

Council Offices  
Argyle Road  
Sevenoaks  
Kent  
TN13 1HG



Despatched: 12.11.18

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 20 November 2018 to transact the under-mentioned business.

Chief Executive

## AGENDA

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

### Apologies for absence

1. To approve as a correct record the minutes of the meeting of the Council held on 24 July 2018. (Pages 1 - 4)
2. To receive any declarations of interest not included in the register of interest from Members in respect of items of business included on the agenda for this meeting
3. Chairman's Announcements
4. To receive any questions from members of the public under paragraph 17 of Part 2 (The Council and District Council Members) of the Constitution.
5. To receive any petitions submitted by members of the public under paragraph 18 of Part 2 (The Council and District Council Members) of the Constitution.
  - a) Petition from Members of the Public - Petition for SDC to explain its failure to supply information (Pages 5 - 6)
6. Matters considered by the Cabinet
  - a) Council Tax Reduction Scheme (Pages 7 - 54)
7. Matters considered by other standing committees

- a) Gambling Act 2005 - Statement of Principles of Gambling Policy (Pages 55 - 118)
  - b) Constitutional changes regarding Development Control Delegations (Pages 119 - 122)
8. To consider the following reports from the Chief Executive or other Chief Officers on matters requiring the attention of Council:
- a) The Council Plan (Pages 123 - 140)
  - b) Draft Calendar of meetings for the municipal year 2019/20 (Pages 141 - 144)
9. To consider any questions by Members under paragraph 19.3 of Part 2 (The Council and District Council Members) of the Constitution, notice of which have been duly given.
10. To consider any motions by Members under paragraph 20 of Part 2 (The Council and District Council Members) of the Constitution, notice of which have been duly given.
11. To receive the report of the Leader of the Council on the work of the Cabinet since the last Council meeting. (Pages 145 - 148)

#### EXEMPT ITEMS

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

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

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

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

Democratic Services (01732 227000/ [democratic.servces@sevenoaks.gov.uk](mailto:democratic.servces@sevenoaks.gov.uk))

COUNCIL

Minutes of the meeting held on 24 July 2018 commencing at 7.00 pm

Present: Cllr. Mrs. Bosley (Chairman)

Cllr. Edwards-Winser (Vice Chairman)

Cllrs. Abraham, Ball, Barnes, Bosley, Brown, C. Barnes, Dr. Canet, Clack, Clark, Coleman, Dickins, Dyball, Edwards-Winser, Esler, Eyre, Fleming, Grint, Halford, Hogarth, Hogg, Horwood, Mrs. Hunter, Kelly, Kitchener, Lake, Layland, Lindsay, London, Lowe, Maskell, McGarvey, McGregor, Mrs. Morris, Parkin, Pett, Piper, Purves, Raikes, Scholey, Scott, Searles, Miss. Stack and Thornton

Apologies for absence were received from Cllrs. Firth, Gaywood, Krogdahl, McArthur, Pearsall, Reay and Williamson

1. To approve as a correct record the minutes of the meeting of the Council held on 15 May 2018.

Resolved: That the Minutes of the meeting of the Council held on 15 May 2018 be approved and signed as a correct record.

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

No additional declarations of interest were received.

3. Chairman's Announcements

The Chairman reported to Members that the second dementia run raised over £7,000 for local dementia services. She also confirmed that the summer family fun days had returned for another year, with days planned from 30 July for four weeks.

The Chairman announced that the Big Sing took place at the Stag Theatre on 21 June and was a successful event, with over £500 raised for local mental health charities. She was happy the event brought communities closer together.

The Chairman reported that she held her first charity event at a local Indian restaurant on 23 July, which raised £1,340 for the Silas Pullen Fund.

She also advised Members about Mental Health Day on 10 October. The Chairman announced she would be holding events from 8-12 October with support from District and Parish councils.

The Chairman also advised Members about the Every Step Counts project. She told Members that there were now four walks now active with a walk in Riverhead to be launched in late August or early September.

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

No questions had been received.

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

No petitions had been received.

6. Matters considered by the Cabinet

- a) Christmas Parking

Councillor Fleming moved and Councillor Dickins seconded the recommendation from Cabinet. The report sought funding for free concessionary parking Cabinet had agreed to being provided on specified weekends up to Christmas 2018.

Resolved: That the cost in terms of loss of income for free Christmas parking be met from Supplementary Estimates.

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

Councillor Fleming moved and Councillor Lowe seconded the recommendation within the report which sought declaration of a vacancy.

Resolved: That

- a) it be noted that Ms Ingrid Tennessee has ceased to be a member of this authority by virtue of her absence; and
  - b) a vacancy in Farningham, Horton Kirby and South Darenth ward be declared.
8. To consider any questions by Members under paragraph 19.3 of Part 2 (The Council and District Council Members) of the Constitution, notice of which have been duly given.

No questions had been received.

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

No questions had been received.

Council - 24 July 2018

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

The Leader of the Council reported on the work that he and the Cabinet had undertaken in the period 16 April to 16 July 2018.

Members questioned the meeting on 1 May with Kent County Council Leader Paul Carter. The Leader confirmed that this meeting took place to look at sites in the centre of Sevenoaks, in order to look at bringing education facilities to the town. He confirmed that the education facility, if possible, would be for higher or further education students.

THE MEETING WAS CONCLUDED AT 7.19 PM

CHAIRMAN

This page is intentionally left blank

**PETITION FROM MEMBERS OF THE PUBLIC - PETITION FOR SDC TO EXPLAIN ITS FAILURE TO SUPPLY INFORMATION**

**Council - 20 November 2018**

Report of	Chief Officer Corporate Services
Status	For Decision
Key Decision	No

---

**Recommendation to Council:** That, in accordance with the Council's Petition Scheme, the Council consider the petition submitted by Frances White, on 1 November 2018 and determine any action that it wishes to take in response.

---

**Introduction and Background**

1 Frances White, the lead petitioner, set up an petition in line with the Council's petition policy which ran from 25/09/2018 to 01/11/2018 and has been submitted with 1068 signatures in the following terms:

'We the undersigned petition the council to Explain why the community was not adequately informed about the consultation for the Draft Local Plan.

SDC must explain

- why the community was not informed about the consultation for the Draft Local Plan by letters marked 'Important' posted to 'The Householder', as with communications re Planning Permission

- why such a short time period, mostly during the holiday period, was given for the consultation

- why community representatives, including Parish Councils, were not made aware of it in good time, especially given the summer break.'

**The Council's Petition Scheme**

2 The Council's Petitions Scheme provides for petitions containing more than 1,000 signatures to be debated at full Council and also that petitions which relate to an issue which affects a particular area of the District and have a significant level of support from people who live, work or study in that area are also likely to be debated at a full Council meeting.

3 The Council can take whatever action it deems appropriate to respond to the petition which could include referring the petition to Cabinet or any council

## Agenda Item 5a

committee, to commission further investigation or to take no action at all for reasons put forward in the debate.

### Key Implications

#### Financial

None directly arising from this report.

#### Legal Implications and Risk Assessment Statement

None directly arising from this report.

#### Equality Assessment

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

### Conclusion

The Council is asked to consider the petition and to determine what action it wishes to take in response.

#### Appendices

None

#### Background Papers

[Sevenoaks District Council Constitution: Appendix Y - Petition Scheme](#)

[Petition](#)

**Jim Carrington-West**

**Chief Officer Corporate Services**



**Item 6 (a) - Council Tax Reduction Scheme 2019/20**

The attached report was considered by Cabinet on 8 November 2018, and the relevant minute extract was not available prior to the printing of these papers and will therefore follow when available.

Normally the relevant Advisory Committee would get the chance to see a report before Cabinet, however due to scheduling issues the Finance Advisory Committee is not due to meet until 15 November 2018 which is after the meeting of Cabinet on 8 November 2018. Therefore, unusually the minute reference (which will not have been considered by Cabinet) from the Finance Advisory Committee will be forwarded to Council as well as the Cabinet minute reference, when they are available.

This page is intentionally left blank

## COUNCIL TAX REDUCTION SCHEME 2019/20

Council - 20 November 2018

Report of: Chief Finance Officer

Status: For Decision

Also considered by: Finance Advisory Committee - 15 November 2018  
Cabinet - 8 November 2018

Key Decision: No

---

**Executive Summary:** This report seeks Member's approval to recommend the adoption of a replacement Council Tax Reduction (CTR) scheme for 2019/2020, which is to be implemented with effect from 1 April 2019.

---

**Portfolio Holder** Cllr John Scholey

**Contact Officers** Adrian Rowbotham, Ext. 7153  
Heather Gaynor, Ext. 7435

---

### Recommendation to Cabinet

- (a) That the comments of the Finance Advisory Committee to be held on 15 November 2018 be forwarded to Council for consideration.
- (b) To recommend to the Council to adopt the new Council Tax Reduction scheme from the 2019/20 financial year.

### Recommendation to Finance Advisory Committee

- (a) Noting the decision of Cabinet on 8 November 2018, that the Committee consider the proposed Council Tax Reduction scheme for 2019/20 and forward any comments to Council.

### Recommendation to Council

- (a) That Council resolves to adopt the new Council Tax Reduction scheme from the 2019/20 financial year as required by S13A and Schedule 1A of the Local Government Finance Act 1992 as amended.

---

### Reason for recommendation

The decision on any amendments to the Council's CTR scheme must be taken by Council. In order to comply with prescribed requirements, the decision of Council must be made by 11 March 2019 in order for the recommended amendments to

---

---

take effect from 1 April 2019.

---

### **Introduction and Background**

- 1 The Council Tax Reduction scheme replaced Council Tax Benefit with effect from 1 April 2013.
- 2 Under the Council Tax Reduction provisions, the scheme for pensioners is determined by Central Government and the scheme for working age applicants is determined by the Council. Pensioners broadly receive the same level of support that was previously available under the Council Tax Benefit scheme.
- 3 The current scheme (2018/19) for working age applicants is based on the previous Council Tax Benefit means tested, but has been amended since 2013. The following changes currently apply to working age applicants only:
  - a. All working age applicants are required to pay a minimum of 20% towards their Council Tax liability;
  - b. If a person is self-employed, a minimum income floor may be imposed where a person's income is less than expected after two years of trading, this could be based on 35 hours x National Living Wage. There are some exemptions to this.
- 4 The scheme has been amended each year for general changes in applicable amounts (primarily in relation to disability premiums) and for non-dependant deductions.

### **Council Tax Reduction and the Full Service Roll Out of Universal Credit**

- 5 The introduction of Universal Credit within Sevenoaks District will, as experienced in all other areas bring a number of challenges to both the administration of Council Tax Reduction and also the collection of Council Tax generally. Sites within full service areas have experienced the following:
  - a. The reluctance of Universal Credit claimants to make a prompt claim for Council Tax Reduction leading to loss of entitlement;
  - b. A high number of changes to Universal Credit cases are received from the Department for Work and Pensions requiring a change to Council Tax Reduction entitlement. On average 40% of Universal Credit claimants have between eight and twelve changes in entitlement per annum. These changes result in amendments to Council Tax liability, the re-calculation of instalments, delays and the demonstrable loss in collection; and
  - c. The increased costs of administration through multiple changes with significant additional staff and staff time being needed.
- 6 It is clear that the existing means tested Council Tax Reduction scheme, which is too reactive to change, will not be viable once Universal Credit has

been rolled out fully within the area and the move to a new more efficient scheme from 2019 is now imperative.

**The 2019/20 Council Tax Reduction Scheme**

- 7 Cabinet on 12 July 2018 resolved that the work undertaken to date and the recommendation that a redesign to the current Council Tax Reduction (CTR) scheme is required to address the issues Universal Credit Full Service, upon which we should consult be noted. Also that a consultation be launched on the potential introduction of a fundamental redesign to the current CTR scheme for working age claimants.
- 8 The Finance Advisory Committee on 5 June 2018 resolved that the progress at that stage on proposed changes to the CTR scheme for 2019/20 be noted.
- 9 In view of the problems being experienced with Universal Credit, the Council Tax Reduction schemes for Sevenoaks has been fundamentally redesigned to address;
  - a. The problems with the introduction of full service Universal Credit; and
  - b. The inevitable increase in administration costs due to the high level of changes received in respect of Universal Credit.
- 10 Work has been undertaken since January 2018 on a new scheme which is now completed. If accepted by Council, the new scheme will be implemented from 2019/20. The new scheme has a number of features as follows:
  - a. The overall expenditure (cost) of the scheme will remain broadly as at present;
  - b. The changes can **only be made to the working age schemes** as the current scheme for pensioners is prescribed by Central Government;
  - c. The current means - tested scheme will be replaced by a simple income grid model as shown below:

Following the modelling the original income levels were found to be too low. The ranges have therefore been widened to be as inclusive as possible and to minimise any impact on applicants.

		Weekly Income levels			
Band	Discount %	Single person	Couple with no children	Couple or Lone Parent with one child	Couple or Lone Parent with two or more children
1	80	Passported Benefit			

## Agenda Item 6a

1	80	£0 - £79.99	£0 - £119.99	£0 - £179.99	£0 - £239.99
2	60	£80 - £129.99	£120- £169.99	£180 - £229.99	£240 - £299.99
3	40	£130 - £179.99	£170 - £219.99	£230 - £279.99	£300 - £349.99
4	20	£180 - £259.99	£220 - £299.99	£280 - £379.99	£350 - £449.99
5	0	£260+	£300+	£380+	£450+

For the sake of clarity all incomes shown within the table above are weekly in accordance with the scheme requirements and definitions.

- d. It is recommended that the highest level of discount will be set at current maximum level of liability (80%) and all current applicants that are in receipt of a 'Passported Benefit' such as Income Support, Jobseeker's Allowance (Income Based) and Employment and Support Allowance (Income Related) receive maximum discount;
- e. All other discount levels are based on the applicant's (and partner's, where they have one) net income;
- f. The scheme allows for variation in household size with the levels of income per band increasing where an applicant has a partner, and / or dependants;
- g. Limiting the number of children used in the calculation of support to two for all working age applicants. This will bring the scheme in line with Universal Credit;
- h. Where an applicant had non-dependants living with them, no deduction shall be made from any entitlement. This is a significant change and means that the administration of the scheme will be more straightforward whilst also protecting low income families where adult sons and daughters for example remain at home;
- i. To remove Second Adult Rebate;
- j. To encourage work, a standard £25 per week disregard will be provided against all earnings for all applicant types. This will take the place of the current standard disregards and additional earnings disregards. Where a family also receives a child care disregard (for child care costs not paid for by Central Government schemes), this has been allowed for within the income levels in the 'grid scheme';
- k. Disability benefits such as Disability Living Allowance and Personal Independence Allowance will continue to be disregarded and, in addition, the Support Component of Employment and Support Allowance and

Carer's Allowance will also be disregarded, again providing additional protection with the scheme

- l. Where an applicant is disabled, they have a disabled child or receive the Support Component of the Employment and Support Allowance, the amount they receive as a premium under the existing scheme will be replaced by an equivalent income disregard (in addition to the disregard of disability benefits as outlined in k. above)
- m. The total disregard on war pensions and war disablement pensions will continue;
- n. The capital limit under the new scheme will be £6,000. This is a reduction from the current level of £16,000. Any capital below this level will not have any effect on the applicant's entitlement to Council Tax Reduction;
- o. Removes the conditions that prevent certain students from claiming Council Tax Reduction;
- p. Removing extended payment provision;
- q. Changing the CTR claiming process for all applicants who receive Universal Credit;
- r. Making , all changes in circumstances which change any entitlement to Council Tax Reduction on a daily basis rather than the current (benefit based) weekly basis;
- s. Where a request is made to backdate entitlement, the current scheme requires the applicant to prove 'good cause'. The new scheme will replace 'good cause' with a general discretion to backdate, and
- t. The scheme will have a minimum award of £1.00 per week.

#### **How the new scheme will address the problems of full service Universal Credit**

- 11 Due to the simplicity of the proposed new scheme and by taking a more 'Council Tax discount approach', it will address the problems associated with Universal Credit as follows;
  - a. **The scheme will require a simplified claiming process.** In the case of Universal Credit applicants *any* Universal Credit data received from the Department for Work and Pensions will treated as a claim for Council Tax Reduction. Where information is received from DWP, the entitlement to Council Tax Reduction will be processed automatically without the need to request further information from the taxpayer. This will have the following distinct advantages namely:
    - i. **Speed of processing** - claims will be able to be calculated automatically and promptly without the need to request further information which inevitably leads to delays;

## Agenda Item 6a

- ii. **Maximising entitlement to every applicant** - as there will no requirement for Universal Credit applicants to apply, entitlement to Council Tax Reduction will be maximised with a reduced risk of loss of discount or the need for backdating;
  - iii. **Maintenance of collection rates** - the new scheme will avoid constant changes in discount, the need for multiple changes in instalments and therefore assist in maintaining the high collection rates currently achieved.
- b. **The income bands are sufficiently wide to avoid constant changes in discount.** The current Council Tax Reduction scheme is very reactive and will alter even if the overall change to the person's liability is small. This is leading to constant changes in Council Tax liability, the need to recalculate monthly instalments and the requirement to issue a large number of Council Tax demands. The effect of this is that Council Tax collection is reduced. The new scheme, with its simplified income banding approach will have the following advantages:
- i. Only significant changes in income will affect the level of discount awarded;
  - ii. Council Taxpayers who receive Council Tax Reduction will not receive multiple Council Tax demands and adjustments to their instalments.
- c. The new scheme is designed to reflect a more modern approach, where any discount changes it will be effective from the day of the change rather than the Monday of the following week.

### Transition to the new scheme and the Council's Exceptional Hardship Policy

- 12 The Council is mindful that any change in scheme or a transition to a new scheme may result in a change to the entitlement of certain applicants.
- 13 Whilst the new scheme has been designed to protect vulnerable groups and to, where possible, minimise any reductions in entitlement, it is proposed that the new scheme will contain additional provisions to protect individuals who experience exceptional hardship. Where any applicant is likely to experience exceptional hardship, they will be encouraged to apply for an exceptional hardship payment. The Council will consider all applications for exceptional hardship on an individual basis, taking into account available income and essential outgoings.
- 14 The current policy only allows the applicant to apply for exceptional hardship whilst they are in receipt of CTR. An amendment to the policy is recommended to allow an applicant to apply for exceptional hardship where they have been in receipt of CTR within the last 6 weeks. This will allow applicants who no longer qualify to apply for exceptional hardship.



- 15 The Council is of the opinion that this approach will enable individual applicants to be dealt with in a fair and equitable manner.

### **Public Consultation**

- 16 To effect changes to the CTR scheme, the Council has a legal duty to carry out public consultation and assess the impacts of the proposed changes with regard to equalities. The Council has undertaken a full public consultation over an eight week period, which ended on 17 September 2018.
- 17 An on-line questionnaire was available on the Council's website over the eight week period. A letter was sent to all working-age claimants advising them of the web link and also giving them an option to request a hard copy of the questionnaire. Registered Social Landlords and third sector organisations were also advised of the consultation and encouraged to respond.
- 18 The Council should be mindful of these responses shown at Appendix A. It should be noted that overall, the responses were favourable to the changes proposed.
- 19 Within the report to Cabinet on 12 July, Members endorsed that in response to a complaint to the Council, the consultation was used to establish if a wider issue existed with access to the CTR scheme for those that regard themselves to work in the 'gig economy' (an environment where temporary positions are common and organisations contract with independent workers for short-term engagements). The Council follows standard practice and identifies applicants in this situation as self-employed. Two comments were received in relation to this question, but data indicates it is not a wide or significant issue for claimants.

### **Consultation with Major Preceptors**

- 20 In addition to a full public consultation, the Council also has consulted with the major preceptors namely Kent County Council, Kent Fire and Rescue Service and the Police and Crime Commissioner for Kent
- 21 The preceptors have agreed with the changes proposed and are happy with the approach taken by the Council. Response from Kent County Council stated:
- Based on the stated aims (no detrimental impact on tax base or material change in benefit discounts) we are happy to support this and encourage schemes to be kept up to date with welfare reforms.

### **The new scheme**

- 22 The proposed new scheme document is attached at Appendix C

### Key Implications

#### Financial

The annual cost of the current CTR scheme is £5.6 million of which £2.7 million relates to working age claimants. It is anticipated that there will be no significant increase in expenditure under the new scheme. Final costs will be calculated once the Council Tax levels for 2019/20 have been set by full Council.

There will be no significant financial impact to the Council and the Major Precepting Authorities (Kent County Council, Fire Authority and Police).

Where an individual may suffer exceptional hardship, the scheme will include an exceptional hardship provision which will be met by the collection fund in the same way as Council Tax Reduction.

#### Legal Implications and Risk Assessment Statement

Schedule 1A (5) of the Local Government Finance Act 1992 as amended requires local authorities to consider the following:

*For each financial year, each billing authority must consider whether to revise its scheme or to replace it with another scheme.*

*The authority must make any revision to its scheme, or any replacement scheme, no later than 11<sup>th</sup> March in the financial year preceding that for which the revision or replacement scheme is to have effect.*

In addition, where there are changes to the scheme the authority is obliged under Schedule 1A (5) (4) *if any revision to a scheme, or any replacement scheme, has the effect of reducing or removing a reduction to which any class of persons is entitled, the revision or replacement must include such transitional provision relating to that reduction or removal as the authority thinks fit.*

The full implications of the legislation are addressed with paragraph 10-13 above. The exceptional hardship provision will provide a mechanism enabling the Council to award additional support where it is felt that any applicant may suffer exceptional hardship under the new provisions.

#### Equality Impact Assessment

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups.

A full equality impact assessment covering the implications of amending the current scheme and introducing a revised scheme from 1 April 2019 is detailed in Appendix B.

The impact assessment concludes that it would be considered reasonable to continue with the implementation of the new scheme. The income grid scheme proposed ensures that overall spending on council tax discount to support residents will remain in line with the amount spent under the current scheme.

Alongside this, measures to ensure that all passported benefits claimants maintain the highest level of discount and simplifying the claiming process ensure that the objectives of the new scheme are being met.

It is recognised that within this proposal there will be applicants that will receive more discount as a result of the new scheme and there will be applicants that will either receive less discount or no discount at all. The principles on which the scheme are designed ensure that those with the least income and the least amount of savings (capital) are entitled to greater levels of discount.

Reasonable adjustments have been proposed to the scheme to support those that would be worst affected. Firstly, the income grid bands have been revised post-consultation to ensure the scheme delivers on its aim to maintain current spending and to support those on lowest incomes more greatly. Secondly, it is proposed to amend the Exceptional Hardship Policy ensuring it remains accessible to claimants who were in receipt of a discount within the last six weeks. The current Policy is only open to applicant's currently in receipt of a discount and it is recognised this would be insufficient when introducing new scheme rules.

**Appendices**

Appendix A - Summary of consultation responses

Appendix B - Equality Impact Assessment

**Background Papers**

Proposed Council Tax Reduction Scheme 2019/20

[Council Tax Reduction Scheme - 2019/20 - report to Finance Advisory Committee 05/06/18](#)

[Council Tax Reduction Scheme 2019/20 - report to Cabinet 12/07/18](#)

**Adrian Rowbotham**

**Chief Finance Officer**

This page is intentionally left blank

# **Council Tax Reduction Scheme for 2019/20**

## **Consultation Results**

### **Background**

Each year the Council has to decide whether to change its Council Tax Reduction scheme for working age applicants in its area. This year the Council is recommending significant change to the Council Tax Reduction scheme due to the introduction of Universal Credit Full Service within the Kent area and to simplify the scheme for all claimants.

The Council is not proposing to make any reductions on its overall spending on council tax reduction claims from the changes it is suggesting. Before any changes can be implemented, they must be subject to public consultation.

### **Consultation dates**

The consultation ran for 8 weeks. It started on 23 July 2018 and finished on 16 September 2018.

### **Consultation Results**

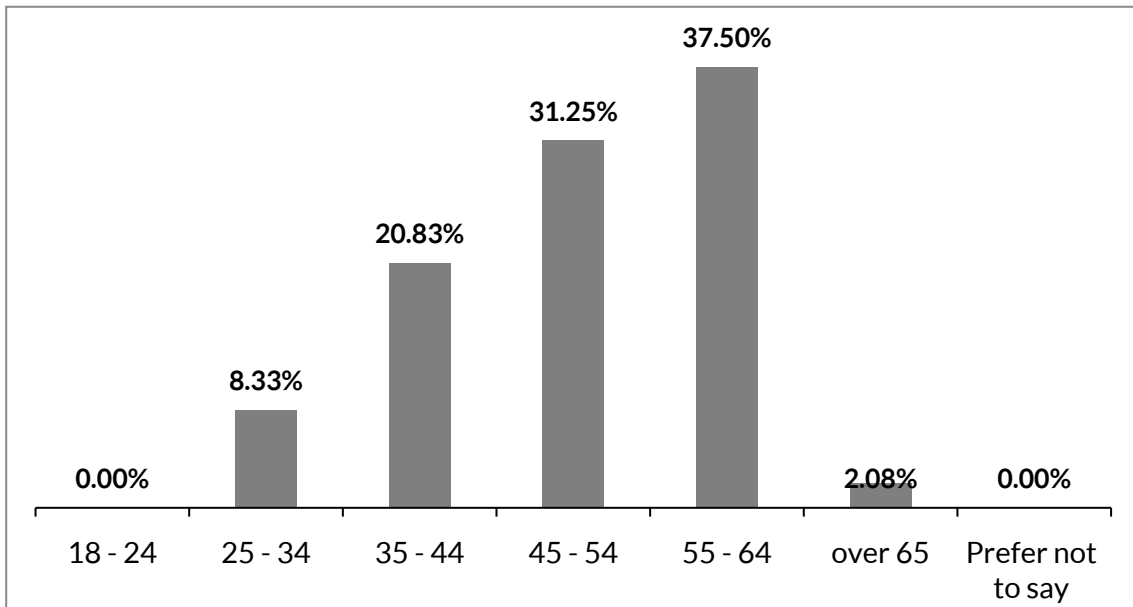
In total 111 people responded to the Council's consultation on the council tax reduction scheme for 2019/20.

107 of the respondents confirmed that they had read the background information that accompanied the consultation and informed them of the proposals before they completed the questionnaire.

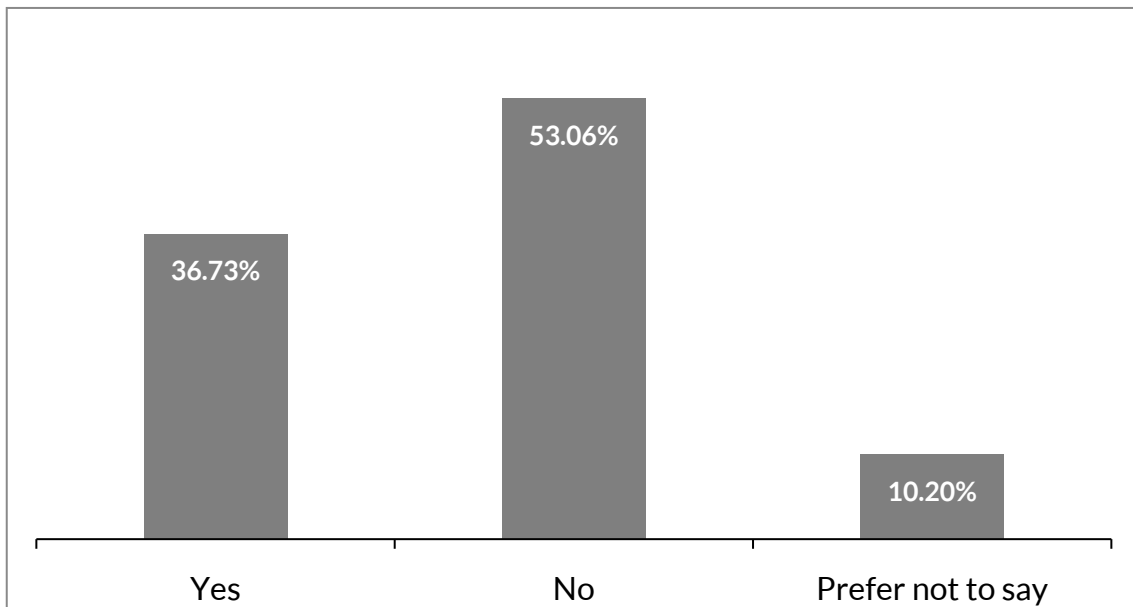
### Demographics

49 people provided responses to the equalities monitoring questions and told us about their employment status.

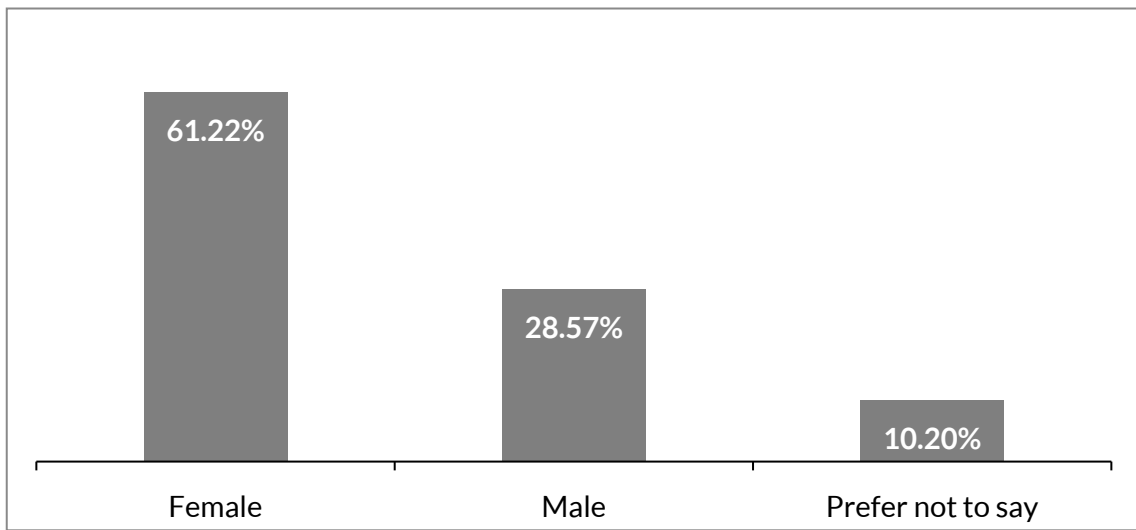
#### Age



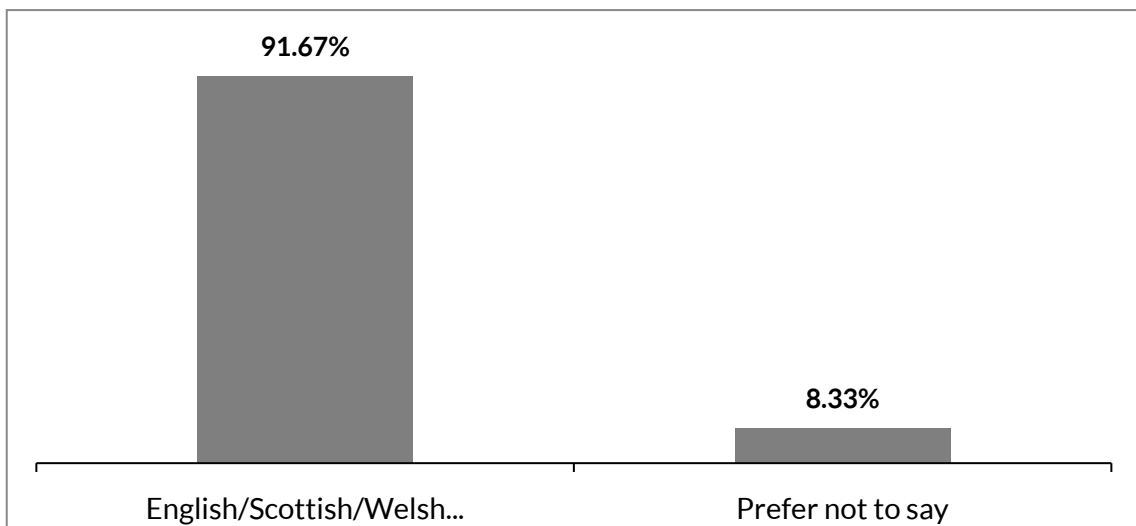
#### Disability



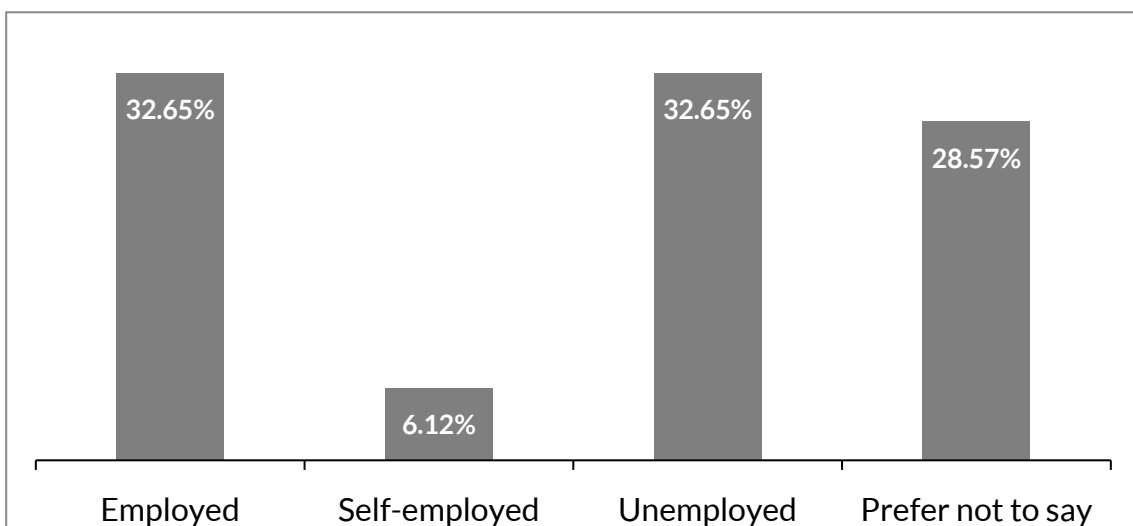
**Gender**



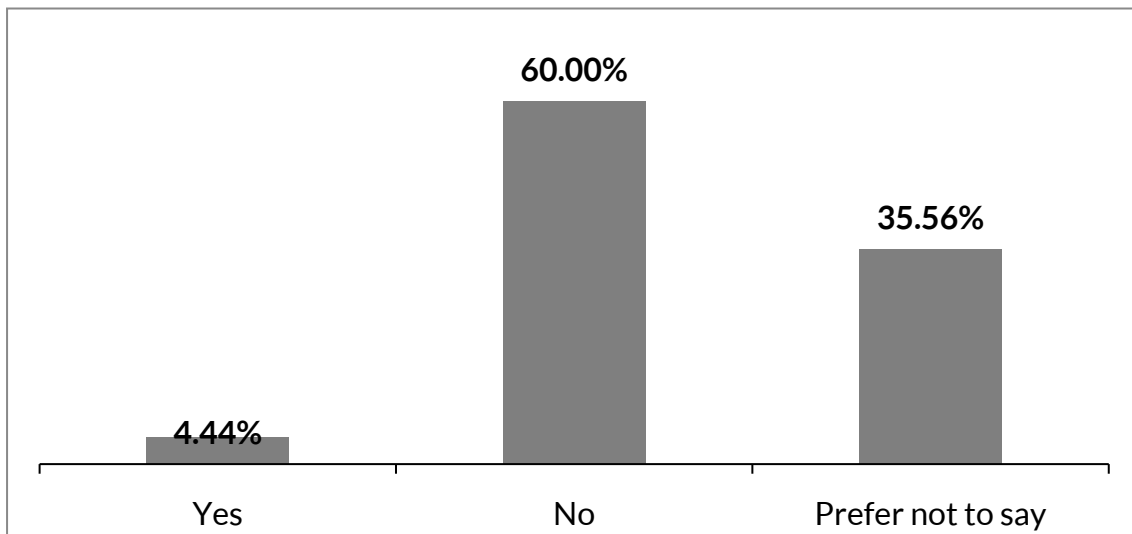
**Race**



**Employment status**



**Would you consider your main employment to be in the gig economy?**



**Please tell us if you believe your employment in the gig economy has an impact on you when making a claim under the Council Tax Reduction scheme**

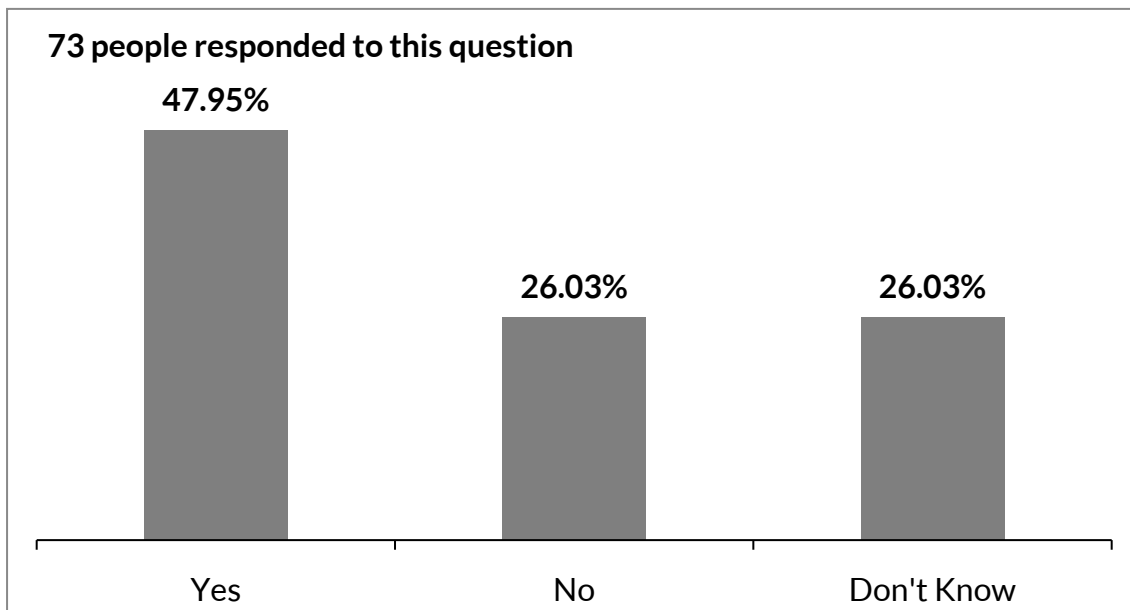
I do not know what the Gig economy is as I have not come across the term before.
I am self-employed, but mainly in sales, not gigs. I am also disabled. I currently receive no support because your scheme falsely assumes that I have income that does not actually exist. My income fluctuates - sometimes I am not well enough to work, and sometimes even when I can work I don't sell anything because my customers don't always want to buy - I can't force them to purchase products that they don't need or can't afford! My circumstances are not taken into account in your current scheme, and there is no proposal in your listed options to improve this blatant (and unlawful) discrimination.
I dont understand what the gig is sorry
I'm sorry I do not know what the gig economy is! I shall have to look it up.
It's difficult as my income varies month to month. One month I may earn more or less than the next. You can't judge it as it's seasonal too. I have to save to make my council tax payments. My rebate may be a lot less than what I'm entitled to as my finances are worked out on the previous financial year if it was a good year followed by a bad I am always in financial difficulty.
what is the gig economy?
I have no idea what a 'gig' economy is.
I don't know what a gig economy is
N/A to me



**Option 1**

**To introduce an Income Based Grid scheme to replace the current scheme for all applicants of working age**

**Do you think Option 1 should be introduced into the Council Tax Reduction Scheme for 2019/20?**



**Comments provided in response to Option 1**

The bands are too wide. With bands at 20%, for a typical Council Tax weekly bill of £25, someone on low wages who receives a £10 per week gross income rise which tips them into the next CTR income band would see £5 of that lost in reduced CTR, that is too great a clawback. Bands should be at maximum 10% increments to reduce the marginal gains/losses when an income change occurs.

Income bands are ridiculously low

Income must be ACTUAL income and not the assumed minimum wage level currently used for self-employed people. Many people are self-employed not through choice but because they have a chronic illness or disability which makes them unable to find employment, so if they are capable of work but unattractive to employers, they choose self-employment rather than doing no work at all. These people are currently discriminated against by the assumption that they earn minimum wage, when, in many cases, that assumed income does not actually exist. This shameful discrimination must stop.

Maybe but there should be an allowance of some sort of the person receives a few pounds over each upper limit. As it is unfair to pay another 20% if you are only getting a few pounds over the upper limit.

Providing it is completely fair when deciding how it is to be accomplished and all variables are taken into consideration.

It seems absurd to me that with income tax a person has to be earning over £11,850 a year to pay any tax at all, yet this proposed change would lead to people bring in only half that amount paying around 10% of their much needed income in council tax.

What about people how are on contribution income.

This will be difficult to manage as a person's income may vary week by week

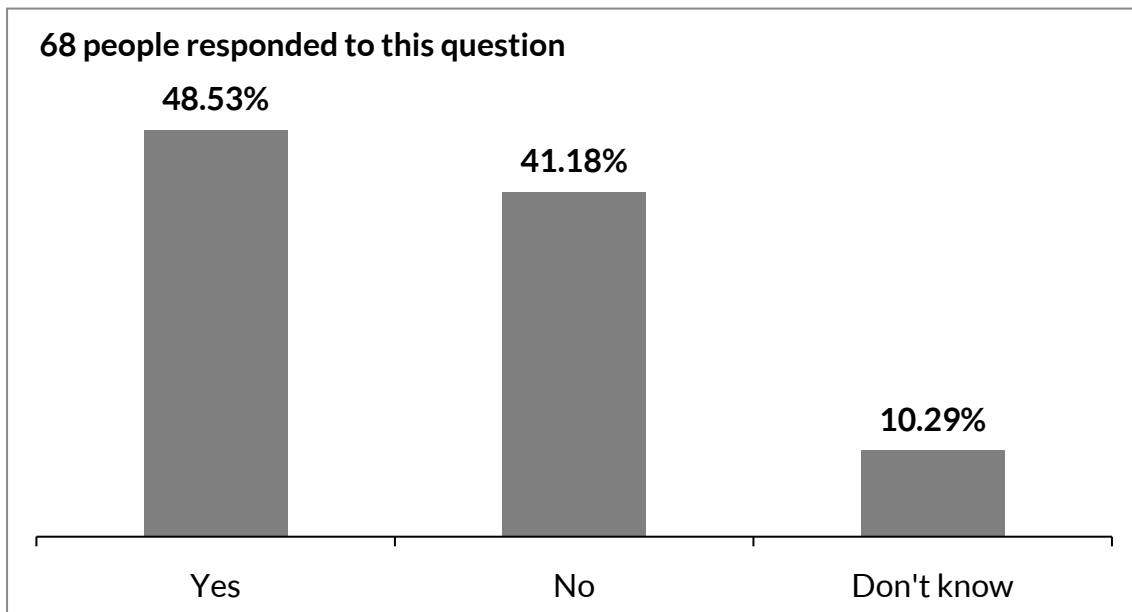
All should pay

This seems the fairest system of them all. Some large families are not by design they are because of new relationships bringing in more children. This will allow income related discounts to be applied with limiting child discounts

**Option 2**

**To limit the number of dependant children within the calculation for Council Tax Reduction to a maximum of two for all applicants**

**Do you think Option 2 should be introduced into the Council Tax Reduction Scheme for 2019/20?**



**Comments provided in response to Option 2**

While this would mean Council Tax reduction is income based, the amount of children you have limits the amount of expendable income this would not be fair.

I think this is applying a limit on children "retrospectively" for existing claimants, and is therefore unfair. They cannot change the size of their household retrospectively. Existing HB claimants with larger families are not "punished" in this way

Adults are liable to pay council tax, children are not, so the reduction scheme should not take children into account at all - they are irrelevant.

I would have said yes to this proposal BUT you haven't been thorough enough in your outlining of 'dependant' children. Is that 2 birth children? What about fostered children? Or step children that might come at weekends etc?

What children will be exempt if at all?

If applicants want more than two kids then they should provide for them themselves. if they cannot afford them then don't have them

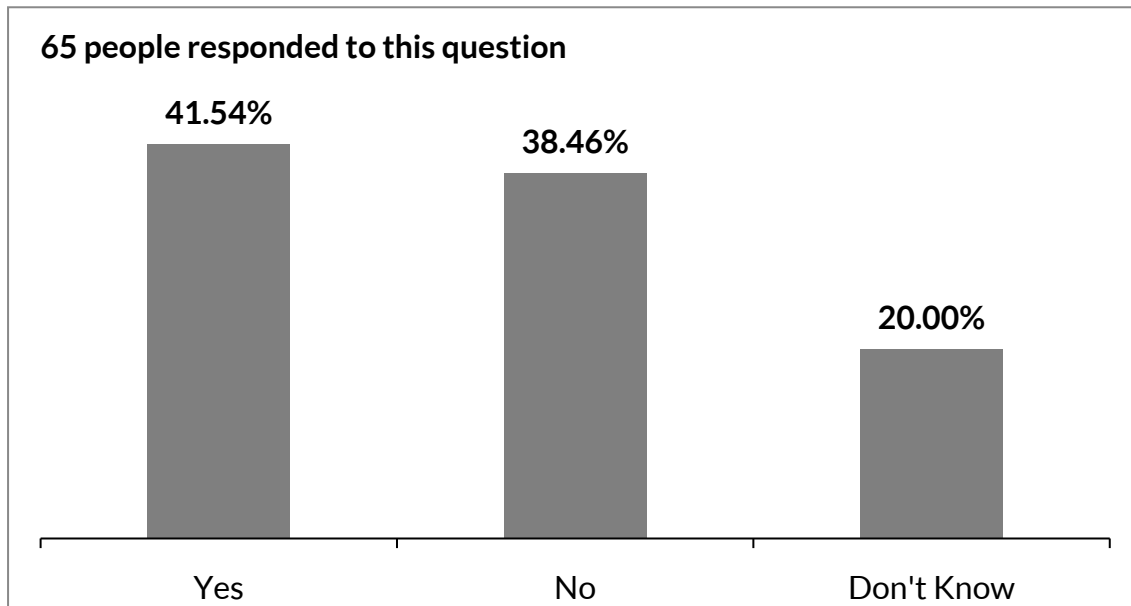
I understand that this is line with UC, However, failure to pay Council Tax is potentially so damaging to the client (who will be already disadvantaged by the 2-child rule) that it would seem fair to allow this extra support.

Agree

**Option 3**

**To remove Non-Dependant Deductions from the scheme**

**Do you think Option 3 should be introduced into the Council Tax Reduction Scheme for 2019/20?**



**Comments provided in response to Option 3**

Ridiculous to expect answers to questions that need the question in front of them, not on another download !!!

Households with more working-age adults should pay more council tax (and therefore receive a smaller reduction). All working-age adults will be receiving some form of income (wages, benefits or a combination of both) and should pay their fair share of the cost of local services.

It will force people like pensioners and single parent s to evict their children when they leave school

I am being charged £75 from my HB C Tax award, this comes from my son's PIP. this is not fair.

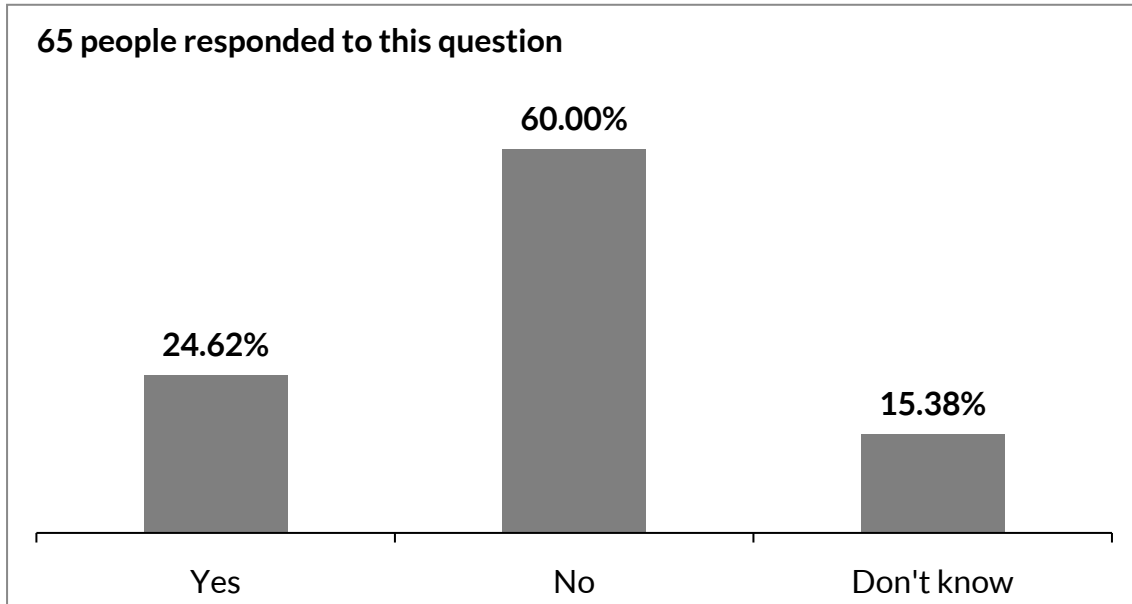
If there are adults living in a property they should all be made jointly liable. If the person who is the main tenant or owner of the property is receiving benefits and the other adult's living in the property are not and have a significantly higher income, you should look at making to non-benefit claimer liable.

Yes

**Option 4**

**To remove the Second Adult Rebate provisions**

**Do you think Option 4 should be introduced into the Council Tax Reduction Scheme for 2019/20?**



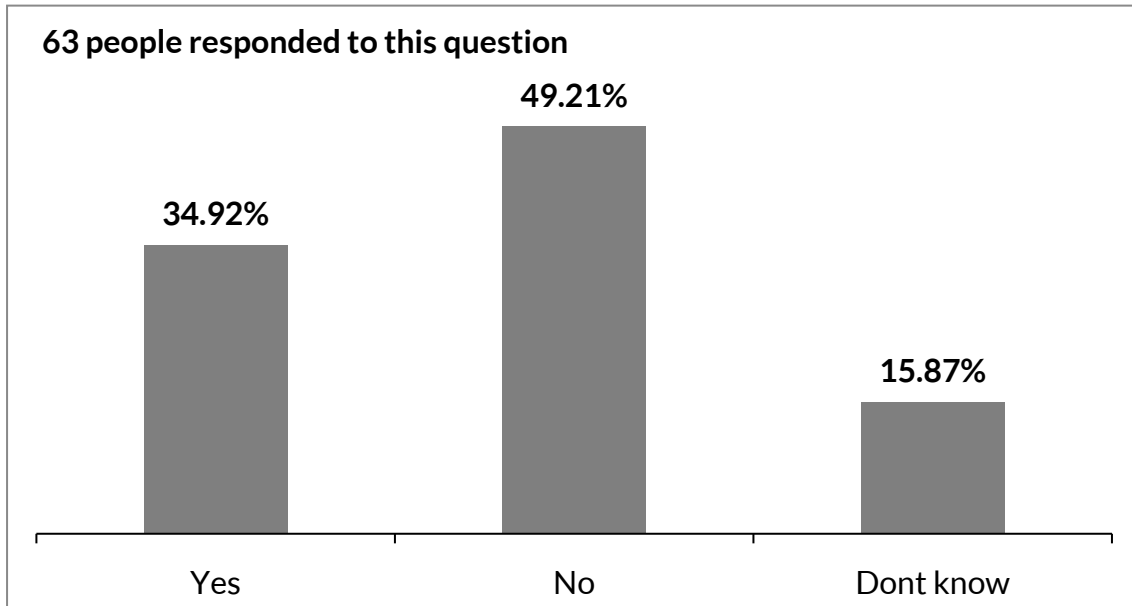
**Comments provided in response to Option 4**

Respect to anyone who truly understands the Second Adult Rebate. As it appears not to be based on the income of the Council Tax payer, it should be removed
Refer to previous comment -too complicated to answer without the full question included
I don't really understand what this is
Yes

**Option 5**

**To remove the current earnings disregards and replace them with a standard £25 per week disregard irrespective of a person’s circumstances**

**Do you think Option 5 should be introduced into the Council Tax Reduction Scheme for 2019/20?**



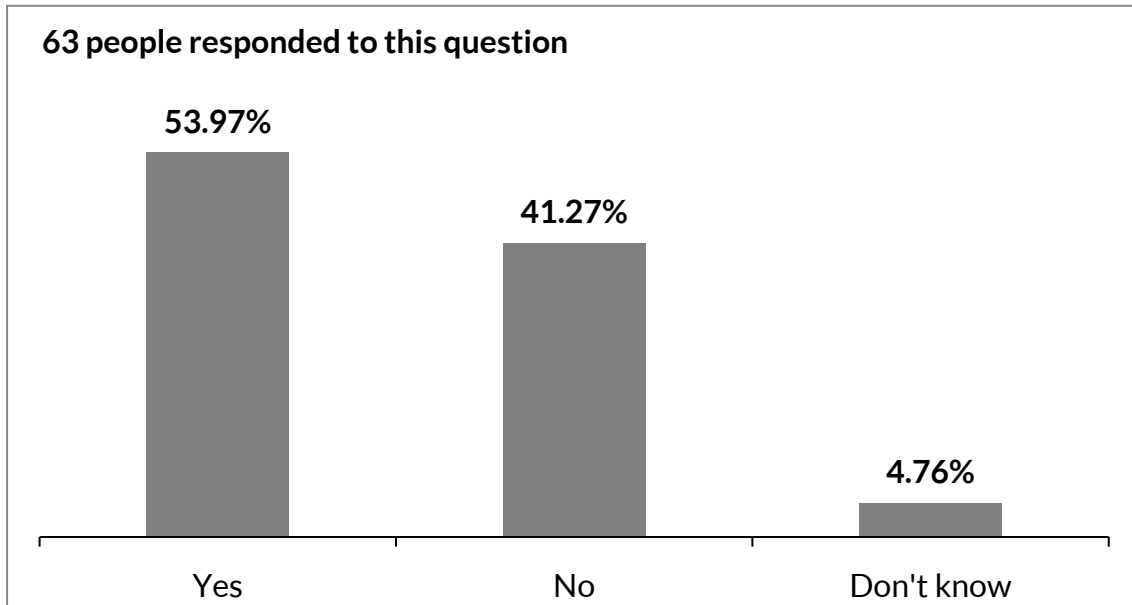
**Comments provided in response to Option 5**

It is almost impossible to assess whether this change will lead to significant gains and losses
not sure what this means
Again, this should be calculated against the ACTUAL income received by self-employed people, and not against the fake income created by the discriminatory assumption that all self-employed people are earning the equivalent of the minimum wage.
Yes

**Option 6**

**To disregard Carer’s Allowance which is currently taken into account as income**

**Do you think Option 6 should be introduced into the Council Tax Reduction Scheme for 2019/20?**



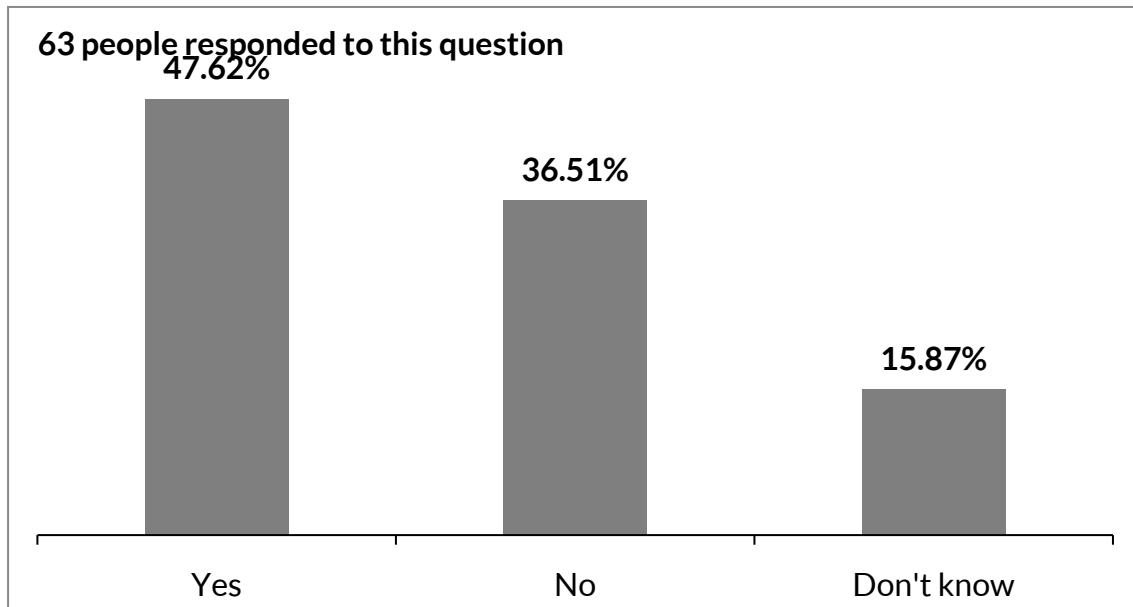
**Comments provided in response to Option 6**

This provides a net benefit to households where there is a payment of Carer's Allowance
Carers get very little for their hard work and save the government a lot of money by taking on the care of relatives. To then have what they do get into a added extra in income is frankly ridiculous. Most carers income is what they are paid via carers allowance.
its hard enough financially for carers allowance being counted as income. So every little extra helps
Someone who is receiving Carer's Allowance is saving the council money so this money should never be classed as earnings.
As someone who claims carers allowance this would work better for me and my partner
Yes

**Option 7**

To replace the current disabled premiums under the existing scheme with an equivalent income disregard.

Do you think Option 7 should be introduced into the Council Tax Reduction Scheme for 2019/20?



### Comments provided in response to Option 7

I don't know enough how it works in relation to CT reduction

This is incompatible with Option 5 (introduction of a single £25 disregard) and would penalise (and discriminate against) people with disabilities. If you want to use Option 7 and remove the premium, you must amend Option 5 to allow a higher disregard for people with disabilities.

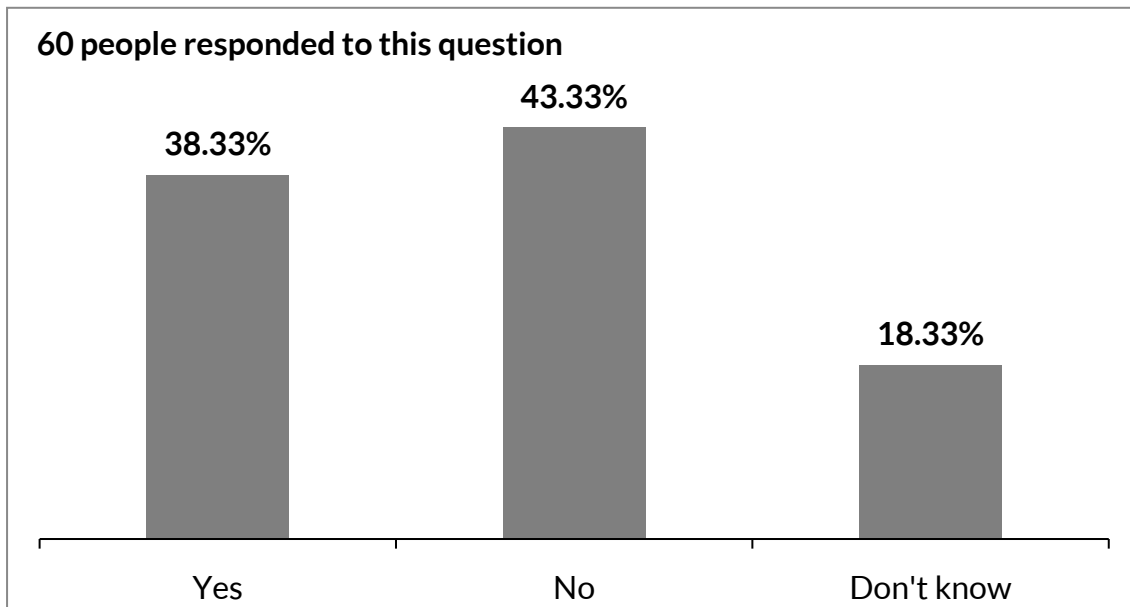
As long as it does not disadvantage disabled people and make them worse off



**Option 8**

**To simplify the capital/savings rules and reduce the capital limit to £6,000**

**Do you think Option 8 should be introduced into the Council Tax Reduction Scheme for 2019/20?**



**Comments provided in response to Option 8**

This change would penalise CT payers on low incomes with modest savings. Since the system will receive data feeds from UC applications (Option 11), I do not know why the UC method of accounting for savings in the £6,000-£16,000 cannot be adopted. Also, a small increase in savings (eg receipt of a £2000 legacy, that takes a payer over the £6,000 limit, could lead to a total loss of CTR, worth perhaps £1000 in a year. That is far too big a cliff edge.

£6000 is far too low - barely enough to pay for a funeral in the Sevenoaks area. I have nothing against simplification, but this proposal is ridiculous!

With a small amount of savings, plus housing benefit and DLA coming into my bank account, it is easy to come close to that limit. £10,000 would be a better amount. Otherwise people will end up living with no reserves for their future costs.

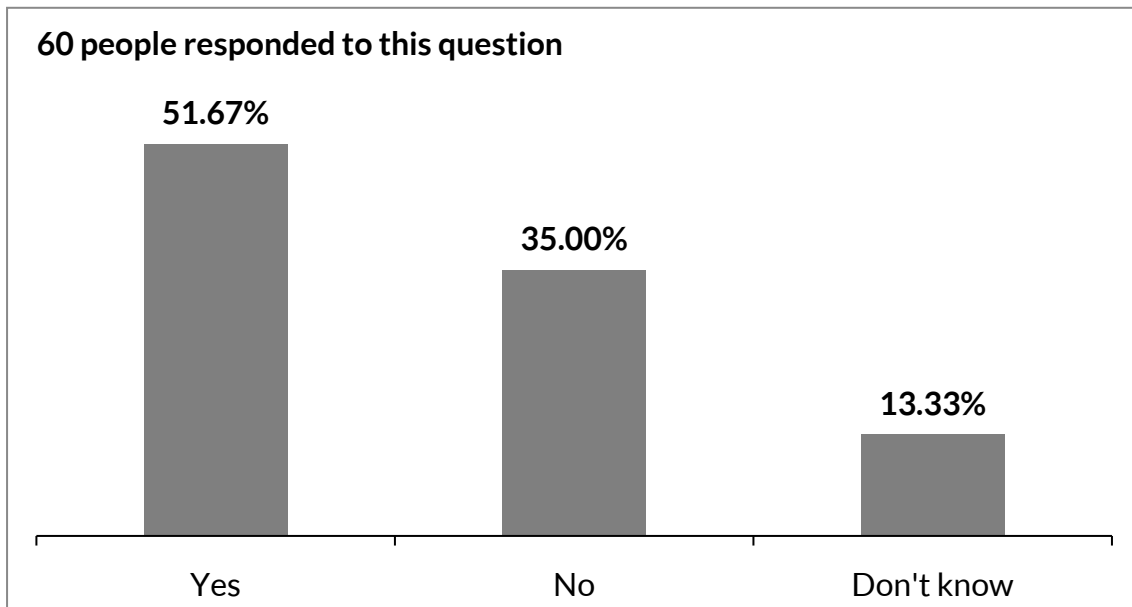
I have worked and paid into my £12500 pension pot and being currently penalised by a lot being deducted from my benefit award

Those with savings should expect Local Government to cover their costs. As long as regular incomes are deducted from the amounts used.

### Option 9

To remove the restriction on claiming Council Tax Reduction for certain students

Do you think Option 9 should be introduced into the Council Tax Reduction Scheme for 2019/20?



### Comments provided in response to Option 9

The restriction should only be removed for students that come from well off families on a high income

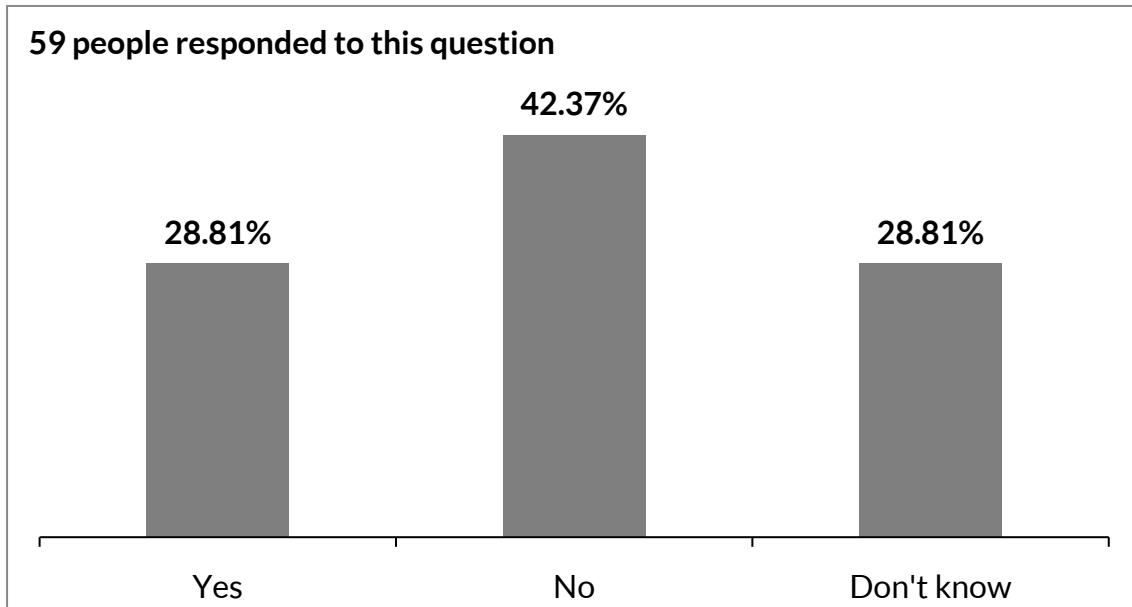
From the information given, impossible to judge what % of students would be affected, and whether or not it is fair

It doesn't make it clear what constitutes 'certain students' - very vague

**Option 10**

**To remove the Extended Payment provisions**

**Do you think Option 10 should be introduced into the Council Tax Reduction Scheme for 2019/20?**



**Comments provided in response to Option 10**

As I understand it, at the beginning of an award of CTR, it is payable from the start of the payment week following the date of claim. If this timetable is retained (setting it at odds with the UC payment timetable, which is paid 5 weeks in arrears from the date of claim), i see no reason to retain extended payments. But this Option is presented without information about the proposed payment timetable for new claims

What are extended payment provisions?

If people are moving back in to work, they should be given support while they wait for their first pay, which could be a month coming into their bank account.

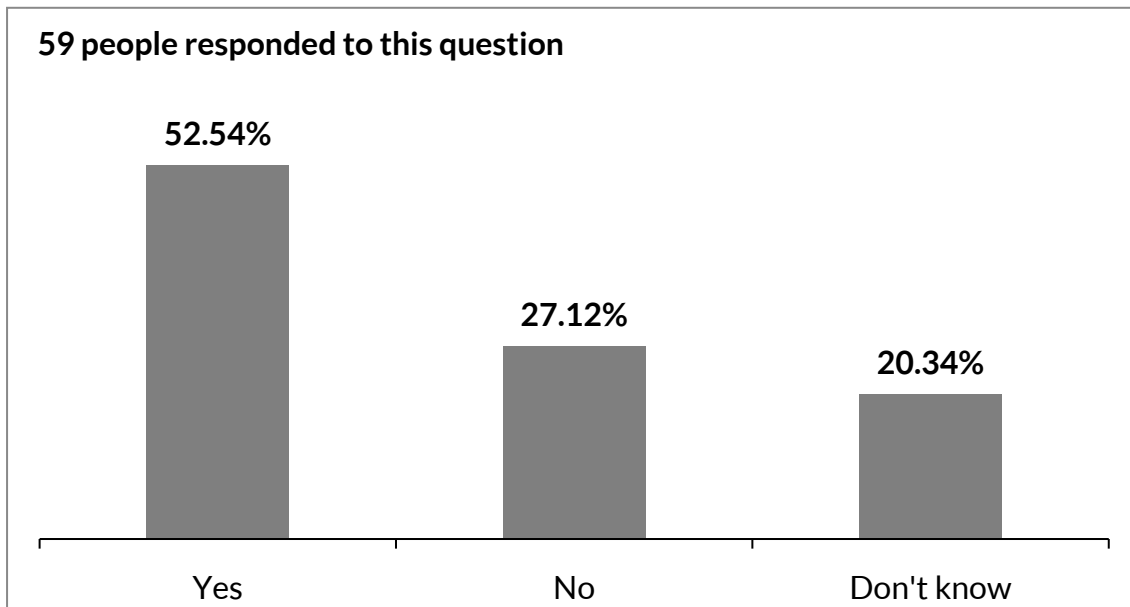
I don't know what these are

If this is the same for Universal Credits, I do not see how keeping it for legacy benefit would be fair to all people.

**Option 11**

**To change the claiming process for all applicants who receive Universal Credit**

**Do you think Option 11 should be introduced into the Council Tax Reduction Scheme for 2019/20?**



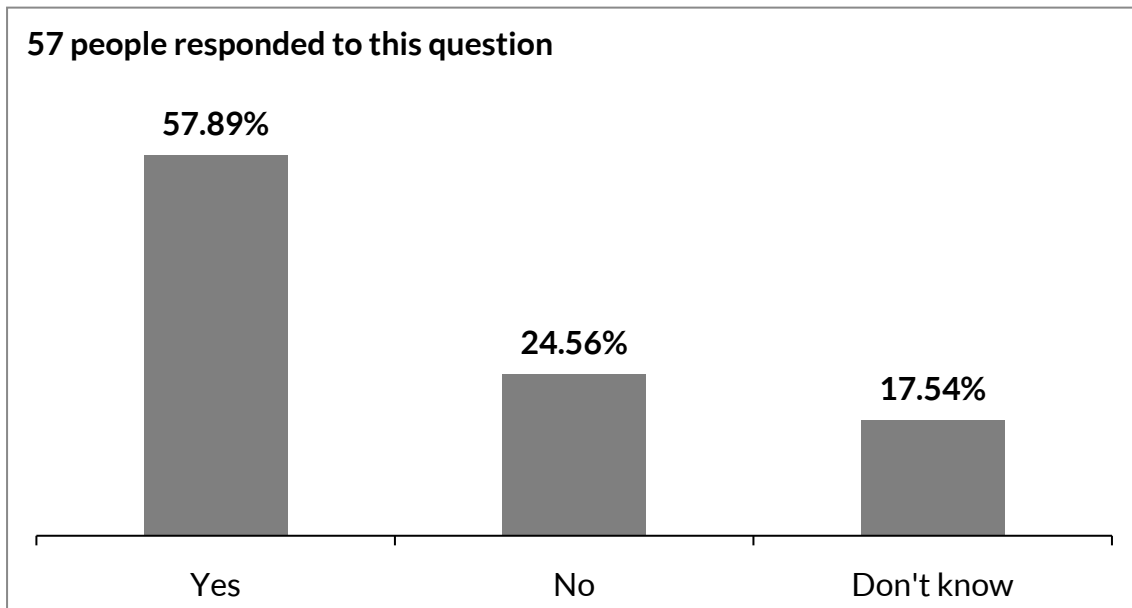
**Comments provided in response to Option 11**

You haven't given enough details of how it would work
Change in what way?
as long we can understand it properly. And staff at Sevenoaks know what they are doing
Save the world one tree at a time! And save on admin delays and costs, what could possibly be wrong with that.
All should pay

**Option 12**

To recalculate Council Tax Reduction entitlement from the actual date on which the change occurs, rather than on a weekly basis, usually being the Monday following

**Do you think Option 12 should be introduced into the Council Tax Reduction Scheme for 2019/20?**



**Comments provided in response to Option 12**

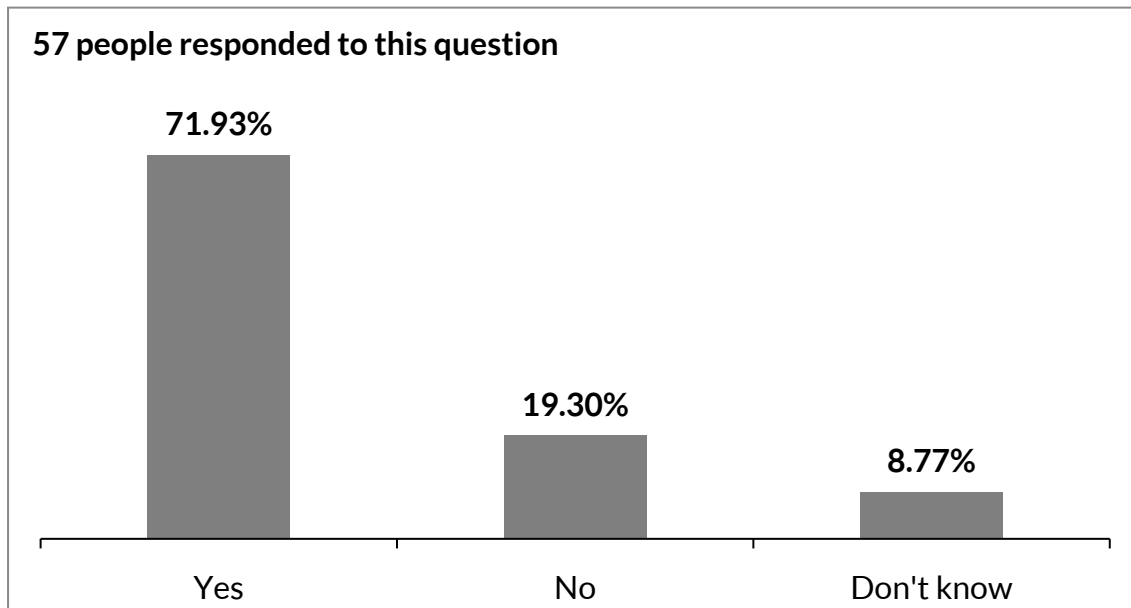
As long as its not left too long and a lot of backdated money owed it then asked for by you

How would this look for data entry. Would this mean using different dates for HB/CTS as relevant benefit changes do? If a person had 3 changes of income in the same week, would you need to recalculate their entitlement 3 times? Same with capital/savings changes, does this mean that if an applicant went over, then below, then over..... and so on, that changes would need to be made on a daily basis?

**Option 13**

**To remove the need for the applicant to prove ‘good cause’ and replace with a general discretion of the Council to allow claims to be backdated**

**Do you think Option 13 should be introduced into the Council Tax Reduction Scheme for 2019/20?**



**Comments provided in response to Option 13**

It all depends on how the Council choose to exercise their discretion. The Good Cause provisions at least provide some legal basis for a claimant to argue for backdating. The Consultation says that this requirement is currently too restrictive, but the impact of this change cannot be judged in advance when it depends on the "exercise of discretion"

There is no need for either "good cause" or "general discretion" - all claims should be automatically backdated to the date on which the claimant's circumstances changed and they became eligible for (more) support, in the same way that it is always backdated when a claimant becomes eligible for less or no support.

As long as it's fair to the claimant

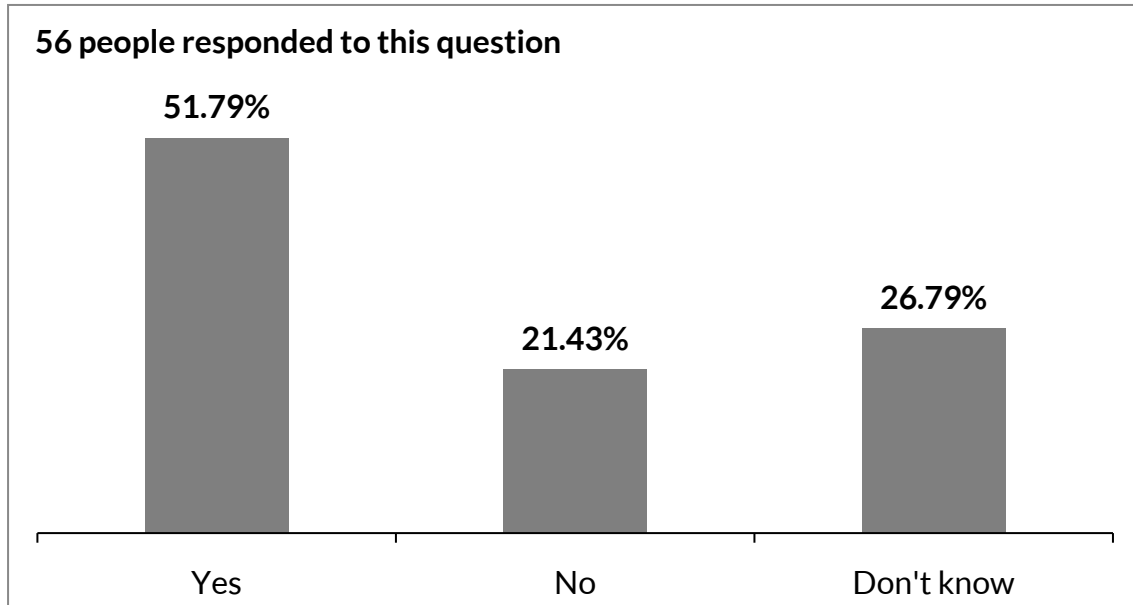
difficult to provide proof needed and it helps people to not be financially worse off

If CTS is in payment already changes are automatically assessed for their eligibility no matter how far the changes go back. However, this is not the case for new applications. I think we should consider changes in the same financial year (April to April) to be reported on time and allow any reduction within that financial year.

**Option 14**

To change the minimum award of Council Tax Reduction to £1 per week.

Do you think Option 14 should be introduced into the Council Tax Reduction Scheme for 2019/20?



**Comments provided in response to Option 14**

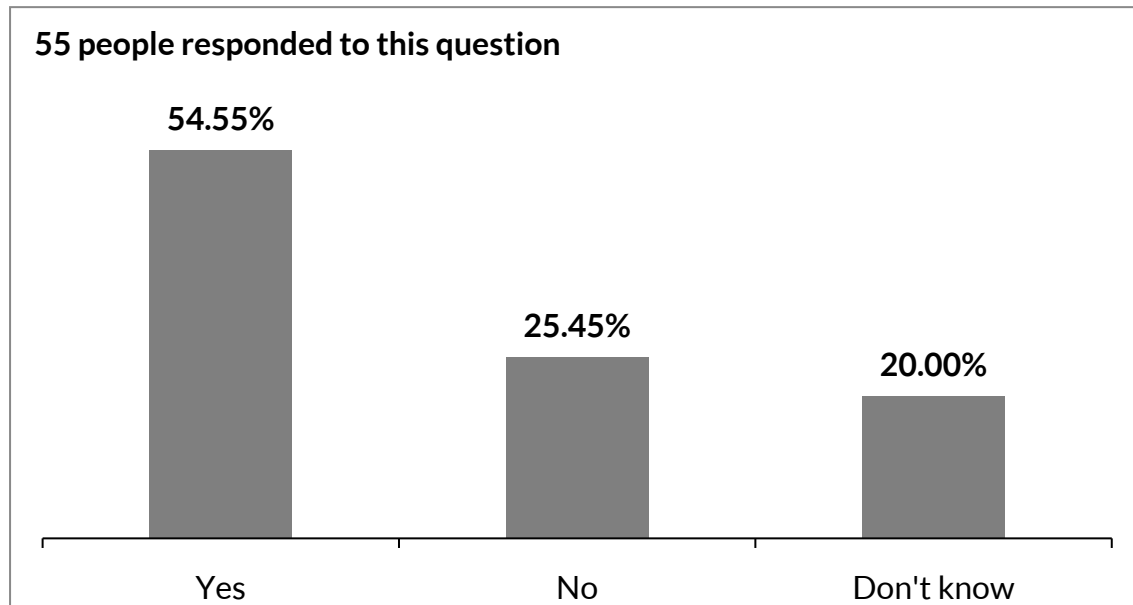
Not enough details to give an opinion

Long overdue

An entitlement is an entitlement, however small. If it is owed, it should be paid.

**Opinion on changing the scheme**

**Should the Council change the existing Council Tax Reduction Scheme from 1 April 2019 based on the proposed options detailed above?**



**Comments provided in response to the proposals for the Council Tax Reduction Scheme for 2019-20**

<p>Most of these changes sound fair and necessary. But it does need to remain a fair income based system</p>
<p>I don't want any change because the CT that I pay now is quite a bit percentage wise out of my small income</p>
<p>This Consultation only provides two options</p> <p>1) carry on as now, with potential consequences (described as additional options, but not really) OR</p> <p>2) move to the proposed grid scheme (Option 1), with many associated detailed changes (described as Options 2-14, but most of these are dependent on Option 1)</p>
<p>Only change if a majority vote returned</p>
<p>The scheme should be changed, incorporating some but not all of the above proposals. One aspect that should definitely be addressed is the discriminatory feature in the current scheme, where disabled self-employed people are assumed to have an income that does not actually exist.</p>



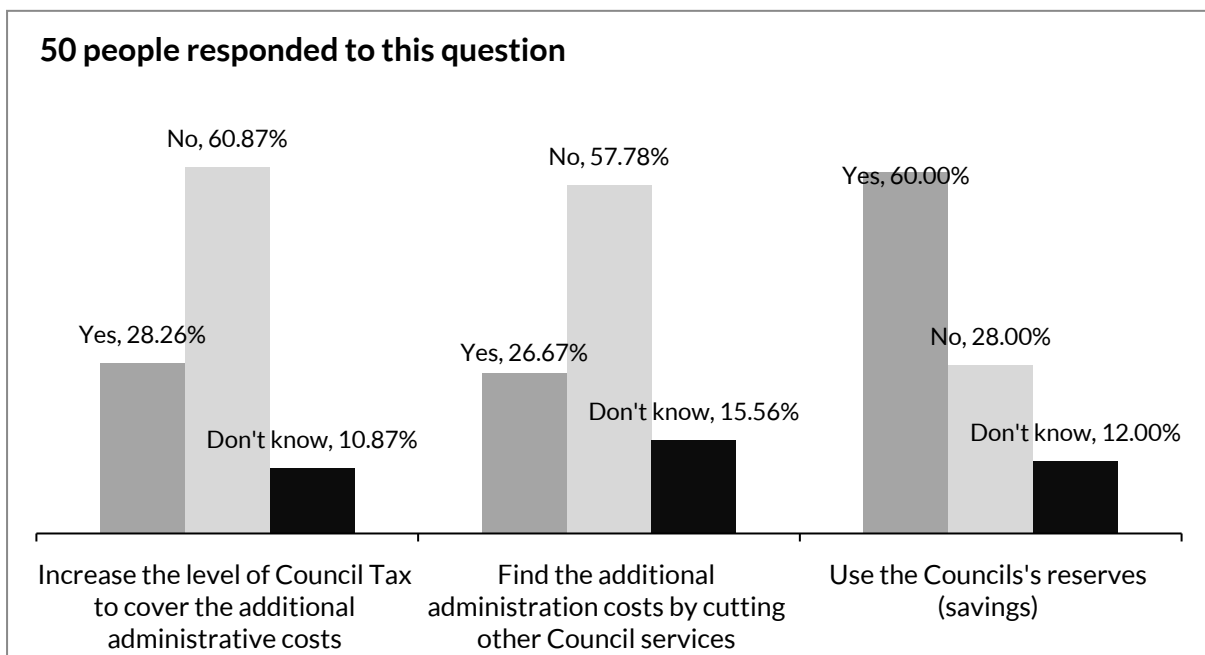
Appendix A

<p>but 2nd adult rebate should still be allowed or more young adults on low incomes will be homeless</p>
<p>Not sure all that is proposed is correct, but council certainly do need to find a more efficient way of calculating tax payments due and not keep sending out a new bill when people knew the first bill, was incorrect complete waste of time and money. So I quite understand the new to review system not just because of universal credit though, as they may not even continue the way the government are going about implementation of this.</p>
<p>Changes should still remain fair to people on a low income...this survey is very vague with the information supplied</p>
<p>Make it easier for self employed claimants who have dependants as we can only work when we have childcare. Capping them has produced hardship</p>
<p>It is claimed the council is not looking to reduce the overall level of support to claimants, however it appears from the proposed changes that my and my wife's council tax would double under your income related grid...even at discount level 2.</p>
<p>These are all ok in theory, as long as people who are already struggling are not left in a worse off situation</p>
<p>Because i will help the disable people on benefits.</p>
<p>Needs to be changed as people struggle to pay large amounts of council tax</p>
<p>Overall the changes are both beneficial to the Council Tax payer and the administrative.</p>
<p>if you claim universal credit your details should automatically be passed to the council and the council tax discount should automatically be calculated</p>
<p>Whoever put these proposals together have done a good job. They are clearly set out, easy to understand and they show a thoughtful and intelligent approach to the difficulties some residents face.</p>
<p>its good to update things but not if the public that's needs the help suffer with extra backdated bills as we have ended up with and complicated forms and not being advised when you owe money. Also train your staff so they give the correct benefit info. We were told pip for non dependants was not counted until they were 25, you've asked for it for a 23 year old.</p>
<p>People on low income should be rewarded full amount of council tax</p>
<p>Anyone claiming relief from Council Tax should be drug and alcohol tested.</p>

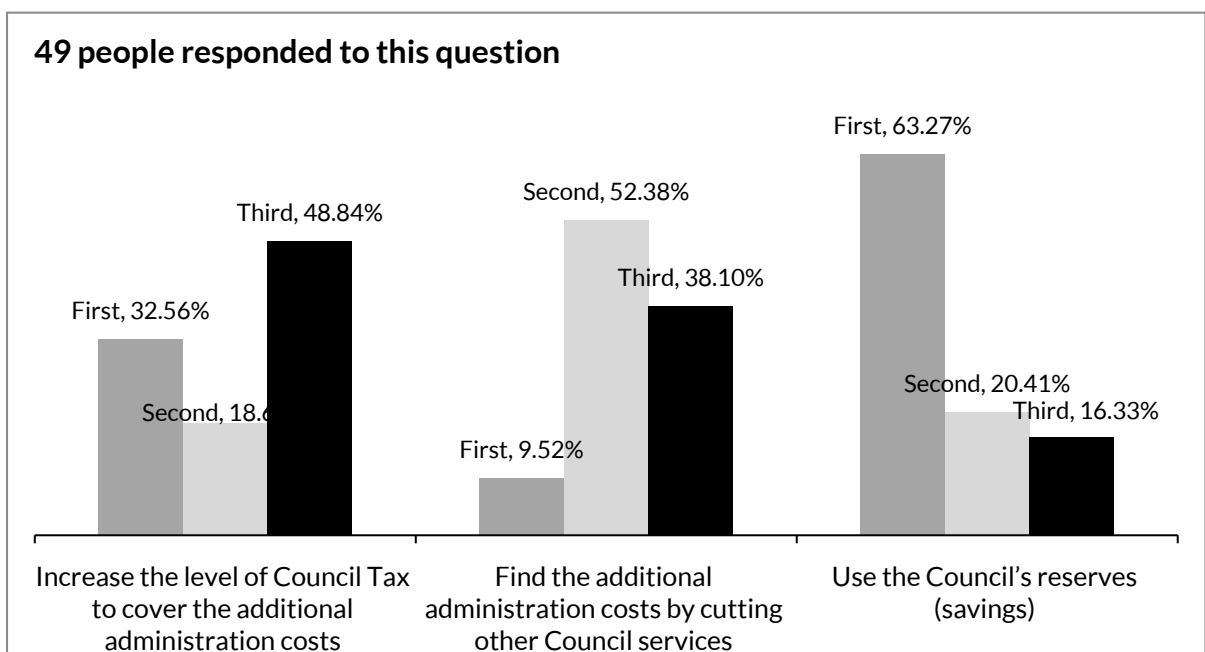
### Alternatives to changing the Council Tax Reduction Scheme

If we do not make any changes to our Council Tax Reduction Scheme, it will be administratively more complex and it will cost taxpayers more. If this happens we will need to find savings from other services to help meet the increase in costs. The proposals set out in this consultation will deliver administration savings. The alternatives include continuing with the current scheme, reducing funding to other Council services to pay for additional administration costs and using the Council’s reserves (savings) to keep the Council Tax Reduction scheme.

#### How do you think we should meet the increased costs?



#### Based on your answers above, please rank your order of preference



**Comments about other options the Council should consider as alternatives to changing the scheme**

<p>The Council's savings should only be used in a limited amount depending how much the council has in its savings</p>
<p>As already stated, the consultation only presents two options - stay as now (clearly not in line with the switch to UC), or change to the grid option, with associated changes.</p> <p>It would have been more meaningful to separate out the estimated changes to overall CT revenue from the proposed CTR changes, and the estimated changes to admin costs</p>
<p>Use the savings from the reduction in the cost of running the Housing Benefit department following the move to Universal Credit for many claimants.</p>
<p>Daft question you have. Already explained none of these feasible. And obvious that you need to change the way you administer certainly not cut other services.</p>
<p>Cut administration costs but not services provided</p>
<p>Yes....I have a proposal that those with savings over £6,000 be allowed to use that extra money to pay the following year's council tax in advance, perhaps with some sort of discount included.</p>
<p>Increase the cost of residents' parking permits and visitor parking permits, which are quite a low price.</p> <p>Stop providing black refuse sacks. As long as you provide the same identifiable clear sacks for recycling, it should be straightforward on refuse collection day. Increase the price of garden bags.</p>
<p>Stop getting brand new vehicles for council use. Seen a New BMW electric 18 reg car, new road vehicles etc. Use them for longer, get more use out of them</p>
<p>Can not cut services any more already don't have grass and roadside bins emptied or litter picked enough as it is! So much for tidy Swanley in bloom!!</p>
<p>A scheme based on total household income (including other adults in the property) should be considered.</p>
<p>Make the unemployed pay the same and reduce their benefits. Also there are loads of people committing benefit fraud come down hard on them and take away their benefits</p>

**Further comments made regarding the Council Tax Reduction Scheme that respondents hadn't had the opportunity to raise elsewhere**

Refer to previous page

When making any changes to the CT reduction please take into accounts a person's individual circumstances such as health. I have had a number of chronic health problems for over 30 years. I have had angina for many years and since 2010 have had two heart attacks. In terms of a small increase in my small pension every year for a good number of years I have had less Council tax benefit. This has meant that some years I have been worse off over the year. The Council Tax I pay now is a fair chunk out of my income

Stop discriminating against self-employed disabled people by assuming that they have income that does not actually exist.

any scheme needs to be easy to follow and easy to understand by both staff and recipient. And set out in black and white so we can check we are given the correct level of support

Equality Impact Assessment

<b>Summary of decision to be made:</b>	<p>Since 1 April 2013, the Council has maintained a local Council Tax Reduction Scheme. The Council has the ability to determine the level of reduction given to working age applicants only. The scheme for pension age applicants is determined by Central Government.</p> <p>We have decided to complete a full review of the scheme and proposed the introduction of an income grid model. The objectives of the review are to:</p> <ul style="list-style-type: none"> <li>– Address the problems posed by full service Universal Credit</li> <li>– Simplify the claiming process for all applicants.</li> <li>– Improve the speed of processing</li> <li>– Maximise entitlement to every applicant.</li> <li>– Maintain council tax collection rates</li> </ul>		
<b>Lead Officer (job title):</b>	Benefits Manager		
<b>Date the final decision is due to be made:</b>	20/11/2018	<b>Date this assessment commenced:</b>	01/10/2018
<b>Is the decision relevant to the aims of the Public Sector Equality Duty to:</b>			
Eliminate discrimination, harassment and victimisation			Yes
Advance equality of opportunity			Yes
Foster good relations			Yes
<b>Background</b>			
<p>The Council Tax Reduction scheme replaced Council Tax Benefit with effect from 1 April 2013. Under the Council Tax Reduction provisions, the scheme for pensioners is determined by Central Government and the scheme for working age applicants is determined by the Council. Pensioners broadly receive the same level of support that was previously available under the Council Tax Benefit scheme.</p> <p>The current scheme (2018/19) for working age applicants is based on the previous Council Tax Benefit means test, but has been amended since 2013. The following rules currently apply to working age applicants only:</p> <ol style="list-style-type: none"> <li>a. All working age applicants are required to pay a minimum of 20% towards their Council Tax liability;</li> <li>b. If a person is self-employed, a minimum income floor may be imposed where a person’s income is less than expected after two years of trading, this could be based on 35 hours x National Living Wage. There are some exemptions to this.</li> </ol> <p>The scheme has been amended each year for general changes in applicable amounts (primarily in relation to disability premiums) and for non-dependant deductions.</p> <p>In view of the problems being experienced with Universal Credit, the Council Tax Reduction schemes for Sevenoaks has been fundamentally redesigned to address;</p> <ol style="list-style-type: none"> <li>a. The problems with the introduction of full service Universal Credit; and</li> </ol>			

## Equality Impact Assessment

b. The inevitable increase in administration costs due to the high level of changes received in respect of Universal Credit.

Work has been undertaken since January 2018 on a new scheme which is now completed and been subject to consultation. If accepted by Council, the new scheme will be implemented from 2019/20. The new scheme has a number of features as follows:

- a. The overall expenditure (cost) of the scheme will remain broadly as at present;
- b. The changes can **only be made to the working age schemes** as the current scheme for pensioners is prescribed by Central Government;
- c. The current means - tested scheme will be replaced by a simple income grid model
- d. It is recommended that the highest level of discount will be set at current maximum level of liability (80%) and all current applicants that are in receipt of a 'Passported Benefit' such as Income Support, Jobseeker's Allowance (Income Based) and Employment and Support Allowance (Income Related) receive maximum discount;
- e. All other discount levels are based on the applicant's (and partner's, where they have one) net income;
- f. The scheme allows for variation in household size with the levels of income per band increasing where an applicant has a partner, and / or dependants;
- g. Limiting the number of children used in the calculation of support to two for all working age applicants. This will bring the scheme in line with Universal Credit;
- h. Where an applicant had non-dependants living with them, no deduction shall be made from any entitlement. This is a significant change and means that the administration of the scheme will be more straightforward whilst also protecting low income families where adult sons and daughters for example remain at home;
- i. To remove Second Adult Rebate;
- j. To encourage work, a standard £25 per week disregard will be provided against all earnings for all applicant types. This will take the place of the current standard disregards and additional earnings disregards. Where a family also receives a child care disregard (for child care costs not paid for by Central Government schemes), this has been allowed for within the income levels in the 'grid scheme';
- k. Disability benefits such as Disability Living Allowance and Personal Independence Allowance will continue to be disregarded and, in addition, the Support Component of Employment and Support Allowance and Carer's Allowance will also be disregarded, again providing additional protection with the scheme
- l. Where an applicant is disabled, they have a disabled child or receive the Support Component of the Employment and Support Allowance, the amount they receive as a premium under the existing scheme will be replaced by an equivalent income disregard (in addition to the disregard of disability benefits as outlined in k. above)

## Equality Impact Assessment

- m. The total disregard on war pensions and war disablement pensions will continue;
- n. The capital limit under the new scheme will be £6,000. This is a reduction from the current level of £16,000. Any capital below this level will not have any effect on the applicant's entitlement to Council Tax Reduction;
- o. Removes the conditions that prevent certain students from claiming Council Tax Reduction;
- p. Removing extended payment provision;
- q. Changing the CTRS claiming process for all applicants who receive Universal Credit;
- r. Making , all changes in circumstances which change any entitlement to Council Tax Reduction on a daily basis rather than the current (benefit based) weekly basis;
- s. Where a request is made to backdate entitlement, the current scheme requires the applicant to prove 'good cause'. The new scheme will replace 'good cause' with a general discretion to backdate, and
- t. The scheme will have a minimum award of £1.00 per week

The impact assessment considers the cumulative effect of these changes, as the new scheme, on all working age applicants for a reduction in their council tax. The impact assessment is modelled on data from existing customers in receipt of a council tax reduction.

#### Relevance to the Public Sector Equality Duty

The need to ensure that the scheme is not unlawfully discriminatory is relevant to the first aim of the duty to eliminate discrimination, harassment and victimisation.

The need to consider how we can take steps to meet the needs of people with protected characteristics and whether people with disabilities may need to be treated more favourably, in how the scheme is designed, is relevant to the second aim of the duty to advance equality of opportunity.

The proposed service changes could also be relevant to fostering good relations with regard to maintaining the confidence and trust in the local authority by people with protected characteristics who may use our services.

Equality Impact Assessment

For each of the following characteristics:	Summarise available data, statistics or consultation findings.	State how the proposal will impact on people.	What action will be taken to reduce or mitigate any potential negative impacts
Disability	<p>It should be noted that 62% of current applicants are on ‘passported benefits’ and under the proposed new scheme will see their entitlement to discount protected at Band 1. This will include a proportion of disabled applicants.</p> <p>The data that follows evaluates the impact on the remaining 38% of current applicants that apply directly to the council for a discount in their council tax.</p> <p>Under the current scheme the average council tax reduction payable to those with a disability is £875.90 per year. Under the new scheme this would reduce to £839.00 per year. This is a reduction of £36.90 per year, the equivalent of £0.71 per week.</p> <p>Under the current scheme the average council tax reduction payable to those without a disability is £730.15 per year, which would increase by £15.41 per year (£0.30 per week) to £745.56 per year under the new scheme.</p> <p>It is estimated that 10 applicants that are currently entitled to a reduction in their council tax would not qualify for a discount under the new scheme. These claimants currently receive on average £824.05 in council tax discount. This is as a direct result of the proposal to reduce the capital limit to £6,000.</p>	<p>Under the current scheme, data shows that on average an applicant with a disability receives £145.75 more in discount on their council tax bill per year than an applicant without a disability.</p> <p>Under the new scheme an applicant with a disability would receive £93.43 more in discount on their council tax bill per year than an applicant without a disability.</p> <p>On average a disabled applicant will receive 71 pence per week less in council tax discount than under the proposals for the new scheme.</p> <p>This is explained by the level of household income being applied to the grid model reducing the level of entitlement to discount.</p>	<p>The income grid model has been re-evaluated and the income levels applied to each band amended between the pre-consultation and post-consultation phase.</p> <p>This is to ensure that the overall impact on all claimants is minimised.</p> <p>The Council also makes available an Exceptional Hardship Policy which applicants can apply to should the new scheme impact them significantly. To ensure the scheme remains accessible to claimants who may no longer qualify as a result of capital or income rules the Policy is proposed to be amended to those that were in receipt of a reduction within the last six weeks.</p>



## Equality Impact Assessment

--	--	--	--

For each of the following characteristics:	Summarise available data, statistics or consultation findings.	State how the proposal will impact on people.	What action will be taken to reduce or mitigate any potential negative impacts
Carers	<p>It should be noted that 62% of current applicants are on ‘passport benefits’ and under the proposed new scheme will see their entitlement to discount protected at Band 1. This will include a proportion of carers.</p> <p>The data that follows evaluates the impact on the remaining 38% of current applicants that apply directly to the council for a discount in their council tax.</p> <p>Under the current scheme the average council tax reduction payable to those that are carers is £879.36 per year. Under the new scheme this would increase to £915.62 per year. This is an increase of £36.26 per year, the equivalent of £0.70 per week.</p> <p>Under the current scheme the average council tax reduction payable to those that are not carers is £738.50 per year, which would increase by £7.35 per year (£0.14 per week) to £745.85 per year under the new scheme.</p> <p>It is estimated that 2 applicants that are currently entitled to a reduction in their council tax would not qualify for a discount under the new scheme. These claimants currently receive on average £493.78 in council tax discount. This is as a direct result of their income exceeding</p>	<p>Under the current scheme, data shows that on average an applicant that is a carer receives £140.86 more in discount on their council tax bill per year than an applicant that isn’t a carer.</p> <p>Under the new scheme an applicant that is a carer would receive £169.77 more in discount on their council tax bill per year than an applicant that isn’t a carer.</p> <p>On average a carer will receive 70 pence per week more in council tax discount under the proposals for the new scheme.</p> <p>This is explained by the level of household income being applied to the grid model increasing the level of entitlement to discount.</p>	<p>The income grid model has been re-evaluated and the income levels applied to each band amended between the pre-consultation and post-consultation phase.</p> <p>This is to ensure that the overall impact on all claimants is minimised.</p> <p>The Council also makes available an Exceptional Hardship Policy which applicants can apply to should the new scheme impact them significantly. To ensure the scheme remains accessible to claimants who may no longer qualify as a result of capital or income rules the Policy is proposed to be amended to those that were in receipt of a reduction within the last six weeks.</p>

Equality Impact Assessment

	the levels set out for Band 5 of the income grid model.		
--	---	--	--

For each of the following characteristics:	Summarise available data, statistics or consultation findings.	State how the proposal will impact on people.	What action will be taken to reduce or mitigate any potential negative impacts
Sex	<p>It should be noted that 62% of current applicants are on ‘passport benefits’ and under the proposed new scheme will see their entitlement to discount protected at Band 1.</p> <p>The data that follows evaluates the impact on the remaining 38% of current applicants that apply directly to the council for a discount in their council tax.</p> <p>Under the current scheme the average council tax reduction payable to female applicants is £720.75 per year. Under the new scheme this would increase to £739.79 per year. This is an increase of £18.98 per year, the equivalent of £0.37 per week.</p> <p>Under the current scheme the average council tax reduction payable males is £826.84 per year. Under the new scheme this would decrease to £809.61 per year. This is a decrease of £17.23 per year, the equivalent of £0.33 per week.</p> <p>It is estimated that 54 female applicants that are currently entitled to a reduction in their council tax would not qualify for a discount under the new scheme. These claimants currently receive on average £646.49 in council tax discount. This is as a direct result of their capital exceeding the proposed limit of £6,000, the removal of the second adult rebate or their income exceeding the levels set out for Band 5 of the income grid model.</p>	<p>Under the current scheme, data shows that on average a male applicant receives £106.09 a year more in discount on their council tax bill per year than a female applicant.</p> <p>Under the new scheme a male applicant would receive £69.88 more, on average, in discount on their council tax bill per year than a female applicant.</p> <p>The sex of the claimant is not a material consideration in the calculation of council tax discount. The variation in the amounts payable is linked directly to individual circumstances rather than a particular feature or aspect of the scheme. For example a single male with the same costs, income and capital as a single female applicant would receive exactly the same level of discount. This would equally be the case if the applicants had children of the same age.</p> <p>However the proposals under the scheme would reduce the average variance between male and female claimants. This is explained by the level of household income being applied to the grid model increasing the level of entitlement to discount.</p>	<p>The income grid model has been re-evaluated and the income levels applied to each band amended between the pre-consultation and post-consultation phase.</p> <p>This is to ensure that the overall impact on all claimants is minimised.</p> <p>The Council also makes available an Exceptional Hardship Policy which applicants can apply to should the new scheme impact them significantly. To ensure the scheme remains accessible to claimants who may no longer qualify as a result of capital, second adult rebate or income rules the Policy is proposed to be amended to those that were in receipt of a reduction within the last six weeks.</p>

Equality Impact Assessment

	<p>It is estimated that 26 male applicants that are currently entitled to a reduction in their council tax would not qualify for a discount under the new scheme. These claimants currently receive on average £830.00 in council tax discount. This is as a direct result of their capital exceeding the proposed limit of £6,000, the removal of the second adult rebate or their income exceeding the levels set out for Band 5 of the income grid model.</p>		
--	--	--	--

Agenda Item 6a

Equality Impact Assessment

For each of the following characteristics:	Summarise available data, statistics or consultation findings.	State how the proposal will impact on people.	What action will be taken to reduce or mitigate any potential negative impacts
<p>Age (also consider dementia)</p>	<p>It should be noted that 62% of current applicants are on ‘passport benefits’ and under the proposed new scheme will see their entitlement to discount protected at Band 1.</p> <p>The data that follows evaluates the impact on the remaining 38% of current applicants that apply directly to the council for a discount in their council tax.</p> <p>Under the current scheme the average council tax reduction payable by age band is shown below:                      18-24: £584.94                      25-34: £699.47                      35-44: £772.96                      45-54: £758.40                      55-65: £765.56</p> <p>Under the new scheme the average council tax reduction payable by age band, and the average change from the existing scheme is estimated to be:                      18-24: £702.53 (+ £117.59/year or £2.26/week)                      25-34: £684.30 (+ £15.17/year or £0.29/week)                      35-44: £726.00 (-£46.96/year or £0.90/week)                      45-54: £818.40 (+£60.00/year or £1.15/week)                      55-65: £816.33 (+£50.77/year or £0.98/week)</p> <p>The number of applicants that are currently entitled to a reduction in their council tax would not qualify for a discount under the new scheme are shown by age band below, with the current average amount they receive in council tax discount.</p>	<p>Under the current scheme, data shows that on average that older age groups receive more in discount than those in younger age groups. The gap between the lowest average discount of £584.94 (18-24 year olds) to the highest average discount £772.96 (35-44 year olds) is £188 per year, the equivalent of £3.62 per week.</p> <p>Under the new scheme this broadly continues to apply. However the gap between the lowest average discount of £684.30 (25-34 year olds) and the highest average discount (45-54 year olds) is reduced to £134.11 a year, the equivalent of £2.58 per week.</p> <p>The age of the claimant is not a material consideration in the calculation of council tax discount. The variation in the amounts payable is linked directly to individual circumstances rather than a particular feature or aspect of the scheme. For example a single female aged 25 with the same costs, income and capital as a single female applicant aged 57 would receive exactly the same level of discount. This would equally be the case if the applicants had children of the same age.</p> <p>However the proposals under the scheme would reduce the average variance between age groups. This is</p>	<p>The income grid model has been re-evaluated and the income levels applied to each band amended between the pre-consultation and post-consultation phase.</p> <p>This is to ensure that the overall impact on all claimants is minimised.</p> <p>The Council also makes available an Exceptional Hardship Policy which applicants can apply to should the new scheme impact them significantly. To ensure the scheme remains accessible to claimants who may no longer qualify as a result of capital, second adult rebate or income rules the Policy is proposed to be amended to those that were in receipt of a reduction within the last six weeks.</p>

Equality Impact Assessment

	<p>18-24: 3 applicants, average discount £466.12                  25-34: 17 applicants, average discount £657.07                  35-44: 22 applicants, average discount £673.75                  45-54: 17 applicants, average discount £750.35                  55-65: 21 applicants, average discount £778.23</p> <p>The majority of those in age groups from 18 to 44 would not qualify for a discount as a direct result of their income exceeding the levels set out for Band 5 of the income grid model.</p> <p>The majority of those in age groups from 45 to 65 would not qualify for a discount as a directly result of their capital exceeding the proposed limit of £6,000.</p>	<p>explained by the level of household income being applied to the grid model increasing the level of entitlement to discount.</p>	
<p>Race                  Religion / Belief                  Sexual Orientation                  Pregnancy / Maternity                  Marital or Civil Partnership Status                  Gender reassignment                  Armed Forces                  Community</p>	<p>No data is held on these protected characteristics of applicants for a discount on their council tax.</p>	<p>The Council does not collect information about these protected characteristics from claimants as it is not relevant to the calculation of council tax reductions.</p>	<p>Not applicable.</p>

Equality Impact Assessment

Please tick the outcome of this assessment:	No impact	Adjust the policy	Continue the policy ✓	Stop and remove the policy
Please explain why you have come to the outcome of your assessment:	<p>The objectives of the comprehensive review of the local council tax support scheme are to:</p> <ul style="list-style-type: none"> <li>– Address the problems posed by full service Universal Credit;</li> <li>– Simplify the claiming process for all applicants;</li> <li>– Improve the speed of processing;</li> <li>– Maximise entitlement to every applicant; and</li> <li>– Maintain council tax collection rates.</li> </ul> <p>The income grid scheme proposed ensures that overall spending on council tax discount to support residents will remain in line with the amount spent under the current scheme.</p> <p>Alongside this measures to ensure that all passported benefits claimants maintain the highest level of discount and simplifying the claiming process ensure that the objectives are being met.</p> <p>It is recognised that within this proposal there will be applicants that will receive more discount as a result of the new scheme and there will be applicants that will either receive less discount or no discount at all. The principles on which the scheme are designed ensure that those with the least income and the least amount of savings (capital) are entitled to greater levels of discount.</p> <p>Reasonable adjustments have been proposed to the scheme to support those that would be worst affected. Firstly, the income grid bands have been revised post-consultation to ensure the scheme delivers on its aim to maintain current spending and to support those on lowest incomes more greatly. Secondly, it is proposed to amend the Exceptional Hardship Policy ensuring it remains accessible to claimants who were in receipt of a discount within the last six weeks. The current Policy is only open to applicant’s currently in receipt of a discount and it is recognised this would be insufficient when introducing new scheme rules.</p>			
When will you review this assessment:	31/10/2019			

This page is intentionally left blank



**Item 7 (a) - Gambling Act 2005 - Statement of Principles of Gambling Policy**

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

Licensing Committee (Minute 12, 1 November 2018)

The Head of the Licensing Partnership presented a report which sought a decision from the Committee on options for reviewing the Council's Statement of Gambling Policy, which expired on 30 January 2019. Following a consultation held between 20 August 2018 and 14 October 2018, the Committee was asked to assess the feedback received and decide upon any proposed amendments as set out in Appendix F to the report, before recommendation to Council. It was advised that the amendments would bring Sevenoaks in line with partners at Tunbridge Wells and Maidstone. Members considered written representations from various interested parties.

The Chairman brought the Committee's attention to minor errors within the draft policy, which the Committee agreed could be corrected, in consultation with the Chairman, before submission to Council.

The Committee also considered the section on Gambling Prevalence and Problem Gambling and questioned if enough was included on how the policy would tackle the issue of problem gambling.

It was suggested that an extra consideration could be added to Club Gaming Permits to include 'Whether the club operates a written policy to identify problem gamblers with a view to restricting their participation.'

Members questioned the accuracy of suggesting a club having shareholders indicated that it was a business venture when assessing Club Gaming Permits applications. It was agreed that the question should be changed to 'Are there shareholders or members? (Shareholders could indicate a business venture rather than a non-profit making club.)'

The Chairman moved the recommendations as set out within the report subject to all the amendments discussed above and it was

Resolved: That

- a) it be recommended to Council that the revised Statement of Gambling Policy as amended by (b), (c) and (d) below be adopted as from 31 January 2019;

## Agenda Item 7a

- b) a number of minor errors be amended in consultation with the Chairman, prior to submission to Council;
- c) the sentence ‘whether the club operates a written policy to identify problem gamblers with a view to restricting their participation.’ be added as a consideration in assessing clubs on page 18 of the Policy; and
- d) the condition that currently reads ‘Are there shareholders or members. Shareholders indicate a business venture rather than a non-profit making club,’ be amended to read ‘Are there shareholders or members? (Shareholders could indicate a business venture rather than a non-profit making club.)’, prior to submission to Council.

**Since the meeting of the Licensing Committee on 1 November 2018,** Officers have had a further opportunity to consider the proposed amendments to the draft Statement of Gambling Policy.

One of the recommendations of the Committee (part (c) of the resolution above) was to include the following wording on page 18 of the Policy under the list of factors for the Licensing Authority to consider when issuing Club Gaming and Club Machines Permits:

“whether the club operates a written policy to identify problem gamblers with a view to restricting their participation”

The intention had been for the Council to encourage clubs to have appropriate policies in place to prevent and restrict problem gambling. Unfortunately, when considering this proposal further, Officers are of the opinion that amendment would not have the intended effect. The tests the Council must carry out when assessing an application are factual questions about the constitution and activities of the clubs. The status of written policies would not be relevant for these questions. The Council has clear legal grounds on which it can refuse to grant a permit (set out on page 17 of the Policy) and the Council is not permitted to impose any conditions on applicants.

Therefore Officers have not incorporated this change into the amended Policy. All other changes have been made.

**Appendix A to the attached report is the amended policy in line with all of the above.**

**GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES OF GAMBLING POLICY**

**Council - 20 November 2018**

Report of Chief Officer Environmental and Operational Services

Status For decision

Also considered by Licensing Committee - 1 November 2018

Key Decision No

---

**Executive Summary:** This report seeks a decision from the Committee on options for reviewing the Council's Statement of Gambling Policy, which expires on 30 January 2019. Following a consultation held between 20 August 2018 and 14 October 2018, the Committee is asked to assess the feedback received and decide upon any proposed amendments as set out in Appendix F, before recommendation to Council.

---

**This report supports the Key Aim of a sustainable economy.**

Portfolio Holder Cllr. Anna Firth

Contact Officers Richard Wilson Ext. 7067

Sharon Bamborough Ext. 7325 / 07970 731616

---

**Recommendation to Licensing Committee:**

That, subject to the Committee's views on those further comments and recommendations in Appendix F to the report, it be recommended to Council that the revised Statement of Gambling Policy be adopted as from 31 January 2019

**Recommendation to Council:**

That, subject to the comments of the Licensing Committee, the revised Statement of Gambling Policy be adopted as from 31 January 2019

---

**Reason for recommendation:** The review of Gambling Policy must take place this year in order to be in place in time for 31 January 2019 as legally required.

---

**Introduction and Background**

- 1 The Gambling Act 2005 requires the Council, in its role as a licensing authority, to determine its Statement of Gambling Policy in respect of

## Agenda Item 7a

the exercise of its licensing functions every three years.

- 2 The Council's current Policy is in force until 30 January 2019, therefore a new Policy must be in place by 31 January 2019. Once in place this Policy must be kept under review.
- 3 In accordance with this requirement the Committee is invited to consider options for review of the Policy, to ensure a new or refreshed Statement of Gambling Policy is in place for the three-year period 31 January 2019 to 30 January 2022.
- 4 The draft Policy is attached at Appendix A.
- 5 The draft Policy was put out for consultation from 20 August 2018 to 14 October 2018. Feedback was received from:
  - The Gambling Commission (Appendix B)
  - Associated of British Bookmakers (ABB) represented by Gosschalks Solicitors (Appendix C)
  - Gamcare (Appendix D)
  - HMRC (Appendix E)
- 6 The parts of policy which attracted feedback have been summarised in a table at Appendix F together with comment/recommendation from Licensing. The last column in the table is for Members' use to easily record the decisions they make on whether to amend the policy further by accepting or rejecting the individual recommendations in respect of the feedback

### Options for review or change

- 7 It is suggested that two options are available:
  - (i) To amend the draft further in line with recommendations and finalise the policy. It will then be referred to full council on 20 November 2018 for adoption to come into effect from 31 January 2019or
  - (ii) Having considered the feedback, the Committee may, however, wish to make further changes to policy (which may require further public consultation if substantial) and direct the Licensing Service to re-draft the policy in line with any such amendments.
- 8 It should be noted that if option two is followed it risks the policy not being in place by the statutory deadline if further public consultation is required.

### Consultation on proposed Statement of Gambling Policy

- 9 Consultation was carried out by consulting responsible authorities, licence holders, organisations which carry out support work with problem gamblers, neighbouring authorities, and public consultation via our website and a press release. The consultation period opened 20 August 2018 and closed 14 October 2018. It was initially proposed to start consultation earlier but several queries needed to be resolved before consultation could start.

### Timetable

- 8 The timetable in respect of the preparation and consultation for the proposed Policy is as follows:

20 August to 14 October 2018	Consultation period on a new draft Policy
1 November 2018	Licensing Committee is invited to consider feedback from the consultation exercise and refer the proposed Policy to next meeting of the Council
20 November 2018	The Council is invited to adopt the new Policy
7 January 2019	Licensing Committee to receive any feedback from Council / confirmation of adoption of new Policy

### Key Implications

#### Financial

There are no specific financial implications resulting from the matters considered in this report, as the minimal cost of consultation and publication in respect of the proposed Council’s Statement of Gambling Policy will be met from the running costs of the Licensing Team and Licensing Partnership.

#### Legal Implications and Risk Assessment Statement.

The Council is obliged by the Gambling Act 2005 to review its Gambling Policy every three years. The commencement date of 30 January for the initial three year period and subsequent three year periods was set by the Gambling Act 2005. The Council has no discretion to alter the period for which its Gambling Policy is in force, although it can carry out further reviews within the set three year period.

Before the Council determines its new Policy it must consult with the statutory consultees.

Before any statement comes into effect the Council must publish the statement for a period of four weeks and a notice to that effect.

## Agenda Item 7a

### Equality Assessment

Section 149(1) of the Equality Act 2010 requires that, in exercising its functions public sector bodies to have 'due regard' to the need to -

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act;
- Foster good relations between people who share a relevant 'protected characteristic' and those who do not;
- Advance equality of opportunity between people who share a relevant 'protected characteristic' and those who do not.

Assessing the potential impact on equality of proposed decision, changes to policies, procedures and practices is one of the key ways in which the Council can demonstrate that they have had 'due regard'. Assessing impact on equality should be tailored to, and be proportionate to, the decision(s) being made.

Officers have considered the impact of the proposals contained in this report and consider that there would be no, or very limited adverse or disproportionate impact on those who share a protected characteristic. This will be kept under review as part of the Council's ongoing duty.

### **Appendices**

Appendix A - draft Statement of Principles of Gambling policy **THE ATTACHED APPENDIX IS AMENDED AS BY LICENSING COMMITTEE AND OFFICERS SINCE THE MEETING ON 1/11/18**

Appendix B - feedback from Gambling Commission

Appendix C - Feedback from ABB

Appendix D - Feedback from Gamcare

Appendix E - Feedback from HMRC

Appendix F - Table summarising feedback with recommendations

**Background Papers**

[Gambling Act 2005](#)

[Guidance to Local Authorities issued  
by Gambling Commission -  
September 2015](#)

[Local Government Association  
'councillor handbook on gambling  
regulation' issued 2018](#)

[Sevenoaks' Council's Statement of  
Gambling Policy 31 January 2016 to  
30 January 2019](#)

**Richard Wilson**

**Chief Officer Environmental and Operational Services**

This page is intentionally left blank





# Sevenoaks District Council

**Gambling Act 2005  
Statement of Licensing Principles  
Gambling Policy  
31 January 2019 – 30 January 2022**

**CONTENTS**

Item	Page
1. The licensing objectives	3
2. Introduction	3
3. Declaration	5
4. Casinos	5
5. Functions	5
6. Operators	6
7. Risk Assessments	7
8. Responsible Authorities	8
9. Interested parties	8
10. Exchange of information	9
11. Enforcement	10
12. Gambling prevalence and problem gambling	12
The appendices that follow form part of this Policy Statement	
<b>Appendix 1. Permits</b>	13
(i) Unlicensed family entertainment centre gaming machine permits	13
(ii) (Alcohol) licensed premises gaming machine permits	14
(iii) Prize gaming permits	15
(iv) Club gaming and club machine permits	16
<b>Appendix 2. Premises licences</b>	18
(i) Decision making – general	18
(ii) “Premises”	19
(iii) Location	20
(iv) Planning	21
(v) Duplication	21
(vi) Door supervisors	21
(vii) Split premises	21
(viii) Access to premises	23
(ix) Licensing objectives	24
(x) Reviews	25
(xi) Provisional statements	25
(xii) Adult gaming centres	25

(xiii) (Licensed) family entertainment centres	26
(xiv) Tracks	27
(xv) Casinos	27
(xvi) Bingo	27
(xvii) Temporary Use Notices	28
(xviii) Occasional Use Notices	28
(xix) Small Society Lotteries	28
(xx) Travelling fairs	28
Help with gambling related problems	30
<b>Appendix 3.</b> Responsible Authorities	31
<b>Appendix 4.</b> List detailing who this authority has consulted	33
<b>Appendix 5.</b> Summary of Gaming Machines by premises	34
<b>Appendix 6.</b> Summary of licensing authority delegations permitted under the Gambling Act 2005	35

## Agenda Item 7a

### 1. The Licensing Objectives

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

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

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

### Principles to be applied - Section 153

(1) In exercising its functions a licensing authority will only permit the use of premises for gambling:

- 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.

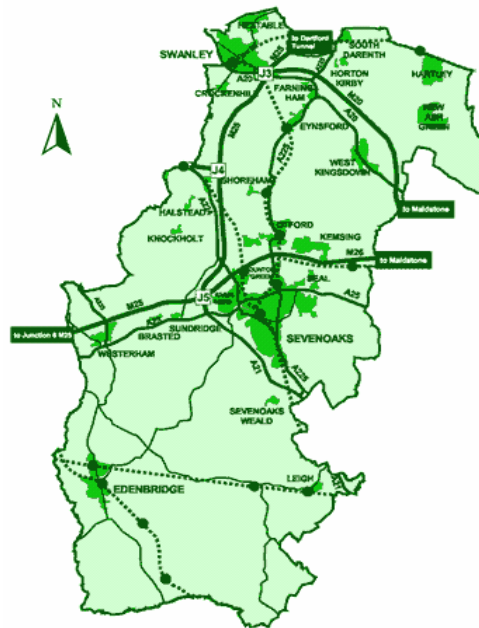
(3) Any objection to an application for a Premises licence or request for a review of an existing licence should be based on the licensing objectives of the Gambling Act 2005. It should be noted that, unlike the Licensing Act 2003, the Gambling Act 2005 does not include as a specific licensing objective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

### 2. Introduction

Sevenoaks District Council is situated in the County of Kent. Kent contains 12 Borough and District Councils with 1 Unitary Authority.

The Sevenoaks District Council area covers 142 square miles and has an estimated population of 110,000. The area is mainly rural with 4 main towns comprising Sevenoaks, Swanley, Edenbridge and Westerham.

The Sevenoaks District Council Area



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.

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

The Authority will consult widely on the Gambling Policy statement before being 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 represent the interests of persons carrying on gambling businesses in the authority's area;
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

The persons consulted when preparing this Policy statement was deliberately wide. A list of those persons consulted is attached at appendix 4.

The consultation for the policy will take place between 20<sup>th</sup> August 2018 and 14<sup>th</sup> October 2018. The 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 Authority of those will be available upon request to: The Licensing Team via email [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk) or by telephone 01732 227325.

## Agenda Item 7a

The policy is published on Sevenoaks District Council's website [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk).

This policy statement will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, 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.

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

### 4. Casinos

**Proposal for a casino** - This Licensing authority did submit a proposal to the Independent Casinos Advisory Panel within the Sevenoaks District Council area. However, it was not successful.

**No Casinos resolution** – This Licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, and is aware that it has the power to do so. Should this Licensing authority decide to pass such a resolution, it will update this policy statement with details of that resolution.

### 5. 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**

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

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

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

## **6. Operators**

Gambling businesses are required to have an operator licence issued by the Gambling Commission before they can operate in Great Britain. Operator licences can be issued for

## Agenda Item 7a

up to ten different types of gambling activity and a separate licence is needed for both remote and non-remote gambling of the same types.

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

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

The Licence Conditions and Codes of Practice (LCCP) were updated in April 2018, and have introduced significant new responsibilities for operators in relation to their local premises. With effect from April 2016, all non-remote licensees that run gambling premises will be required to assess the local risks to the licensing objectives arising from each of their premises and have policies, procedures and control measures to mitigate them. Licensees are required to take into account the Licensing authority's statement of principles in developing their risk assessments.

### **7. Risk Assessments**

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

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

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

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



- the customer profile of the premises;
- staffing levels;
- staff training, knowledge and experience;
- whether there is any indication of problems with young persons attempting to access adult gambling facilities in that type of gambling premises in the area.

The licensing authority expects a copy of the risk assessment to be held at each premises so that it can be inspected by officials and staff alike.

## **8. Responsible Authorities**

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

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

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

Children's and Families - KCC Social Service

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

## **9. Interested parties**

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

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

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

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

## Agenda Item 7a

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 on the Licensing Committee dealing with the licence application will not be able to make representations. If there are any doubts then please contact Mrs Claire Perry Assistant Licensing Manager via email at [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk) or by telephone 01732 227325.

### **10. Exchange of Information**

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

The principle that this Licensing authority will apply is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information and the provision that the Data Protection Act 1998 (DPA) or the General Data Protection Regulations (GDPR) 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.

We recognise the need to share information with other agencies about our inspections and compliance activities. The Council has various policies relating to General Data Protection Regulations (GDPR), which will be considered when deciding what information to share and the process for doing so. The Council is also a signatory to the Kent & Medway

Information Sharing Agreement, which allows the sharing of information between Agencies for the purpose of the preventions and detection of crime and for public protection.

Information can be accessed by data subjects via a number of routes including a Freedom of Information Request or a Subject Access Request.

### **11. Enforcement**

This 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 this 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 from Sharon Bamborough, Head of the Licensing Partnership via email at [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk) or by telephone 01732 227325.

In accordance with the Gambling Commission's Guidance for local authorities this Licensing authority will endeavour to avoid duplication with other regulatory regimes so far as is possible. .

This 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.

This Licensing authority's principles are that:

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

- Proportionate:

regulators should only intervene when necessary;

remedies should be appropriate to the risk posed, and

costs identified and minimised.

- Accountable:

regulators must be able to justify decisions, and

be subject to public scrutiny.

- Consistent:

## Agenda Item 7a

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.

New premises, premises under new management, premises where complaints have been received or intelligence received relevant to the licensing objectives and premises or operators where compliance failings have been identified previously will attract a higher risk rating. Premises located in areas where there have been incidents of crime affecting or relating to gambling premises, or where the premises themselves have been the victims or involved in such crime, shall also attract a higher risk rating. The Council will conduct baselining assessments to assess initial risk ratings for gambling premises in its district.

The Licensing authority operates a partnership approach to dealing with enforcement matters concerning licensed premises. This may include working with the Police or any of the other responsible authorities under the Act, or working with colleagues from other Council departments or outside agencies.

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

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

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

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

The main enforcement and compliance role for this Licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises.

The Gambling Commission will be the enforcement body for Operating and Personal Licences.

Concerns relating to manufacture, supply or repair of gaming machines, or concerns relating to on-line or remote gambling is part of the Commissions role.

## 12. Gambling Prevalence and Problem Gambling

Participation in gambling and rates of problem gambling published in April 2018 on the Gambling Commission website by NHS Digital showed that:

- 56% of people in England gambled in 2016
- 42% of people in England (excluding those who had only played National Lottery draws) gambled in 2016
- 0.7% of people in England identified as problem gamblers
- 1.2% of gamblers in England identified as problem gamblers
- 3.6% of people in England were at low or moderate risk of developing problems with their gambling
- 6.6% of gamblers in England are at low or moderate risk of developing problems with their gambling

Problem gambling can have a detrimental effect on personal finances as the attempt to chase losses becomes unmanageable. As well as spending wages, savings and spare cash, debts can also be a feature of problem gambling as a result of borrowings and loans to cover gambling losses. However, the effects of problem gambling can cost more than money.

Problem gamblers often say they feel isolated as a result of their solitary pursuits of chasing losses. There is a tendency to stay away from school, college or work in order to gamble. In addition, there is often a preoccupation with gambling, a lack of interest in maintaining relationships and a lack of motivation to engage in social activities.

There is often reluctance amongst gamblers to spend money on items of clothing or household goods as this expenditure is often seen as funds for gambling. There can also be an unwillingness to pay utility bills as money would rather be used for gambling purposes.

Problem gambling can be progressive in nature and problem gamblers can end up engaging in criminal activity to fund their gambling. This can lead to lifelong consequences with criminal convictions

<http://www.gamblingcommission.gov.uk/news-action-and-statistics/Statistics-and-research/Levels-of-participation-and-problem-gambling/Levels-of-problem-gambling-in-England.aspx>

[http://www.gamcare.org.uk/sites/default/files/file\\_attach/GamCare%20Annual%20Statistics%202016-17%20FINAL.pdf](http://www.gamcare.org.uk/sites/default/files/file_attach/GamCare%20Annual%20Statistics%202016-17%20FINAL.pdf)

### Appendix 1

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

#### 1. Permits

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

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

The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

Sevenoaks District Council 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.

An uFEC Permit is only where the applicant wishes to make Cat D gaming machines available (i.e. machines that may be played by children). It is not for any other type of gaming machine

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

**(ii) (Alcohol) Licensed premises gaming machine permits – (Schedule 13 Para 4(1))**

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act 2005 (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming; or
- an offence under the Gambling Act 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 must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from 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.

Measures which will satisfy this 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.

## Agenda Item 7a

### **(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, Sevenoaks District Council will want to give weight to child protection issues and will ask the applicant to set out the types of gaming that he or she is intending to offer. The applicant will be expected to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. These will also apply to UFEC permits.

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

The applicant should be able to demonstrate:

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

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

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, they must be permanent in nature, not established to make a commercial profit and must be controlled by their members equally unless the gaming is permitted by separate regulations. The Secretary of State has made such regulations and these cover bridge and whist clubs. A Members' Club must be permanent in nature and established and conducted for the benefit of its members and not a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations." (25.5)

The Licensing authority is aware that it may only refuse an application on the grounds that:

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

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

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

## Agenda Item 7a

- Is there a list of Committee members and evidence of their election by the club members?

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

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

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

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

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

- (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. 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. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

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

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing 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
- reasonable in all other respects.

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

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

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

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;

## Agenda Item 7a

- 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. This does not apply to AGC or betting premises.

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, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

There are also conditions which the licensing authority cannot attach to premises licences which are:

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

### (ii) "Premises":

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.

Sevenoaks District Council will have regard to the Gambling Commission's guidance on the division of premises and access between premises.

This licensing authority takes particular note of the Guidance for local authorities which states that in considering applications for multiple licences for a building (split premises) or those for a specific part of the building to be licensed, licensing authorities should be aware that:

- the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling but also that they are not permitted to be in close proximity to gambling. Therefore premises

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

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

Licensing authorities should 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.

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

As the Court has held in a 2008 case<sup>19</sup>, operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered in a two stage process; first, licensing authorities must decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application a licensing authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

### **(iii) Location:**

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

## Agenda Item 7a

### **(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 this 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.

This 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) Split Premises**

The Gambling Commission's Guidance states that a building can, in principle, be divided into more than one premises and be subject to more than one Premises licence provided they are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises. An example is given of units within a shopping mall, where each unit is separate self-contained premises contained within one building. It is also possible for licensed premises to be located next to each other.

The Gambling Commission state they do 'not consider that areas of a building that are artificially separated, for example by ropes or moveable partitions, can properly be regarded as separate premises'.

Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the Licensing authority will need to be satisfied the premises are genuinely separate premises, and not an artificially created additional part of single premises.

In considering whether different areas of a building are genuinely separate premises the Licensing authority will take into account factors which will include:

- whether there are separate registrations for business rates in place for each premises;
- whether separate sets of staff work in the individual premises;
- whether there is a separate cash desk/reception for each of the premises;
- whether each premises has its own postal address;
- whether the premises are owned or operated by the same person;
- whether each of the premises can be accessed from a street or public passageway;
- whether the premises can only be accessed from any other gambling premises.

When considering proposals to divide a building into separate premises, the Licensing authority will also need to be satisfied that the form of separation between the premises is appropriate.

The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another.

It may be acceptable for staff working in adjacent premises to have access through barriers between premises. The applicant must demonstrate that in providing staff access there are suitable control measures in place that will ensure the safety and security of staff and will prevent the public from using the same access point to enter the other premises.

The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises, the Licensing authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions relating to access between premises.

The Guidance at paragraph 7.22 states "There is no definition of 'direct access' in the Act or Regulations, but Licensing Authorities may consider that there should be an area

## Agenda Item 7a

separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access.”

It is the Licensing authority’s opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.

The Licensing authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or cashpoint machines.

Where the Licensing authority is satisfied that a building can be divided into separate premises it will expect applicants to ensure that:

- the premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part;
- the premises are not configured so children are likely to enter an adult only area to join a parent gambling in that adult only area,
- entrances and exits from parts of a building covered by one or more Premises licences are separate and identifiable so the separation of different premises is not compromised and people do not ‘drift’ into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit;
- customers should be able to participate in the activity named on the Premises licence.

This is not an exhaustive list and the Licensing authority will consider other aspects based on the merits of the application.

### **(viii) Access to Premises**

The Gambling Act 2005 (Mandatory and Default Conditions) Regulations set out access provisions for each type of licensed gambling premises. The broad principle is there can be no direct access from one licensed gambling premises to another, except between premises which allow those aged under-18 to enter and with the further exception that licensed betting premises may be accessed via other licensed betting premises.

‘Direct access’ is not defined, but the Licensing authority will consider there should be an area such as a street or café to which the public attend for purposes other than gambling for there to be no direct access.



Type of Premises	Access Provisions
Casino	<ul style="list-style-type: none"> <li>• The principal access to the premises must be from a 'street';</li> <li>• No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;</li> <li>• No customer must be able to access a casino directly from any other premises which holds a gambling premises licence.</li> </ul>
Adult Gaming Centre	<ul style="list-style-type: none"> <li>• No customer must be able to access the premises directly from any other licensed gambling premises.</li> </ul>
Betting Shop	<ul style="list-style-type: none"> <li>• Access must be from a 'street' or from other premises with a betting licence;</li> <li>• No direct access is permitted from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be any entrance to a betting shop from a shop of any kind unless that shop is in itself a licensed betting premises.</li> </ul>
Track	<ul style="list-style-type: none"> <li>• No customer must be able to access the premises directly from a casino or Adult Gaming Centre.</li> </ul>
Bingo Premises	<ul style="list-style-type: none"> <li>• No customer must be able to access the premises directly from a casino, an Adult Gaming Centre or a betting premises, other than a track.</li> </ul>
Family Entertainment Centre	<ul style="list-style-type: none"> <li>• No customer must be able to access the premises directly from a casino, an Adult Gaming Centre or a betting premises, other than a track.</li> </ul>

**(x) Licensing objectives:**

This 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:***

## Agenda Item 7a

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

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

#### **(x) Reviews:**

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

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

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

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

#### **(xi) Provisional Statements:**

This 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 is in the authority's opinion reflect a change in the operator's circumstances.

#### **(xii) Adult Gaming Centres (AGC):**

This 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.”

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

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

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

### **(xiii) (Licensed) Family Entertainment Centres (FECs):**

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

This licensing authority will, as per the Gambling Commission’s Guidance refer to the Commission’s website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

Gaming machines are a form of gambling which is attractive to children and licensed FEC’s will contain both Category D machines on which they are allowed to play, and Category C machines on which they are not. Since gaming machines provide opportunities for solitary play and for immediate payouts, they are more likely to engender repetitive and excessive play. The licensing authority, in considering applications for FEC Premises licences, will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant

## Agenda Item 7a

to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

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

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

### **(xiv) Tracks:**

This licensing authority is aware that the Gambling Commission may provide specific guidance as regards tracks. We shall have regard to this Guidance in the discharge of our functions.

### **(xv) Casinos:**

This licensing authority will have regard to the Gambling Commission's guidance.

### **(xvi) Bingo:**

This licensing authority will have regard to the Gambling Commission's guidance.

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

To avoid a situation where a premises holds a bingo premises licence primarily to benefit from the gaming machine allowance, the licensing authority will need to be satisfied that bingo is regularly played in any premises for which a Premises licence is issued and that

the premises presentation is clearly that of a bingo premises and readily identifiable as such to any customer using the premises.

**(xvii) 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).

**(xviii) 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.

**(xiv) Small Society Lotteries**

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

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

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

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

Charities and community groups should contact us via email [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk) to seek further clarification.

**(xx) Travelling Fairs:**

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

## Agenda Item 7a

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

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

### **(xix) Betting Premises**

This policy applies to applications for off-course betting premises. This is betting that takes place other than at a track, typically in a betting shop.

Gaming machines may be made available for use in licensed betting premises only where there are also substantive facilities for non-remote betting, provided in reliance on this licence, available in the premises.

In determining applications for betting premises, the licensing authority shall consider the following:

- proof of age schemes
- CCTV
- entry control system
- staff numbers
- staff training
- counter layout
- supervision of entrances/ machine areas
- machine privacy screens
- notices/ signage
- opening hours
- provision of responsible gambling information

This list is not exhaustive, and is merely indicative of example measures the Licensing authority will expect applicants to offer to meet the licensing objectives.

Betting machines made available at betting premises that accept bets on live events such as horse racing (SSBT's or self-service betting terminals) are not gaming machines and therefore do not count towards the total number of gaming machines that may be permitted at betting premises. However, where a machine is made available to take bets on 'virtual' races (e.g. results/images generated by a computer to resemble a real race or event), that IS a gaming machine and counts towards the maximum permitted number of gaming machines, and is subject to the relevant statutory limits on stakes and prizes.

Section 181 of the Gambling Act 2005 permits the Licensing authority to restrict the number of SSBT's, their nature and the circumstances in which they may be made available by attaching a relevant condition to a premises licence for a betting office. When considering whether to do so, the licensing authority will consider, among other things, the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.

The licensing authority when considering the number, nature and circumstances of self-service betting terminals an operator wants to offer will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.

Where an SSBT includes functionality to be marketed or presented in languages other than English, the Licensing authority will seek to ensure the operator has considered the ordinary code provision set by the Gambling Commission about making the following information also available in the relevant languages:

- information on how to gamble responsibly and access the help referred to in the Gambling Commission's Licence Conditions and Codes of Practice;
- the player's guide to any game, bet or lottery under the provisions of the Gambling Commission's Licence Conditions and Codes of Practice;
- the summary of the contractual terms on which gambling is offered, which is a condition of the licence holder's Operating Licence issued by the Gambling Commission.

### **Help with gambling related problems:**

A list of organisations where people may seek help will be available on the licensing 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 227325

Fax: 01732 742339

e-mail: [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk)

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

**Local Planning Authority**

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

Tel: 01732 227200

Fax: 01732 451332

**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**

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

Tel: 01732 369429

**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](mailto:info@gamblingcommission.gov.uk)

Website:

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

**Environmental Protection**

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

Tel: 01732 2272000

Fax: 01732 742339

e-mail:

[environmentalprotection@sevenoaks.gov.uk](mailto: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](http://www.kcpc.org.uk)



**HM Revenue & Customs**

HM Revenue and Customs  
Excise Processing Teams  
Gambling Duties  
BX9 1GL

Tel: 0300 322 7072 Option 7

Email:

NRUBetting&Gaming@hmrc.gsi.gov.uk

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

**List detailing who this authority consulted with:**

**List of Consultees**

Sevenoaks District Council website

District Councillors

Councillor's Members Room

Parish and Town Councils

Licensees/their agents of gambling premises

- Neighbouring Authorities
- Bodies designated under section 157 of the Act as 'Responsible Authorities'
- Town Centre Forums, Partnerships and Managers
- Person/ bodies representative of local residents
- Person/ bodies representative of gambling businesses
- Representatives of persons or business who hold premises licences
- Organisations working with people who are problem gamblers
- Representatives of health care organisations
- Representatives of voluntary and community organisations working with children and young people

This list is not definitive. Residents associations will be sent copies on request.

**Summary of machine provisions by premises**

Premises type	Machine category							
	A	B1	B2	B3	B3A	B4	C	D
<b>Large casino</b> (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)						
<b>Small casino</b> (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)						
<b>Pre-2005 Act casino</b> (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead						
<b>Betting premises and tracks occupied by pool betting</b>		Maximum of 4 machines categories B2 to D						
<b>Bingo premises</b>				Maximum of 8 machines in category B3 or B4			No limit on category C or D machines	
<b>Adult gaming centre</b>				Maximum of 4 machines in category B3 or B4			No limit on category C or D machines	
<b>Family entertainment centre</b> (with premises licence)							No limit on category C or D machines	
<b>Family entertainment centre</b> (with permit)								No limit on category D machines
<b>Clubs or miners' welfare institute</b> (with permits)				Maximum of 3 machines in categories B3A or B4 to D*				
<b>Qualifying alcohol-licensed premises</b>							1 or 2 machines of category C or D automatic upon notification	
<b>Qualifying alcohol-licensed premises</b> (with gaming machine permit)							Number of category C D machines as specified on permit	
<b>Travelling fair</b>								No limit on category D machines
	<b>A</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>B3A</b>	<b>B4</b>	<b>C</b>	<b>D</b>

It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three 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	

**From:** Jane Blade [mailto:jblade@gamblingcommission.gov.uk]  
**Sent:** 10 September 2018 08:25  
**To:** Sharon Bamborough  
**Subject:** RE: Sevenoaks Gambling consultation

Dear Sharon

I have read this document and have a few comments for you to consider. This is not a representation, so no need to record it as such!

1. Page 15 – You should specify here that a uFEC Permit is only where the applicant wishes to make Cat D gaming machines available (i.e. machines that may be played by children). It is not for any other type of gaming machine.
2. Page 17 – The considerations for Prize Gaming Permits should also apply to uFEC permits, as these are premises which primarily cater to children and which are not regulated by the GC, only via a permit from the LA
3. Page 20 – Machine locations (i.e. the need for the machine area to be separate) only applies to Licensed FEC's and Bingo premises. This consideration does not apply to AGC or Betting premises, which are only for adults anyway. This should be clarified.
4. Page 22 – Premises do not have to be complete before a Premises Licence can be granted.

**The GLA states:**

*Consideration of planning permission and building regulations*

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

7.59 As the Court has held in a 2008 case<sup>19</sup>, **operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits.** Such cases should be considered in a two stage process; first, licensing authorities must decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application a licensing authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

5. Page 28 and Page 29 – the term “self-barring” should be replaced by “self-exclusion”, which is the correct term
6. Page 34 – Under the list of Responsible Authorities, reference is made to the Health and Safety team. It may be that they are an RA as this is the way the LA is structured, however if not the list of RA’s for gambling is here: <http://www.legislation.gov.uk/ukpga/2005/19/section/157> and this should refer to what we would call the Pollution team in the old days!

I hope this helps.

Best wishes



**Jane Blade**  
**Compliance Manager**

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham B2 4BP

Telephone: 0121 230 6603  
[www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

*All information - including email communications - may be subject to disclosure under the Freedom of Information Act.*

*Think of the environment before printing out this message*

*The information in this email is intended only for the named recipient and may be privileged or confidential. If you are not the intended recipient please notify us immediately and do not copy, distribute or take action based on this email.*

BY EMAIL ONLY  
Licensing Department  
Sevenoaks District Council

**Please ask for:** Richard Taylor  
**Direct Tel:** 01482 590216  
**Email:** rjt@gosschalks.co.uk  
**Our ref:** RJT / MJM / 097505.00005  
#GS2214019  
**Your ref:**  
**Date:** 10 October 2018

Dear Sir/Madam,

**Re: Gambling Act 2005 Policy Statement Consultation**

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

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

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

This response starts by setting out the ABB's approach in areas relevant to the local authority's regulation of betting shop premises, and its commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.

Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital.

The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take with regard, to the requirements for local area risk assessments.

Whilst it is important that the gambling policy statement fully reflects the local area, the ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance, relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of these would be detrimental to the gambling licensing regime. The ABB also believes it is important that

the key protections already offered for communities, and clear process (including putting the public on notice) for objections to premises licence applications, continue to be recognised.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as of March 2017 were 8,788 - a decline of 349 since March 2014, when there were 9,137 recorded.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

### **Working in partnership with local authorities**

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

### **LGA – ABB Betting Partnership Framework**

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

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *"desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."*

The framework builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with their gambling can exclude themselves from betting shops close to where they live, work and socialise. The ABB is working with local authorities to help raise awareness of the scheme, which is widely promoted within betting shops.



The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, described the project as "*breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator.*"

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

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

### **Local area risk assessments**

Since April 2016, under new Gambling Commission LCCP provisions, operators have been required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy, and any local area profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.

The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The requirements build on measures the industry has already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.

This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.

### **Best practice**

The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.

Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.

The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.

The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.

The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.

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

The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.

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

### **Employing additional licence conditions**

It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent

with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called “Think 21”. This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

### **Considerations specific to the Draft Gambling Act 2005 Statement of Licensing Principles January 2019 – 2022**

Paragraph 1(1) should be amended to properly state the requirements of Section 153. This paragraph as drafted misstates the requirements of S153 and excludes the “aim to permit” principle which should be included.

Paragraph 6 refers to an update of the LCCP in April 2015. Whilst its correct that the LCCP was updated in April 2015, the most recent version of this document is January 2018 which had effect from 4<sup>th</sup> April 2018. Accordingly this reference should be amended.

Paragraph 2 (i) in Appendix 2 explains the Licensing Authority’s approach to the imposition of conditions on premises licences. This section would be assisted by a clear statement that all Gambling Act 2005 premises licences are subject to mandatory and default conditions and that these are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. This section should also state that additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that requires that the mandatory and default conditions be supplemented by additional conditions.

Paragraph 2(iii) is headed “Location” and contains a sentence that should be removed. This sentence refers to the potential for a policy with regard to areas where gambling premises should not be located. This sentence should be removed as any such policy is likely to be unlawful and is certainly contrary to the overriding principle that the Licensing Authority will “aim to permit” the use of the premises for gambling. The paragraph should simply state that applications may be made and they will be determined upon their own merits.

Paragraph (xix) “Betting Premises” in Appendix 2 should also be re-drafted. The second paragraph refers to the “primary use” of premises to operate this betting premises. Following recent

guidance and change to the SR Code Provisions, there is no need for an investigation with regard to the use of the various facilities provided at betting premises. The simply requirement is found within SR Code Provision 9 and is that gaming machines may be made available for use in licensed betting premises only where there are substantive facilities for non-remote betting provided.

### **Conclusion**

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

Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff.

We would encourage local authorities to engage with us as we continue to develop both these codes of practice, which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.

Yours faithfully,

**GOSSCHALKS**

**From:** Catherine Sweet [mailto:catherine.sweet@gamcare.org.uk]  
**Sent:** 31 August 2018 09:53  
**To:** Licensing  
**Cc:** Sharon Bamborough  
**Subject:** RE: Sevenoaks Gambling consultation

Hello,

Thank you for your email, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see [www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/](http://www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/)
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from [GamCare Certified operators](#). GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact [mike.kenward@gamcare.org.uk](mailto:mike.kenward@gamcare.org.uk)

For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.

If there is anything else we can assist with please do let us know.

Kind regards,  
Catherine

**Catherine Sweet**  
**Head of Marketing and Communications**  
T: 020 7801 7028  
E: [catherine.sweet@gamcare.org.uk](mailto:catherine.sweet@gamcare.org.uk)



**Click here to sign up to our free, monthly e-newsletter**

**From:** NRUBetting&Gaming@hmrc.gsi.gov.uk [mailto:NRUBetting&Gaming@hmrc.gsi.gov.uk]  
**Sent:** 31 August 2018 10:06  
**To:** Sharon Bamborough  
**Subject:** RE: Sevenoaks Gambling consultation

Dear Colleague

As one of the responsible authorities quoted in your appendices can I ask you to amend our contact telephone number to 0300 322 7072 Option 7.

Our email address remain the same, [NRUBetting&Gaming@hmrc.gsi.gov.uk](mailto:NRUBetting&Gaming@hmrc.gsi.gov.uk)

Kind Regards

Janet (Marron)  
Excise Processing Team  
HM Revenue & Customs  
BX9 1GL  
United Kingdom  
0300 322 77072 Option 7

This page is intentionally left blank



POLICY SECTION	COMMENT /FEEDBACK	COMMENT/ RECOMMENDATION	DECISION against recommendation:
<p>PAGE 15: (extract)</p> <p>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.</p> <p>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.</p> <p><b>PAGE 15: (iii) Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 (3))</b></p> <p>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, Sevenoaks District Council 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.</p>	<p><b>GENERAL COMMENTS FROM GAMBLING COMMISSION:</b></p> <p>1. Page 15 – You should specify here that a uFEC Permit is only where the applicant wishes to make Cat D gaming machines available (i.e. machines that may be played by children). It is not for any other type of gaming machine.</p> <p>2. Page 17 (typo – should read 15) – The considerations for Prize Gaming Permits should also apply to uFEC permits, as these are premises which primarily cater to children and which are not regulated by the GC, only via a permit from the LA</p>	<p>1. We are happy to add this following wording to the section. <b>Recommend</b> to add in: ‘ An uFEC Permit is only where the applicant wishes to make Cat D gaming machines available (i.e. machines that may be played by children). It is not for any other type of gaming machine’ At the end of this section</p> <p>2. <b>Recommend:</b> amend the relevant section on page 15/16 to make clear that the considerations for Prize Gaming Permits should also apply to uFEC permits, as these are premises which primarily cater to children and which are not regulated by the GC, only via a permit from the LA</p>	<p>Page 15: ACCEPT / REJECT</p> <p>Page 15/16 ACCEPT / REJECT</p>

<p>PAGE 20: This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• only adults are admitted to the area where these machines are located;</li> <li>• access to the area where the machines are located is supervised;</li> <li>• the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and</li> <li>• 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.</li> </ul> <p>These conditions will apply to premises including buildings where multiple premises licences are applicable.</p> <p>PAGE 22: 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</p>	<p>3. Page 20 – Machine locations (i.e. the need for the machine area to be separate) only applies to Licensed FEC’s and Bingo premises. This consideration does not apply to AGC or Betting premises, which are only for adults anyway. This should be clarified.</p> <p>4. Page 22 – Premises do not have to be complete before a Premises Licence can be granted. The GLA states: Consideration of planning permission and building regulations <i>7.58 In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One</i></p>	<p>3. We are amend to make this clearer <b>Recommend:</b> amend wording to make clear that this does not apply to AGC or betting premises</p> <p>4. We are happy to amend the wording to match the wording provided by the Gambling Commission <b>Recommend</b> : incorporate wording in italics (previous column)and remove sections</p>	<p>Page 20 ACCEPT / REJECT</p> <p>Page 22 ACCEPT / REJECT</p>
---	---	---	---

<p>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. This 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.</p>	<p><i>example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence. This is why the Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them. Part 11 of this guidance gives more information about provisional statements.</i></p> <p><i>7.59 As the Court has held in a 2008 case<sup>19</sup>, operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered in a two stage process; first, licensing authorities must decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application a licensing authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.</i></p>	<p>which contradict this guidance</p>	
---	--	---------------------------------------	--

<p>PAGE 27 &amp; 28 : REFERERNCES TO 'SELF BARRING'</p> <p>Page 34: <b>Health and Safety</b> Sevenoaks District Council Council Offices (etc.)</p>	<p>5. Page 28 and Page 29 (typo – should read 27 &amp; 28) – the term “self-barring” should be replaced by “self-exclusion”, which is the correct term</p> <p>6. Page 34 – Under the list of Responsible Authorities, reference is made to the Health and Safety team. It may be that they are an RA as this is the way the LA is structured, however if not the list of RA’s for gambling is here: <a href="http://www.legislation.gov.uk/ukpga/2005/19/section/157">http://www.legislation.gov.uk/ukpga/2005/19/section/157</a> and this should refer to what we would call the Pollution team in the old days!</p>	<p>5. We are happy to take this suggestion and replace the wording <b>Recommend:</b> replace the terms ‘self barring’ with ‘self exclusion’</p> <p>6 Noted, but no change necessary as this is part of Environmental Health <b>Recommend:</b> no change to this section</p>	<p>Page 28/29 ACCEPT / REJECT</p> <p>Page 34: accept / reject</p>
<p>PARA 1: 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.</p>	<p><b>GOSSCHALKS:</b> Paragraph 1(1) should be amended to properly state the requirements of Section 153. This paragraph as drafted misstates the requirements of S153 and excludes the “aim to permit” principle which should be included.</p>	<p>Disagree with feedback – section clearly includes reference to ‘aim to permit’ principle <b>Recommendation:</b> leave as proposed (in existing policy)</p>	<p>(page 3) Para 1: ACCEPT / REJECT</p>
<p>Extract from Para 6: The Licence Conditions and Codes of Practice (LCCP) were updated in April 2015, and have introduced significant new responsibilities for operators</p>	<p><b>GOSSCHALKS:</b> Paragraph 6 refers to an update of the LCCP in April 2015. Whilst it’s correct that the LCCP was updated in April 2015, the most recent version of this document is January 2018 which had effect from 4<sup>th</sup> April 2018. Accordingly this reference should be amended.</p>	<p>Happy to update this reference to the most recent LCCP <b>Recommendation:</b> amend to update from ‘April 2015’ to ‘with effect from 4<sup>th</sup> April 2018’</p>	<p>(Page 7) Para 6: ACCEPT / REJECT</p>
<p>APP.2, 2(i) extract: Any conditions attached to licences by the Licensing Authority will be proportionate and will be:</p> <ul style="list-style-type: none"> <li>relevant to the need to make the proposed building suitable as a</li> </ul>	<p><b>GOSSCHALKS:</b> Paragraph 2 (i) in Appendix 2 explains the Licensing Authority’s approach to the imposition of conditions on premises licences. This section would be assisted by a clear statement that all Gambling Act 2005 premises licences are</p>	<p>Disagree – we consider the section is fine as drafted (it is in existing policy) <b>Recommend:</b> leave as is</p>	<p>(page 19) ACCEPT / REJECT</p>

<p>gambling facility;</p> <ul style="list-style-type: none"> <li>• directly related to the premises and the type of licence applied for;</li> <li>• fairly and reasonably related to the scale and type of premises; and</li> <li>• are reasonable in all other respects.</li> </ul> <p>Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively</p>	<p>subject to mandatory and default conditions and that these are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. This section should also state that additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that requires that the mandatory and default conditions be supplemented by additional conditions.</p>		
<p><b>(iii) Location:</b> This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission’s Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. <b>Should any specific policy be decided upon as regards areas where gambling premises should not be located,</b></p>	<p><b>GOSSCHALKS:</b> Paragraph 2(iii) is headed “Location” and contains a sentence that should be removed. This sentence refers to the potential for a policy with regard to areas where gambling premises should not be located. This sentence should be removed as any such policy is likely to be unlawful and is certainly contrary to the overriding principle that the Licensing Authority will “aim to permit” the use of the premises for gambling. The paragraph should simply state that applications may be made and they will be determined upon their</p>	<p>As we have no designated areas where gambling premises would not be permitted, nor any evidence to support such an approach, we are happy to remove this wording (highlighted in yellow in first column) <b>Recommend:</b> Amend wording to remove all wording highlighted in yellow (column 1)</p>	<p>Page 21: ACCEPT / REJECT</p>

<p><b>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.</b></p>	<p>own merits.</p>		
<p>This policy applies to applications for off-course betting premises. This is betting that takes place other than at a track, typically in a betting shop.</p> <p><i>The Licensing Authority must be satisfied that the primary use of the premises is to operate as betting premises. The applicant will be expected to demonstrate they are offering sufficient facilities for betting or otherwise should not make gaming machines available on the premises.</i></p>	<p>GOSSCHALKS:</p> <p>Paragraph (xix) "Betting Premises" in Appendix 2 should also be re-drafted. The second paragraph refers to the "primary use" of premises to operate this betting premises. Following recent guidance and change to the SR Code Provisions, there is no need for an investigation with regard to the use of the various facilities provided at betting premises. The simply requirement is found within SR Code Provision 9 and is that gaming machines may be made available for use in licensed betting premises only where there are substantive facilities for non-remote betting provided.</p>	<p>Have sought wording from Gambling commission. <b>Recommend</b> that the para in italics in column one is replaced with the following: <i>Gaming machines may be made available for use in licensed betting premises only where there are also substantive facilities for non-remote betting, provided in reliance on this licence, available in the premises.</i></p>	<p>(Page 30) Accept / reject</p>
	<p>Feedback from Gamcare: We would suggest that the Local Licensing Authority primarily consider applications from <u>GamCare Certified operators</u>. GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice</p>	<p>We do not consider this would be lawful and <b>recommend</b> that this is not added to the policy</p>	<p>Recommendation: Accept / reject</p>
<p><b>HM Revenue &amp; Customs</b></p>	<p>Feedback from HMRC As one of the responsible authorities quoted in your</p>	<p>We are happy to update the</p>	

<p>HM Revenue and Customs Excise Processing Teams Gambling Duties BX9 1GL  Tel: 0845 302 1431</p>	<p>appendices can I ask you to amend our contact telephone number to 0300 322 7072 Option 7.</p> <p>Our email address remain the same, <a href="mailto:NRUBetting&amp;Gaming@hmrc.gsi.gov.uk">NRUBetting&amp;Gaming@hmrc.gsi.gov.uk</a></p>	<p>telephone number (and email address)</p> <p><b>Recommend</b> make the necessary update to HMRC contact details</p>	<p>(page 33)</p> <p>ACCEPT / REJECT</p>
---	---	---	---

This page is intentionally left blank



**Item 7 (b) - Constitutional changes regarding Development Control Delegations**

The attached report was considered by the Governance Committee on 6 November 2018. The relevant minute extract was not available prior to printing of these papers and will follow when available.

This page is intentionally left blank

**CONSTITUTIONAL CHANGES REGARDING DEVELOPMENT CONTROL DELEGATIONS**

**Council - 20 November 2018**

Report of Chief Planning Officer

Status For Decision

Also considered by Governance Committee - 6 November 2018

Key Decision No

---

**Portfolio Holder** Cllr. Robert Piper

**Contact Officer** Richard Morris, Ext. 7139

---

**Recommendation to Governance Committee:** That it be recommended to Council that the Head of Legal and Democratic Services be authorised to amend the Constitution as he sees fit to enable written requests for consideration of planning applications by the Development Control Committee to be submitted no later the relevant consultation expiry date.

**Recommendation to Council:** That the Head of Legal and Democratic Services be authorised to amend the Constitution as he sees fit to enable written requests for consideration of planning applications by the Development Control Committee to be submitted no later the relevant consultation expiry date.

---

**Reason for recommendation:** To allow the constitution to be updated to be consistent with Members' wishes.

---

**Introduction and Background**

- 1 Part 13 paragraph 14 (a) (1) (iii) of the constitution sets out that a written request for consideration of a planning application by the Development Control Committee, supported by an appropriate planning reason, should be submitted by a Member of the Council no later than 21 calendar days following despatch of the weekly list of planning applications on which such applications appear, or such lesser period as may be notified by the Chief Planning Officer in relation to any application where a decision could not otherwise be made by Committee before the statutory deadline for determination.
- 2 Members have indicated that it is desirable to alter the wording so as to permit such written requests no later the expiry date of the consultation relating to the application. This extends the opportunity for applications to

## Agenda Item 7b

be referred to committee, and should overcome confusion that occasionally occurs as a result of differing deadlines being applied to consultations, notifications, press and site notices and the weekly list.

3 It is therefore proposed that the new wording would be;

a written request for consideration of a planning application by the Development Control Committee, supported by an appropriate planning reason, should be submitted by a Member of the Council no later than the expiry date of the consultation or such lesser period as may be notified by the Chief Planning Officer in relation to any application where a decision could not otherwise be made by Committee before the statutory deadline for determination.

### **Key Implications**

#### Financial

None.

#### Legal Implications and Risk Assessment Statement.

No legal implications arise from this modest change to the constitution and there is a low risk in making the amendment proposed.

#### Equality Assessment

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

### **Conclusions**

This report proposes a modest change to the Constitution at Members' request.

**Appendices** None

**Background Papers** None

**Richard Morris**

**Chief Planning Officer**

## THE COUNCIL PLAN

**Council - 20 November 2018**

Report of Chief Executive

Status For Approval

Key Decision No

**Portfolio Holder** Cllr. Peter Fleming

**Contact Officer** Lee Banks, Ext. 7161

**Recommendation to Council:** The Council Plan is adopted and approved for publication.

**Reason for recommendation:** To ensure that the Council has a clear and agreed vision for council's priorities for the forthcoming years that can be communicated effectively to residents, businesses, staff and partners across the district.

### Introduction and Background

- 1 The Council's last Corporate Plan was adopted by Council in 2013. The Corporate Plan sets out a summary of recent progress and a vision for the future of the District. The main content of the Plan is the priorities the Members set for the Council, what we aim to achieve for the benefit of the District and the actions that will be taken to deliver on them.
- 2 Through a number of discussions with Members a new Draft Corporate Plan has been produced, that is now proposed to be known as The Council Plan. Following Members endorsement of the approach being taken, a recent Communications Peer Review by the Local Government Association has also advised that the Council's vision to be a 'seriously different council' is fitting given the strength of ambition, built on the foundations of the unique position of financial self-sufficiency.

### The Council Plan

- 3 The new Council Plan will set out for the first time what the Council aims to achieve under its ambition to be a 'Seriously Different Council'. This builds on the strong foundation of financial self-sufficiency which was achieved two years earlier than initially planned under the last Corporate Plan.
- 4 Over the last two years the Council has made significant steps forward in its ambition to improve the health and wellbeing of the District. To recognise the importance this has to our residents and the Council's future direction

## Agenda Item 8a

‘wellbeing’ will be a part of all of our priorities for the future, as well as ensuring that all that we do will be built on excellence, value for money and innovation.

- 5 The Plan has five themes, or priority areas, that focus on what the Council will aim to provide for its residents. These themes are Environment, Housing, Economy, Health and Community Safety. Under each of these themes are three promises that the Council is asked to agree that it will achieve for the benefit of the District, its residents and local businesses.
- 6 The proposed Council Plan is provided at Appendix A to this report and Members are recommended that it is adopted and approved for publication.

### Key Implications

#### Financial

None

#### Legal Implications and Risk Assessment Statement

None

#### Equality Assessment

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

### Conclusions

Through its Corporate Planning process the Council has made strong progress in recent years, including becoming the first financially self-sufficient Council in the Country.

Having delivered on this ambition it is considered necessary to set out a new Plan for the Council to ensure as a whole organisation we are focussed on achieving the same aims and objectives for the benefit of the District, our residents and local businesses.

**Appendices**                      Appendix A - The Council Plan

**Background Papers**           Corporate Plan (adopted by Council in 2013)

[www.sevenoaks.gov.uk/downloads/file/548/corporate\\_plan](http://www.sevenoaks.gov.uk/downloads/file/548/corporate_plan)

**Dr Pav Ramewal**  
**Chief Executive**



# Our Promises

## The Council Plan

# This is our Council Plan

***“A radical and hugely impressive organisation”.***

*Council of the Year Judges*

Our new Council Plan takes this statement further: we’re a Seriously Different Council. This means going beyond the traditional remit of a district council by putting the wellbeing of our residents and businesses at the heart of everything we do, while still providing high quality services at a price people can afford.

The Council’s work will be built on excellence, innovation and value for money.

We know that a great deal of what we already do as a district council makes a significant contribution to our residents’ quality of life and sense of wellbeing. But we are ambitious for our communities and we want to do more.

Wellbeing isn’t just about access to health services, it’s also about doing all we can to provide suitable homes for people to live in, a safe, healthy and protected environment and a strong local economy that provides the jobs and services we need. It’s about our lifestyle choices and opportunities to plan our future, and services that keep people living independently

for longer. We also understand that even small changes can result in a significant impact, and that we can play our part in supporting, promoting and delivering these.

We have looked at how we can work better across our council teams and with our partners to make this happen using five themes: the environment, our economy, community safety, housing and health. And we’ve underpinned these with three pillars that will support everything we do: excellent services, innovation and quality, and always making sure we deliver the very best value.





# What we've done... a look back

***“Sevenoaks has blazed a trail for all of English local government. What it has achieved has taken vision, initiative and nerves of steel at a time of unprecedented uncertainty for town halls.”***

*The Guardian Public Sector Award Chief Judge*

Sevenoaks District Council is the first council in the country to become self-sufficient of central government funding, fulfilling a promise we made to residents.

We have gone from receiving a grant of over £5 million just a few years ago, to no grant funding at all in 2018.

We have made big savings in bureaucracy, and reduced our costs. We have increased income to make up the shortfall by investing in property and projects that the whole District benefits from. Through innovation and tough choices we have protected our services for all residents.

These achievements have been widely recognised by our colleagues in local government and beyond.

## A look forward...

Although we are proud of our achievements and how we have met the challenges of the past 6 years, we know there are more challenges to come.

Sevenoaks District Council is ambitious for the community it serves. We will continue to deliver excellent services, to the highest quality, always ensuring the very best value. Wellbeing will be the focus of everything we do.

This means that we want our residents to lead long, happy and healthy lives, and our businesses to thrive and prosper.

It means working to ensure our communities have suitable homes to live in, within a safe, healthy and protected environment, and supporting a strong local economy that provides the jobs and services we need.



# Wellbeing

## It runs through everything we do...

Wellbeing isn't just about access to health services.

It's about quality of life: doing all we can to provide suitable homes for people to live in, a safe, healthy and protected environment and a strong local economy that provides the jobs and services we need.

It's about our lifestyle choices and opportunities

to plan our future, and services that keep people living independently for longer.

It's about playing our part in how and where we live, work and play is the best it can be.

We are committed to ensuring wellbeing runs through all of the things we do and on the following pages we have set out how wellbeing is included through each of our five themes.

## Everything we do is built on...



### Excellence

Outstanding services to all of our customers



### Value for money

The highest quality for the best price



### Innovation

Finding even better ways to deliver the services you need

# Our five themes

1. The high quality **environment** of the district plays a pivotal role in the wellbeing of our residents. Our focus remains on protecting the very special environment of the district. The number of homes we should be building to meet future demands is a huge challenge in an area predominantly Green Belt and Area of Outstanding Natural Beauty. Yet we know there are many families and young people in particular who need a home of their own or more space to grow. Failure to provide this would put our economy and our communities at risk.
2. The district's **economy** will always be hugely influenced by our proximity to London. As the economy changes new jobs will be created and skills required. We will support businesses and residents through the transition ahead, with our tailored support for businesses and focus on our towns and rural economies and new opportunities for training.
3. The availability of affordable **housing** is the single biggest issue facing the future of the district. With the link between housing and health well known the need to provide the right homes for the future of the district has never been greater. To achieve this the district council will start to build homes for the first time in 30 years.
4. We are fortunate to live in one of the **safest places** in the country, but we understand we will need to continue to work with our communities and partners to maintain this.

Supporting our outstanding voluntary and community groups in their work with the most isolated and vulnerable residents in the district will continue to be a priority.

5. We will deliver first class **health** prevention in our district. This means residents will have access to the most appropriate support when they need it. We will do this by linking our leisure facilities, housing, open spaces, planning and environmental health work together.

So we need to increase our resilience, and look at long term, sustainable solutions with our residents, alongside those changes we can make straight away. This means nurturing our self-sufficiency, growing our partnerships and providing even better service to our customers, residents and businesses. .

The judges who awarded us Council of the Year told us we were a “radical and hugely impressive organisation”. We want to take this further, and to be seen as a Seriously Different Council. Still providing all the high quality services we should do at a price people can afford, but going beyond the traditional remit of a district council, running wellbeing through everything we do.

We will regularly review progress against the actions we have set out and we will report back each year on the progress we make

# Environment

The Green Belt and Areas of Outstanding Natural Beauty are the hallmarks of our District. Protecting these, and developing a Local Plan that truly reflects our district's needs as well as our residents' wishes, will help us to sustain Sevenoaks District into the future. This is a key focus for the Council.

We have the busiest Planning Team in Kent. This reflects the dynamic nature of the district and the pressures on it too. We will continue to give the highest care and consideration to planning decisions to make sure we get them right.

We are committed to maintaining a clean and tidy district. We continue to be the only council in Kent to collect rubbish and recycling on a weekly basis; sending less than 2% of rubbish to landfill. By employing our own staff we can continue to be responsive to our residents' needs and to seek ways to keep costs within budget.





## Our Promises

Through a robust Local Plan, protect our high quality natural environment, including the Green Belt, Areas of Outstanding Natural Beauty and biodiversity that form our unique character.

Take action to reduce waste, and maintain our weekly rubbish and recycling collection.

Support high standards for new development, including design, safety, connectivity to services and transport and neighbourhood links; open up our countryside so people enjoy our footpaths and bridle paths more. Health will be a major consideration in our Local Plan.

# Economy

We know that Sevenoaks District is a great place in which to live and work, and for businesses to invest and grow. We want our district to remain productive and attractive to others who are looking for somewhere to start or expand their business.

We can't always influence global factors but we can play to our district's strengths. Clearly London remains a strong pull for employment and businesses but this puts us in a strong position. The backbone of our home grown economy, like much of the west of Kent, are our small and micro businesses. Our "Team Around the Business" approach, ensures businesses can get advice on a range of council services in one place, and will continue to support them. Our rural businesses form a significant part of our district's character; our farmers and landowners in particular are already adept at diversification and we support them in their campaign for faster and more accessible broadband.

Access to high quality jobs has a significant impact on wellbeing; jobs that are secure, have good social connections, provide us with the ability to use and develop our skills, have clear responsibilities and opportunities to have say in a supportive workplace. We will use our influence to attract inward investment that provides these jobs and skills, and work with our partners to support those furthest from the labour market to access them.





## Our Promises

Build on the district's thriving economy through the regeneration of our market towns, and enhancing both the visitor and rural economies.

Protect the economy of the district by preserving and making better use of existing employment sites, and by redeveloping previously used land.

Support new and existing businesses through our "Team Around the Business" approach, excellent customer service and supporting local employers to promote mental and physical wellbeing at work.

# Housing

Wellbeing starts at home. The biggest determinant of your health is where you live and we want all residents to have the chance to live in a home that meets their needs. Our bold and innovative housing strategy builds on extensive research about housing need in the district. House prices are beyond the reach of many – this presents clear challenges when living in their own home, in the area they grew up in, is still the preferred option for most people. More thought, more options, more supply and better design are needed if we are to make right-sizing more popular for older people in the district, and free up homes for families.

Building homes for the next generation is a clear necessity. We are also committed to supporting those who can to remain in their own homes, using our HERO service to combat homelessness at an early stage, and putting in place the repairs and adaptations needed that will prevent falls and help residents maintain their independence. We also have an innovative emphasis on tackling the shorter life expectancies associated with poor quality housing, and developing suitable housing options for an ageing population whatever their circumstances.

Our Handy HERO service is already making a difference to residents' lives by adapting their homes while they are still in hospital, so they can return home the moment they are ready, getting them safely home needs to be a priority for everyone.







## Our Promises

Deliver our Housing Strategy for Sevenoaks District, providing a choice of accommodation to meet the needs of residents including affordable housing and homes for older people.

Protect the strong local identities of our neighbourhoods, ensuring residents will be safe, healthy and proud of the area in which they live and work. Supporting the development of dementia friendly towns and villages across the district so older people can enjoy independent living for as long as possible.

To prevent homelessness and support our residents to build a future for themselves.

# Community Safety

Belonging to a neighbourhood and a community promotes a sense of wellbeing and safety and can protect residents, especially those who are more vulnerable, from harm. Keeping our district a safe place to live, work and travel strengthens our communities. Our role enables us to bring together partners and people to make this happen.

We have worked hard with our partners to achieve one of the lowest crime rates in the country. We will continue to work with them to reduce crime further.

Our community and voluntary sector is an essential partner for us to reach vulnerable and isolated residents. We will use our resources to facilitate this, and to make sure that the residents are supported through emergencies such as flooding.

Keeping informed and safe, especially in the online world is a universally held challenge and we will do our part to support this. We are committed to good practice in safeguarding children and vulnerable adults, rolling out the “see it, say it” approach through teams including, Licensing, Environmental Health and our award winning CCTV staff.

We are proud of our commitment to creating dementia friendly environments in our towns and villages across the district where vulnerable people will be safer, and will continue to maintain this support.





## Our Promises

Build strong and connected neighbourhoods where residents feel proud of where they live and have a sense of belonging.

Support the district's voluntary and community organisations to reach vulnerable and isolated residents.

Protect our residents by making sure that all of our policies, partnerships and teams are working together to safeguard people and communities.

# Health

We are committed to playing our part in preventing many of the health issues that often escalate and put pressure on the NHS, and to working with partners to align our services around this goal. We have a unique and ambitious health deal with Kent County Council, created by Sevenoaks District, shared with other West Kent Districts, which forms the basis for our work. We now have front line responsibility for delivering first class health prevention services in the district, directly linking them with our other core services that can impact on health.

Our Licensing and Environmental Health Teams will increasingly work closely together to build an environment that is conducive to health and well-being, preventing the conditions that can lead to ill health.

Our innovative HERO service (Housing, Energy and Retraining Options) which has been so successful in keeping levels of homelessness extremely low, has been upgraded to include Super HERO officers providing support and advice on health as well as housing. More recently, these have been joined by Handy HEROes, who are helping our NHS partners reduce bed-blocking by providing the necessary adaptations and repairs needed for an early and safe return home from hospital.

Our One You advisors are starting to tackle the non-medical reasons why people visit the GP such as anxiety caused by debt, asthma caused by damp housing and a range of conditions with





loneliness as their root cause. Our innovative use of the Better Care Fund is already being recognised as best practice and is enabling us to provide services as diverse as tackling hoarding, and breast feeding support.

## Our Promises

Provide adaptations to people's homes to prevent hospital admissions from falls and accidents. Prevent delays to hospital discharge by adapting homes quickly so people can be supported to return to independent living as soon as they are clinically ready.

Provide support to tackle the non-medical reasons why people visit their GP or hospital, helping them to make and sustain the changes needed to lead healthier lives.

Deliver first class health prevention and wellbeing services, linking them directly to our core services such as leisure and housing that can impact on health and wellbeing.

## For more information

t 01732 227000

---

w [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk)

---

Sevenoaks District Council, Council Offices,  
Argyle Road, Sevenoaks, Kent TN13 1HG

---

**This publication is available in large print  
and can be explained in other languages  
by calling 01732 227000**

---

 [sdc\\_newsdesk](#)

 [Sevenoaks District Council Official](#)

**DRAFT CALENDAR OF MEETINGS FOR THE MUNICIPAL YEAR 2019/20**

**Council - 20 November 2018**

Report of Chief Officer Corporate Services

Status: For Consideration

Key Decision: No

---

Contact Officer Vanessa Etheridge Ext.7199

---

**Recommendation:** That the Calendar of Meetings for 2019/20 be approved subject to formal adoption at the Annual Meeting of the Council on 15 May 2018.

---

**Introduction**

- 1 The draft calendar of meetings for the municipal year 2019/20 is attached for consideration. All Members and Senior Officers have been consulted on the draft dates.
- 2 The draft calendar tries to avoid meetings on Mondays and Wednesdays and school holidays, as much as possible. Best endeavours have been made to avoid evening meetings on Mondays and Wednesdays. If additional meetings are required it may be necessary to look at these days. All additional meeting dates are set up in consultation with the relevant Chairman.
- 3 Please note that Licensing Committee has been brought in line with other committees and will now commence at 7pm, not 6pm as in previous years.
- 4 It is the responsibility of the Annual Meeting of the Council to confirm the Council's calendar of meetings for the oncoming year. However, it is considered prudent to put it before this meeting of the Council to allow more time for forward planning by Officers and Members and booking of meeting rooms etc.

**Key Implications**

Financial

None directly arising from this report.

Legal Implications and Risk Assessment Statement.

The Council is under a legal duty to hold an Annual Meeting during a particular period and to set a Council Tax by a specific date. The calendar proposed here meets those requirements.

## Agenda Item 8b

### Equality Impacts

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

### **Conclusion**

Members are requested to consider the attached draft Calendar of Meetings and recommend it to the meeting of Annual Council for formal adoption.

<b>Appendices</b>	Draft Calendar of meetings for the municipal year 2019/20
-------------------	---

<b>Background papers</b>	None
--------------------------	------

**Jim Carrington-West**  
**Chief Officer Corporate Services**



# SEVENOAKS DISTRICT COUNCIL - CALENDAR OF MEETINGS 2019/20

## As at 14 September 2018

	APRIL 2019				MAY 2019				JUNE 2019				JULY 2019			
MONDAY	15	22	29	6	13	20	27	3	10	17	24	1	8	15	22	
		Public Holiday		Public Holiday			Public Holiday									
TUESDAY	16	23	30	7	14	21	28	4	11	18	25	2	9	16	23	
			Council			Annual Council SP.Cabinet SP. Licensing		Finance Advisory Committee	Housing & Health Advisory Committee	Economic & Community Development Advisory Cttee	Planning Advisory Cttee	Direct & Trading Advisory Cttee	Governance Committee	Scrutiny Committee	Council	
WEDNESDAY	17	24	1	8	15	22	29	5	12	19	26	3	10	17	24	
								Health Liaison Board (2pm)	Sevenoaks District Joint Transportation Board				Licensing Committee			
THURSDAY	18	25	2	9	16	23	30	6	13	20	27	4	11	18	25	
		DCC	ELECTIONS			DCC		Cabinet	DCC	Policy & Performance Advisory Committee	Legal & Democratic Services Advisory Cttee	DCC	Cabinet	Audit Committee	DCC	
FRIDAY	19	26	3	10	17	24	31	7	14	21	28	5	12	19	26	
	Public Holiday															

	AUGUST 2019				SEPTEMBER 2019				OCTOBER 2019				NOVEMBER 2019		
MONDAY	29	5	12	19	26	2	9	16	23	30	7	14	21	28	4
					Public Holiday										
TUESDAY	30	6	13	20	27	3	10	17	24	1	8	15	22	29	5
						Finance Advisory Committee	Sevenoaks District Joint Transportation Board	Audit Committee		Housing & Health Advisory Committee	Economic & Community Development Advisory Cttee	Planning Advisory Cttee		Direct & Trading Advisory Cttee	Governance Committee
WEDNESDAY	31	7	14	21	28	4	11	18	25	2	9	16	23	30	6
						Health Liaison Board (2pm)									Health Liaison Board (2pm)
THURSDAY	1	8	15	22	29	5	12	19	26	3	10	17	24	31	7
		DCC				DCC	Cabinet	Licensing Committee	DCC	Policy & Performance Advisory Committee	Cabinet	DCC		Legal & Democratic Services Advisory Cttee	Cabinet
FRIDAY	2	9	16	23	30	6	13	20	27	4	11	18	25	1	8

Key (Most meetings start at 7pm UNLESS indicated otherwise and are held at the Council Offices in Argyle Road - please check the Council website for details.)

- Council
- Development Control Committee
- Licensing Committee
- Audit Committee
- Scrutiny Committee
- Governance Committee
- Cabinet
- Finance Advisory Committee
- Policy & Performance Advisory Committee
- Housing & Health Advisory Committee
- Economic & Community Development Advisory Committee
- Direct & Trading Advisory Committee
- Planning Advisory Committee
- Joint Transportation board
- Health Liaison Board - 2pm
- Standards Committee
- Legal & Democratic Services Advisory Committee

# SEVENOAKS DISTRICT COUNCIL - CALENDAR OF MEETINGS 2019/20

## As at 14 September 2018

Agenda Item 8b

	NOVEMBER 2019		DECEMBER 2019					JANUARY 2020				FEBRUARY 2020			
MONDAY	11	18	25	2	9	16	23	30	6	13	20	27	3	10	
TUESDAY	12	19	26	3	10	17	24	31	7	14	21	28	4	11	
	Scrutiny Committee	Council	Housing & Health Advisory Committee	Sevenoaks District Joint Transportation Board	Economic & Community Development Advisory Cttee	Planning Advisory Cttee			Licensing Committee	Legal & Democratic Services Advisory Cttee	Direct & Trading Advisory Cttee	Audit Committee	Governance Committee	Housing & Health Advisory Committee	
WEDNESDAY	13	20	27	4	11	18	25	1	8	15	22	29	5	12	
							Public Holiday	Public Holiday					Health Liaison Board (2pm)		
THURSDAY	14	21	28	5	12	19	26	2	9	16	23	30	6	13	
	DCC	Finance Advisory Committee	Policy & Performance Advisory Committee	Cabinet	DCC		Public Holiday		Cabinet	DCC	Finance Advisory Committee	Scrutiny Committee	Cabinet	DCC	
FRIDAY	15	22	29	6	13	20	27	3	10	17	24	31	7	14	
							Concessionary Day								
	FEB 2020		MARCH 2020					APRIL 2020				MAY 2020			
MONDAY	17	24	2	9	16	23	30	6	13	20	27	4	11	18	
					Licensing Committee				Public Holiday			Public Holiday			
TUESDAY	18	25	3	10	17	24	31	7	14	21	28	5	12	19	
		Council (Budget)	Legal & Democratic Services Advisory Cttee	Planning Advisory Cttee	Direct & Trading Advisory Cttee	Finance Advisory Committee	Scrutiny Committee			Council			Annual Council Sp. Cabinet SP. Licensing		
WEDNESDAY	19	26	4	11	18	25	1	8	15	22	29	6	13	20	
				Sevenoaks District Joint Transportation Board		Health Liaison Board (2pm)									
THURSDAY	20	27	5	12	19	26	3	10	17	24	31	7	14	21	
		Policy & Performance Advisory Committee	Cabinet	DCC	Economic & Community Development Advisory Cttee	Audit Committee	DCC		Cabinet	DCC		Police & Crime Commissioner Elections		DCC	
FRIDAY	21	28	6	13	20	27	3	10	17	24	31	8	15	22	
								Public Holiday							

Key (Most meetings start at 7pm and are held at the Council Offices in Argyle Road - please check the Council website for details.)

- Council
- Development Control Committee
- Licensing Committee 6pm
- Audit Committee
- Scrutiny Committee
- Governance Committee
- Standards Committee
- Cabinet
- Finance Advisory Committee
- Policy & Performance Advisory Committee
- Housing & Health Advisory Committee
- Economic & Community Development Advisory Committee
- Direct & Trading Advisory Committee
- Legal & Democratic Services Advisory Committee
- Planning Advisory Committee
- Joint Transportation board
- Health Liaison Board - 2pm

Page 144

Date: 9 July - 2 November 2018

July 2018	Event	Comments
9 July	<ul style="list-style-type: none"> <li>Sevenoaks Town Council Liaison Meeting - STC</li> </ul>	
10 July	<ul style="list-style-type: none"> <li>Policy &amp; Performance Portfolio Holder Meeting - SDC</li> <li>Meeting re Farmers Site - SDC</li> <li>Meeting with YMCA re White Oak - SDC</li> </ul>	
12 July	<ul style="list-style-type: none"> <li>Speaker at Local Government Income Generation Forum - London</li> <li>Cabinet - SDC</li> </ul>	
13 July	<ul style="list-style-type: none"> <li>Meeting with Residents of Rockdale - Sevenoaks</li> </ul>	
15 July	<ul style="list-style-type: none"> <li>Guest on Lembit Opik Sunday Radio Programme</li> </ul>	
16 July	<ul style="list-style-type: none"> <li>LGA Improvement &amp; Innovation Board - London</li> <li>Kent Leaders' Meeting - Maidstone</li> <li>KMEP Meeting - Maidstone</li> </ul>	
17 July	<ul style="list-style-type: none"> <li>Meeting re New Ash Green Village Centre - SDC</li> <li>Meeting re Fort Halstead employment sites with Qinetiq/DSTL - SDC</li> <li>Scrutiny Committee</li> </ul>	
19 July	<ul style="list-style-type: none"> <li>LGA Councillors' Forum - London</li> </ul>	
20 July	<ul style="list-style-type: none"> <li>West Kent Partnership Meeting - SDC</li> </ul>	
23 July	<ul style="list-style-type: none"> <li>Mid Year Appraisal - Pav Ramewal</li> <li>Chairman's Charity Curry Evening</li> </ul>	
24 July	<ul style="list-style-type: none"> <li>Kent &amp; Medway Business Fund Investment Advisory Board- Maidstone</li> <li>Recruitment &amp; Retention Meeting - SDC</li> <li>Preparation meeting re LGA Communications Peer Review</li> <li>Introductory meeting with Miles Scott, Chief Executive of Maidstone &amp; Tunbridge Wells NHS Trust - SDC</li> <li>Council - SDC</li> <li>UK Powernetworks Presentation - SDC</li> </ul>	
25 July	<ul style="list-style-type: none"> <li>Meeting re All Things Energy - SDC</li> <li>Presenter LGA Social Media Training - Amersham</li> </ul>	
26 July	<ul style="list-style-type: none"> <li>Meeting re Fort Halstead employment sites with CBRE/Merseyside Pensions - SDC</li> <li>LGA Business Rates Task &amp; Finish Group - London</li> </ul>	
27 July	<ul style="list-style-type: none"> <li>Corporate Induction - SDC</li> </ul>	
30 July	<ul style="list-style-type: none"> <li>Meeting with UKCloud - SDC</li> </ul>	
<b>August 2018</b>		
1 August	<ul style="list-style-type: none"> <li>Meeting with Council Advertising Network - SDC</li> </ul>	
7 August	<ul style="list-style-type: none"> <li>Meeting re Corporate Plan - SDC</li> </ul>	
21 August	<ul style="list-style-type: none"> <li>Buckhurst 2 Housing Tender Opening - SDC</li> </ul>	
30 August	<ul style="list-style-type: none"> <li>UK Power Networks Local Authority Guide - Telephone appointment - SDC</li> </ul>	
31 August	<ul style="list-style-type: none"> <li>Meeting with South East Water - SDC</li> </ul>	
<b>September 2018</b>	<b>Page 145</b>	

Agenda Item 11

3 September	<ul style="list-style-type: none"> <li>• LGA Communications Peer Review - SDC</li> </ul>	
	<ul style="list-style-type: none"> <li>• Raise the Flag - Red Ensign - SDC</li> </ul>	
4 September	<ul style="list-style-type: none"> <li>• Speaker at LGA Future Leaders' Event - London</li> </ul>	
	<ul style="list-style-type: none"> <li>• LGA Communications Peer Review - SDC</li> </ul>	
5 September	<ul style="list-style-type: none"> <li>• LGA Communications Peer Review - SDC</li> </ul>	
	<ul style="list-style-type: none"> <li>• Presenter - LGA Social Media Training - South Bucks</li> </ul>	
6 September	<ul style="list-style-type: none"> <li>• LEP Review Kent Leaders - Maidstone</li> </ul>	
10 September	<ul style="list-style-type: none"> <li>• Corporate Induction - SDC</li> </ul>	
	<ul style="list-style-type: none"> <li>• Lower Thames Crossing Meeting - SDC</li> </ul>	
	<ul style="list-style-type: none"> <li>• Edenbridge Town Council Meeting - Edenbridge</li> </ul>	
11 September	<ul style="list-style-type: none"> <li>• Policy &amp; Performance Portfolio Holder Meeting - SDC</li> </ul>	
	<ul style="list-style-type: none"> <li>• Kent &amp; Medway Business Fund Investment Advisory Board - Maidstone</li> </ul>	
12 September	<ul style="list-style-type: none"> <li>• DCN Member Board, London</li> </ul>	
13 September	<ul style="list-style-type: none"> <li>• Speaker at LGA Member Briefing Day - London</li> </ul>	
	<ul style="list-style-type: none"> <li>• LGA Executive - London</li> </ul>	
	<ul style="list-style-type: none"> <li>• IDeA Company Board - London</li> </ul>	
	<ul style="list-style-type: none"> <li>• LGA Task &amp; Finish Group - London</li> </ul>	
	<ul style="list-style-type: none"> <li>• Quercus 7 Trading Board - SDC</li> </ul>	
	<ul style="list-style-type: none"> <li>• Cabinet - SDC</li> </ul>	
14 September	<ul style="list-style-type: none"> <li>• Photos for Voluntary Awards - SDC</li> </ul>	
	<ul style="list-style-type: none"> <li>• Draft Corporate Plan Meeting - SDC</li> </ul>	
17 September	<ul style="list-style-type: none"> <li>• Guardian Public Services Awards Judging - London</li> </ul>	
18 September	<ul style="list-style-type: none"> <li>• Tour of Artists Studio - Sevenoaks</li> </ul>	
20 September	<ul style="list-style-type: none"> <li>• Speaker at Granicus Communications Conference - London</li> </ul>	
	<ul style="list-style-type: none"> <li>• Member Training - Council's IT Service - SDC</li> </ul>	
	<ul style="list-style-type: none"> <li>• Policy &amp; Performance Advisory Committee - SDC</li> </ul>	
21 September	<ul style="list-style-type: none"> <li>• Meeting with DHL re Swanley - SDC</li> </ul>	
24 September	<ul style="list-style-type: none"> <li>• Business Rate Retention Meeting with Cllr Scholey - SDC</li> </ul>	
	<ul style="list-style-type: none"> <li>• iESE Video - SDC</li> </ul>	
	<ul style="list-style-type: none"> <li>• Kent &amp; Medway Business Fund Investment Advisory Board - Maidstone</li> </ul>	
	<ul style="list-style-type: none"> <li>• KMEP - Maidstone</li> </ul>	
25 September	<ul style="list-style-type: none"> <li>• Telephone appointment with Head of Local Communications, Tesco</li> </ul>	
	<ul style="list-style-type: none"> <li>• Kent Leaders' Meeting - Maidstone</li> </ul>	
26 September	<ul style="list-style-type: none"> <li>• Sevenoaks Leisure Centre - Opening of new facilities - Sevenoaks</li> </ul>	
	<ul style="list-style-type: none"> <li>• Sevenoaks Town Forum - Sevenoaks</li> </ul>	
27 September	<ul style="list-style-type: none"> <li>• Meeting with Rural Landowners - Chevening</li> </ul>	
28 September	<ul style="list-style-type: none"> <li>• Kent &amp; Medway LEP Meeting - Essex</li> </ul>	
	<ul style="list-style-type: none"> <li>• SELEP Strategic Board - Essex</li> </ul>	
<b>October 2018</b>		
1 October	<ul style="list-style-type: none"> <li>• LGA Improvement &amp; Innovation Board Lead Members' Meeting - London</li> </ul>	
2-5 October	<ul style="list-style-type: none"> <li>• LGA Peer Review - Test Valley</li> </ul>	
8 October	<ul style="list-style-type: none"> <li>• Guardian Public Leaders' Lunch - London</li> </ul>	
	<ul style="list-style-type: none"> <li>• Telephone appointment re Homelessness Commission</li> </ul>	

9 October	<ul style="list-style-type: none"> <li>• Speaker at LG Comms Academy - Birmingham</li> </ul>	
	<ul style="list-style-type: none"> <li>• Speaker at IRRV Annual Conference - Telford</li> </ul>	
10 October	<ul style="list-style-type: none"> <li>• Chair of Homelessness Commission Meeting - London</li> </ul>	
11 October	<ul style="list-style-type: none"> <li>• Policy &amp; Performance Portfolio Holder Meeting - SDC</li> </ul>	
	<ul style="list-style-type: none"> <li>• Leading Talent in Me Presentation Skills Course - SDC</li> </ul>	
	<ul style="list-style-type: none"> <li>• Cabinet - SDC</li> </ul>	
12 October	<ul style="list-style-type: none"> <li>• Speaker at KALC Meeting - Sevenoaks</li> </ul>	
15 October	<ul style="list-style-type: none"> <li>• Meeting with Alliance Leisure - SDC</li> </ul>	
17 October	<ul style="list-style-type: none"> <li>• Speaker at Mobile Working in the Public Sector Conference - London</li> </ul>	
18 October	<ul style="list-style-type: none"> <li>• LGA Councillors' Forum - London</li> </ul>	
	<ul style="list-style-type: none"> <li>• LGA Executive - London</li> </ul>	
	<ul style="list-style-type: none"> <li>• KMEP - Maidstone</li> </ul>	
19 October	<ul style="list-style-type: none"> <li>• West Kent Partnership - Tonbridge &amp; Malling</li> </ul>	
	<ul style="list-style-type: none"> <li>• Telephone appointment re Fort Halstead with QinetiQ</li> </ul>	
22 October	<ul style="list-style-type: none"> <li>• Telephone appointment with iESE - SDC</li> </ul>	
	<ul style="list-style-type: none"> <li>• LGA Peer Review follow-up South Somerset</li> </ul>	
23-24 October	<ul style="list-style-type: none"> <li>• LGA Peer Review follow-up South Somerset</li> </ul>	
25 October	<ul style="list-style-type: none"> <li>• Meeting with Lord Porter - London</li> </ul>	
	<ul style="list-style-type: none"> <li>• LGA Improvement &amp; Innovation Board - London</li> </ul>	
26 October	<ul style="list-style-type: none"> <li>• Visit to Romford Community Hub with YMCA - Romford</li> </ul>	
30 October	<ul style="list-style-type: none"> <li>• Kent &amp; Medway Business Fund Investment Advisory Board - Maidstone</li> </ul>	
	<ul style="list-style-type: none"> <li>• Meeting re M26 at the Department of Transport - London</li> </ul>	
31 October	<ul style="list-style-type: none"> <li>• Meeting with Alan Dean, Burning to Learn - SDC</li> </ul>	
<b>November 2018</b>		
1 November	<ul style="list-style-type: none"> <li>• DCN Autumn Assembly - London</li> </ul>	
	<ul style="list-style-type: none"> <li>• Meeting at MHCLG - London</li> </ul>	

This page is intentionally left blank