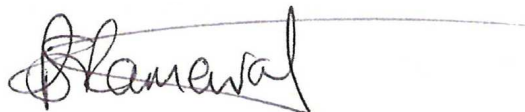


Despatched: 26.10.15

I hereby summon you to attend the meeting of the Sevenoaks District Council to be held in the Council Chamber, Council Offices, Argyle Road, Sevenoaks commencing at 7.00 pm on 03 November 2015 to transact the under-mentioned business.



Chief Executive

AGENDA

Apologies for absence

1. **To approve as a correct record the minutes of the meeting of the Council held on 21 July 2015** (Pages 1 - 6)
2. **To receive any declarations of interest not included in the register of interest from Members in respect of items of business included on the agenda for this meeting**
3. **Chairman's Announcements**
4. **To receive any questions from members of the public under paragraph 17 of Part 2 (The Council and District Council Members) of the Constitution.**
5. **To receive any petitions submitted by members of the public under paragraph 18 of Part 2 (The Council and District Council Members) of the Constitution.**
6. **Matters considered by the Cabinet**
 - a) **Christmas Parking 2015** (Pages 7 - 10)
 - b) **Senior Management Restructure** (Pages 11 - 22)
 - c) **Development of Sennocke & Bradbourne Car Parks** (Pages 23 - 40)
7. **Matters considered by other standing committees**
 - a) **Feedback and approval of Statement of Licensing Principles for Gambling Act 2005** (Pages 41 - 106)

- b) **Appointment of a deputy electoral registration officer and returning officer for parish polls** (Pages 107 - 112)
8. **To consider the following reports from the Chief Executive or other Chief Officers on matters requiring the attention of Council:**
- a) **Membership of Committees and Outside Organisations** (Pages 113 - 114)
- b) **Employment Stability Policy** (Pages 115 - 138)
- c) **Local Council Tax Support Scheme 2016/17** (Pages 139 - 146)
9. **To consider any questions by Members under paragraph 19.3 of Part 2 (The Council and District Council Members) of the Constitution, notice of which have been duly given.**
10. **To consider any motions by Members under paragraph 20 of Part 2 (The Council and District Council Members) of the Constitution, notice of which have been duly given.**
11. **To receive the report of the Leader of the Council on the work of the Cabinet since the last Council meeting.** (Pages 147 - 148)

EXEMPT ITEMS

Consideration of Exempt Information

Recommendation: That, under section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting when considering Appendices B, C and D of agenda item 6 (c) above, on the grounds that likely disclosure of exempt information is involved as defined by Schedule 12A, paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)).

- 6c. Appendices B, C and D (Pages 149 - 166)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

For any other queries concerning this agenda or the meeting please contact:

The Democratic Services Team (01732 227241)

DISTRICT COUNCIL OF SEVENOAKS

Minutes of the Meeting of the Sevenoaks District Council
held on 21 July 2015 commencing at 7.00 pm

Present: Cllr. Raikes (Vice Chairman) (In the Chair)

Cllrs. Abraham, Mrs. Bayley, Ball, Bosley, Mrs. Bosley, Brookbank, Barnes, Brown, Clark, Dickins, Edwards-Winsler, Eyre, Firth, Fleming, Gaywood, Grint, Hogarth, Horwood, Mrs. Hunter, Lindsay, Lowe, Maskell, Mrs. Morris, Parkin, Pett, Piper, Purves, Raikes, Scholey, Searles, Ms. Tennessee, Thornton, Williamson, Dr. Canet, Clack, Dyball, Esler, Halford, Hogg, Kelly, Kitchener, Krogdahl, Lake, Layland, McArthur, McGregor, Parson, Pearsall, Reay and Rosen

Apologies for absence were received from Cllrs. Cooke, London, McGarvey and Miss. Stack.

60. To approve as a correct record the minutes of the meeting of the Council held on 19 May 2015

Resolved: That the Minutes of the meeting of the Council held on 19 May 2015 be approved and signed as a correct record.

61. To receive any declarations of interest not included in the register of interest from Members in respect of items of business included on the agenda for this meeting

Councillor Brookbank declared an interest in Minute 64(a), Petition for the Regeneration of new Ash Green, as he was a Kent County Councillor, and would remain in the Chamber but take no part in the debate or vote thereon.

62. Chairman's Announcements

The Chairman advised that there were free Summer Family Fun days, taking place across the District from Monday 27 July for four weeks and further information can be found on the website. He reminded Members that, along with the local community, there was the opportunity to comment on the Community Plan actions, at special consultation drop-in workshops on Tuesday 25 August and Thursday 3 September from 6pm until 9pm at the Argyle Road Offices. If Members were unable to attend one of the drop in sessions then there would also be an online survey.

The Licensing Partnership were holding two open sessions for Members welcome on Monday 27 July from 9.30am to 12.30pm and Wednesday 5 August from 1.30pm to 4.30pm. The objective was for all Members to have an understanding of how the Licensing Partnership's Administration Team worked, control measures that were in place and to understand how the policies set by the Licensing Committees worked in the back office.

He also advised that further sessions of Safeguarding and Dementia Friend training for Members were being arranged.

63. To receive any questions from members of the public under paragraph 17 of Part 2 (The Council and District Council Members) of the Constitution

No questions had been received.

64. To receive any petitions submitted by members of the public under paragraph 18 of Part 2 (The Council and District Council Members) of the Constitution:

- a) Petition for the Regeneration of New Ash Green Village Centre

Councillor Cameron Clark and the Lead Petitioner, Victoria Barnard, had submitted a petition with 1,550 signatures in the following terms:

“We, the undersigned, call upon Sevenoaks District Council to take a more active role in ensuring the current landowners (Piperton Finance, Gable Holt Ltd and the Co-operative Society Ltd) bring New Ash Green Village Centre up to an acceptable standard (details of major issues listed below):

- Upper Street South: semi derelict appearance of the walkways/paving slabs/empty units. Rat traps left for 2+ years without being changed/removed, rats living in empty units with pest control not carried out regularly. Trees/plants growing where they shouldn't be. Bridge over Link in very poor condition, stairs and railings covered in pigeon droppings.
- Upper Street North: derelict, evident damage caused by water, damaged windows, walkways/paving slabs in a bad state, pigeons living/breeding inside the empty units (with many dead pigeons inside empty units and the floors thick with pigeon droppings), empty units not boarded up properly (being constantly ripped down by vandals), broken cladding, barbed wire hanging down, unsightly boarding, woodwork rotting, inside of the units in a derelict state.
- The Row: Many empty units which cannot be filled due to the derelict state of the interiors. Landowners will not spend money to bring them up to standard for tenants to move in. Security shutters dirty and unsightly. Rats have been seen. Pigeons roosting above shops, anti-pigeon spikes do nothing to deter them. Pigeons now laying eggs and breeding above shops. Canopies either filthy or missing, clock tower flaking paint. Bus stop in centre inhabited by rats. Boarded up toilets and doors near the bus stop. Overall appearance of the centre downstairs (most of upstairs is not accessible) is neglected and derelict/borderline derelict.

The neglect and lack of care and maintenance over a number of years in the village centre has reached its limit and cannot be allowed to deteriorate any longer.

Council - Tuesday, 21 July 2015

The residents of Upper Street South, the village shop owners and the residents of New Ash Green are not prepared to tolerate the neglect and derelict appearance of the centre. It is affecting home owners and shop owners alike.

We urge the council to ensure the landowners make the necessary improvements and regenerate the village centre as a matter of urgency.

We urge the council to take urgent steps towards making sure the landowners achieve this so the village centre is brought back to an acceptable standard so it can thrive for the local community.”

The lead petitioner, Victoria Barnard, addressed the council in support of the petition.

The Leader responded expressing shared frustration with the situation and difficulties dealing with the three different landlords of the site. There were multiple ongoing responses and it did need to be more coordinated and better communicated.

Local and neighbouring Councillors spoke in support of the issues raised and the need for improvements, with all interested parties working together as a coordinated team to renew the vision for New Ash Green.

Resolved: That the petition be referred to the Cabinet, where the Council’s approach could be coordinated across the Council and communicated to residents, with a report back in six months.

65. Matters considered by the Cabinet

a) Otford Palace Tower

Councillor Fleming proposed and Councillor Searles seconded the recommendations from Cabinet. The report outlined the immediate requirement to maintain the structural stability of the Otford Palace Tower and requested that the works be authorised with the appropriate budget allocated from the General Fund Reserve.

In response to questions Cllr. Fleming advised that the Council held a [Land and Property Asset register](#) which was updated annually. It was not possible to obtain external funding for the immediate stabilisation works, however other sources were being investigated for future works, and with regards to possible future uses such as a tourist attraction this was a debate for another day however it was the intention to investigate self funding for the future.

Resolved: That the allocation of £130,699 from the General Fund Reserve for the completion of essential stabilisation works at the Otford Palace Tower, be approved.

b) Property Investment Strategy

Councillor Fleming proposed and Councillor Searles seconded the recommendations from Cabinet. The report sought additional funding to enable further property acquisitions to help ensure that the Council remained in a financially sustainable position

going forwards. Cllr. Fleming clarified that this was providing an opportunity to borrow should an appropriate investment scheme come forward. In response to questions he reported that it was the intention to always have a mixed investment portfolio, at the moment there had been no borrowing and were trying to reduce any risk to the Council or residents, however the risk of doing nothing was greater. The expectation was a 6% return and this was already being achieved from two of the three investments made so far.

Resolved: That

- a) a further £10m for the Property Investment Strategy be set aside from borrowing; and
- b) the Amendment to the Treasury Management Strategy 2015/16, be approved.

66. Matters considered by Governance Committee

- a) The Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015 – Appointment and Dismissal of Senior Officers

Councillor Fleming proposed and Councillor Pett seconded the recommendations from the Governance Committee.

Resolved: That the amendments to Officer Employment Procedure Rules (Appendix M of the Constitution) and paragraph 6 of the Constitution entitled “Functions of the Full Council” within Part 2 – The Council and District Council Members, in relation to the dismissal of statutory officers, attached as an appendix to the report, be approved.

- b) Kent County Council Electoral Division Review

A new alternative ‘[Option 4](#)’ was tabled. Councillor Firth proposed that the holding response sent to the Local Government Boundary Commission for England on 3 July 2015 be amended in accordance with the tabled alternative Option 4 and the alternative proposed division names also detailed on the map, and this was duly seconded by Councillor Mrs. Hunter.

Speaking to the amended proposal from what was recommended from the Governance committee, Councillor Firth advised that the District was merely a statutory consultee to the Local Government Boundary Commission for England’s (LGBCE) consultation document and its draft proposals for new county council division boundaries for Kent County Council (KCC). The review was being carried out because of electoral imbalances and had little to do with communities. Since the meeting of the Governance Committee some more work and consultation had been carried out and the newest proposal was trying to put forward the best division possible in light of the reduction from 7 to 6.

Council - Tuesday, 21 July 2015

Councillor Thornton proposed an amendment, which was duly seconded, that the word 'and East' be inserted into the proposed division named Sevenoaks Darent Valley, to read 'Sevenoaks East and Darent Valley.'

The amendment was put to the vote and carried.

The substantive motion was then put to the vote and it was

Resolved: That the holding response sent to the Local Government Boundary Commission for England on 3 July 2015 be amended in accordance with the amended alternative option 4, along with the alternative proposed division names detailed on the map, to include the amended name 'Sevenoaks East & Darent Valley'.

67. To consider the following reports from the Chief Executive or other Chief Officers on matters requiring the attention of Council:

a) Committee Memberships

It was moved by Cllr Fleming, seconded by Cllr. Ms. Lowe and noted that as Councillor Horwood was unable to complete training until 31 July 2015 his membership to the Development Control Committee would run from that date.

Resolved: That the amended memberships attached as an Appendix to this report, be approved subject to Cllr Horwood's appointment to the Development Control Committee not taking effect until 31 July.

68. To consider any questions by Members under paragraph 19.3 of Part 2 (The Council and District Council Members) of the Constitution, notice of which have been duly given.

No questions had been received.

69. To consider any motions by Members under paragraph 20 of Part 2 (The Council and District Council Members) of the Constitution, notice of which have been duly given.

No motions had been received.

70. To receive the report of the Leader of the Council on the work of the Cabinet since the last Council meeting.

The Leader of the Council reported on the work that he and the Cabinet had undertaken in the period 21 March to 6 July 2015.

THE MEETING WAS CONCLUDED AT 8.05 PM

Chairman

Item 6 (a) – Christmas Parking 2015

The attached report was considered by the Cabinet. The relevant minute extract is below:

Cabinet – 15 October 2015 (Minute 34)

The Portfolio Holder for Direct & Trading Services presented the report which sought approval to the proposals for free parking for two Saturdays, 12 and 19 December 2015 preceding Christmas, to help encourage shoppers and other visitors to Sevenoaks and Westerham, in the busy shopping period leading up to Christmas 2015.

The Portfolio Holder drew Members' attention to the tabled recommendations made by the Direct & Trading Advisory Committee who had considered the same report and had agreed to recommend it to Cabinet.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That

- a) the proposals for free parking for two Saturdays at Sevenoaks and Westerham, 12 and 19 December 2015 preceding Christmas, be agreed; and
- b) **it be recommended to Council** to authorise the cost of funding be met from Supplementary Estimates.

This page is intentionally left blank

CHRISTMAS PARKING 2015

Council – 3 November 2015

Report of	Chief Officer Environmental and Operational Services
Status:	For Consideration
Also considered by:	Direct and Trading Advisory Committee – 6 October 2015 Cabinet – 15 October 2015
Key Decision:	No

Executive Summary: This report requests that the Committee considers free concessionary parking at Christmas 2015.

This report supports the Key Aims of: The effective management of Council resources and supporting and developing the local economy.

Portfolio Holder Councillor Matthew Dickins

Contact Officer(s) John Strachan Ext. 7310

Recommendation to Direct & Trading Advisory Committee: That proposals for free parking for two Saturdays, 12 and 19 December 2015, preceding Christmas be considered by the Committee and its views be submitted for consideration by Council and the cost of funding this be met from Supplementary Estimates.

Recommendation to Cabinet: That Cabinet considers the views of the Direct & Trading Advisory Committee and approves the proposals for free parking for two Saturdays, 12 and 19 December 2015 preceding Christmas.

Recommendation to Council: That Council considers the views of the Committee and if minded to agree to these proposals, that it authorises the cost of funding be met from Supplementary Estimates.

Reason for recommendation: To help encourage shoppers and other visitors to Sevenoaks and Westerham, in the busy shopping period leading up to Christmas 2015.

Introduction and Background

- 1 In previous years the Council has supported local economies in the District, in particular in Sevenoaks and Westerham towns, by giving free parking in car parks and on street parking bays.

Agenda Item 6a

- 2 Relaxing parking charges on Saturday has no impact on Swanley or at Knockholt Station as charges only apply Monday to Friday.
- 3 This is of particular importance in light of similar initiatives operated in other towns in neighbouring Districts.
- 4 Vehicles parking for free are still required to observe maximum periods of stay in car parks and on street.
- 5 As in previous years Senico Community Leisure who's parking areas form a part of the Suffolk Way car park have participated in these events, they will be invited to participate again.

Background Information

- 6 The estimated shortfall in income over the two days is estimated at £15,800.

Other Information

- 7 Members are advised that, as in previous years, the Council's Portfolio Holder for Direct and Trading will consider allowing free evening parking for Christmas Lights and shopping events in Sevenoaks on Friday 27 November 2015 and in Westerham on Thursday 26 November 2015.

Key Implications

Financial

- 8 Shortfall in parking income of £15,800 to be met from Supplementary Estimates.

Legal Implications and Risk Assessment Statement.

- 9 Management of "overstay" parking is difficult when there is no requirement for a ticket to be purchased and displayed.

Equality Impacts

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Community Impact and Outcomes

- 10 Free Christmas parking is a local initiative popular with residents, visitors to the district, businesses and traders, and supportive of local economic vibrancy.

Appendices None

Background Papers None

Richard Wilson
Chief Officer Environmental and Operational Services

Item 6 (b) – Senior Management Restructure

The attached report was considered by the Cabinet who agreed their recommendations. The relevant minute extract is below:

Cabinet – 15 October 2015 (Minute 35)

The Chairman presented the report which set out a proposal for a restructure of the Council's senior management as part of the Council's efforts to be well placed to deliver on its vision and promises to the community, to meet future challenges and to support the Council in delivering the savings required to achieve a 10 year balanced budget that was self-sufficient and no longer reliant on direct financial support from central Government. The report provided the criteria used to help shape the proposal, the proposed senior management structure, a summary of the consultation carried out with staff and the processes that would be followed in appointing to the new posts.

In response to a question it was noted that the services currently managed by the Chief Housing Officer and Chief Officer Legal & Governance would be re-aligned amongst the remaining Chief Officers.

The Chairman reported that the Portfolio Holder Legal & Democratic Services was working hard, within budget, to strengthen the legal team. The Portfolio Holder Legal & Democratic Services praised the Chief Housing Officer and Chief Officer Legal & Governance for all their efforts whilst working for the Council.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That

- a) the proposed senior management restructure as set out in Appendix A to the report, be endorsed;
- b) it be noted that the costs associated with the restructure of senior management would be limited to, and met from, the earmarked Reorganisation Reserve; and
- c) it be noted that the cost of any service restructures as a result of the new senior management structure would be limited to, and met from, existing service budgets.

(All Officers other than the Chief Executive and Democratic Services Officer left the room for consideration of Minute item 35)

This page is intentionally left blank

SENIOR MANAGEMENT RESTRUCTURE

Council – 3 November 2015

Report of:	Chief Executive
Status:	For Decision
Also considered by:	Cabinet – 15 October 2015
Key Decision:	No

Executive Summary: This report sets out a proposal for a restructure of the Council's senior management as part of the Council's efforts to balance its 10 year budget.

The report provides the criteria used to help shape the proposal, the proposed senior management structure, a summary of the consultation carried out with staff and the processes that will be followed in appointing to the new posts.

Portfolio Holder	Cllr. Peter Fleming
Contact Officer	Dr Pav Ramewal

Recommendations to Cabinet: That Cabinet

- (a) endorse the proposed senior management restructure as set out in Appendix A to this report;
- (b) note that the costs associated with the restructure of senior management will be limited to, and met from, the earmarked Reorganisation Reserve; and
- (c) note that the cost of any service restructures as a result of the new senior management structure will be limited to, and met from, existing service budgets.

Recommendations to Council: That Council approve

- (a) the proposed senior management structure as set out in Appendix A to this report;
 - (b) the new senior management structure to take effect from 1 April 2016;
 - (c) the posts of Chief Housing Officer and Chief Officer Legal & Governance be deleted from the end of May 2016 following offers of voluntary redundancy from the post holders;
 - (d) the post holder of the Head of Legal & Democratic Services role be appointed as Monitoring Officer, effective from 1 April 2016;
 - (e) the appointment of the Chief Finance Officer as section 151 Officer, effective from 1
-

Agenda Item 6b

April 2016; and

- (f) that authority be delegated to the Monitoring Officer to make the necessary consequential changes to Part 13 of the Constitution entitled “Officer Responsibilities and Delegations” in order to take account of the changes in senior management set out within this report.

Reason for recommendation: To adopt a management structure that will ensure the Council is well placed to deliver on its vision and promises to the community, to meet future challenges and to support the Council to deliver the savings required to achieve a 10 year balanced budget that is self-sufficient and no longer reliant on direct financial support from central Government.

Background

- 1 The Council’s current senior management structure has been in place since September 2013 and consists of a Chief Executive and seven Chief Officers. At the time of agreeing the structure the Council report highlighted that the role of Chief Officer is an enhancement of the previous Head of Service roles and at its core enabled the Council to continue to benefit from the extensive experience of Heads of Service who had contributed significantly to Sevenoaks District Council being recognised as performing in the top 2% of Councils nationally.
- 2 Five of the Council’s Chief Officers were assimilated in to their roles from their previous Head of Service posts. The Chief Officers for Planning and Finance were appointed to their roles following a competitive external recruitment process.
- 3 The progressive approach taken to the senior management structure has always recognised the financial pressures the Council has faced, whilst enabling it to retain a strong focus on delivering the Council’s priorities and to achieve national recognition for value for money.
- 4 In developing the current structure the Chief Executive was clear in his report to Council (in 2013) that due to the extent and pace of change being set out by central government that the senior management structure would need to evolve over the next few years as the impact on local government becomes clearer. It was hoped that this would lead to future savings and efficiencies.

Introduction

- 5 Since 2010 the Council has faced severe cuts to its funding as the Government has implemented strategies to address the Country’s economic difficulties and reduce the national deficit. In 2010 the Council identified that it was faced with a significant shortfall in its funding, approaching £6.5 million between April 2011 and March 2015. By adopting a unique long term financial strategy and a ten year budget framework the funding gap was reduced to £4.5 million. By making savings early in the 10 year budget period the impact on front line services was negligible.
- 6 Since 2013, when the Council set out its last Corporate Plan, the Council has been clear that its financial strategy is to become self sufficient and no longer be reliant on funding from central government. This report sets out a senior management

restructure that contributes on-going financial savings towards that goal, whilst also ensuring capacity remains in the organisation to deliver the high quality services Members and residents expect, as well as implementing those projects identified by Members that will deliver benefit to our communities and support the Council to become self-sufficient.

- 7 The Council's Financial Prospects report was considered by the Finance Advisory Committee on 1 September and by Cabinet on 17 September who agreed that the Council seek to set a budget without reliance on direct government support.
- 8 The Council's draft budget, currently being considered by each of the Cabinet Advisory Committees, moves the Council towards this aim and if Council chose to adopt this approach we believe it will make Sevenoaks District Council the first local authority in the country to achieve this position.
- 9 In order to achieve a self-sufficient budget position it has always been recognised that the Council will need to continue to make efficiencies and financial savings from the way it delivers its services as well as continuing to generate more of its own income. The draft budget forecasts a savings requirement of £500,000 in 2015/16 and a further £100,000 in each of the next nine years to deliver the 10 year budget.
- 10 One of the savings items proposed is a restructure of senior management. This is included within SCIA 20 (pay cost savings) and would deliver the Council an ongoing minimum saving of £120,000 per year and with the potential for increased efficiency in service delivery, further savings may be generated from management. This report sets out the detail of how the senior management restructure will be delivered and recommends that it takes effect from 1 April 2016.

Future Challenges

- 11 As a result of changes to legislation, continued substantial reductions in government funding of local authorities and the priorities set out by local Members the Council faces a range of future challenges.
- 12 As changes continue to take effect in areas such as welfare reform, national planning policy, and the way in which health and social care services are delivered the Council will need to ensure it has the right resources to respond to deliver the best outcomes for its communities. Alongside this the demand for the devolution of services from Government is expected to continue to grow. As Kent considers its position the Council will want to ensure it is well placed to seek the solution that is best for its residents and businesses.
- 13 On this basis the drive to become financially self sufficient and maximise the benefit of the Council's Property Investment Strategy is considered to be of increasing strategic significance and will help ensure the Council is well placed to address future challenges and protect the quality of its own services. Having a robust management structure that is able to deliver on the Council's priorities and ensure that Members are well supported to take the Council forward will support this aim.

Agenda Item 6b

Proposed Structure

- 14 Taking into account the need for financial savings and the future challenges that the Council faces it is proposed that the senior management structure is reduced from seven Chief Officers and a Chief Executive to five Chief Officers and a Chief Executive. Structure charts of the proposed and existing structures are set out at Appendix A and Appendix B for Members information.
- 15 The proposal to reduce the current seven Chief Officer posts to five Chief Officer roles has been reached for the following reasons:
- A commitment to Council to review the senior management structure in the years following 2013;
 - To ensure a more streamlined and dynamic decision making structure that has the benefit of more integrated working amongst teams that are currently managed by more than one Chief Officer;
 - Being able to retain sufficient capacity to ensure the Council has strong officer leadership to address future financial and service challenges;
 - To support Members to deliver on the promises they set out in the Corporate Plan and to deliver corporate projects, including property investments and an improved website with more online services;
 - Seeking to protect the quality of service delivered by the Council and its front-line officers to a growing customer base; and
 - To contribute to the savings requirement set out in the Council's Financial Prospects report.
- 16 Following a period of consultation with all of the Council's Chief Officers both the Chief Housing Officer and the Chief Officer Legal & Governance have offered to take voluntary redundancy, which if approved by Council will lead to the deletion of their posts.
- 17 Both the Chief Housing Officer and the Chief Officer Legal & Governance have made an outstanding contribution to the Council and its success over a number of years and have performed the role of Chief Officer with exceptional skill, professionalism and dedication. On a personal note they have each provided me with valuable advice and support throughout my time at the Council and as Chief Executive and I know they are both highly respected members of the Strategic Management Team.
- 18 Both Pat and Christine have endeavoured to provide Members with the highest levels of support and advice and I would hope Members acknowledge and appreciate their efforts and the difference that, through their services, they have made to the communities of Sevenoaks District.
- 19 It is proposed that the services currently managed by the Chief Housing Officer and by the Chief Officer Legal & Governance are re-aligned amongst the remaining Chief Officers. In doing so each responsible Chief Officer will be charged with

reviewing the structure of the services within their remit. This may result in increased efficiency in service delivery, with the potential for further savings to be generated from management through these reviews.

- 20 Each of the Chief Officers in the new structure has been consulted and has stated that they would be able to take on the additional services and responsibilities within their roles.
- 21 The new structure will take effect from 1 April 2016. The redundancy of the two Chief Officers would take effect at the end of May 2016 to allow them to support a transition period as services are re-aligned and to provide essential support for the Police and Crime Commissioner election process.

Statutory Officers

- 22 The Council's Monitoring Officer is currently the Chief Officer Legal & Governance who has offered to be made voluntarily redundant and resultantly the post will be deleted. As a statutory post it is incumbent on the Council to appoint a new Officer to take up the role of Monitoring Officer. It is proposed that Council approve that the post holder of the Head of Legal and Democratic Services role is appointed as the Council's Monitoring Officer, effective from 1 April 2016.
- 23 The Council's Chief Executive is currently the Council's section 151 officer, with overall responsibility for the council's finances. It is proposed that under the new structure this role is filled by the Chief Finance Officer. As such it is proposed that Council approve that the Chief Finance Officer is appointed to be the Council's section 151 Officer, effective from 1 April 2016.

Service Structures

- 24 Following the appointment to the new Chief Officer roles the new Strategic Management Team will undertake a review of the remaining service structures to deliver sustainable service models that are equipped to address future challenges and deliver high performing, customer focussed services. This may result in increased efficiency in service delivery, with the potential for further savings to be generated from management through these reviews. As part of ensuring the retention of staff, a limited number of new Heads of Service posts (designated from service managers) may be introduced as part of these reviews. As with previous restructures at this level these will be implemented, under delegated authority, by the responsible Chief Officer in consultation with the relevant Portfolio Holder, and agreed by the Head of Paid Service.
- 25 It is recognised that any subsequent restructures must be met from within existing budgets and no financial growth items will be proposed to achieve a restructure of any service.

Other options considered and rejected

- 26 Consideration was given to not reviewing the senior management structure at this time. However, subject to Council approval, the requirements for financial savings in order to deliver a balanced 10 year budget are likely to have an impact on the

Agenda Item 6b

Council's staff and its structure. To continue to deliver high quality services it is considered preferential to sustain the current capacity within services and look to contribute to the savings requirement from senior management.

- 27 This approach will ensure sufficient capacity is retained at a strategic level whilst minimising the likelihood that the quality of services delivered is impacted by the reductions in staffing.

Key Implications

Financial

- 28 In order to achieve a self-sufficient budget position it has always been recognised that the Council will need to continue to make efficiencies and financial savings from the way it delivers its services as well as continuing to generate more of its own income from investments and trading. Subject to approval by Council, the draft budget forecasts a savings requirement of £500,000 in 2015/16 and a further £100,000 in each of the next nine years to deliver a balanced 10 year budget.
- 29 The restructure of senior management as proposed will contribute an ongoing saving of a minimum of £120,000 per year and with the potential for increased efficiency in service delivery, further savings may be generated from management.
- 30 Each of the new Chief Officer roles will be subject to an independent Hay Job Evaluation to ensure remuneration remains at the appropriate level. The remuneration of the Chief Officers from 1 April 2016, based on the outcome of the job evaluations, will be considered by the Leader of the Council and the Portfolio Holder for Finance. The redundancy costs associated with the restructure of senior management will be met from the earmarked Reorganisation Reserve that was approved by Council in February 2012.

Legal Implications and Risk Assessment Statement.

- 31 The Council has taken the professional advice of the HR Manager and the Chief Officer Legal & Governance to ensure proper practices are followed in the proposed restructure of the Council's senior management.
- 32 The risk of reducing the senior management structure, whilst retaining the Council's ability to deliver on its vision and promises and the corporate projects Members have set out, is considered to be low.

Equality Assessment

- 33 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Resource (non-financial)

- 34 As a result of the proposal to restructure senior management two posts will be deleted from the Council's structure. The Chief Housing Officer and Chief Officer Legal & Governance have each offered to take voluntary redundancy.

Conclusions

- 35 This report sets out for Members a proposed senior management structure that will enable the Council to continue its progression as a high performing, value for money organisation.
- 36 The proposal takes due consideration of the environment the Council operates in now, the significant future challenges that the Council will face and the local needs and aspirations articulated through the Council's vision and promises.
- 37 The structure is designed to ensure that the Council continues to benefit from the extensive experience of its current Chief Officers who have contributed significantly to the Council's success and provides the foundation for the Council to continue to shape its own future.
- 38 Importantly the proposed structure also delivers a minimum saving of £120,000 from senior management costs, as a contribution to the savings requirement currently identified in the draft budget. All costs associated with the restructure will be met from within the Reorganisation Reserve which is earmarked for such purposes.

Appendices

Appendix A – Proposed senior management structure

Appendix B – Current senior management structure

Background Papers:

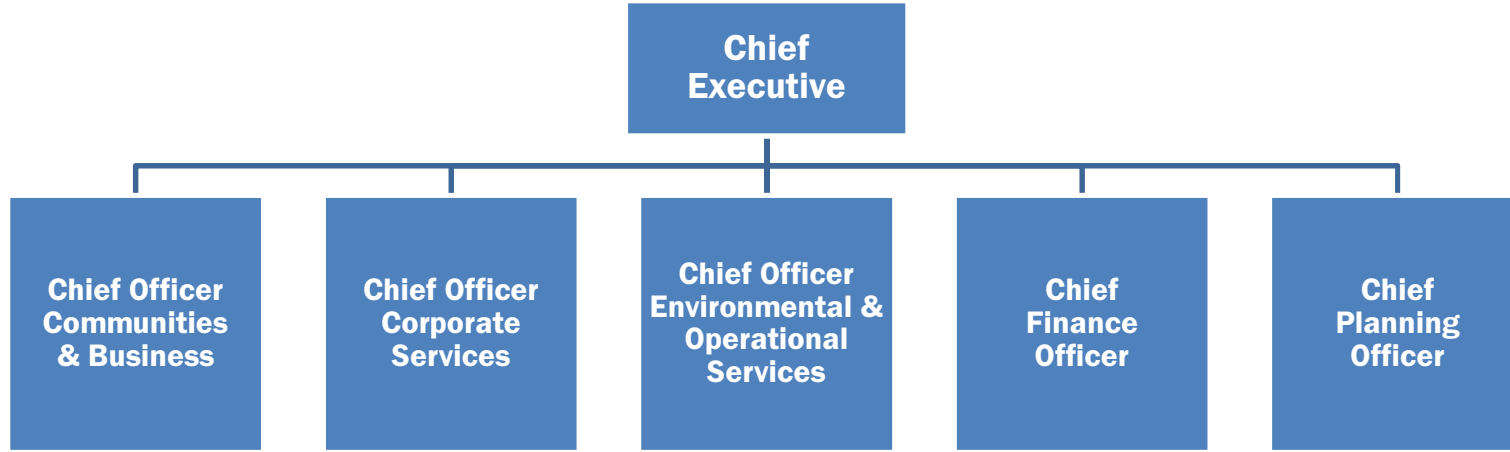
[Financial Prospects Report](#)

[Corporate Plan](#)

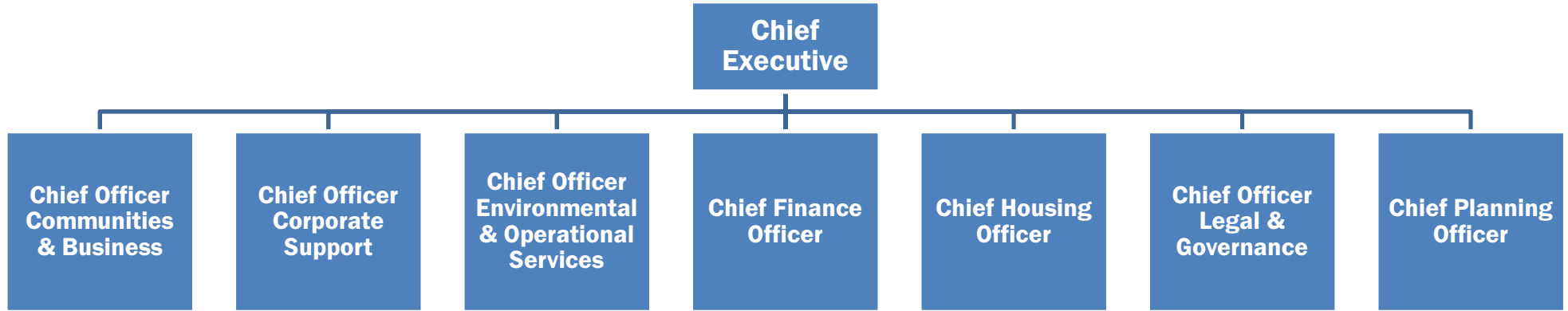
**Dr Pav Ramewal
Chief Executive**

This page is intentionally left blank

Appendix A – Proposed senior management structure



Appendix B – Current senior management structure



Item 6 (c) – Development of Sennocke & Bradbourne Car Parks

The attached report was considered by the Cabinet. The relevant minute extract is below:

Cabinet – 15 October 2015 (Minute 36)

Members considered a report which sought approval to develop the Sennocke Car Park and Bradbourne Car Park sites to provide a branded hotel and additional car parking capacity

It was moved by the Chairman and

Resolved: That, under section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that likely disclosure of exempt information was involved as defined by paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information) as identified in Schedule 12A to the Local Government Act 1972.

As this was the first major project that may require borrowing for the Council for many years, advice had been obtained from CIPFA to ensure that the Council was looking at the relevant options and to provide initial analysis into those options for both the hotel and car park.

The confidential Appendix D presented three funding options A, B and C, and it was noted that a combination of these could be used depending on available resources.

The Chairman advised that the proposed funding method for the hotel was Option C and for the car park, Option B. Members were reminded that whatever funding options were used for this project and other projects, the availability of funds and therefore the number of funding options would change over time. It was also mentioned that any increase in value of the assets would be in addition to the figures contained within the confidential appendix.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: **That it be recommended to Council**

- a) to agree to proceed with the proposed schemes;
- b) that a Development Management Agreement and Agreement for Lease be entered into with the preferred Development Management Consultant and preferred Hotel Operator on the terms outlined in the confidential Appendix D; and

Agenda Item 6c

- c) that the development was in the public interest and therefore the land should be appropriated for planning purposes in accordance with Section 122 of the Local Government Act 1972 and subject to the powers provided by Section 237 of The Town and Country Planning Act 1990.

DEVELOPMENT OF SENNOCKE AND BRADBOURNE CAR PARKS

Council – 3 November 2015

Report of Chief Officer Environmental & Operational Services
 Chief Finance Officer

Status: For Recommendation to Council

Also considered at Cabinet – 15 October 2015

Key Decision: No

Executive Summary:

This report seeks approval to develop the Sennocke Car Park and Bradbourne Car Park sites to provide a branded hotel and additional car parking capacity

This report supports the Key aims of Value for Money and financial self sufficiency

Portfolio Holder Cllr Fleming

Contact Officer(s) Mark Bradbury Ext 7099
 Richard Wilson Ext 7262
 Adrian Rowbotham Ext 7153
 John Strachan Ext 7310

Recommendations to Cabinet

- a) Cabinet recommends to Council that they agree to proceed with the proposed schemes.
 - b) Cabinet recommends to Council that a Development Management Agreement and Agreement for Lease are entered into with the preferred Development Management Consultant and preferred Hotel Operator on the terms outlined in Appendix D.
 - c) Cabinet recommends to Council that the development is in the public interest and therefore the land should be appropriated for planning purposes in accordance with Section 122 of the Local Government Act 1972 and subject to the powers provided by Section 237 of The Town and Country Planning Act 1990.
-

Recommendations to Council

- a) Council agree to proceed with the proposed schemes
- b) Council agree that a Development Management Agreement and Agreement for Lease are entered into with the preferred Development Management Consultant and preferred Hotel Operator on the terms outlined in Appendix D.
- c) Council agree that the development is in the public interest and therefore the land should be appropriated for planning purposes in accordance with Section 122 of the Local Government Act 1972 and subject to the powers

Reason for recommendation: The proposed development has the potential to deliver economic benefits to the District through the provision of a much needed Hotel and additional car parking at Sevenoaks Station. The Investment will also provide an income stream that could contribute significantly towards the Council's aim of Financial Self Sufficiency.

Introduction and Background

- 1 The Council currently operates two off street car parks close to Sevenoaks Station. The Sennocke Car Park comprises 84 spaces and the Bradbourne Car Park 216 providing a combined total of 300 spaces.
- 2 Both car parks are well used by commuters including a significant number of long term season ticket holders. The Sennocke Car Park is fully occupied most week days and for the Bradbourne Car Park average peak occupancy exceeds 80%. The two car parks operated by South Eastern Railway have similarly high occupancy rates.
- 3 The Sennocke Car Park site has been identified for development in the Council's adopted Allocations and Development Management Plan (ADMP). The ADMP also notes the potential to accommodate replacement car parking by decking the Bradbourne Car Park.
- 4 The current allocation for the Sennocke site is for residential use but the Council's Core Strategy at Paragraph 5.4.10 states that there is scope for further tourist related development in the District and the location policies give support to hotel development in Sevenoaks.
- 5 There has been an acknowledged shortage of hotel accommodation in the District for some time and this is particularly evident in Sevenoaks where there is no branded or business class hotel offer.
- 6 An options appraisal on alternative development options for the Sennocke Car Park Site has been carried out and was considered by the then Portfolio Holders for Finance and Resources and Economic and Community Development, The Leader of the Council and Strategic Management Team.
- 7 A copy of the Options Appraisal is attached as Appendix B

- 8 Following due consideration developing Sennocke Car Park for Hotel Use was selected as the preferred option subject to further negotiations delivering a proposal that offered Value for Money.
- 9 Negotiations with the interested hotel operator were undertaken alongside market testing to identify other potential operators. Following interest from a further operator best bids were invited.
- 10 These were compared and ranked based on a weighted assessment of return on investment; annual net Income to the Council; covenant strength; brand perception and construction cost risk. The comparison and ranking is included in Appendix C.
- 11 Negotiations with the owners of the adjoining Farmers site with a view to either acquiring the site or developing both sites through a joint venture mechanism to deliver a more comprehensive development were also undertaken. During the negotiations the owner secured planning consent at appeal for a higher density scheme.
- 12 The owner's price expectations were previously high and increased following the appeal decision. A purchase price that would be acceptable to the vendor could not be supported by the Head of Economic Development and Property or an independent 'Red Book' valuation. After due consideration and discussion with members of Cabinet it was agreed not to pursue a purchase.

Development Proposals - Hotel

- 13 Following extensive negotiation and market testing, proposed Heads of Terms have been agreed with a leading Hotel Operator working in partnership with a Development Management Consultant to enter into a Development Management Agreement and Agreement for Lease to construct (at the Council's cost) a hotel with associated café/bar/restaurant on the Sennocke Car Park site.
- 14 The preferred Development Management Consultant will manage the design, submission of the planning application and construction of the Hotel on behalf of the Council to the preferred Hotel Operator's Specification for a fixed price to include the Development Management and Design Fees.
- 15 The preferred Development Management Consultant has a successful track record of developing hotels for the preferred Hotel Operator and funding these in the investment market. Working with the preferred Development Management Consultant on the basis of an agreed cost will enable the council to effectively manage construction cost and programme risk.
- 16 The Construction Cost and fees agreed with the preferred Hotel Operator and Development Management Consultant total £8,750,000. Whilst construction cost risk will lie with the preferred Development Management Consultant it is recommended that an additional contingency of 5% is allowed to cover the council's costs and any unforeseen costs. Rounding up gives a total budget of £9,200,000.

Agenda Item 6c

- 17 The preferred Hotel Operator will take a 25 year lease on completion of the construction. The lease will include rent reviews linked to the Consumer Price Index (CPI) every 5 years with minimum and maximum increases. There will be a tenant's break option in the 20th year of the lease.
- 18 The Development Management Agreement will make provision for the construction contract to be procured in accordance with the Council's procurement strategy.
- 19 Details of the preferred Hotel Operator, preferred Development Management Consultant and initial rental and yield profile are included in the attached exempt Appendix C. Based on the total budget outlined above and the agreed initial rent the investment would comply with the yield criteria set out in the approved Property Investment Strategy.
- 20 The preferred funding method for the hotel is from the Financial Plan Reserve and Capital Receipts from the disposal of other assets. The 'Financial Prospects and Budget Strategy 2016/17 and Beyond' report to Cabinet on 17 September 2015 included details about the council becoming financially self-sufficient. A benefit of this is that any Revenue Support Grant and New Homes Bonus received from Government, that is not included in the 10-year budget can be put into the Financial Plan Reserve which can be used to support the 10-year budget by funding invest to save initiatives and support for the Property Investment Strategy.
- 21 This funding method should result in an income yield in excess of 6% as required in the Property Investment Strategy. If this funding method is not feasible, another option will be agreed with the Leader and Portfolio Holder for Finance. Further details of the funding options can be found in Appendix D.

Development Proposals – Car Park

- 22 To allow the development of the Sennocke site it is proposed that two parking decks will be constructed on the existing Bradbourne Car Park to create a total of c. 450 car parking spaces proving a net increase of c. 150 spaces (over the combined current total of 300 spaces on the Sennocke and Bradbourne car parks).
- 23 The proposal will :-
 - Replace the current provision on the Sennocke Car Park
 - Make provision for parking by hotel guests
 - Allow a reduction in all day on-street parking
 - Provide some additional capacity at the station to address current and future demand
- 22 Consultants Willmott Dixon have been appointed, through the SCAPE Procurement route to prepare a feasibility study covering, design, cost and programme for the construction of the decked car park. The brief is to design a high quality facility that mitigates impact on neighbouring properties whilst offering value for money.

- 23 Detailed design and costings will be commissioned should members endorse the recommendations but in the meantime Willmott Dixon has advised that assuming no abnormal site conditions or onerous planning conditions and a start on site in mid-2016, works could be completed within 5 months at a cost of c. £5.3 million including fees and contingency. A more detailed cost plan will be developed as the design progresses.
- 24 The preferred funding method for the car park is to internally borrow from the council's balances. This funding method should result in the cost of the car park being met by income received for the additional parking spaces. If this funding method is not feasible, another option will be agreed with the Leader and Portfolio Holder for Finance. Further details of the funding options can be found in Appendix D.
- 25 Cabinet has previously approved the submission of a planning application for a decked car park at this site on 6th March 2014 and members are asked to note that this will now be progressed.

Business Case

- 26 There is an acknowledged shortage of Tourism Accommodation in the District and particularly in Sevenoaks where there is limited accommodation and no branded operator.
- 27 The Council has recently commissioned a Tourist Accommodation Study of the District. Whilst this is currently in draft form it does conclude :-
- With a currently limited stock of tourist accommodation, it is clear that growth in staying tourism, and the resulting boost that this will give to the District's economy, will require additional tourist accommodation across Sevenoaks District. This Tourist Accommodation Study shows potential for a wide range of different types of tourist accommodation across the District.
- 28 The development of a quality hotel is consistent with the Council's Economic Development Strategy which aims to help facilitate growth in the tourism industry and increase the number of providers of hotel accommodation.
- 29 The Sennocke site is well located to serve local businesses and support restaurants, bars and other retailers in the town centre and surrounding local centres. It is also well located for local businesses looking for accommodation for visiting staff, customer, consultants and other guests.
- 30 It is also well located for public transport with the Rail station opposite and frequent passing bus services. Developed in conjunction with the Bradbourne Car Park proposals it will not require its own car park thus ensuring efficient land use.
- 31 Development of the Hotel by the Council as opposed to a sale of the site will ensure :-
- Retention of the freehold interest in a key site for future generations

Agenda Item 6c

- A significant and growing income from a market leading operator with a strong covenant over a lease period of at least 20 years, contributing to the Council's commitment to financial self sufficiency.
- The potential for significant capital growth and a strong return on investment.

Planning

- 32 The Sennocke Car Park site has been identified for development in the Council's adopted Allocations and Development Management Plan (ADMP). The ADMP also notes the potential to accommodate replacement car parking by decking the Bradbourne Car Park.
- 33 The current allocation for the Sennocke site is for residential use but the Council's Core Strategy at Paragraph 5.4.10 states that there is scope for further tourist related development in the District and the location policies give support to hotel development in Sevenoaks.
- 34 A more detailed note on planning is attached as Appendix A.

Appropriation

- 35 The Sennocke Car Park was originally acquired for the purposes of developing a car park. The land was sold to the Council with restrictive covenants preventing certain uses including development for a hotel. The vendor was the owner of the adjoining site now known as the Farmers Site from which the vendor operated a public house with hotel rooms.
- 36 The purpose of the covenant was therefore to prevent the Council developing a hotel in competition with the vendor. The vendor has subsequently sold the land and there is no longer a hotel on the site.
- 37 As the Council now wishes to use the land for a different purpose that it acquired the land for, it is prudent to appropriate the land for planning purposes in accordance with Section 122 of the Local Government Act 1972.
- 38 Section 237 of The Town and Country Planning Act 1990 provides local authorities with the power to over-ride rights and restrictions (including covenants) affecting the land provided that the land has been appropriated by the local authority for planning purposes in accordance with Section 122 of the Local Government Act 1972 and development is carried out in accordance with planning permission.
- 39 The effect of the appropriation would prevent the beneficiary of such rights from preventing the development from proceeding through an injunction. The beneficiary would however be entitled to compensation instead. The normal measure of the compensation is the loss in value of the land which benefits from the right or covenant.
- 40 As the beneficiary no longer operates a hotel on the land and the land has planning consent for a residential development it is considered that the value of

any compensation will be nil or negligible. Further advice is being taken on the matter and if appropriate indemnity insurance will be taken out.

Risk Assessment

41 Attached at Appendix E

Conclusions

42 The proposed development has the potential to deliver economic benefits to the District through the provision of a much needed Hotel and additional car parking at Sevenoaks Station. The Investment will also provide an income stream that could contribute significantly towards the Council's aim of Financial Self Sufficiency.

Key Implications

Financial

The proposal will involve a significant investment by the council and may involve borrowing. Further advice is being taken on the funding options and this will be reported in Appendix D (to follow). The proposal does offer an income stream that could contribute significantly towards the Council's aim of Financial Self Sufficiency.

Legal Implications and Risk Assessment Statement.

As the land was originally acquired by the Council under compulsory purchase powers for car parking, it will be necessary to appropriate the land for planning purposes under Section 122 (1) of the Local Government Act 1972 (LGA).

As the land is not part of common land nor is it public open space land, there is no duty on the Council to consult or consider objections to its disposal (or leasing) on estate ownership grounds.

Section 122 (1) of the LGA allows a principal council to appropriate for any purpose for which the council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the Council and is no longer required for the purpose for which it is held immediately before the appropriation.

In order to show that it is correct to appropriate the land for planning purposes section 246 of the Town and Country Planning Act 1990 (TCPA) makes reference to sections 226 and 227 of that Act, in that it states that any reference to appropriation of land for planning purposes should be for purposes which land can be (or as the case may be, could have been) acquired under those sections (that is 226 and 227) of that Act).

As those sections apply to this appropriation it is therefore necessary to show that there is an alternative car park available and capable of being developed to re-provide the parking (Bradbourne Car Park) and therefore in accordance with sections 226/227 of the TCPA the Council can exercise the power and show that the development is likely to contribute to the social, economic and environmental well being of the area (see paragraphs 13 to 19 and 25 to 30 of this Report).

Agenda Item 6c

Once the land has been appropriated the Council will benefit from the powers of section 237 of the TCPA in that certain easements and other rights that affect the land may (if relevant) be overridden.

The Procurement of the construction contract will be subject to advertisement in the Official European Journal and to the Public Contract regulations 2015 as the threshold for such requirements starts at £4,322,012. Any tender process will also have to be compliant with the council's own Contractual Standing Orders

A detailed Risk Assessment is set out in Appendix E

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Appendices

A : Planning Briefing Note

B : Sennocke Site Initial Development Options Appraisal

C : Comparison of Hotel Operator Bids

D : Financial Return and Funding Options

E : Risk Assessment

Background Papers:

None

Richard Wilson
Chief Officer Environmental & Operational Services

Adrian Rowbotham
Chief Finance Officer

Appendix A

Planning Briefing Note

Ambition

Provision of a hotel on the Sennocke car park site and a new decked car park to provide additional capacity at the nearby Bradbourne car park.

Planning Policy Considerations

The planning policy context for achieving the stated ambition is as follows:

- Policy support is given to *'promoting hotel development in suitable locations in Sevenoaks...'* (Core Strategy p78 policy SP8).
- The Sennocke car park site is allocated for residential development as part of meeting the housing requirements set out in the plan. The nominal yield for the site is low, identified as 17 units, and it is anticipated that this loss in provision can be more than made up by higher yields than identified coming through in other developments.
- The Bradbourne car park site is not an allocated site.
- In general terms *'Improvements to car parking provision for the station will be supported subject to evidence of demand and environmental acceptability'* (Core Strategy p38 para 4.2.15).

Development Guidance

The ADMP Appendices 1-9 p17 Appendix 3 provides development guidance for bringing forward the Sennocke site. Whilst the guidance is aimed at bringing forward a residential scheme, some of it is helpful in the context of a hotel development. In summary:

- Opportunity for a high density development, subject to safeguarding the amenity of adjacent residential properties and accommodating changing levels across the site.
- Development should achieve a good relationship with the adjacent development site to the south.
- Design must reflect the prominent nature of the site as a gateway to Sevenoaks.
- Landscape features at the edge of the site should be retained.
- The site should be accessed from Hitchen Hatch Lane, not London Road.

Infrastructure

- CIL contributions would not be required for a hotel development.

Agenda Item 6c

- Replacement car parking for the loss of the Sennocke site could satisfactorily be provided via the decking proposal for the Bradbourne site.
- Waste water capacity both on and off the site would need to be assessed.

Development Management Considerations

The key considerations are likely to be:

Building Design and Character

The area is characterised by a mix of building styles, and particularly surrounding the station, is fairly densely developed. The proposal as approved for the site adjacent is for a high density residential and retail scheme. Here, development would run right up to the site boundaries and would be of a modern design.

Opposite the site is the locally significant 'One 60' building, which is set back from the road by a significant distance, with landscaping to the front. This is of a modern glass and clad style.

The residential developments to the north and east are relatively low density and consist of detached and semi-detached two storey houses and terraces.

To appropriately fit in with surrounding development a well landscaped building of 3-4 storeys could be accommodated, subject to it respecting amenity considerations, of a modern style using high quality materials befitting of the gateway location.

Parking

A hotel of approximately 100 rooms is likely to generate its own parking requirement. Given the site's proximity to the railway line, some customers may arrive by train. The site is likely of adequate size to provide its own parking facilities for customers although other options could also be explored, such as utilising the redeveloped Bradbourne Road car park.

Separate highways advice should be sought from KCC.

Neighbouring Amenity

A key consideration will be the impact on the residential buildings which bound the site (including future occupiers of the Farmers development) and therefore are susceptible to loss of amenity if the location of the built element, and its scale, are not carefully considered.

Noise

The site is not likely to be adversely affected by noise from surrounding development, however, the development itself could potentially be a generator of noise, in particular if any hotel has ancillary restaurant uses. Consideration will need to be given to the impact on neighbouring amenity and plant machinery should be shielded in order to reduce noise.

Summary and conclusion

Hotel development is supported in this area by Sevenoaks planning policy and the site is likely to be able to adequately accommodate one of a number of building styles.

The siting of the development should be to the west, centre and south of the site in order to most effectively reduce the impact on the amenity of occupiers of neighbouring properties and KCC should be consulted regarding Highway issues.

This page is intentionally left blank

Risk Assessment

RISK ASSESSMENT						
Operational Risks	Likelihood	Impact	Total	Rating	Internal Control(s)	Controls OK?
Failure to communicate effectively with key stakeholders could result in planning delays and reputational damage to the council	2	3	6	M	Cross Departmental Communications Plan Established and initiated	Y
Delays in securing planning consent could lead to additional costs and/or loss of tenant	3	4	12	M	Internal planning advice sought at early stage in Project. Provisions within contract to allow for extensions of time	Y
Restrictive Covenants on land could restrict or stop development	2	5	10	M	Appropriation of Land converts covenantor's remedies to damages. Professional advice to be sought and insurance taken out if necessary	Y
Poor project Management could result in cost and programme over-run	3	4	12	M	The Council is adopting PRINCE2 Project Management Principles and is resourcing its Programme Office to deliver this. The use of a Development Management Consultant taking the cost Risk will	Y

Agenda Item 6c

					also limit the Council's risk	
Unexpected Cost Increases could lead to cost overruns and a reduction in the Council's return on investment	3	3	9	M	Working with an experienced Development Management Consultant who has delivered a number of Hotels for the preferred tenant who will contract to deliver the development of the Hotel for a fixed cost will limit the Council's exposure. The contract will be subject to detailed site investigations which the Development Management Consultant is undertaking at its risk. A further contingency on both the cost of the Hotel and Car Park Costs is allowed.	Y
The rental payments will be insufficient to deliver the required return on investment	3	3	9	M	A prelet has been agreed with the preferred tenant a fixed rent for the first 5 years and a guaranteed increase every 5 years. A 20 minimum lease term has been agreed	Y
The proposed tenant will not be able to meet its rental payments or will otherwise break the terms of the lease	3	3	9	M	The preferred tenant is part of a FTSE 50 Company that had a turnover in excess of £2 billion in 2014. They currently operate over 59,000 hotel rooms and recent	Y

					development have been funded by AXA and AVIVA Investors at yields below 5%	
An downturn in the Economy and/or Property Market could have a negative impact on the income received from the investment	3	4	12	M	Letting the property on a 25 year lease (with a fixed minimum term of 20 years) with guaranteed rental increases at 5 yearly reviews ensures that rental income will not fall during the first 20 years providing the preferred tenant remains solvent. Regular revue of the market and economy as part of an Asset Management Strategy will ensue that risk is continuously managed appropriate actions taken and the optimum time.	

This page is intentionally left blank

Item 7 (a) – Feedback and approval of Statement of Licensing Principles for Gambling Act 2005

The attached report was considered by the Licensing Committee, relevant minute extract below:

Licensing Committee –29 September 2015 (Minute 14)

The Licensing Partnership Manager presented a report detailing a summary of the feedback received from the consultation on the Council's revised draft Statement of Licensing Policy for the Gambling Act 2005. The Committee was asked to consider the feedback that had been received and decide what to include in the final policy for Council's approval on 3 November 2015. All Licensing Authorities were required to prepare and publish a statement of the principles that they proposed to apply in exercising their functions under section 349 of the Gambling Act 2005 during the three year period which the policy applied.

Members considered the comments received from various Gambling companies and noted that each had raised similar points regarding local area profiles, which listed the locations that Licensing Authorities could take into account when assessing local area profiles. It was considered whether it was important to have this included in the policy as safeguarding of children and vulnerable people was one of the licensing objectives set out in the Gambling Act 2005, or if excluding the considerations of locations from the policy would leave decisions open to challenge. Members agreed the list should still be included in the policy as every application would be considered on its individual merits.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: **That it be recommended to Council** that the revised policy be adopted.

This page is intentionally left blank

REVISED STATEMENT OF PRINCIPLES FOR GAMBLING ACT 2005 POLICY

Council – 3 November 2015

Report of the: Chief Officer, Environmental and Operational Services

Status: For Consideration

Also considered by: Licensing Committee – 29 September 2015

Key Decision: No

Executive Summary: Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three year period to which the policy applies. The previous Statement was issued in January 2013.

Sevenoaks District Council has consulted on its revised draft Statement of Licensing Policy for the Gambling Act 2005 and feedback was invited by the 04 September 2015.

A summary of the feedback received is attached with this report (appendix A). Members are asked to consider the feedback that has been received and decide what to include in the final policy (appendix B). The responses that were received are in Appendix C.

The final draft policy will be presented to full council for ratification on 3 November 2015 and will become policy.

This report supports the Key Aim of Safe and Caring Communities and Dynamic and Sustainable Economy

Portfolio Holder Cllr Anna Firth

Contact Officer(s) Claire Perry Ext. 7325/07970731616

Leeann Leeds Ext. 7270

Jessica Bolton Ext. 7480

Recommendation to Licensing Committee: That the policy be recommended for adoption by Full Council.

Recommendation to Full Council: That the revised policy be adopted.

Reason for recommendation: To enable the Council to make decisions for gambling premises applications with an up to date Statement of Licensing Principles.

Agenda Item 7a

Background

- 1 The Gambling Act 2005 replaced most of the existing law about gambling in Great Britain and put in place an improved, more comprehensive structure of gambling regulation. This included a new structure of flexible protection for children and vulnerable adults and, in particular, brought the burgeoning Internet gaming sector within British regulation. It created a new independent regulatory body, the Gambling Commission, which is the national regulator for commercial gambling in Great Britain.
- 2 The Act also puts in place a strong role for local authorities in licensing gambling premises in their area and authorities are able to resolve not to licence any new casinos in their area if they do not want them.
- 3 The objective of the statement of principles is to provide a vision for the local area and a statement of intent that guides practice: licensing authorities must have regard to their statement when carrying out their functions. The statement cannot create new requirements for applicants outside of the Act and cannot override the right of any person to make an application under the Act, make representations or seek a review of a licence. However, it can invite people and operators in particular to consider local issues and set out how they contribute towards positively addressing them.

Introduction

- 4 The licensing objectives as set out in the Gambling Act 2005:
 - preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
 - ensuring that gambling is conducted in a fair and open way; and
 - protecting children and other vulnerable persons from being harmed or exploited by gambling
- 5 Local authorities
 - Issue premises licences for Casinos, Betting Offices and Race Tracks, Bingo Clubs, Adult Gaming Centres and Family Entertainment Centres.
 - Issue permits for Gaming machine in members' clubs, Gaming in members' clubs, Unlicensed Family Entertainment Centres (Category D machines only) and Prize gaming
 - Issue Temporary Use Notices, Provisional Statements and Undertake inspections and enforce the conditions on the licences, permits and notices issued.
- 6 The categories under the Gambling Act 2005 are:
 - Casinos

- Commercial Bingo Clubs
 - Licensed Betting Premises
 - Gaming Machine Premises
 - Horse and dog racecourses
- 7 Licensing or permits enable businesses to provide specified maximum numbers and types of gaming machine. There are different types of gaming machines, with varying stakes (the amount allowed to be gambled at one time) and prizes (the amount the machines are allowed to pay out) and some types of machine are only allowed in specific premises. This is outlined in Appendix 6, page 30 of the draft policy. Maximum stakes and prizes are set by the Department of Culture, Media and Sport and are currently subject to a triennial review, the most recent of which took place in 2013.
- 8 Like the Gambling Commission, Licensing Authorities are bound by a statutory aim to permit and must accept premises application so long as they are made in accordance with :
- The Gambling Commission's codes of practice
 - The guidance to local authorities (4th edition latest publication but the 5th edition has just completed consultation)
 - The licensing Authority's own Statement of Principles
 - The three licensing objectives.

Amendments to the Policy

- 9 The Gambling Commission has completed consultation on its 5th edition of the guidance. The final document, following consultation, will not be available until the end of October at the earliest which is too late for the Authority to revise its Statement of Principles, consult and present to the Licensing Committee and Full Council before the date publication is required in January 2016.
- 10 Therefore, this document has addressed the areas introduced in the Gambling Commission's consultation. However, should the 5th edition of the Gambling Commission's guidance be radically different in the approach taken in this Policy the authority will revise its Policy and carry out further consultation before further amending its Statement of Principles.
- Amendments to the Summary of stakes and prizes.
 - Mapped out and assessed local area profiles across the district to show there are no issues with high density of gambling premises. This shows that we have considered local risks in the area and the impact on children, young people and vulnerable adults.

Agenda Item 7a

Other Options Considered and/or Rejected

- 11 Consideration was given to delaying the review of the Statement of Licensing Principles until the 5th edition of the Gambling Commission's guidance is published.
- 12 Members may decide not to include sections 6 and 7 of the policy and wait until the Gambling Commission publish the 5th edition of the guidance. A further consultation will be required should this option be taken.

Key Implications

Financial

- 13 Fee levels for licences and permits will be set by the Licensing Authority.
- 14 Sevenoaks District Council has a statutory obligation to administrate the Gambling Act 2005. Failure to run and deliver a satisfactory service could result in a Judicial Review being called for in the High Court.
- 15 Through Hearings and Appeals at the Magistrate Court the Council is liable for costs if awarded against Sevenoaks District Council.

Legal Implications and Risk Assessment Statement

- 16 Decisions in relation to a licence are likely to amount to consideration of civil rights and obligations with the result that Article 6 (1) of the Human Rights Act 1998 is engaged.
- 17 Should parts of the industry believe the authority's 'Statement of Licensing Principles' is not sound it would be open to them to undertake judicial review proceedings.
- 18 The Gambling Commission will change their draft guidance and more or other changes will need to be made at a later date.

Equalities Assessment

- 19 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users. An Equality Impact Assessment has been carried out in drafting this policy.

Conclusions

- 20 In producing the final licensing policy statement, this Licensing Authority declares that it will have had regard to the licensing objectives of the Gambling Act 2005, the current guidance issued by the Gambling Commission and any responses from those consulted on the policy statement.
- 21 Sevenoaks District Council as the licensing authority must use this 'Statement of Licensing Principles' in the day-to-day operation of processing and granting of all licences and notices under the Gambling Act 2005.

Appendices:

Appendix A – Feedback from the consultation

Appendix B – Gambling Act 2005 DRAFT Statement of Principles Gambling Policy

Appendix C – Responses received

Background Papers:

[Website: www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

Gambling Act 2005

4th edition of the Gambling Commission's guidance -
<http://www.gamblingcommission.gov.uk/pdf/GLA4.pdf>

Draft 5th edition guidance -
<http://www.gamblingcommission.gov.uk/pdf/GLA5-consultation--March-2015.pdf>.

Local Government Association – Gambling regulation
Councillor handbook (England and Wales) -
<http://www.local.gov.uk/documents/10180/6869714/L15-230+Councillor+handbook+-+gambling+regulation+FINAL.pdf/3e8fafb9-493b-4027-a7c8-0feb89b8e209>

Richard Wilson
Chief Officer, Environmental and Operational Services

This page is intentionally left blank

Feedback from the Gambling Act 2005 “Revised Statement of Licensing Principles for the Gambling Policy”

Local Authority: Sevenoaks District Council

Contact and name	Comment	Comment from Officers	Include in final version for full Council	Amendments made and date	Decision / accept changes Y/N
John Liddle, Director of Development, Coral Racing Limited	Within Section 6 (page 9 & 10) it identifies a range of premises which by their inclusion, may suggest that applications near to such locations could be deemed high risk. Notably; schools, sixth form colleges, youth centres, hostels and support services for vulnerable people and similar venues, Whilst the narrative of the document correctly indicates ‘the Licensing Authority does not have the evidence that there are specific risks at the moment,’ it is suitable to feedback our advice. Coral knows of no evidence that the location of a licensed betting office within the proximity of the aforementioned causes harm to the licensing objectives. It involves a four-fold suggestion that a) those using such facilities are inherently problem gamblers, b) that having visited such facilities, users are more likely to visit a betting office than if they had not used such facilities, c) that if they do, that they are more likely to engage in problem gambling, and d) that the protective mechanisms arising from the Licence Conditions and Codes of Practice are insufficient to mitigate the risk. There is no evidence for any	It is the Licensing Authorities’ duty to ensure that the three licensing objectives are upheld. These objectives underpin the whole of the Gambling Act 2005 and we must have regard to these when determining applications. As mentioned in the draft policy the Licensing Authority does not have the evidence that there are specific issues at the moment but we would expect operators to include the above factors when carrying out risk assessments to ensure that young children and vulnerable groups are protected. Nowhere in the policy have propositions been made to suggest			

Feedback from the Gambling Act 2005 “Revised Statement of Licensing Principles for the Gambling Policy”

Contact and name	Comment	Comment from Officers	Include in final version for full Council	Amendments made and date	Decision / accept changes Y/N
	<p>of these propositions.</p> <p>Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral’s general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems..... Coral’s experience is that, through all it does, it achieves an exemplary degree of compliance, and attracts negligible evidence of regularly harm. Through the additional local risk assessment to be introduced with future premises licence applications from April 2016, Coral believe that these should be a) to assess specific <u>risks</u> to the licensing objectives in the local area, and b) to assess whether <u>control measures</u> going beyond standard control measures are needed. In other words, there should be no requirement to list the locations that are currently stated (as there is no</p>	<p>that those using such facilities are inherently problem gamblers, that having visited such facilities, users are more likely to visit a betting office than if they had not used such facilities, that if they do, they are more likely to engage in problem gambling, and that the protective mechanisms arising from the licence conditions and or codes of practice are insufficient to mitigate the risk.</p> <p>The Licensing Authority is not suggesting that there is any evidence to suggest that school children are gaining access to betting offices within the district and those offices that have been visited have robust procedures in place to deal with any potential</p>			

Feedback from the Gambling Act 2005 “Revised Statement of Licensing Principles for the Gambling Policy”

Contact and name	Comment	Comment from Officers	Include in final version for full Council	Amendments made and date	Decision / accept changes Y/N
	evidence that this is a link between such venues and a betting office), however notwithstanding this, such locations would be automatically be included with the operators risk assessment submitted when the application is considered.	<p>underage activity. However, it is the duty of the Licensing Authority to ensure that young and vulnerable people are protected and that the relevant Licensing Objective has been considered.</p> <p>As per the draft guidance the locations listed can be taken into account by the Licensing Authority in assessing local area profiles.</p> <p>Members may wish to remove the list on pages 9/10 of the policy.</p>			
Lauren Hilton Association of British Bookmakers Ltd.There is no evidence that proximity of young or vulnerable people to a betting premises would impact the ability of the shop to uphold the licensing objectives. This is because all operators already have strict policies and procedures in place to prevent the access of under-age people to the premises and to ensure				

Feedback from the Gambling Act 2005 “Revised Statement of Licensing Principles for the Gambling Policy”

Contact and name	Comment	Comment from Officers	Include in final version for full Council	Amendments made and date	Decision / accept changes Y/N
	<p>the protection of vulnerable people. The mere increased proximity of either of those groups to the premises would not affect this.</p> <p>We therefore object to the list of locations included on page 9/10, which would suggest these would be high risk areas for betting premises to be located in. However, as set out above, there is no empirical evidence this is the case and they should not be a factor when considering licensing applications....</p> <p>....Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.</p> <p>Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory</p>	<p>As per the draft guidance the locations listed can be taken into account by the Licensing Authority in assessing local area profiles.</p> <p>It is not the intention of the Licensing Authority to increase regulatory burden and we ensure that we will be proportionate when dealing with gambling premises and only intervene when necessary.</p> <p>Members may wish to remove the list on pages 9/10 of the policy.</p>			

Feedback from the Gambling Act 2005 “Revised Statement of Licensing Principles for the Gambling Policy”

Contact and name	Comment	Comment from Officers	Include in final version for full Council	Amendments made and date	Decision / accept changes Y/N
	<p>compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.</p>				
<p>Grainne Hurst, Corporate Affairs Director, Ladbrokes PLC</p>	<p>It is important that any changes or additional conditions are evidence based and as a result, deemed to have a real impact on the ability of betting operators to uphold any or all of the three licensing conditions. Such a list of factors, based on opinion rather than fact, and therefore open to interpretation in many different ways could result in an inconsistent licensing regime.</p> <p>Operators already take certain factors into consideration to ensure compliance with the licensing objectives, both in relation to new applications and existing licensed premises, and therefore it should be, as it is now, a matter for the local operator to decide how this is determined and what should be included. This being the case, only local risks that are evidence based, would be included in the risk</p>	<p>It is not the intention of the Licensing Authority to increase regulatory burden and we ensure that we will be proportionate when adding additional conditions and these would only be added in order to promote the Licensing objectives.</p> <p>As per the draft guidance the locations listed can be taken into account by the Licensing Authority in assessing local area profiles.</p> <p>Members may wish to remove the list on pages 9/10 of the policy.</p>			

Feedback from the Gambling Act 2005 “Revised Statement of Licensing Principles for the Gambling Policy”

Contact and name	Comment	Comment from Officers	Include in final version for full Council	Amendments made and date	Decision / accept changes Y/N
	<p>assessment. We would therefore caution against the inclusion of certain named categories which operators are prescribed to take into account by the local authority, including educational establishments and general levels of crime.</p> <p>It is important to note that betting shops are often the victims of crime rather than a source of crime (burglaries, robberies etc.). However, as a responsible business we would consider the existing levels of gambling and betting related crimes as well as the measures we can take to mitigate this risk before applying for a local licence. It is unclear and we would expect that other general levels of crime would not affect a licencing application.</p> <p>Instead, each case should be considered on its own merits and therefore we would caution against general statements that gambling premises should automatically face a higher burden of proof in these areas. Without any clear requirements in the revised licencing policy statements that additional licence conditions should be accompanied by robust evidence, this process could lead to</p>				

Feedback from the Gambling Act 2005 “Revised Statement of Licensing Principles for the Gambling Policy”

Contact and name	Comment	Comment from Officers	Include in final version for full Council	Amendments made and date	Decision / accept changes Y/N
	<p>unintended consequences and local shop closures and job losses.</p> <p>Security and health and safety risk assessments already detail control measures in this area which are effective in tackling these issues. Similarly, we do not accept the premise that the proximity of young people to betting shops should be regarded as an additional risk. We have strict policies and procedures in place to ensure that only those who are eligible to bet can do so. We have also invested in colleague training for the Challenge 21 policy, whereby any new customer who does not look old enough to bet is asked to provide identification. If official age verification is not provided, the customer will be asked to leave the premises. Ladbrokes also has a Primary Authority Partnership for age-restricted products.</p> <p>There is a clear, existing process in place for interested parties or responsible authorities to make representations and we would therefore caution against statements of theoretical risk without any evidence to support the argument.</p>	<p>Each application received by the Local Authority is always considered on its own individual merits when determining that application.</p>			

Feedback from the Gambling Act 2005 “Revised Statement of Licensing Principles for the Gambling Policy”

Contact and name	Comment	Comment from Officers	Include in final version for full Council	Amendments made and date	Decision / accept changes Y/N
Councillor Cameron Clark	<p>I am wondering how this will work in New Ash Green where constitutionally the Village Association has one ‘member’ from each of the 24 residential neighbourhoods plus a number of consultant members. None of these will necessarily live close to any potential licensed premises. Nevertheless the Village Association does represent the interests of all residents and people would be very concerned if the Association was excluded from making representations by this criterion.</p> <p>Small grammatical amendments sent through on Policy</p>	<p>Like Parish Councils, the Village Association represents the residents and therefore would be able to submit representations for consideration.</p>		<p>11/09/2015 amendments made.</p>	

Councillor Elser and Councillor McGarvey have sent either no adverse or favourable comments regarding the contents of the Policy.



DRAFT

Sevenoaks District Council

**Gambling Act 2005
Statement of Principles Gambling Policy
To be published January 2016**

Agenda Item 7a

CONTENTS

Item	Page
1. The licensing objectives	3
2. Introduction	4
3. Declaration	6
4. Functions	7
5. Operators	8
6. Local Area Profiles	9
7. Risk Assessments	10
8. Responsible Authorities	10
9. Interested parties	10
10. Exchange of information	11
11. Enforcement	12
The appendices that follow form part of this Policy Statement	
Appendix 1. Permits	14
(i) Unlicensed family entertainment centre gaming machine permits	14
(ii) (Alcohol) licensed premises gaming machine permits	15
(iii) Prize gaming permits	15
(iv) Club gaming and club machine permits	16
Appendix 2. Premises licences	18
(i) Decision making – general	18
(ii) “Premises”	19
(iii) Location	20
(iv) Planning	20
(v) Duplication	21
(vi) Door supervisors	21
(vii) Licensing objectives	21
(viii) Reviews	21
(ix) Provisional statements	22
(x) Adult gaming centres	22
(xi) (Licensed) family entertainment centres	23
(xii) Tracks	24
(xiii) Casinos	24

(xiv) Bingo	24
(xv) Temporary Use Notices	24
(xvi) Occasional Use Notices	24
(xvii) Travelling fairs	24
Help with gambling related problems	24
Appendix 3. Responsible Authorities	25
Appendix 4. Table of Delegations of Licensing Functions	27
Appendix 5. List detailing who this authority has consulted with	29
Appendix 6. Summary of Gaming Machines by premises	30
Appendix 7. Summary of Licensing Authority delegations permitted under the Gambling Act 2005	31
Appendix 8. Summary of stakes and prizes	32
Appendix 9. Unlicensed Family Entertainment Centres, Gaming Machine Permits & Prize Gaming Permits. Guidance for prospective applicants.	33

Agenda Item 7a

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 Gambling Act 2005. The licensing objectives are:

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

Sevenoaks District Council as “The Licensing Authority” for the Sevenoaks District will aim to permit the use of premises for gambling as set out in section 153 of the Gambling Act 2005.

Principles to be applied - Section 153

(1) In exercising its functions under this part a Licensing Authority shall aim to permit the use of premises for gambling in so far as the authority think it -

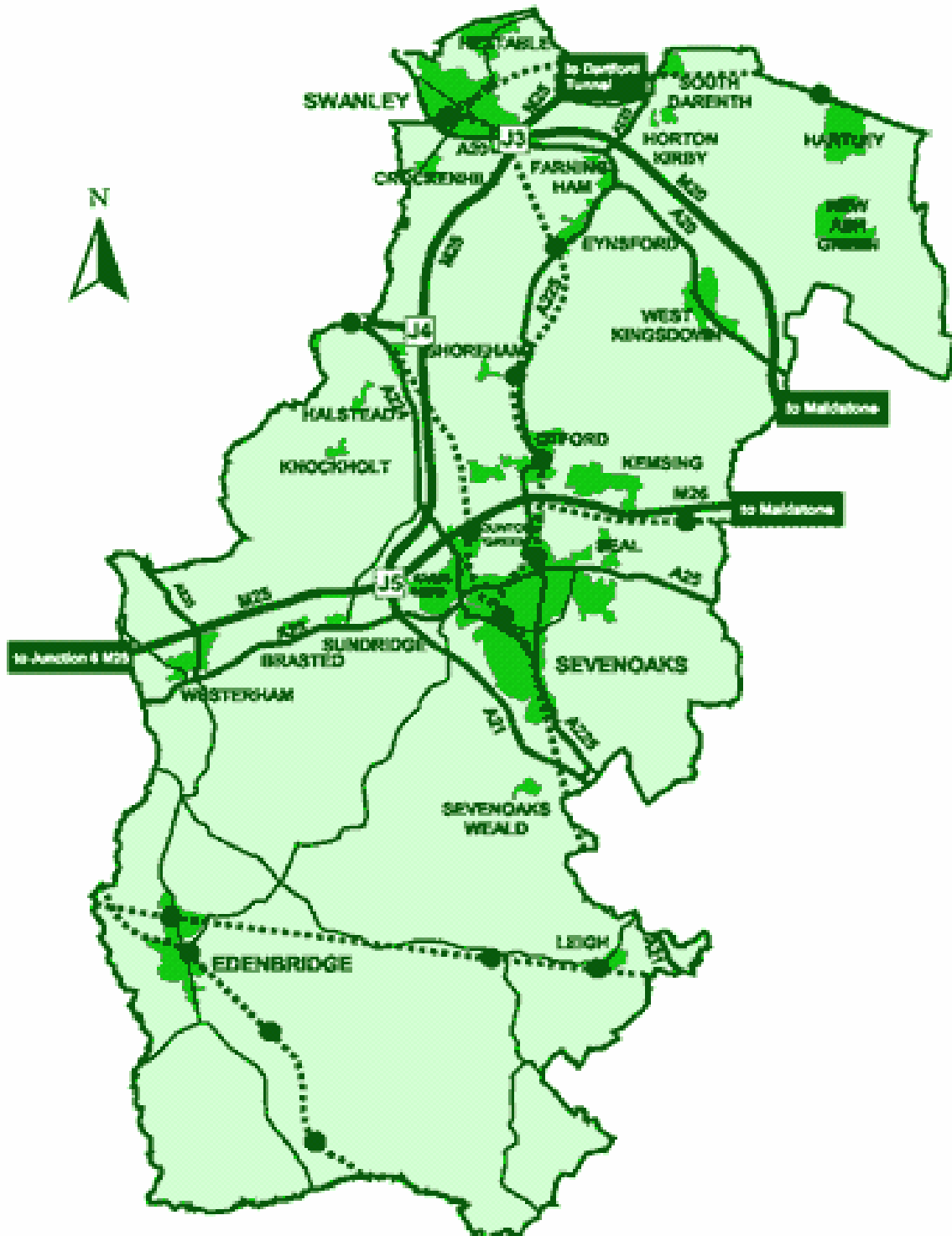
- the Gambling Commission’s codes of practice
- the guidance to local authorities
- the Licensing Authority’s own statement of principles
- the three licensing objectives.

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

(3) Any objection to an application for a Premises Licence or request for a review of an existing licence should be based on the licensing objectives of the Gambling Act 2005. It should be noted that, unlike the Licensing Act 2003, the Gambling Act 2005 does not include a specific licensing objective for the prevention of public nuisance. There is however other relevant legislation which deals with public nuisance.

2. Introduction

The Sevenoaks District Council Area



Agenda Item 7a

Licensing authorities are required by the Gambling Act 2005 to publish a Gambling Policy statement setting out the principles that they propose to apply when exercising their functions. This statement may be reviewed from time to time but must be republished at least every three years. The current statement came into force in January 2013.

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

The Gambling Commission has just completed consultation on its 5th edition of the guidance. The final document, following consultation, will not be available until after the date by which the Licensing Authority must publish its revised Statement of Principles. Therefore, this document has addressed the areas introduced in the Gambling Commission's consultation. However, should the 5th edition of the Gambling Commission's guidance be radically different in the approach taken in this Policy the authority will revise its Policy and carry out further consultation before further amending its Statement of Principles.

The key drivers for the Gambling Commission's proposed amendments to the guidance are to:

- reflect regulatory and legislative changes since the 2012 version
- reflect recent changes to the social responsibility provisions within the Commission's Licence conditions and codes of practice
- promote local partnership working between licensing authorities and local gambling operators to facilitate a coordinated approach to local issues
- provide greater clarity about the wide range of powers afforded to licensing authorities to manage local gambling regulation through measures such as their statement of licensing policy.

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

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

- the chief officer of police for the authority's area;
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

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

The consultation for the policy will take place between 20th July 2015 and 4th September 2015, a period of 7 weeks. The Licensing Authority has followed, as far is reasonably practicable given the time constraints, the Revised Code of Practice (April 2004) and the Cabinet Office Guidance on consultations by the public sector.

The full list of comments made and the consideration by the Licensing Authority of those will be available upon request to: The Licensing Team via email licensing@sevenoaks.gov.uk or by telephoning 01732 227004.

The policy is published on Sevenoaks District Council's website www.sevenoaks.gov.uk. Copies will be placed in the public libraries within the area and is available in the Council's principal offices.

This policy statement will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

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

Agenda Item 7a

4. Functions

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

Gambling Commission Functions

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

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

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

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

5. Operators

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

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

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

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

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

Local risk assessments should be undertaken or reviewed and if necessary updated by operators:

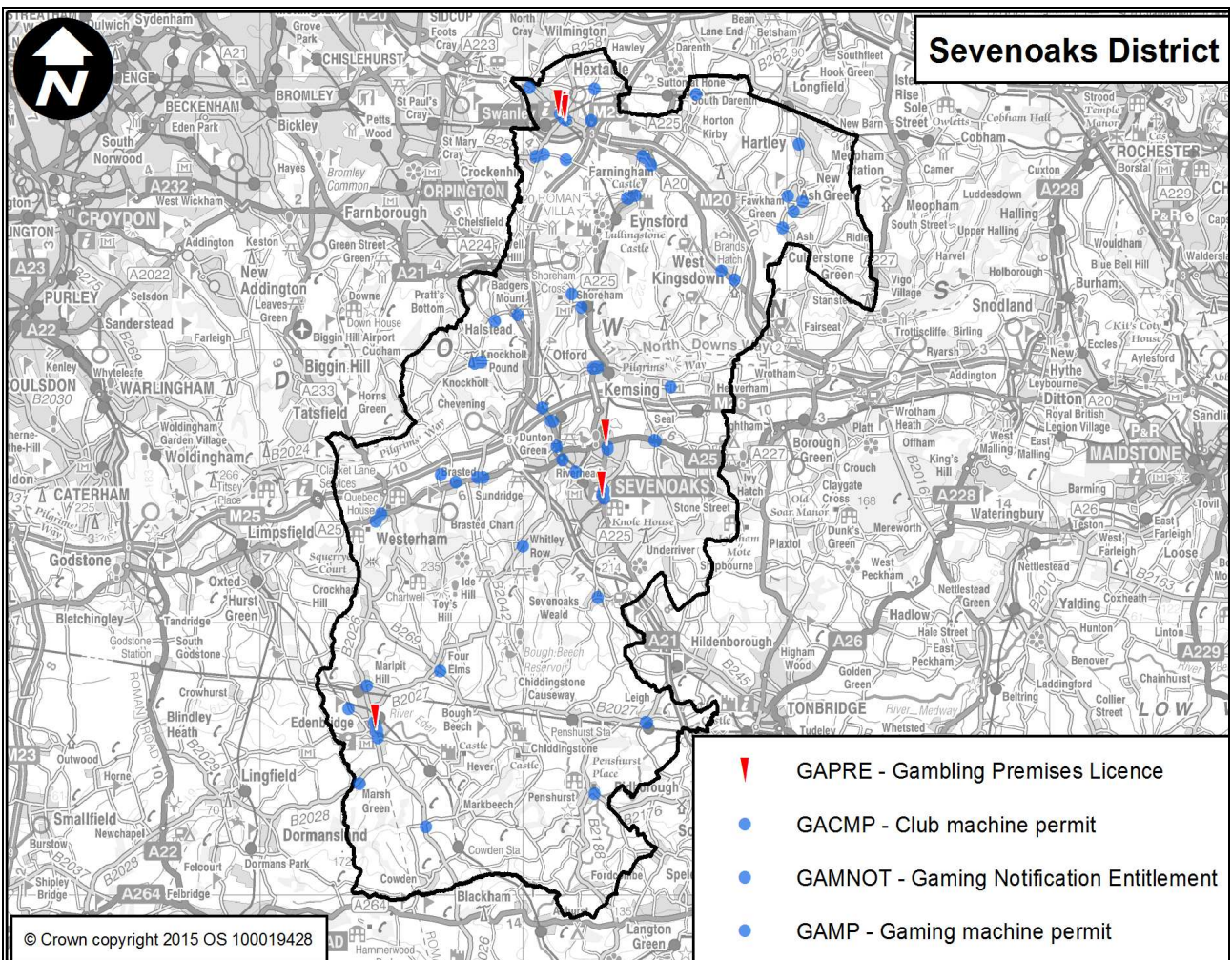
- when applying for a new licence or to vary a premises licence
- to reflect significant changes to local circumstances, including those identified in the statement of principles
- when there are significant changes at the premises which may affect mitigation of local risks.

Operators are advised to share their risk assessments when submitting such applications.

6. Local Area Profiles

The draft guidance is proposing that, like operators, licensing authorities complete and map their own assessment of local risks and concerns by developing local area profiles to help shape their statements (although there is no requirement to do this). In simple terms, the objective of the profiles is to set out what the area is like, what risks this might pose to the licensing objectives, and what the implications of this are for the Licensing Authority and operators.

Officers have mapped out the Gambling Premises within the District (red markers) and those premises that have gaming machine permits (Licensed Premises and Club) and gaming permits (Clubs) to indicate the location of the premises. There are only 7 Gambling premises across the District and there are no areas of high density of gambling premises.



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

- schools, sixth form colleges, youth centres etc., with reference to the potential risk of under-age gambling
- hostels or support services for vulnerable people, such as those with addiction issues or who are homeless, given the greater risk of problem gambling among these groups
- religious buildings
- any known information about issues with problem gambling
- the surrounding night time economy, and possible interaction with gambling premises
- patterns of crime or anti-social behaviour in the area, and specifically linked to gambling premises

- the socio-economic makeup of the area
- the density of different types of gambling premises in certain locations
- specific types of gambling premises in the local area (E.g, seaside resorts may typically have more arcades or FECs).

In drafting this document relevant bodies and organisations were contacted for evidence of existing problems. However, information at the time of drafting this Statement of Principles was unavailable. This Licensing Authority does not have the evidence that there are specific issues at the moment but will expect an operator to include the above factors when carrying out risk assessments of the area in which the new premises is proposed.

If there is a need or evidence to develop the local area profile further this will be done outside the scope of this document and updated as information changes.

7. Risk Assessments

The Licensing Authority will require a risk assessment to be submitted for all types of gambling premises application for a new and variation application.

8. Responsible Authorities

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

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

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

Children's and Families - KCC Social Service

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

9. Interested parties

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.

Section 158 of the Gambling Act 2005 says a person is an interested party if he/she;

- 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).

Agenda Item 7a

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

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

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

Gambling Commission's Guidance states that moral objections to gambling are not a valid reason to reject applications for premises licences, as such objections do not relate to the licensing objectives (Guidance to Licensing Authorities Para 5.27). All objections must be based on the licensing objectives.

The Gambling Commission has recommended that the Licensing Authority state within its Gambling Policy Statement that interested parties may include trade associations, trade unions, and residents and tenants' associations. However, this Authority will not generally view these bodies as interested parties unless they have a member who can be classed as such under the terms of the Gambling Act 2005. (i.e. lives sufficiently close to the premises and is likely to be affected by the application.)

Interested parties can be persons who are democratically elected, such as Councillors and MP's. No evidence of being asked to represent an interested person will be required provided the Councillor/MP represents the relevant ward. Likewise, parish councils may be considered to be interested parties. Apart from these exceptions this Authority will require written evidence that a person/body/advocate/relative) represents someone likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter of authorisation from one of these persons, requesting the representative to speak on their behalf will be sufficient.

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

If there are any doubts then please contact the Licensing Team via email at licensing@sevenoaks.gov.uk or by telephone 01732 227004.

10. Exchange of Information

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

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

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

11. Enforcement

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

The purpose of the Licensing Authority's enforcement protocol is to facilitate co-operation and co-ordination between enforcement agencies in pursuance of both the Gambling Act 2005 and the Licensing Act 2003. A copy can be requested via email at licensing@sevenoaks.gov.uk or by telephoning the Licensing Team 01732 227004.

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

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

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

The Licensing Authority's principles are that:

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

- Proportionate:
 - regulators should intervene only 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 the Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other

Agenda Item 7a

permissions which it authorises. The Gambling Commission will be the enforcement body for Operating and Personal Licences.

Appendix 1

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

1. Permits

(i) Unlicensed Family Entertainment Centre (FEC) gaming machine permits (Statement of Principles on Permits - Schedule 10 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 applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Licensing Authority has considered and intends to require applicants to demonstrate:

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

It should be noted that a Licensing Authority cannot attach conditions to this type of permit and that the “statement of principles” only applies to initial applications and not to renewals (paragraph 8(2)).

For initial applications, the Licensing Authority need not (but may) have regard to the licensing objectives and shall have regard to any Gambling Commission guidance.

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

The Gambling Commission’s Guidance also states: “An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application.”

Statement of Principles: This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

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

Agenda Item 7a

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 licence holders merely need to notify the Licensing Authority. The Licensing Authority may make an order disapplying the automatic entitlement in respect of any particular premises if:

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

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority will consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.

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

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

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

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

Given that the premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to request from the applicant, the Licensing Authority will want to give weight to child protection issues and will ask the applicant to set out the types of gaming that he or she is intending to offer. The applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations; and

- that the gaming offered is within the law.

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

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

- the limits on participation fees, as set out in regulations, must be complied with;
- 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 Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D), equal chance gaming and games of chance as set out in regulations. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D).

The Gambling Commission's 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 but there is no need for a club to have an alcohol licence.

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

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

There is also a 'fast-track' procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12, paragraph 10). As the Gambling Commission's Guidance for local authorities' states: "Under the fast-track procedure

Agenda Item 7a

there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced” and “The grounds on which an application under the process may be refused are:

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

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

Appendix 2

2. Gambling Premises Licences

(i) Decision making - general:

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

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

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

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

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

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

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

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

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

Agenda Item 7a

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

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

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

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

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

(ii) "Premises":

Premises 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 and as the Guidance for local authorities' states, it "will always be a question of fact in the circumstances". The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

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

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

- the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling but also that

they are not permitted to be in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating; and

- entrances and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.
- customers should be able to participate in the activity named on the premises licence.

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

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

(iii) Location:

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

(iv) Planning:

Planning and licensing are different regulatory systems and will be dealt with separately. The Gambling Commission's Guidance states: "When dealing with a premises licence application for finished buildings, the Licensing Authority should not take into account whether those buildings have 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 not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises

Agenda Item 7a

licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.”

(v) Duplication:

As stated in section 3.36, as per the Gambling Commission’s Guidance for local authorities the Licensing Authority will seek to avoid duplication with other regulatory regimes so far as possible.

(vi) Door Supervisors:

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

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

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

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

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

(vii) Licensing objectives:

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

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

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

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

(viii) Reviews:

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

- it is in accordance with any relevant code of practice issued by the Gambling Commission;

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

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

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

(ix) Provisional Statements:

The Licensing Authority notes the Gambling Commission's Guidance for the Gambling Commission which states that:

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

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

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

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

(x) Adult Gaming Centres (AGC):

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

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

- Proof of age schemes

Agenda Item 7a

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

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

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

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

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

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

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

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

(xii) Tracks:

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

(xiii) Casinos:

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

(xiv) Bingo:

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

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

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

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

Help with gambling related problems:

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

Responsible Authorities:

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

Licensing Team

Sevenoaks District Council
Council Offices
PO Box 182
Argyle Road
Sevenoaks
Kent. TN13 1GP

Tel: 01732 227004

Fax: 01732 742339

e-mail: licensing@sevenoaks.gov.uk

Website: www.sevenoaks.gov.uk

Local Planning Authority

Sevenoaks District Council
Council Offices
PO Box 182
Argyle Road
Sevenoaks
Kent. TN13 1GP

Tel: 01732 227000

Fax: 01732 451332

planning.comments@sevenoaks.gov.uk

Chief Police Officer – (West Division)

Kent Police
Chief Superintendent
Maidstone Police Station
Palace Avenue
Maidstone
ME15 6NF

Tel: 101

e-mail:

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

Fire Safety - District Manager

Kent Fire & Rescue Service
West Kent Fire Safety Office
424 Vale Road
Tonbridge
Kent. TN9 1SW

Tel: 01732 369429

tonbridge.firesafety@kent.fire-uk.org

Information can also be obtained from:

Gambling Commission

Victoria Square House
Victoria Square
Birmingham. B2 4BP

Tel:0121 230 6666

Fax 0121 230 6720

e-mail: info@gamblingcommission.gov.uk

Website: www.gamblingcommission.gov.uk

Environmental Protection

Dartford and Sevenoaks Partnership
Civic Centre
Home Gardens
Dartford. DA1 1DR

Tel: 01732 227000

Fax: 01322 343963

e-mail: eh.support@dartford.gov.uk

Health and Safety

Dartford and Sevenoaks Partnership
Civic Centre
Home Gardens
Dartford. DA1 1DR

Tel: 01732 227000

Fax: 01322 343963

e-mail: eh.support@dartford.gov.uk

Kent Safeguarding Children Board

Room 2.60
Sessions House
Maidstone
Kent. ME14 1XQ

Website: kscb@kent.gov.uk

HM Revenue & Customs

Medvale House
Moat Road
Maidstone
Kent. ME15 6AE

Tel: 0845 302 1431

Website: www.hmrc.gov.uk

**Police Sergeant of the Community Safety
Unit, Sevenoaks**

Sgt. Mark Beresford
Kent Police
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks
Kent. TN13 1HG

Tel: 101

e-mail:

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

Agenda Item 7a

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

Agenda Item 7a

Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

Agenda Item 7a

Appendix 5

List detailing who this authority consulted with:

List of Consultees

Sevenoaks District Council website
District Councillors
Councillor's Members Room
Parish and Town Councils
Libraries within the District
West Kent Area Commander, West Kent Police
North Kent Area Commander, North Kent Police
Area Youth & Community Officer, KCC Youth & Community,
Local Services Team Leader, KCC Education & Libraries
Chief Executive, West Kent Housing Association,
Regional Housing Manager, MOAT Housing Society
Local Health Board
Licensing Co-ordinator, Kent Police, Strategic Crime Reduction Department
Director, West Kent Council of Voluntary Services
Tunbridge Wells and Sevenoaks YOT, Kent Youth Offending Team
Copy in reception
Sevenoaks and District Chamber of Commerce
Licensed premises in the Sevenoaks District
Swanley Chamber of Commerce
The Gambling Commission
West Kent Licensing Officer
Planning Department
Ladbrokes Betting & Gaming Limited
Enterprise Inns Plc
The British Beer & Pub Association
District Manager, Children & Families, KCC Social Services
Kent County Council, Trading Standards
Gambling Policy Team, HM Customs & Excise
Done Brothers T/A Betfred
Coral Racing Limited, Head Office
Greene King Brewing and Retailing Ltd.
Shepherd Neame Ltd.

This list is not definitive. Residents associations were also sent copies on request.

Summary of gaming machines by premises

Appendix 6

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

* It should be noted the Member's Clubs and Miners' Welfare Institutes are entitled to site a total of 3 machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial Clubs are entitled to a total of 3 machines in categories B4 to D.

**Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13th July 2011 are entitled to make available 4 (adult gaming centre premises) or 8 (bingo premises) category B gaming machines, or 20% of the total number of gaming

Agenda Item 7a

machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13th July 2011 but before 1st April 2014 are entitled to a maximum of 4 or 8 category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1st April 2014 these premises will be entitled to 20% of the total number of gaming machines only. But not B3A machines.

Appendix 7

Summary of Licensing Authority delegations permitted under the Gambling Act 2005

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 (where appropriate)	X		
Application for Premises licences		Where representations have been received and not withdrawn	Where representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where representations received/ representations have been withdrawn
Application for a transfer for a licence		Where representations have been received from the Commission	Where no representations have been received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where 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 8

Summary of Maximum stake and Maximum prize by category of gaming machine.

The new stake and prize limits by category of machine as of today are as follows:

Category	Maximum stake	Maximum prize
B1	£5	£10,000*
B2**	£100	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D non-money prize (not crane grab)	30p	£8
D non-money prize (crane grab)	£1	£50
D money prize	10p	£5
D combined money and non-money prize (coin pusher/penny falls)	20p	£20 (of which no more than £10 may be a money prize)
D combined money and non-money prize (other than coin pusher or penny falls)	10p	£8 (of which no more than £5 may be a money prize)

* with option of maximum £20,000 linked progressive jackpot on premises basis only.

** Government considers the future of these machines to be unresolved pending further work which is already underway.

Appendix 9

Unlicensed Family Entertainment Centres, Gaming Machine Permits & Prize Gaming Permits. Guidance for perspective applicants.

This appendix 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.

Sevenoaks 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 appendix should be read in conjunction with Sevenoaks District Council Statement of Licensing Policy and Principles. – Gambling Act 2005.

The purpose of this appendix 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 appendix should be read as guidance only and the council will be happy for applicants to suggest measures above and beyond those listed in the appendix and or to substitute measures as appropriate.

1. 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.)

2. 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.

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

Agenda Item 7a

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)

3. 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.

4. 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.

5. 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 Disclosure Barring Service disclosure on application to Disclosure Scotland on 0870 609 6006 or online at www.disclosurescotland.co.uk

This page is intentionally left blank



Mrs Leeann Leeds
 Licensing Officer and Acting Administration Team Leader
 Sevenoaks District Council
 Council Offices
 Argyle Road
 Sevenoaks
 TN13 1HG

4th September 2015

Dear Mrs Leeds

Consultation on Sevenoaks District Council’s Statement of Principles – Gambling Act 2005

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

We have detailed below our response:-

Coral Racing Limited are broadly supportive of the document; it again notes that the Board when considering applications are still required to ‘aim to permit gambling’ where this is ‘reasonably consistent with the licensing objectives’, additionally noting that it should not take into account of moral objections to gambling.

Coral Racing Limited recognise the requirement to supply risk assessments with future applications & variations following the consultation completion and are pleased to see this detail included within the document. Within Section 6 (page 9 & 10) it identifies a range of premises which by their inclusion, may suggest that applications near to such locations could be deemed high risk. Notably; schools, sixth form colleges, youth centres, hostels and support services for vulnerable people and similar venues. Whilst the narrative of the document correctly indicates ‘*The Licensing Authority does not have the evidence that there are specific risks at the moment....*’, it is suitable to feedback our advice.

Coral knows of no evidence that the location of a licensed betting office within the proximity of the aforementioned causes harm to the licensing objectives. It involves a four-fold suggestion that a) those using such facilities are inherently problem gamblers, b) that having visited such facilities, users are more likely to visit a betting office than if they had not used such facilities, c) that if they do, that they are more likely to engage in problem gambling, and d) that the protective mechanisms arising from the Licence Conditions and Codes of Practice are insufficient to mitigate the risk. There is no evidence for any of these propositions.

- Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral’s general experience, in common with other bookmakers, is that children are not interested in



Coral Racing Limited
 One Stratford Place, Montfichet Road, London E20 1EJ
 Registered Office: New Castle House, Castle Boulevard, Nottingham NG7 1FT
 Registered in England No. 541600
 Tel: 020 3288 7000 Fax: 020 3288 7050

a company



1800+ shops mobile coral.co.uk 0800 242 232

Agenda Item 7a

betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems.

The reason for Coral's caution against making such perceptions, which we anticipate is similar to that of the other main bookmakers, is that it already operates systems which ensure that the licensing objectives are strongly promoted across its estate.

For example:

- Coral benefits from an operating licence granted by the national regulator, the Gambling Commission. Therefore, its corporate systems for the promotion of the licensing objectives have been approved by the Commission, which continues to exercise vigilance in this regard through inspections and examination of regulatory returns.
- Coral is subject to the Licence Conditions and Codes of Practice, which are effectively the national code of operation to ensure that the licensing objectives are promoted.
- It carries out health and safety risk assessments pursuant to its legal obligations. These assessments are shortly to be extended so that formal compliance assessments are conducted.
- It conducts risk assessments in relation to Exposure to Violence, Aggression and Conflict (EVAC assessments).
- It operates the assessment principles of the Safe Bet Alliance, the national code for safe premises. It was one of the architects of the code.
- It operates the ABB's Code for Responsible Gambling, and again was one of the architects of that code.
- It operates an extensive compliance manual, upon which all staff members are trained. Copies are available for your inspection if required.
- It contributes to the Responsible Gambling Trust, which seems to promote responsible gambling who in-turn contribute to GamCare, the national problem gambling charity.

Coral's experience is that, through all it does, it achieves an exemplary degree of compliance, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced with future premises licence applications from April 2016, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. In other words, there should be no requirement to list the locations that are currently stated (as there is no evidence that there is a link between such venues and a betting office), however notwithstanding this, such locations would automatically be included with the operators risk assessment submitted when the application is considered.

If we can provide any further information, we would be pleased to do so.

Yours sincerely,


John Liddle
Director of Development – Coral Retail

Licensing Partnership Team
PO Box 182
Sevenoaks
Kent
TN13 1GP

17th August 2015

Ladbrokes consultation response – Local Council statement on Gambling Act Statement of Principles

Introduction

Ladbrokes is one of the world's largest betting operators, employing around 13,000 across 2,200 shops in the UK. As a responsible business we are committed to providing our customers with a safe, fair and fun leisure experience, whilst helping the small number of individuals who suffer from gambling related harm.

Betting offices are also valuable contributors to the vitality and viability of high streets throughout the UK, employing local people, building relationships with local customers and supporting local good causes in the community:

- They are an established high street use.
- They generate footfall at least comparable to that of retail facilities.
- They generate linked trips so supporting the retail vitality and viability of town centres.
- In physical character terms they generate at least as lively an exterior aspect as retail facilities.
- They are compatible in scale with retail facilities.

We welcome the opportunity to respond to this consultation. As a highly regulated industry, we also devote significant resources to regulatory compliance and fully support both the principle and practice of better working partnerships between local betting operators and local authorities. In our view the current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.

We are therefore concerned that the guidance as currently drafted aims to alter the premises licence regime from that established in the Gambling Act and either intentionally or unintentionally increases the burdens on an already responsible business and prescribes additional conditions above and beyond what has been currently agreed by the independent regulator.

We hope that in responding to this consultation we can better support the implementation of an effective, consistent and clear local licensing regime which is mutually beneficial to operators and local authorities.

Local Partnerships

We welcome the focus on partnership working and that is one of the reasons we are a leading signatory to the 'ABB-LGA Framework for local partnerships on betting shops' which was published

in January this year. We also have Primary Authority agreements with Liverpool Council and Milton Keynes Council which has resulted in greater clarity and consistency of regulation at a local level. In contrast, we are concerned that this guidance as currently drafted would lead to variations and inconsistencies which prove burdensome and costly for a business that operates across a multi-site estate in numerous different local authorities.

Local area risk assessments

From April 2016, under new Gambling Commission LCCP provisions, we are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. As a responsible business, we must take into account relevant matters identified in the licensing authority's statement of licensing policy in their risk assessment, and review our policies where there are significant local changes.

It is important that any changes or additional conditions are evidence based and as a result, deemed to have a real impact on the ability of betting operators to uphold any or all of the three licensing conditions. Such a list of factors, based on opinion rather than fact, and therefore open to interpretation in many different ways could result in an inconsistent licencing regime.

Operators already take certain factors into consideration to ensure compliance with the licensing objectives, both in relation to new applications and existing licensed premises, and therefore it should be, as it is now, a matter for the local operator to decide how this is determined and what should be included. This being the case, only local risks that are evidence based, would be included in the risk assessment. We would therefore caution against the inclusion of certain named categories which operators are prescribed to take into account by the local authority, including educational establishments and general levels of crime.

It is important to note that betting shops are often the victims of crime rather than a source of crime (burglaries, robberies etc). However, as a responsible business we would consider the existing levels of gambling and betting related crimes as well as the measures we can take to mitigate this risk before applying for a local licence. It is unclear and we would expect that other general levels of crime would not affect a licencing application.

Instead, each case should be considered on its own merits and therefore we would caution against general statements that gambling premises should automatically face a higher burden of proof in these areas. Without any clear requirements in the revised licencing policy statements that additional licence conditions should be accompanied by robust evidence, this process could lead to unintended consequences and local shop closures and job losses.

Existing responsible practices

Ladbrokes shops already operate strict age restrictions and we do not promote betting or gambling in our shop windows attractive to young children or vulnerable adults.

We accept the importance of the premises design to mitigate risk, which is one of the reasons we install CCTV cameras in specific places to monitor activity (for example at the entrance and exit of the shop) and it is our policy, unless physically impossible, to locate machines in line of sight of our cashiers. Where this is not possible, we implement alternative measures to ensure that shop team are in a position to monitor the activity in the machines area of the shop.

Security and health and safety risk assessments already detail control measures in this area which are effective in tackling these issues. Similarly, we do not accept the premise that the proximity of young people to betting shops should be regarded as an additional risk. We have strict policies and procedures in place to ensure that only those who are eligible to bet can do so. We have also invested in colleague training for the Challenge 21 policy, whereby any new customer who does not look old enough to bet is asked to provide identification. If official age verification is not provided, the customer will be asked to leave the premises. Ladbrokes also has a Primary Authority Partnership for age-restricted products.

Our policies regarding compliance with the licensing objectives are supported by thorough staff induction training programmes followed by annual refresher training in the higher risk areas such as the prevention of underage gambling (Think 21) and tested through internal audit processes and, in the case of Think 21, test purchasing conducted by a third party service provider and the fact that those results are and other associated information is shared with the Gambling Commission.

Who should be an interested party?

There is a clear, existing process in place for interested parties or responsible authorities to make representations and we would therefore caution against statements of theoretical risk without any evidence to support the argument.

For further information please contact:

Grainne Hurst
Corporate Affairs Director, Ladbrokes
grainne.hurst@ladbrokes.co.uk

Sevenoaks District Council: Gambling Act 2005, Statement of Principles Gambling Policy consultation | ABB response

September 4 2015

Introduction

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Our members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the current consultation on the Council's review of its gambling policy statement.

This sets out the ABB approach to partnership working with local authorities and details any areas of concern within the draft statement, including our views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime.

We are concerned to ensure these changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle.

It is important that this is also set within the context of declining betting shop numbers. Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest [Gambling Commission industry statistics](#) show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and we welcome the opportunity to respond to this consultation.

▪ **LGA – ABB Betting Partnership Framework**

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the

"...desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."

The framework builds on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.



In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.

Learnings from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth & Regulation, said:

"The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."

Describing the project, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said:

"This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."

- **Primary Authority Partnerships in place between the ABB and local authorities**

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.

By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

From April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.

Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.

The ABB supports this requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

- **Evidence based approach**

It is important that any risks identified are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles and licensing policy statements.

This would distort the aim to permit principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

There is no evidence that proximity of young or vulnerable people to a betting premises would impact the ability of the shop to uphold the licensing objectives. This is because all operators already have strict policies and procedures in place to prevent the access of under-age people to the premises and to ensure the protection of vulnerable people. The mere increased proximity of either of those groups to the premises would not affect this.

We therefore object to the list of locations included on page 9/10, which would suggest these would be high risk areas for betting premises to be located in. However, as set out above, there is no empirical evidence this is the case and they should not be a factor when considering licensing applications.

The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

- **Concerns around increases in the regulatory burden on operators**

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.



Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Conclusion

The ABB and our members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.

Contact: For any responses or requests for additional information please contact Lauren Hilton, Public Affairs Executive (laurenhilton@abb.uk.com / [REDACTED]).

Agenda Item 7a

Leeann Leeds

From: Cllr Philip McGarvey <[REDACTED]>
Sent: 03 August 2015 15:51
To: Leeann Leeds
Cc: Claire Perry
Subject: RE: Draft statement of principles gambling policy for Gambling Act 2005

Thanks, Leeann, but as I have a personal opposition to any kind of gambling, I am probably the worst person to ask for comment (though I wouldn't bet on it).

I will say nothing!

Best regards,

Philip

Cllr Philip McGarvey

From: Leeann Leeds [<mailto:Leeann.Leeds@sevenoaks.gov.uk>]
Sent: 20 July 2015 15:30
To: Councillors (except Cllr Halford) <Councillors@sevenoaks.gov.uk>
Cc: Claire Perry <Claire.Perry@sevenoaks.gov.uk>
Subject: Draft statement of principles gambling policy for Gambling Act 2005

Dear Sir or Madam,

Sevenoaks District Council is pleased to present its draft statement of principles gambling policy for the Gambling Act 2005.

I invite you to read and feedback any comments you may have by 4th September 2015, so that they may be taken into consideration for inclusion in the final draft which will be presented to the Licensing Committee.

Kind regards

Leeann

Mrs. Leeann Leeds
Licensing Officer and Acting Administration Team Leader
Sevenoaks District Council | Council Offices | Argyle Road | Sevenoaks | TN13 1HG
Direct dial: 01732 227270
Fax: 01732 742339
Email: leeann.leeds@sevenoaks.gov.uk
Online: www.sevenoaks.gov.uk

Please don't print this e-mail unless you really need to

The Licensing Partnership

Sevenoaks District Council, Tunbridge Wells Borough Council and Maidstone Borough Council have a Licensing Partnership to process and issue licensing applications.

Applications should be sent to the address below where there is a central administration.

Licensing Officers are located at each local licensing authority, together with admin support to deal with people visiting the Gateways and Tunbridge Wells Town Hall.

Please send all licensing applications to:

+ Licensing Partnership
P.O. Box 182
Sevenoaks

Leeann Leeds

From: Cllr Diana Esler <cllr.esler@sevenoaks.gov.uk>
Sent: 20 July 2015 19:41
To: Leeann Leeds
Subject: Re: Draft statement of principles gambling policy for Gambling Act 2005

Dear Leeann

Thank you for this. I can see much work has gone on since you presented the draft at the Licensing Committee Meeting. I would like to comment it all reads excellently and I see no need to make any changes.

Regards
Diana

On Monday, July 20, 2015, Leeann Leeds <Leeann.Leeds@sevenoaks.gov.uk> wrote:

Dear Sir or Madam,

Sevenoaks District Council is pleased to present its draft statement of principles gambling policy for the Gambling Act 2005.

I invite you to read and feedback any comments you may have by 4th September 2015, so that they may be taken into consideration for inclusion in the final draft which will be presented to the Licensing Committee.

Kind regards

Leeann

Mrs. Leeann Leeds

Licensing Officer and Acting Administration Team Leader

Sevenoaks District Council | Council Offices | Argyle Road | Sevenoaks | TN13 1HG

Direct dial: 01732 227270
Fax: 01732 742339

Email: leeann.leeds@sevenoaks.gov.uk

Agenda Item 7a

Online: www.sevenoaks.gov.uk

Please don't print this e-mail unless you really need to

The Licensing Partnership

Sevenoaks District Council, Tunbridge Wells Borough Council and Maidstone Borough Council have a Licensing Partnership to process and issue licensing applications.

Applications should be sent to the address below where there is a central administration.

Licensing Officers are located at each local licensing authority, together with admin support to deal with people visiting the Gateways and Tunbridge Wells Town Hall.

Please send all licensing applications to:

+ Licensing Partnership

P.O. Box 182

Sevenoaks

Kent TN13 1GP

email: licensing@sevenoaks.gov.uk

(tel: 01732 227004

Payments: *For all licensing applications please make cheques payable to: "Sevenoaks District Council". Alternatively card payments may be made over the telephone on the number above.*

Help us to improve our licensing service to you by completing our online survey [Click here to comment](#)



- We value your feedback, comment online on the service you receive from us: [Click here to comment](#)

Item 7 (b) – Appointment of a Deputy Electoral Registration Officer and a Returning Officer for Parish Polls

The attached report was considered by the Governance Committee on 20 October 2015, the relevant minute extract was not available before the printing of this agenda and will follow.

This page is intentionally left blank

APPOINTMENT OF A DEPUTY ELECTORAL REGISTRATION OFFICER AND A RETURNING OFFICER FOR PARISH POLLS

Council – 3 November 2015

Report of Chief Officer Legal and Governance

Status: For Decision

Also considered by: Governance Committee – 20 October 2015

Key Decision: No

Portfolio Holder Cllr. Firth

Contact Officer(s) Nicola Fletcher, Ext. 7188

Recommendation to Governance Committee: That it be recommended to Council

- (a) that the Chief Officer for Corporate Support be appointed Deputy Electoral Registration Officer for the Sevenoaks District Council, and
- (b) that the Chief Executive be appointed as Returning Officer for any polls held under the Parish and Community Meetings (Polls) Rules 1987.

Recommendation to Council:

- (a) that the Chief Officer for Corporate Support be appointed Deputy Electoral Registration Officer for the Sevenoaks District Council, and
- (b) that the Chief Executive be appointed as Returning Officer for any polls held under the Parish and Community Meetings (Polls) Rules 1987.

Reason for recommendation: Legislation allows District Councils to appoint an officer of the Council as a deputy to the Electoral Registration Officer to act in the absence of the Electoral Registration Officer and to appoint a Returning Officer to administer any polls held under the Parish and Community Meetings (Polls) Rules 1987.

Introduction and Background

- 1 Under section 8(2) of the Representation of the People Act 1983 the District Council must appoint an Officer to the position of 'Electoral Registration Officer'. This position is responsible for maintaining the Electoral Register for the area. In 2013, the Chief Executive was appointed as the Electoral Registration Officer.

Agenda Item 7b

- 2 Under section 52(2) of the Representation of the People Act 1983 the Council may appoint a Deputy Electoral Registration Officer who is able to perform and exercise any of the duties and powers of the Electoral Registration Officer.
- 3 One of the roles of the Electoral Registration Officer is to hold a hearing in respect of any reviews of registration or any objections received for an application to be included on the Register of Electors. Reviews and objections can be made at anytime during the life of the Register. The objections may be in relation to an existing elector as well as new applications. For objections, the legislation provides that these hearings must be held no earlier than the third day and no later than the seventh day after the notice of objection was received. If a hearing is not held within this timescale then the Council will be in breach of the legislation.
- 4 Since the Council does not currently have a Deputy Electoral Registration Officer then there is a risk the Council could be in breach of the legislation if the Electoral Registration Officer (Chief Executive) is absent for a period when a hearing needs to take place. Therefore it is recommended that a permanent appointment is made to this post in order to remove that risk.
- 5 Rule 4(1) of the Parish and Community Meetings (Polls) Rules 1987 states that the Council shall appoint an officer of the Council to be Returning Officer to conduct any polls.
- 6 At present the Council does not have an officer appointed to this role, however, the Chief Executive has been appointed as Returning Officer for District and Parish elections. Traditionally, the Chief Executive has been appointed to all Returning Officer roles.

Key Implications

Financial

There are no financial implications to this appointment.

Legal Implications and Risk Assessment Statement

The appointment of the Deputy Electoral Registration Officer will mitigate risks in the event that the Electoral Registration Officer is unavailable as his deputy will be able to undertake his duties.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

It is recommended that Council appoints a Deputy Electoral Registration Officer to reduce the risks of not being able to administer electoral register hearings within the statutory timescale as the Deputy Electoral Registration Officer will have the same powers. It is recommended that Council appoints a Returning Officer for polls held under the Parish

and Community Meetings (Polls) Rules 1987 to enable any such poll to be administered if required.

Background Papers:

[Representation of the People Act 1983, Sections 8 and 52](#)

[The Parish and Community Meetings \(Polls\) Rules 1987](#)

Christine Nuttall
Chief Officer for Legal and Governance

This page is intentionally left blank

MEMBERSHIP OF COMMITTEES AND OUTSIDE ORGANISATIONS 2015/16

Council – 3 November 2015

Report of Chief Officer Legal and Governance

Status: For Decision

Key Decision: No

Contact Officer Vanessa Etheridge Ext. 7199

Recommendation to Council: That

- a) Cllr McArthur be appointed to the Audit Committee; and
 - b) Cllr Lowe be replaced by Councillor Mrs Bosley on the Sevenoaks Leisure Board of Trustees.
-

Introduction

- 1 At each Annual meeting of Council and beginning of the Municipal year, Members are asked to agree the Chairmen, Vice Chairmen and membership of Committees in line with the Council's Constitution and decision making structure. These were agreed at the Annual Council meeting on 19 May 2015 and some amendments were made at Council on 21 July.

Committee Memberships

- 2 Since the last Council meeting Cllr McArthur has come forward to fill the vacancy on the Audit Committee, however both Governance Committee and Standards Committee still carry a vacancy each.

Appointments to Outside Organisations

- 3 At the Annual meeting of Council, Cllrs. Dr. Canet and Lowe were appointed to the Sevenoaks Leisure Board of Trustees. However to prevent any possible future conflict of interest arising from her Portfolio of Health and Housing, Councillor Mrs. Bosley has offered to take Cllr Lowe's place.

Key Implications

Financial

None directly arising from this report. Except to note that claims may be made by Councillors, in pursuance to Appendix G of the Council's Constitution - Members' Allowances Scheme.

Agenda Item 8a

Legal Implications and Risk Assessment Statement

Unfilled committee vacancies leave more risk for inquorate meetings. Appointments to represent the Council on outside bodies are made in accordance with s.111 Local Government Act 1972 where the Council is satisfied that such appointments are necessary to, conducive to, or calculated to facilitate the discharge of their statutory functions. In not appointing to those Outside Bodies there is a risk that the Council's designated representation on such organisations would not be fulfilled.

Equality Impacts

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Appendices

Council Committee Memberships

Background Papers:

[Council's Constitution](#)

Christine Nuttall

Chief Officer for Legal and Governance

EMPLOYMENT STABILITY POLICY

Council – 3 November 2015

Report of Chief Officer Corporate Support

Status: For decision

Key Decision: No

This report supports the Corporate Plan promise to provide value for money

Portfolio Holder Cllr Fleming

Contact Officer(s) Jim Carrington-West Ext.7286

Recommendation to Council:

The Employment Stability Policy be adopted.

Reason for recommendation: To ensure that the Council has a comprehensive Employment Stability Policy in place that is in accordance with best practice and provides appropriate guidance and support to staff whilst supporting the Council to deliver on its promise to deliver value for money to residents.

Background

- 1 From time to time it is necessary for the Council to review the services that it provides and the structures within the organisation that are required to deliver its services. Under such circumstances it is the responsibility of Sevenoaks District Council to ensure that all employees, regardless of length of service who are affected by reorganisation and/or redundancy are treated fairly.
- 2 The Council's Employment Stability Policy is included within the Council's Policy Framework at Appendix F of its Constitution. The Policy seeks to ensure that the Council continues to meet its requirements by setting out the rights of staff and the support that they are entitled to if they are affected by a reorganisation of services or a redundancy situation and documents the procedures that the Council will follow to ensure all staff continue to be treated fairly.
- 3 The Council's current Employment Stability Policy has been in place since 2007 and was last updated and adopted by Council in February 2013.

Introduction

- 4 Sevenoaks District Council takes pride in the quality of the services that it delivers to its communities. However, it recognises that to ensure that it continues to deliver high quality, value for money services, which are in line with priorities and

Agenda Item 8b

resources available, the services that are provided and the way in which those services are delivered may sometimes need to change.

- 5 To ensure the practices the Council adopts when it seeks to make changes to its organisational structure continue to meet best practice and deliver value for money to the organisation and local tax payers it is necessary to update the Council's Employment Stability Policy.
- 6 This report sets out proposed amendments to the existing policy to ensure that it best reflects the responsibilities of those affected by organisational restructures, and those considering organisational restructures on behalf of Sevenoaks District Council. It also proposes amendments to the Council's salary protection arrangements. These seek to strike a balance between providing a reasonable and fair solution for staff; minimising the potential need for reductions in posts or redundancies to deliver savings requirements; and delivering value for money to the Council.
- 7 The Council wishes to retain a high quality, motivated workforce with a balance of skills and experience that ensures that it is equipped to meet future challenges and service requirements and the updates in this report reflect this.

Employment Stability Policy

- 8 Set out at Appendix A to this report is the updated Employment Stability Policy for Members consideration.
- 9 The Policy remains substantially unchanged from that adopted in 2013. Improvements have been made to clarify the information provided to give greater certainty for both staff impacted by the policy and those implementing the requirements of the policy on the Council's behalf. To help achieve this Members may wish to note the inclusion of four new appendices covering a summary of stages, a sample timetable, a flow chart and frequently asked questions.
- 10 The substantive changes to the Policy for Members consideration are the salary protection arrangements and changes to the way dismissals through redundancy are authorised.
- 11 It is the Council's current policy to protect an employee's salary for two years and to allow an employee to be redeployed in to a suitable alternative role that is up to two grades lower than their current role. Within Section 8 of the Policy (provided at Appendix A) "Salary Protection Arrangements" it is proposed to reduce this and instead protect the salary of an employee that is redeployed into a role of up to one grade difference for a period of 12 months.
- 12 Protection applies to basic pay for the employees post. Additional payments such as overtime or any other allowances or benefits relating to the employees previous post or working pattern will be excluded.
- 13 It is the Council's current policy that the authority to dismiss staff through the mechanism of redundancy is reserved to the Chief Executive (subject to agreement of the Human Resources Manager). Within Section 9 of the Policy (provided at Appendix A) "Agreement to dismissal on the grounds of redundancy" it

is proposed to amend this to Chief Officers at a Strategic Management Team meeting with the Human Resources Manager. The role of the Chief Executive will in future be reserved to the hearing of appeals, where there is no conflict of interest in him doing so.

Consultation

- 14 It is the Council's agreed process when amendments to human resources policies are being considered to consult with the Staff Consultative Group. UNISON is represented on the group and have agreed to being consulted in this way. At the time of the writing this report UNISON had not provided their comments on the proposed amendments to the Employment Stability Policy.
- 15 Officers have considered the views put forward the Staff Consultative Group and have concluded that although the benefits to an individual employee would be reduced by the proposal put forward it provides increased protection to all employees as the costs associated to deliver savings would be reduced and as a result the potential number of reductions in posts (or redundancies) is reduced.
- 16 Members may wish to note that benchmarking of salary protection arrangements with 20 other Council's whose information is available publicly concluded that the average salary protection offered (using both modal and median averages) is one year, as is being proposed for this Council.

Other Options Considered and/or Rejected

- 17 Consideration has been given to making no changes to the Employment Stability policy as adopted in February 2013. This course of action has not been taken forward due to the need to improve the clarity of information to those requiring guidance or support under the Policy.
- 18 Consideration has been given to not amending the salary protection arrangements set out within the Policy, both in developing the updated policy and in response to consultation responses. As set out at paragraph 15 above this was not considered to be a suitable course of action as it would continue to place a greater number of employees at risk of redundancy in order to meet any savings required.

Key Implications

Financial

- 19 The Employment Stability Policy commits the Council to follow robust procedures in the event of organisational restructures. Subject to Members approval the revised Policy will allow for employees to be redeployed into roles that are one grade lower than their current position and receive salary protection for twelve months. This will result in a lower number of individuals being affected to deliver financial savings, compared to the arrangements in the current policy which allow for individuals to receive salary protection for two years for up to two grades lower.

Agenda Item 8b

Legal Implications and Risk Assessment Statement.

- 20 The Employment Stability Policy is in accordance with the Advisory, Conciliation and Arbitration Service (ACAS) code of practice, the Green Book – National Terms and Conditions and takes due regard of the requirements of the Data Protection Act. The Policy minimises the risk that employees subject to it are treated unfairly or subject to unlawful discrimination.

Equality Assessment

- 21 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups.
- 22 The decisions recommended through this paper do not directly or indirectly impact on end users. The impact has been analysed and there are no significant variations between groups of people.

Conclusions

- 23 The Employment Stability Policy has been developed to ensure that the Council retains a balance of skills and experience within the workforce to ensure that it is equipped to meet future challenges and service requirements. Where job losses are unavoidable the aim of the Council is to minimise the number of compulsory redundancies through the use of a flexible and effective framework that ensures staff are well informed and consistently treated in a fair and equal manner.

Appendices

Appendix A – Proposed Employment Stability Policy

Background Papers:

[Employment Stability Policy \(adopted 2013\)](#)

Jim Carrington-West
Chief Officer Corporate Support

Employment Stability Policy



Date last modified: September 2015
To be reviewed on: September 2018

Employment Stability Policy

Contents

	Page
Employment Stability Summary	1
1. Introduction	2
2. Definitions	2
3. Objectives	2
4. Equality Impact Assessment	3
5. Procedures	3-7
6. Notice Periods	7-8
7. Suitable Alternative Employment	8-10
8. Salary Protection Arrangements	10
9. Agreement to dismissal on the grounds of redundancy	10
10. Appeals Procedure	11
11 Support for redundant employees/staff “at risk”	11
Appendix 1 Summary of Stages	12
Appendix 2 Sample Timetables	13
Appendix 3 Flow Charts	13
Appendix 4 Frequently Asked Questions	15-17

Date last modified: September 2015
 To be reviewed on: September 2018

Employment Stability - Summary

Who does this policy apply to?

It is the responsibility of Sevenoaks District Council to ensure that all employees, regardless of length of service who are affected by reorganisation and/or redundancy are treated fairly.

Where can I get more information?

If you need more information or advice once you have read this document, you should contact:

- A member of the Human Resources Team.
- Or a trade union representative.

Employees responsibilities and entitlements under this procedure?

- You have the right to be consulted personally and/or through your trade union representative on workforce and organisational changes
- You are entitled to be considered for suitable alternative employment, with a statutory four-week trial period
- You are entitled to received assistance to help find another job, including time off to look for other work or to attend training
- If you are declared redundant, you have the right to appeal against that decision

Human Resources Responsibilities

- Human Resources will provide appropriate support and advice to managers and employees on the procedure and guidance on all related organisational processes such as consultation arrangements, redeployment procedure and requirement so as to ensure that redundancy issues are dealt with appropriately, in accordance with employment legislation and “Best Practice”.
- Attend formal meetings to take notes, ask clarifying questions, provide advice on the procedure and ensure the meeting is conducted fairly.
- Ensure that any records are held in a confidential manner and in accordance with the principles contained within the Data Protection Act 1998.

Management Responsibilities

- Provision of Information to the union representatives
- Consultation with staff and union representatives.
- Make recommendations relating to selection criteria to be used in the event of compulsory redundancy.
- Presenting the management’s case at the appeal hearing
- In the absence of the above, this responsibility would be delegated to the most senior nominated person. Managers must seek advice before commencing any action under these procedures.

1. Introduction

From time to time it is necessary for the Council to review the services that it provides and the organisational structure that is required to deliver these services. The Council is very proud of the services that it currently delivers, but recognises that to ensure that it continues to deliver quality services, which are in line with its priorities and Community Plan, changes may be required. The Council also recognises that it is a “people organisation” and without quality staff, it will be unable to deliver quality services.

This policy has been developed to ensure that the Council retains a balance of skills and experience within the workforce to ensure that it is equipped to meet future challenges and service requirements, and uses the ACAS (Advisory, Conciliation and Arbitration Service) guidelines on redundancy handling to avoid the need for redundancies wherever possible.

Where job losses are unavoidable however, the aims of the Council are to minimise the number of compulsory redundancies through the development of a flexible framework in which differing situations can be processed in a consistent manner and to ensure that staff are treated fairly and equitably.

2. Definitions

A redundancy is “any dismissal for reasons not relating to the individual” and occurs when either:

- “The needs of the business for employees to carry out work of a particular kind in the place where they are so employed have ceased or diminished or are expected to cease or diminish”.
- “It is possible for the work to remain but for the number of employees required to carry out that work to be reduced”.

Situations which may result in the need for redundancies could include:

- Amalgamation of departments
- Budgetary constraints
- Reorganisation of management or departmental structures

3. Objectives

- To minimise the uncertainty and anxiety of staff affected by reorganisations and service reductions through consultation with individual staff and trade union representatives when reorganisations and/or service reviews are undertaken;
- To minimise compulsory redundancies; and
- To ensure that the Council retains the skills and expertise to ensure that it can meet future service needs.

4. Equality Impact Assessment

Equality Impact Assessment (EIA) is a systematic way of taking equal opportunities into consideration when making a decision, thus ensuring the organisation meets the requirements under the Equality Act 2010, and the public sector equality duty.

An EQIA would be undertaken at the formative stage, so that it is integral to the restructuring/reorganisation as required.

Undertaking an EQIA does not delay or prevent managers from taking difficult decisions when restructuring / reorganising. Instead, it provides a record of the decision making process enabling managers to demonstrate their decisions are considered, fair, transparent and take account of the needs and impacts on different groups. For further guidance, please contact the Head of Transformation Strategy.

5. Procedure

Stage 1 – Proposals and Consultation

- **Informal Consultation**

Employees must be informed as early as possible that a reorganisation is being considered and informal consultation should be initiated. This approach gives all affected employees the opportunity to give thorough consideration and comment before the formal consultation begins.

- **Formal Consultation – Initial Proposals**

Consultation is a legal requirement and the Council's policy must be followed. The Trade Union and Labour Relations (Consolidation) Act 1992 provides Trade Union representatives with the opportunity of reasonable time for consultation and sufficient information to understand the requirement to reduce the workforce.

If fewer than 20 staff are at risk of being dismissed there is no statutory requirement on the period of consultation, communally a period of 30 days is used although in some instances this may be less than as appropriate.

- **Notification to the Secretary of State**

If between 20 and 99 employees may be dismissed as redundant, notification to the Secretary of State must be made 30 days before the first dismissals takes effect.

If 100 or more employees may be dismissed as redundant, at least 45 days notification must be given. These periods are the same as minimum periods permitted for consultation.

The prescribed form is called a "HR1". It is obtained from the Redundancy Payment Office, or it may found on the internet at www.insolvency.gov.uk. The form would be filled out and submitted by Human Resources . The notice must be in the prescribed form and must be given in the prescribed manner.

Although there are minimum periods over which formal consultation must take place with employees and trade union representatives, consultation will begin at the earliest opportunity.

- **Consultation document:**



Sevenoaks

DISTRICT COUNCIL

Employment Stability Policy

The consultation stage of the process involves writing to all relevant recognised trade unions and to staff likely to be affected by any contemplated redundancies (before decisions which may result in redundancy). The manager, with advice from Human Resources, will then produce a consultation/briefing document which should outline the following:

- Background
- The reasons for the employer's decision
- The number and descriptions of the employees at risk
- The total number of employees in each category
- The proposed method for selection for dismissal
- The proposed method of carrying out the dismissals, having due regard for the relevant notice periods that employees are entitled to
- The proposed method of calculating redundancy payments.
- Current and proposed organisational charts
- Impact on budget
- If need be, a thorough job analysis should have taken place to identify and determine in detail the particular job duties and requirements.
- Timescales including formal consultation meetings, 1-1 and date proposed new structure is proposed to come in to effect and the earliest date for redundancies to be effective.
- Contact details for consultations

The consultation document will then be presented to Chief Officers at SMT, if it is agreed that consultation can commence, then this should be circulated to the appropriate Trade Union prior to the first consultation meeting with the manager and Human Resources.

The consultation/briefing document should be given to affected staff, employee/trade union representatives so that they can make comments on the proposed changes. At the consultation meetings, the manager should outline the consultation/briefing document and address any questions from staff and employee/trade union representatives. Notes from the consultation meeting will be typed up by Human Resources and shared with the individual within 5 days of the meeting being held.

- **Timeline:**
At the start of the consultation process, a timetable must be devised by Human Resources and the manager setting out prospective dates for the required stages of the redundancy process (e.g. end of consultation process, selection for redundancy meeting, redundancy appeal meetings). See Appendix 2

- **During Consultation:**

Meaningful Consultation will be undertaken with a view to reaching agreement as to:

- ways of avoiding dismissals;
- ways of reducing the numbers to be dismissed; and ways of mitigating the consequence of any dismissals, which may include:
 - natural wastage;
 - restrictions on recruitment;
 - seeking applicants for early retirement or voluntary redundancy;
 - retraining and redeployment to other parts of the Council.
 - reduction or elimination of overtime;
 - job sharing, reduction in hours; and
 - termination of temporary or agency staff contracts.

Consultation with individuals should be taken throughout the reorganisation / service review. At the end of the consultation period, the manager should consider any additional proposals and comments and an updated/final consultation document should be circulated to the affected staff and Trade Union Representatives. Care should be taken to ensure staff understand the timetable and process which would be followed.

- **Absent employees**

All affected staff should be invited to the consultation meetings. Staff who are absent due to secondments, long term sickness, maternity/adoption/shared parental leave or career breaks should be included in redundancy consultation and selection processes in the same way as other affected employees, although it may be necessary to change how they are consulted if they are absent from work. Failure to properly consult these groups of staff about possible redundancy is likely to be unlawful discrimination.

- **Keeping Records**

Copies of all letters sent during redundancy process should be retained and full notes of all formal meetings should be taken and retained on file for reference at later stages of the procedure.

5.2 Stage 2 – Measures to Avoid Compulsory Redundancies

The Council has a responsibility to its workforce to avoid compulsory redundancies wherever possible. Opportunities for redeployment and retraining should be utilised in line guidelines in this policy and the financial implication of these initiatives. Examples of minimising compulsory redundancies are listed above under “during consultation”. Also discussions with employees and trade unions can include the following consideration:

- **Seeking Volunteers for Redundancy**

If appropriate, staff should be asked to consider volunteering for redundancy before any method of selection for compulsory redundancy is put in to operation.

The Council must mitigate against the risk of losing workers with key skills and must ensure the retention of a balanced workforce, which is appropriate to meet the Council's future needs. Staff will not be disadvantaged on the grounds of any protected characteristic.

5.3 Stage 3 – Application of Selection Criteria

Below are examples of selection criteria that can be applied:

Assimilation

There are two categories of assimilation: direct assimilation and competitive assimilation.

Direct Assimilation

Where a review has taken place and a job remains the same or is only marginally different, the post holder should be assimilated without assessment. Staff will have assimilation rights, where there is a high match between the post in the current structure and the post proposed in the new structure.

Competitive Assimilation

This is where there is more staff than jobs available. Selection in these circumstances is by competitive interview between staff with assimilation rights. Appointment/s must be made to all posts as a result of this exercise.

Ring-Fenced Interview

This occurs when the essential requirements of the new and old job do not match but there are some similarities in the new job. All staff within the affected group should be interviewed. There is no requirement for appointments to be made to the new posts.

An employee put at risk may be offered a preferential interview for all posts which could be deemed to constitute suitable alternative employment. This means that employees who have been put at risk will be interviewed for suitable posts ahead of other applicants who are not redeployees.

There is no right of appeal against the outcome of a redeployment interview but employees may request a feedback.

Qualitative Criteria/Exercise

Where the number of jobs in the new structure is less than the number of existing employees, objective criteria will be used to select for redundancies and may include, among other things, skills and qualifications, in addition to qualitative criteria, for example work performance (as identified through the Council's appraisal process); flexibility and attitude; attendance; timekeeping and disciplinary record. In using attendance as a selection criterion, it is essential that the reasons for, and extent of any, absences are clearly understood and discretion would be applied to those covered by the Equality Act 2010 and exclusion would be applied to pregnancy related absences.

In the case of any qualitative criteria being used, a comparative analysis of the information relating to all those in the area at risk will be undertaken.

Competitive Interview

In some cases, it will be appropriate for new posts to be advertised internally and externally. In this event, staff who have not been considered for the post initially may apply and be considered competitively with other internal and/or external candidates.

Outcome of Selection Criteria

Once the change has been implemented, the manager will write to each member of staff letting them know the outcome as it affects them. In some cases, this may be a contractual change and therefore a copy should be placed on the Individual's Personnel/HR file confirming the variation to the contract of employment.

6 Notice Periods

Staff with 12 years or more continuous local government service is entitled to their contractual notice (12 weeks) at all times. Staff with less than 12 years continuous service should receive the following:

Continuous Local Government Service	Periods of Notice
Fewer than 12 months	One week
From 12 months to less than 2 years	One month (Bands A – C), two months (Bands D – F) or three months (Bands G-J)
From 2 years to less than 12 years	One, two or three months or one week for each completed year of continuous Local Government Service, whichever is the greater.

6.1 Working during notice of dismissal

Staff who have not been successful in being appointed to new posts in the reorganisation will need to be given notice of termination and informed of their rights.

- Employees will normally remain at work during their notice periods.
- The Council may ask employees to carry out alternative duties during their notice period and this may be for a different part of the Council. Typically, this will be required where a post has been deleted but the employee's notice period has not expired. The Council will consult with the employee and will take individual circumstances into consideration.
- In some circumstances, the council may agree for an employee to leave the organisation without a redeployment search or with pay in lieu of the notice period where it is in the interests of both parties
- The council may require employees not to attend work during their notice period but to be on call should their services be required. This is known as garden leave.
- If an employee requests to leave prior to the expiry of the notice period (even though there may be a possibility of redeployment), s/he will not be entitled to receive pay in lieu of the remaining period. Depending on the circumstances, the right to a redundancy payment could also be affected.
- During the notice period, the employee is entitled to reasonable time off to look for other employment, attend external interviews or training for future employment. The employee should follow normal processes for notifying their manager of planned time-off.

7 Suitable Alternative Employment

7.1 Offers of Alternative Work

Any reasonable alternative job offer should be put in writing, even where it is believed that it may be rejected. The offer should detail how the new employment differs from the old and must be made before the previous contract ends. The offer must be for the new job to start either immediately after the end of the old job, or after an interval of not more than four weeks, and include provision for a statutory four-week trial period. (Where the termination takes effect on a Friday, Saturday or Sunday, four weeks commences from the following Monday).

When determining if an alternative role within the organisation is 'suitable alternative employment' the following factors should be considered:

- the training, qualifications of the employee;
- previous experience
- whether the new job would represent a drop in earnings / status
- any problems involved for the employee if the employment is in a different place
- any evidence that similar offers had previously been regarded as suitable for the class of employees affected.

- **7.1 Offers of Alternative Work - continued**

It should be made clear to the employee that an alternative job offer is considered by the Council to be 'a suitable alternative job offer' and that refusal to accept the offer will lead to the loss of redundancy and severance entitlements. Only if the employee has reasonable grounds for refusing the alternative post will redundancy entitlements be retained.

If the employment offered is considered to be 'suitable alternative employment' and the employee refuses the offer, the manager, in consultation with the Human Resources Manager will consider the employee's reasons for refusing the offer. If it is considered that the employee has reasonable grounds to refuse the offer, alternative employment will continue to be sought and the employee will retain their entitlement to redundancy and severance payments. If the employee's reasons for refusal are not considered to be reasonable, the employee will be informed and entitlement to redundancy and severance payments will be lost.

Should an employee refuse an offer of employment that is not considered to be 'suitable alternative employment', they will retain their right to a redundancy and severance payment and further redeployment opportunities will continue to be sought.

The Council, as in all areas of its employment practices, will seek to make reasonable adjustments for employees with disabilities in relation to redeployment.

7.2 Statutory Trial Period

An employee who is under notice of redundancy has a statutory right to a trial period of four weeks in an alternative job where the provisions of the new contract are materially different from the original. A formal job offer made through redeployment initiatives, which includes a statutory trial period, should either accompany the formal notice of redundancy or be sent as soon as possible thereafter.

This trial period can be extended, for retraining purposes only, by written agreement setting out the date on which the trial period ends and the employee's terms and conditions after it ends. Agreement to a longer trial must be reached before any trial period begins and specific reference should be made to the retraining aspects of the post that lead to the requirement for an extended trial. At least four weeks of the trial period must be performed after the expiry of the original contract to meet statutory requirements.

If the trial period is successful, employment in the new job will continue and the employee will have no further entitlement to a redundancy payment.

7.2.1 Unsuccessful Trial

If the employee commences a trial period but consideration is being given to terminating the new contract within or at the end of the four weeks, by the employer or the employee, the employee will be invited to a meeting with the appropriate manager and a Human Resources representative to discuss the implications. Whether or not the employee will retain their entitlement to redundancy and severance payments will depend upon, as a minimum, the following factors:

- the suitability of the alternative post offered
- any reasons put forward by the employee as to why the post offered may not be a suitable alternative
- any failure by the employee to fully co-operate during the trial

The outcome of the discussions and decisions taken at this meeting will be confirmed in writing.

If the termination was due to a reason unconnected with redundancy, eg. misconduct, there will be no entitlement to redundancy or severance payments.

Full contractual notice will have been given to coincide with the day on which the previous contract ended. No further notice will therefore be due if the employment is terminated during or at the end of the four week trial period.

7.2.2 Alternative Work & Trial Periods – Non-redundancy redeployments

Where an offer of alternative employment is materially different to the existing post it will be offered on a trial period of at least 4 weeks, during which time the employee can assess the suitability of the job and the line manager can assess the suitability of the employee. The trial period may be extended with the agreement of both parties for a further 4 weeks, for the purpose of retraining, to satisfy the requirements of the person specification.

Managers will ensure that the requirements of the job are fully understood and provide the necessary structure and training to support the employee in their new role.

If it seems likely that the employee will not complete their trial period successfully, they will be advised of the situation at the earliest opportunity and invited to a meeting with the appropriate manager and member of Human Resources and Trade Union Representative (if applicable) to discuss the implications (which will vary depending upon the reason for redeployment) and to consider any other available redeployment opportunities.

The outcome of all trial periods will be confirmed in writing and will include written reasons for non-appointment where applicable.

8. Salary Protection Arrangements

Where an employee is redeployed to a post which is lower graded than their previous post protection will apply for up to one grade difference only. The employee will receive pay protection for a period of twelve months after which the rate of pay for the lower paid job will apply.

Protection will apply to basic pay for the employee's substantive post only. Additional payments such as overtime or Essential User Car Allowance and any other allowances, enhancements or benefits relating to the employee's previous post or working patterns are excluded from protection.

It is the hourly rate of pay that is protected. If the hours of the new post vary from the old post, the protected salary will be paid for the contracted hours worked in the new post only. For example if the individual's deleted post was for 37 hours and the job holder was on Spinal Column point 23 but the new post was for 30 hours on Spinal Column Point 19 the hourly rate of Spinal column 23 is protected and the individual will be paid this hourly rate for 30 hours.

Performance related pay awards will be applied as applicable to the post to which the award relates in the year that redeployment takes place. i.e. If an increment is awarded for performance in the old, higher graded post, protection will be recalculated incorporating the higher point on the substantive scale that the employee would have achieved.

9 Agreement to dismissal on the grounds of redundancy

All potential redundancies will be referred to the Human Resources Manager who will co-ordinate and oversee the process. Trade Union Representatives (where appropriate) will be informed of all potential redundancy situations. Redundancy dismissals must be agreed by Chief Officers at a Senior Management Team meeting with the Human Resources Manager before they are actioned.

10 Stage 4 - Appeals procedure

There will be a right of appeal against redundancy decisions to the Chief Executive (or the Chief Executives designate). Appeals must be lodged within 10 working days, setting out the grounds for the appeal.

Grounds of appeal can either be the following:

The employee appealing against the decision; to be made redundant has to submit an appeal in writing based on either the following grounds:

- The Employment Stability procedure was not followed and applied properly.
- The employee's post should not be deleted as it is not a redundancy situation.
- The selection criteria has not been applied fairly or objectively.

Possible outcomes of an appeal are:

- Appeal rejected and no change to the decision to dismiss on grounds of redundancy
- Appeal successful, in which case the manager may have to return to stage 1 of the procedures.

11 Support for redundant employees/staff "at risk"

Additional assistance

In all circumstances, employees will be offered assistance with outplacement as follows:

- How to search for appropriate vacancies in the press and follow up opportunities;
- How to write CVs and prepare for interviews;
- The importance of being prepared to consider a wide range of alternative jobs.

All employees should speak to Human Resources if they have further queries. Redundancy can be traumatic experience for employees especially for staff who have worked for many years in a stable environment. The Council has an employee assistance service, which is provided by Care First, which is 24 hour free confidential counselling service. To contact simply phone freephone 0800 174 319 or log on to www.carefirst-lifestyle.co.uk and enter organisational password and ID which are

Username: sdc001
Password: uncil1234

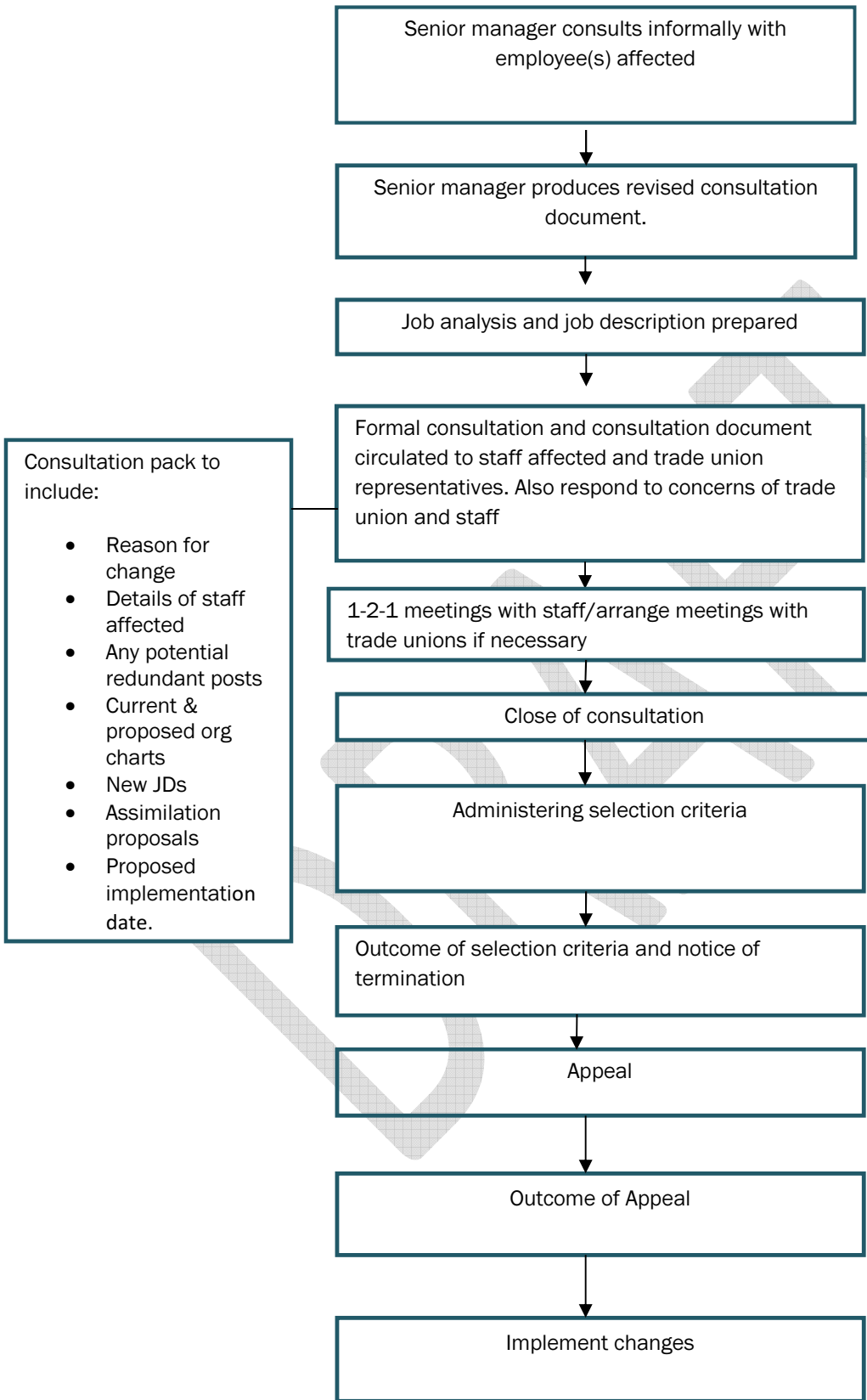


Stages	Summary of actions
Informal Stage	<p>Commence consultation with staff Brief staff on background and reasons for change. Engage staff and seek ideas/comments to inform final proposal. Outline timeframe, process and, method by which to be consulted.</p>
Liaise with HR with draft formal consultation/briefing document	
<p>Stage 1 Proposals and Formal Consultation (see page 3)</p>	<p>Consultation with staff and union:</p> <ul style="list-style-type: none"> ● Proposal considered by Chief Officers at SMT if approved then consultation commences with the following outlined: ● Reasons for proposal ● Number and description of roles (current job analysis) ● Current and proposed organisation charts ● Proposed method of selection ● Proposed method of carrying out dismissals ● Proposed method of calculating payments
<p>Stage 2 Investigate methods of avoiding compulsory redundancy (see page 5)</p>	<p>The Manager with support from Human Resources investigate ways of avoiding compulsory redundancy – including</p> <ul style="list-style-type: none"> ● Natural wastage ● Job Sharing, reduction in hours ● Restriction on recruitment ● Reduction or elimination of overtime ● Termination of temporary or agency staff contracts.
<p>Stage 3 Application of criteria (see page 6)</p>	<p>Revises criteria if necessary following consultation etc. Adopts criteria for selection Informs affected staff about the result of selection (in writing) Chief Officers at Senior Management Team consider restructure and redundancy dismissals</p>
<p>Stage 4 Appeal Procedure (see page 11)</p>	<p>Employee appeals against dismissal. Appeal Hearing Manager/ Chief Executive:</p> <ul style="list-style-type: none"> ● Makes its decision – which is final ● Notifies decision to employee in writing.



Appendix 2- Sample Timetable

Start Date	Actions	Responsibility
As early as possible	Initial consultation with recognised trade unions and staff on contemplated redundancies, where possible. Manger identifies number of posts but not names	Senior Manager
Date	Formal consultation starts	
Follow statutory timeline if more than 20 staff	Initial proposal considered by Chief Officers at SMT if approved then consultation commences: Conducts meeting with trade union and staff in affected area. <ul style="list-style-type: none"> Proposed consultation/briefing document circulated. Proposed method of selection Proposed method of carrying out dismissals Proposed method of calculating payments and estimates for affected staff. Discussions on pension implications. 	Chief Officers, Senior Manager and Human Resources
Date During consultation	Further joint meetings if necessary and 1 to 1 meetings. Encourages questioning.	Senior manager and HR
Date: After consultation (after 30 days)	Conclusion of formal consultation	
Date: 1 week after consultation ends	After consultation: <ul style="list-style-type: none"> Chief officers takes final decisions on restructures and if appropriate posts to be lost consider selection criteria and methods to be used, taking account of matters raised by staff and trade union during consultation Letters to trade union and staff informing them of outcome of the consultation period and the chosen selection criteria. 	Chief Officers, Senior manager with support from HR
Date: 1 week after conclusion of consultation letter is sent out.	Administering selection criteria	Senior manager
Date: (1 week after selection tests)	Staff are notified of selection decision	Senior manager
Date: (1 week after outcome of tests)	Issue of notice of termination due to redundancy	Senior manager and HR
Date:	Search for suitable role in the Council – redeployment opportunities.	Senior manager and HR
Date:	Appeal	Chief Executive and HR
Date:	Outcome of appeal sent in writing	Chief Executive
Date:	Implementation of new structure	Senior manager



Appendix 4- Frequently Asked Questions

What is the correct procedure for managing change?

The correct procedure for managing change includes consultation with staff and unions, advising of the proposed structure, proposed selection criteria and consideration of alternatives proposals put forward by staff.

What should the consultation be about?

Consultation must be undertaken 'with a view to reaching an agreement' and must cover ways of avoiding dismissals, reducing the numbers to be dismissed and setting out the consequences of the dismissals. Therefore during consultation employees are asked to put forward proposals/ideas for the new structure. However the organisation is not obliged to adopt all or any of the proposals put forward by the employees.

Can I volunteer to be made redundant?

You can, and it will be considered. This is normally requested by the employee during the consultation period and there is no automatic right to this. Request for voluntary would be approved as per management discretion and service needs.

When will I know if I'm being made redundant?

At the end of the consultation period staff will be provided with a copy of the final consultation document which will state the new structure and implementation date. Following the selection process staff that are at risk of redundancy will be given formal notice of redundancy in writing; at this point they will be considered as a redeployee until the end of their notice period.

What selection process will be used?

Direct assimilation will occur where there is a high match between the post in the current structure and the post proposed in the new structure.

If, however there are more staff than jobs available then competitive assimilation will take place and all staff with assimilation rights will be interviewed for the post and the appropriate appointment will be made.

What options are available if I don't have assimilation rights?

When the essential requirements of the new and old job do not match but there are similarities in the new job. All staff that are at risk of redundancy, who are at a similar grade should be interviewed to determine suitability to post. This is called ring-fenced interviewing.

If there are new posts in the structure will they be advertised externally?

It may be appropriate to advertise internally and externally, staff not considered for the post initially as part of the selection process will still have the option to apply.

What right do employees who are under notice of redundancy have to take time off work?

Staff that are at risk of redundancy have the right to take reasonable paid time off to look for new employment or make arrangements for training for future employment. What is 'reasonable' will depend on the individual circumstances of the case and will also be down to the discretion of the line manager.



Sevenoaks

DISTRICT COUNCIL

Employment Stability Policy

Will I be offered alternative employment?

Employers should, where possible, make an offer of suitable alternative employment. The employee should also actively seek employment.

If more than one staff (in the redeployed pool) are interested in a suitable alternative vacant role. You will still be required to complete an application form and be interviewed to determine suitability to post.

Under the Employment Rights Act 1996, the employee will not be entitled to a redundancy payment if they unreasonably refuse a suitable alternative offer or unreasonably terminate the contract during the trial period in the new role.

If alternative employment is found, will I be able to try out the new job?

Yes, the employee is entitled to a four-week trial period in the new job. The trial period may be extended for the purposes of retraining (if appropriate), but only if the agreement is made in writing before the employee starts work under the new contract and it specifies the date on which the period of retraining will end and the terms and conditions that will then apply.

If during the trial period the employee or employer terminates the new contract, the employment will still be ended by reason of redundancy on the date on which employment on the old contract ended.

Can there be more than one trial period regarding suitable alternative work?

Yes. If it becomes apparent during a trial period that the new job is unsuitable, the employer can offer an alternative, if available.

In a redundancy situation can I refuse an offer of suitable alternative employment?

An employee can't be forced to accept an offer of alternative employment; however if the offer is not taken the right to a redundancy payment will be lost.

Also if alternative employment is found which you take and there is no break in service, the right to a redundancy payment will be lost.

If I'm offered a less paid position, will the organisation be obliged to continue paying me at the same level?

Pay protection is for a maximum of 12 months in line with your terms and conditions of employment.

If I am made redundant will I be offered a redundancy payment?

To be eligible for a redundancy payment, an employee must be continuously employed for a period of not less than two years.



Sevenoaks
DISTRICT COUNCIL
Employment Stability Policy

Redundancy is calculated according to a person's age & length of service at the intended last day of service. This provides the number of week's redundancy a member of staff is entitled to which is then multiplied by the current weekly salary. Note, only current hours worked & salary earned is taken in to consideration for redundancy purposes.

Service / age	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
17	1																			
18	1	1½																		
19	1	1½	2																	
20	1	1½	2	2½	-															
21	1	1½	2	2½	3	-														
22	1	1½	2	2½	3	3½	-													
23	1½	2	2½	3	3½	4	4½	-												
24	2	2½	3	3½	4	4½	5	5½	-											
25	2	3	3½	4	4½	5	5½	6	6½	-										
26	2	3	4	4½	5	5½	6	6½	7	7½	-									
27	2	3	4	5	5½	6	6½	7	7½	8	8½	-								
28	2	3	4	5	6	6½	7	7½	8	8½	9	9½	-							
29	2	3	4	5	6	7	7½	8	8½	9	9½	10	10½	-						
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11	11½	-					
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12	12½	-				
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13	13½	-			
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14	14½	-		
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15	15½	-	
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	16½	
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17	
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½	
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18	
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½	
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19	
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½	
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24	
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½	
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25	
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½	
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26	
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½	
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27	
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½	
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28	
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½	
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29	
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½	
61+	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30	

This page is intentionally left blank

LOCAL COUNCIL TAX SUPPORT SCHEME 2016/17

Council – 3 November 2015

Report of: Chief Finance Officer

Status: For Decision

Key Decision: No

Executive Summary: Through the Local Government Finance Act 2012 the Government abolished council tax benefit and placed a requirement on local authorities to introduce their own local council tax support schemes with effect from 1 April 2013.

In November 2012 Council agreed the form of the local council tax support scheme to be administered from 1 April 2013. Each financial year, the Council must consider whether to revise its scheme or to replace it with another scheme. This report sets out a proposal that the scheme remains unchanged for 2016/17.

Portfolio Holder Cllr. Searles

Contact Officer(s) Adrian Rowbotham, Chief Finance Officer Ext. 7153

Nick Scott, Head of Revenues and Benefits. Ext. 7397

Recommendation to Council:

As resolved by Council on 27 November 2012, Members approve that from 1 April 2016 all residents of working age receive a deduction on the amount of council tax support they are entitled to, calculated in accordance with the Council's local council tax support scheme, of 18.5%.

Reason for recommendation: The Council has implemented a local council tax support scheme to replace the previous council tax benefit scheme as required by the Local Government Finance Act 2012.

The decision on any amendments to the council's local scheme must be taken by Council and to meet the requirements of legislation the decision of Council must be made by 31 January 2016 for those amendments to take effect from 1 April 2016.

Introduction and Background

- 1 In November 2012 the Council agreed the local council tax support scheme for Sevenoaks District Council that took effect on 1 April 2013. The scheme that was agreed was one that had been developed across Kent and included the following criteria:

Agenda Item 8c

- a standard deduction of 18.5% applied to all non-pensioner claimants (i.e. if a claimant currently receives 100% benefit, they will receive 81.5% discount under this scheme);
 - a reduction in the exemption on Class C empty properties from six months to three months;
 - the Major Precepting Authorities to reimburse the district if it incurs a cost on new council tax discounts from the local scheme that is higher than the grant receivable from the government (if calculable);
 - the Major Precepting Authorities to pay £125,000 to each district each year as a contribution to the increased administration, collection and recovery costs of the new scheme;
 - the Major Precepting Authorities to reimburse each district reasonable increased administrative costs necessarily incurred if the case load on the local scheme (during the period of this agreement) exceeds the case load of the council tax benefit scheme (as at 31 March 2013) by more than 15%.
- 2 In year one of the scheme, from 1 April 2013 to 31 March 2014 the Council also applied transitional protection for all residents of working age eligible to receive council tax support. This transitional protection ensured that in year one only all residents of working age received a deduction of 8.5% on the amount of council tax support they were entitled to, as calculated on the basis of the previous council tax benefit scheme.
- 3 Members should note that the agreed scheme applied initially for three years, but it is now proposed that it also applies in 2016/17 before it will be subject to a detailed review.
- 4 In November 2013 the Government announced that it would be making amendments to Prescribed Requirements. Prescribed Requirements are those elements of the Council's local scheme which legislation requires it adopts.
- 5 At its meeting of 17 December 2013 Council considered the changes required to the local council tax support scheme made necessary by the Government's amendments to the Prescribed Requirements and resolved that they should be extended to working age claimants as well as claimants of pension age.

Local Council Tax Support Scheme for 2016/17

- 6 The local council tax support scheme for 2016/17 is proposed to be unchanged from that adopted in 2015/16. In accordance with the decision of Council in December 2013 allowances, premiums and income bands will be increased in line with the government's published figures. This ensures that the Council remains true to its original decision that its own local scheme is based on the previous council tax benefit scheme and provides for a consistent and equitable approach for residents of all ages that require support in paying their council tax bill.

Other Options Considered and/or Rejected

- 7 None.

Key Implications

Financial

- 8 Under the previous council tax benefit scheme the Council paid approximately £6.8m in Council Tax Benefit and this was fully reimbursed as Government grant. Current annual expenditure on local council tax support is £5.7million.
- 9 For the first year of the council tax support scheme, 2013/14, the Government provided £6.1m in funding for the local council tax support scheme which was distributed amongst the major preceptors (County, Fire & Police).
- 10 Since 2014/15 the funding for the local council tax support scheme is included within the overall government grant and is paid for from revenue funding. The amount paid for local council tax support is not separately identified and is not ring-fenced.

Legal Implications and Risk Assessment Statement.

- 11 The scheme is governed by the Local Government Finance Act 2012 which requires the Council to consider its scheme annually and take a decision on any amendments to the scheme for 2016/17 to be made by Council before 31 January 2016.

Equality Impacts

- 12 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups.
- 13 The decisions recommended through this paper directly impact on end users. The impact was analysed in October 2014 varies between groups of people. The results of this analysis are provided at Appendix A to this report.

Conclusions

- 14 The Council adopted its local support for council tax scheme in November 2012 and it took effect from 1 April 2013. The scheme calculates entitlement to support with their council tax bill based on the previous council tax benefit scheme and applies and 18.5% reduction for working age claimants which the Council reduced to 8.5% in the first year to provide transitional support.
- 15 It is recommended Members approve that from 1 April 2016 all residents of working age receive a deduction on the amount of council tax support they are

Agenda Item 8c

entitled to, calculated on the basis of the previous council tax benefit scheme, of 18.5%, as resolved by Council on 27 November 2012.

Appendices

Appendix A – Review of Equality Impact Assessment

Background Papers:

Local Support for Council Tax scheme – Report to Council (27 November 2012)

<http://cds.sevenoaks.gov.uk/ieListDocuments.aspx?CId=121&MId=1464>

Local Support for Council Tax scheme 2014/15 – Report to Council (17 December 2013)

<http://cds.sevenoaks.gov.uk/ieListDocuments.aspx?CId=121&MId=1665>

Local Support for Council Tax scheme 2015/16 – Report to Council (4 November 2014)

<http://cds.sevenoaks.gov.uk/documents/s19897/07b%20Local%20Council%20Tax%20Support%20Scheme%202015-16.pdf>

Local Support for Council Tax Scheme rules

http://www.sevenoaks.gov.uk/_data/assets/pdf_file/0014/171401/Council-Tax-Support-Local-Schemes-SDC-2015.pdf

Local Government Finance Act 2012

<http://www.legislation.gov.uk/ukpga/2012/17/contents>

Adrian Rowbotham
Chief Finance Officer

**Review of Equality Impact Assessment
Local Council Tax Support Scheme**

Subject of assessment	Local Council Tax Support Scheme		
Lead Officer (job title)	Lee Banks		
Date of assessment	13/10/2014	Is this a review of a service or decision?	Service
Are there any changes since the original assessment which are relevant to the aims of the Public Sector Equality Duty?			No
If yes, please indicate which of the aims it is relevant to:			
Eliminate discrimination, harassment and victimisation			Not applicable
Advance equality of opportunity			Not applicable
Foster good relations			Not applicable
For each of the following characteristics, summarise any new data, consultation activity, interpretation of the impacts and actions that can be taken to reduce or mitigate any negative impacts.			
Characteristic	Summary of any new information and impacts		Actions
Disability	The Council's initial impact assessment identified that an 18.5% reduction in council tax support had the potential to negatively impact on people with disabilities as a result of the relatively high proportion in protected pensioner households. People with a disability would, on average, pay £2.52 more per week towards their council tax bill.		WKEP Aim: Other actions as a service provider
	The review of the impact assessment for 2015/16 concluded that (when adjusted for the increase in council tax levels) people with a disability would, on average, pay £2.44 more per week towards their council tax bill. It is therefore concluded that the impact on disabled claimants has not altered significantly since the initial impact assessment.		
Carers	The Council's initial impact assessment identified that an 18.5% reduction in council tax support had the potential to negatively impact on carers as a result of the relatively high proportion in protected pensioner households. Carers would, on average, pay £2.87 extra per week towards their council tax bill.		WKEP Aim: Other actions as a service provider
	The review of the impact assessment for 2015/16 concluded that (when adjusted for the increase in council tax levels) people with a disability would, on average, pay £3.77 more per week towards their council tax bill. It is therefore concluded that the impact on carers is more significant than initially anticipated. This is partially explained by a fall in the proportion of claimants that are carers of pension age. As a result there is a greater number of payments that		

**Review of Equality Impact Assessment
Local Council Tax Support Scheme**

	receive an 18.5% deduction which reduces the average payment for the total caseload.	
Race	This information is not collected from claimants as it is not relevant to the calculation of local council tax support.	WKEP Aim: Other actions as a service provider
Gender	<p>The Council's initial impact assessment identified that an 18.5% reduction has potential to negatively impact on females as they are more likely to be the primary applicant and / or have dependent children. Females would pay £1.85 extra per week toward their council tax bill whilst males would pay £1.60 extra per week. This is a gap of £0.25 per week or £13 per year.</p> <p>The review of the impact assessment for 2015/16 concluded that (when adjusted for the increase in council tax levels) females would pay £2.12 extra per week towards their council tax bill whilst males would pay £2.23 extra per week. This is a gap of £0.11 per week or £5.72 per year.</p> <p>It is therefore concluded that the impact on females is less significant than initially anticipated. However it is recognised that both male and female claimants are required to pay more each week towards their council tax than initially anticipated.</p>	WKEP Aim: Other actions as a service provider
Age	<p>The Government have prescribed that low income pensioners must be protected from any reduction in support. The Council therefore has no discretion in implementing this aspect of the scheme.</p> <p>The Council's initial impact assessment identified that an 18.5% reduction across all working age claimants would see those aged 18-24 receiving the lowest reduction (£178) and those aged 35-44 receiving the highest reduction (£188), on average, per year. The difference in average reduction of £10 per year equates to an additional payment towards a claimants council tax of £0.19 per week.</p> <p>The review of the impact assessment concluded that those aged 55-64 receive the lowest reduction in council tax support of £159 and those aged 25-34 receive the highest reduction of £218, on average, per year. The difference in average reduction of £59 per year equates to an additional payment towards a claimants council tax of £1.13 per week.</p> <p>It is therefore concluded that variance of average impact by age is more significant than initially anticipated and that people of all age groups are required to pay more each week towards their council tax than initially anticipated.</p>	WKEP Aim: Other actions as a service provider

**Review of Equality Impact Assessment
Local Council Tax Support Scheme**

Religion / Belief	This information is not collected from claimants as it is not relevant to the calculation of council tax benefit.			WKEP Aim:Other actions as a service provider
Sexual Orientation	This information is not collected from claimants as it is not relevant to the calculation of council tax benefit.			WKEP Aim:Other actions as a service provider
Pregnancy / Maternity	This information is not collected from claimants as it is not relevant to the calculation of council tax benefit.			WKEP Aim:Other actions as a service provider
Marital or Civil Partnership Status	This information is not collected from claimants as it is not relevant to the calculation of council tax benefit.			WKEP Aim:Other actions as a service provider
Gender reassignment	This information is not collected from claimants as it is not relevant to the calculation of council tax benefit.			WKEP Aim:Other actions as a service provider
Additional comments / summary	<p>As pensioners are protected, the reduction in the level of support falls to working age claimants.</p> <p>The actual average cut for any given group will depend on how many of that group are in protected pensioner households. Since the initial assessment the proportion of claimants of pension age has reduced from 51.4% to 48.7%. As a result a greater proportion of claimants are now working age. This means that a greater proportion of council tax support payments are reduced by 18.5% than anticipated in the initial impact assessment.</p> <p>Resultantly when the impact on the whole caseload is assessed the outcome is an increase in the average amount of council tax that claimants are expected to pay.</p> <p>In mitigation the Council's local council tax support scheme continues to adopt the calculation methods of the previous council tax benefit scheme. As a result it continues to provide more support to some groups than others (households with young families, people with disabilities and carers).</p>			
Please tick the outcome of this assessment:	No impact	Adjust the policy	Continue the policy ✓	Stop and remove the policy

This page is intentionally left blank

Cllr Fleming - Leader's report**Date: 6 July – 23 October 2015****FINAL**

July 2015	Event	Comments
7 July	<ul style="list-style-type: none"> Farningham Woods site visit 	
8 July	<ul style="list-style-type: none"> Collaborative workshop- New Urban Mechanics - LGH 	
14 July	<ul style="list-style-type: none"> Improvement and Innovation Board meeting - LGH 	
15 July	<ul style="list-style-type: none"> LGA Leadership Board Meeting - LGH 	
16 July	<ul style="list-style-type: none"> Meeting with Richard Waterman re Ft Halstead 	
17 July	<ul style="list-style-type: none"> SELEP Annual Assembly – Purfleet Essex 	
21 July	<ul style="list-style-type: none"> Sevenoaks Town Council (Town and Parish Forum) Kent Council Leaders Meeting - Maidstone 	
22 July	<ul style="list-style-type: none"> SDC SMT/SMG Away Day - Maidstone 	
24 July	<ul style="list-style-type: none"> WKP meeting – Salomons Estate, Tunbridge Wells 	
27 July	<ul style="list-style-type: none"> Countryside Offices - Sevenoaks 	
29 July	<ul style="list-style-type: none"> SHMA workshop with PAC members 	
30 July	<ul style="list-style-type: none"> Development Control Committee 	
August 2015		
3 August	<ul style="list-style-type: none"> Sevenoaks Branding 	
17 August	<ul style="list-style-type: none"> TfL London - London 	
19 August	<ul style="list-style-type: none"> LG Digital submission 	
26 August	<ul style="list-style-type: none"> Jo Casebourne - Institute for Government -London 	
September 2015		
7 Sept	<ul style="list-style-type: none"> Meeting with Wilmott Dixon 	
9 Sept	<ul style="list-style-type: none"> DCN Executive workshop 	
10 Sept	<ul style="list-style-type: none"> Meeting with Cllr David Simmonds - London 	
14 Sept	<ul style="list-style-type: none"> KMEP meeting Maidstone 	
15 Sept	<ul style="list-style-type: none"> Rural Landowners meeting 	
16 Sept	<ul style="list-style-type: none"> Leadership Board Meeting – LGH UK Municipal Bonds Agency working dinner - London 	
17 Sept	<ul style="list-style-type: none"> Councillors Briefing LGA Executive meeting -LGH 	
21 Sept	<ul style="list-style-type: none"> Digital Envoy Lunch - Canterbury 	
22 Sept	<ul style="list-style-type: none"> Meeting with Reef Development - SDC 	
23 Sept	<ul style="list-style-type: none"> Kent Council Leaders Meetings- Maidstone 	
24 Sept	<ul style="list-style-type: none"> LGA/WIG Energy event –ECH Harris London Sevenoaks Branding 	
25 Sept	<ul style="list-style-type: none"> Kent LEP meeting – Purfleet, Essex Informal lunch with District Leaders – T. Wells 	
28 Sept	<ul style="list-style-type: none"> Lord Lieutenant of Kent Awards Ceremony 	
29 Sept	<ul style="list-style-type: none"> Swanley Town Council Liaison Meeting - Swanley 	
30 Sept	<ul style="list-style-type: none"> Sevenoaks and Tunbridge Wells Member Briefing –St Julians 	

Agenda Item 11

October 2015		
1 October	<ul style="list-style-type: none"> Environment, Economy, Housing and Transport Board - London 	
2 October	<ul style="list-style-type: none"> Allan Willett's memorial service - Canterbury Cathedral 	
5 October	<ul style="list-style-type: none"> Website content review SDC 	
6 October	<ul style="list-style-type: none"> Sevenoaks Chronicle - SDC 	
7 October	<ul style="list-style-type: none"> Farningham, Eynsford, Horton Kirby and South Darenth PC's meeting - Farningham 	
8 October	<ul style="list-style-type: none"> DCN/CNN meeting - London 	
12 October	<ul style="list-style-type: none"> Dev Sec/SDC meeting re Swanley Town Council KMEP meeting -Maidstone 	
14 October	<ul style="list-style-type: none"> DCN Executive and Assembly/AGM - LGH Sevenoaks Trail Travellers Association AGM - Sevenoaks 	
20 October	<ul style="list-style-type: none"> Audit Liaison meeting -SDC 	
21 October	<ul style="list-style-type: none"> LGA Leadership Board -LGH 	
22 October	<ul style="list-style-type: none"> LGA Executive Board Leaders meeting (CAB) Maidstone 	
23 October	<ul style="list-style-type: none"> WKP meeting - Tonbridge and Malling 	

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

Agenda Item

Document is Restricted

This page is intentionally left blank

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

Agenda Item

Document is Restricted

This page is intentionally left blank

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

Agenda Item

Document is Restricted

This page is intentionally left blank