

19.11.12

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 27 November 2012 to transact the under-mentioned business.



Chief Executive

AGENDA

Apologies for absence

1. To approve as a correct record the minutes of the meetings of the Council held on 16 October 2012 and 7 November 2012 (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 petitions submitted by members of the public.
5. Matters considered by the Cabinet and/or other committees:
 - a) Community Governance Review (Pages 7 - 30)
 - b) Local Council Tax Support Scheme (Pages 31 - 72)
 - c) Review of Member's Allowances (Pages 73 - 100)
 - d) Revised Statement of Principles for Gambling Act 2005 Policy (Pages 101 - 148)
 - e) Review of the Performance and Governance Committee Terms of Reference (Pages 149 - 160)
6. 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.
7. To receive any questions from members of the public under paragraph 17 of Part 2 (The Council and District Council Members) of the Constitution.

8. To receive the report of the Leader of the Council on the work of the Cabinet since the last Council meeting. (Pages 161 - 162)
9. To receive a report from the Chairmen of the Select Committees on the work of the Committees since the last Council meeting. (Pages 163 - 166)
10. To receive a report from the Chairmen of the Performance and Governance Committee on the work of the Committee since the last Council meeting. (Pages 167 - 168)

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 Director or 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 16 October 2012 commencing at 7.00 pm

Present: Cllr. Mrs. Morris (Chairman)

Cllrs. Abraham, Mrs. Ayres, Ayres, Mrs. Bayley, Ball, Mrs. Bracken, Brookbank, Butler, Ms. Chetram, Clark, Mrs. Clark, Mrs. Davison, Davison, Mrs. Dibsall, Dickins, Edwards-Winser, Eyre, Firth, Fittock, Fleming, Gaywood, Mrs. George, Hogarth, Horwood, Ms. Lowe, Maskell, McGarvey, Neal, Orridge, Mrs. Parkin, Piper, Mrs. Purves, Raikes, Mrs. Sargeant, Searles, Miss. Stack, Miss. Thornton, Towell, Underwood and Walshe

Apologies for absence: Cllrs Bosley, Mrs. Bosley, Brown, Mrs. Cook, Mrs. Dawson, Grint, Mrs. Hunter, Ramsay, Scholey and Pett

22. To approve as a correct record the minutes of the meeting of the Council held on 24 July 2012

The Chairman proposed that the Minutes of the meeting of the Council held on 24 July 2012 be approved as a correct record.

Resolved that the minutes of the meeting of the Council held on 24 July 2012 be approved and signed by the Chairman as a correct record.

23. 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.

24. Chairman's Announcements

There were no announcements.

25. To receive any petitions submitted by members of the public.

There were no petitions.

26. Matters considered by the Cabinet and/or other committees:

- (a) Shared Service Environmental Health Enforcement Policy

Councillor Fleming proposed and Councillor Mrs Bracken seconded that the revised Environmental Health Enforcement Policy be approved.

Resolved that the revised Environmental Health Policy be approved.

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

(b) New Standards Arrangements - Appointment of Independent Person

Councillor Fleming proposed and Councillor Mrs Bracken seconded that Mr John Henderson be appointed as Independent Person.

Following a vote, it was

Resolved: by a majority of the Council that Mr John Henderson be appointed as Independent Person.

(c) New Standards Arrangements - Appointment of Standards Committee

Councillor Fleming proposed and Councillor Mrs Davison seconded that Councillors Ball, Mrs Bracken, Mrs Dibsdall, Dickins, Firth, Gaywood and Mrs Purves be appointed to the Standards Committee.

Resolved: that Councillors Ball, Mrs Bracken, Mrs Dibsdall, Dickins, Firth, Gaywood and Mrs Purves be appointed to the Standards Committee.

28. 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.

There were no questions.

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

There were no questions.

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

The Leader introduced his report and reported that following changes that were being made to Council Tax and Council Tax benefits all Members would receive a full briefing. Any changes made to the budget resulting from the Governments announcements on Council Tax and Council Tax Benefit would be reviewed through the Committee process.

The Leader highlighted that West Kent Debt Advice ran an appointment based system. More information on the services provided by West Kent Debt Advice could be found at their website - <http://www.wkda.org.uk/>.

31. To receive a report from the Chairmen of the Select Committees on the work of the Committees since the last Council meeting.

The Council received reports from the Chairmen of the following Select Committees:

- Environment Select Committee – 4th September 2012
- Services Select Committee – 25th September 2012

32. To receive a report from the Chairmen of the Performance and Governance Committee on the work of the Committee since the last Council meeting.

The Council received a report from the Chairman of the Performance and Governance Committee on the work undertaken by the Committee at its meeting on 18th September 2012.

33. 10 Year Budget Savings Options

Councillor Fleming proposed and Councillor Mrs Davison seconded that the internal appointment proposal outlined in Option D be approved.

The Leader reported that Option D would provide the right combination of significant savings and succession planning from high calibre officers of outstanding track record.

A Member questioned whether the possibility of having a joint Chief Executive with both Directors fulfilling elements of the role had been considered and costed. In response the Leader stressed the need for the Council to have clear managerial and political leadership.

Resolved: that the internal appointment proposal outlined in Option D of the report be approved.

THE MEETING WAS CONCLUDED AT 7.15 pm

Chairman

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DISTRICT COUNCIL OF SEVENOAKS

Minutes of the Meeting of the Sevenoaks District Council
held on 7 November 2012 commencing at 7.00 pm

Present: Cllr Mrs. Morris (Chairman)

Cllr Pett (Vice-Chairman)

Cllrs. Abraham, Mrs. Ayres, Ayres, Mrs. Bayley, Ball, Bosley, Mrs. Bosley, Mrs. Bracken, Brookbank, Butler, Ms. Chetram, Clark, Mrs. Clark, Mrs. Cook, Cooke, Mrs. Davison, Davison, Mrs. Dawson, Mrs. Dibsall, Dickins, Edwards-Winser, Eyre, Fittock, Fleming, Gaywood, Mrs. George, Grint, Hogarth, Horwood, Mrs. Hunter, London, Ms. Lowe, Maskell, McGarvey, Neal, Mrs. Parkin, Piper, Mrs. Purves, Raikes, Ramsay, Mrs. Sargeant, Miss. Stack, Miss. Thornton, Towell, Underwood and Walshe

Apologies for absence: Cllrs. Brown, Firth, Orridge, Scholey, Searles and Williamson

34. 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

There were no declarations of interest.

35. TO CONSIDER THE RECOMMENDATION FROM THE APPOINTMENTS COMMITTEE HELD ON 6TH NOVEMBER 2012 REGARDING THE APPOINTMENT TO THE CHIEF EXECUTIVE'S POST.

Further to the meeting of the Appointments Committee on 6th November 2012, Cllr. Fleming moved and Cllr. Mrs Davison seconded, that the recommendation, as circulated to the meeting, be adopted.

Full Council agreed that Sevenoaks District Council was fortunate to have had two high calibre candidates who acquitted themselves so well throughout the interview process and were so knowledgeable and experienced in their different ways.

Resolved: That Dr. Pav Ramewal, currently employed as Deputy Chief Executive and Director of Corporate Resources, be offered the appointment of Chief Executive and Head of Paid Service for Sevenoaks District Council.

(This motion was carried unanimously.)

THE MEETING WAS CONCLUDED AT 7.03 pm

Chairman

Item 5(a) – Community Governance Review

Electoral Arrangements Committee - Recommendation to Council

At its meeting on 11 September 2012 the Electoral Arrangements Committee considered the matter as follows:

“The District Council commenced a community governance review on 30th November 2011 with the publication of a notice, a news release, a timetable and terms of reference. Letters were sent to parish councils, known community groups, elected representatives and to Kent County Council. The Electoral Arrangements Committee met on 27th March 2012 to consider the submissions received in response to the review. Following this meeting, on 16th May 2012 draft recommendations were published and responses invited. The timetable envisaged that final recommendations would be drawn up and published by the end of November 2012.

Councillor Grint reported that he was fully supportive of the proposal put forward by the Badgers Mount Residents Association for the formation of a Badgers Mount Parish Council. Meetings had been held with local residents and the proposal had received overwhelming support from the residents of Badgers Mount.

The Chairman noted that a SDC Finance Officer had reviewed the Badgers Mount Residents Association’s submission and had found that the information did “demonstrate viability of a new parish council.”

Members of the Committee recognised that there was clear support from the residents of Badgers Mount for the proposal for the formation of a Badgers Mount Parish Council .

Turning to the issue of Well Hill, the Chairman noted that it may be prudent to establish a Parish Council for Badgers Mount before considering the formation of a Badgers Mount/Well Hill Parish Council.

Councillor Mrs Dibsdall asked the Committee to revisit options for Well Hill at a later date, once a Parish Council for Badgers Mount had been established.

A Member questioned whether the proposed changes would affect the number of Parish Councillors sitting on Shoreham Parish Council. The Electoral Services Manager confirmed that this would be a decision for the District Council and that discussions would take place with Shoreham Parish Council following the meeting of the Electoral Arrangements Committee.

The Committee noted that, if approved by Full Council, the changes would come into effect in May 2015.

Resolved: That it be RECOMMENDED to Full Council on 16th October 2012:

- (a) that the draft recommendations to retain the existing boundaries and electoral arrangements of the Parishes of Chiddingstone, Cowden,

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Edenbridge, Farningham, Fawkham, Halstead, Hever, Horton Kirby & South Darenth, Kemsing and Knockholt be confirmed;

- (b) that the draft recommendations in respect of the parishes of Ash-cum-Ridley and Hartley (Milestone School); Brasted and Westerham (High View Cottage); Crockenhill and Shoreham (no change to present arrangements); Eynsford and Shoreham (Austin Lodge Golf Course); Hextable and Swanley (Lower Road); Chevening, Dunton Green, Riverhead, Seal, Sevenoaks, Sevenoaks Weald and Sundridge with Ide Hill (no change to present arrangements); be confirmed;
- (c) that the draft recommendation that no change be made to the electoral arrangements of Hartley Parish be confirmed;
- (d) that the draft recommendation that the two properties North Lodge, Redleaf and Woodside Kennels transfer from Leigh Parish to Penshurst Parish be confirmed;
- (e) that the properties Stursdon Farm, Mount Farm and Mount Farm Cottage transfer from Otford Parish into Shoreham Parish;
- (f) that the draft recommendation to transfer the 8 Twitton properties currently in Shoreham Parish into Otford Parish be confirmed;
- (g) that no change be made to the existing warded structure nor to the name of Penshurst Parish Council;
- (h) that the Well Hill Hundreds ward remains a part of Shoreham Parish;
- (i) that a separate parish of Badgers Mount be created;
- (j) that Officers of the District Council discuss with Shoreham Parish Council the electoral arrangements of the reconstituted Parish of Shoreham and present the outcome to a future meeting of the Electoral Arrangements Committee; and
- (k) that the draft recommendation for no change between the parishes of Shoreham and West Kingsdown in the vicinity of East Hill be confirmed.”

(carried unanimously)

COMMUNITY GOVERNANCE REVIEW

Council – 27th November 2012

Report of the: Deputy Chief Executive & Director of Corporate Resources

Status: For Decision

Also considered by: Electoral Arrangements Committee 11th September 2012

Key Decision: Yes.

Parish council boundaries and electoral arrangements are subject to change at the completion of this review.

Executive Summary: Following the previous meeting of the Electoral Arrangements Committee on 27th March 2012, draft recommendations were published for consultation. Members are now requested to consider all the submissions made during the consultation period and to make final recommendations.

Portfolio Holder Cllr. Mrs Bracken

Head of Service Head of Legal – Mrs Christine Nuttall

Recommendation to Electoral Arrangements Committee:

(a) that the recommendations in appendix 1 be approved.

Reason for recommendations: The District Council is responsible for determining submissions made in consequence of a community governance review.

Introduction

- 1 The District Council commenced a community governance review on 30th November 2011 with the publication of a notice, a news release, a timetable and terms of reference. Letters were sent to parish councils and to known community groups, to elected representatives and to Kent County Council.
- 2 The Local Government and Public Involvement in Health Act (LGPIH) 2007 devolved the power to take decisions relating to the creation, abolition or grouping of parishes, the boundaries of parishes and the electoral arrangements of parish councils from the Secretary of State and the Electoral Commission to principal councils. The District Council has taken the view that it is for local people or local groups to suggest changes to existing parish set-ups. Whilst the District Council has not initiated changes it must, ultimately, decide upon any conflicting proposals. The District Council places great store upon proposals having the fullest backing of the local community and neighbouring parishes that may be affected.

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- 3 The Electoral Arrangements Committee met on 27th March 2012 to consider the submissions received in response to the review. The District Council then published draft recommendations on 16th May 2012 and invited responses with a deadline date of 31st July 2012. The review timetable envisages the District Council drawing up final recommendations during early autumn 2012 and their publication before the end of November 2012. This report can only summarise the latest submissions received. Members will need to refer to the relevant consultation responses that follow the appendices to this report to fully inform their recommendations. Members need to take account of the views of local people and are required to have regard to guidance issued by the Department for Communities and Local Government and the Local Government Boundary Commission for England; this guidance was circulated with the notice of the review and extracts are at appendix 2. There is much advice that can be quoted in support or against a particular argument but, as at the previous meeting of the Electoral Arrangements Committee, Members will want to consider each submission and response on its merits in relation to the particular circumstances in the parish, and not attempt to find an apparently consistent approach to all parishes, when drawing up final recommendations.
- 4 Changes in parish boundaries that affect the boundaries of District Council wards and/or Kent County Council electoral divisions will be referred to the Local Government Boundary Commission for England with a recommendation that the appropriate changes be made to those boundaries at the next relevant full elections (2015 in the case of District Council elections, 2017 for Kent County Council elections).

Actions

- 5 No submissions have been received affecting the following parishes: Chiddingstone, Cowden, Edenbridge, Farningham, Fawkham, Halstead, Hever, Horton Kirby & South Darenth, Kemsing and Knockholt. It is **recommended** that the District Council's draft recommendations for no change be made to the boundaries or electoral arrangements of these parishes be confirmed (recommendation (a) in appendix 1).
- 6 The District Council's draft recommendations affecting the following parishes received, during the consultation period, either affirmatory responses in respect of some parishes or no response at all: Ash-cum-Ridley and Hartley (transfer of Milestone School – see appendix 3, map 1); Brasted and Westerham (transfer of High View Cottage – see appendix 3, map 9); Crockenhill and Shoreham (no change to present arrangements); Eynsford and Shoreham (incorporating the whole of Austin Lodge Golf Course into one parish – see appendix 3, map 2); Hextable and Swanley (transfer of some properties in Lower Road – see appendix 3, map 3); Chevening, Dunton Green, Riverhead, Seal, Sevenoaks, Sevenoaks Weald and Sundridge with Ide Hill (no change to present arrangements); Shoreham electoral arrangements (in the event of the District Council recommending no change to the existing 3 wards of the Parish). It is **recommended** that the draft recommendations in respect of the afore-mentioned parishes be confirmed (recommendation (b) in appendix 1).

Submissions Requiring Further Consideration Since the Publication of the Draft Recommendations (in alphabetical order of parish)

7 Hartley (see responses following appendix 2)

Mr Mayer and Dr Roberts have re-iterated their views that the electors of Hartley would be better represented if there were elected members who represented smaller areas of the Parish, i.e. separate wards of the parish. Hartley Parish Council continues to argue that the Parish does not have distinct communities with separate identities that would readily allow the division of the Parish into wards and that electors are best served by elected members representing the Parish as a whole.

- 8 The warding of a parish does not guarantee that elected members reside within the ward they are elected to represent; there are plenty of examples of this throughout the Sevenoaks District. In the absence of compelling evidence that warding would provide better representation through a more even spread of geographic representation (even if this was possible to achieve) and the absence of support for warding beyond the few individuals who have raised the issue, it is **recommended** that the draft recommendation that no change be made to the electoral arrangements of Hartley Parish be confirmed (recommendation (c) in appendix 1).

9 Leigh (see responses)

Leigh Parish Council continues to oppose any change to the parish boundary with Penshurst Parish, re-iterating its view that the boundary is historic and a change would set a precedent, the reasons for change not being strong enough. Mr and Mrs Cooper have backed their original submission for their property to transfer into Penshurst Parish, asserting again their involvement with Penshurst Village and giving further reasons for their wish to transfer. Neighbours Mr and Mrs Larby endorse these views. Penshurst Parish Council has previously agreed to the proposal.

- 10 Clearly the relevant legislation provides for parish boundaries to be reviewed and changed. The occupants of the two properties concerned have demonstrated that their community interest lies in Penshurst. It is **recommended** that the draft recommendation that the two properties North Lodge, Redleaf and Woodside Kennels transfer from Leigh Parish to Penshurst Parish be confirmed (recommendation (d) in appendix 1; see appendix 3, map 4a). The recommendation will affect the boundary between the district wards of Leigh & Chiddingstone Causeway and Penshurst, Fordcombe & Chiddingstone; 6 electors will transfer.

11 Otford (see responses)

Both Otford and Shoreham Parish Councils submitted a proposal to re-align their shared boundary in Row Dow Lane so as to ensure that the curtilages of 3 properties (Stursdon Farm, Mount Farm and Mount Farm Cottage) fall within one parish rather than two and that would be Otford Parish. The District Council's draft recommendation supported the proposal. Occupants of two of the properties have now made representations expressing a preference for the whole of their

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properties to be included in Shoreham Parish for community interest reasons, both historic and geographic. Shoreham Parish Council has no objection to this latest proposal. Otford Parish Council has confirmed their wish for the boundary to be re-aligned along the centre of Row Dow Lane ensuring the inclusion of the curtilages as well as the 3 properties themselves within Otford Parish.

- 12 Having previously recommended an alteration to the boundary in the vicinity of Row Dow Lane but having now received relevant requests from the majority of affected households, the District Council recommends that the properties Stursdon Farm, Mount Farm and Mount Farm Cottage transfer from Otford Parish into Shoreham Parish (recommendation (e) in appendix 1; see appendix 3, Map 4). The recommendation will affect the boundary between the County electoral divisions of Darent Valley and Sevenoaks East; 4 electors will transfer.
- 13 Another of the District Council's draft recommendations determined that the whole hamlet of Twitton should be included in Otford Parish rather than being split between the two parishes of Otford and Shoreham. One resident from Twitton has responded during the consultation period expressing the view that a change to the parish boundary is of no consequence either way. It is **recommended** that the draft recommendation to transfer the 8 Twitton properties currently in Shoreham Parish into Otford Parish be confirmed (recommendation (f) in appendix 1; see appendix 3, map 6). The recommendation will affect the boundary between the County electoral divisions of Darent Valley and Sevenoaks East; 12 electors will transfer.

14 **Penshurst (see responses – see also Leigh)**

At the previous Committee meeting, Members considered a great many submissions on the electoral arrangements of Penshurst Parish which could be summarised as follows:

- a) Create separate parishes for the village of Fordcombe and the village of Penshurst;
- b) Retain the present wards but restrict voting on issues relating to a single village; and
- c) Unward the Parish.

The District Council favoured the option to unward the Parish and wrote to all households in Penshurst Parish to obtain the views of residents.

- 15 Support for the District Council's draft recommendation came from 3 residents. The option to create a separate parish for Fordcombe and a separate parish for Penshurst was supported by 2 residents. More than one hundred responses, the majority from Fordcombe residents but plenty from Penshurst residents too, wished the present structure of Penshurst Parish to continue, i.e. separate warding for Fordcombe and Penshurst. Penshurst Parish Council also supports this option.

16 In the light of overwhelming local opinion, it is recommended that no change be made to the existing warded structure nor to the name of Penshurst Parish Council (recommendation (g) in appendix 1).

17 **Shoreham (see responses – see also Otford and West Kingsdown)**

Well Hill

It was reported to the previous Committee meeting that the Well Hill Residents Association had submitted a proposal to create a separate parish of Well Hill. Members again requested of the Residents Association the further information which had not been forthcoming following the same submission in 2006. However, the submission was incorrectly attributed to the Residents Association and was, in fact, a personal one from Mr Hobson. It appears that the Residents Association is not in favour of seceding from Shoreham Parish. The District Council wrote to all households requesting the views of Well Hill residents on the formation of a separate parish; a further letter was sent correcting the erroneous information concerning the Residents Association. An analysis of the 7 responses received showed a 6 to 1 rejection of the proposal for a separate parish for Well Hill.

18 In view of the lack of support, it is **recommended** that the Well Hill Hundreds ward remains a part of Shoreham Parish (recommendation (h) in appendix 1).

19 Badgers Mount

After considering the submission of the Badgers Mount Residents Association (BMRA) to form a separate parish for the Badgers Mount community, Members of the Committee at its March meeting requested further clarity from BMRA as follows:

- a) The degree of support amongst Badgers Mount electors;
- b) The number of electors subscribing to the Residents Association;
- c) A financial strategy/business plan drawn up to demonstrate the viability of a new parish council; and
- d) A plan to manage legal issues, planning issues and issues arising from the Localism Act 2011

BMRA has responded to Members' requests and these can be seen in the responses. Further questions were asked of BMRA regarding their aims and objectives and details of the "brief vote" that they had conducted: their reply is again included in the responses. An evaluation of residents' responses to this "brief vote" shows a 5 to 1 ratio in favour of a separate parish for Badgers Mount. A District Council finance officer has perused BMRA's original submission and their response to the Committee's requests and finds that the information provided by BMRA does "demonstrate viability of a new parish council".

20 Throughout consideration of this matter, mention has been made of the links that the Badgers Mount community has with the parish of Halstead. A number of

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respondents have suggested that Badgers Mount becomes a part of the Halstead Parish. However, Halstead Parish Council is opposed to such a suggestion.

- 21 The District Council wrote to all households requesting the views of Badgers Mount residents on the formation of a separate parish. As can be seen from the responses, the majority of respondents, 19, favoured a separate parish for Badgers Mount while 7 wished to remain a part of Shoreham Parish.

- 22 **Recommendation: Members' instructions are sought** on the formation of a separate parish of Badgers Mount (recommendation (i) in appendix 1).

- 23 Shoreham

The Shoreham Society has proposed a separate parish for the ward of Shoreham. The District Council wrote to all households requesting the views of Shoreham residents on the formation of a separate parish (i.e. without the communities of Badgers Mount and Well Hill). The proposal has the support of 9 respondents; one respondent is opposed.

- 24 At the March Committee meeting, Members noted that this proposal cannot be moved forward until the Badgers Mount and Well Hill issues are resolved. It was determined, however, at the previous Committee meeting that, if Shoreham Parish remained in its present warded form, the number of parish councillors for Shoreham ward would be reduced from 6 to 5 so as to more fairly represent the number of electors in each of the three wards. Shoreham Parish Council has been approached to consider the effect of Shoreham Parish losing one or two of its wards on the number of councillors serving the revised parish; Officers hope to report to the meeting.

- 25 **Recommendation: Members' instructions are sought** on the proposal by the Shoreham Society to form a separate parish of Shoreham (without Badgers Mount and Well Hill) and on the electoral arrangements of a revised Shoreham Parish Council if appropriate (recommendation (j) in appendix 1).

- 26 **West Kingsdown (see responses - see also Shoreham)**

Both Shoreham and West Kingsdown Parish Councils submitted proposals to incorporate, what they consider to be, the community of East Hill into one parish. The District Council wrote to all affected households requesting the views of the 272 electors situated in the West Kingsdown Parish and the 48 electors situated in the Shoreham Parish.

- 27 The 6 responses may be summarised as follows: 3 West Kingsdown residents wish to remain in that Parish; 1 Shoreham resident wishes to remain in that Parish; 1 West Kingsdown resident believes the area should be consolidated in Shoreham Parish; and 1 West Kingsdown resident believes the area should be consolidated in West Kingsdown Parish. In view of the divergence of opinion from respondents and the lack of response overall, it is **recommended** that the draft recommendation for no change between the parishes of Shoreham and West Kingsdown in the vicinity of East Hill be confirmed (recommendation (k) in appendix 1).

Key Implications

Financial

There are no cost implications for the District Council in conducting a community governance review apart from staff resources.

Equality Impacts

Part of the purpose of the Local Government and Public Involvement in Health Act 2007 is to ensure that from time to time a review of boundaries is undertaken to bring about better local democracy and fair representation within communities. The review therefore has a positive contribution to promoting equality.

Summary of Impacts

Following the above, the review has promoted the adjustment of boundaries to ensure fair and democratic representation and, in three cases, the potential creation of new parishes to reflect the emergence of identifiable and viable local communities.

The equalities impacts are very much in line with the fundamental purpose of the boundary review legislation.

Community Impact and Outcomes

The District Council believes that parish councils play an important role in terms of community empowerment at the local level and is keen to ensure that parish governance in the Sevenoaks District continues to be robust, representative and enabled to meet the challenges ahead. Government guidance states that “Ultimately, the recommendations made in a community governance review ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.”

Legal, Human Rights etc.

There are no legal or human rights implications in this report.

Resource (non-financial)

Staff input has been required to co-ordinate submissions and present them to Members at this meeting of the Electoral Arrangements Committee.

Conclusions

In accordance with Government guidance, a community governance review is due. There is an opportunity to conduct a review before the next scheduled major election (Police and Crime Commissioners on 15th November 2012) and plenty of time to implement the outcome ahead of the next full parish council elections in 2015.

Risk Assessment Statement

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District Councils are expected to carry out community governance reviews every 10-15 years. If the opportunity is not taken now, staff resources may not be available until 2018, the next year of no scheduled elections.

Background Papers:

Local Government and Public Involvement in Health Act 2007

The Local Government Act 1972

Guidance on community governance reviews (published jointly by the Department for Communities and Local Government and the Local Government Boundary Commission for England) - April 2008

Contact Officer(s):

Ian Bigwood – ext. no.7242

Dr. Pav Ramewal

Deputy Chief Executive and Director of Corporate Resources

Appendix 1

Recommendations:

- (a) that the draft recommendations to retain the existing boundaries and electoral arrangements of the Parishes of Chiddingstone, Cowden, Edenbridge, Farningham, Fawkham, Halstead, Hever, Horton Kirby & South Darenth, Kemsing and Knockholt be confirmed;
- (b) that the draft recommendations in respect of the parishes of Ash-cum-Ridley and Hartley (Milestone School); Brasted and Westerham (High View Cottage); Crockenhill and Shoreham (no change to present arrangements); Eynsford and Shoreham (Austin Lodge Golf Course); Hextable and Swanley (Lower Road); Chevening, Dunton Green, Riverhead, Seal, Sevenoaks, Sevenoaks Weald and Sundridge with Ide Hill (no change to present arrangements); Shoreham electoral arrangements (if no change to the existing 3 wards of the Parish) be confirmed;
- (c) that the draft recommendation that no change be made to the electoral arrangements of Hartley Parish be confirmed;
- (d) that the draft recommendation that the two properties North Lodge, Redleaf and Woodside Kennels transfer from Leigh Parish to Penshurst Parish be confirmed;
- (e) that the properties Stursdon Farm, Mount Farm and Mount Farm Cottage transfer from Otford Parish into Shoreham Parish;
- (f) that the draft recommendation to transfer the 8 Twitton properties currently in Shoreham Parish into Otford Parish be confirmed;
- (g) that no change be made to the existing warded structure nor to the name of Penshurst Parish Council;
- (h) that the Well Hill Hundreds ward remains a part of Shoreham Parish;
- (i) that Members' instructions are sought on the proposal by the Badgers Mount Residents Association to form a separate parish of Badgers Mount;
- (j) that Members' instructions are sought on the proposal by the Shoreham Society to form a separate parish of Shoreham (without Badgers Mount and Well Hill) and on the electoral arrangements of a revised Shoreham Parish Council; and
- (k) that the draft recommendation for no change between the parishes of Shoreham and West Kingsdown in the vicinity of East Hill be confirmed.

Appendix 2

Extracts from the Guidance on Community Governance Reviews

Defining a parish

49. Parish councils continue to have two main roles: community representation and local administration. For both purposes it is desirable that a parish should reflect a distinctive and recognisable community of place, with its own sense of identity. The views of local communities and inhabitants are of central importance.

50. The identification of a community is not a precise or rigid matter. The pattern of daily life in each of the existing communities, the local centres for education and child care, shopping, community activities, worship, leisure pursuits, transport facilities and means of communication generally will have an influence. However, the focus of people's day-to-day activities may not be reflected in their feeling of community identity. For instance, historic loyalty may be to a town but the local community of interest and social focus may lie within a part of the town with its own separate identity.

Criteria for undertaking a community governance review

51. Section 93 of the 2007 Act requires principal councils to ensure that community governance within the area under review will be:

- reflective of the identities and interests of the community in that area; and
- is effective and convenient.

52. When considering the criteria identified in the 2007 Act, principal councils should take into account a number of influential factors, including:

- the impact of community governance arrangements on community cohesion; and
- the size, population and boundaries of a local community or parish.

53. In considering this guidance, the impact on community cohesion is linked specifically to the identities and interests of local communities. Size, population and boundaries are linked to both but perhaps more specifically to community governance being effective and convenient.

The identities and interests of local communities

54. Parish councils have an important role to play in the development of their local communities. Local communities range in size, as well as in a variety of other ways. Communities and Local Government is working to help people and local agencies create cohesive, attractive and economically vibrant local communities. The aim for communities across the country is for them to be capable of fulfilling their own potential and overcoming their own difficulties, including community conflict, extremism, deprivation and disadvantage. Communities need to be empowered to respond to challenging economic, social, and cultural trends, and to demographic change.

55. Parish councils can contribute to the creation of successful communities by influencing the quality of planning and design of public spaces and the built environment, as well as improving the management and maintenance of such amenities. Neighbourhood renewal is an important factor to improve the quality of life for those living in the most disadvantaged

areas. Parish councils can be well placed to judge what is needed to build cohesion. Other factors such as social exclusion and deprivation may be specific issues in certain areas, and respect is fundamental to the functioning of all places and communities. The Government remains committed to civil renewal, and empowering citizens to work with public bodies, including parish councils, to influence public decisions.

56. 'Place' matters in considering community governance and is a factor in deciding whether or not to set up a parish. Communities and Local Government's vision is of prosperous and cohesive communities which offer a safe, healthy and sustainable environment. One aspect of that is strong and accountable local government and leadership. Parish councils can perform a central role in community leadership. Depending on the issue, sometimes they will want to take the lead locally, whilst at other times they may act as an important stakeholder or in partnership with others. In either case, parish councils will want to work effectively with partners to undertake the role of 'place-shaping', and be responsive to the challenges and opportunities of their area in a co-ordinated way.

57. It is clear that how people perceive where they live - their neighbourhoods - is significant in considering the identities and interests of local communities and depends on a range of circumstances, often best defined by local residents. Some of the factors which help define neighbourhoods are: the geography of an area, the make-up of the local community, sense of identity, and whether people live in a rural, suburban, or urban areas.

58. Parishes in many cases may be able to meet the concept of neighbourhoods in an area. Parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity. Like neighbourhoods, the feeling of local community and the wishes of local inhabitants are the primary considerations.

59. Today, there may well be a variety of different communities of interest within a parish; for example, representing age, gender, ethnicity, faith or life-style groups. There are other communities with say specific interests in schools, hospitals or in leisure pursuits. Any number of communities of interest may flourish in a parish but they do not necessarily centre on a specific area or help to define it.

60. Building a sense of local identity may make an important contribution to cohesion where a local area is facing challenges arising from rapid demographic change. In considering the criteria, community governance reviews need to home in on communities as offering a sense of place and of local identity for all residents.

Effective and convenient local government

61. The Government believes that the effectiveness and convenience of local government is best understood in the context of a local authority's ability to deliver quality services economically and efficiently, and give users of services a democratic voice in the decisions that affect them.

62. Local communities should have access to good quality local services, ideally in one place. A parish council may be well placed to do this. With local parish and town councils in mind, effective and convenient local government essentially means that such councils should be viable in terms of providing at least some local services, and if they are to be convenient they need to be easy to reach and accessible to local people.

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63. In responding to the requirement for effective and convenient local government, some parish councils are keen, and have the capacity to take on more in the provision of services. However, it is recognised that not all are in position to do so. The 2007 Act provides a new power of well-being to those parish councils who want to take on more, giving them additional powers to enable them to promote the social, economic and environmental well being of their areas. Nevertheless, certain conditions must be met by individual parish councils before this power is extended to them.

64. Wider initiatives such as the Quality Parish Scheme and charters agreed between parish councils and principal councils also help to give a greater understanding of securing effective and convenient local government. In such cases, parish and town councils which are well managed and good at representing local views will be in a better position to work closely with partner authorities to take more responsibility for shaping their area's development and running its services.

Factors for consideration

65. When reviewing community governance arrangements, principal councils may wish to take into account a number of factors, to help inform their judgement against the statutory criteria.

The impact on community cohesion of community governance arrangements

66. Setting up parishes and parish councils clearly offers the opportunity to strengthen community engagement and participation, and generate a positive impact on community cohesion. In conducting community governance reviews (whether initiated by itself or triggered by a valid petition), the principal council should consider the impact on community cohesion when deciding whether or not to set up a parish council.

67. Britain is a more diverse society – ethnically, religiously and culturally – than ever before. Today's challenge is how best to draw on the benefits that migration and diversity bring while addressing the potential problems and risks to cohesion. Community cohesion is about recognising the impact of change and responding to it. This is a fundamental part of the place shaping agenda and puts local authorities at the heart of community building.

68. In its response to the recommendations of the Commission on Integration and Cohesion the Government has defined community cohesion as what must happen in all communities to enable different groups of people to get on well together. A key contributor to community cohesion is integration which is what must happen to enable new residents and existing residents to adjust to one another.

69. The Government's vision of an integrated and cohesive community is based on three foundations:

- People from different backgrounds having similar life opportunities
- People knowing their rights and responsibilities
- People trusting one another and trusting local institutions to act fairly

70. And three key ways of living together:

- A shared future vision and sense of belonging
- A focus on what new and existing communities have in common, alongside a recognition of the value of diversity
- Strong and positive relationships between people from different

backgrounds.

71. The Commission on Integration and Cohesion's report, *Our Shared Future*, is clear that communities have expert knowledge about their own circumstances and that actions at the local level contribute to achieving integration and cohesion, with local authorities well placed to identify any pressures. The Commission reports that policy makers and practitioners see civic participation as a key way of building integration and cohesion – from ensuring people have a stake in the community, to facilitating mixing and engendering a common sense of purpose through shared activities. The Local Government White Paper's proposals for stronger local leadership, greater resident participation in decisions and an enhanced role for community groups contribute to promoting cohesion.

72. Community cohesion is about local communities where people should feel they have a stake in the society, and in the local area where they live by having the opportunity to influence decisions affecting their lives. This may include what type of community governance arrangements they want in their local area.

73. The 2007 Act requires principal councils to have regard to the need to secure that community governance reflects the identity and interests of local communities; the impact on community cohesion is linked strongly to it. Cohesion issues are connected to the way people perceive how their local community is composed and what it represents, and the creation of parishes and parish councils may contribute to improving community cohesion. Community governance arrangements should reflect, and be sufficiently representative of, people living across the whole community and not just a discrete cross-section or small part of it. It would be difficult to think of a situation in which a principal council could make a decision to create a parish and a parish council which reflects community identities and interests in the area and at the same time threatens community cohesion. Principal councils should be able to decline to set up such community governance arrangements where they judged that to do so would not be in the interests of either the local community or surrounding communities, and where the effect would be likely to damage community cohesion.

Parish warding

156. Parish warding should be considered as part of a community governance review. Parish warding is the division of a parish into wards for the purpose of electing councillors. This includes the number and boundaries of any wards, the number of councillors to be elected for any ward and the names of wards.

157. In considering whether or not a parish should be divided into wards, the legislation requires that consideration be given to whether:

- a) the number, or distribution of the local government electors for the parish would make a single election of councillors impracticable or inconvenient; and
- b) it is desirable that any area or areas of the parish should be separately represented.

158. Accordingly, principal councils should consider not only the size of the electorate in the area but also the distribution of communities within it. The warding of parishes in largely rural areas that are based predominantly on a single centrally-located village may not be justified. Conversely, warding

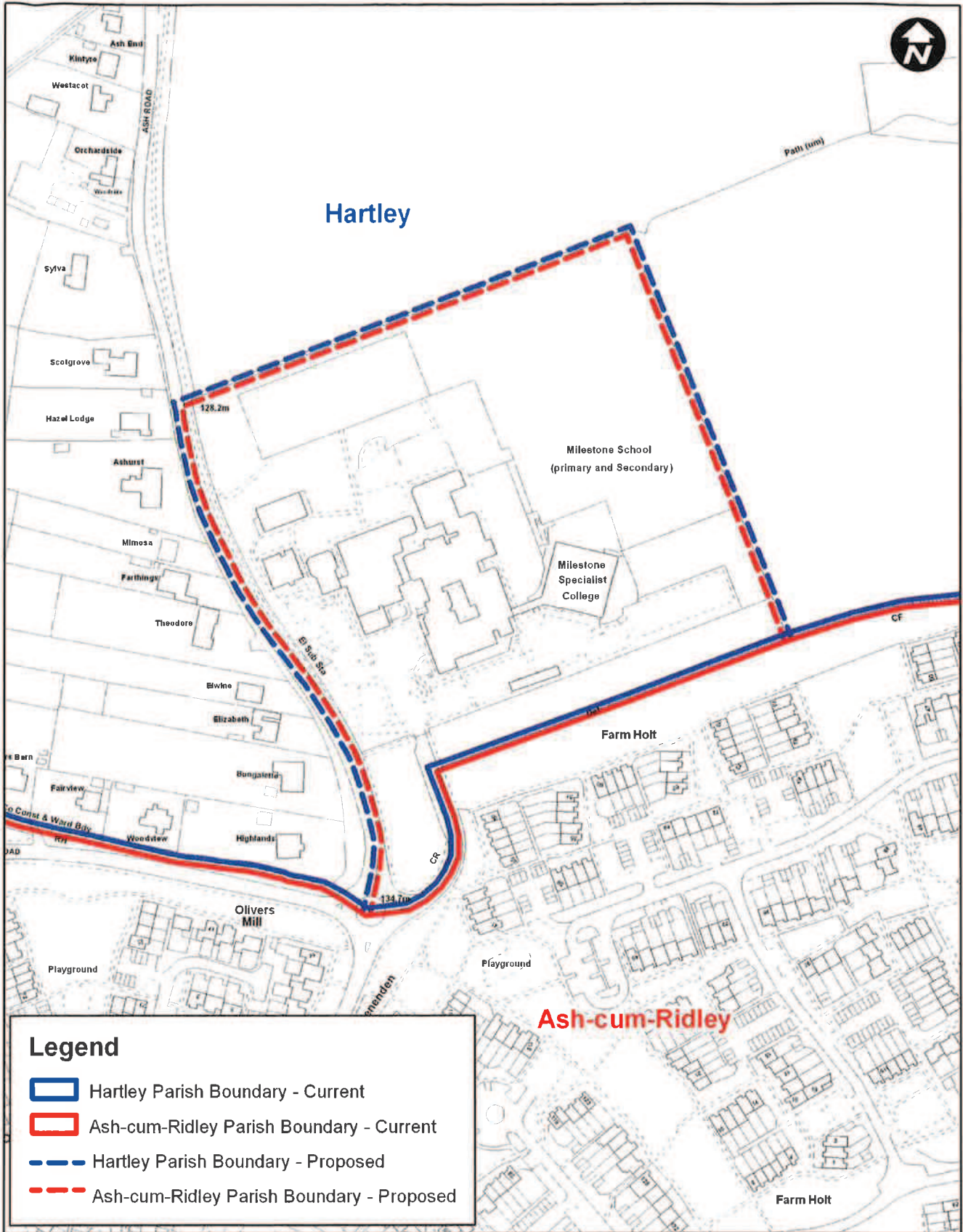
Agenda Item 5a

may be appropriate where the parish encompasses a number of villages with separate identities, a village with a large rural hinterland or where, on the edges of towns, there has been some urban overspill into the parish. However, each case should be considered on its merits, and on the basis of the information and evidence provided during the course of the review.

159. There is likely to be a stronger case for the warding of urban parishes, unless they have particularly low electorates or are based on a particular locality. In urban areas community identity tends to focus on a locality, whether this be a housing estate, a shopping centre or community facilities. Each locality is likely to have its own sense of identity. Again, principal councils should consider each case on its merits having regard to information and evidence generated during the review. (See also under Chapter 3, paragraphs 54 to 60).

The number and boundaries of parish wards

160. In reaching conclusions on the boundaries between parish wards the principal council should take account of community identity and interests in the area, and consider whether any particular ties or linkages might be broken by the drawing of particular ward boundaries. Principal councils should seek views on such matters during the course of a review. They will, however, be mindful that proposals which are intended to reflect community identity and local linkages should be justified in terms of sound and demonstrable evidence of those identities and linkages.



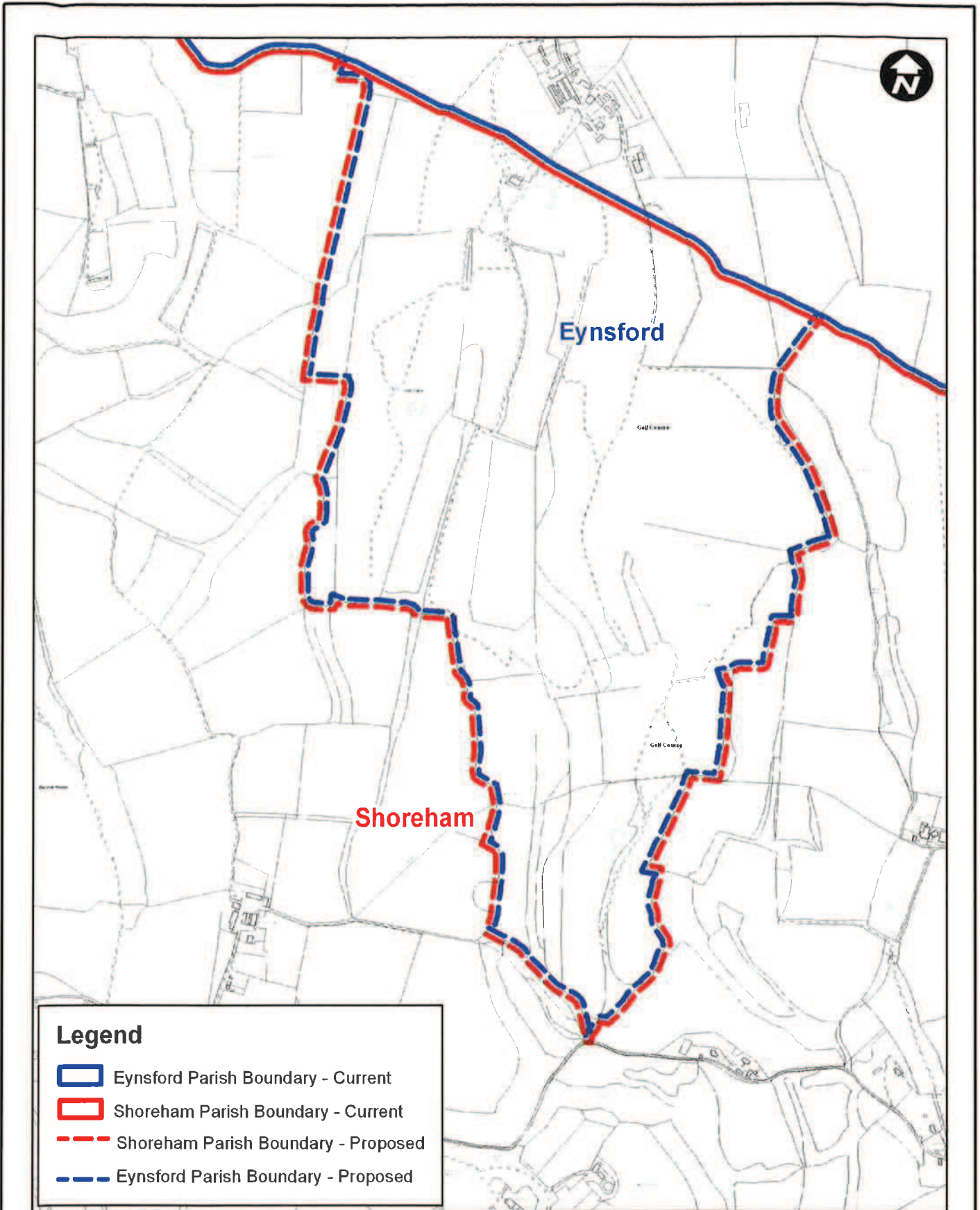
Legend

- Hartley Parish Boundary - Current
- Ash-cum-Ridley Parish Boundary - Current
- Hartley Parish Boundary - Proposed
- Ash-cum-Ridley Parish Boundary - Proposed

Sevenoaks
 DISTRICT COUNCIL

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 Sevenoaks District Council, 100019426 2011

Map 1	Scale: 1:2,500	Date: May 2012
COMMUNITY GOVERNANCE REVIEW		
Ash-cum-Ridley and Hartley		
Page 23 Produced by the GIS Team, Sevenoaks District Council		

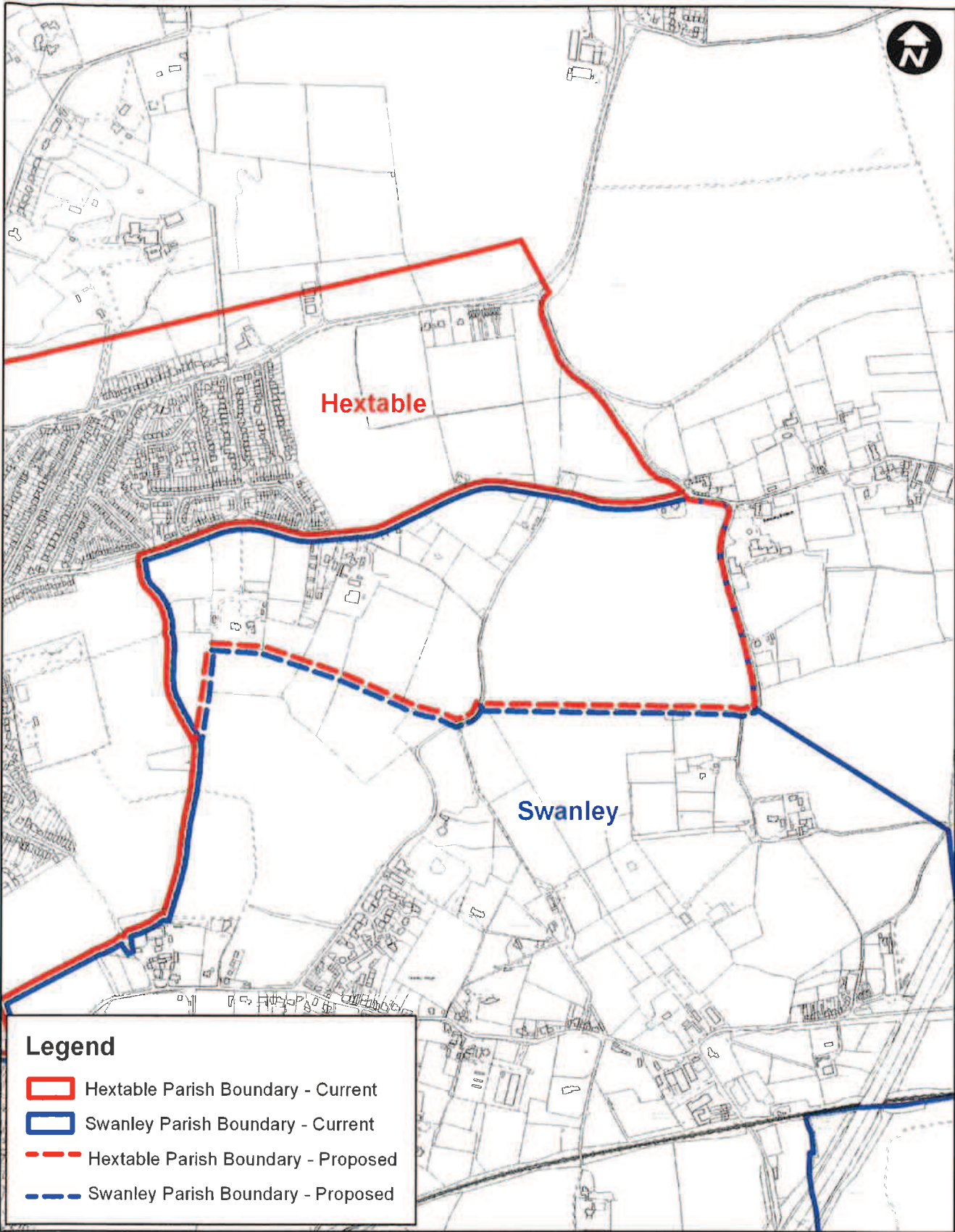


Sevenoaks
DISTRICT COUNCIL

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Map 2
COMMUNITY GOVERNANCE REVIEW
Shoreham and Eynsford

Scale: 1:10,000
Date: May 2012



Legend

- Hextable Parish Boundary - Current
- Swanley Parish Boundary - Current
- Hextable Parish Boundary - Proposed
- Swanley Parish Boundary - Proposed



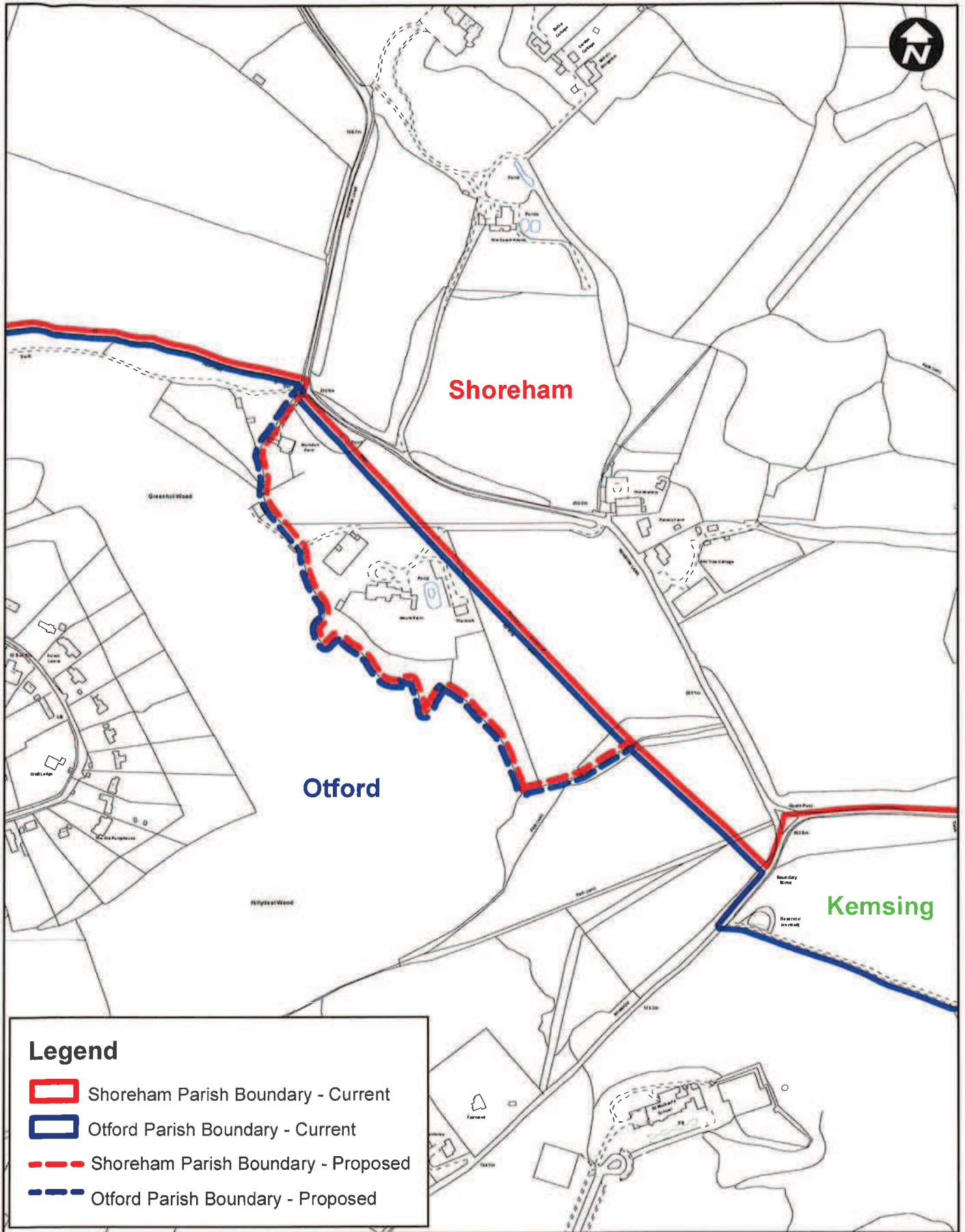
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Map 3

COMMUNITY GOVERNANCE REVIEW

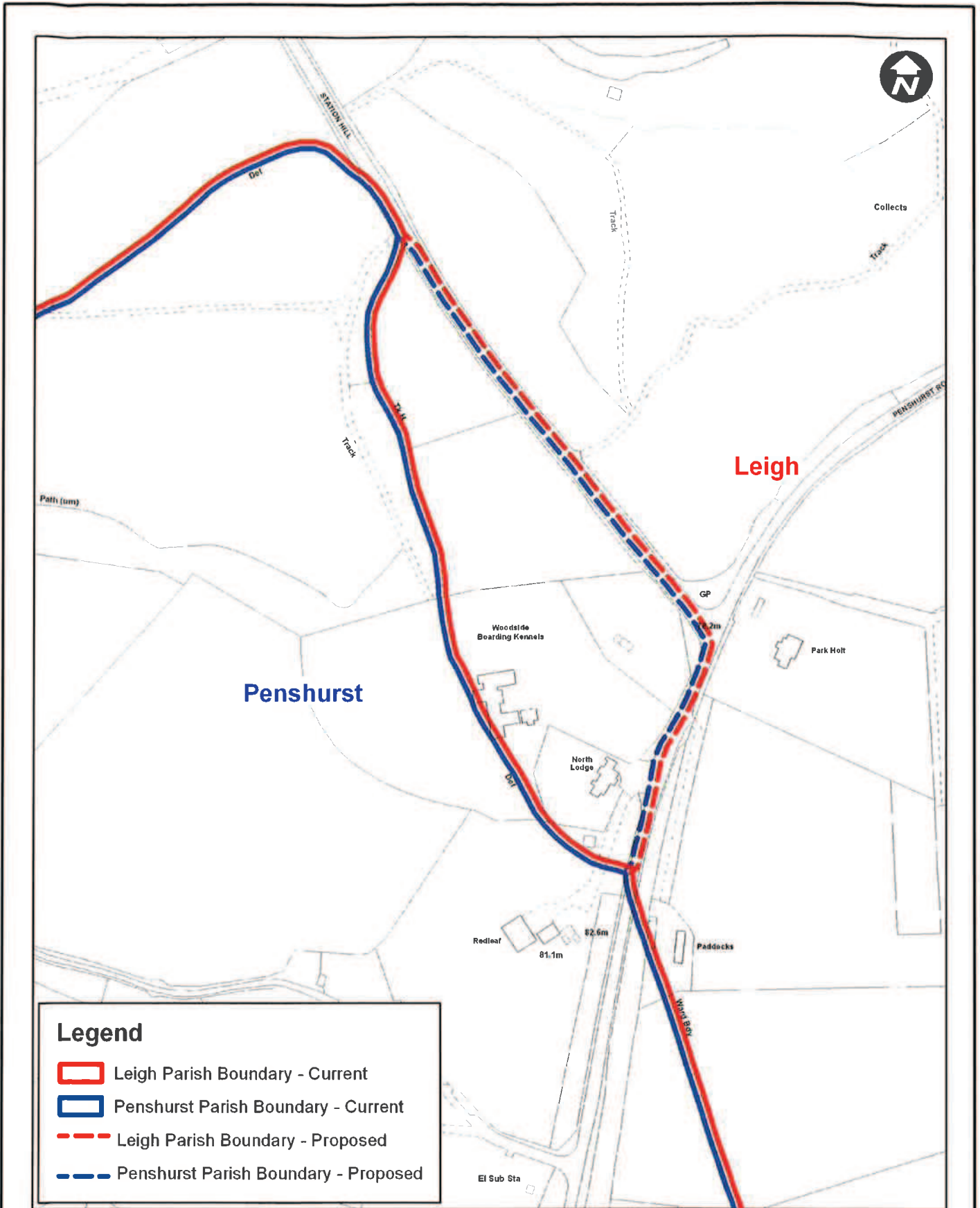
Hextable and Swanley

Scale: 1:10,000
Date: May 2012



Legend

- Shoreham Parish Boundary - Current
- Otford Parish Boundary - Current
- Shoreham Parish Boundary - Proposed
- Otford Parish Boundary - Proposed



Sevenoaks
DISTRICT COUNCIL

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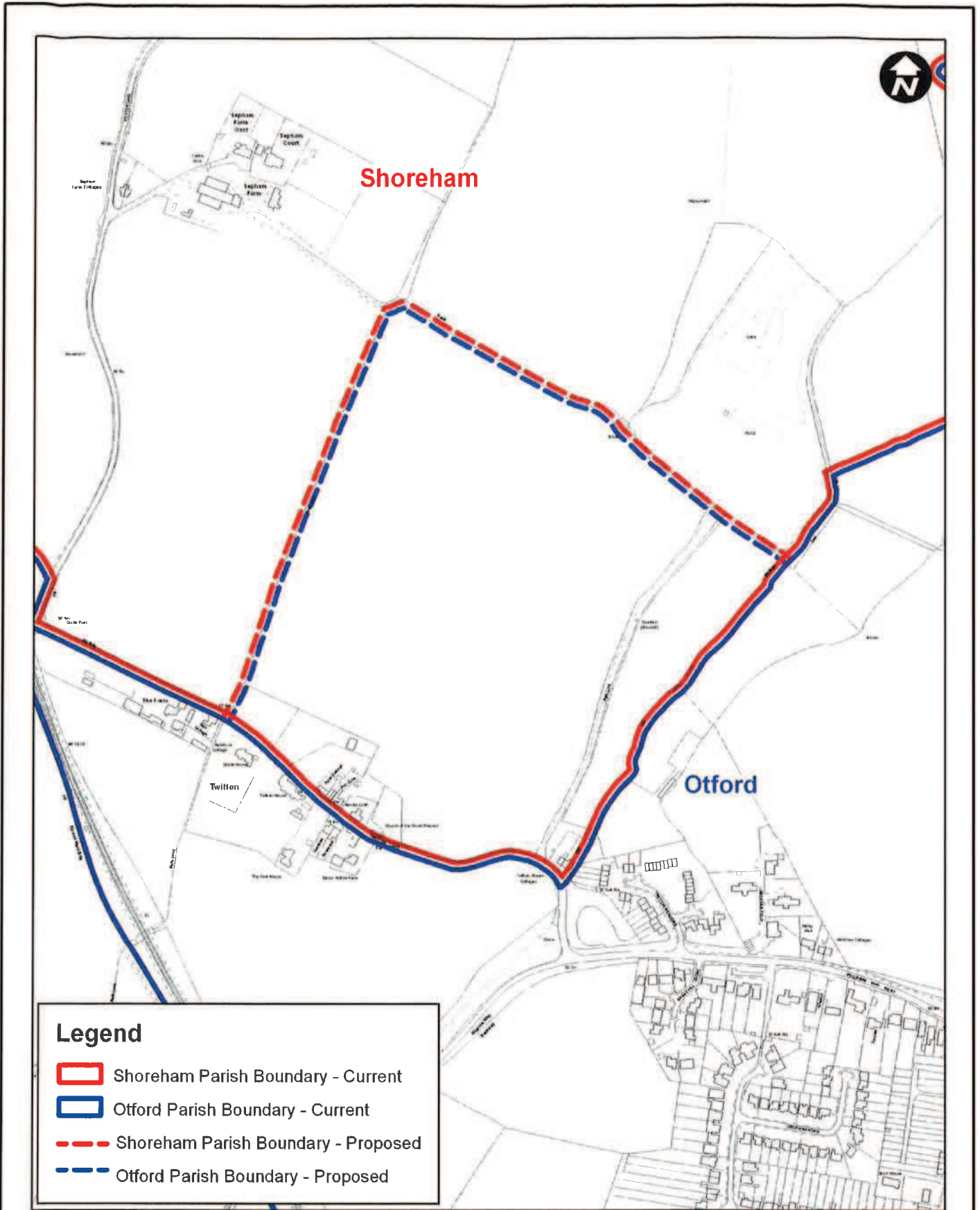
Map 4a


COMMUNITY GOVERNANCE REVIEW

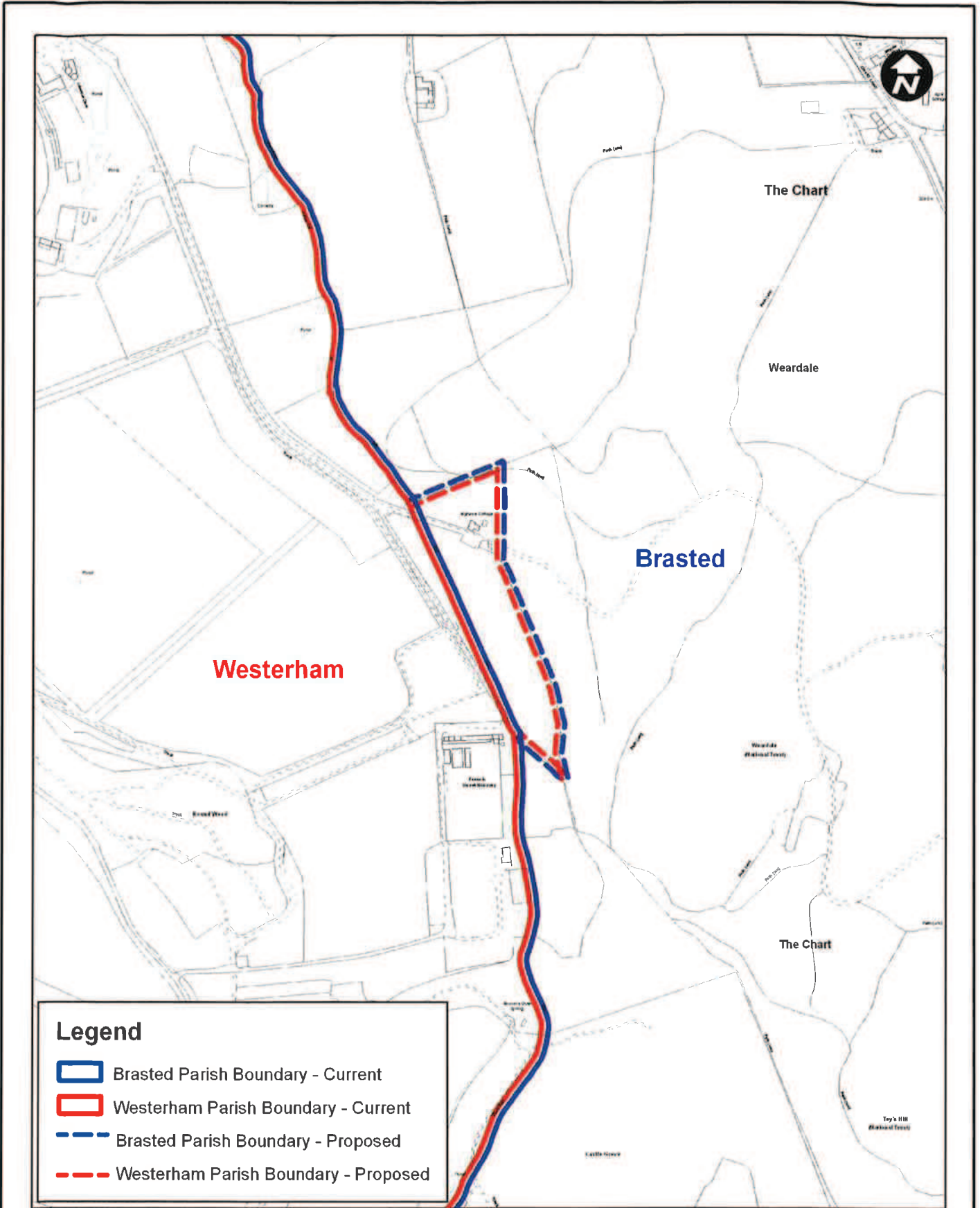
Leigh and Penshurst


Scale: 1:2,500
Date: May 2012

Produced by the GIS Team, Sevenoaks District Council



 <p>Sevenoaks DISTRICT COUNCIL</p> <p><small>This map is based upon the Ordnance Survey data with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sevenoaks District Council, 160019428 2011</small></p>	Map 6	Scale: 1:5,000
	COMMUNITY GOVERNANCE REVIEW	Date: May 2012
	Shoreham and Otford	



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	COMMUNITY GOVERNANCE REVIEW	Date: May 2012
	Brasted and Westerham	

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Item 5(b) – Local Council Tax Support Scheme

Cabinet - Recommendation to Council

At its meeting on 8 November 2012 Cabinet considered the matter as follows:

“Members considered a report providing an update on the progress made in developing a local Council Tax Support Scheme for Sevenoaks District. The report contained a summary of the responses to the Council’s consultation on its draft scheme and Members considered the Equalities Impact Assessment of the draft scheme. The report also set out the developments in the negotiation of a Kent-wide scheme and the latest announcement from Government regarding the design of local council tax support schemes.

Members noted that the Council was required to develop and implement a local council tax support scheme to replace the current council tax benefit scheme through legislation in the Local Government Finance Bill. The decision on the final scheme needed to be taken by Council and to meet the requirements of legislation the decision of Council needed to be made by 31 January 2013 and the scheme operational by 1 April 2013. Failure to this would result in the Council being required to adopt the default scheme defined in legislation. This effectively was to operate the current council tax benefit scheme, but to do so with a reduction in funding of 10% on current levels.

The following updated recommendations were circulated to Cabinet as work on devising a Kent-wide scheme was not concluded until the day before the meeting:

Cabinet recommendation to Council:

It be resolved that...

- 1 The Council introduce a local support for council tax scheme that all residents of working age receive a deduction on the amount of council tax support they are entitled to, calculated on the basis of the current council tax benefit scheme, of 18.5%.
- 2 In year 1 of the scheme, from 1 April 2013 to 31 March 2014 the Council applies transitional protection for all residents of working age eligible to receive council tax support. This transitional protection ensures that in year 1 only all residents of working age receive a deduction of 8.5% on the amount of council tax support they are entitled to, as calculated on the basis of the current council tax benefit scheme.
- 3 The Council applies to the Government’s grant scheme for a financial contribution towards the transitional protection provided to residents once the grant scheme opens after 31 January 2013.
- 4 The Portfolio Holder for Value for Money is provided delegated authority to implement any consequential amendments to the local scheme as a result of the Government publishing its final regulations.

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The Group Manager, Financial Services, reported that on 16 October the Government announced that an additional £100m grant would be provided if Councils devised a scheme where claimants only paid between zero and 8.5%.

The Leader, Chief Executive, Director of Corporate Resources and Group Manager, Financial Services had attended meetings to consider a new Kent-wide proposal . The proposal that had been developed was for an 18.5% scheme for three years with a discount in year 1 to reduce it to 8.5% and therefore taking advantage of the additional grant. Officers would continue to look for ways of also reducing the 18.5% in later years by reviewing other Council Tax discounts and exemptions.

In response to a question, the Group Manager, Financial Services, reported that it was unlikely that the grant from the Government would fund the discount in totality but agreement had been secured from the major preceptors that any difference would be underwritten.

Resolved: That

- 1 The Council be recommended to introduce a local support for council tax scheme that all residents of working age receive a deduction on the amount of council tax support they are entitled to, calculated on the basis of the current council tax benefit scheme, of 18.5%.
- 2 In year 1 of the scheme, from 1 April 2013 to 31 March 2014 the Council be recommended to apply transitional protection for all residents of working age eligible to receive council tax support. This transitional protection ensures that in year 1 only all residents of working age receive a deduction of 8.5% on the amount of council tax support they are entitled to, as calculated on the basis of the current council tax benefit scheme.
- 3 The Council be recommended to apply to the Government's grant scheme for a financial contribution towards the transitional protection provided to residents once the grant scheme opens after 31 January 2013.
- 4 Authority be delegated to the Portfolio Holder for Value for Money to implement any consequential amendments to the local scheme as a result of the Government publishing its final regulations."

LOCAL COUNCIL TAX SUPPORT SCHEME

Council – 27 November 2012

Report of the: Deputy Chief Executive and Director of Corporate Resources

Status: For Decision

Also considered by: Cabinet – 8 November 2012

Key Decision: Yes

Executive Summary: The Local Government Finance Bill has introduced one of the biggest, fundamental changes to the administration of council tax. The Bill will require that all council tax billing authorities put in place a local Council Tax Support Scheme to replace the current national Council Tax Benefit Scheme by 31 January 2013, to commence on 1 April 2013.

This report sets out the developments in the negotiation of a Kent wide scheme and the latest announcement from Government before setting out the proposed local Council Tax Support Scheme for Sevenoaks District.

A summary of the responses to the council's consultation and an Equalities Impact Assessment for the proposed scheme are also included.

This report supports the Key Aim of Effective Management of Council Resources

Portfolio Holder Cllr. Ramsay

Head of Service Group Manager Financial Services – Adrian Rowbotham

Recommendation to Council: Having considered the equality impacts, as set out from paragraph 43, it be resolved that:

- (a) The Council introduce a local support for council tax scheme that all residents of working age receive a deduction on the amount of council tax support they are entitled to, calculated on the basis of the current council tax benefit scheme, of 18.5%.
 - (b) In year 1 of the scheme, from 1 April 2013 to 31 March 2014 the Council applies transitional protection for all residents of working age eligible to receive council tax support. This transitional protection ensures that in year 1 only all residents of working age receive a deduction of 8.5% on the amount of council tax support they are entitled to, as calculated on the basis of the current council tax benefit scheme.
 - (c) The Council applies to the Government's grant scheme for a financial contribution
-

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towards the transitional protection provided to residents once the grant scheme opens after 31 January 2013.

- (d) The Portfolio Holder for Value for Money is provided delegated authority to implement any consequential amendments to the local scheme as a result of the Government publishing its final regulations.

Reason for recommendation: The Council are required to develop and implement a local council tax support scheme to replace the current council tax benefit scheme through legislation in the Local Government Finance Bill.

The decision on the final scheme must be taken by Council and to meet the requirements of legislation the decision of Council must be made by 31 January 2013 and the scheme operational by 1 April 2013.

Failure to do so will result in the council being required to adopt the default scheme defined in legislation. This effectively is to continue operating the current council tax benefit scheme, but to do so with a reduction in funding of 10% on current levels.

Introduction

- 1 The current national scheme for council tax benefit will cease on 31 March 2013 and be replaced by local schemes from 1 April 2013.
- 2 Currently district councils, as billing authorities, make a “payment” of council tax benefit to eligible claimants and generally recover the full amount as grant from Government. The “payment” is by way of a charge to benefits and a credit to the council tax account. No cash is involved.
- 3 With new local schemes, if a claimant is eligible for any support it will be deducted as a “discount” from the council tax bill, rather than as a “payment”, in the same way as other discounts e.g. single person discount. This has the effect of reducing the council tax base for billing (Sevenoaks District Council) and major precepting authorities (Kent County Council, Kent Police Authority and Kent & Medway Fire and Rescue Authority). The Government has now stated that Town and Parish Councils will not be affected by this change and their council tax base will therefore be unchanged as a result of the introduction of local council tax support schemes.
- 4 Government will pay a grant to contribute towards council tax “discounts” given to claimants. This will be paid directly to both district and upper tier authorities, but not parish councils. The grant will be a fixed amount and for 2013/14 (at least) it will be lower than the current amount of council tax benefit paid out by the authority by approximately 10%.
- 5 From 1 April 2013 all the financial risk of new local council tax support schemes rests with local authorities. Nationally expenditure on council tax benefit has roughly doubled in the last ten years so this is a significant financial risk. For example, demographic change in the population will be borne by councils in the future. In the case of Sevenoaks there is an increased element of risk in that it has the highest proportion of people of pension age in Kent. The Government has

ensured that pensioners are protected from any reform to council tax support through local schemes and as a result any growth in this age group will require increased expenditure from a fixed sum of grant, with the resultant impact of less money available to support working age people with their council tax bill.

- 6 One effect of these changes will be that some claimants who have not previously had to pay any council tax may be required to pay a proportion under a new scheme.
- 7 The fundamental questions to consider in developing local schemes are:
 - Should any other vulnerable groups (other than pensioners) receive an enhanced level of council tax support?
 - How much extra should existing council tax benefit claimants be asked to pay towards their council tax bill?
- 8 Sevenoaks District Council, as the billing authority, is the lead authority and is responsible for developing and approving a scheme.
- 9 The deadline for approving the new scheme is 31 January 2013 and it will become operational on 1 April 2013.
- 10 A consultation process has taken place to ensure that the views of the affected parties are taken into account before the new scheme is finalised. A summary of the results is provided within this report.

Constraints when devising a local scheme

- 11 The timescale for implementation is extremely tight and it is almost impossible to devise a new scheme that is significantly different from the current council tax benefit regulations by 1 April 2013. It is the responsibility of lead authorities to devise a scheme, consult on it, put all administrative processes in place, procure and test software enhancements and notify claimants. All of this has to be done without detailed knowledge of the legislative requirements and without knowing how much grant will be received, as this information is yet to be published by Government.
- 12 Without careful consideration, analysis and testing of any proposals the risk of producing a local council tax support scheme with unintended consequences for claimants for 2013/14 is high.
- 13 Benefit and council tax administration are complex processes and authorities rely on specialist software. The benefits database includes core information that calculates entitlement for both housing benefit and council tax benefit. This means that if the data requirements for the local council tax support scheme are different from the data requirements for housing benefit, then data may need to be collected and input twice. This would result in a decline in service levels for customers and the likelihood that the council would incur additional costs.
- 14 There are only a few suppliers of specialist council tax and benefit software in the market. From discussions with them it is clear that it would be impossible for

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them to provide the resources to construct unique systems for potentially over 300 local schemes within the required timescale. The suppliers have informed Government of this issue.

- 15 The risk of system failure is the biggest single risk to successful implementation of the council's local support for council tax scheme.
- 16 Taking the above issues into account, one of the key criteria when selecting a new scheme is that it operates in a very similar way to the current council tax benefit scheme. In doing so it reduces the risk of encountering major problems in implementation and enables the council to continue to provide additional support for the most vulnerable groups, dependent on their individual circumstances, through the current council tax benefit calculation rules.

Developments in devising a local scheme

- 17 An operational group of officers at this Council has been considering the possible options for developing a local council tax support scheme that takes into account the stream of information provided by the Government during this year. There has also been a Kent-wide group consisting of billing authorities and major precepting authorities looking at alternative options. The Leader of the Council, the Chief Executive and the Director of Corporate Resources have all been heavily involved in negotiating a Kent-wide deal that minimises the risk to this council and limits the impact on affected groups.
- 18 A Kent-wide scheme could deliver significant advantages. It would reduce confusion for claimants moving between authorities within the county. Also, as the council operates a joint Revenues and Benefits Service with Dartford Borough Council, it would be much easier and more cost effective for staff to administer a common scheme across both authorities.
- 19 Members of the Kent Forum agreed a Kent-wide scheme that would be financially sustainable whilst minimising the impact on working age claimants. The scheme was presented to Council on 24 July 2012 and consisted of the following criteria:
 - a. The District accepts a standard deduction of 18.5% on all non-pensioner claimants (i.e. if a claimant currently receives 100% benefit, they will receive 81.5% discount under this scheme);
 - b. and agrees to reduce the exemption on Class C empty properties from 6 months to 3 months;
 - c. then Major Precepting Authorities will agree 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;
 - d. and pay £125,000 to each district each year as a contribution to the increased administration, collection and recovery costs of the new scheme;
 - e. and 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%.

- 20 Members should note that the Kent wide scheme would apply for three years before it would be subject to review.

Consultation

- 21 At their meeting of 24 July 2012 Council agreed that a consultation be carried out to collect peoples views on the proposal to reduce the amount of council tax benefit awarded to working age claimants by 18.5%, whilst protecting all pension age claimants as required by Government.
- 22 The council consulted over an 8 week period between 6 August and 30 September 2012. The consultation questionnaire set out the Council's preferred option and provided an opportunity for respondents to comment on the scheme and offer suggestions that could assist with the final scheme design. The Council's Equality Impact Assessment was commenced prior to the consultation and was published on the Council's website, to allow respondents to provide informed feedback.
- 23 A summary of the consultation process, including details of the range of measures taken to inform people of the consultation, a summary of the results and annexes detailing the response provided by different categories of respondent is provided at Appendix A to this report.
- 24 In summary, the Council received 82 responses to the consultation. Of these 57 were completed online and 25 were sent in by post. The key results of the consultation are:
- 71% of respondents **agree** that pensioners should be protected from any changes to council tax benefit;
 - 61% of respondents **agree** that the amount of local council tax support claimants receive should be based on the current council tax benefit calculation;
 - 62% of respondents **disagree** with the Council's proposal for an 18.5% reduction in council tax support for all working age claimants; and
 - 71% of respondents providing comments to the open text question suggested that further protections should be put in place within the Council's local support for council tax scheme rather than the reductions not occurring at all (21%).

Government Announcement

- 25 On 16 October 2012 the Department for Communities and Local Government (DCLG) announced an additional £100m of funding for councils to help support them in developing well-designed local council tax support schemes and maintain positive incentives to work.

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- 26 The new £100m transitional grant is voluntary and available to councils who choose to design their local schemes so that those who would be on 100% support under the current Council Tax Benefit arrangements pay between zero and no more than 8.5% of their current council tax liability.
- 27 Initial analysis of this announcement indicates that the £100m grant would be insufficient to cover the gap in funding if applied nationally by all authorities.
- 28 Importantly it must also be noted that the grant will only be payable for one year. As a result any authority adjusting their scheme to qualify for the grant would have to consider the need to provide their own additional funding or the need to design and consult on a new scheme for 2014/15.

Negotiation

- 29 Since the last report was presented to Cabinet in July, the Deputy Chief Executive and Director of Corporate Resources has been undertaking negotiations with Kent County Council to look at ways of reducing the effect on working age claimants from 18.5%.
- 30 Following the Government announcement explained above, the Leader and Chief Executive have also been involved in further negotiations with the other Kent authorities.

Proposed Scheme

- 31 Following these negotiations, the scheme previously presented has been amended to an 18.5% scheme for three years with a discount in year 1 to reduce it to 8.5%, enabling the Council to seek additional financial grant from Government to better support residents who require assistance in meeting their council tax bill.
- 32 It has also been agreed that officers will continue to minimise the impact on residents in future years by investigating ways of reducing the 18.5% in later years by continuing to review how other council tax discounts and exemptions are applied.
- 33 The amended scheme consists of the following criteria:
 - a. **The District** accepts a standard deduction of 18.5% on all non-pensioner claimants (i.e. if a claimant currently receives 100% benefit, they will receive 81.5% discount under this scheme) with a discount in year 1 to reduce it to 8.5% (i.e. if a claimant currently received 100% benefit, they will receive 91.5% discount);
 - b. and agrees to apply for the Government's Transitional Grant for 2012/13;
 - c. and reduces the exemption on Class C empty properties from 6 months to 3 months;
 - d. **then Major Precepting Authorities (jointly)** will agree 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;

- e. and pay £125,000 to each district each year as a contribution to the increased administration, collection and recovery costs of the new scheme;
 - f. and 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%.
- 34 Members should note that the Kent wide scheme would apply for three years before it would be subject to review.

Key Implications

Financial

- 35 The Council currently pays approximately £6.8m in Council Tax Benefit and this is fully reimbursed as Government grant.
- 36 From April 2013 the current grant will be reduced by at least 10% to about £6.1m. This grant will be shared by the billing and major precepting authorities. This council's share is approximately 12% which equates to about £700,000.
- 37 By adopting a Kent-wide scheme, a significant proportion of financial impact for the first three years will be borne by the three major precepting authorities instead of this council. If a different option is chosen, the financial impact for this council could be significant.

Community Impact and Outcomes

- 38 A consultation and an Equalities Impact Assessment has been undertaken on the potential effects of the scheme options on the public and other affected parties. The results of the consultation are set out at Appendix A to this report and further detail on the impact assessment is set out at paragraph 43 below.

Legal, Human Rights etc.

- 39 The final scheme approved by the council must meet the requirements to be provided under the Local Government Finance Bill.
- 40 The Council has continued to update its Equality Impact Assessment as the potential options for the scheme have developed and more information has become available. This ensures that potential affects have been identified and where possible mitigating actions are taken.

Resource (non-financial)

- 41 Adopting the Kent wide scheme reduces the likelihood of additional resources being required for the administration of local support for council tax support applications as it continues to be based on the current council tax benefit scheme.
- 42 However it is anticipated that additional resources may be required to support people in making their payments and to collect money that is not paid on time. As part of the proposed scheme the major preceptors are contributing £125,000 to

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provide such additional resources, therefore minimising any associated financial costs to this Council.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	Yes	Various options for achieving a 10% reduction in expenditure based on the current caseload have been considered for our authorities and Kent wide. Whatever scheme is introduced it will entail money being collected from some of the more vulnerable residents in our boroughs and districts.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	The Government has prescribed that pensioners will be protected from any reduction in support as a result of this reform.
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		See Appendix B to this report.

43 To assist Members in having due and full regard to their responsibilities under the Public Sector Equality Duty, a full and detailed Equality Impact Assessment has been completed and is attached at Appendix B. The equality impact assessment shows the main impacts are:

- With an 18.5% deduction to current council tax benefit entitlement people with a disability would pay £2.10 more per week towards their council tax bill whilst the average additional payment for claimants without a disability would be £1.68 more per week. By reducing the deduction to 8.5% people with a disability would pay £0.96 more per week towards their council tax bill whilst the average additional payment for claimants without a disability would be £0.77 more per week. This is a gap of £0.19 per week or £10 per year.
- With an 18.5% deduction to current council tax benefit entitlement carers would pay £2.87 extra per week towards their council tax bill, whilst the average additional payment for claimants who are not carers would be £1.69 more per week. By reducing the deduction to 8.5% carers would pay £1.33 more per week towards their council tax bill whilst the average additional payment for claimants who are not carers would be £0.77 more per week. This is a gap of £0.56 per week or £29 per year.
- Whilst the 18.5% cut also has potential to impact on some non-pensioner age groups, this is as a result of the protection of pensioners being prescribed by Government. The Council therefore have no discretion in implementing this aspect of the scheme.

- 44 Members are asked to note the potential impact on people with disabilities, carers and working age groups and the following measures to mitigate these:
- Continuing to base claimants' entitlement to council tax support on the existing council tax benefit scheme. This ensures that people with disabilities, carers and families who incur child care costs are treated more favourably by disregarding some income, giving them a higher council tax benefit entitlement from which any subsequent deduction is then made.
 - Introduction of a transitional year which will reduce the extent of the impacts in year one.
 - Reviewing the scheme, prior to any further decisions being taken about how the scheme will operate after year one, to identify any longer-term measures needed to mitigate any on going impacts.

Conclusions

- 45 Localisation of council tax benefit is seen by many as one of the biggest changes to local government since the community charge. In the current economic climate, the cost of benefits will continue to increase and the impact on district councils both financially and from a social wellbeing perspective is likely to be significant and unsustainable.
- 46 A Kent-wide scheme is likely to limit the extent of the financial risk to this authority, whilst most importantly ensuring that the final scheme is as fair as possible to the residents of this district.

Risk Assessment Statement

- 47 The key risks to the successful delivery of a local scheme by April 2013 include:
- Failure to agree a local scheme would result in the forced adoption of the Government's default scheme which would result in a significant cost to this council;
 - Government delays in progressing primary legislation;
 - Failure of the IT service provider to meet the required deadlines and to provide a fault free system.

Appendices Appendix A – Summary of consultation responses

Appendix B – Equality Impact Assessment

Background Papers: Report to Council 24 July 2012 – Localisation of Support for Council Tax:
<http://cds.sevenoaks.gov.uk/documents/s6791/Localisation%20of%20Council%20Tax%20Support.pdf>

Report to Council 24 July 2012 – Localisation of Support for Council Tax – Appendix A:
<http://cds.sevenoaks.gov.uk/documents/s6713/Localisation%20of%20Support>

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[t%20for%20Council%20Tax%20-%20Appendix%20A.pdf](#)

Department for Communities and Local Government – Localising Council Tax
Support documents:
<http://www.communities.gov.uk/localgovernment/localgovernmentfinance/counciltax/counciltaxsupport/>

Contact Officer(s): Adrian Rowbotham Ext. 7153
Lee Banks Ext. 7161

Dr. Pav Ramewal
Deputy Chief Executive and Director of Corporate Resources

Local Support for Council Tax

Summary of consultation responses

1. Background

- 1.1 Over an 8 week period between 6 August and 30 September 2012 the council consulted on its proposal to apply a standard deduction of 18.5% on current benefit levels to all working age claimants from 1 April 2013.
- 1.2 The consultation set out the Council's preferred option and provided an opportunity for respondents to comment on the scheme and offer suggestions that could assist with the final scheme design. The consultation gave the opportunity for stakeholders affected by each of the options to give their views before the Council takes further decisions.
- 1.3 The consultation could have been completed on line or where requested a paper copy of the consultation pack was provided to residents with a free post envelope for it to be returned to the Council offices.

2. The consultation process

- 2.1 To ensure that all current council tax benefit claimants, other residents and interested parties were informed of the proposed changes and the consultation period the council:
 - Sent a letter to all council tax benefit claimants (6,669 at the end of July 2012) informing them of the changes, provided examples of how they may be affected and inviting them to respond to the consultation;
 - Sent an Email to local charity, voluntary and stakeholder groups who are registered to receive communications from the Benefits team;
 - Placed an article in the Council's In Shape magazine which was delivered to all households in the District in late August 2012 and is also available on the Council website;
 - Placed an article in the resident magazine of West Kent Housing Association which was delivered to all of their residents in September 2012;
 - Carried out a media briefing and issued press releases, with subsequent coverage in the local press from the Sevenoaks Chronicle, Edenbridge Courier, Dartford and Swanley News shopper and The Reporter; and
 - Advertised the consultation on the homepage of the council website and regularly through the Council's Twitter account.
- 2.2 In addition the council designed its own interactive tool, which is available on the Council website, to help residents quantify the potential impact on them and also operated a dedicated phone line throughout the 8 week consultation period to allow concerned residents to talk directly to officers with good knowledge of the council's proposal.

3. Summary of Results

3.1 In total the Council had 82 responses to the consultation. Of these 57 were completed online and 25 were sent in by post. The table below summarises those that responded to the consultation.

Table 1:

	Number	Percentage
Resident – Non claimant	22	26.8%
Resident – Benefit claimant	55	67.1%
Non-resident	2	2.4%
Did not say	3	3.7%
Working Age	59	72.0%
Pension Age	21	25.6%
Did not say	2	2.4%
Male	36	43.9%
Female	41	50.0%
Did not say	5	6.1%
Carers	17	20.7%
Disability	39	47.6%

3.2 The consultation asked for direct responses to three questions. Set out below is a summary of each of those questions and the responses that were received.

Table 2:

Q1	Do you agree that people of pension age should be protected from any deductions to council tax?	
	Number	Percentage
Agree	58	70.7%
Disagree	17	20.7%
Did not say	7	8.5%

Table 3:

Q2	Do you agree that the amount of local council tax support you receive should be based on the current council tax benefit calculation?	
	Number	Percentage
Agree	50	61.0%
Disagree	13	15.9%
Did not say	19	23.2%

Table 4:

Q3	Do you agree that all working age people should receive a reduction in their council tax benefit of 18.5%?	
	Number	Percentage
Agree	17	20.7%
Disagree	51	62.2%
Did not say	14	17.1%

3.3 The fourth question in the consultation survey provided an open text box for respondents to record any suggestions or comments they had that could assist the Council in developing its final local support for council tax scheme.

3.4 In total 49 responses were received to this question. Each of these has been grouped in to categories that convey the key message that each of the respondents has given. These are set out in Table 5 below.

Table 5:

Response	Number	Percentage
(a) In support of the proposal		
Continue with the proposed scheme	4	8.3%
(b) Against the proposal		
Do not pass on the cuts, make savings in other services	5	10.4%
Charge more council tax on expensive properties / wealthy people	2	4.2%
Increase charges on second and empty homes	3	6.3%
(c) Make amendments to the proposal		
Protect the poorest, those that do not have the money to pay more	10	20.8%
Protect disabled people / families and their carers	11	23.0%
Support working poor / working families	3	6.3%
Support the unemployed	2	4.2%
Pensioners should not be protected	7	14.6%
Tier deductions to better reflect individual circumstances	1	2.1%

- 3.5 One response is not included in the data provided at Table 5. This respondent felt that the consultation could have been clearer in describing how the future support calculation will be carried out, but did not provide any suggestions for changes to the scheme.

4. Summary

4.1 In summary the key results of the consultation are:

- 71% of respondents agree that pensioners should be protected from any changes to council tax benefit;
- 61% of respondents agree that the amount of local council tax support claimants receive should be based on the current council tax benefit calculation;
- 62% of respondents disagree with the Council's proposal for an 18.5% reduction in council tax support for all working age claimants; and
- 71% of respondents providing comments to the open text question suggested that further protections should be put in place within the Council's local support for council tax scheme rather than the reductions not occurring at all (21%).

Annex 1 – Consultation response from council tax benefit claimants

Table 1:

Q1	Do you agree that people of pension age should be protected from any deductions to council tax?	
	Number	Percentage
Agree	43	78.2%
Disagree	9	16.4%
Did not say	3	5.5%

Table 2:

Q2	Do you agree that the amount of local council tax support you receive should be based on the current council tax benefit calculation?	
	Number	Percentage
Agree	34	61.8%
Disagree	9	16.4%
Did not say	12	21.8%

Table 3:

Q3	Do you agree that all working age people should receive a reduction in their council tax benefit of 18.5%?	
	Number	Percentage
Agree	6	10.9%
Disagree	40	72.7%
Did not say	9	16.4%

Summary of council tax benefit claimant responses

- 78.2% of council tax benefit claimants agree that pensioners should be protected from any deductions. In comparison 70.7% of all respondents and 59.1% of respondents who are not council tax benefit claimants agree pensioners should be protected.
- 61.8% of council tax benefit claimants agree that the benefit calculation should not be changed. In comparison 61.0% of all respondents and 63.6% of respondents who are not council tax benefit claimants agree that the benefit calculation should not change.
- 72.7% of council tax benefit claimants disagree that working age people should receive an 18.5% reduction to their council tax benefit. In comparison 62.2% of all respondents and 36.4% of respondents who are not council tax benefit claimants disagree that council tax benefit should be reduced by 18.5% for working age claimants.

Annex 2 – Consultation response from non benefit claimants

Table 1:

Q1	Do you agree that people of pension age should be protected from any deductions to council tax?	
	Number	Percentage
Agree	13	59.1%
Disagree	6	27.3%
Did not say	3	13.6%

Table 2:

Q2	Do you agree that the amount of local council tax support you receive should be based on the current council tax benefit calculation?	
	Number	Percentage
Agree	14	63.6%
Disagree	4	18.2%
Did not say	4	18.2%

Table 3:

Q3	Do you agree that all working age people should receive a reduction in their council tax benefit of 18.5%?	
	Number	Percentage
Agree	10	45.5%
Disagree	8	36.4%
Did not say	4	18.2%

Summary of non council tax benefit claimant responses

- 59.1% of non benefit claimants agree that pensioners should be protected from any deductions. In comparison 70.7% of all respondents and 78.2% of respondents who are council tax benefit claimants agree pensioners should be protected.
- 63.6% of non benefit claimants agree that the benefit calculation should not be changed. In comparison 61.0% of all respondents and 61.8% of respondents who are council tax benefit claimants agree that the benefit calculation should not change.
- 36.4% of non benefit claimants disagree that working age people should receive an 18.5% reduction to their council tax benefit. In comparison 62.2% of all respondents and 72.7% of respondents who are council tax benefit claimants disagree that council tax benefit should be reduced by 18.5% for working age claimants.

Annex 3 – Consultation response from people of working age

Table 1:

Q1		Do you agree that people of pension age should be protected from any deductions to council tax?	
		Number	Percentage
Agree		39	66.1%
Disagree		15	25.4%
Did not say		5	8.5%

Table 2:

Q2		Do you agree that the amount of local council tax support you receive should be based on the current council tax benefit calculation?	
		Number	Percentage
Agree		35	59.3%
Disagree		12	20.3%
Did not say		12	20.3%

Table 3:

Q3		Do you agree that all working age people should receive a reduction in their council tax benefit of 18.5%?	
		Number	Percentage
Agree		10	16.9%
Disagree		42	71.2%
Did not say		7	11.9%

Summary of responses from people of working age

- 66.1% of working age people agree that pensioners should be protected from any deductions. In comparison 70.7% of all respondents and 85.7% of respondents who are pension age agree that pensioners should be protected.
- 59.3% of working age people agree that the benefit calculation should not be changed. In comparison 61.0% of all respondents and 66.7% of respondents who are pension age agree that the benefit calculation should not change.
- 71.2% of working age people disagree that working age people should receive an 18.5% reduction to their council tax benefit. In comparison 62.2% of all respondents and 38.1% of respondents who are pension age disagree that council tax benefit should be reduced by 18.5% for working age claimants.

Annex 4 – Consultation response from people of pension age

Table 1:

Q1	Do you agree that people of pension age should be protected from any deductions to council tax?	
	Number	Percentage
Agree	18	85.7%
Disagree	1	4.8%
Did not say	2	9.5%

Table 2:

Q2	Do you agree that the amount of local council tax support you receive should be based on the current council tax benefit calculation?	
	Number	Percentage
Agree	14	66.7%
Disagree	1	4.8%
Did not say	6	28.6%

Table 3:

Q3	Do you agree that all working age people should receive a reduction in their council tax benefit of 18.5%?	
	Number	Percentage
Agree	6	28.6%
Disagree	8	38.1%
Did not say	7	33.3%

Summary of responses from people of pension age

- 85.7% of pension age people agree that pensioners should be protected from any deductions. In comparison 70.7% of all respondents and 66.1% of respondents who are working age agree that pensioners should be protected.
- 66.7% of pension age people agree that the benefit calculation should not be changed. In comparison 61.0% of all respondents and 59.3% of respondents who are working age agree that the benefit calculation should not change.
- 38.1% of pension age people disagree that working age people should receive an 18.5% reduction to their council tax benefit. In comparison 62.2% of all respondents and 71.2% of respondents who are working age disagree that council tax benefit should be reduced by 18.5% for working age claimants.

Annex 5 – Consultation response from males

Table 1:

Q1 Do you agree that people of pension age should be protected from any deductions to council tax?		
	Number	Percentage
Agree	26	72.2%
Disagree	8	22.2%
Did not say	2	5.6%

Table 2:

Q2 Do you agree that the amount of local council tax support you receive should be based on the current council tax benefit calculation?		
	Number	Percentage
Agree	23	63.9%
Disagree	7	19.4%
Did not say	6	16.7%

Table 3:

Q3 Do you agree that all working age people should receive a reduction in their council tax benefit of 18.5%?		
	Number	Percentage
Agree	8	22.2%
Disagree	26	72.2%
Did not say	2	5.6%

Summary of responses from males

- 72.2% of males agree that pensioners should be protected from any deductions. In comparison 70.7% of all respondents and 73.2% of female respondents agree that pensioners should be protected.
- 63.9% of males agree that the benefit calculation should not be changed. In comparison 61.0% of all respondents and 63.4% of female respondents agree that the benefit calculation should not change.
- 72.2% of males disagree that working age people should receive an 18.5% reduction to their council tax benefit. In comparison 62.2% of all respondents and 58.5% of female respondents disagree that council tax benefit should be reduced by 18.5% for working age claimants.

Annex 6 – Consultation response from females

Table 1:

Q1	Do you agree that people of pension age should be protected from any deductions to council tax?	
	Number	Percentage
Agree	30	73.2%
Disagree	8	19.5%
Did not say	3	7.3%

Table 2:

Q2	Do you agree that the amount of local council tax support you receive should be based on the current council tax benefit calculation?	
	Number	Percentage
Agree	26	63.4%
Disagree	6	14.6%
Did not say	9	22.0%

Table 3:

Q3	Do you agree that all working age people should receive a reduction in their council tax benefit of 18.5%?	
	Number	Percentage
Agree	8	19.5%
Disagree	24	58.5%
Did not say	9	22.0%

Summary of responses from females

- 73.2% of females agree that pensioners should be protected from any deductions. In comparison 70.7% of all respondents and 72.2% of male respondents agree that pensioners should be protected.
- 63.4% of females agree that the benefit calculation should not be changed. In comparison 61.0% of all respondents and 63.9% of male respondents agree that the benefit calculation should not change.
- 58.5% of females disagree that working age people should receive an 18.5% reduction to their council tax benefit. In comparison 62.2% of all respondents and 72.2% of male respondents disagree that council tax benefit should be reduced by 18.5% for working age claimants.

Annex 7 – Consultation response from carers

Table 1:

Q1	Do you agree that people of pension age should be protected from any deductions to council tax?	
	Number	Percentage
Agree	12	70.6%
Disagree	5	29.4%
Did not say	0	0%

Table 2:

Q2	Do you agree that the amount of local council tax support you receive should be based on the current council tax benefit calculation?	
	Number	Percentage
Agree	12	70.6%
Disagree	4	23.5%
Did not say	1	5.9%

Table 3:

Q3	Do you agree that all working age people should receive a reduction in their council tax benefit of 18.5%?	
	Number	Percentage
Agree	3	17.6%
Disagree	14	82.4%
Did not say	0	0%

Summary of responses from carers

- 70.6% of carers agree that pensioners should be protected from any deductions. In comparison 70.7% of all respondents and 74.1% of respondents who are not carers agree that pensioners should be protected.
- 70.6% of carers agree that the benefit calculation should not be changed. In comparison 61.0% of all respondents and 61.1% of respondents who are not carers agree that the benefit calculation should not change.
- 82.4% of carers disagree that working age people should receive an 18.5% reduction to their council tax benefit. In comparison 62.2% of all respondents and 57.4% of respondents who are not carers disagree that council tax benefit should be reduced by 18.5% for working age claimants.

Annex 8 – Consultation response from people with a disability

Table 1:

Q1	Do you agree that people of pension age should be protected from any deductions to council tax?	
	Number	Percentage
Agree	29	74.4%
Disagree	8	20.5%
Did not say	2	5.1%

Table 2:

Q2	Do you agree that the amount of local council tax support you receive should be based on the current council tax benefit calculation?	
	Number	Percentage
Agree	20	51.3%
Disagree	9	23.1%
Did not say	10	25.6%

Table 3:

Q3	Do you agree that all working age people should receive a reduction in their council tax benefit of 18.5%?	
	Number	Percentage
Agree	5	12.8%
Disagree	30	76.9%
Did not say	4	10.3%

Summary of responses from people with a disability

- 74.4% of people with a disability agree that pensioners should be protected from any deductions. In comparison 70.7% of all respondents and 73.0% of respondents who are not disabled agree that pensioners should be protected.
- 51.3% of people with a disability agree that the benefit calculation should not be changed. In comparison 61.0% of all respondents and 73.0% of respondents who are not disabled agree that the benefit calculation should not change.
- 76.9% of people with a disability disagree that working age people should receive an 18.5% reduction to their council tax benefit. In comparison 62.2% of all respondents and 51.4% of respondents who are not disabled disagree that council tax benefit should be reduced by 18.5% for working age claimants.

Equality Impact Assessment

Details of the assessment	
Name of Function/Policy/ Service being assessed	Localisation of Council Tax Support
Date of assessment	Commenced: 19 June 2012 Updated for consultation: 6th August 2012 Updated post consultation: 26th October 2012 Completed: 14th November 2012
Name of officers carrying out assessment:	The assessment is being carried out by finance leads and equalities leads from the West Kent Equality Partnership authorities (Sevenoaks D.C., Tonbridge & Malling B.C., Tunbridge Wells B.C.).

Step 1	Initial Screening	
	Key Questions	Answers/Notes
1	What are you looking to achieve in this activity?	<p>Localisation of Council Tax Benefit is part of a programme of national policy change to the welfare system ensuring that it encourages people to work.</p> <p>From 1st April 2013, the Government will require all Councils to establish their own local schemes for council tax support to replace the nationally designed Council Tax Benefit scheme. These changes will reduce the level of funding received by Councils to deliver the scheme (by 10%) and allow the Council to decide who to financially support, outside of nationally prescribed elements which includes protecting support received by pensioners.</p> <p>It is the Councils intention is to develop a local scheme which takes the fairest overall course of action permitted by the nationally prescribed elements and the significant reduction in funding.</p>

Equality Impact Assessment

Step 1	Initial Screening	
	Key Questions	Answers/Notes
2	Who in the main will be affected?	<ul style="list-style-type: none"> – Eligible claimants for council tax support. – Potentially all council tax payers (depending on the scheme adopted, any local variations and the outcome of consultation). <p>The Government have conducted their own EqIA on the nationally prescribed elements of the scheme which states the main benefits as: “Giving local authorities a significant degree of control over how a 10% reduction in expenditure on the current Council Tax Benefit bill is achieved, allowing councils to balance local priorities and their own financial circumstances.”</p> <p>Ref: http://www.communities.gov.uk/documents/localgovernment/pdf/2063707.pdf</p>
3	Does the activity have the potential to cause adverse impact or discriminate against different groups in the community?	Yes <input checked="" type="checkbox"/> Please explain: Various options for achieving a 10% reduction in expenditure based on the current caseload have been considered for our authorities and Kent wide. Whatever scheme is introduced it will entail money being collected from some of the more vulnerable residents in our boroughs and districts.
		No <input type="checkbox"/> Please explain:
		Note: if the answer is 'yes' then a full equality impact assessment is required – see step 2.
4	Does the activity make a positive contribution to equalities?	Yes <input checked="" type="checkbox"/> Please explain: The Government has prescribed that pensioners will be protected from any reduction in support as a result of this reform.
		No <input type="checkbox"/> Please explain:
		Note: if the answer is 'yes' then a full equality impact assessment is required – see step 2.

Equality Impact Assessment

	Key Questions	Answers/Notes
Step 2	Scoping the assessment	
1.	What is the overall aim, or purpose of the function/ policy/service?	The purpose of the proposed legislative changes are set out in the Department for Communities and Local Government guidance document: http://www.communities.gov.uk/documents/localgovernment/pdf/19510253.pdf It is the Council's intention to develop a local scheme, within the local discretion provided by Government, which takes the fairest overall course of action permitted by the nationally prescribed elements and the significant reduction in funding.
2.	What outcomes do you want to achieve with this function/ policy/service and for whom?	To develop a local scheme which: <ul style="list-style-type: none"> – Provides support for the most vulnerable. – Assists with lifting the poorest off benefits and supporting them into work. – Minimises the risks of error and reduces financial risk to our authorities. – Takes account of the impact on non-claimants
3.	Who will be affected?	<ul style="list-style-type: none"> – Eligible claimants for council tax support. – Potentially, all council tax payers (depending on the scheme adopted, any local variations and the outcome of the consultation).
4.	Who defines or defined the function/service/policy?	The policy is defined nationally with an element of local discretion. A preferred scheme has been devised across Kent with the three major precepting authorities (Kent County Council, Kent Police Authority and Kent & Medway Fire & Rescue Authority) agreeing to support funding the scheme for three years. The scheme is based on a set of principles to which all Kent authorities propose to agree to.
5.	Who implements the function/service/policy?	The Mid Kent Improvement Partnership - Revenues & Benefits service (Tunbridge Wells) Dartford and Sevenoaks Revenues & Benefits Service (Sevenoaks) Tonbridge & Malling Revenues & Benefits Service.
6.	How do the outcomes of the function/service/policy meet or conflict with the authority's priorities?	Sevenoaks: Effective Management of Council Resources Tonbridge & Malling: Continued delivery of priority services and a financially viable Council. Tunbridge Wells: Passionate about our customers; passionate about value.

Equality Impact Assessment

	Key Questions	Answers/Notes
7.	What factors could contribute or detract from the outcomes identified earlier?	<p>Contribute:</p> <p>The preferred Kent-scheme would:</p> <ul style="list-style-type: none"> - Disregard some earned income. - Reduce benefit on a sliding scale as income increases. - Continue payment for four weeks after moving into work when there would otherwise be no entitlement. - Automatically transfer most people on council tax benefit to the new scheme. - Reduce confusion for claimants moving between authorities. - Allow one scheme for consulting across Kent. - Provide opportunities to standardise forms and processes. - Limit adverse financial affects for the lead authorities for three years as the precepting authorities have agreed to provide some support with additional collection costs. - Provide an element of stability during the current economic climate. - Be possible to implement within the timescales set by the Government. <p>Detract:</p> <ul style="list-style-type: none"> - The timescale for implementation is extremely tight and limits the options available for a new scheme. The software used to administer council tax benefit permits only limited changes to be made for any new scheme within these timescales. - An increase in council tax to cover the reduction in funding is not a realistic option as it would further increase the cost of the local council tax support scheme in excess of the grant payable by Government. In addition Government limits allowable tax increases before a costly local referendum would be required. - Failure to reach a local scheme and having to adopt the default scheme would result in a severe negative impact on Council finances and would reduce expenditure on other services. - Demand for council tax benefit is rising. - The proportion of the local population that is of pension age is rising.

Equality Impact Assessment

	Key Questions	Answers/Notes
		<ul style="list-style-type: none">- The preferred Kent-wide scheme would limit local flexibility and create potential for an increase in complaints and appeals as a result of the scheme adopted.- Additional Government proposals for welfare reform could also impact on those affected by the changes to council tax benefit.

Equality Impact Assessment

Step 3	Consideration of data and information	
8.	What do you already know about who uses this function/service/ policy?	<p>We have analysed available data for current council tax benefit recipients allowing us to consider the impact on people according to:</p> <ul style="list-style-type: none"> - Age - Disability - Those with caring responsibilities. - Gender - Those with families and young children <p>A summary of the data analysis for the proposal put forward for consultation by Sevenoaks District Council is attached at Annex 1. This is supported by comprehensive data sheets which are available as background information.</p> <p>Annex 2 summarises the impact of the recommendation being presented for decision.</p>
9.	What consultation with service users has taken place on the function/service/policy and what were the key findings?	<p>Sevenoaks District Council carried out a consultation exercise between 6 August and 30 September 2012. This set out the Council’s preferred option of an 18.5% reduction in current benefit levels for all working age claimants (based on the Kent-wide scheme). It provided an opportunity for respondents to comment on the scheme and offer suggestions that could assist with the final scheme design. The consultation provided the opportunity for stakeholders affected by each of the options to give their views before the Council takes its decision on the final scheme design.</p> <p>In total the Council had 82 responses to the consultation. Of these 57 were completed online and 25 were sent in by post. Analysis of those that responded showed that:</p> <ul style="list-style-type: none"> • 67% of responses came from current benefit claimants; • 72% of respondents were working age; • 50% of respondents were female; • 21% of respondents were carers; and • 48% responses were from people with a disability.

Equality Impact Assessment

Step 3	Consideration of data and information	
9. Cont.	What consultation with service users has taken place on the function/service/policy and what were the key findings?	<p>The results of the consultation exercise are summarised as:</p> <ul style="list-style-type: none"> • 71% of respondents agreed that pensioners should be protected from any changes to council tax benefit; • 61% of respondents agreed that the amount of local council tax support claimants receive should be based on the current council tax benefit calculation; • 62% of respondents disagree with the Council’s proposal for an 18.5% reduction in council tax support for all working age claimants; and • 71% of respondents providing comments to the open text question suggested that further protections should be put in place within the Council’s local support for council tax scheme. 21% of respondents commented that the reductions should not occur at all.
10.	What, if any, additional information is needed to assess the impact of the function/service/policy?	<p>Following completion of the consultation, the Government have announced further proposals for the localisation of council tax benefit, offering a transition grant if certain criteria are adopted within local schemes. In light of this the Kent-wide scheme has been reviewed and it is subsequently proposed that the local scheme should limit the reduction in council tax support to 8.5% for all working age claimants and each authority will apply to the Government for transition grant to assist in meeting the financial costs of the scheme.</p>
11.	How do you propose to gather the additional information?	<p>Government has provided sufficient information to set out a recommendation to Council and no further information is required prior to the decision being taken.</p>

Equality Impact Assessment

	Key Questions	Answers/Notes
Step 4	Assessing the Impact	
12.	Based on what information you already know, in relation to each of the following consider whether a) there is anything in the function/service/policy that could discriminate or put anyone at a disadvantage b) for an existing function/service/policy, how it is actually working in practice	
a.	Age	<p>Impact: The Government have prescribed that low income pensioners should be protected from any reduction in support. We therefore have no discretion in implementing this aspect of the scheme.</p> <p>A reduction in support of 18.5% 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>As pensioners are protected, the initial proposal considered by Sevenoaks District Council would result in a degree of negative impact on some non-pensioner age groups. The option of an 18.5% reduction in council tax support would see people of working age paying £3.06 more per week towards their council tax bill than people of pension age.</p> <p>The consultation showed that:</p> <ul style="list-style-type: none"> – 71.2% of working age people disagree that working age people should receive an 18.5% reduction to their council tax benefit. – 38.1% of pension age people disagree that working age people should receive an 18.5% reduction to their council tax benefit. <p>Mitigation: The decision to protect pensioners was taken by Government who are therefore responsible for conducting their own EqIA on this aspect. This is available at: http://www.communities.gov.uk/documents/localgovernment/pdf/2063707.pdf</p> <p style="text-align: right;"><i>Continued on next page</i></p>

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Equality Impact Assessment

	Key Questions	Answers/Notes
	Age (continued)	<p>The mitigating action being taken by the Council to reduce council tax support by 8.5% and apply for transitional grant being offered by the Government would reduce the impact in relation to age.</p> <p>The proposal of an 8.5% reduction in council tax support would see people of working age paying £1.12 more per week towards their council tax bill than people of pension age.</p> <p>A reduction in support of 8.5% across all working age claimants would see those aged 18-24 receiving the lowest reduction (£82) and those aged 55-64 receiving the highest reduction (£87), on average, per year. The difference in average reduction of £5 per year equates to an additional payment towards a claimants council tax of £0.10 per week.</p>
b.	Disability	<p>Impact: Sevenoaks District Council's initial proposal (18.5% reduction) has 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 pay £2.10 more per week towards their council tax bill whilst the average additional payment for all claimants without a disability would be £1.68 more per week. The consultation showed that 76.9% of people with a disability disagree that working age people should receive an 18.5% reduction to their council tax benefit. The most frequently made comments in the consultation related to protecting disabled people / families and their carers.</p> <p>Mitigation: The current council tax benefit calculation that will be continued in the proposed scheme treats people with disabilities more favourably by disregarding some income. This raises their benefit entitlement when compared to some other groups by comparing the amount needed for basic living needs (set by Government) against a person's income. Disability Living Allowance is not included in any calculation of income; neither would any permitted income under Employment Support Allowance be included, which gives people with disabilities a higher council tax benefit entitlement.</p> <p>The mitigating action being taken by the Council to reduce council tax support by 8.5% and apply for transitional grant being offered by the Government would reduce the impact in relation to disability.</p> <p>People with a disability would pay £0.96 more per week towards their council tax bill whilst the average additional payment for claimants without a disability would be £0.77 more per week. This is a gap of £0.19 per week or £10 per year.</p>

Equality Impact Assessment

	Key Questions	Answers/Notes
c.	Carers	<p>Impact: Sevenoaks District Council's initial proposal (18.5% reduction) has potential to negatively impact on carers as a result of the relatively high proportion in protected pensioner households, as they would pay £2.87 extra per week towards their council tax bill, whilst the average additional payment for claimants that are not carers would be £1.69 more per week. The consultation showed that 82.4% of carers disagree that working age people should receive an 18.5% reduction to their council tax benefit. The most frequently made comments in the consultation related to protecting disabled people / families and their carers.</p> <p>Mitigation: The current council tax benefit calculation that will be continued in the proposed scheme treats carers more favourably by disregarding some income. This raises their benefit entitlement when compared to some other groups by comparing the amount needed for basic living needs (set by Government) against a person's income. Carers Allowance is not included in any calculation of income; neither would any permitted income under Employment Support Allowance be included, which gives carers a higher council tax benefit entitlement.</p> <p>The mitigating action being taken by the Council to reduce council tax support by 8.5% and apply for transitional grant being offered by the Government would reduce the impact in relation to carers.</p> <p>Carers would pay £1.33 more per week towards their council tax bill whilst the average additional payment for claimants that are not carers would be £0.77 more per week. This is a gap of £0.56 per week or £29 per year.</p>

Equality Impact Assessment

	Key Questions	Answers/Notes
d.	Gender	<p>Impact: Sevenoaks District Council’s initial proposal (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. The consultation showed that:</p> <ul style="list-style-type: none"> – 58.5% of females disagree that working age people should receive an 18.5% reduction to their council tax benefit. – 72.2% of males disagree that working age people should receive an 18.5% reduction to their council tax benefit. <p>Mitigation: The current council tax benefit scheme mitigates this to some extent by making allowances for childcare costs, raising benefit entitlement and this will be continued.</p> <p>The mitigating action being taken by the Council to reduce council tax support by 8.5% and apply for transitional grant being offered by the Government would reduce the impact in relation to gender.</p> <p>Females would pay £0.85 more per week towards their council tax bill whilst the average additional payment for males would be £0.73 more per week. This is a gap of £0.12 per week or £6 per year.</p>
e.	Race	<p>Impact: This information is not collected from claimants as it is not relevant to the calculation of council tax benefit. There may be a possible indirect impact for options affecting larger households.</p> <p>Mitigation: We are not aware of any impacts in need of mitigation and do not anticipate that our proposed scheme will have any particular impacts on larger households.</p>
f.	Religion & Belief	<p>Impact: This information is not collected from claimants as it is not relevant to the calculation of council tax benefit.</p> <p>Mitigation: We are not aware of any impacts in need of mitigation at this stage.</p>
g.	Sexual Orientation	<p>Impact: This information is not collected from claimants as it is not relevant to the calculation of council tax benefit.</p> <p>Mitigation: We are not aware of any impacts in need of mitigation at this stage.</p>

Equality Impact Assessment

	Key Questions	Answers/Notes
g.	Marital or Civil Partnership Status	<p>Impact: This information is not collected from claimants as it is not relevant to the calculation of council tax benefit.</p> <p>Mitigation: We are not aware of any impacts in need of mitigation at this stage.</p>
h.	Pregnancy & maternity	<p>Impact: This information is not collected from claimants as it is not relevant to the calculation of council tax benefit.</p> <p>Mitigation: We are not aware of any impacts in need of mitigation at this stage.</p>
i.	Gender reassignment	<p>Impact: This information is not collected from claimants as it is not relevant to the calculation of council tax benefit.</p> <p>Mitigation: We are not aware of any impacts in need of mitigation at this stage.</p>
j.	General (<i>i.e. affecting all of the above</i>) / other (<i>i.e. socio economic</i>)	<p>Impact: As pensioners are protected, the reduction in the level of support falls to working age claimants. The actual average cut for any given group will depend on how many of that group are in protected pensioner households.</p> <p>Mitigation: Sevenoaks District Council will implement the following measures to mitigate any further affects of the funding deficit on non-pensioner households:</p> <ul style="list-style-type: none"> – Under separate legislation reducing the council tax discount on empty homes from six months to three months; – Under separate legislation remove the council tax discount on second homes; and – Carry out a review persons claiming Single Person Discount. <p>During year 1 of the scheme, Sevenoaks District Council will consider any further mitigating measures needed including:</p> <ul style="list-style-type: none"> – Considering the implications of reducing the reduction in council tax support from 18.5% in year 2 – Examining other discounts and exemptions that could allow for more council tax support to be available to vulnerable groups – Continuing to focus on Economic Development to provide support to local businesses and enable the creation of new local employment opportunities – Continuing to maximise the positive outcomes of the HERO project with the provision of advice and support to help people back in to work.

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Equality Impact Assessment

	Key Questions	Answers/Notes
Step 5	Reviewing and Scrutinising the Impact	
13.	What conclusions can you draw about any differential impact and how people are adversely or positively affected?	<p>Sevenoaks District Council's proposed local council tax support scheme suggests that the shortfall in funding as a result of the Government's decision to reduce money available for council tax support by 10% will be met from paying less council tax support. As the Government has said that pensioners must be fully protected from the changes, working age claimants will be affected by a reduction in council tax support. This will enable the Council to minimise the impact for all residents as council tax increases can be minimised and priority essential services safeguarded from savings and/or cuts.</p> <p>Although the Council is proposing that all working age claimants will be impacted to the same extent (18.5%, reduced to 8.5% in year 1), the Council has identified that its proposed scheme has the potential to have a negative impact on people with disabilities, carers, women and younger age groups. This is because the extent of the impact on people with protected characteristics is directly determined by the proportion of pensioners that fall within each protected characteristic group. For example if one group has no protected pension age claimants then the impact on the working age group is negative to the effect of 18.5%. If another group has 50% of claimants of pension age then the impact of the working age group is halved and the negative effect reduced to 9.25%.</p>
14.	What actions can you take to address any impacts identified?	<p>Sevenoaks District Council's proposed scheme continues to adopt the calculation methods of the current council tax benefit scheme. As a result it already provides more support to some groups than others (households with young families, people with disabilities and carers) which will be retained under the preferred scheme.</p> <p>The Council is also proposing to take mitigating action by limiting the reduction in council tax support for all working age claimants to 8.5% in year 1 of the scheme. The Council will apply for transitional grant being offered by the Government to support the costs of delivering this increase in the council tax support that will be payable to claimants.</p> <p>Options for mitigating the impacts in Years 2 and 3 will continue to be considered.</p>
15.	If no changes can be made, what reasons are there to justify this?	<p>Whilst the Council's preferred option has potential to result in a degree of negative impact on some non-pensioner age groups, this is as a result of the protection of pensioners being prescribed by Government. We therefore have no discretion in implementing this aspect of the scheme.</p>

Equality Impact Assessment

Step 5	Reviewing and Scrutinising the Impact	
16.	How might any of the changes, in relation to the adverse impact, have a further adverse affect on any other group?	<p>Annex 1 to this Impact Assessment summarises the impact of each of the options on people in Sevenoaks District with protected characteristics based on current data, with additional data available as background information.</p> <p>Annex 2 summarises the impact of the options being presented for decision.</p>

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Equality Impact Assessment

Step 6	Decision making and future monitoring	
17.	Which decision making process do these changes need to go through i.e. do they need to be approved by a committee/Council?	<p>Sevenoaks District Council reported its proposed local council tax support scheme to both Cabinet and Council. It was resolved that the scheme would be put to public consultation.</p> <p>An update was provided to Services Select Committee and the Cabinet. The full Council consider the results of the consultation, the recommendations of Cabinet and this equality impact assessment on 27 November 2012, and formally adopt its local scheme for Council Tax support.</p>
18.	How will you continue to monitor the impact of the function/service/policy on diverse groups?	Measures for monitoring the impact will include ensuring that this assessment is kept under review, analysing claimant and council tax payment data and monitoring feedback and complaints.
19.	When will you review this equality impact assessment?	Prior to any further decisions being taken about how the scheme will operate after Year 1, or sooner should any of aspects of the scheme need to be reconsidered.

Localisation of Council Tax Support – Equality Impact Assessment
Annex 1 – Summary of impacts from data analysis of Sevenoaks District claimants

This information provides a summary of the impacts of the proposed changes to Council Tax Benefit, based on data analysis of current Sevenoaks District claimants. The summary below is based on a comparison between the current average council tax benefit paid and the amounts that are proposed to be paid under the Sevenoaks District Council consultation proposal.

Average amount of council tax benefit

Sevenoaks District Council currently pays out £6,647,993 in council tax benefit. It is expected that Government will reduce funding to pay for council tax benefit by 10% from April 2013, leaving an estimated shortfall in the council tax benefit bill of £665,000.

The average actual reduction in weekly council tax benefit, following a blanket 18.5% reduction whereby pensioner households are protected from any cut, would be **9.1%** for an average household.

Profile of claimants (based on the current caseload of 6,662 households):

- 63.5% of primary applicants are female
- 36.5% of primary applicants are male
- 51.4% of claimant households are of pension age
- 27.4% of claimant households have children (of those 9.6% have a child under 5 years of age)
- 16.4% of claimants are categorised as having a disability or having a person with a disability in their household
- 3.7% of claimants receive a carer premium

Consultation Proposal: Protect pensioners so that they see no reduction in their current council tax benefit levels. All other (working age) claimants will receive a reduction of 18.5% on their current benefit entitlement.

Impact: Looking at the impact on all claimants, both working age and pension age:

- People with disabilities are affected more (their amount of award would fall by an average of 12.6%) than those without a disability (8.4% reduction).
- Households with carers would also be affected more (their amount of award would fall by an average of 12.6%) than those with no carers (9.0% reduction).
- Female applicants would be affected more (their amount of award would fall by an average of 9.8%) than male applicants (8.0% reduction).
- Applicants aged under 54 would face larger reductions (between 17.9 and 18.5%) than those aged 55-64 (9.3% reduction). For a pensioner household, there will be no change in the amount of benefit they receive.
- People from Minority Ethnic groups (66.7%) are more likely to be of working age (16-64) than White residents (57.7%) and less likely to be of pension age (6.9%) compared with White residents (23.3%)¹. As ethnicity data is not relevant to the calculation of council tax benefit it is not collected from claimants. The impact on ethnic groups is unclear at this stage.

¹ Source of data: Mid-Year Population Estimates 2009.

Localisation of Council Tax Support – Equality Impact Assessment
Annex 2 – Summary of the impacts of applying the transition grant in year one of the scheme

	All Claimants	Gender		Disability	Carer	Families with children
		Female	Male			
Current Benefit per Year						
Total benefit paid	£6,647,693	£4,123,473	£2,524,220	£1,037,609	£295,842	£1,868,320
Number of claimants	6,662	4,231	2,431	1,116	249	1,823
Average benefit paid per claimant	£998	£975	£1,038	£930	£1,188	£1,025
Proposed Benefit with 18.5% reduction						
Total benefit paid	£6,041,089	£3,719,111	£2,321,978	£916,137	£258,618	£1,532,330
Number of claimants	6,662	4,231	2,431	1,116	249	1,823
Average benefit paid per claimant	£907	£879	£955	£821	£1,039	£841
Proposed Benefit with 8.5% reduction						
Total benefit paid	£6,368,983	£3,937,685	£2,431,298	£981,797	£278,739	£1,713,947
Number of claimants	6,662	4,231	2,431	1,116	249	1,823
Average benefit paid per claimant	£956	£931	£1,000	£880	£1,119	£940
Impact of change from 18.5% reduction to 8.5% reduction						
Increase in total benefit paid - Value	£327,894	£218,574	£109,320	£65,660	£20,121	£181,617
Increase in total benefit paid - %	5.4%	5.9%	4.7%	7.2%	7.8%	11.9%
Increase in average benefit paid - Value	£49	£52	£45	£59	£81	£100
Increase in average benefit paid - %	5.4%	5.9%	4.7%	7.2%	7.8%	11.9%

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Item 5(e) – Review of Member’s Allowances

This item was considered by the Modern Local Government Group on 20 November 2012.

At the time of publication of this agenda the Modern Local Government Group minute was not available. The minute will be tabled at the Council meeting.

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REVIEW OF THE SCHEME FOR MEMBERS' ALLOWANCES

Council – 27 November 2012

Report of the: Deputy Chief Executive and Director of Corporate Resources

Status: For Consideration and Decision

Also considered by: Modern Local Government Group – 20 November 2012

Key Decision: No

Executive Summary: A Joint Independent Remuneration Panel was set up in November 2007. In August 2012 the Panel began a new review into Members Allowances. The review has made a number of recommendations covering Basic Allowance, Special Responsibility Allowances (SRAs), Carers' Allowances, Travel Expenses and Pensions. This report sets out the recommendations arising from this review.

This report supports the Key Aim of Effective Management of Council resources

Portfolio Holder Cllr. Peter Fleming

Head of Service Head of Legal and Democratic Services – Mrs Christine Nuttall
Group Manager – Finance – Mr Adrian Rowbotham

Recommendation: It is recommended that the Council gives consideration to the report and recommendations of the Joint Independent Remuneration Panel (JIRP) as set out at Appendix A in the following areas:

- Basic Allowance
- Special Responsibility Allowances
- Carers' Allowances
- Travel Expenses
- Pensions

It is also recommended that: the Council formally record thanks to Barry Cushway, Susan Holmes, Simon Knott, Jean Selmes and Colin Wilby for their work in preparing a review of the scheme for Members' Allowances for 2013/14 for Sevenoaks District Council.

Reason for recommendation: Section 19 of The Local Authorities (Members' Allowances)(England) Regulations 2003 state that before an authority make or amends a Members' Allowance scheme, the authority shall have regard to the recommendations made in relation to it by the Independent Remuneration Panel.

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Background

- 1 The Joint Independent Remuneration Panel (JIRP) was established jointly by Tonbridge and Malling Borough Council, Tunbridge Wells Borough Council and Sevenoaks District Council in 2001 to make separate recommendations for each Council on their Scheme of Members' Allowances. The JIRP now operates under the Local Authorities (Members' Allowances)(England) Regulations 2003. The function of the Panel is to make recommendations to Council in accordance with Statutory Instruments (Primarily 2003 No.1021 and No.1692).
- 2 The JIRP is drawn from residents of the three council areas it serves and the Members of the Panel are:
 - Colin Wilby (Chairman), a resident of Kings Hill.
 - Barry Cushway, a resident of Sevenoaks
 - Susan Holmes, a resident of Cranbrook
 - Simon Knott, a resident of Matfield
 - Jean Selmes, a resident of Hildenborough

Introduction

- 3 The JIRP provides an objective view of the remuneration which should be provided for Members and makes a recommendation to this Council. Legislation requires that before an Authority amends a scheme, the Authority shall have regard to the recommendations made to it by the JIRP.
- 4 The Council's current Members' Allowance Scheme is set out in the Constitution at Appendix G.
- 5 In their introduction, the JIRP note that the current financial and political constraints do not override the purpose of their review, which is to carry out the quadrennial update of local councillors' allowances required by legislation, taking into account Members' workload, responsibilities and required time commitment and then to recommend a fair level of recompense for those commitments.

Summary of JIRP's Recommendations

- 6 The report of the JIRP, attached at Appendix A sets out a summary of recommendations. Recommendations and factors that Members may find of particular interest are as follows:
 - A Basic Allowance for elected Members of £6,039 p.a. based on a formula which accounts for the required time commitment, a representative rate of hourly earnings of residents in the area and a discount factor to reflect the public service element inherent in the elected representative's role.
 - Members should not receive more than one Special Responsibility Allowance (SRA). This takes into account the significant uplift in Basic

Allowance and SRA's proposed in the report. SRA's recommended in the report are as follows:

- | | |
|-------------------------------|-----------------|
| (a) Council Leader | £18,118 |
| (b) Opposition Group Leader | £302 per Member |
| (c) Cabinet Members | £9,059 |
| (d) Committee Chairmen: | |
| Performance and Governance | £3,032 |
| Select Committees | £3,032 |
| Development Control Committee | £4,530 |
| (e) Committee Members | |
| Development Control Committee | £302 |
| Licensing Committee | £302 |
- Childcare Allowance for child-minding of the Member's dependent children, payable at the actual amount charged, subject to a maximum rate of £6.19 per hour per child.
 - Dependent Carer's Allowance for professional care for elderly or disabled dependants, or other dependants with special requirements, payable at the actual amount charged, subject to a maximum rate of £16.00 per hour. The report also states that booking fees from professional agencies should be claimable.
 - Consideration should be given to aligning the mileage rate with the HMRC maximum tax-free allowance.
 - In respect of I.T Allowance the report recommends that this should remain at £120 p.a for 2013.
 - The report recommends no offer of access to pensions on the grounds of cost.

Key Implications

Financial

- 7 In 2012/13 the Council's budget for Member's Allowances is £353,000. As of October 2012, £197,000 had been spent.
- 8 If the JIRP's recommendations are adopted, the financial implications are set out at Appendix C which shows the annual spend on Members' Allowances would increase to £441,000 which would be £87,000 above the 2012/13 budget.

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Legal,

- 9 Section 20 of The Local Authorities (Members' Allowances)(England) Regulations 2003 requires each authority to establish an Independent Remuneration Panel.
- 10 Section 17 of the 2003 Regulations places a duty on the Council to publish as soon as reasonably practicable after making any amendments to the current Members' Allowance Scheme a notice in one or more newspapers circulating in its area. The Council must also ensure that copies of the Scheme are available for inspection by members of the public at the principal office of the Authority, at all reasonable hours.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	The remit of the JIRP is to broaden the diversity of councillor representation by minimising financial barriers to participation in local government. The Child Care Allowances and Dependent Carer's Allowance are intended to ensure there are no barriers to participation.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		N/A.

Risk Assessment Statement

Remuneration for Members is intended to ensure that there are no avoidable obstacles preventing people from taking part in the work of the Council. The level of remuneration needs to be at an appropriate level. Any deviation from the recommendations should be justified with a written record being made of such justification.

Conclusions

The basis of the current level of Members' Allowances for Sevenoaks District Council was established by the Panel in December 2001 following guidance issued by central government. Allowances have been revised in subsequent years to reflect cost of living increases and changes in council structure and responsibilities. The Panel's recommendations have not always been fully implemented by the Council and, as a consequence, Basic and Special Responsibility Allowances have fallen well below the level which the JIRP would regard as reasonable.

Appendices

Appendix A – A Review of Council Members’ Allowances for Sevenoaks District Council (JIRP October 2012)

Appendix B – Summary of JIRP’s Recommendations

Appendix C – Effect of JIRP’s Recommendations

Background Papers:

Local Authorities (Members’ Allowances)(England) Regulations 2003

A Review of Council Members’ Allowances for Sevenoaks District Council (JIRP October 2012)

Members’ Allowance Scheme 2012/13 set out at Appendix G in the Council’s Constitution

Contact Officer(s):

Philippa Gibbs Ext. 7249

Dr. Pav Ramewal

Deputy Chief Executive and Director of Corporate Resources

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**A REVIEW OF
COUNCIL MEMBERS' ALLOWANCES
FOR
SEVENOAKS DISTRICT COUNCIL
October 2012**

**Joint Independent Remuneration Panel
for
Sevenoaks District Council
Tonbridge & Malling Borough Council
Tunbridge Wells Borough Council**

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1. Regulations and Guidance for Independent Remuneration Panels
2. Terms of Reference & Panel Members
3. Comparative data from Kent & Sussex Borough/District council allowances
4. Revised Schedule of Recommended Members' Allowances

1) Foreword

The Council is required under the Local Authorities (Members' Allowances) (England) Regulations 2003 and subsequent amendments to establish and maintain an Independent Remuneration Panel to review and make recommendations to the Council on the range and levels of remuneration for elected Members (see Terms of Reference Appendix 2).

Under the Regulations the Council is required to undertake a full review every four years. The last full review was reported to and considered by Council in late 2008. This report is the result of the latest review conducted in autumn 2012.

When the Panel conducted the last full review of Members' Allowances in autumn 2008, the local impact of forthcoming public sector financial constraints was largely unknown. The situation is now clear and the Council has had to take some far-reaching decisions to reduce costs whilst maintaining services. Against this background it may seem surprising to conduct a review of payments made to elected councillors given that anything other than a reduction might be unpopular with voters. It is important to note that Sevenoaks District Council, having accepted our previous recommendations in 2008, have subsequently chosen not to implement them fully and, in consequence, their current allowances are significantly below those of most comparable Councils (see Appendix 4)

However, these financial and political constraints do not override the purpose of this review, which is to carry out the quadrennial update of local councillors' allowances required by legislation, taking into account Members' workload, responsibilities and required time commitment and then to recommend a fair level of recompense for those commitments. We are mindful always of our remit to assist in broadening the diversity of councillor representation by minimising financial barriers to participation in local government.

While affordability of the Panel's recommendations is ultimately an issue for the Council to decide, the Panel fully appreciate the sensitivity of making any changes to allowances in the current financial climate and have tried to balance this with the need to propose a scheme which is fair, simple to administer and properly reflects the significant time commitments given by individuals in this important tier of government.

2) Summary of Recommendations

1. Basic Allowance

A Basic Allowance for elected Members of £6039 p.a. based on a formula which accounts for the required time commitment, a representative rate of hourly earnings of residents in the area but reduced by a discount factor to reflect the ethos of public service inherent in the elected representative's role. The gross value of the allowance is £10065 p.a., reduced by £4026 p.a. for this voluntary element.

2. Special Responsibility Allowances

In this review we have considerably simplified the structure of SRAs by using a 'factor approach' which sets the level of each SRA as a multiple of the basic allowance. We have also re-considered the allowance structure for Opposition Group Leaders and Vice-Chairs of Committees. We continue to support the 2007 guidance on Members Remuneration from the

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Councillors Commission which recommends that members should not receive more than one SRA.

Our recommendations for Special Responsibility Allowances for each role are (after reduction for voluntary/public service element):-

- Council Leader - £18118 p.a.
- Opposition Group Leaders - £302 p.a. per group member
- Cabinet Members - £9059 p.a.
- Committee Chairs:
 - Development Control £4530 p.a.
 - Performance & Governance £3020 p.a.
 - Select Committees £3020 p.a.
- Committee Vice Chairs: recommendation is to cease this allowance
- Committee Members:
 - Development Control £302 p.a.
 - Licensing £302 p.a.
- Standards Co-optees - £479 p.a.

3. Carer Allowances

Our recommendations are that these allowances should increase as follows:-

- **Childcare Allowance:** payable at the actual amount charged, subject to a maximum rate of **£6.19** per hour per child.
- **Dependant Carer's Allowance:** payable at the actual amount charged, subject to a maximum rate of **£16.00** per hour.

4. Travel Expenses

We are aware that travel expenses are currently reimbursed in line with the scheme in force for officers and staff of the Council (currently NJC rates). We recommend that consideration is given to align mileage rates with the HMRC maximum tax-free allowance.

5. IT Allowance

The Council implemented an IT Allowance in 2011, following investigation and recommendation by this Panel. The Allowance set at that time was £120 p.a. and our recommendation is that this should remain at this level for 2013.

6. Pensions

We have again decided not to recommend the offer of access to pensions in this review on the grounds of cost, despite the recommendation from the Councillors' Commission that access to the local government pension scheme should be given to elected councillors.

7. Number of Councillors

Given that more than half of total expenditure on Members' Allowances is on the Basic Allowance, we recommend that the council gives serious consideration to reducing the number of councillors in the District as a longer-term strategic option to reduce the cost of representation.

3) Background

The basis of the current level of members' allowances for Sevenoaks District Council was established by the Panel in December 2001 following guidelines issued by central government [see Appendix 1]. Allowances have been revised in subsequent years to reflect cost of living increases and changes in council structure and responsibilities. The Panel's recommendations have not always been fully implemented by the Council and, as a consequence, Basic and Special Responsibility Allowances have fallen well below the levels which we would regard as reasonable [See Appendix 5].

The 2007 Councillors Commission paper on Members Remuneration suggested a set of basic principles to govern allowance schemes:

- The basic allowance should encourage people from a wide range of backgrounds and with a wide range of skills to serve as local councillors
- Those who participate in and contribute to the democratic process should not suffer unreasonable financial disadvantage
- Councillors should be compensated for their work and the compensation should have regard to the full range of commitment and complexity of their roles
- The system should be transparent, simple to operate and understand
- The system should not encourage the proliferation of meetings or provoke councillors into spending more time on council business than is necessary
- The level of remuneration should relate to a commonly accepted benchmark, such as the median male non-manual salary.

These principles underpin the recommendations made in this report and are reflected in our Terms of Reference [Appendix 2]

4) Approach and Methodology

In line with our review four years ago, and reflecting the approach taken by many other Independent Review Panels elsewhere in the country, we established a set of core principles to guide this review as follows:-

- To remove, where possible, the immediate financial barriers to becoming a councillor to assist in the diversity of the cohort of councillors, regardless of political background
- To reflect the current time commitment required to perform the role of ward councillor and the potential loss of earnings opportunities for councillors in doing so
- To recognise the increasing levels of responsibility and accountability being devolved from central government to local government and its impact on the nature of leadership and scrutiny roles within the council
- To retain a significant element of public service, *pro bono* contribution from elected councillors
- To benchmark the comparative position of our council members with those in similar roles in Kent and other South East councils
- To recommend allowances based on objective data with a simple and logical structure that can easily be updated in future

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In conducting the review at the Council, we held meetings with senior officers and all party leaders, and offered the opportunity to all elected members to meet individually with the Panel, a number of whom took up this offer.

5) Allowance Calculations

There are some important principles and constraints on the calculation of allowances which are detailed in our Terms of Reference [Appendix 2].

5.1 Basic Allowance

a) Determining the Basic Allowance

The statutory guidance for Local Authority Allowances says that the “*basic allowance is intended to recognise the time commitment of all councillors, including such inevitable calls on their time as meeting with officers and constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the use of their homes.*” [ODPM 2003. Para 10]

There are three core elements which determine the Basic Allowance: time spent on councillor duties, a standard financial hourly rate and the public service discount element.

i) Time Commitment

“*Having established what local councillors do, and the hours which are devoted to these tasks the local authorities will need to take a view on the number of hours for which, councillors ought to be remunerated*” [ODPM 2003. Para 67].

The number of hours committed by individual councillors to their elected and representative duties varies widely between individuals and over time. It is recognised that, for many councillors, the role is far more than just attendance at council meetings and will include, for example, constituency duties, committee meetings, meetings with officers and training courses.

The Panel determined in 2008 that the average time taken to satisfactorily perform a ward councillor role was an average of 15 hour per week, following a survey of members and soundings at all levels of the council. Based on our discussions in this round of meetings, we have continued with this time commitment of 15 hours per week.

ii) Hourly rate

We have again sought to relate to a commonly accepted benchmark as the source of our hourly-rate and have used the median hourly pay for all employees who live within the Sevenoaks local authority area as published by the Office of National Statistics in their Annual Survey of Hours & Earnings (ASHE). The rate available at the time of writing this report was £13.98 per hour [Source: ASHE 2011. ONS] and this is the base hourly-rate for our recommended allowances.

iii) The public service/voluntary principle

Central government guidance to Independent Remuneration Panels for setting the basic allowance states that “*it is important that some element of the work of members continues to be voluntary – that some hours are not remunerated. This must be balanced against the need to ensure that financial loss is not suffered by elected members, and further to ensure that, despite*

the input required, people are encouraged to come forward as elected members and that their service to the community is retained” [ODPM 2003. Para 68]

This idea that some work of members should remain voluntary is called the ‘public service principle’ and this is incorporated into the financial calculations as a percentage discount factor, agreed locally. The Councillors Commission report indicated that considerable variations of between 20-50% apply. Our meetings with members and council leaders confirmed that this principle is understood and supported by elected councillors.

In our 2008 review the Panel recommended a public service discount factor of 40% based on benchmarking with allowance schemes elsewhere. In their response to our recommendations, the council decided to increase this to 50% and this reduction has applied subsequently. We considered in this review whether or not to follow the self-imposed percentage and have decided that we would retain our recommendation of a 40% discount factor in common with many similar schemes in other areas and consistent with the recommendations of our predecessors in this Panel since its inception in 2001.

iv) Calculating the Basic Allowance – the formula

To bring together the separate elements of this time-based model the following formula is commonly-used by other Independent Remuneration Panels:

- 1) Expected hours input x hourly rate x 48 weeks = Gross Basic Allowance p.a.
- 2) *minus* discount for voluntary public service = recommended Basic Allowance p.a.

v) Basic Allowance – recommendation

Using the above data and formula we propose an annual Basic Allowance derived as follows:-

- 1) 15 hours per week x £13.98 per hour x 48 weeks = £10065 p.a.
- 2) *minus* 40% public service discount = £6039 p.a.

RECOMMENDATION: that the Basic Allowance should be £6039 p.a.

5.2) Special Responsibility Allowances (SRAs)

The 2007 guidance on Members Remuneration from the Councillors Commission report comments that the practice of paying more than one SRA to an individual Member was prevalent when allowances were low. Taking into consideration the significant uplift in Basic Allowance and SRAs proposed in this review, the Panel recommends that members should not receive more than one SRA. This recommendation reinforces the important principles of transparency and promoting wider participation in the structure of council business.

In reviewing the current system of SRAs, we considered that there were a number of anomalies and that the structure was overly complicated. We, therefore, are proposing a simplified schedule of allowances by moving away from a time-based model to a factor model in which SRAs are determined as a multiple of the Basic Allowance. This approach is becoming quite common across the country as a simple and transparent method.

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5.3) Council Leader (Cabinet Chairman)

The role of Council Leader (or Cabinet Chairman as it is known at Sevenoaks District Council) continues to expand in scale and scope over time. Our view is that the Special Responsibility Allowance historically paid for this role undervalues its real level of responsibility and the time commitment necessary to adequately perform the tasks and duties expected of Leaders. This view is echoed by a number of Members with whom we have had contact.

In line with our intention to simplify the allowances structure we recommend that the Leader's SRA should be a multiple of three times the Basic Allowance. This equates to a gross allowance of £30196 p.a., but after the voluntary discount is a net £18118 p.a.

RECOMMENDATION: that the Special Responsibility Allowance for Council Leader should be £18118 p.a.

5.4) Opposition Group Leaders

We established the principle in our previous review that Council Leader's Allowance reflects the full role, including those duties associated with political leadership of the majority party. However, there is an additional time commitment required of leadership of opposition groups which is not reflected in the Basic Allowance.

In line with our approach to simplify the structure of allowances we recommend that the Opposition Group Leaders' allowances should be on a variable sliding scale determined by the number of elected councillors in each opposition party, at a rate of 5% of the Basic Allowance per member.

RECOMMENDATION: that the Special Responsibility Allowance for Opposition Group Leaders should be £302 per member in the group.

5.5) Cabinet Members

In recognising the broad portfolio responsibilities and time commitments of Cabinet Members we recommend an SRA of 1.5 times the Basic Allowance. This equates to a gross allowance of £15098 p.a. which, after discount for the public service element becomes £9059 p.a.

RECOMMENDATION: that the Special Responsibility Allowance for Cabinet Members should be 1.5 x the Basic Allowance = £9059 p.a.

5.6) Chairs of Committees

In line with our simplified 'tiered' structure which aligns Committees into groups of similar dimensions which broadly reflect their activity levels and frequency of meetings:

Performance & Governance: £3032 p.a. (50% of Basic Allowance)

3 x Select Committees: £3032 p.a. (50% of Basic Allowance)

Development Control Committee: £4530 p.a. (75% of Basic Allowance)

We are aware that there is consideration being given to dividing the Development Control Committee into two due to workload pressures. If this is decided the Council should refer to the Panel for a review of the impact of this significant change on the allowance.

The Chairmanship of the Licensing Committee is rotated among members and therefore a small allowance is paid to all committee members as specified in the section below.

5.7) Vice Chairs

The roles of committee Vice Chairs and the allowances paid for them has been the subject of some debate with Members. From the discussions we have had it is not clear what substantive role is played by a Vice Chair when the designated committee Chair is in place and active. Clearly, when the committee Chair is absent for a particular meeting, it is expected that the Vice Chair takes over the chairmanship of that meeting, but this does not seem to justify an annual payment. The practice in many other contexts is to elect a member of the committee on the day if the Chair is unavailable and it seems likely that many members would be pleased to do so if asked and this would be a development opportunity for individuals, particularly the newer elected councillors.

Given the above, and in light of our recommendation to significantly increase the Basic Allowance, we propose that the SRAs for Vice Chairs should cease.

RECOMMENDATION: that the Special Responsibility Allowance for Committee Vice-Chairs should be discontinued.

5.8) Committee Membership

Sevenoaks District Council unusually pays an allowance to members of the Development Control and Licensing Committees. In the case of Development Control, this is to recognise the frequency of meetings (at least monthly this year) but if this is divided into two operational Committees in the future, the need for the payment should be revisited to determine whether it is still applicable.

The payment to Licensing Committee members reflects the fact that the requirement is very frequently to participate in Licensing Hearings and the task of chairing each meeting is rotated between the pool of committee members.

The Standards Committee has traditionally had some co-opted members who are not elected councillors of Sevenoaks District Council and a small allowance has been paid to recognise the time commitment of these individuals, who have usually been Parish Councillors. Under the Localism Act changes the workload of the Standards Committee has reduced and it is not yet clear how this will evolve. We propose that the Co-optees allowance is kept at the previous level until the new arrangements are established.

RECOMMENDATION: that the Allowance for Committee Members should be as follows:-

<u>Committee</u>	<u>Recommended SRA (p.a)</u>	<u>% of Basic Allowance</u>
Development Control	£302	5%
Licensing	£302	5%
Standards (co-opted members)	£479	-

6) Carers' Allowances

Two separate allowances were established at the previous review, to distinguish between the costs of standard childcare and that of professional care for dependants with special requirements. Our recommendations are that these allowances should increase as follows:-

Childcare Allowance: for child-minding of the Member's dependent children. Payable at the actual amount charged, subject to a maximum rate of **£6.19** per hour per child.

Dependant Carer's Allowance: for professional care for elderly or disabled dependants, or other dependants with special requirements. Payable at the actual amount charged, subject to a maximum rate of **£16.00** per hour. We also recommend that booking fees from professional agencies should be claimable.

In practice, these allowances have rarely been claimed by Sevenoaks councillors but we continue to support the need for them.

7) Travel expenses

We are aware that travel expenses are currently reimbursed in line with the scheme in force for officers and staff of the Council (currently NJC rates). In most cases, these are considerably above the HMRC maximum tax-free allowance. Given the geography of the Sevenoaks District there is considerable disparity between the travel costs incurred and claimed by Members. We recommend that consideration is given to aligning the mileage rate with the HMRC.

8) IT Allowance

An IT Allowance was implemented in 2011 following a recommendation from the Panel. We recommend that this is maintained at the same level of £120 per annum based on the same rules as implemented last year.

9) Pensions

Councillors in England have been eligible since 2003 to join the local government pension scheme on the recommendation of their local independent remuneration panel. The Councillors Commission Report ('Representing the Future') of December 2007 recommended that:

"All councillors should be entitled to access to the local government pension scheme and any allowances for serving on joint authorities should also be taken into account."

The rationale for their recommendation was *"granting access to the scheme is intended to remove one more barrier to service as a councillor"*.

Whilst we recognise that membership of the pension scheme would be a potentially valuable addition to the overall remuneration to councillors, we have again decided not to recommend the offer of access to pensions in this review on the grounds of cost. We are aware that slightly more than half of all councils offer access to the pension scheme to elected councillors (LGAR 2008) and recognise that this is another point of comparison where Sevenoaks offers lower remuneration to members than elsewhere.

10) Number of Councillors

The financial and political constraints of the past and present have led the council to consistently under-implement the recommendations of successive Independent Remuneration Panels. This is understandable but has resulted in an allowances structure and quantum that do not reflect the commitments of the roles.

We note that more than half of the total expenditure on Members' Allowances in the last complete financial year was in the Basic Allowance and that significant savings could be achieved by reducing the 'multiplier' of the number of Members eligible for it (currently 54). We are aware that a number of councils around the country are actively pursuing this option. It is not a quick solution given the processes adopted by the Boundary Commission but this long lead time supports the view that the council should give this serious consideration as soon as possible.

11) Conclusions

We have attempted in this review to propose levels of allowances which would remove financial barriers that deter potential candidates from standing for election and to properly recognise the time commitments that individual members offer in support of their local community.

In the current economic circumstances we could have justifiably proposed frozen or small indexed increases to existing allowances. In effect, this is what has happened over many years at Sevenoaks District Council and this has resulted in allowances which are some way lower than comparable authorities and possibly act as a deterrent to a wider group of people who could consider becoming a local councillor at this council. Therefore we stand by the level of allowances recommended in this report but recognise that the council may not be in an immediate position to implement them. We urge the council to take note of the structure of our recommendations and to implement it, at least in principle, in order that we continue the process of creating a fair and equitable level of members' remuneration.

12) Acknowledgements

Our thanks go to the officers and members who gave us their time and opinions which have helped to shape our thinking.

Regulations and Guidance for Independent Remuneration Panels

- *The Local Authorities (Members' Allowances) (England) Regulations 2003*. Statutory Instrument 2003 No. 1021.
- *The Local Authorities (Members' Allowances) (England) (Amendment) Regulations 2003*. Statutory Instrument 2003 No. 1692
- *The Local Authorities (Members' Allowances) (England) (Amendment) Regulations 2004*. Statutory Instrument 2004 No. 2596
- *New Council Constitutions: Consolidated Guidance on Regulation for Local Authority Allowances - 2003*
- *The Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003*. Statutory Instrument 2003 No. 1022
- *Pensions for Councillors - Local Government Pensions Committee Circular No. 136*. April 2003.
- *Local Government Pensions Committee Circular No 142 (amendment) July 2003*.
- *New Council Constitutions. Guidance on Consolidated Regulations for Local Authority Allowances*. Office of the Deputy Prime Minister and Inland Revenue. July 2003.
- *Members Remuneration – models, issues, incentives and barriers*. - Councillors Commission. Dept. of Communities and Local Government. December 2007
- *Representing the Future – Report of the Councillors Commission*. December 2007
- *Members' Allowances Survey 2008*. Report by the Local Government Association Research Department

Joint Independent Review Panel
for
Sevenoaks District Council
Tonbridge & Malling Borough Council
Tunbridge Wells Borough Council

Terms of Reference

Introduction

The Joint Independent Remuneration Panel (JIRP) for Tonbridge and Malling Borough Council, Tunbridge Wells Borough Council and Sevenoaks District Council was originally established in 2001 and now operates under the Local Authorities (Members' Allowances) (England) Regulations 2003. The function of the panel is to make recommendations to Council in accordance with Statutory Instruments (primarily 2003 No.1021 and No.1692).

The JIRP was established jointly by the three Councils but it considers each Council individually and makes separate recommendations for each according to the particular structures and requirements of the organisation.

Members of the Panel are appointed by the Councils but are independent members of the community with relevant professional backgrounds in remuneration and benefits.

Membership – Joint Independent Remuneration Panel

The members of the panel are:

- Barry Cushway, a resident of Sevenoaks.
- Susan Holmes, a resident of Cranbrook.
- Simon Knott, a resident of Matfield.
- Jean Selmes, a resident of Hildenborough.
- Colin Wilby, a resident of Kings Hill.

JIRP meetings will normally involve all five Panel members. A quorum will be three members. One of the members will act as Chair of the Panel by agreement between the Panel members.

The Local Authorities (Members' Allowances) (England) Regulations 2003 determine that none of the Panel members may be a member of the local authority in question, or of its committees, or an employee of the council, but that this does not preclude participation by parish councillors.

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Panel Recommendations

The 2003 Regulations require that councils must have regard to their Independent Remuneration Panel's recommendations, which must be publicised on the authority's website and in the authority's newspaper, if it has one. The Panel must be required to make recommendations whenever the council decides to revoke or amend its members' allowances scheme. However, Panel recommendations are not binding on authorities. After considering its panel's recommendations, a council can decide for up to four years on automatic indexation of members' allowances without the need for a review by the Panel.

Principles for Allowances Schemes

There is currently little central prescription of members' allowance. However, there are some important constraints:-

- Attendance allowances are prohibited
- The basic allowance must be paid equally to all members
- Where one or more groups on a council form an administration, a special responsibility allowance must be paid to a member of the opposition. This is usually paid either to the leader of the opposition, if this post exists, or to a chair of a scrutiny committee

The report of the Councillors' Commission in December 2007 highlighted a 'universal principle' that members should not suffer financial loss as a direct result of their council activities and service. They went on to suggest a more detailed set of principles to govern allowance schemes:-

- The basic allowance should encourage people from a wide range of backgrounds and with a wide range of skills to serve as local councillors
- Those who participate in and contribute to the democratic process should not suffer unreasonable financial disadvantage
- Councillors should be compensated for their work and the compensation should have regard to the full range of commitment and complexity of their roles
- The system should be transparent, simple to operate and understand
- The system should not encourage the proliferation of meetings or provoke councillors into spending more time on council business than is necessary
- The level of remuneration should relate to commonly accepted benchmark, (for example, the median male non-manual salary)

The Panel will operate within the scope of these principles. Should any departure from these be considered necessary, the reasons for the variation will be made clear in the relevant report.

The core objective of the Panel is to present informed comprehensive recommendations that are fair and equitable.

Comparative data from Kent & Sussex Borough/District councils

Authority	Basic	Leader	Cabinet Member	Chair Planning Cttee	Chair Overview/ Scrutiny	Chair Licensing	Last Review Date
Ashford	£4292	£14040	£7020	£5616	£5616	£1404	2011
Dartford	£4764	£27857	£8357	£5014	£2090	n/a	2011
Gravesham	£3447	£20260	£3447	£3447	£3447	£3447	2012
Maidstone	£4666	£23326	£11663	£5831	£5831	£2332	2012
Sevenoaks	£4246	£15562	£7781	£3673	£2047	n/a	2012
Tonbridge & Malling	£5076	£17454	£8067	£5076	£6258	£2538	2012
Tunbridge Wells	£5279	£16750	£8990	£5279	£5279	£1980	2012
Bexley	£9418	£26391	£13197	£8802	£8802	£8802	2012
Bromley	£10872	£30600	£20400	£9179	£7410	£9179	2010
Shepway	£3867	£21245	£8807	£3956	£3956	£1388	2012
Swale	£3343	£11700	£7020	£3510	£3218	n/a	2011
Thanet	£4570	£18082	£7990	£5204	£7990	£3216	2012
Tandridge	£3840	£2789	n/a	£2879	£2879	£2879	2012
Mid Sussex	£4501	£20596	£8238	£4501	£3862	£977	2012
Rother	£4237	£12376	£2692	£2692	£2692	£1969	2010
Wealden	£4370	£12330	£5090	£3855	£3445	£1250	2011

[Source: Council websites October 2012]

N.B. The Joint Independent Review Panel works on behalf of Sevenoaks District Council, Tonbridge & Malling Borough Council and Tunbridge Wells Borough Council but considers each Council individually and makes separate recommendations for each according to the particular structures and requirements of the organisation. It should be noted that members' allowances are currently under review at all three councils but the figures quoted above are those in force at time of writing this report and do not reflect any changes to be proposed by the JIRP as part of this review process.

Revised Schedule of Recommended Members' Allowances**Sevenoaks District Council**

	<u>2009 JIRP Recommendation</u>	<u>Current 2012-13</u>	<u>2013 JIRP Recommendation</u>
<u>Basic Allowance</u>	£5754	£4246	£6039
<u>Special Responsibility Allowances:-</u>			
<u>Opposition Group Leaders:</u>			
	£2255 + £100 per member	£1507 + £65 per member	£302 per member
<u>Cabinet</u>			
Cabinet Chairman	£22548	£15562	£18118
Cabinet Member	£11274	£7781	£9059
<u>Committee Chairs</u>			
Performance & Governance	£5754	£2047	£3020
Select Committees x 3 (each)	£2877	£1995	£3020
Development Control	£5754	£3673	£4530
<u>Committee Vice Chairs</u>			
Performance & Governance	£1439	£1106	n/a
Select Committees	£719	£1085	n/a
Development Control	£1439	£1924	n/a
<u>Committee Members</u>			
Development Control Cttee	£288	£221	£302
Licensing Cttee	£288	£221	£302
<u>Carers' Allowances</u>			
Childcare Allowance	£6.00 per hour	£6.00 per hour	£6.19 per hour (max)
Dependant Carer's Allow.	£15.50 per hour	£14.50 per hour	£16.00 per hour (max)
<u>IT Allowance</u>	n/a	£120	£120

N.B. All figures are per annum except where stated.

Description of Allowance	Current Allowance (2012/13) (£)	Proposed Allowance (£)	Percentage Increase	Comment on Joint Independent Remuneration Panel Recommendations
Basic Allowance (all Members)	4,246	6,039	+42.2%	15 hours per week x £13.98 per hour x 48 weeks = £10,065 p.a minus 40% public service discount = £6,039
Special Responsibility Allowances: (Only one allowed)				
Council Leader (Cabinet Chairman)	15,562	18,118	+16.4%	3 x the basic allowance
Cabinet Members	7,781	9,059	+16.4%	1.5 x the basic allowance
Opposition Group Leaders: (£1,507+£65 per Member) General Democrat (2 Members) Labour (5 Members)	1,637 1,832	£302 per Member: 604 1,510	-63.1% -17.6%	Recommended a variable sliding scale determined by the number of elected councillors in each opposition party, at a rate of 5% of the Basic Allowance per Member
Chairmen: Performance & Governance Committee 3 x Select Committee (each) Development Control Committee	2,047 1,995 3,673	3,020 3,020 4,530	+47.5% +51.3% +23.3%	50% of Basic Allowance 50% of Basic Allowance 75% of Basic Allowance
Vice-Chairmen: Performance & Governance Committee 3 x Select Committee (each) Development Control Committee	1,106 1,085 1,924	n/a n/a n/a	-100.0% -100.0% -100.0%	Given the recommendation to significantly increase the basic allowance the JIRP proposed that SRAs for Vice-Chairmen should cease.
Committee Members: Development Control Members (18 Members) Licensing Committee Members (15 Members)	221 221	302 302	+36.7% +36.7%	Reflects the frequency of meetings (monthly) Reflects participation in Licensing Hearings

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Carers Allowance (all Members if appropriate)	Up to £6 per hour per child	£6.19 per hour (max)	+3.2%	Payable at the actual amount charged, subject to a maximum rate of £6.19 per hour per child.
Dependent Carers Allowance	£15.50 per hour per dependent	£16 per hour (max)	+3.2%	For professional care for elderly or disabled dependants. Payable at the actual amount charged, subject to a maximum rate of £16 per hour. Also recommend that booking fees from professional agencies should be claimable.
Travel and Subsistence Expenses	Reimbursed in line with the scheme in force for staff of the National Joint Council for Local Government Services pay award	Mileage rate aligned with the HMRC maximum tax-free allowance.	-	Given the geography of the Sevenoaks District there is considerable disparity between travel costs incurred and claimed by Members. Recommendation that consideration is given to aligning the mileage rate with the HMRC maximum tax-free allowance.
I.P Allowance	120	120	-	Based on the same rules as implemented in 2011/12
Pensions	Nil	Nil	-	Recommendation on the grounds of cost.

Members Allowances - Effect of Joint Independent Remuneration Panel Recommendations

Summary

Allowance	Current Scheme				JIRP Proposed Scheme				JIRP with max one allowance excl. IT £
	Position	Rate £	No.	Total £	Position	Rate £	No.	Total £	
Basic Allowance		4,246.00	54	229,284.00		6,039.00	54	326,106.00	326,106.00
Cabinet		7,781.00	7	54,467.00		9,059.00	7	63,413.00	63,413.00
Cabinet Chair / Leader		15,562.00	1	15,562.00		18,118.00	1	18,118.00	18,118.00
Group Leaders	Labour Leader	1,832.00	0	-	Labour Leader	1,510.00	1	1,510.00	-
Group Leaders	Lib Dem Leader	1,637.00	1	1,637.00	Lib Dem Leader	604.00	1	604.00	604.00
Chair	P&G	2,047.00	1	2,047.00	P&G	3,020.00	1	3,020.00	3,020.00
Chair	3 x Select Cttee	1,995.00	3	5,985.00	3 x Select Cttee	3,020.00	3	9,060.00	9,060.00
Chair	DCC	3,673.00	1	3,673.00	DCC	4,530.00	1	4,530.00	4,530.00
Vice Chair	P&G	1,106.00	1	1,106.00	P&G	0.00	1	-	-
Vice Chair	3x Select Cttee	1,085.00	3	3,255.00	3 x Select Cttee	0.00	3	-	-
Vice Chair	DCC	1,924.00	1	1,924.00	DCC	0.00	1	-	-
Dev Con Members		221.00	16	3,536.00		302.00	18	5,436.00	5,134.00
Licensing		221.00	15	3,315.00		302.00	15	4,530.00	1,510.00
Independent Person		1,000.00	1	1,000.00		1,000.00	1	1,000.00	1,000.00
Sub Total			105	326,791.00			108	£ 437,327.00	£ 432,495.00
NI est 1.5%				4,901.87				6,559.91	6,487.43
I.T Allowance		120.00	54	6,480.00		120.00	54	6,480.00	0
TOTAL				338,172.87				450,366.91	438,982.43
2012/13 Budget								353,101.00	353,101.00
Over/(under) budget								97,265.91	85,881.43

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Childcare Allowance (per hour)	6.00	Childcare Allowance (per hour)	6.19
Dep. Carers Allowance (per hour)	15.50	Dep. Carers Allowance (per hour)	16.00

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**Item 5(d) – Revised Statement of Principles for Gambling Act 2005 Policy
Cabinet - Recommendation to Council**

At its meeting on 10 October 2012 the Licensing Committee considered the matter as follows:

“The Chairman drew Members’ attention to the updated list of consultation responses which had been tabled.

The Licensing Partnership Manager reminded the Committee that the Council was legally obliged to renew the Gambling Act 2005 Policy every 3 years. The proposed changes to the Policy had already been sent out for consultation. Few amendments to the Policy were proposed but Officers had in particular tried to anticipate the guidance expected from the Gambling Commission in late October or early November 2012. It was felt it would be inappropriate to wait until the guidance had been published as this would provide insufficient time to approve and publish an updated Policy by the deadline of 7 January 2013.

Officers considered that the policy had worked well in practice. The District only had 7 betting premises but these had been found to be well regulated and caused few concerns. Those running the premises demonstrated good knowledge of challenging customers’ ages and practices for customers to exclude themselves. Since the Gambling Act 2005 had been introduced the District had lost 2 but gained 1 new betting premises.

The Chairman believed the Policy had been shown to be fit for purpose so far. He thanked Cllr. Fittock for his helpful response to the consultation.

Resolved: That the policy be recommended for adoption by Full Council.”

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REVISED STATEMENT OF PRINCIPLES FOR GAMBLING POLICY JANUARY 2013

FULL COUNCIL – 27TH NOVEMBER 2012

Report of the: Deputy Chief Executive & Director of Community and Planning Services

Status: For Approval

Also considered by: Licensing committee – 10th October 2012

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 2010.

Sevenoaks District Council has had a draft Statement of Licensing Policy for the Gambling Act 2005 out to consultation and feedback was invited by the 21 September 2012.

The feedback was agreed by the Licensing Committee on the 10th October 2012 and the policy has been amended and attached to this report. (Appendix A). The Summary of feedback is also attached. (Appendix B).

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

Portfolio Holder Cllr Mrs. Bracken

Head of Service Head of Environmental and Operational Services – Mr. Richard Wilson

Recommendation: It be RESOLVED that the **Statement of Licensing Policy** is adopted by Full Council.

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.

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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.

Introduction

3. 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
4. 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.
5. The categories under the Gambling Act 2005 are:
 - Casinos
 - Commercial Bingo Clubs
 - Licensed Betting Premises
 - Gaming Machine Premises
 - Horse and dog racecourses

Amendments to the Policy

Club Gaming and Club Machines Permits (Appendix 1 Paragraph (iv) of the policy)

6. It now states:

“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.*”

Provisional Statements (Appendix 2 Paragraph (ix) of the policy)

7. Paragraphs (b) and (c) have been amended or added to:

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.

Table of Delegations of Licensing Functions (Appendix 4 of the policy)

8. This Appendix has been added to the policy.

Statement of Principles for Unlicensed Family Entertainment Centres, Gaming Machine Permits and Prize Gaming Permits (Appendix 9 of the policy)

9. This Appendix has been added to the policy.

Key Implications

Financial

- 10. Fee levels for licences and permits will be set by the Licensing Authority.
- 11. 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.
- 12. Through Hearings and Appeals at the Magistrate Court the Council is liable for costs if awarded against Sevenoaks District Council.

Legal, Human Rights etc.

- 13. 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.

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Equalities implication and Community Impact

14. The policy applies to all operators across the Sevenoaks District whose activities may fall under the definition of 'relevant entertainment'. The policy will aim to prevent any adverse impact on disadvantaged groups.

Conclusions

By adopting the policy, the Council will be up to date and in line with the changes made by the Gambling Commission.

Risk Assessment Statement

The Gambling Commission will change their draft guidance and more or other changes will need to be made at a later date.

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

Gambling Act 2005

Gambling Commission Guidance

Appendices: Appendix A – Gambling Act 2005 DRAFT Statement of Principles Gambling Policy January 2013

Contact Officer(s): Claire Perry Ext. 7235

Jessica Bolton Ext. 7480

KRISTEN PATERSON
DEPUTY CHIEF EXECUTIVE & COMMUNITY AND
PLANNING SERVICES DIRECTOR



DRAFT

Sevenoaks District Council

Gambling Act 2005

DRAFT

Statement of Principles Gambling Policy

January 2013

Agenda Item 5d

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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 -

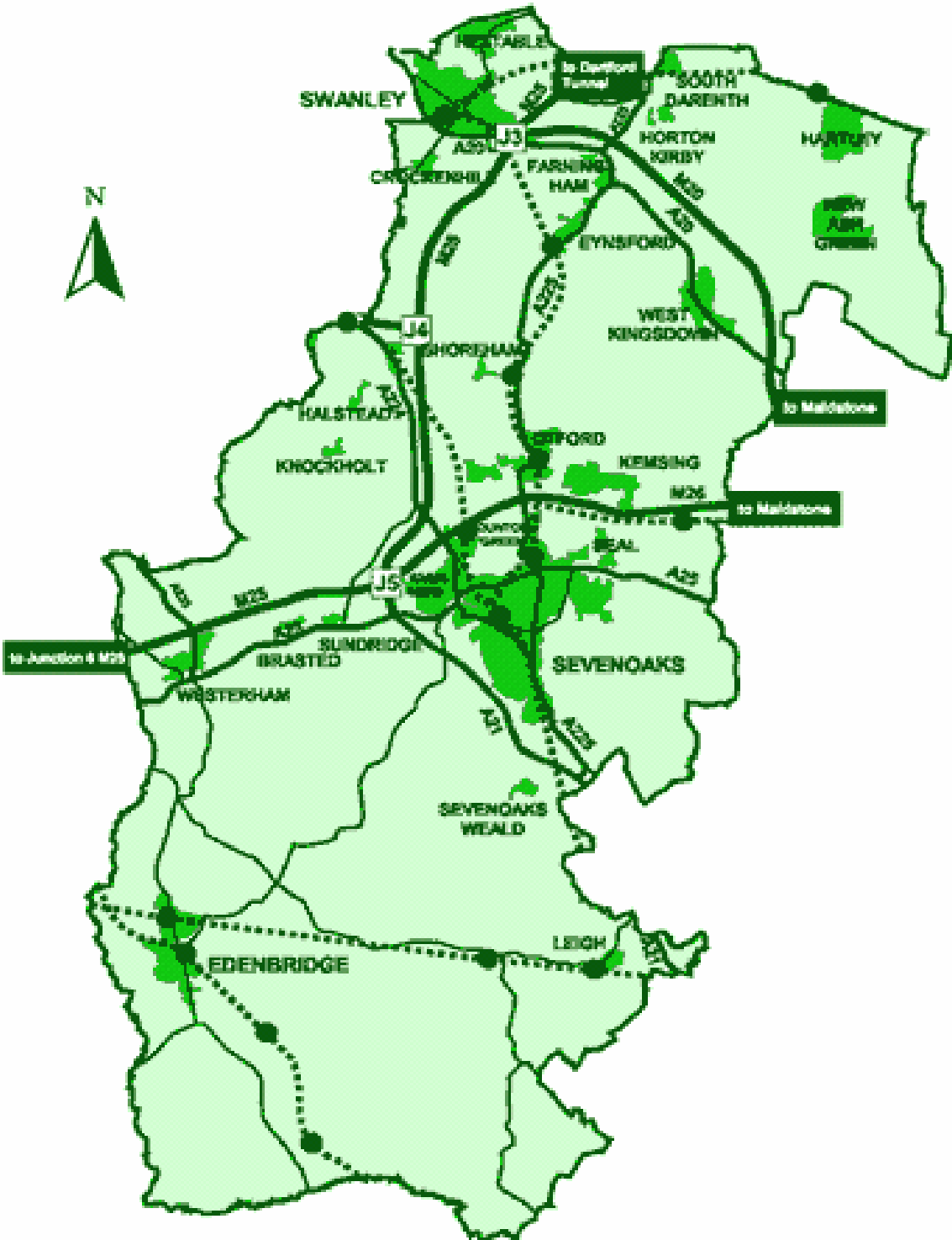
- a) in accordance with any relevant code of practice under section 24;
- b) in accordance with any relevant guidance issued by the Commission under section 25;
- c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b));
- d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).

(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 as 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



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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 2010.

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

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 finished on 21st September 2012. The Licensing Authority has followed 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 have been 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 guidance issued by the Gambling Commission and any responses from those consulted on the policy statement.

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

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

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

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

5. 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.

6. 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).

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

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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 (paragraphs 6.24 and 6.25))

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 (paragraph 6.25). 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.

7. 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.

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8. 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

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

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 18(4)).

For initial applications, the Licensing Authority need not (but may) have regard to the licensing objectives but shall need to 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

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 can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act 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 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:

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- 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.

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

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

(iv) Club Gaming and Club Machines Permits

Members' Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a 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 only on the grounds that:

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

Agenda Item 5d

Gambling Commission's Guidance for local authorities' states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:

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

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

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:

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- 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

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

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

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

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

(iii) Location:

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

(iv) Planning:

Planning and licensing are different regulatory systems and will be dealt with separately. The Gambling Commission's Guidance states: "When dealing with a premises licence application for finished buildings, the Licensing Authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control, building and other regulations and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building."

(v) Duplication:

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

(vi) Door Supervisors:

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

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

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

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

Where the premises 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;

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- 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:

- "It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence." and that
- "Requiring the building to be complete ensures that the authority can inspect it fully".

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

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which in the authority's opinion 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 children to gain access. This may be of particular importance in areas where young people may be unsupervised and an AGC is in a complex, such as a shopping centre or airport."

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

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas

- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-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.

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(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 Kent Police)
 Kent County Constabulary
 West Kent Area Commander
 Police Station
 1 Pembury Road
 Tonbridge
 Kent TN9 2HS
 Tel: 01732 771055

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
 Sevenoaks District Council
 Council Offices
 PO Box 182
 Argyle Road
 Sevenoaks
 Kent TN13 1GP
 Tel: 01732 227000
 Fax: 01732 742339

e-mail: environmentalprotection@sevenoaks.gov.uk

Health and Safety
 Sevenoaks District Council
 Council Offices
 PO Box 182
 Argyle Road
 Sevenoaks
 Kent TN13 1GP
 Tel: 01732 227000
 Fax: 01732 742339

Kent Child Protection Committee
 Children's and Families
 KCC Social Service
 The Willows
 Hilda May Avenue
 Swanley
 Kent BR8 7BT

Website: www.kcpc.org.uk

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HM Revenue & Customs

Medvale House
Moat Road
Maidstone
Kent. ME15 6AE

Tel: 0845 302 1431

Website: www.hmrc.gov.uk

Police Licensing and Drugs Officer

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

Tel: 01732 379375

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

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

List detailing who this authority consulted with:

List of Consultees

Sevenoaks District Council website
 District Councillors
 Councillor's Members Room
 Parish and Town Councils
 Swanley Library
 Sevenoaks Library
 Edenbridge Library
 Westerham Public Library
 Otford Public Library
 West Kingsdown Library
 Hartley Public Library
 Seal Public Library
 New Ash Green Public Library
 Kemsing Public Library
 St. John's Public Library, Sevenoaks
 Riverhead Public Library
 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
 Locality Manager, South West Kent Primary Care Trust
 Director of Public Health, Dartford, Gravesham and Swanley Primary Care Trust
 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
 Berwin Leighton Paisner Solicitors
 Hammonds Solicitors
 Knocker & Foskett Solicitors
 Copy in reception
 Sevenoaks and District Chamber of Commerce
 Licensed premises in the Sevenoaks Area
 Swanley Chamber of Commerce
 Edenbridge Chamber of Commerce
 Licensing Manager, Tonbridge & Malling Borough Council
 Head of Environmental Health and Licensing, Maidstone Borough Council
 Head of Environmental Health and Licensing, Tunbridge Wells Borough Council
 Environmental Health Manager, Gravesham Borough Council

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List detailing who this authority consulted with:

Appendix 5

Enforcement and Regulatory Services Manager, Dartford Borough Council
Licensing Manager, Tandridge District Council
Bromley Licensing Manager, London Borough of Bromley
Head of Environmental Health, London Borough of Bexley
Safety & Licensing Team, Mid Sussex District Council
The Gambling Commission
West Kent Licensing Officer
Planning Department
Fire Safety District Manager, Kent Fire & Rescue Service
Community and Planning Services Director, Sevenoaks District Council
Environmental Health Manager, Sevenoaks District Council
Ladbrokes Betting & Gaming Limited
Enterprise Inns Plc
JD Wetherspoon Plc
Sencio Community Leisure
Respondents to the last Gambling Policy Statement
The British Beer & Pub Association
Association of British Bookmakers
Head of Community Development Manager, Sevenoaks District Council
District Manager, Children & Families, KCC Social Services
Kent County Council, Trading Standards
Gambling Policy Team, HM Customs & Excise
Corals, Sevenoaks, Westerham, Swanley & Edenbridge
Done Brothers T/A Betfred
Coral Racing Limited, Head Office
Betfred, Sevenoaks and Swanley
Greene King Brewing and Retailing Ltd.
Head of Operational and Environmental Services
Community and Planning Services Director
Harvey & Son (Lewes) Ltd.
Mitchells & Butlers plc
Barracuda Pubs & Bars Company Ltd
Punch Taverns
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						
Bingo premises				Maximum of 8 machines in category B3 or B4			No limit on category C or D machines	
Adult gaming centre				Maximum of 4 machines 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.

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	

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

Category of machine	Maximum stake	Maximum prize
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100	£500
B3	£1	£500
B4	£1	£250
C	£1	£70
D (Money-prize machine)	10p	£5 cash
D (Crane Grab Machines)	£1	£50
D (Non-money prize machine (other than Crane Grab Machine))	30p when non-monetary prize	£8 non-monetary prize
D (For coin pushers and penny fall machines)	10p	£15 (£8 maximum in cash)

**Statement of Principles
For
Unlicensed Family Entertainment
Centres,
Gaming Machine Permits & Prize Gaming Permits
Gambling Act 2005**

Contents

1. The Gambling Act 2005
2. Purpose of this document
3. Unlicensed family entertainment centres (UFECs)
4. Prize Gaming Permits
5. Statement of Principles for UFEC gaming machine permits and prize gaming permits
6. Supporting documents
7. Child protection issues
8. Protection of vulnerable persons issues
9. Other miscellaneous issues

1. The Gambling Act 2005

Unless otherwise stated any references in this document to the council is to the Sevenoaks District Council as the licensing authority.

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

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

The licensing objectives are:

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

2. Purpose of this document

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

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

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

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

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

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

3. Unlicensed family entertainment centres

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

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

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

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

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

4. Prize gaming permits

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

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

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

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

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

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

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

Supporting documents

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

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

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

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

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

6. Child protection issues

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

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

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

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

7. Protection of vulnerable persons.

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

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

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

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

8. Other miscellaneous issues

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

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

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

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

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
Mark Fittock	<p>1. I have not been made aware of any major problems with the implementation of the existing licensing policy therefore have no particular issues with the revised policy.</p> <p>2. Note that it is going to SDC full council on 21 September and by way of background it would be informative to know what committee process it has been through before the final ratification is agreed.</p> <p>3. I cannot find any mention of training for elected members who have certain deliberations to make as mentioned in page 24 Appendix4. Is this appropriate or necessary ?</p> <p>4. On page 5 you list the consulted in 2009. Will this section be updated to</p>	<p>Full council on the 27th November 2012. Committee report will show background and inform all of the committee process.</p> <p>We are putting together a training schedule for members throughout the year. Existing members have already received training.</p> <p>This has been updated.</p> <p>Copies of the document for</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>show the 2012 consultees?</p> <p>5. Page 8 identifies interested parties but gives no explanation as to why residents and tenants associations should be excluded from this list. It would seem that such organisations could provide a very useful contribution when considering the councils stated objectives in protecting vulnerable children and adults. West Kent Housing have some very active tenants associations who have a great deal of local knowledge as do other local groups such as the New Ash Green residents group and other active local organisations. To consult with these groups would also follow the localism agenda for the District Council. Has consultation with local PACT's also been considered as much good work goes on in those groups in two way</p>	<p>consultation were published on our website as well as being available in local libraries and at the Council Office reception and notice board. Community Development were also consulted. We will look to include West Kent Housing and other local organisations in future consultations.</p>		<p>Corrected 25/09/12</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>exchanges between SDC and community groups. It is worth remembering that SDC is a very diverse District and it is beneficial to keep as many local groups on board as is possible.</p> <p>6. Page 17 (iii) Includes “this statement will be updated” without any further explanation of how or when this is likely to occur. This refers to the Gambling Commissions Guidance for Local Authorities. It is not clear if the SDC will need to revise the local plan once the new guidance is issued and if so when this is likely to happen.</p> <p>I hope you find the attached comments useful. Which are a individual first reactions to the policy.</p>	<p>This is dependent on what changes in the revised guidance. If a new consultation is required the same process will be followed as has taken place on this occasion. If it is a small amendment this will be unnecessary.</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
Mr Loney Probus Club of Sevenoaks Sevenoaks Community Centre Otford Road Sevenoaks Kent TN14 5DN	The Club is a Members' Club and holds a licence to sell alcohol for consumption on the premises at Sevenoaks Community Centre. The Club does not at present have any gaming machines on the premises. It notes that there is a provision in the Gambling Act 2005 for the club to automatically have 2 gaming machines of categories C and/or D. It welcomes this provision and accepts the reasonableness of the four grounds which the Licensing Authority can use to remove the automatic authorisation in respect of any particular premises.				
Tony Hickmott	We don't have any form of gambling at the Fox and Hounds. I will not have while we are Landlords here.	N/A			
Cllr John Scholey	A typographic error, page 5 line 15 Appendix 5 NOT 4. Otherwise seems ok but I am not an expert.	Now corrected.		Corrected 20/09/12	

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
Cllr Avril Hunter	<p>P 5 list of persons contacted should be appendix 5 not 4.</p> <p>P 12 grammar ii last paragraph 2configures” should be “configured”</p> <p>A very good document.</p>	<p>Now corrected.</p> <p>Now corrected.</p>		<p>Corrected 20/09/12</p> <p>Corrected 12/11/12</p>	
Westerham Town Council	<p>Westerham Town Council seeks a more robust definition of those “living Close” to an application and who might be affected by it.</p>	<p>Under the Gambling Act 2005 an interested party is ‘For the purposes of this Part a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person— (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,</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>(b) has business interests that might be affected by the authorised activities, or (c) represents persons who satisfy paragraph (a) or (b). There is not a more robust definition than this. It is really just in the opinion of the licensing authority which issues the licence or to which the application is made.</p>			

Eynsford Parish Council, Edenbridge Town Council, Andrew Stronghill, Penshurst Place and Cllr Gary Williamson have sent either no comments or favourable comments regarding the contents of the Policy.

Item 5(e) – Review of the Performance and Governance Committee Terms of Reference

This item was considered by the Modern Local Government Group on 20 November 2012.

At the time of publication of this agenda the Modern Local Government Group minute was not available. The minute will be tabled at the Council meeting.

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ANNUAL REVIEW OF THE PERFORMANCE AND GOVERNANCE COMMITTEE'S TERMS OF REFERENCE

Council – 27 November 2012

Report of the: Deputy Chief Executive & Corporate Resources Director

Status: For Consideration

Key Decision: No

Also considered by: Performance & Governance Committee – 18 September 2012
Modern Local Government Group – 20 November 2012

Executive Summary: This report has been produced in accordance with the Committee's Work Plan. The report sets out amendments to the Committee's Terms of Reference in order to reflect organisational, statutory or regulatory changes. These are set out in the amended Terms of Reference attached to this report. Prior to this report no amendments had been made to the Committee's Terms of Reference since changes were last considered by the Committee at its meeting on 20 April 2010; which were subsequently agreed by the Modern Local Government Group on 8 July 2010 and by the Council on 20 July 2010.

Head of Service: Group Manager, Financial Services – Adrian Rowbotham

Recommendation to Modern Local Government Group: That Council be RECOMMENDED to adopt the revised terms of reference.

Recommendation to Council: That the revised terms of reference be adopted.

Introduction

1. This report has been produced in accordance with the Performance and Governance Committee's Work Plan for the Year. The report updates the Committee's Terms of Reference in order to reflect organisational changes and changes in statutory or regulatory requirements

Background

2. At its meeting in April 2010 the Performance and Governance Committee considered and endorsed changes to its Terms of Reference which were designed to focus on procedural matters, removing repetition and duplication in the Committee's procedures, clarifying inconsistencies and being more user friendly as a result.
3. The amendments to the Committee's procedures grouped procedures together under topic specific headings to aid clarity and some parts of the document were

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reordered to improve the overall layout. The Terms of Reference were also reviewed and minor amendments made to reflect best practice and consistency with CIPFA Guidance. Since those changes were agreed by the Modern Local Government Group and the Council there have been no further substantive amendments to the Committee's Terms of Reference to report. At the Committee's meeting in April 2011 the Terms of Reference were reviewed again, but no further amendments were made and the Committee has continued to perform its role very effectively.

Summary of Proposed Changes

4. The changes now proposed reflect recent organisational changes, statutory or regulatory requirements. These are set out in relevant paragraphs on the attached terms of reference as follows:
 - 1.1 to reflect the requirements of the Accounts and Audit Regulations 2011, which now replaces the Accounts and Audit Regulations 2003, Regulations 2006
 - 3 (h), now includes Whistleblowing arrangements as part of the polices to be reviewed by this committee
 - 3 (i), now includes the committee's responsibility for approving the Annual Governance Statement, which replaces the Statement on Internal Control
 - 3 (m), and (n) – references made to the Audit Manager and Audit Team respectively have been changed to reflect new titles as a result of organisational changes.
 - 3 (q), Bribery allegations, now added to the list of special investigation reports the committee will consider, in order to reflect the requirements of the Bribery Act 2010, which came into effect in July 2011.

Key Implications

Financial

5. None directly arising from this report.

Community Impact and Outcomes

6. The Performance and Governance Committee plays a very important role in ensuring that the Council continues to operate under the highest standards of governance. It also plays a key role in ensuring that the Council continues to perform to the highest standards. The current Terms of Reference ensure that the Committee continues to deliver these important services effectively and underpin this important role.

Legal, Human Rights etc.

7. The Terms of Reference comply with relevant legal requirements.

Risk Assessment Statement

8. The Committee needs to have clear and effective written procedures to ensure that it continues to operate effectively. The current Terms of Reference provides clarity whilst complying with relevant statutory requirements.

Sources of Information: None.

Contact Officer(s): Bami Cole – Audit, Risk and Anti–Fraud Manager
Ext. 7039

Dr. Pav Ramewal
Deputy Chief Executive & Corporate Resources Director

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PART 6 – PERFORMANCE AND GOVERNANCE COMMITTEE

1. Introduction

- 1.1 The Council will appoint the Performance and Governance Committee to discharge the functions conferred by the Accounts and Audit Regulations 2011 in relation to the matters set out below and specifically to consider the Council's Performance and Governance arrangements, including a review of the system of internal control and the effectiveness of internal audit the annual governance statement and its arrangements for the management of business risks, in compliance with Regulations 4 and 6 of the Accounts and Audit Regulations 2011 and any subsequent legislation.
- 1.2 The number of meetings and Terms of Reference of the Performance and Governance Committee may be reviewed from time to time by the Modern Local Government Group which may report to the Council.

2. Membership of the Committee

- 2.1 All Members of the Council, except members of the Cabinet and the Chairman of the Council, may be members of the Performance and Governance Committee. However, no Member may be involved in reviewing a decision in which he/she has been directly involved.
- 2.2 The Committee will be made up of 14 elected Members that follow the political proportionality of the Council. The membership of the Committee can be found at Appendix H - Membership of Cabinet, Committees etc.
- 2.3 The Performance and Governance Committee shall be entitled to recommend to Council the appointment of up to two additional co-opted non-voting members.

3. Terms of Reference of the Performance and Governance Committee

Performance

- (a) To consider Financial and Performance Management Reports and, in particular, to receive regular reports from the Finance Advisory Group (FAG).
- (b) To monitor the Cabinet's performance in the strategic management of the Council and to make recommendations for improvements.
- (c) To consider the development of the budget strategy. No decision to approve the Budget Strategy will be taken until the matter has been considered by the Committee first.
- (d) To review the Council's resources and the Council's management of property, assets acquisition and disposal, including strategies for proper management of assets already obtained. Unless there are special circumstances which justify an urgent decision, no decision will be taken to dispose of land until

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the proposal has been considered by the Performance and Governance Committee.

(e) To consider the development of the Council's Procurement Strategy and forward procurement plan.

(f) To consider the arrangements in place for the management and monitoring of the Council significant partnerships.

Regulatory Framework

(g) To monitor the effective development and operation of corporate governance and risk management in the Council.

(h) To monitor Council policies on 'Raising Concerns at Work' and the anti-fraud and anti-corruption strategy and the Council's complaints process; including the Council's whistleblowing arrangements.

(i) To approve the Council's Annual Governance Statement and recommend its adoption to Council

(j) To consider the Council's compliance with its own and other published standards and controls.

Audit Activity

(k) To consider the development of the Council's Internal Audit Strategy, Charter or terms of reference.

(l) To consider the annual internal audit plan and a summary of internal audit activity regarding the level of assurance that it can give over the Council's internal control and corporate governance and risk management arrangements

(m) To consider the Audit , Risk and Anti-Fraud Manager's annual report and assurance opinion.

(n) To consider progress reports from the Audit, Risk and Anti-Fraud Manager regarding the progress of the Annual Internal Plan.

(o) To consider a report on the progress of all recommendations made by internal audit and other external regulatory or review agencies.

(p) To receive and consider the annual report on the review of the effectiveness of internal audit

(q) To consider reports on investigations carried out by Internal Audit of suspected fraud; corruption or Bribery allegations within the Council or its partners.

(r) To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.

(s) To comment on the scope and depth of external audit work and to ensure it gives value for money.

(t) To consider any external audit report resulting from the Statement of Accounts and any recommendations and comments received from the District Auditor.

Accounts

(u) To review the annual Statement of Accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

(v) To approve the Statutory Statement of Accounts when the deadline for approval does not allow approval by full Council.

(w) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts, and comments received from the District Auditor.

Miscellaneous

(x) to undertake a monitoring role in relation to the development of the budget strategy as and when appropriate.

(y) to undertake a monitoring role in relation to reviews of the Council's resources and the Council's management of property, asset acquisition and disposal strategies for the proper management of assets as already obtained as and when appropriate.

4. Performance and Governance Committee Procedure Rules

The Committee will conduct their proceedings in accordance with the Procedure Rules set out below.

Appointment of Sub-Committees/Working Groups

4.1 The Committee may appoint Sub-Committees or working groups. These may be appointed for a fixed period or until the next Annual Council meeting.

Procedure at Meetings of the Performance and Governance Committee

4.2 The Performance and Governance Committee shall consider the following business:

(a) minutes of the last meeting;

(b) declarations of interest;

(c) responses of the Council, Cabinet or Council Committees to the Committee's reports or recommendations; and

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- (d) the business otherwise set out on the agenda for the meeting.

Meetings of the Performance and Governance Committee

- 4.3 There shall be at least five ordinary meetings of the Committee in each year. In addition, other meetings may be called from time to time as and when appropriate. A meeting of the Committee may be called by the Chairman of the Committee, by a quarter of the members of the Committee or by the Chief Executive (in consultation with the Chairman or Vice-Chairman, if available) if he considers it necessary or appropriate.

Quorum

- 4.4 The quorum for the Performance and Governance Committee shall be as set out for Committees in the Council Procedure Rules in Part 2 of this Constitution.

Work Plan

- 4.5 The Performance and Governance Committee will be responsible for setting its own Work Plan and in doing so shall take into account the wishes of all members on the Committee.

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- 4.6 Any member of the Performance and Governance Committee shall be entitled to give notice to the Chief Executive that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda and the Chairman will be informed.
- 4.7 Any five Members who are not members of the Committee may give written notice to the Chief Executive that they wish an item relevant to the functions of the Committee to be included on the agenda of the Performance and Governance Committee. If the Chief Executive receives such a notification, then he/she will include the item on the first available agenda of the Committee for consideration by the Committee and the Chairman will be informed.
- 4.8 The Performance and Governance Committee shall also respond, as soon as work plans permit, to requests from the Council and if it considers it appropriate, the Cabinet or other Committees, to review particular areas of Council activity relevant to the functions of the Committee.

Reports and Recommendations from the Performance and Governance Committee

- 4.9 Once it has formed recommendations, the Performance and Governance Committee will submit these in writing to the Chief Executive for consideration by the Cabinet, Council or the relevant Committee.
- 4.10 The Council, Cabinet or Committee shall whenever possible consider and respond to the report and/or recommendations of the Committee within two months of it being submitted to the Chief Executive.

Members and Officers Attending Committee

- 4.11 In discharging its terms of reference, the Performance and Governance Committee may require any member of the Cabinet, the Chairman of a Committee, the Chief Executive, any Director and/or any Head of Service to attend before it to answer questions in relation to matters within their remit. For the avoidance of doubt, such a person may be required to answer questions on the Council's relationships with partner organisations, contractors and/or other public bodies, providing that person is responsible for managing that relationship as part of their duties. It is the duty of those persons to attend if so required.
- 4.12 Where any Member or Officer is required to attend the Performance and Governance Committee under this provision, the Chairman of the Committee will inform the Chief Executive. The Chief Executive shall inform the Member or Officer in writing giving at least five clear working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend and whether any papers are required to be produced for the Committee. Where the Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.
- 4.13 Where the Member or Officer is unable to attend on the required date, then the Committee shall in consultation with the Member or Officer arrange an alternative date for attendance to take place usually within 21 days from the date of the original request.

Attendance by Others

- 4.14 In discharging its terms of reference, the Performance and Governance Committee may review the performance/governance of partner organisations, contractors and/or other public bodies. It may also invite people other than those people referred to in paragraph 5.11 to provide it with a report, address it and/or answer questions.

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COUNCIL – 27 November 2012

Report by Leader of the Council

This is my report to Council on the work undertaken by the Leader and the Cabinet in the period 13 October to 16 November 2012. I am listing below the agenda items discussed since Members will have received the minutes of those meetings.

Appointments Committee – 16 October 2012

- Procedures for Appointment of Chief Executive

Council – 16 October 2012

- New Standards Arrangements - Appointment of Independent Person
- Allocations and Development Management DPD
- Shared Service Environmental Health Enforcement Policy

Extraordinary Council – 7 November 2012

- To consider the Recommendation from the Appointments Committee held on 6 November 2012 regarding the Appointment to the Chief Executive's post

Cabinet – 8 November 2012

- Annual Review of Parking Charges for 2013/14 and Christmas Parking 2012
- Kent Joint Municipal Waste Management Strategy
- Edenbridge Conservation Area Management Plan
- Allocations and Development Management DPD
- Annual Monitoring Report 2012

The work of the Leader – Meetings held and attended:

15 to 31 October

- Community Plan consultation
- Ambition Board 2 meeting
- Youth Service Transformation
- Communications Portfolio briefing
- National Housing Federation event

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1 to 16 November

- Signing of the White Oak Ward Charter for Cleaner and Safer Environments
- Kent Leaders' meeting
- Shadow Police and Crime Panel
- Policy into Practice: Thinking Ahead & Learning From Early Case Studies – Speaker invitation, The House Magazine

Environment Select Committee – 23 October 2012.

The minutes were agreed.

There were no Interests declared and no action from previous meetings.
Future Business- In March 2013 areas for Air Quality Management would be on the agenda.

The Committee were addressed by representatives from Southeastern Trains and Southern Railway. These were followed by question and answer and the Sevenoaks Rail Travellers Association, Edenbridge Rail Travellers Association, Sevenoaks and Edenbridge Town Councils spoke.

Village Design Statements were discussed with an explanation from the Planning Group Manager.

Two Recommendations were made:

1. That the Plan for Edenbridge and Ash-cum-Ridley be approved by the Portfolio Holder and
2. That the one for Shoreham be deferred until Full Council has decided on the creation of a separate Parish Council for Badgers Mount.

It was resolved that the Portfolio Holder be recommend to approval the plans for Seal & Underriver, Edenbridge, and Ash-Cum-Ridley.

The annual car parking charges were then reviewed and the Committee made recommendations to Cabinet, including free parking two Saturdays prior to Christmas.

The 2013/14 Budget & Review of Service Plans, was presented by the Group Manager – Finance who explained the setting process and pointed out the unknown facts, for example the Government settlement level.

It was resolved that our views be put to the Cabinet

The meeting closed at 9.10pm

Councillor Ian Bosley
Chairman

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Social Affairs Select – Report of a Meeting held on 30th October 2012

Members received two presentations, one from police Inspector David Coleman and the other from Stuart Albon – Risk Reduction Manager West Group, Kent Fire and Rescue Service.

Inspector Coleman spoke of the challenging financial pressures facing the Authority over the next four years; it is anticipated that the service will lose 1000 support staff and 500 police officers across Kent. Despite these budgetary constraints the Chief Constable is determined to continue to deliver a high quality policing service with a well motivated and supportive force. The savings will be achieved through increased efficiency, sharing services with Essex and other collaborative initiatives and by a radical change in the way services are delivered and the police interaction with the public. Under the new model Neighbour Teams have already increased significantly with the deployment of more constables and an extension to the working day from 7 a.m. to 3 a.m.

In answer to a question about the impact that any further reduction in manned hours operated by the Council's CCTV Control Room, the Inspector, while accepting the need for saving cuts also cited the value of a 24 hour service. To another question he said that the District currently had a 30.1% crime reduction rate although he didn't have to hand the conviction figures.

He commented on the good relationship with the Community Safety Unit and commended it as a model of excellence.

The Risk Reduction Manager from the Kent Fire and Rescue Service, Stuart Albon, spoke about the restructuring that had taken place regrouping the County into five areas with Sevenoaks District being part of West Group, with a geographical spread from Edenbridge to Gravesend.

The service concentrated on four focus areas, two key ones being to reduce the number of traffic collisions and casualties from fire. Another priority was to 'preserve the Garden of England' by promoting flood awareness and preparedness, minimising the threat of outdoor fires in areas such as Dartford Heath and by tackling anti-social behaviour. Fourthly, helping to mitigate the risks to businesses, keeping people safe in the workplace through inspections and taking enforcement action when and where necessary.

Given the network of Motorways within the District the number of traffic accidents causing death and severe injury was high. Those most at risk were identified as young newly qualified drivers, motor cyclists and foreign lorry drivers. As part of their efforts to reduce these incidents, officers are specifically targeting those groups to offer information and advice.

To assist in reducing the number of house fires, officers work with vulnerable people, visiting them in their own homes, to talk through potential hazards and to check they

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have received the relevant information and equipment. They also worked with Housing Associations and Voluntary Groups to ensure they were targeting the right people.

Mr Albon summarised his report by re-emphasising the need for high quality information, being well prepared for emergencies and helping to improve the quality of life including measures to reduce the number of unnecessary deaths and injuries.

The Head of Community Development, Lesley Bowles, reported on the proposed local Health and Wellbeing Boards being established by Kent County Council centred around the Clinical Commissioning Groups. These are due to come into effect in April 2013. Sevenoaks District was covered by two Primary Trusts and would need to be kept informed about both. She would be bringing a further report to the next meeting of the Committee.

Alison Cook
Chairman

**PERFORMANCE AND GOVERNANCE COMMITTEE
MEETING OF 13 NOVEMBER 2012**

As had been previously agreed Members held a trail meeting with the Internal Audit Manager to have the opportunity to raise any finance issues of concern without, other offices of the council being present. No issues of concern were raised but it was agreed to repeat the process next year to reinforce the independence of the Audit process. Members received a formal response from the Service Select Committee in which they were advised that Moat Housing and KCC were taking up the vacant accommodation in Argyle road Offices. A response was received from the Social Affairs Select Committee suggesting an alternative indicator to measure targets on the Community Action Plan might be adopted. It was agreed that the committee would look again the budget proposal if the Council's council tax did not increase in line with assumption in the 10 year budget. The Annual Complaints Report was received for 2011/12 and the overall reduction in the number of complaints was welcomed. Members asked for more detail on the decisions made by the Local Government Ombudsman. A report was received on Performance Monitoring on those items which were underperforming and the progress being made was noted. Concerns were expressed about the value of some of the performance targets and it was agree that these should be reviewed to see if they can better reflect the work of the council. It was recommended to the Cabinet of the Council that the Cobden Road Centre be declared surplus to requirements of the council and sold on the open market by action. A treasury management up-date was received and it was agreed to recommend that consideration be given to increasing the counterparty limits for Lloyds and RBS to £8M. Also that the investigation be made of extending building society investments to the leading building societies. Officers were thanked for achieving extra investment income over target. A Budget Monitoring Report was received and the favourable end of year forecast noted.

Mark Fittock
Chairman

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