaming machines available (i.e. machines that may be played by children). It is not for any other type of gaming machine.
2. Prize Gaming Permits - these considerations should also apply to uFEC permits, as these are premises which primarily cater to children and which are not regulated by the GC, only via a permit from the LA
3. Requirement for gaming machines to be in a separate area (for Premises Licences) - this only applies to Licensed FEC's and Bingo premises and not to AGC or Betting premises, which are only for adults anyway. This should be clarified.
4. Provisional Statements – gambling premises do not have to be complete before a Premises Licence can be granted. **The GLA states:**

Consideration of planning permission and building regulations

7.58 In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence. **This is why the Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them.** [Part 11](#) of this guidance gives more information about provisional statements.

7.59 As the Court has held in a 2008 case¹⁹, **operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits.** Such cases should be considered in a two stage process; first, licensing authorities must decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application a licensing authority will need to consider if 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.

5. Self-exclusion: the term "self-barring" used in the draft should be replaced by "self-exclusion", which is the correct term.

I hope this is helpful to you.

Best wishes

(REDACTED)

Compliance Manager

Gambling Commission
Victoria Square House
Victoria Square
Birmingham B2 4BP

Telephone: 0121 230 6603
www.gamblingcommission.gov.uk

Agenda Item 15

Communities, Housing & Environment Committee

11 December 2018

Key Performance Indicator Update Quarter 2 2018/19

Final Decision-Maker	Communities, Housing & Environment Committee
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications, and Governance
Lead Officer and Report Author	Anna Collier, Policy and Information Manager and Ashley Sabo, Performance and Business Information Officer
Classification	Public
Wards affected	All

Executive Summary

Communities, Housing & Environment Committee are asked to review the progress of Key Performance Indicators that relate to the delivery of the Strategic Plan 2015-2020. The Committee is also asked to consider the comments and actions against performance to ensure they are robust.

This report makes the following recommendations to Communities, Housing & Environment Committee:

1. That the summary of performance for Quarter 2 of 2018/19 for Key Performance Indicators (KPIs) be noted.

Timetable

Meeting	Date
Communities, Housing & Environment Committee	11 December 2018

Key Performance Indicator Update Quarter 2 2018/19

1. INTRODUCTION AND BACKGROUND

- 1.1 Having a comprehensive set of actions and performance indicators ensures that the Council delivers against the priorities and actions set in the Strategic Plan.
- 1.2 Performance indicators are judged in two ways. Firstly on whether performance has improved, sustained or declined, compared to the same period in the previous year. This is known as direction. Where there is no previous data, no assessment of direction can be made.
- 1.3 The second way is to look at whether an indicator has achieved the target set and is known as PI status. If an indicator has achieved or exceeded the annual target they are rated green. If the target has been missed but is within 10% of the target it will be rated amber, and if the target has been missed by more than 10% it will be rated red.
- 1.4 Some indicators will show an asterisk (*) after the figure. These are provisional values that are awaiting confirmation. Data for some of the indicators were not available at the time of reporting. In these cases a date has been provided for when the information is expected.
- 1.5 Contextual indicators are not targeted but are given a direction. Indicators that are not due for reporting or where there is delay in data collection are not rated against targets or given a direction.

2. Quarter 1 Performance Summary

- 2.1 There are 27 key performance indicators (KPIs) which were developed with Heads of Service and unit managers, and agreed by the four Service Committees for 2018/19. 13 are reported to the Committee for this quarter.
- 2.2 Overall, 90% (9) of targeted KPIs reported this quarter achieved their target compared to 75% (6) in quarter 1 and 78% (7) in the same quarter last year.
- 2.3 There are 3 contextual indicators (indicators without targets) represented in the chart below as N/A, these indicators were requested for inclusion as they are important to assessing how the council is performing by examining the outcomes. These indicators are; the percentage of littering reports attended to, the number of households living in temporary accommodation at the last night of the month and the number of households living in nightly paid temporary accommodation on the last night of the month.

RAG Rating	Green	Amber	Red	N/A	Total
KPIs	9	0	1	3	13
Direction	Up	No Change	Down	N/A	Total
Last Year	5	0	6	2	13
Last Quarter	4	0	7	2	13

3. Performance by Priority

Priority 1: Keeping Maidstone Borough an attractive place for all

- 3.1 The percentage of reports of littering attended was 54.4%. This is calculated by taking the number of reports received from residents about littering divided the number of these that required additional action (for example litter picking or a mechanical sweep). The objective for the team is to reduce the amount of responsive work required due to the schedules being sufficient to deliver a clean borough.
- 3.2 This quarter has seen improvements to the schedules implemented which has reduced the amount of responsive actions required. It is impossible to eliminate all responsive action as incidences of littering unfortunately can occur any time after a road has been cleaned. The target is to get below 50%.
- 3.3 The percentage of fly tips resulting in enforcement action was 83.3% against a target of 50%. In this quarter the new Waste Crime Officer joined the team along with the second on-street enforcement officer. This has resulted in a significant increase in enforcement activity and the issuing of FPNs and warnings. The team are also now carrying out regular joint operations with the Police and have taken action to seize vehicles from offenders. This performance is exceptionally high and over the course of the year may not be sustainable.
- 3.4 The percentage of fly-tips cleared or assessed within 2 working days was 90.27% against a target of 89% and the percentage of fly-tips cleared or assessed within 4 working days was 94.97% against a target of 94%. The targets have been achieved due to collaborative working between the Cleansing and Waste Crime Team. With these two teams working within the same depot a greater ability to deal with reports and sharing of information.
- 3.5 54.34% of household waste was sent for reuse, recycling, or composting during quarter 2. Performance has continued to be maintained at the higher level due to lower contamination and higher levels of food waste recycling. This follows substantial work to re-engage residents with the service. Garden waste has seen a decline due to the exceptionally dry, hot weather, however refuse has also been lower than expected, possibly due to the work to tackle waste accumulations in flats and the holiday period.
- 3.6 The percentage of relevant land and highways that is assessed as having acceptable levels of litter was 99.7% against a target of 94%. The level of "acceptable" litter is defined by the DEFRA Code of Practice and means the road is predominately free of litter with no accumulations. The high performance has been due to increase litter picking of rural roads and a greater amount of resource targeting littering along high speed roads.
- 3.7 The percentage of relevant land and highways that is assessed as having acceptable levels of detritus was 97.7% against a target of 94%. Detritus is the breakdown of organic matter on the highway. This does not include leaves until they have broken down and are no longer recognisable as leaves. Detritus build up is more indicative of the effectiveness of the

Council's sweeping schedules. The good performance was achieved due to an increase of mechanical sweeping in residential areas during the school holiday period as there were less parked cars.

- 3.8 The percentage of spend and allocation of Disabled Facilities Grant Budget (YTD) was 45.9% against a target of 45%. With new staff in post, progress with improving delivery will continue. Demand for grant remains strong and the expectation with this level of demand is the target will be met.

Priority 2: Securing a successful economy for Maidstone Borough

- 3.9 The number of households housed through housing register this quarter was 152 against a target of 150. The quarter is lower than the previous quarter's figure of 173 due to less properties coming through from Registered Providers and a smaller amount of new build units being completed during this quarter.
- 3.10 The number of affordable homes delivered (gross) was 50 against a quarterly target of 45. There have been a total of 128 affordable homes delivered for the first two quarters of the year, exceeding the mid-year target by 38 homes. We remain on track to achieve the year-end target.
- 3.11 This quarter the Prevention Duty was ended to 48 households as a result of accommodation having been secured for a minimum of 6 months. A further 27 households were owed the Relief Duty and this was ended as a result of accommodation being available for a minimum of 6 months. Due to the new measure of reporting against this KPI the target is unlikely to be met but will act as a benchmark for target setting for the next financial year.
- 3.12 The number of households living in temporary accommodation on last night of the month was 135, which is an increase of 25 on the previous quarter. Of these, 75 were nightly paid, 52 were within our own stock, and 8 were by Registered Social Landlords. The ongoing implementation and awareness of the Homelessness Reduction Act in April 2018 continues to have a significant rise in the numbers accommodated within temporary accommodation.
- 3.13 The number of households living in nightly paid temporary accommodation (TA) on the last night of the month was 75, which is an increase of 21 on the previous quarter. This is the total number of nightly paid accommodation from private landlords, hotels and B&Bs. We have seen a continual rise since quarter 4 of 2017/18 as the numbers in TA continue to rise. These nights are predominantly in Maidstone, however some cover Medway, Swale, Gravesham and Ashford. The average nightly cost of temporary accommodation is as follows: 1 bed is £35, 2 beds is £45 and 3-4 beds starting from £55. However the use of hotels and B&B drives this cost up.

4. RISK

- 4.1 This report is presented for information only, committees, managers and heads of service can use performance data to identify service performance and this data can contribute to risk management.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 The Key Performance Indicator Update is reported quarterly to the Service Committees; Communities Housing and Environment Committee, Strategic Planning, Sustainability and Transportation Committee, and Heritage Culture and Leisure Committee. Each Committee receives a report on the relevant priority action areas. The report is also presented to Policy & Resources Committee, reporting only on the priority areas of: A clean and safe environment, regenerating the Town Centre, and a home for everyone.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The Council could choose not to monitor the Strategic Plan and/or make alternative performance management arrangements, such as frequency of reporting. This is not recommended as it could lead to action not being taken against performance during the year, and the Council failing to deliver its priorities.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The key performance indicators and strategic actions are part of the Council's overarching Strategic Plan 2015-20 and play an important role in the achievement of corporate objectives. They also cover a wide range of services and priority areas, for example waste and recycling.	Head of Policy, Communications & Governance
Risk Management	The production of robust performance reports ensures that the view of the Council's approach to the management of risk and use of resources is not undermined and allows early action to be taken in order to mitigate the risk of not achieving targets and outcomes.	Head of Policy, Communications & Governance
Financial	Performance indicators and targets are closely linked to the allocation of resources and determining good value for money. The financial implications of any proposed changes are also identified and taken into account in the Council's Medium Term Financial Plan and associated annual budget setting process. Performance issues are	Senior Finance Officer (Client)

	highlighted as part of the budget monitoring reporting process.	
Staffing	Having a clear set of targets enables staff outcomes/objectives to be set and effective action plans to be put in place	Head of Policy, Communications & Governance
Legal	There is no statutory duty to report regularly on the Council's performance. However, under Section 3 of the Local Government Act 1999 (as amended) a best value authority has a statutory duty to secure continuous improvement in the way in which its functions are exercised having regard to a combination of economy, efficiency and effectiveness. One of the purposes of the Key Performance Indicators is to facilitate the improvement of the economy, efficiency and effectiveness of Council Services. Regular reports on the Council's performance assist in demonstrating best value and compliance with the statutory duty.	Team Leader (Corporate Governance), MKLS
Privacy and Data Protection	The data will be held and processed in accordance with the data protection principles contained in the Data Protection Act 2018 and in line with the Data Quality Policy, which sets out the requirement for ensuring data quality. There is a program for undertaking data quality audits of performance indicators.	Team Leader (Corporate Governance), MKLS
Equalities	The Performance Indicators reported on in this quarterly update measure the ongoing performance of the strategies in place. If there has been a change to the way in which a service delivers a strategy, i.e. a policy change, an Equalities Impact Assessment is undertaken to ensure that there is no detrimental impact on individuals with a protected characteristic.	Equalities & Corporate Policy Officer
Crime and Disorder	None Identified	Policy & Information Manager
Procurement	Performance Indicators and Strategic Milestones monitor any procurement needed to achieve the outcomes of the Strategic Plan.	Head of Policy, Communications & Governance, & Section 151 Officer

8. REPORT APPENDICES

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

- Appendix 1: Key Performance Indicator Update Quarter 2 18/19

9. BACKGROUND PAPERS

None

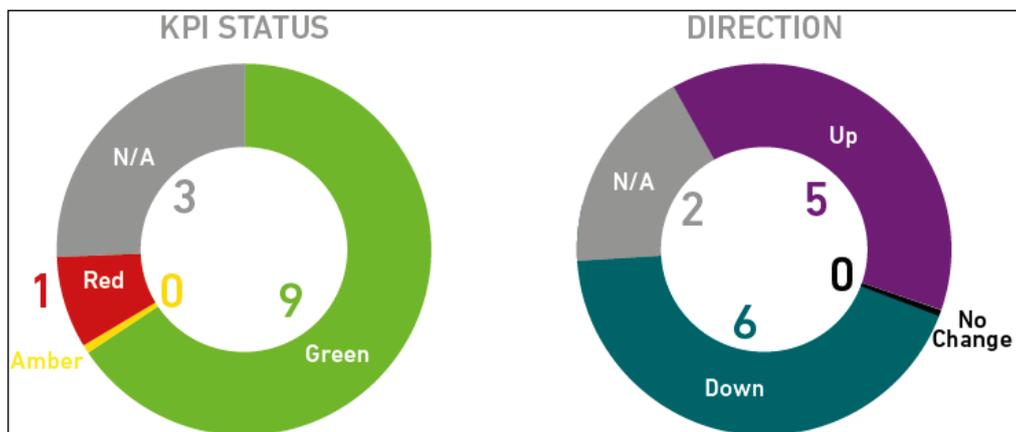
Performance Summary

This is the quarter 2 performance update on Maidstone Borough Council’s Strategic Plan 2015-20. It sets out how we are performing against Key Performance Indicators that directly contribute to the achievement of our priorities. Performance indicators are judged in two ways; firstly, whether an indicator has achieved the target set, known as PI status. Secondly, we assess whether performance has improved, been sustained or declined, compared to the same period in the previous year, known as direction.

Key to performance ratings

RAG Rating	
	Target not achieved
	Target slightly missed (within 10%)
	Target met
	Data Only

Direction	
	Performance has improved
	Performance has been sustained
	Performance has declined
N/A	No previous data to compare



RAG Rating	Green	Amber	Red	N/A	Total
KPIs	9	0	1	3	13
Direction	Up	No Change	Down	N/A	Total
Last Year	5	0	6	2	13
Last Quarter	4	0	7	2	13

Priority 1: Keeping Maidstone Borough an attractive place for all

Providing a clean and safe environment

Performance Indicator	Value	Target	Status	Last Year	Last Quarter
Percentage of reports of littering attended to	54.4%			N/A	
Percentage of fly tips resulting in enforcement action	83.3%	50%			
Percentage of fly-tips cleared or assessed within 2 working days	90.27%	89%			
Percentage of fly-tips cleared or assessed within 4 working days	94.97%	94%		N/A	
Percentage of household waste sent for reuse, recycling and composting (NI 192)	54.34%	52.5%			
The percentage of relevant land and highways that is assessed as having acceptable levels of litter	99.67%	94%			N/A
The percentage of relevant land and highways that is assessed as having acceptable levels of detritus	97.70%	94%			N/A

Encouraging good health and wellbeing

Performance Indicator	Value	Target	Status	Last Year	Last Quarter
Percentage spend and allocation of Disabled Facilities Grant Budget (YTD)	45.9%	45%			

Priority 2: Securing a successful economy for Maidstone Borough

A home for everyone

Performance Indicator	Value	Target	Status	Last Year	Last Quarter
Number of households housed through housing register	152	150			
Number of affordable homes delivered (gross)	50	45			
Number of households prevented from becoming homeless through the intervention of housing advice	77	150			
Number of households living in temporary accommodation last night of the month	135				
Number of households living in nightly paid temporary accommodation on the last night of the month	75				

Agenda Item 16

Communities, Housing and Environment Committee

11 December 2018

2nd Quarter Budget Monitoring 2018/19

Final Decision-Maker	Communities, Housing and Environment Committee
Lead Head of Service/Lead Director	Mark Green, Director of Finance & Business Improvement
Lead Officer and Report Author	Ellie Dunnet, Head of Finance
Classification	Public
Wards affected	All

Executive Summary

This report sets out the financial position for this Committee at the end of Quarter 2 2018/19 against the revenue and capital budgets.

For this Committee, there is an underspend against the revenue budget of £0.792m, but this is expected to change to an underspend of £0.290m by the end of this financial year.

Capital expenditure totalling £0.342m has been incurred between 1 April and 30 September, for the projects which sit within this Committee's remit. At this stage, it is anticipated that there will be slippage of £5.807m into 2019/20.

This report makes the following recommendations to this Committee:

1. That the revenue position at the end of the second quarter and the actions being taken or proposed to improve the position, where significant variances have been identified, be noted.
2. That the capital position at the end of the second quarter is noted.

Timetable

Meeting	Date
Communities, Housing and Environment Committee	11 December 2018

2nd Quarter Budget Monitoring 2018/19

1. INTRODUCTION AND BACKGROUND

- 1.1 The Medium Term Financial Strategy for 2018/19 onwards was agreed by full Council on 7 March 2018. This report advises and updates the Committee on how each service has performed in regards to revenue and capital expenditure against the approved budgets within its remit.
 - 1.2 The Director of Finance & Business Improvement is the Responsible Financial Officer, and has overall responsibility for budgetary control and financial management. However in practice, day to day budgetary control is delegated to service managers, with assistance and advice from their director and the finance section.
 - 1.3 Attached at **Appendix 1** is a report detailing the position for the revenue and capital budgets at the end of the September 2018. This is a new format from that used in previous years, designed to bring together all the relevant information in a single report that can also be used as a stand-alone document. It includes all the information that Members have previously seen in budget monitoring reports.
-

2. AVAILABLE OPTIONS

- 2.1 There are no matters for decision in this report. The Committee is asked to note the contents but may choose to take further action depending on the matters reported here.
-

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 In considering the current position on the revenue budget and the capital programme at the end of September 2018 the committee can choose to note this information or it could choose to take further action.
 - 3.2 The committee is requested to note the content of the report and agree on any necessary action to be taken in relation to the budget position.
-

4. RISK

- 4.1 This report is presented for information only and has no risk management implications.
- 4.2 The Council has produced a balanced budget for both capital and revenue expenditure and income for 2018/19. This budget is set against a backdrop of limited resources and a difficult economic climate. Regular and comprehensive monitoring of the type included in this report ensures early warning of significant issues that may place the Council at financial risk. This gives this committee the best opportunity to take actions to mitigate

such risks.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 No consultation has been undertaken in relation to this report.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 The second quarter budget monitoring reports are being considered by the relevant Service Committees between October and December, including a full report to Policy & Resources Committee on 21 November 2018.

6.2 Details of the discussions which take place at service committees regarding budget management will be reported to Policy and Resources Committee where appropriate.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	This report monitors actual activity against the revenue budget and other financial matters set by Council for the financial year. The budget is set in accordance with the Council's Medium Term Financial Strategy which is linked to the strategic plan and corporate priorities.	Director of Finance & Business Improvement
Risk Management	This has been addressed in section 4 of the report.	Director of Finance & Business Improvement
Financial	Financial implications are the focus of this report through high level budget monitoring. The process of budget monitoring ensures that services can react quickly to potential resource problems. The process ensures that the Council is not faced by corporate financial problems that may prejudice the delivery of strategic priorities.	Director of Finance & Business Improvement

Staffing	The budget for staffing represents a significant proportion of the direct spend of the council and is carefully monitored. Any issues in relation to employee costs will be raised in this and future monitoring reports.	Director of Finance & Business Improvement
Legal	The Council has a statutory obligation to maintain a balanced budget and this monitoring process enables the committee to remain aware of issues and the process to be taken to maintain a balanced budget for the year.	Mid Kent Legal
Privacy and Data Protection	No specific issues arise.	Director of Finance & Business Improvement
Equalities	The budget ensures the focus of resources into areas of need as identified in the Council's strategic priorities. This monitoring report ensures that the budget is delivering services to meet those needs.	Director of Finance & Business Improvement
Crime and Disorder	No specific issues arise.	Director of Finance & Business Improvement
Procurement	No specific issues arise.	Director of Finance & Business Improvement

8. REPORT APPENDICES

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

- Appendix 1: Second Quarter 2018/19 Revenue and Capital Monitoring – Communities, Housing and Environment

9. BACKGROUND PAPERS

None

Second Quarter Budget Monitoring 2018/19

Communities, Housing and Environment
Committee

11 December 2018

Lead Officer: Mark Green

Report Author: Ellie Dunnet / Paul Holland

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Executive Summary

This report is intended to provide Members with an overview of performance against revenue and capital budgets and outturn during the second quarter of 2018/19 for the services within this Committee's remit.

Robust budget monitoring is a key part of effective internal financial control, and therefore is one of the elements underpinning good corporate governance.

The aim of reporting financial information to service committees at quarterly intervals is to ensure that underlying trends can be identified at an early stage, and that action is taken to combat adverse developments or seize opportunities.

It is advisable for these reports to be considered in conjunction with quarterly performance monitoring reports, as this may provide the context for variances identified with the budget and general progress towards delivery of the Council's strategic priorities.

Headline messages for this quarter are as follows:

- For this Committee, there is an underspend against the revenue budget at the end of the second quarter. An underspend of £290,000 is projected by the end of this financial year.
- The position for the Council as a whole at the end of the second quarter is an underspend against the revenue budgets of £1.6m. This figure includes a number of large grants received that will be carried forward into 2019/20. We do however expect to remain within budget for the year at this stage.
- Capital expenditure totaling £3.42m has been incurred between 1 April and 30 September, for the projects which sit within this Committee's remit. At this stage, it is anticipated that there will be slippage of £5.807m into 2019/20.
- Overall capital expenditure totaling £5.914m has been incurred between 1 April and 30 September, against a budget of £28.754m.

Revenue Budget

2nd Quarter

2018/19



Revenue Spending

At the end of the second quarter, there is an overall positive variance of £0.792m against the revenue budget for this Committee. This figure incorporates a number of grants which we are anticipating will be carried forward into 2019/20. Based on current information, we are forecasting that this will decrease to an underspend of £0.290m by the end of the year.

As illustrated by the chart below, all committees have kept expenditure within the agreed budget, however two Committees are showing a shortfall against their income budgets. The specific issues for this Committee are discussed later in this report.

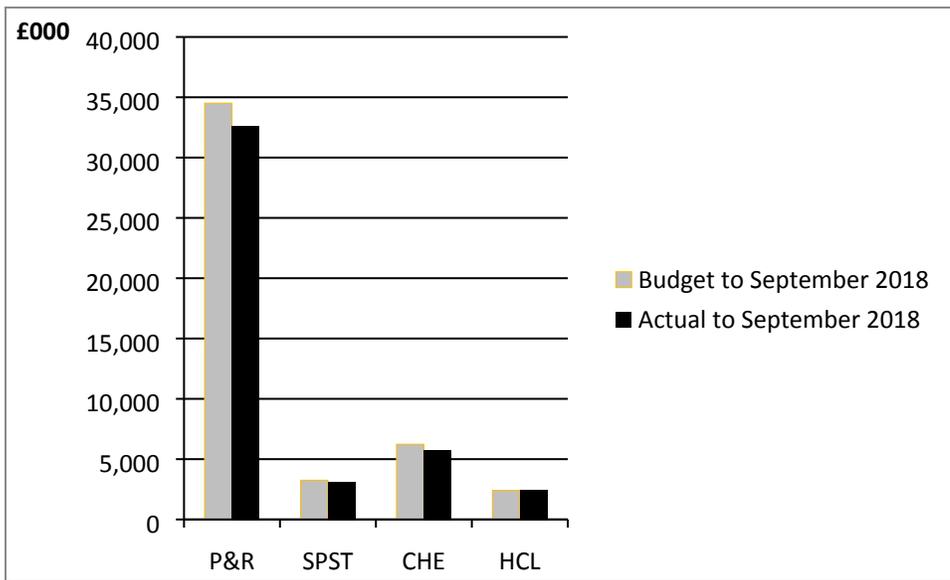


Chart 1 Performance against budget analysed by service committee (Expenditure)

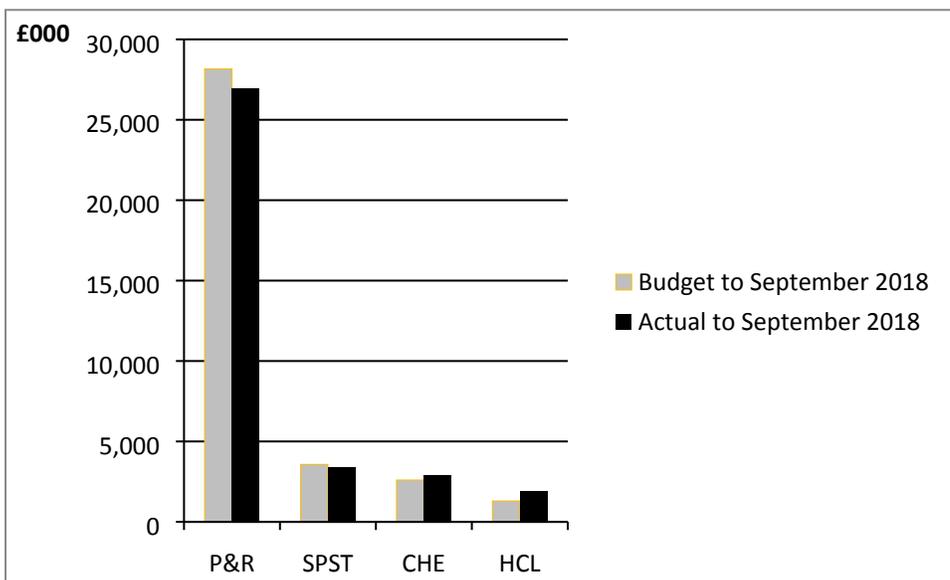


Chart 2 Performance against budget analysed by service committee (Income)

The table on the following page details the budget and expenditure position for this Committee's services during the second quarter. These figures represent the net budget for each cost centre. The actual position includes expenditure for goods and services which we have received but not yet paid for.

The columns of the table show the following detail:

- a) The cost centre description;
- b) The value of the total budget for the year;
- c) The amount of the budget expected to be spent by the end of September 2018;
- d) The actual spend to that date;
- e) The variance between expected and actual spend;
- f) The forecast spend to year end; and
- g) The expected significant variances at 31 March 2019.

The table shows that of a net annual expenditure budget of £8.665m it was expected that £3.636m would be spent up until the end of September. At this point in time the budget is reporting an underspend of £792,000, and the current forecast indicates that the year-end position for this committee will decrease to an underspend of £290,000.

Revenue Budget Summary Q2 2018/19

(a)	(b)	(c)	(d)	(e)	(f)	(g)
Cost Centre(T)	Budget for Year £000	Budget to 30 September 2018 £000	Actual £000	Variance £000	Forecast 31 March 2019 £000	Forecast Variance 31 March 2019 £000
Community Safety	50	19	6	14	50	0
PCC Grant - Building Safer Communities	0	-15	-15	0	0	0
C C T V	198	101	128	-27	246	-48
Drainage	32	19	7	12	32	0
Licences	-6	-0	-0	-0	-6	0
Licensing Statutory	-68	-23	-36	13	-68	0
Licensing Non Chargeable	7	4	4	-0	7	0
Dog Control	25	10	17	-8	25	0
Health Improvement Programme	9	9	8	1	9	0
Pollution Control - General	233	14	7	7	233	0
Contaminated Land	0	0	0	-0	0	0
Waste Crime	68	34	20	14	68	0
Food Hygiene	9	4	-1	5	9	0
Sampling	3	1	0	1	3	0
Occupational Health & Safety	48	22	-5	27	8	40
Infectious Disease Control	1	0	0	-0	1	0
Noise Control	1	0	0	-0	1	0
Pest Control	-12	-6	-6	0	-12	0
Public Conveniences	156	73	100	-27	206	-50
Licensing - Hackney & Private Hire	-66	-33	-49	16	-66	0
Street Cleansing	1,002	501	476	25	1,002	0
Household Waste Collection	1,122	565	572	-7	1,122	0
Commercial Waste Services	-89	-44	-54	10	-89	0
Recycling Collection	695	346	303	43	635	60
Switch Cafe Project	0	0	4	-4	0	0
Social Inclusion	5	3	5	-2	5	0

Continued on next page

(a)	(b)	(c)	(d)	(e)	(f)	(g)
Cost Centre(T)	Budget for Year £000	Budget to 30 September 2018 £000	Actual £000	Variance £000	Forecast 31 March 2019 £000	Forecast Variance 31 March 2019 £000
Public Health - Obesity	0	-26	-29	3	0	0
Public Health - Misc Services	2	-1	-5	3	2	0
Grants	195	195	200	-5	195	0
Delegated Grants	2	2	1	1	2	0
Parish Services	127	64	53	11	127	0
Strategic Housing Role	65	8	5	3	65	0
Housing Register & Allocations	10	9	12	-3	10	0
Private Sector Renewal	-47	-49	-50	1	-47	0
HMO Licensing	-14	-7	-23	15	-14	0
Homeless Temporary Accommodation	559	280	259	21	559	0
Homelessness Prevention	431	-156	-535	379	272	159
Aylesbury House	42	21	8	12	42	0
Magnolia House	-9	-2	-10	8	-9	0
St Martins House	0	0	0	-0	0	0
Marsham Street	37	-7	-1	-5	37	0
Sundry Temporary Accommodation (TA) Properties	-34	-14	-17	3	-34	0
Pelican Court (Leased TA Property)	0	-33	-39	6	0	0
2 Bed Property - Temporary Accommodation	-35	-3	-26	24	-35	0
3 Bed Property - Temporary Accommodation	-16	-2	-16	14	-16	0
4 bed Property - Temporary Accommodation	-12	-5	-6	1	-12	0
1 Bed Property- Temporary Accommodation	0	1	-1	2	0	0
Marden Caravan Site (Stilebridge Lane)	19	9	-1	10	19	0
Ulcombe Caravan Site (Water Lane)	7	1	5	-5	7	0
Head of Environment and Public Realm	95	47	44	4	95	0
Community Partnerships & Resilience Section	515	257	228	29	459	56
Licensing Section	107	54	48	6	107	0
Environmental Protection Section	241	120	121	-0	241	0
Food and Safety Section	250	125	125	-0	250	0
Depot Services Section	654	327	318	10	654	0
Head of Housing & Community Services	106	53	52	1	106	0
Homechoice	200	100	92	8	200	0
Housing & Inclusion Section	642	302	290	12	642	0
Housing & Health Section	291	96	65	31	255	36
Housing Management	186	27	16	11	186	0
Homelessness Outreach	40	-51	-56	5	40	0
Fleet Workshop & Management	679	340	381	-42	729	-50
MBS Support Crew	-71	-35	-34	-1	-71	0
Grounds Maintenance - Commercial	-24	-12	-119	107	-111	87
	8,665	3,636	2,844	792	8,375	290

Table 1 Revenue Budget Position, Q2 2018/19 – Communities, Housing and Environment Committee

Significant Variances

Within these headline figures, there are a number of adverse and favourable variances for individual service areas. This report draws attention to the most significant variances, i.e. those exceeding £30,000 or expected to do so by the end of the year. The table below provides further detail regarding these variances, and the actions being taken to address them.

It is important that the potential implications of variances are considered at this stage, so that contingency plans can be put in place and if necessary, this can be used to inform future financial planning.

	Positive Variance Q2	Adverse Variance Q2	Year End Forecast Variance
Communities, Housing & Environment Committee	£000		
CCTV – The negative variance has arisen due to a combination of a savings target that will not be met and an income target that will not be achieved.		-26	-48
Occupational Health & Safety – There is a professional services budget of £49,000 in this area that is not expected to be spent this year.	27		40
Public Conveniences – The negative variance in this area is mainly due to additional expenditure on utilities and repairs and maintenance. There is also an unachieved saving of £10,000.		-27	-50
Recycling Collection – Green bin hire continues to exceed the income budget, although demand will slow down in the second half of the year.	43		60
Homelessness Prevention – The forecast year end variance reflects potential underspends including £60,000 on the Homefinder scheme.	379		159
Community Partnerships & Resilience Section – This variance has been caused by vacant posts in the team, which have taken longer to fill than hoped.	29		56
Housing & Health Section - This variance has been caused by vacant posts in the team.	31		36
Fleet Workshop & Management – The workshop has now been outsourced, but prior to that a high level of work had been outsourced to local garages due to resourcing issues. This has contributed to the negative variance along with a savings target of £50,000 that will only be partly achieved this year.		-42	-50
Grounds Maintenance Commercial – Income continues to be high due to works funded from Section 106 contributions, capital projects and other external works. The additional income is being used to fund additional staff to deal with the extra work.	107		87

Table 2 Significant Variances – Communities, Housing and Environment Committee

Capital Budget

2nd Quarter

2018/19



Capital Spending

The five year capital programme for 2018/19 onwards was approved by Council on 7 March 2018. Funding for the programme remains consistent with previous decisions of Council in that the majority of capital resources come from New Homes Bonus along with a small grants budget.

Progress made towards delivery of planned projects for 2018/19 is set out in the table below. The budget figure includes resources which have been brought forward from 2017/18, and these have been added to the agreed budget for the current year.

To date, expenditure totaling £3.420m has been incurred against a budget of £16.205m. At this stage, it is anticipated that there will be slippage of £5.807m, although this position will be reviewed at the end of the year when the Committee will be asked to approve/note the carry forward of resources into the next financial year.

Capital Budget Summary Q2 2018/19

Capital Programme Heading	Adjusted Estimate 2018/19 £000	Actual to September 2018 £000	Budget Remaining £000	Q3 Profile £000	Q4 Profile £000	Projected Total Expenditure £000	Projected Slippage to 2019/20 £000	Budget Not Required £000
Communities, Housing & Environment								
Housing Development and Regeneration	9,301	640	8,661	2,862	1,024	4,526	4,775	
Temporary Accommodation	4,683	2,559	2,124	785	1,094	4,438	245	
Disabled Facilities Grants	1,348	195	1,153	200	250	645	703	
Flood Action Plan	501		501		501	501	0	
Public Realm Capital Improvements	150	26	124	20	20	66	84	
Commercial Waste	180		180		180	180	0	
Gypsy Site Improvements	42		42		42	42	0	
Total	16,205	3,420	12,785	3,867	3,111	10,398	5,807	0

Table 3 Capital Expenditure, Q2 2018/19

- The Brunswick and Union Street housing developments are progressing, with monthly progress meetings being held with the contractor. Sites are currently being prepared for the commencement of development, and the majority of pre-commencement planning conditions have now been submitted and discharged for both schemes. We are still on track for completion of both schemes in September 2020.
- On site works at Lenworth House are progressing well, with final works to the new build rear block currently taking place.
- A total of 11 temporary accommodation properties have been completed and handed over under phase two of the purchase and repair programme. A further two properties were due to be handed

over in the first week of November. The remaining three properties are currently going through the legal acquisition conveyancing process, and sufficient funds are available to target one further property for completion by financial year end.



Agenda Item 17

Communities, Housing and Environment Committee

**Tuesday 11
December 2018**

Kent Joint Municipal Waste Management Strategy (KJMWMS)

Final Decision-Maker	Communities, Housing and Environment Committee
Lead Head of Service/Lead Director	William Cornall, Director of Regeneration and Place
Lead Officer and Report Author	Jennifer Shepherd, Head of Environment and Public Realm
Classification	Public
Wards affected	All

Executive Summary

A refreshed Kent Joint Municipal Waste Management Strategy (KJMWMS) has been agreed by the Kent Resource Partnership (KRP) with the intention for each member authority adopting it. The refreshed strategy reflects the objectives and vision set out in Maidstone's own 5-year waste and recycling strategy.

This report makes the following recommendations to this Committee:

1. That the refreshed Kent Joint Municipal Waste Management Strategy 2018/19 to 2020/21 is adopted.

Timetable

Meeting	Date
Communities, Housing and Environment Committee	Tuesday 11 December 2018

Kent Joint Municipal Waste Management Strategy (KJMWMS)

1. INTRODUCTION AND BACKGROUND

- 1.1 The 13 Kent councils, who form the Kent Resource Partnership (KRP) – previously known as the Kent Waste Partnership – first adopted the original Kent Joint Municipal Waste Management Strategy (KJMWMS) in 2007. This strategy set out how Kent would manage its resource materials and waste from its households up until 2020.
- 1.2 The Strategy was reviewed in 2012/13 with the intention to review again in 2016/17. However due to pending changes to EU legislation and Kent County Council's Waste Disposal Strategy being prepared, the decision was taken by the Member's Board of the KRP to delay the refresh until 2018/19.
- 1.3 In September 2017, a workshop, facilitated by Dr Jane Beasley was held with KRP Members and Senior Officers to discuss the refresh of the Strategy. This was then followed by a 6 week consultation with key stakeholders including packaging designers and producers, retailers, waste management companies, reprocessors, Local and Central Government and environmental organisations.
- 1.4 The Strategy adopted in 2012/13 had three key objectives:
 - Deliver the best possible outcomes on materials handled by the KRP from household and other appropriate sources
 - Deliver the best possible value for money to the Kent taxpayer taking into account the whole service costs paid through Council Tax
 - Secure the best possible outcomes through effective partnership working among the 13 Kent Councils, through the SE7 project, with Government and across the supply chain.
- 1.5 The Strategy then focused on three priorities; Materials security and resource efficiency; Value for money for Kent taxpayers; Supporting Kent's interests.
- 1.6 In 2013, Maidstone Council formally supported the Kent Joint Municipal Waste Management Strategy as it reflected the objectives already adopted locally through Maidstone's own 5-year Waste and Recycling Strategy.
- 1.7 The refreshed KJMWMS for 2018/19 to 2020/21 has now been prepared based on the feedback from the industry and in July 2018 was adopted by the KRP Members Board with a view for the Strategy to be adopted by each of the 13 member authorities.
- 1.8 The refreshed strategy now contains a clear vision for the next 2 years:

The Kent Resource Partnership (KRP) will lead the transformation to a circular economy, where the value of material resources flowing into and through Kent are retained, generating employment, skills and training opportunities, and realising wider economic, environmental, health and wellbeing benefits for the local and regional community and beyond.

- 1.9 The Strategy focuses on maximising the value of our resources, considering whole service costs to ensure value for money to the Kent taxpayer, realising opportunities through effective partnership working and supporting a circular economy for Kent.
- 1.10 The Strategy sets out specific objectives across Kent for a recycling rate of 50%, a landfill target of less than 2% and a year on year reduction in residual waste per household.
- 1.11 The objectives are set out under four key policies
- Maximising the value of resources
 - Value for Money for the Kent Taxpayer
 - Engagement, Collaboration and Partnership Working
 - Future thinking
- 1.12 The refreshed strategy is included in Appendix 1.
- 1.13 Alongside the Strategy, the Kent Resource Partnership also prepare an annual report and Materials End Destination Publication which outlines Kent performance and is used to measure a number of the objectives set out in the Strategy. More information about the Partnership is available online at <https://www.kent.gov.uk/about-the-council/partnerships/kent-resource-partnership>
- 1.14 It is proposed that a new KJMWMS will be prepared and adopted in 2020/21.

2. AVAILABLE OPTIONS

- 2.1 The refreshed KJMWMS reflects the objectives and vision of Maidstone's own 5-year Waste and Recycling Strategy, which was adopted by the Communities, Housing and Environment Committee in 2018. Therefore the Committee could decide to adopt the KJMWMS to demonstrate its support of the wider objectives across Kent and its commitment to the Kent Resource Partnership. This will ensure that Maidstone continues to both contribute and benefit from the collaborative approach to waste and resource management across the County as a whole. This approach has delivered significant savings to the Kent taxpayer over the past few years through consistency of service and maximising the value of the resource collected.
- 2.2 Alternatively the Committee could decide not to adopt the KJMWMS and to deliver its own strategy in isolation. However there is significant overlap between the two strategies and therefore delivery of Maidstone's objectives would contribute to the wider Kent objectives.

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 Given that the refreshed KJMWMS reflects the objectives and vision set out in Maidstone’s Waste and Recycling Strategy 2018-2023, it is recommended that the Committee adopts the refreshed strategy.
- 3.2 Continuing to support the Kent Resource Partnership will ensure that Maidstone contributes to the wider Kent objectives and gains the benefits of collaborative working, including delivering joint communication campaigns, sharing best practice and a greater collective influence on Government policy. The Kent Resource Partnership has become known for levering in funding and support from the industry as well as influencing government thinking.
-

4. RISK

- 4.1 There are no risks identified from adopting the refreshed KJMWMS as the objectives and policies are all consistent with Maidstone’s own waste and recycling strategy.
- 4.2 However there is a reputational risk to the Council if it decides not to adopt the refreshed strategy as it is likely to reflect negatively on Maidstone’s role within the Kent Resource Partnership. Failure to adopt the KJMWMS would undermine Maidstone’s commitment to the KRP.
-

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 A 6 week consultation was carried out by Beasley Associates on behalf of the Kent Resource Partnership in the development of this refreshed Strategy. Maidstone Borough Council contributed to the consultation during a workshop held with Members and Senior Officers.
- 5.2 In September 2018, the Committee adopted Maidstone’s new waste strategy setting out its objectives and vision for the next 5 years.
-

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 If the Committee agrees to adopt the KJMWMS, a link to the strategy will be made available on the Council’s website alongside its own Strategy.
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7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
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Impact on Corporate Priorities	We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council's overall achievement of its aims as set out in section 3 [preferred alternative].	Head of Environment and Public Realm
Risk Management	The risk identified with not adopting the KJMWMS is outlined in section 4.	Head of Environment and Public Realm
Financial	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Head of Finance
Staffing	We will deliver the recommendations with our current staffing.	Head of Environment and Public Realm
Legal	The proposals set out in the recommendation are consistent with MBC strategy and do not have any negative legal implications.	Team Leader, Contracts and Commissioning
Privacy and Data Protection	No implications	Head of Environment and Public Realm
Equalities	The refreshed KJMWMS and objectives all consistent with Maidstone's own waste and recycling strategy. Equalities Impact Assessments will be carried out as and when policies or action plans are developed to support the strategy going forward.	Equalities and Corporate Policy Officer

Crime and Disorder	No implications	Head of Environment and Public Realm
Procurement	No implications	Head of Environment and Public Realm

8. REPORT APPENDICES

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

- Appendix 1: Refreshed Kent Joint Municipal Waste Management Strategy (KJMWMS) 2018/19 to 2020/21

9. BACKGROUND PAPERS

Waste and Recycling Strategy 2018-2023

Kent Joint Municipal Waste Management Strategy (KJMWMS)

2018/19 to 2020/21

Overarching Vision	
The Kent Resource Partnership (KRP) will lead the transformation to a circular economy, where the value of material resources flowing into and through Kent are retained, generating employment, skills and training opportunities, and realising wider economic, environmental, health and wellbeing benefits for the local and regional community and beyond.	
Strategy Mission Statement	
We are committed to delivering efficiency and quality in our resource management and waste services, with focus on: -	
<ul style="list-style-type: none"> • Maximising the ‘value’ of resources that we manage from households, in terms of realising the social, environmental and economic opportunities; • Providing the best possible value for money service to the Kent taxpayer, taking into account whole service costs; • Realising opportunities to improve services now and in the future through engagement, collaboration and working in partnership with the supply chain; and • Supporting future thinking through ongoing research and evidence that will facilitate the transition into a circular economy for Kent. 	
Policies & Policy Objectives	
1.	Maximising the Value of Resources
1.1	Up until 2020/21, the KRP will achieve a year on year reduction to its Kent-wide residual household waste per household (kg/h’hold) tonnage. [Note: measured using the ex NI191 as published by Defra’s waste statistics annually].
1.2	By 2020/21, the KRP will recycle and compost at least 50% of household waste tonnage. [Note: measured using the ex NI192 as published by Defra’s waste statistics annually].
1.3	By 2020/21, the KRP will ensure no more than 2% of Kent’s municipal waste ends at landfill. [Note: measured using the ex NI193 as published by Defra’s waste statistics annually].
1.4	By 2020/21, the KRP will develop a joint approach to facilitate the procurement of third sector/reuse providers/charities in managing and delivering a reuse service for bulky waste.
1.5	The KRP will explore the possibility of implementing recycling on-the-go initiatives, and other similar activities aimed at recovering resources and help reduce litter. The KRP will also look to engage and work with the supply chain to deliver recycling on-the-go in key areas of high footfall e.g. towns, beaches etc.
1.6	The KRP will publish its Materials End Destinations Publication on an annual basis and continue its transparent approach to reflect where all material resources end up.

2.	Value for Money for Kent Taxpayers
2.1	The KRP will deliver value for money to Kent residents by maximising joint service delivery opportunities between its councils; cross-boundary working and ensuring all opportunities to realise economy of scale savings through procurement exercises are delivered.
2.2	The KRP will continue to build on its reputation as a leading resource partnership and work with the supply chain to deliver research projects, services and campaigns. As with previous successes, the KRP will continue to seek external funding opportunities, where possible.
2.3	The KRP will retain its focus on food waste as a priority waste stream and support, through the sharing of good practice and identification of joint opportunities, separate collection for discarded food waste on a weekly basis for all residents by 2020/21 where possible.
2.4	The KRP will develop a joint approach to tackling littering, fly-tipping and other related environmental crimes which would be underpinned by creating a culture of sharing high quality intelligence within the KRP and with others where appropriate e.g. Highways England, Environment Agency, Kent Police, neighbouring local authorities and others.
2.5	The KRP will facilitate the sharing of resources both in terms of communication campaigns linked to priority actions and focus areas, and in terms of ensuring local intelligence and information can be shared across the County.
2.6	The KRP will support its councils in ensuring first class health and safety standards are maintained across the County. This includes employees (& potential employees) have the skills, training and competencies to meet the increasingly technical requirements of the resource management and waste sector.
3.	Engagement, Collaboration and Partnership Working
3.1	The KRP will identify opportunities for joint working and realise greater efficiency savings. This to be achieved by maximising on economies of scale and implementing good practice across all aspects of its resource management and waste services, in partnership with both its own councils and through developing new relationships across the supply chain.
3.2	The KRP will continue to maximise engagement with national and local government and those operating across the supply chain, and wider industry bodies through representation on forums, networks, working groups, and through its own Annual Conference.
3.3	The KRP will produce an Annual Report that reflects the focus and priorities of the previous financial year in delivering the KJMWMS, and any other activities within its remit.
3.4	The KRP will maintain a publically available Operating Framework that defines its scope, remit and procedures; review its continued operation at least in 2019 and 2024, or any other times as agreed by the KRP.
3.5	The KJMWMS will be fully reviewed in 2021/22; or at any other times as agreed by the KRP; or in accordance with any changes in legislation relating to such strategies.

4.	Future Thinking
4.1	<p>The KRP will research activities that will provide an evidence base to enable a more detailed review of the KJMWMS from 2021/22 onwards. This would include focus on:-</p> <ul style="list-style-type: none"> • Aligning with key policies such as the EU Circular Economy Package, 25 Year Environment Plan and the imminent Resource & Waste Strategy. In addition, to maintain a flexible approach to other potential changes that may come from Extended Producer Responsibility (EPR) reform, Deposit Return Schemes (DRS), single-use plastic charges etc. • Exploring the possibility of extending the partnership and reviewing potential opportunities for greater cross-boundary working; • Considering requirements to secure infrastructure to enhance and develop the network of local resource management and waste facilities. This may include the development of consistent collection specifications across all councils as a means to attract future investment and infrastructure. • Developing other metrics and means to focus on quality and value of resources as opposed to traditional weight based targets; and • Target material streams and/or specific sectors in order to identify and implement management options within a more circular context.

Communities Housing and Environment

11th December 2018

Heather House

Final Decision-Maker	Communities, Housing and Environment Committee
Lead Head of Service/Lead Director	Head of Regeneration and Economic Development
Lead Officer and Report Author	Andrew Connors, Housing and Delivery Manager
Classification	<p>Public – with Exempt Appendix 2.</p> <p>Exempt – The information contained within the appendix has been considered exempt under the following paragraph of part 1 of schedule 12A to the Local Government Act 1972:-</p> <p>3 = Information relating to the financial or business affairs of any particular person (including the authority holding that information)</p> <p><u>Public Interest Test</u></p> <p>It is in the public interest that this appendix be taken in private because it relates to commercially sensitive information.</p>
Wards affected	Parkwood

Executive Summary

A report was taken to this Committee in October 2018 regarding the results of the condition survey of Heather House, carried out by Faithorn Farrell Timms (FFT). This was to assess the building and estimate costs of keeping the building open for the next 15 years. It was recommended that a further report be submitted to the Committee in December 2018 outlining an alternative redevelopment option.

ON Architects were instructed to carry out an initial Feasibility Study of the Heather House Community Centre and Pavilion Building site. The instruction was to assess the redevelopment potential of the site to provide a new Community Centre facility and residential housing.

Due to the age and construction of Heather House it has now reached the end of its useful life and a decision is required as to whether significant investment is made to give the property a further life-span, close the building or demolish

and pursue a redevelopment of the site.

This report outlines the potential funding that could be explored as part of a procurement and redevelopment process, which would have a direct impact upon the subsidy requirement from the Council.

It is possible that, following a procurement process, the subsidy requirement might be too onerous. In which case, the Committee will be presented with a further report and invited to choose between alternative options, outlined as Option 1 and Option 2 in this paper.

This report makes the following recommendations to this Committee:

That:

1. A procurement process be undertaken to identify a suitable partner, or partners, to contribute to the design, investment and management of the new facility.
2. A report be submitted to the Committee outlining high level findings from the procurement process and the exact subsidy required from Maidstone Borough Council to complete a comprehensive redevelopment.

Timetable	
<i>Meeting</i>	<i>Date</i>
Communities Housing and Environment Committee	11 th December 2018
Communities Housing and Environment Committee	16 ^h April 2019

Heather House

1. INTRODUCTION AND BACKGROUND

- 1.1 Heather House is a community facility owned and directly managed by the Council. It is located on Bicknor Road backing onto the Parkwood Recreation Ground providing facilities to enable indoor sports and leisure activities.
- 1.2 Adjacent to Heather House is a skate-park, games court and play equipment; and next to this is the Pavilion building. The Royal British Legion Social Club (RBLSC) has a 125 year lease of the pavilion building with the Council under which the RBLSC has full repairing obligations. Consequently no rent is payable to the Council. The lease has an unexpired term of 96 years with no break clause in the agreement. The Pavilion comprises a social community facility with a licensed bar and changing room facilities used by the Weaving Warriors Rugby Football Club (WWRFC) who also use the recreation ground for their pitches.
- 1.3 Due to the age and construction of Heather House it has now reached the end of its useful life and a decision is required as to whether significant investment is made to give the property a further life-span, close the building, or demolish and pursue a redevelopment of the site.
- 1.4 A report was taken to this Committee on the 16th October 2018, following the instruction of Faithorn Farrell Timms (FFT) to carry out a condition survey of Heather House, to assess the building and estimate costs of keeping the building open for the next 15 years.
- 1.5 The report by FFT described Heather House as in a 'fair condition' for its age, but has identified the roof as being beyond economic repair. There are other components that were recommended for replacement within the next 12 months, and they include external cladding, doors and windows. To carry out all the works that have been recommended within the next 12 months would have an estimated cost of £395,386. To keep Heather House open for the next 15 years, FFT have estimated the cost to be £765,148.
- 1.6 The aforementioned report made a recommendation to submit a further report to the committee outlining an alternative redevelopment option for the site. ON architects were instructed to carry out an initial feasibility study to assess the initial concept design of a new community centre facility and residential housing on the Heather House and Pavilion Building site.

Feasibility Study / Design Work

- 1.7 The architects have undertaken work on the initial concept design of a residential development and new build community centre. Planning advice was obtained to help inform the initial concept design proposals. The site is not allocated within the Local Plan, but lies within the development boundary of the urban area for Maidstone and thus its redevelopment is acceptable in principle having regard to the policies particularly relating to community facilities and open space.

- 1.8 Policy DM23 for example seeks to protect community facilities. The relevant part here being: *'Proposals which would lead to a loss of community facilities will not be permitted unless demand within the locality no longer exists or a replacement facility acceptable to the council is provided'*. As a redevelopment of the site would suggest a loss of existing community facilities, it would be required to demonstrate that any new community facility building incorporates the existing facilities and these are sufficient to mitigate the loss of the two buildings (Heather House and the Pavilion) including meeting the needs of the additional occupiers in the new residential development.
- 1.9 This may involve a case that any new scheme proposal provides a multi-functional replacement community building that can secure such replacement facilities as part of a new scheme. It would be expected that the merits of the replacement community facility be justified in any submission showing how the new building will meet existing user needs and those of the future needs of the community and how this overcomes the policy extract above.
- 1.10 Areas within and to the rear of the site is open space and areas between the buildings are children's play space and open areas of amenity space. Policy DM19 states: *'Proposals for new development which would result in the net loss of existing open space or sport and recreation facilities will not be permitted unless there is a proven overriding need for the development'*. This together with the improved community facilities and the requirements of the Open Space and other relevant policies would need to be addressed as part of any planning application.
- 1.11 With respect to residential housing proposals, a block of up to 4 storey in height located on the Pavilion Building area is considered in keeping with the wider area, however there would be a need to have regard to Golding Homes lower profile development to the north and the two storey properties opposite. One option being a steeped roof line and elevation to ensure the development does not overly dominate its neighbours. It was also encouraged that any residential development addresses the street scene to create a sense of enclosure to the street rather than having car parking within the frontage. Further pre-application advice would need to be taken prior to the submission of any planning application on the back of detailed design proposals.
- 1.12 Discussions have taken place with representatives from the RBLSC as to what their requirements would be in any new replacement community facility that they could continue to operate from. This namely being a social lounge, bar, kitchen and toilets.
- 1.13 The brief given to the architects was to take into account the aforementioned planning advice for the overall site layout and to create a multi-use community facility incorporating the requirements of the RBLSC into the design. Residential housing following national space standards.
- 1.14 The architects have undertaken a site analysis and research into the planning history of the site and neighbouring dwellings and provided sketch designs based on the planning advice, brief and constraints of the site. An

initial design proposal site layout is shown at Appendix 1.

- 1.15 The initial design proposal shows the demolition of Heather House and the Pavilion buildings and the capacity for a new multi-use community centre facility where the existing Heather House is located, together with 55 car parking spaces. There are 42 residential dwellings proposed on the part of the site where the Pavilion Building is located, together with 42 car parking spaces. The design proposal includes cycle store provision and soft landscaping. Within the site, the existing play areas are shown not to be affected.
- 1.16 The architect has currently incorporated 11 studio flats into the initial design proposal, along with 17 one-bed flats. It is considered that these will need to be changed to 2-bed flats in order to better suit a rented tenure market. It is thought that this change will reduce the overall residential numbers down to approximately 36. It should be noted that Park Wood is in a lower value residential area compared to other parts of Maidstone so is not ideally placed to deliver any residential housing for market sale. The Council would also need to carefully consider the viability of any proposals put forward and how this may affect the delivery of planning obligations and policy requirements such as affordable housing due to the indicative significant subsidy gap that exists as referred to within section 1.24 below.
- 1.17 The existing Heather House Community Centre is 678m² in size. Initial design proposals incorporate a new Community Centre facility of 691m² in size. A full indicative schedule of accommodation is summarised below.

Area	Size
Entrance & circulation	73m ²
Main Sports Hall	180m ²
Second Sports Hall	100m ²
Storage (main/second hall)	50m ²
Counselling/Meeting Room	60m ²
Changing Rooms / Toilets	89m ²
Sports Store	6m ²
Boiler/Plant Room	5m ²
Accessible Toilet	5m ²
Cleaners Store	5m ²
Circulation	9m ²
Kitchen	22m ²
Social Lounge / Licensed Bar	87m ²
Total	691m²

- 1.18 The initial design proposal is seeking to create a multi-use community centre facility that can cater for a wide range of activities and services used by lots of different people and organisations within the community. This will ensure that the ability to retain existing users and attract new ones as well as external parties interested in the future management of the building is not compromised. This in turn will also maximise the potential to generate sufficient revenue through multi-use activity bookings that will support the ongoing future sustainability of the building.

Housing Development and Regeneration

- 1.19 The Council has approved a further £34m of capital investment, over a five year period to invest in market rented housing. This investment will increase the overall supply of housing in the borough as well as deliver a commercial return to the Council.
- 1.20 Any market rent properties delivered in a redevelopment of the site could be retained by the Council, within its property company Maidstone Property Holdings Limited. The market rental dwellings would provide a source of long term revenue income generation that would be used to support core services in the medium to long term.

Indicative Financial Summaries

- 1.21 The indicative financial summaries for a redevelopment of the site to provide a new multi-use community centre and residential housing is shown at Exempt Appendix 2. There is one financial summary for a new-build community centre and another for a notional residential development of 36 dwellings.
- 1.22 A number of assumptions have been used to calculate these indicative summaries based on build cost estimates, local market research and intelligence. Estimated market rental values have been calculated using local comparable property values and average prices per square metre for the Park Wood area.
- 1.23 The stand-alone indicative financial summary for the residential (based on a market rent tenure) demonstrates a financially viable scheme and meets our minimum financial criteria. However, it would not just be delivering a commercial return, but will provide a number of social and economic benefits by promoting housing and economic growth in an area of deprivation. The appraisal at present has not included any affordable housing within the residential proposal.
- 1.24 The indicative estimated total scheme cost for a new-build community centre (691m²) is £2,539,756. If a residential scheme of 36 dwellings for market rent was delivered via Maidstone Property Holdings or indeed another developer, a land receipt/income of £504,000 (£14k per plot) could be generated for the residential land. This could go towards the total scheme cost for a new community centre and would leave a subsidy gap of £2,035,756.
- 1.25 It is demonstrated that a comprehensive redevelopment of the site cannot be delivered without significant subsidy. The income from the residential housing is not going to be sufficient to cross subsidise the development as a whole and the delivery of a new multi-use community centre. Therefore the Council will need to provide the level of subsidy required to help finance the project. In order to reduce the reliance on the Council, a number of other subsidy sources could also be explored as set out below.

Potential Funding Sources

1.26 In order to help finance a comprehensive redevelopment of the site, there are a number of funding subsidy sources that the Council could pursue if the committee decides to pursue this option. Some useful discussions regarding external funding sources have already taken place with Kent Sports and Stones Community Trust. A summary of each of these sources of potential subsidy are given below. It should be noted that this list is not exhaustive and there are other grant making trusts and funding bodies that could also be approached.

- **MBC Subsidy: via savings from other areas of Committee spend:** One option is for the Committee to consider making savings in other areas of revenue spend so as to generate financial capacity for capital investment in the facility. For example, every £50,000 of revenue saving in perpetuity could broadly release £1m for capital investment.
- **Sport England:** They recognise the considerable financial pressures that local authorities are currently under and the need to strategically review and rationalise leisure stock so that cost-effective and financially sustainable provision is available in the long-term. Their Strategic Facilities and Community Asset Fund is designed to support the sector to invest strategically to deliver the outcomes essential to local communities. The funds direct capital investment into a number of key local area projects, providing new opportunities to encourage people to live healthier and more active lifestyles. They want to help local organisations to create quality and financially sustainable facilities that benefit their community for years to come – which may mean providing help to get things up and running too

Medium-scale investments typically range from between £15,000 to £50,000. These will address more substantial changes. This might be an upgrade to an existing facility or developing a new space in the community. By exception, they will also consider larger investments ranging from £50,000 to £150,000.

- **KCC Village and Community Hall Grant Scheme:** Grants of up to £50,000 are available for local communities to improve an existing hall or build a new hall. A grant is conditional upon match funding. They can offer a pound for every pound raised, up to 50% of eligible project costs. The scheme is open to any village or community hall managed by an independent management committee. All applicants must be of registered charitable status.
- **Big Lottery Fund - Reaching Communities England:** Voluntary or community groups such as a charity, co-operative, social enterprise or community interest company, a not for profit company limited by guarantee or a statutory organisation such as a local authority or school can apply for this funding.

Through Reaching Communities funding you can apply for between £10,000 and £500,000. They can fund some or all of the costs associated with delivering projects, including staff salaries, training,

volunteer expenses, management costs, equipment, premises costs, monitoring and evaluation and overheads.

- **Football Foundation - Premier League & The FA Facilities Fund** - Grants of up to £500,000 to support the development of new or refurbished local football facilities, such as changing pavilions and playing surfaces, for the benefit of communities. Stones Community Trust (supporting the work of Maidstone United Football Club) have expressed an initial interest in relocating and potentially taking on the management of a newly created multi-use community facility on the Heather House site. This could strengthen any application for this type of funding.
- **Golding Homes:** They have residential and commercial stock in this locality and have undertaken a significant programme of regeneration within the immediate area. As such they might be willing to provide investment towards a new community facility for the benefit of their residents and the community that it would serve. Golding Vision is the community development arm of Golding Homes. They invest £500,000 each year on a programme of innovative and ambitious community projects and activities, which focus on four key priorities. Namely Place Shaping; Safer Communities; Health and Wellbeing and Financial Inclusion.
- **Jubilee Church:** They also have property within the locality and make investments within the communities they operate from. They have expressed an initial interest in participating in the project.

1.27 It should be noted that there are no existing s106 contributions that have been identified of which could go towards the funding of a new community facility. Some external funding sources will be dependent on the uses and activities the facility can provide and who operates/manages it. A collaborative multi-use partnership type approach is likely to lever in more external financial resources and support.

Developing the Brief - Engaging the Local Community

1.28 Should the committee decide to pursue the option of a comprehensive redevelopment of the site, it is vital that the development of the brief and design needs to be community not officer led. Hence a detailed design is not pivotal at this stage. Heather House is located in an area where there are concerns such as health inequality, well-being, deprivation, lack of employment opportunities and training issues. Sufficient time will need to be allowed to get the building brief right and reflect the care that needs to be taken to produce a quality facility capable of meeting the evolving needs of the community and the services it needs.

1.29 Maidstone Boxing Club currently operates from Reed Hall (the existing smaller hall within Heather House) on a 3 year lease. They run a number of boxing and fitness classes from the facility. It will be important to consult with them so that a replacement building could continue to provide a base for them,

bring in revenue and so they can be a key partner in potentially providing a community gym/fitness facility in order to help address health inequalities in the area.

1.30 Communication and consultation with the community will need to be regular, appropriate, engaging, two-way and easy to access, to ensure the project is owned and valued by them. It will be important to ensure that communication and consultation with existing user groups and the community as a whole is continuous from the initial design concepts and planning stages through to completion and the ongoing development and running of the building.

1.31 This will ensure that the centre is having an impact on its community by making a difference and meeting local needs. In order to fully assess local need and develop the detailed design proposals a variety of community engagement activities and tools can be considered and utilised such as:

- Questionnaires/surveys
- Suggestion boxes
- Workshops and focus groups
- Analysis of local data, census data, local reports and community profile
- Community mapping
- Networking attending key strategic meetings (ie local area partnership meetings, local community forums)

1.32 Making the most of existing community networks and partnerships particularly via the Ward Councillors will prove vital in developing design proposals further. It is considered that it would also prove beneficial to look at good practice elsewhere and look at other community centres as part of a benchmarking exercise. Looking at existing facilities and learning from design mistakes will help to gather experience and knowledge and focus thoughts and attention to detail on further design proposals going forward.

Planning and Construction Programme

1.33 It is likely that a development of this nature would require a 24 month construction period of which simultaneous closure of both buildings would be required in order to deliver the build programme as cost effectively and quickly as possible. Prior to this, appointment of the various professionals for the project team, consultation, further detailed design work, committee approval to proceed, planning consent and appointment of a contractor is likely to take around 18 months. So a start on site would not be envisaged at the earliest until the summer of 2020.

1.34 Closing both facilities in the short-term is likely to generate frustration, particularly for the various clubs and people that use the facilities. The Council will need to consider the resource implication to enable assistance to be given to find alternative venues. It will be important that existing user groups are fully engaged during the project from start to finish so that they feel a sense of ownership and commitment to any new build facility.

Future Management

- 1.35 The future management and operation of a new community centre would also need to be carefully considered. Heather House is the only remaining community facility owned and directly managed by the Council. Best practice adopted elsewhere by local authorities has been to go through Community Asset Transfer. Community Asset Transfer is the transfer of management and/or ownership of public land and buildings from its owner (usually a local authority) to a community organisation (such as a Community Trust, a Community Interest Company or a social enterprise).
- 1.36 The availability of appropriate professionals from within the community, who can be part of the management team could be explored. The local community may have access to a range of appropriately skilled volunteers who are prepared to support the project. This has been shown to be a great advantage and also a significant cost saving in other community centre projects across the country.
- 1.37 The Stones Community Trust in particular has expressed initial interest in any new community facility that is built on the Heather House site as a potential base for the newly created SCT to relocate to. Structured independently of Maidstone United Football Club and supervised by independent trustees, the SCT will be a charitable trust and will take over responsibility for setting up, organising and delivering community events designed to provide sports, football and social activities to local people including disadvantaged and disabled adults and children. The SCT activities will be complementary to those of the football club and are currently based at the Gallagher Stadium.
- 1.38 They view this as potentially an ideal location to relocate to due to the community outreach work they could do and the close proximity to the open space/recreational ground and the existing sports pitches there.
- 1.39 It will be important to keep the design as flexible as possible to allow for changing circumstances and trends and that any future management arrangement is set up to ensure that there are no further calls on financial support from the council.
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2. AVAILABLE OPTIONS

- 2.1 The first option is to decide to close Heather House and not carry out any refurbishment work or provide a new replacement facility. With the future of the site to be determined at some point later in time, which might involve disposing of the asset and land to another party. This is not recommended at this stage as there would still continue to be uncertainty as to the future of the building and site. The potential loss of a community centre could pose a significant and negative impact on the existing users and surrounding neighbourhood and lose the opportunity to bring about social change and improve the quality of life in the local area. The building would also still need to be insured, secured and looked after.
- 2.2 The second option is to refurbish and retain Heather House in its current location and building. The comprehensive survey carried out by FFT estimated the cost for carrying out the refurbishment to be in excess of

£765k. This option would increase the useful life by a further 15 years and if the Committee were to consider making savings in other areas of revenue spend this would equate to £38,250 revenue savings per annum in perpetuity. This is likely to cause disruption to the current users of the building, as it is unlikely that the building could be used during the refurbishment, particularly if this involves disturbing the roof with its hazardous materials.

Refurbishment is also not always the most effective long-term option. It can sometimes look like a cheaper way to meet current needs but will not allow for future flexibility and long term future sustainability. The buildings layout and internal structure remains dated and therefore limits its use and ability to attract new users. The current building is considered to be under-used and is unable to generate sufficient bookings to meet its financial target. This option is therefore not recommended at this stage as being best value for money when weighed against the limited potential to generate revenue through increased bookings.

- 2.3 Option 3 is to consider demolishing Heather House and replacing it with a new facility on the same site. The cost of this would be in the region of £2,539,756 million. This option is not recommended as the cost of the new building would have to be met in total. Income generated from the new building alone would not cover the cost of replacement. If the Committee were to consider making savings in other areas of revenue spend this would equate to £126,988 revenue savings per annum in perpetuity.
- 2.4 Option 4 would involve demolishing both Heather House and The Pavilion. This option would enable a new multi-purpose community facility to be established on the Heather House site and releasing the land on which the Pavilion Building is situated to become available for residential housing. This in turn could be purchased by Maidstone Property Holding Ltd to provide much needed housing and the cost of the project could be partially offset from the income generated by the indicative land receipt (£504k) for the residential housing.

A new community facility would act as a hub for the community and enable access to programmes, activities and services for those who need it most. There would be an indicative subsidy requirement of £2,035,756 and if the committee were to consider making savings in other areas of revenue spend this would equate to £101,750 revenue savings per annum in perpetuity. Sources of subsidy to help finance the scheme could also be pursued and appropriate future management arrangements considered ensuring an effective and efficient use of the resource. It could be possible to reduce the Council's subsidy contribution significantly by running a procurement process to identify an organisation or organisations that would commit to co-funding the new facility as well as managing and stewarding it on a long term basis outside of the council.

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 The preferred option at this stage is Option 4 as outlined in Paragraph 2.4 above. This option permits the assembly of land in the general locality to

provide a new and purpose built multi-use facility for community use. This option rationalises the two dated buildings situated on Bicknor Road to create a better resource that could provide a wider range of activity and potential outreach work to serve the local community and ensure the long term future sustainability of the building.

- 3.2 This option would enable the land on which the Pavilion Building is currently located to be used for residential purposes in harmony with the existing residential accommodation on Bicknor Road. The replacement of both Heather House and The Pavilion would also enhance an area of deprivation that has recently benefitted from major regeneration programmes by Golding Homes and new developments in the surrounding areas.
 - 3.3 Officers can run a procurement process to identify suitable partner or partners that would contribute towards the formulation of the design brief, contribute capital so as to minimise the financial commitment from the Council, manage the facility and steward it on an arms-length basis from the Council. A follow up report will then be presented to Committee so that it can make an informed decision whether to proceed with a comprehensive development or choose between just alternative options 1 or 2 above.
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4. RISK

- 4.1 The risks of running a procurement process to identify a suitable partner or partners to enable a comprehensive redevelopment of the site could be as follows:
 - Other sources of subsidy could fail to materialise resulting in the Council having to meet the total cost. This could be mitigated by a rigorous approval and due diligence approach when developing proposals further in accordance with the recommendations of this report.
 - The Council could struggle to gain interest or support from the local community, given some sections might not like change and wish the existing facilities to remain as they are. Appropriate and effective engagement with the community will need to promote and encourage a strong community led brief in order to help inform detailed design proposals and future sense of ownership of the new community facility. This will ensure trust and support the ongoing future sustainability of the project.
 - Good management is necessary for the smooth and effective running of community buildings and careful consideration will need to be given to who will be best placed to manage it post completion. There might not be sufficient interest from external community organisations and trusts in managing such a facility particularly if perceived revenues do not exceed costs. This can be mitigated by establishing early commitment from an interested party who can be involved in the detailed design proposals.
 - A comprehensive redevelopment of the site is dependent on the RBLSC and their willingness to surrender their existing lease in favour of relocating to the new multi-use community facility or alternative premises. Effective engagement will need to be

established with the RBLSC and continued consultation throughout the project stages if a comprehensive development of the site is pursued. The involvement of Ward Councilors could help to promote and encourage support for the project.

- A redevelopment of the site would result in no replacement community facility being available from the point of closure until at least 24 months later. The local community commitment and demand for a redevelopment would need to be strong enough to support a 24 month closure and the need for existing users to relocate during the build programme. This could be mitigated by ensuring that the local community and existing user groups are fully engaged and consulted during any future developed design and planning stage process, with assistance given in finding alternative premises in the interim.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 Previously Communities, Housing and Environment Committee made the decision that Heather House should remain open, but requested further information on the condition of the building. That information was presented in the report to Committee on the 16th October 2018. The report also made a recommendation that a follow up report would be presented to committee outlining a redevelopment option.
- 5.2 Discussions and consultation regarding development options for the site have taken place with ward members of which will continue as part of the procurement process.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The approval of the recommendations will enable officers to run a procurement process to identify a suitable partner or partners that would contribute towards the formulation of the design brief, contribute capital, so as to minimise the financial commitment from the Council, manage the new facility and steward it on an arms-length basis from the Council.
- 6.2 Once the procurement process is complete, the high level findings will be brought back to the Committee in April 2019, so that it can make an informed decision as to whether to proceed with a comprehensive redevelopment proposal or just choose to close the building or refurbish it.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The project described in this report supports the Council's	Head of Regeneration

	strategic plan objectives.	and Economic Development
Risk Management	Already covered in the risk section	Head of Regeneration and Economic Development
Financial	<p>This report sets out options for redevelopment of Heather House and the surrounding site. There is a funding gap of approximately £2 million associated with the redevelopment proposal described in paragraphs 1.21 to 1.26. The report describes potential ways in which this could be addressed.</p> <p>The initial feasibility work carried out so far has been delivered within existing budget resources.</p>	Paul Holland, Senior Finance Manager (Client)
Staffing	We will need access to extra expertise to deliver the recommendations and preferred option, as set out in section 3.	Head of Regeneration and Economic Development
Legal	<p>The Local Government Act 1972, section 111(1) empowers a local authority to do any thing (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.</p>	Legal Team

	<p>The Council also has a general power of competence pursuant to Section 1 of the Localism Act 2011 which enables it to do anything that individuals generally may do.</p> <p>S120(1)(2) of the 1972 Act enables the Council to acquire land to be used for the (b) the benefit, improvement or development of their area; or for the purpose of discharging the Council's functions and any surrender of the existing lease of Heather House would be in accordance with this statutory power.</p> <p>The procurement for a suitable partner (s) to enable a comprehensive redevelopment of Heather House and the surrounding site should be in accordance with the Council's Contract Procedure Rules and the public Contract Regulations 2015 if applicable.</p> <p>Acting on the recommendations is within the Council's powers as set out in the above statutory provisions.</p>	
Privacy and Data Protection	No implications	Legal Team
Equalities	There is no change to services at this moment in time.	Policy & Information Manager
Crime and Disorder	No implications	Head of Regeneration

		and Economic Development
Procurement	On accepting the recommendations, the Council will then follow procurement exercises to identify suitable partner or partners. We will complete those exercises in line with financial procedure rules and applicable public contracts regulations and principles if applicable.	Head of Regeneration and Economic Development & Section 151 Officer

8. REPORT APPENDICES

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

- Appendix 1: Initial Design Proposal Site Layout
- Exempt Appendix 2: Indicative Financial Summaries

9. BACKGROUND PAPERS

None



LEGEND

- Site Application Boundary
- Circulation Area
- studio circa 37sqm
- 2 Bed circa 70sqm
- 1 Bed circa 50sqm
- Parking Total 97 spaces
- Cycle Parking Total 29 spaces
- Community Hall - Sports Halls
- Community Hall - Meeting room
- Community Hall - Services - stores
- Community Hall - Changing rooms
- Proposed trees

INDICATIVE SCHEDULE OF ACCOMMODATION	
Block of Flats	42
Parking spaces	42
TOTAL UNITS =	42
Community Hall and multi-use facility	
Parking spaces	55

The proposal is looking to restore the British Royal Legion, and provide a community sports facility as well as residential accommodation. Within the application site the existing play areas will not be affected and the proposals will be proposed on the northern and southern parts of the site.

Agenda Item 20

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

Document is Restricted