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Our ref: Overview & Scrutiny Panel/Agenda
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OVERVIEW & SCRUTINY PANEL

20 OCTOBER 2015

A meeting of the Overview & Scrutiny Panel will be held at **7.00 pm on Tuesday, 20 October 2015** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillor D Saunders (Chairman); Councillors: G Coleman-Cooke (Deputy Chair), Bambridge, Campbell, Connor, Curran, Dennis, Dixon, Elenor, Falcon, E Hillman and Parsons

A G E N D A

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest form attached at the back of this agenda. If a Member declares an interest, they should complete that form and hand it to the officer clerking the meeting and then take the prescribed course of action.

3. **MINUTES OF PREVIOUS MEETING** (Pages 1 - 4)

To approve the Minutes of the Overview and Scrutiny Panel meeting held on 18 August 2015, copy attached.

4. **CABINET MEMBER PRESENTATION BY COUNCILLOR BRIMM, PORTFOLIO HOLDER FOR OPERATIONAL SERVICES**

Presentation Title is on "Our Vision for the Future of our Parks, Gardens & Playgrounds."

The specific question for the presentation is "What plans does Cabinet have to address issues raised by residents regarding planned maintenance of our open spaces and flower beds?"

5. **THE DETERMINATION OF THE GAMBLING POLICY STATEMENT FOR THE NEXT THREE YEARS** (Pages 5 - 40)

6. **REVIEW OF OVERVIEW & SCRUTINY PANEL WORK PROGRAMME FOR 2015/16** (Pages 41 - 50)

7. **FORWARD PLAN AND EXEMPT CABINET REPORT LIST FOR THE PERIOD 07 OCTOBER - 03 MARCH 2016** (Pages 51 - 62)

Declaration of Interest form - back of agenda

Item
No

Subject

OVERVIEW & SCRUTINY PANEL

Minutes of the meeting held on 18 August 2015 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor David Saunders (Chairman); Councillors G Coleman-Cooke, Bambridge, Campbell, Connor, Curran, Dennis, Dixon, Falcon, E Hillman, Martin, Parsons and Ashbee

In attendance: Councillor Wells

6. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Elenor for whom Councillor Ashbee was present as substitute.

7. DECLARATIONS OF INTEREST

Councillor Dixon declared a non-pecuniary interest in agenda item 11.

8. MINUTES OF PREVIOUS MEETING

Councillor Campbell proposed, Councillor G. Coleman-Cooke seconded and Members agreed the minutes of the Panel meeting held on 26 May 2015.

9. CORPORATE PRIORITIES 2015-2019

The Leader presented the Corporate Priorities and Values 2015-2019:

Priorities:

Priority 1: A clean and welcoming environment

Priority 2: Supporting neighbourhoods

Priority 3: Promoting inward investment and job creation.

The Leader explained that newly defined values had been produced in order to identify the way the Council would work to deliver the priorities:

Values:

Value 1: Delivering value for money

Value 2: Supporting the workforce

Value 3: Promoting open communication

The Panel raised the following points for consideration:

- Clarification was asked for on what services the council would be 'moving away from' and concerns raised that larger number of priorities may have been 'squashed' into the smaller number.
- Use of innovative methods and using pilot schemes to improve services;
- Improvement of signage to encourage residents to use bins appropriately.
- Utilise existing publications going to residents such as town and parish council magazines to share Corporate Priorities.

- Consider providing paid for waste collection service to businesses.

The Leader reported that in the context of anticipated further spending cuts following the Comprehensive Spending Review undertaken by central government, it was proposed that Corporate Priorities be reduced from 11 to 3. He advised that the number of priorities had been reduced in line with the recommendations made by the Peer Review in 2014 and the priorities were to focus on improving quality of life in Thanet.

The Panel were advised that if there were services that needed to be ended, there would need to be a consultation. It was explained to the Panel that the Budget Consultation 2015-16 had helped to identify the services most valued by people in Thanet.

The Leader said that the waste and recycling services to homes in Thanet should be standardised. He advised the Panel that the Education Officer would work to change behaviour to improve the cleanliness of the streets, as well as the Enforcement Officers issuing fixed penalty fines for littering.

Members agreed to recommend to Cabinet the Corporate Priorities and Values 2015-2019 as drafted.

10. PROPOSED REVIEW OF COMMERCIAL BUSINESS USE OF PUBLIC BINS

Gavin Waite, Director of Operational Services introduced the report.

The Panel were advised that the council has worked with businesses to make sure waste disposal contracts are in place. It was reported that bins for business users have been used inappropriately by the public and work has been done to look at how to deal with this. Enforcement has been carried out where possible and the council has been very successful with initiatives introduced to tackle fly tipping. Further work was on going to review the locations of bins and to work with businesses.

The Panel raised issues about residents who have been forced to use public bins due to not being provided with a residential service and the timings of street cleaning services.

The Panel noted the report.

11. PROPOSED REVIEW OF THE WINTER GARDENS AS A MAJOR EVENTS VENUE

Edwina Crowley, Property Manager introduced the report. The Panel was informed that the council owned property which was tenanted to 'Your Leisure' from 2004 on 25 year lease was in need of improvements.

Members raised concerns about disabled access and signage for the Winter Gardens and queried if Kent County Council (KCC) could be approached for input.

Edwina Crowley advised the Panel that there has been a Margate Seafront Steering Group which KCC have been involved in.

The Panel were advised that a report would be brought to Cabinet later in the year.

Members agreed to maintain a watching brief on the issue and to await the completion of the current tenancy agreements review being conducted by the Executive.

12. PROPOSED COUNCIL FUNDING OF THE DOCUMENTATION OF TDC ARTEFACTS COLLECTIONS, MARGATE

Edwina Crowley, Property Manager presented the report.

The Panel was advised that the museum had been reliant on volunteers for archiving of the Artefacts Collections as an archivist had not been employed. It was proposed that funding should be obtained to ensure this work continued with a paid archivist in post.

Councillor Johnston spoke under Council Procedure rule 24.1 to raise concerns that the museum itself was in a state of disrepair and that artefacts were at risk of damage.

Edwina Crowley advised that obtaining funding for the building repairs was an urgent requirement.

Councillor Campbell proposed, Councillor G. Coleman-Cooke seconded and Members agreed to recommend to Cabinet that the application for external funding through the Heritage Lottery Fund be pursued as a matter of priority.

13. MEMBER REQUEST FOR OSP TO EXAMINE THE PWC REVIEW OF CPO INDEMNITY PROCESS FOR MANSTON AIRPORT

Tim Howes, Head of Legal and Democratic Services & Monitoring Officer introduced the report.

Councillor Johnston spoke under Council Procedure rule 24.1 regarding the PwC Review of the CPO indemnity process for Manston Airport and criticisms that had been made about 20 documents that were not submitted by the Council.

Madeleine Homer advised the Panel that a response could have been produced but the Department for Transport would not accept comments from the Council on the PwC report, as it was considered a closed report.

The Leader advised the Panel that the draft report had been presented to the Council in advance of receipt of the final report but commented that the report was produced in a manner which did not invite input from the Council.

Councillor Curran proposed, Councillor G. Coleman-Cooke seconded and Members agreed to note the matters raised and take no further action.

14. REVIEW OF OVERVIEW & SCRUTINY PANEL WORK PROGRAMME 2015/16

The Panel queried with the Leader whether a working party for the Queen Elizabeth Queen Mother Hospital (QEQM) should be re-formed. The Leader (who was present at the meeting) said he would look into a group being set up.

The Panel also agreed the following:

1. To note the report;
2. Agree the amended terms of reference as proposed by the three sub-groups in Annex 1 of the report;
3. Refer the Chairman of KCC Health Overview & Scrutiny Committee's response in Annex 3 of the report to Full Council meeting on 15 October 2015.
4. To keep a watchful brief to monitor the progress by EKHUFT towards developing the new clinical strategy for the region whilst maintaining a special interest on its implications for Thanet District.

15. FORWARD PLAN & EXEMPT CABINET REPORT LIST 05 AUGUST 2015 - 29 FEB 2016

The Panel noted the report.

Meeting concluded : 8.30pm

STATEMENT OF GAMBLING POLICY

To: **Overview and Scrutiny Panel – 20th October 2015**

Main Portfolio Area: **Community Services**

By: **Regulatory Services Manager**

Classification: **Unrestricted**

Ward: **Thanet Wide**

Summary: **This report reviews the Statement of Gambling Policy under the 2005 Gambling Act.**

For Decision

1.0 Introduction and Background

- 1.1 The Gambling Act 2005 came into force in September 2007. It removed from the Magistrates' Courts all responsibility for granting gaming and betting permissions. The Act introduced a unified regulator, the Gambling Commission, and a new licensing regime for commercial gambling (to be conducted by the Commission or by Licensing Authorities, depending on the matter to be licensed).
- 1.2 Premises licences are granted by Licensing Authorities, which, in an English County with a County Council, are the District Councils. Premises licences authorise the provision of facilities on casino, bingo and betting premises, adult gaming centres and family entertainment centres. Decisions relating to premises licences are delegated to the Licensing Board under the Act. Permits for gaming machines and Small Society lottery registration are also dealt with by District Councils.
- 1.3 Licensing Authorities must have a Statement of Gambling Policy in place under the Act. Full Council approved the Gambling Policy in December 2006. This Policy is required under the Act to be reviewed every three years and was again approved by Full Council in October 2009 and December 2012. The Policy needs to be published four weeks prior to the 31st January 2016.
- 1.4 Premises licensed by the Council are an important part of our local town centres, with a significant number of employees. It is therefore important to the local economy that the Council discharges its statutory duty in both an efficient and effective manner.

2.0 The Current Situation

- 2.1 There are currently three casino, two bingo, and eighteen betting premises in Thanet. There are also thirteen Adult Gaming and Family Entertainment Centres. A variety of permits have also been issued to premises for gaming machines.
- 2.2 Guidance under the Act is issued by the Gambling Commission to Local Authorities. The Gambling Commission published its fourth edition of the Guidance in February 2013. Consultation on the fifth edition closed in June 2015 and publication is awaited.
- 2.3 Consultation took place on the draft Statement of Gambling Policy between the 23rd July and the 15th October 2015. The Act requires the Licensing Authority to consult with the

Police and interested persons. 'Interested persons' are further defined in the Act. Copies of the draft Policy were sent to the persons and bodies mentioned at appendix 5 in the Policy. The same appendix will list the responses received. The draft Statement of Gambling Policy published for consultation, but without consideration of any responses received during the consultation period, is at Annex 1.

- 2.4 The Act requires Licensing Authorities to publish the Policy statement in January 2016. The Policy must be approved by Full Council. Licensing Authorities are required to have regard to the Guidance issued by the Gambling Commission.

3.0 Corporate Implications

3.1 Financial

- 3.1.1 None at this time. Should the Policy be rejected further consultation would have to take place with cost implications.

3.2 Legal

- 3.2.1 Regulations made under the Act state that Local Authorities should have their Policy in place by January 2016. Legal challenges may be made where consultation does not comply with the Act or Policy does not follow the Guidance issued.

3.3 Corporate

- 3.3.1 To be able to carry out its functions under the Act full Council will have to approve a Statement of Gambling Policy by December 2015.

3.4 Equity and Equalities

- 3.4.1 There are no specific equity and equality considerations that need to be addressed in this report.

4.0 Recommendation

- 4.1 The Overview and Scrutiny Panel recommend to Council that the Policy statement should be adopted.

5.0 Decision Making Process

- 5.1 Should the Overview and Scrutiny Panel recommend adoption the Policy statement will go to Council for approval so that the statement of Gambling Policy can be published in January 2016.

Contact Officer:	Philip Bensted, Regulatory Services Manager
Reporting to:	Penny Button, Head of Safer Neighbourhoods

Annex List

Annex 1	Draft Statement of Gambling Policy
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Background Papers

Title	Where to Access Document
Guidance issued by the Gambling Commission and the Gambling Act 2005	www.gamblingcommission.gov.uk

Corporate Consultation Undertaken

Finance	
Legal	

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DRAFT

Gambling Act 2005

Gambling Policy Statement

January 2016

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Foreword

It is just over eight years since the Gambling Act came into force and responsibility for Gambling premises moved from the Magistrates' Court to the Council.

The Act has three key objectives in relation to gambling, to ensure it is fair, crime free and children and vulnerable persons are protected. Local Authorities have responsibility for Betting, Casino and Bingo premises as well as premises with gaming machines and small society lotteries.

This document is a formal statement of the Policy adopted by Thanet District Council, setting out how it will secure the 'licensing objectives'. The Policy takes into consideration the latest Guidance issued by the Gambling Commission.

I hope that those in the licensed trade, and other interested parties, will find the Policy an essential document.

Philip Bensted

Regulatory Services Manager

January 2016

1. The Licensing Objectives

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

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

Licensing Authorities will aim to permit the use of premises for gambling as set out in Section 153 of the Act.

2. Introduction

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

This policy has been formulated by the K&MRLStGp.

Thanet District Council area has a population of approximately 130,000 making it one of the largest in the County in terms of population. In terms of area it is one of the smallest, covering 40 square miles. Thanet contains the towns of Margate, Ramsgate and Broadstairs. The population is mainly resident in the towns with a spread around the whole coast. There is a rural hinterland.

The areas are shown in the map below:-

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

In determining its policy the licensing authority must have regard to the Guidance and will give appropriate weight to the views of those it has consulted.

Thanet District Council consulted widely on this policy statement before finalising and publishing it. A list of the persons consulted and responses is provided at appendix 5.

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

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

The list of persons consulted when preparing this Policy statement is deliberately wide. The list of persons this authority consulted can be found at appendix 5.

The consultation took place between the 23rd July and 15th October 2015.

The full list of comments made, the consideration of them by the Council and the reasons given for decisions made in drafting the policy following consultation, is available by request to: Licensing Department, Thanet District Council, PO Box 9, Cecil Street, Margate CT9 1XZ, 01843 577432.

The policy was approved at a meeting of the Full Council on the xxx December 2015 and was published via our website on www.thanet.gov.uk. Copies have been placed in the public libraries of the area as well as being available in the principal Council Offices. Should you have any comments as regards this policy statement please send them via email or letter to the following contact:

Name: Philip Bensted, Regulatory Services Manager
Address: Licensing Department, PO Box 9, Cecil Street, Margate CT9 1XZ
Email: philip.bensted@thanet.gov.uk

This policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence. Each application or representation will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005 and the Guidance issued by the Gambling Commission (the Guidance).

3. Declaration

In producing this final licensing policy statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance, and any responses from those consulted on the policy statement.

4. Casinos

No Casinos resolution – Section 166 of the Gambling Act 2005 gives a Licensing Authority the ability to resolve not to issue casino premises licences. This licensing authority has **not** passed a ‘no casino’ resolution. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

5. Functions – This table shows which functions local authorities are responsible for under the Act.

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

Please Note:

The Gambling Commission functions are listed on page 22.

The Licensing Authority is not responsible for remote gambling.

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

6. Responsible Authorities

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

- the need for the body to be responsible for an area covering the whole of the licensing authority's area
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc

In accordance with the Gambling Commission's Guidance for local authorities this authority designates the following for this purpose:

Kent Social Services
Brenchley House
County Hall
Maidstone
Kent ME14 1RF

The contact details of all the Responsible Bodies under the Gambling Act 2005 are available via the Council's website at: www.thanet.gov.uk

7. Interested Parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as someone who, in the opinion of the licensing authority which issues the licence or to which the application is made, -

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

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

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision-making. It will however consider the following matters as recommended by the Guidance to local authorities:

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and

- the nature of the complainant. (not the personal characteristics of the complainant but the interests of the complainant, which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) residential hostel for vulnerable adults).
- the catchment area of the premises (i.e. how far people travel to visit); and
- whether the person making the representation has business interests in that catchment area, that might be affected.

The Gambling Commission has emphasised to licensing authorities, that ‘demand’ cannot be a factor in decisions.

Guidance also states that moral objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives (Guidance to Licensing Authorities Para 5.28).

The Gambling Commission has also recommended that the licensing authority state that interested parties include trade associations and trade unions, and residents and tenants’ associations. This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as one under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the authorised activities.

Interested parties can be represented by other persons such as Ward Councillors, Councillors for the Division, MP’s etc. Councillors who are part of the Licensing Committee dealing with the licence may not be able to represent an interested party. They may recommend another councillor who may help. If an interested party needs advice on this matter he should contact the Council’s Democratic Services section at Thanet District Council.

8. Exchange of Information

In holding and exchanging information with other bodies during the exercise of its functions under the Act the licensing authority will act in accordance with the provisions of the Act , the Data Protection principles as set out in the Data Protection Act 1998 and its duties under the Freedom of Information Act 2000.

The licensing authority will have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

9. Enforcement

The Kent & Medway Licensing Steering Group has formulated an Enforcement Protocol which each Licensing Authority and Responsible Authority has agreed. The purpose of this protocol is to facilitate co-operation and co-ordination between enforcement agencies in pursuance of both the Gambling Act 2005 and the Licensing Act 2003. It will underpin the mutual operational support required to tackle licensing issues.

In accordance with the Guidance this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority will also, as recommended in the Guidance, adopt 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.

This licensing authority's principles are that:

It will be guided by the Guidance and will endeavour to be:

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

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

The Gambling Commission will be the enforcement body for the Operator and Personal Licences. The Gambling Commission will be responsible for compliance as regards unlicensed premises.

Philip Bensted
Regulatory Services Manager
January 2016

Introduction

Appendix 1

The Gambling Commission's Guidance for licensing authorities states the following. The paragraphs below endeavour to meet this request:

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

Permits

(i) Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit.

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

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.

For initial applications, the Licensing Authority does not have to have regard to the licensing objectives but does need to have regard to any Gambling Commission guidance.

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

The Guidance also states: “An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. Unlicensed FECs, by definition, will not be subject to scrutiny by the Commission as no operating (or other) licences will be applied for and issued. Licensing Authorities might wish to consider asking applicants to demonstrate:

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

This licensing authority adopted a statement of principles which is at Appendix 6.

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 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 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

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

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This licensing authority considers that “such matters” will be decided on a case by case basis but that if any general themes arise it will endeavour to provide examples of such in this licensing policy statement by way of a revision.

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

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

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

The Gambling Act 2005 states that a Licensing Authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.

The Guidance states: “In their Licensing Authority Statement of Policy, licensing authorities should include a statement of principles that they propose to apply when exercising their functions in considering applications for permits. In particular, they may want to set out the matters that they will take into account in determining the suitability of the applicant. 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, licensing authorities will want to give weight to child protection issues. Licensing Authorities should ask the applicant to set out the types of gaming that he or she is intending to offer and the applicant should be able to demonstrate that:

- they understand the limits to stakes and prizes that are set out in Regulations;
- the gaming offered is within the law.” (27.12)

This licensing authority has prepared a statement of principles which is at Appendix 6.

In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

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

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

(iv) Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

Guidance for local authorities states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is restricted to bridge and whist. Members' clubs must be permanent in nature, but there is no need for a club to have an alcohol licence." (25.5)

This Licensing Authority is aware that: "Licensing authorities may only refuse an application on the grounds that:

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

It should be noted that there is a 'fast-track' procedure available for premises that hold a Club Premises Certificate under the Licensing Act 2003. 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 by regulations under Section 266 of the Act;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming;
- (c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled." (25.45)

Premises Licences

Appendix 2

(i) Decision making - general:

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

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

- 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

As regards licence conditions, the Guidance for local authorities states that "Conditions imposed by the licensing authority must be proportionate to the circumstances which they are seeking to address. In particular, licensing authorities should ensure that the premises licence conditions are:

- 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:
- reasonable in all other respects. (9.29)

The Commission also adds that the "licensing authority should take decisions on individual conditions on a case by case basis, although this will be against the background of any general policy set out in this guidance or their own licensing authority statement of policy." (9.31)

This licensing authority is in agreement with these statements by the Gambling Commission.

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

The Gambling Commission has also emphasised to local authorities, that ‘demand’ cannot be a factor in decisions.

(ii) “premises”:

Premises is 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 taking into consideration Guidance issued by the Gambling Commission.

This licensing authority takes particular note of the Gambling Commission’s Guidance for local authorities which states that in considering applications for multiple licences for a building or those for a specific part of the building to be licensed, licensing authorities “should be aware of the following:

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

(iii) Location:

This licensing authority notes the Guidance which states that: “Licensing authorities may need to consider the location of premises in the context of this¹ licensing objective. If an application for a licence or permit is received in relation to premises that are in an area noted for particular problems with organised crime, for example, licensing authorities should think about what (if any) controls might be appropriate to prevent those premises becoming a source of crime. These might include conditions being put on the licence, such as a requirement for door supervisors.” (5.11)

¹ Preventing gambling being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

The Commission also states in its Guidance: “For example, a licensing authority statement of policy could and should, set out the general principles that the licensing authority will apply when determining whether the location of proposed gambling premises is acceptable (with or without conditions) in light of the licensing objectives. For example, a licensing authority statement of policy might set out that the authority will consider very carefully whether applications for premises licence in respect of certain gambling premises located very close to a school, or a centre for gambling addicts should be granted in light of the third licensing objective. Any such policy must, however, come with the qualification that each case will be decided on its merits, and will depend to a large extent on the type of gambling that it is proposed will be offered on the premises. If an applicant for a premises licence can show how licensing objective concerns can be overcome, that will have to be taken into account.” (6.12) This licensing authority will adhere to this advice.

(iv) Planning:

Planning and licensing are different regulatory systems and will be dealt with separately. The Guidance states: “When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. Section 210 of the 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.” (7.67)

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

(v) Duplication:

In accordance with the Guidance this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

(vi) Door Supervisors:

The Guidance states 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.

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.

However where a casino or bingo premises are licensed under the Licensing Act 2003 Door Supervisors employed are required to be licensed under the PSIA Act 2001 to enable them to perform their functions under that Act.

(vii) Licensing objectives:

This licensing authority has considered the Gambling Commission's Guidance to local authorities and some comments are provided with regard to the licensing objectives.

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

The Guidance has noted that "disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it." This authority agrees with this statement.

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

The Guidance states that "Generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence." (5.18) This licensing authority also notes, however, that the Gambling Commission also states "in relation to the licensing of tracks the licensing authorities' role will be different from other premises in that track owners will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable." (5.19)

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

The Guidance states that "The objective talks of protecting children from being "harmed or exploited by gambling", but in practice that often means preventing them from taking part in or being in close proximity to gambling..."

This Licensing Authority has also noted that Guidance states "Licensing authorities need to consider, in relation to particular premises, whether any special considerations apply in relation to the protection of vulnerable persons. Any such considerations need to be balanced against the authority's objective to aim to permit the use of premises for gambling." (5.23)

As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs." This licensing authority will consider the objective on a case-by-case basis. (5.22)

This licensing authority will pay particular attention to any Codes of Practice, which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos. It is understood that a Code for casinos must:

- specify steps that the premises licence-holder must take to ensure that children and young persons (that is those under the age of 18) do not enter casino premises, or in the case of the regional casino do not enter the gambling area;
- amongst those specified steps, ensure that each entrance to the casino or gambling area is supervised by at least one person (“the supervisor”) who is responsible for compliance with the code of practice; and
- require that, unless the supervisor is certain that a person seeking admittance is an adult, evidence of age must be required of all those seeking to enter the casino or gambling area.

(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

as well as consideration as to whether the request is frivolous, vexatious, or will certainly not cause this authority to wish 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:

This licensing authority notes that the Guidance states:

“As the Court has held in a 2008 case, 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 section 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. An authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.” (7.61)

In terms of representations about premises licence applications, following the grant of a provisional statement, the Guidance states: “If a provisional statement has been granted, the licensing authority is constrained in the matters it can consider when an application for a premises licence is made subsequently in relation to the same premises. 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:

- which could not have been raised by way of representations at the provisional licence stage; or
- which, in the authority’s opinion, reflect a change in the operator’s circumstances
- Where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and licensing authorities should discuss any concerns they have with the applicant before making a decision”. (11.7,11.8 and 11.9)

This authority also has noted in the Guidance that “A licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.”

(x) Adult Gaming Centres:

This licensing authority particularly notes that the Guidance states: “No-one under the age of 18 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, for example, where an AGC is in a complex, such as a shopping centre or airport.” (21.4)

(xi) (Licensed) Family Entertainment Centres:

This licensing authority will, in accordance with the 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.

(xii) Tracks:

This licensing authority is aware that the Gambling Commission may provide specific guidance as regards tracks. We will take note of the Guidance issued by the Gambling Commission in this regard.

(xiii) Casinos:

Casinos and competitive bidding – This licensing authority is aware that where a licensing authority area is enabled to grant a Premises Licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a ‘competition’ under Schedule 9 of the Gambling Act 2005. This licensing authority will run such a competition in line with any regulations issued under the Gambling Act 2005 by the Secretary of State.

Betting machines – This licensing authority is aware that, as explained in Guidance for local authorities: “Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of betting machines in these premises, the licensing authority, amongst other things, should take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of employees to monitor the use of the machines by vulnerable people.” (16.34)

Credit - Guidance for Local Authorities states that:- “section 177 does not prevent the licensee from contracting a third-party to install cash dispensers (ATMs) on their premises, which may accept both credit and debit cards. Such an arrangement is subject to requirements that the premises licence holder has no other commercial connection in relation to gambling with the provider of the ATMs (aside from the agreement to site the machines), does not profit from the arrangement, and does not make any payment in connection with the machines. All premises licences also include a mandatory condition which requires that any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.” (9.12)

(xiv) Bingo:

The licensing authority is aware and will take notice of the Guidance issued by the Gambling Commission in relation to Bingo.

(xv) Temporary Use Notices:

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 Notices:

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 though need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

(xvii) Travelling Fairs:

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

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

(xviii) Betting premises:

Betting machines - The Guidance states: "Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of betting machines in these premises, the licensing authority, amongst other things, should take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of employees to monitor the use of the machines by vulnerable people." (16.34)

Credit - The Gambling Commission Guidance states: "section 177 does not prevent the licensee from contracting a third-party to install cash dispensers (ATMs) on their premises, which may accept both credit and debit cards. Such an arrangement is subject to requirements that the premises licence holder has no other commercial connection in relation to gambling with the provider of the ATMs (aside from the agreement to site the machines), does not profit from the arrangement, and does not make any payment in connection with the machines. All premises licences also include a mandatory condition which requires that any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling in order to do so." (9.12)

Information exchange

It should be noted that there are sections of the Gambling Commission’s Guidance for local authorities which relate to Information Exchange.

The sections are:

- “As applicants for premises licences (except occupiers of tracks who do not propose to offer gambling themselves) will have to hold an operating licence from the Commission before the premises licence can be issued, licensing authorities will not need to investigate the suitability of an applicant. If during the course of considering a premises licence application, or at any other time, the licensing authority receives information that causes it to question the suitability of the applicant to hold an operating licence, these concerns should be brought to the attention of the Commission without delay” (5.10)
- “Regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, rather than on operating licences. (Though if there are persistent or serious disorder problems that an operator could or should do more to prevent, the licensing authority should bring this to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence.)” (5.13)
- “If it comes to the attention of licensing authorities that Alcohol-licensed premises or clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes and that makes it possible that the £2,000 in seven days is being exceeded, authorities should inform the Commission.” (18.17)

Gambling Commission Functions

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

Responsible Authorities Contact details:

Appendix 3

**Licensing Authority
Thanet District Council
Licensing Department
PO Box 9 , Cecil Street,
Margate CT9 1XZ
01843 577432**

**Gambling Commission
Victoria Square House
Victoria Square
Birmingham B2 4BP**

**Chief Officer of Police
Licensing, CSU,
Police Station
Old Dover Road
Canterbury CT1 3JQ
01227 868414**

**Kent Fire & Rescue Service
East Kent Group
Fire Safety Office
Canterbury Fire Station
Upper Bridge Street
Canterbury
CT1 2NH**

**Local Planning Authority
Thanet District Council
PO Box 9, Cecil Street,
Margate CT9 1XZ**

**Environmental Protection/ H&S
Thanet District Council
PO Box 9, Cecil Street,
Margate CT9 1XZ**

**Child Protection Service
Kent County Council Social Services
Brenchley House
County Hall
Maidstone ME14 1RF**

**HM Revenue & Customs
National Registration Unit
Portcullis House
21 India Street
Glasgow G4 2PZ**

Appendix 4

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

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

Appendix 5

Consultation

List of Persons Consulted

Local Gambling businesses – three casinos, two bingo premises, eighteen betting offices, nine adult gaming centres and four family entertainment centres

Kent Police	Gambling Commission	Kent Fire & Rescue
Planning, TDC	Environmental Protection, TDC	Social Services
HM Revenue & Customs	Eastern & Coastal Kent PCT	Citizens Advice Bureau
Kent County Council	Thanet Parish & Town Councils	Thanet District Councillors
Casino Operators Association	Mackenzie Dillon Solicitors	Ivor Thomas Amusements
Shepherd Neame	John Icke Automatics	Gamcare
BACTA	Local MP's	British Beer & Pub Assoc.
Assoc. of British Bookmakers	Casino Operators Assoc. UK	Poppleston Allen Solicitors
Thanet Community Safety Partnership		
Senior Management Team, TDC		
Chief Executives, Dover DC and Canterbury CC		

Responses Received

**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 issues
9. Other miscellaneous issues

1. The Gambling Act 2005

Unless otherwise stated any references in this document to the council is to the Thanet District 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.

Thanet District 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 Thanet District 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
- 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 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 (eg. 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. Other miscellaneous issues

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 Criminal Record Check on application to Disclosure Scotland on 0870 609 6006 or online at www.disclosurescotland.co.uk

Philip Bensted
Regulatory Services Manager
January 2016

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REVIEW OF OVERVIEW AND SCRUTINY PANEL WORK PROGRAMME FOR 2015/16

To: **Overview and Scrutiny Panel – 20 October 2015**

Main Portfolio Area: **All Portfolios**

By: **Senior Democratic Services Officer**

Classification: **Unrestricted**

Ward: **All**

Summary: **This report reviews the Overview and Scrutiny Panel work programme for 2015/16.**

For Decision

1.0 Introduction and Background

- 1.1 This report allows Members to review the Overview and Scrutiny Panel work programme agreed at the Annual Panel meeting on 18 August 2015. The report also presents a new format for reporting on the work programme by providing additional information on the indicative work programme for 2015/16 to enable Members to appreciate the work load for the Panel.
- 1.2 Since the last meeting of the Panel, all three working parties met during the period between 14 September 2015 and 8 October 2015. Brief progress comments for each sub group are included in Table 2 of the report. Chairmen and other Members of the working parties could provide additional comments during the debate of this item at the Panel meeting.
- 1.3 The Panel would need to appoint another member to the Community Safety Partnership Working Party and Electoral Registration Process Review Task & Finish Group membership to replace a Member who dropped out on each of the two sub-committees; due to changes in political make-up of the Council.

Current Activities

2.0 Corporate Performance Review Working Party

- 2.1 The working party met on 30 September to receive performance reports from the shared services arrangements that include EK Services, EK Human Resources and EK Housing. Members noted that the performance of all the shared services arrangements was generally satisfactory and that there were no major concerns. Members were advised that there were a number of key projects being undertaken to achieve further performance improvements in the delivery of shared services.
- 2.2 East Kent Services was conducting a review to ascertain the true cost of managing and delivering the service to the partner local authorities. East Kent Services were exploring other potential revenue sources that would bring in additional income to the shared services arrangements for the benefit of the partner local Councils.

- 2.3 EK Services were also working on a new single ICT system for all three partner Councils that would help improve the performance of the Revenue and Benefits department, particularly the telephony service. East Kent Human Resources were working on installing a new Human Resources system that would make it easier for staff to access their personal information, submit claims and apply for leave.
- 2.4 The system would also bring payroll in-house. East Kent Housing were also working on a new single ICT system to serve the four partner local Councils. This would replace the current four separate ICT systems.

3.0 Community Safety Partnership Working Party

- 3.1 This sub-group then met on 14 September and received a report from the Kent Police on the 'Performance Report on tackling the drivers of Crime and Anti-Social Behaviour.' They also received an update on the performance of the rest of the Thanet Community Safety Plan for 2016-16.
- 3.2 These presentations were informative as Members engaged the Partnership representatives (Kent Police) and were able to seek clarifications on a number of community neighbourhood safety issues, such as the initiatives on early intervention to tackle anti-social behaviour and repeat offending.

4.0 Electoral Registration Process Review Task & Finish Group

- 4.1 The sub-group met on 8 October 2015 and received a report on 'Increasing public awareness of registration under Individual Electoral Registration' and 'Review of printing and postal voter arrangements for the May 2015 Elections.' Members expressed their satisfaction at the measures that were being proposed in the Audit report to improve the management of postal vote arrangements for future elections.

5.0 Key Agenda Items for Future Overview & Scrutiny Panel Meetings

- 5.1 Table 1 highlights some of the key agenda items for future Overview & Scrutiny Panel meetings for 2015/16. The items are sourced from the Forward Plan, whilst others are standing items or would have been requested by Panel or non-Panel Members. Table 2 reports on progress to date on the activities of all the sub groups set up by the Panel in 2015/16.
- 5.2 Terms of reference of each of the current sub groups are set out at the end of the report for ease of reference by Members during Panel debates.

6.0 The Sub Group Activities and Watching Briefs Report Updates Table 2

- 6.1 The table is sub-divided in order to illustrate the suggested nature of the work involved:
- a) **Standing Working Party /Task & Finish Group** – a formal sub-committee which will report its findings back to the Panel for recommendation onto the executive.
 - b) **Presentations** – these are presentations to the Panel that will allow the Panel to consider whether any further work should be undertaken and a specific item included in the Panel's work programme.
 - c) **Watching briefs** – possible additions to the work programme. The Panel will need to decide whether to undertake work on them, and if so, how the work will be organised in the light of progress towards policy development of the issue by the decision make.

Table 1 – Current OSP Work Programme for 2015/16

Overview & Scrutiny Panel Meeting Date	Indicative Agenda Items	Issue Source
20 October 2015	Cabinet Member Presentation	Standing Agenda Item
	Fees and Charges 2016/17	Budget & Policy Framework Forward Plan Item
	The Determination of the gambling policy statement for the next three years	Forward Plan Item
	Publication of pre-Submission draft Local Plan	Policy Framework Forward Plan Item
	Corporate Performance review progress report by sub-group	Terms of Reference of sub group
	Community Safety Partnership Plan (2015-16) implementation review progress report by sub group	Terms of Reference of sub group
	Electoral registration process review progress report by sub-group	Terms of Reference of sub group
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
15 December 2015	Cabinet Member Presentation	Standing Agenda Item
	Budget and Medium Financial Plan 2016-2020	Budget & Policy Framework Forward Plan Item
	Cabinet/Council Responses to OSP Recommendations	An as and when required item
	Corporate Performance review progress report by sub-group	Terms of Reference of sub group
	Community Safety Partnership Plan (2015-16) implementation review progress report by sub group	Terms of Reference of sub group
	Electoral registration process review progress report by sub-group	Terms of Reference of sub group
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
09 February 2016	Cabinet Member Presentation	Standing Agenda Item
	Council Tax 2016/17	Budget & Policy Framework Forward Plan Item
	Corporate Performance review progress report by sub-group	Terms of Reference of sub group
	Community Safety Partnership Plan (2015-16) implementation review progress report by sub group	Terms of Reference of sub group

	Electoral registration process review progress report by sub-group	Terms of Reference of sub group
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
26 April 2016	Cabinet Member Presentation	
	Corporate Performance review progress report by sub-group	Terms of Reference of sub group
	Community Safety Partnership Plan (2015-16) implementation review progress report by sub group	Terms of Reference of sub group
	Electoral registration process review progress report by sub-group	Terms of Reference of sub group
	OSP Annual Report to Council 2015-16	OSP terms of reference
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
24 May 2016	OSP Annual Meeting Agenda	
	Establishing 2016-17 OSP Work Programme	
	Agree Draft terms of reference of each of the newly established sub committees	
	Agreeing Membership for the sub committees	
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item

Table 2 – Current Sub-Group Progress and Watching Briefs Updates for 2015/16

Sub Group/Issue	Composition/ Members	Lead Officer	Comment on Progress	Status
Date of Establishment 01.10.09 Community Safety Partnership Working Party	Cllr Elenor (Chairman) Cllr Bambridge Cllr Campbell Cllr Curran Cllr Dixon Cllr Falcon	Martyn Cassell;	After their first meeting for year on 2 July 2015, the working party met again on 14 September 2015 and elected Cllr Elenor who replaced Cllr Bambridge as the Chairman. Cllr Bambridge had resigned from the post. Members received officer reports from Kent Police and Martyn Cassell on the 'Performance Report on Tackling the drivers of Crime and Anti-Social Behaviour' and 'Thanet Community Safety Plan Update for 2015/2016.'	On going
Date of Establishment: 28.05.08 Corporate Performance Review Working Party	Cllr G. Coleman-Cooke (Chairman) Cllr Bambridge Cllr Campbell Cllr Connor Cllr Curran Cllr Denis Cllr E. Hillman	Tim Willis; Nicola Walker	The working party met on 6 July 2015 and elected Cllr Glenn Coleman-Cooke as the Chairman. They also agreed amendments to the terms of reference as reported elsewhere in the report. The working party met again on 30 September 2015 as detailed in section 2.0 of the report.	On going
Date of Establishment: 29.05.12 Electoral Registration Process Review Task & Finish Group	Cllr K. Gregory (Chairman) Cllr Campbell Cllr G. Coleman-Cooke Cllr Connor Cllr Falcon Cllr Game	Cliff Robinsons; Lyn Davey	The TFG met on 7 July 2015 and elected Cllr K. Gregory as the Chairman. They agreed amendments to the terms of reference which are attached to the report. The sub-group then	On going

Sub Group/Issue	Composition/ Members	Lead Officer	Comment on Progress	Status
			met on 8 October 2015 and received an audit report as reported elsewhere in the report.	
Presentations				
2015/16 Presentations by Portfolio Holders and Directors of Services	N/A	All Portfolio Holders and Directors		
Watching Brief Items				
05 December 2013: Full Council Referral of a Petition to OSP - QEQM Hospital A&E	OSP	Penny Button	OSP made recommended that the response from the Chairman of the KCC Health Overview & Scrutiny Committee be forwarded to Full Council on 15 October 2015. The Panel also agreed to keep a watchful brief to monitor the progress by EKHUFT towards developing the new clinical strategy for the region whilst maintaining a special interest on its implications for Thanet District.	OSP keeping a watching brief on the issue
Proposed review of the Winter Gardens as a major events venue	OSP	Head of Economic Development & Asset Management	On 18 August 2015, Panel Members agreed to maintain a watching brief on the issue and to await the completion of the current tenancy agreements review being conducted by the Executive.	OSP keeping a watching brief on the issue

7.0 Corporate Implications

7.1 Financial

7.1.1 There are no financial implications arising directly from this report.

7.2 Legal

7.2.1 There are no legal issues arising directly from this report.

7.3 Corporate

7.3.1 The work programme should help to deliver effective scrutiny. An active Scrutiny programme is part of good governance and will, ultimately, underpin the Council's use of resources assessment.

7.3.2 The Working Parties / Task and Finish Groups assist the work of scrutiny as they carry-out an in-depth study of any issue referred to the groups under their terms of reference.

7.4 Equalities

7.4.1 None directly but the Council needs to retain a strong focus and understanding on issues of diversity amongst the local community and ensure service delivery matches these.

8.0 Recommendations

8.1 Members are asked to note the report.

8.2 With reference to section 1.3 of the report; the Panel is asked to agree the membership nomination to the Community Safety Partnership Working Party and Electoral Registration Process Review Task & Finish Group.

9.0 Decision Making Process

9.1 Any decisions on the work programme can be taken by the Overview & Scrutiny Panel and where appropriate recommendations and report backs are made to other appropriate decision making bodies of Council.

Contact Officer:	Charles Hungwe, Senior Democratic Services Officer, Ext 7186
Reporting To:	Nick Hughes, Committee Services Manager, Ext: 7208

Annex List

None	N/A
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Background Papers

Title	Details of where to access copy
None	None

Corporate Consultation Undertaken

Finance	n/a
Legal	n/a
Communications	n/a

Additional Notes: Terms of Reference of the OSP Sub Groups

All sub groups are required to report back regularly to the Panel

Community Safety Partnership Working Party

1. Safeguarding people vulnerable to committing or being a victim of crime;
2. Reducing Re-offending;
3. Tackling the drivers of crime and Anti-Social Behaviour;
4. Engaging with partners and the community.

Corporate Performance Review Working Party

1. To monitor half-yearly, the performance of the shared services or outsourced arrangements against set targets and conduct annual review of agreements for these arrangements to ensure value for money and savings; and propose action points for improvement;
2. To monitor the performance of the Medium Term Financial Plan;
3. To evaluate major projects Council is involved in;
4. To review the 2015-19 Corporate Plan to determine progress;
5. To review the strategies of Council to overcome the impact of lack of income and other revenue shortfalls in forward budget, debt management strategies and provision of services to residents;
6. To review the Council's progress against the Peer Review Improvement Plan.

Electoral Registration Process Review Task & Finish Group

1. To review the implementation of Individual Electoral Registration;
2. To review the annual Canvass for 2014/15 in order to inform the electoral registration process for 2015/16;
3. Receive the findings of the internal review regarding printing and postal votes arrangements for the May 2015 Elections;
4. To contribute ideas for consideration by the Council's Electoral Registration Officer (through the Overview & Scrutiny Panel) on options for increasing public awareness of, and participation in, voter registration.

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FORWARD PLAN AND EXEMPT CABINET REPORT LIST

To: **Overview and Scrutiny Panel – 20 October 2015**

Main Portfolio Area: **All**

By: **Senior Democratic Services Officer**

Classification: **Unrestricted**

Summary: **To update Panel Members on the revised Forward Plan and Exempt Cabinet Report List (hereby referred to as the Forward Plan) of key decisions and allow the Panel to consider whether it wishes to be consulted upon any of the items**

For Decision

1.0 Introduction and Background

- 1.1 The law requires that the Council regularly publish a Forward Plan of Key Decisions. Thanet's Forward Plan and Exempt Cabinet Report List is updated monthly and published on the Council's internet site www.thanet.gov.uk
- 1.2 The aim of the Forward Plan is to allow the general public and Council Members to see what decisions are coming up over the next few months and how they will be handled i.e. whether a decision will be taken by Cabinet or Council, and whether there will be input from Overview & Scrutiny during the process.
- 1.3 Overview & Scrutiny receives an updated copy of the Forward Plan at each Panel meeting. The Panel can identify any item on the Forward Plan to be added to the Overview and Scrutiny work programme in order to be scrutinised further. A copy of the latest version of the Forward Plan is attached at Annex 1 to the report.
- 1.4 Members may wish to note that the new The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 requires that the Council gives 28 clear days' notice of any key decision or of any reports which the Cabinet intends to consider in private session.

2.0 Corporate Implications

2.1 Financial

2.1.1 None

2.2 Legal

2.2.1 None

2.3 Corporate

2.3.1 None

2.4 Equalities

2.4.1 None.

3.0 Recommendation

3.1 Members' instructions are invited.

Contact Officer:	Charles Hungwe, Senior Democratic Services Officer, Ext.7186
Reporting to:	Nick Hughes, Committee Services Manager, Ext 7208

Annex List

Annex 1	Forward Plan and Exempt Cabinet Report List
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Background Papers

Title	Details of where to access copy
None	n/a

Corporate Consultation Undertaken

Finance	Not applicable
Legal	Not applicable



FORWARD PLAN AND EXEMPT CABINET REPORT LIST

7 OCTOBER 2015 TO 3 MARCH 2016

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 requires the Council to give 28 clear days' notice of any key decision or of any reports which the Cabinet intends to consider in private session.

Key decisions

A key decision is an executive decision (taken by Cabinet or by officers on Cabinet's behalf) that is likely:

- a) To result in the Council spending or saving significantly against the Council's budget; or
- b) To be significant in terms of the effect on communities living or working in the district, in an area comprising two or more wards. However, decisions that impact on communities living or working in one ward will be treated as "key" if the impact is likely to be very significant

To help clarify what should be included as a key decision in this document, Thanet District Council has set the following thresholds:

Type of Decision	Threshold	Key Decision?
(a) Decisions involving expenditure within relevant budget approved by Council.	None.	No, unless significant effect on communities (i.e. it affects two or more wards or has a major impact within one ward)
(b) Decisions involving expenditure in excess of relevant budget approved by Council.	Any excess which exceeds the FPR virement rules.	Yes, if above threshold. If at or below threshold, a key decision if significant effect on communities (as above).
(c) Decisions on cash flow, investments and borrowings.	None.	No, unless significant effect on communities (as above).
(d) Decisions to make savings.	None.	No, unless significant effect on communities (as above).

If an executive decision does not fall into any of the above categories, it is included as non-key. Thanet District Council also includes in its published Forward Plan decisions affecting Policy Framework and Budget Setting. Other Council decisions may also be included if they have a significant impact on communities. In such cases, the decision type will be denoted as "other".

Reports to be considered in private session

The second last column of the Plan indicates where a report is likely to contain exempt information and result in the public and press being asked to leave the meeting for the consideration of the whole or part of the item.

If you wish to make any representations relating to a proposal to hold part of a meeting in private due to the potential disclosure of exempt information, please contact Nicholas Hughes, Democratic Services Manager, PO Box 9, Cecil Street, Margate, Kent CT9 1XZ, Nicholas.hughes@thanet.gov.uk, telephone number 01843 577208, at least 14 calendar days before the date of that meeting.

At least 5 clear (working) days before the meeting, the Council will publish on its website a notice giving details of representations received about why the meeting should be open to the public and a statement of its response.

The Plan represents a snapshot of decisions in the system as at the date of publication. It is updated 28 clear days before each meeting of Cabinet. The Plan is available for inspection at all reasonable hours free of charge at Thanet Gateway Plus, Cecil Street, Margate, Kent CT9 1RE.

Availability of documents

Subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Plan will be available from Thanet Gateway Plus, Cecil Street, Margate, Kent CT 9 1RE. Other documents relevant to those matters may be submitted to the decision makers; if that is the case, details of the documents as they become available can be requested by telephoning Democratic Services on 01843 577500 or by emailing committee@thanet.gov.uk.

The documents listed in the Plan will be published on the Council's website at least five clear (working) days before the decision date. Other documents will be published at the same time or as soon as they become available.

The Cabinet comprises the following Members who have responsibility for the portfolio areas shown:

Councillor Chris Wells

Leader of the Council

Councillor Lin Fairbrass

Deputy Leader of the Council and Cabinet Member for Community Services

Councillor Derek Crow-Brown

Cabinet Member for Corporate Governance

Councillor John Townend

Cabinet Member for Financial Services and Estates

Councillor Suzanne Brimm

Cabinet Member for Operational Services

Councillor Hunter Stummer-Schmertzing

Cabinet Member for Regeneration and Enterprise Services

07 October 2015 to 03 March 2016

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Corporate Priorities 2015-2019	Council to agree the Corporate Priorities 2015-2019	1. Overview & Scrutiny Panel Cabinet Council 2. Madeline Homer, Chief Executive Tel: 01843 577123	Councillor Christopher T Wells, Leader of the Council	18 Aug 15 10 Sep 15 15 Oct 15	Policy Framework		Overview & Scrutiny Panel report Cabinet report Council report

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Corporate Performance Report Qtr1 & Qtr2	Cabinet to note the performance of the Council to date	1.Cabinet, Corporate Performance Review Working Party Cabinet 2.Nicola Walker, Interim Head of Financial Services Tel: 01843 577236	Councillor Christopher T Wells, Leader of the Council	30 Sep 15 22 Oct 15	Non-Key		Corporate Performance Review Working Party report Cabinet report
Renewal of the decision previously made on the request to lease additional land at Hartsdown and Tivoli Park, Margate and request to grant new lease terms to Margate Football Club,	Review of the Cabinet decision made on 2/2/12 due to expiry of time	1.Cabinet Member for Financial Services and Estates 2.Natalie Beldin, Estates Surveyor, Community Services	Councillor John Townend, Cabinet Member for Financial Services and Estates	13 Oct 15	Key		Officer Report for Individual Cabinet Member Decision
Budget Strategy 2016-17	Cabinet to agree the strategy for 2017-18 Budget	1.Cabinet Overview & Scrutiny Panel 2.Tim Willis, Director of Corporate Resources and S151 Officer	Councillor John Townend, Cabinet Member for Financial Services and Estates	12 Nov 15 26 Nov 15	Key		Cabinet Report Overview & Scrutiny Panel report

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Asset Management	To consider surplus assets	1.Cabinet 2.Director of Community Services	Councillor John Townend, Cabinet Member for Financial Services and Estates	12 Nov 15	Key		Cabinet report
Revised Capital Programme 2015-16	Cabinet to agree the revised Capital Programme	1.Cabinet Council 2.Tim Willis, Director of Corporate Resources and S151 Officer	Councillor John Townend, Cabinet Member for Financial Services and Estates	12 Nov 15 3 Dec 15	Budget setting		Cabinet report Council report
Budget Monitoring Qtr2	Cabinet to note the report and agree any financial changes	1.Cabinet 2.Tim Willis, Director of Corporate Resources and S151 Officer	Councillor John Townend, Cabinet Member for Financial Services and Estates	12 Nov 15	Non-Key		Cabinet report
The determination of the licensing policy statement for the next five years	Compliance with the 2003 Licensing Act in reviewing the policy every five years	1.Council 2.Phil Bensted, Regulatory Services Manager	Councillor Lin Fairbrass, Deputy Leader of the Council and Cabinet Member for Community Services	3 Dec 15	Policy Framework		Council report

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
The determination of the gambling policy statement for the next three years	Compliance with the 2005 Gambling Act in reviewing the policy every three years	1.Council 2.Phil Bensted, Regulatory Services Manager	Councillor Lin Fairbrass, Deputy Leader of the Council and Cabinet Member for Community Services	3 Dec 15	Policy Framework		Council report
Adoption of a Health & Safety Policy	A framework for Health and Safety Enforcement across the district.	1.Cabinet 2.Debbie Huckstep	Councillor Lin Fairbrass, Deputy Leader of the Council and Cabinet Member for Community Services	10 Dec 15	Non-Key		Cabinet report
Budget and Medium Financial Plan 2016-2020	Cabinet to agree the draft budget	1.Cabinet Cabinet Council 2.Tim Willis, Director of Corporate Resources and S151 Officer	Councillor John Townend, Cabinet Member for Financial Services and Estates	10 Dec 15 19 Jan 16 4 Feb 16	Budget and Policy Framework		Cabinet report Council report

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Mid Year Treasury Report 2015-16	G&A Committee, Cabinet and Council to note the Mid Year Treasury Report	1.Governance and Audit Committee Cabinet Council 2.Nicola Walker, Interim Head of Financial Services Tel: 01843 577236	Councillor John Townend, Cabinet Member for Financial Services and Estates	9 Dec 15 19 Jan 16 25 Feb 16	Key		Governance & Audit Committee report Cabinet report Council report
Fees & Charges 2016/17	Council to agree fees and charges for 2016-17	1.Cabinet Council Overview & Scrutiny Panel 2.Tim Willis, Director of Corporate Resources and S151 Officer	Councillor John Townend, Cabinet Member for Financial Services and Estates	12 Nov 15 3 Dec 15 15 Dec 15	Budget and Policy Framework		Cabinet report Council report Overview & Scrutiny Panel report
Treasury Management Strategy 2016-17	Cabinet to agree the Treasury Management Strategy	1.Cabinet Council 2.Tim Willis, Director of Corporate Resources and S151 Officer	Councillor John Townend, Cabinet Member for Financial Services and Estates	19 Jan 16 4 Feb 16	Key		Cabinet report Council report

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Project Motorhouse, Ramsgate	To consider the agreement with Project Motorhouse	1.Cabinet 2.Director of Community Services	Councillor Christopher T Wells, Leader of the Council	19 Jan 16	Key		Cabinet report
Pierremont Hall	Review progress of negotiations with the Town Council following their Community Right to Bid, and give consideration to a Community Asset Transfer or approve sale on the open market.	1.Cabinet 2.Lesley Trim, Estates Surveyor	Councillor John Townend, Cabinet Member for Financial Services and Estates	19 Jan 16	Key		Cabinet report
Retort House	To enable Cabinet to consider a Community asset Transfer if the Community Right to Bid does not proceed.	1.Cabinet 2.Lesley Trim, Estates Surveyor	Councillor John Townend, Cabinet Member for Financial Services and Estates	19 Jan 16	Key		Cabinet report
Selective Licensing in Cliftonville West and Margate Central*	Cabinet to determine whether to designate an area in Cliftonville West and Margate Central for the purposes of selective licensing	1.Overview & Scrutiny Panel Cabinet 2.Richard Hopkins, Housing Regeneration Team Leader Tel: 01843 577402	Councillor Lin Fairbrass, Deputy Leader of the Council and Cabinet Member for Community Services	15 Dec 15 19 Jan 16	Key		Overview & Scrutiny Panel report Cabinet report

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Publication of pre-Submission draft Local Plan	Formal publication of Council's proposals for the future development plan for the district	1. Overview & Scrutiny Panel Cabinet Council 2. Adrian Verrall, Strategic Planning Manager	Councillor Lin Fairbrass, Deputy Leader of the Council and Cabinet Member for Community Services	15 Dec 15 19 Jan 16 4 Feb 16	Policy Framework		OSP report Cabinet report Council report
Council Tax 2016-17	Council to agree Statutory Resolution	1. Council 2. Tim Willis, Director of Corporate Resources and S151 Officer	Councillor John Townend, Cabinet Member for Financial Services and Estates	25 Feb 16	Budget and Policy Framework		Council report
Corporate Performance Report Qtr3	Cabinet to note the performance of the Council to date	1. Corporate Performance Review Working Party Cabinet 2. Nicola Walker, Interim Head of Financial Services Tel: 01843 577236	Councillor Christopher T Wells, Leader of the Council	Before 19 Feb 16 3 Mar 16	Non-Key		Corporate Performance Review Working Party report Cabinet report

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Budget Monitoring Qtr3	Cabinet to note the report and agree any financial changes	1.Cabinet 2.Tim Willis, Director of Corporate Resources and S151 Officer	Councillor John Townend, Cabinet Member for Financial Services and Estates	3 Mar 16	Key		Cabinet report

NOTE

The decision on 'Selective Licensing in Cliftonville West and Margate Central' is Urgent and therefore should be exempt from call-in by the Overview & Scrutiny Panel. The decision is Urgent because, if Cabinet decide to make a designation, it must, owing to statutory requirements, be confirmed on or before 20 January 2016 if a continuous selective licensing scheme is to be achieved. Calling in the decision would delay the making of a designation and prejudice the Council's interest in particular and that of the public in general.

THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or
Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
 - exercises functions of a public nature; or
 - is directed to charitable purposes; or
 - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992

If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the

matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

Gifts, Benefits and Hospitality

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £100 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

What if I am unsure?

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Democratic Services and Scrutiny Manager well in advance of the meeting.

DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS, SIGNIFICANT INTERESTS AND GIFTS, BENEFITS AND HOSPITALITY

MEETING

DATE..... **AGENDA ITEM**

DISCRETIONARY PECUNIARY INTEREST

SIGNIFICANT INTEREST

GIFTS, BENEFITS AND HOSPITALITY

THE NATURE OF THE INTEREST, GIFT, BENEFITS OR HOSPITALITY:

.....
.....
.....

NAME (PRINT):

SIGNATURE:

Please detach and hand this form to the Democratic Services Officer when you are asked to declare any interests.