



Agenda

Meeting: **Council**
Date: **4 May 2022**
Time: **7.00 pm**
Place: **Council Chamber - Civic Centre Folkestone**

To: **All Members of the Council**

YOU ARE HEREBY SUMMONED to attend a meeting of the Council on the date and at the time shown above.

Anyone who wishes to have information on any matter arising on the Agenda which is not fully covered in these papers is requested to give notice prior to the meeting to the Chairman or appropriate officer.

This meeting will be webcast live to the council's website at <https://folkestone-hythe.public-i.tv/core/portal/home>.

Please note there will be 37 seats available for members of the public, which will be reserved for those speaking or participating at the meeting. The remaining available seats will be given on a first come, first served basis.

Although social distancing measures have now ended, all attendees at meetings are kindly asked to wear face coverings, unless they are addressing the meeting.

Dr Susan Priest
Chief Executive

Queries about the agenda? Need a different format?

Contact Jemma West – Tel: 01303 853369
Email: committee@folkestone-hythe.gov.uk or download from our
website
www.folkestone-hythe.gov.uk

1. **Apologies for Absence**
2. **Election of Chairman of the Council**
3. **Election of Vice-Chairman of the Council**
4. **Declarations of Interest (Pages 5 - 6)**

Members of the Council should declare any discloseable pecuniary interest or any other significant interests in any item/s on this agenda.

5. **Minutes (Pages 7 - 12)**

To receive the minutes of the meeting of the council held on 5 May 2021 and to authorise the Chairman of the Council to sign them as a correct record.

6. **Appointments to Committee's and Sub-Committee's of the Council (including the appointment of Chairmen and Vice-Chairmen) (Pages 13 - 18)**

This report lists the committees and sub-committees of the Council. The description of the role and function of each committee contained in this report is a summary only and the full definition and description of each is set out in the constitution.

7. **Scheme of Delegation of non-executive functions (Pages 19 - 34)**

The Council's constitution requires that the scheme of delegations be agreed by the Council at its annual meeting. This report sets out the scheme.

8. **Schedule of meeting dates 2022/23 (Pages 35 - 38)**

The Council is required to approve the annual schedule of meetings for the municipal year 2022/2023. The proposed annual schedule of meetings for 2022/23 is appended to this report, including dates for the whole of May for the following municipal year, as per the Council Procedure rules set out in part 4.2, paragraph 1.1.2(i) of the constitution.

9. **Annual report on policies and strategies adopted by Cabinet and update on urgent decisions 21/22 (Pages 39 - 42)**

This report is the annual report of policies and strategies that have been adopted, by Cabinet, during the 2021/22 municipal year.

10. **Annual report of the Audit and Governance Committee 21/22 (Pages 43 - 48)**

This report summarises the achievements of the Audit and Governance Committee against the terms of reference for the period 1 April 2021 to 31

March 2022 and details the impact that it has made on the overall system of internal control in operation.

11. **Annual report of the Overview and Scrutiny Committee 21/22 (Pages 49 - 60)**

This report sets out the work that the Overview and Scrutiny Committee and the Finance and Performance Sub-Committee have completed during 2021/2022.

12. **Annual Scrutiny work programme 2022/23 (Pages 61 - 64)**

This report presents recommendations for the work programme for the Overview and Scrutiny Committee for 2022/23.

13. **Governance arrangements (Pages 65 - 82)**

Following the report presented at the extraordinary meeting of Full Council on 10 February 2022, which summarised the work of the Governance Working Group and set out the various governance models available, Members are now asked to consider if they wish to make any changes to its governance arrangements to take effect from May 2023.

14. **Gambling Act 2005 - Update to the Statement of Principles (Pages 83 - 144)**

The Gambling Act 2005 requires the council, in its role as the local licensing authority, to prepare a Statement of Principles related to the exercise of its local licensing of gambling. The Statement of Principles must be reviewed every three years and the current statement runs until April 2022. The Statement of Principles has been reviewed and updated to cover the next three year period from 2022 to 2025. This report seeks approval from Full Council to adopt and publish the updated statement.

15. **Pay Policy Statement 2022/23 (Pages 145 - 176)**

This report considers the recommendation from the Personnel Committee and presents a refreshed pay policy statement for 2022/23 for approval.

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Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

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FOLKESTONE AND HYTHE DISTRICT COUNCIL

Minutes of the Annual meeting of the Council held using Zoom - remote meeting on Wednesday, 5 May 2021

Present: Councillors Mrs Ann Berry (Chairman), Danny Brook, Miss Susan Carey, John Collier, Laura Davison, Ray Field, Gary Fuller, Peter Gane, Clive Goddard, David Godfrey, Anthony Hills, Mrs Jennifer Hollingsbee, Nicola Keen, Michelle Keutenius, Jim Martin, Philip Martin (Vice-Chair), Connor McConville, Jackie Meade, Ian Meyers, David Monk, Terence Mullard, Stuart Peall, Tim Prater, Patricia Rolfe, Rebecca Shoob, Georgina Treloar, Douglas Wade, Lesley Whybrow, David Wimble and John Wing.

Apologies for Absence: None.

1. Declarations of Interest

There were no declarations of interest at the meeting.

2. Election of Chairman of the Council

Proposed by Councillor Wimble,
Seconded by Councillor Mrs Hollingsbee; and

RESOLVED:

That Councillor P Martin be elected as Chairman of the District Council of Folkestone and Hythe until the next annual meeting of the Council, and until the acceptance of office by his successor.

(Voting figures: 17 for, 0 against, 13 abstentions).

Councillor P Martin made and signed the declaration of acceptance of office, as required by Section 83 of the Local Government Act 1972, and Chaired the remainder of the meeting.

The Chairman of the council then formally thanked the council for electing him to office, and thanked his proposer and seconder.

3. Election of Vice-Chairman of the Council

Proposed by Councillor Miss Carey,
Seconded by Councillor Goddard; and

RESOLVED:

That Councillor Hills be elected as Vice-Chairman of the District Council of Folkestone and Hythe until the next annual meeting of the Council, and until the acceptance of office by his successor.

(Voting figures: 17 for, 0 against, 13 abstentions).

Council - 5 May 2021

Councillor Hills made and signed the declaration of acceptance of office, as required by Section 83 of the Local Government Act 1972, and also thanked his proposer and seconder.

4. **Minutes**

The Chairman advised that there was an error under Minute No 10. The second point under the resolution needed to be removed.

Subject to the amendment above, the minutes of the Annual meeting of the Council held on 22 May 2019 were submitted, approved as a correct record, and signed by the Chairman of the Council.

(Voting figures: 17 for, 0 against 13 abstentions).

5. **Appointments to Committee's and Sub-Committee's of the Council (including the appointment of Chairmen and Vice-Chairmen)**

The report listed the committees and sub-committees of the Council. The description of the role and function of each committee contained in the report is a summary only and the full definition and description of each is set out in the constitution.

Proposed by Councillor Monk,
Seconded by Councillor Mrs Hollingsbee; and

RESOLVED:

1. That report A/21/07 be received and noted.
2. That the necessary appointments to the committees and sub-committees of the Council, as set out in the report, be made for 2021/2022.

(Voting figures: 30 for, 0 against, 0 abstentions)

Proposed by Councillor Whybrow,
Seconded by Councillor Treloar;

That Councillor Shoob be elected Chairman of the Audit and Governance Committee for the municipal year 21/22.

Proposed by Councillor Monk,
Seconded by Councillor Mrs Berry;

That Councillor P Martin be elected Chairman of the Audit and Governance Committee for the municipal year 21/22.

RESOLVED:

That Councillor P Martin be elected Chairman of the Audit and Governance Committee for the municipal year 21/22.

(Voting figures:

For Councillor Shoob: 13 for, 17 against, 0 abstentions.

For Councillor P Martin: 17 for, 13 against, 0 abstentions).

Proposed by Councillor McConville,

Seconded by Councillor Meade,

That Councillor Davison be elected Vice-Chairman of the Audit and Governance Committee for the municipal year 21/22.

Proposed by Councillor Monk,

Seconded by Councillor Mrs Hollingsbee;

That Councillor Mrs Berry be elected Vice-Chairman of the Audit and Governance Committee for the municipal year 21/22.

RESOLVED:

That Councillor Mrs Berry be elected Vice-Chairman of the Audit and Governance Committee for the municipal year 21/22.

(Voting figures:

For Councillor Davison 13 for, 17 against, 0 abstentions.

For Councillor Mrs Berry: 17 for, 13 against, 0 abstentions).

Proposed by Councillor Hollingsbee,

Seconded by Councillor Wimble; and

RESOLVED:

That Councillor Goddard be elected Chairman of the Planning and Licensing Committee for the municipal year 21/22.

(Voting figures: 18 for, 0 against, 12 abstentions).

Proposed by Councillor Monk,

Seconded by Councillor Collier,

That Councillor P Martin be elected Vice - Chairman of the Planning and Licensing Committee for the municipal year 21/22.

Proposed by Councillor McConville,

Seconded by Councillor Keen,

That Councillor Meade be elected Vice-Chairman of the Planning and Licensing Committee for the municipal year 21/22.

RESOLVED:

That Councillor P Martin be elected Vice-Chairman of the Planning and Licensing Committee for the municipal year 21/22.

(Voting figures:

For Councillor P Martin 17 for, 13 against, 0 abstentions.

For Councillor Meade: 13 for, 17 against, 0 abstentions).

Proposed by Councillor Berry,
Seconded by Councillor Brook; and

RESOLVED:

That Councillor Monk be elected Chairman of the Personnel Committee for the municipal year 21/22.

(Voting figures: 17 for, 1 against, 12 abstentions).

Proposed by Councillor McConville,
Seconded by Councillor Meade,

That Councillor Keen be elected Vice-Chairman of the Personnel Committee for the municipal year 21/22.

Proposed by Councillor Monk,
Seconded by Councillor Field;

That Councillor Brook be elected Vice-Chairman of the Personnel Committee for the municipal year 21/22.

RESOLVED:

That Councillor Brook be elected Vice-Chairman of the Personnel Committee for the municipal year 21/22.

(Voting figures:

For Councillor Keen 14 for, 16 against, 0 abstentions.

For Councillor Brook: 16 for, 14 against, 0 abstentions).

6. Delegation of non-executive functions

The Council's constitution requires that the scheme of delegations be agreed by the Council at its Annual meeting. This report set out the scheme.

Proposed by Councillor Monk,
Seconded by Councillor Mrs Hollingsbee;

RESOLVED:

1. That report A/21/02 be received and noted.
2. That the scheme of delegation set out in the appendix to the report be agreed in so far as it relates to the non-executive functions of the Council.

(Voting figures: 17 for, 2 against, 11 abstentions).

7. Schedule of meeting dates 2021/22 and 2022/23

In accordance with the council rules of procedure, part 4.2, paragraph 1.1 of the constitution the Council is required to approve the annual schedule of meetings for the municipal year 2021/2022.

The proposed annual schedule of meetings for 2021/22 is appended to the report, together with the draft provisional schedule for 2022/23.

Proposed by Councillor Monk,
Seconded by Councillor Mrs Hollingsbee; and

RESOLVED:

1. That report A/21/01 be received and noted.
2. That the schedule of meetings for 2021/22 appended to the report as appendix 1, be approved and adopted.
3. That the draft provisional schedules of meetings for 2022/23 appended to the report as appendix 2, be noted.

(Voting figures: 17 for, 13 against, 0 abstentions).

8. Annual report on policies and strategies adopted by Cabinet and update on urgent decisions 20/21

The report is the annual report of policies and strategies that have been adopted, by Cabinet, during the 2020/21 municipal year. An addendum had also been circulated to Members setting out the policies and strategies which had been adopted during the 19/20 municipal year.

Proposed by Councillor Monk,
Seconded by Councillor Mrs Hollingsbee; and

RESOLVED:

1. That report A/21/06 be received and noted.
2. That the policies and/or strategies outlined in the report be included in the Policy Framework.

(Voting figures: 30 for, 0 against, 0 abstentions).

9. Annual report of the Audit and Governance Committee 20/21

This report summarises the achievements of the Audit and Governance Committee against the terms of reference for the period 1 April 2020 to 31 March 2021 and details the impact that it has made on the overall system of internal control in operation.

Proposed by Councillor P Martin,
Seconded by Councillor Mrs Berry; and

RESOLVED:

That report A/21/04 be received and noted.

(Voting figures: 30 for, 0 against, 0 abstentions).

10. **Annual report of the Overview and Scrutiny Committee 20/21 and proposed amendment to the Committee's terms of reference**

The report set out the work that the Overview and Scrutiny Committee and the Finance and Performance Sub-Committee have completed during 2020/2021. The report also sought approval to revise the terms of reference of the Committee, to bring them up to date and reflect the new way of working.

Proposed by Councillor Shoob,
Seconded by Councillor Keutenius; and

RESOLVED:

1. **That the revised Terms of Reference for the Overview and Scrutiny Committee be approved and adopted.**
2. **That report A/21/05 be received and noted.**

(Voting figures: 30 for, 0 against, 0 abstentions).

11. **Annual Scrutiny work programme 2021/22**

The report presented recommendations for the work programme for the Overview and Scrutiny Committee for 2021/22.

Proposed by Councillor Shoob,
Seconded by Councillor Keutenius; and

RESOLVED:

1. **To receive and note report A/21/03 be received and noted.**
2. **That the annual scrutiny programme for 2021-22 attached to the report be approved.**

(Voting figures: 29 for, 0 against, 1 abstentions).

This report will be made public on 25 April 2022



Report number **A/22/06**

To: Council
Date: 4 May 2022
Status: Non-Executive Decision
Responsible Officer: Amandeep Khroud, Assistant Director – Governance and Law

SUBJECT: APPOINTMENTS TO COMMITTEES (INCLUDING THE APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN) OF THE COUNCIL

SUMMARY: This report lists the committees and of the Council. The description of the role and function of each committee contained in this report is a summary only and the full definition and description of each is set out in the constitution.

REASON FOR RECOMMENDATIONS:

The Council is asked to agree the recommendations set out below because it is required to constitute its committees for 2022/23 and elect chairmen and vice-chairmen of the committees.

RECOMMENDATIONS:

1. To receive and note report A/22/06.
2. To make the necessary appointments to the committees of the Council for 2022/2023.
3. To appoint the chairman and vice-chairman of:
 - Audit and Governance Committee
 - Planning and Licensing Committee
 - Personnel Committee

1. POLITICAL BALANCE

1.1 The Local Government and Housing Act 1989 requires the Council to allocate seats on committees to political groups in accordance with the size of each group on the council as a whole and in accordance with the following principles which should be observed as far as is reasonably practicable:

- a) That not all seats on the same committee are allocated to the same political group;
- b) That the majority of the seats on a committee are allocated to a particular political group if the number of persons belonging to that group is a majority of the Council's membership;
- c) That, subject to a) and b) above, the number of seats on committees allocated to each political group bears the same proportion of the total of all the seats on committees;
- d) That, subject to a) and c) above, the number of seats on a committee allocated to each political group bears the same proportion to the number of all seats on that committee.

1.2 Since February 2020, the council has been made up of the following political groups and individuals:

Overall balance	No	Percentage
Conservative	13	43.33
Green	6	20
Folkestone and Hythe Indep	2	6.67
Labour	5	16.67
Liberal Democrats	2	6.67
UKIP	2	6.67
Total	30	100.01

1.3 The percentage equivalent has been used to calculate the allocation of seats for each committee. There are no changes to this since the annual meeting in May 2021.

Number of seats - 35	Cons	Green	Indep	Lab	Lib Dem	Ukip
Personnel	7	3	1	1	1	0
Overview	10	4	2	0	2	1
Audit and Governance	6	2	1	1	0	1
Planning and Licensing	12	5	2	1	2	1
Total	35	14	6	3	6	3

1.5 Members will note that it is not possible to achieve exact political balance without rounding up or down in some cases. However the total number of

seats for all the committees allocated to each political group broadly compares with the proportion of full Council seats held by each group. In addition, at individual committee level, the balance of seats broadly compares with the same proportions of seats held by each group on full council.

2. SIZE OF COMMITTEES

- 2.1 It is for Council to decide the size of committees having due regard to the requirements of the Local Government and Housing Act 1989.

3. THE OVERVIEW AND SCRUTINY COMMITTEE FUNCTION

- 3.1. The function of the Overview and Scrutiny Committee are set out in its Terms of Reference, which are shown in part 7 of the constitution.

It is proposed that the Membership for the Overview and Scrutiny Committee be as shown below:

	2021 Member	Party	2022 Nominated Member	Party
1	Councillor Gane	CONS	Councillor Gane	CONS
2	Councillor Mrs Carey	CONS	Councillor Mrs Carey	CONS
3	Councillor Rolfe	CONS	Councillor Rolfe	CONS
4	Councillor Brook	CONS	Councillor Brook	CONS
5	Councillor Wing	GREEN	Councillor Wing	GREEN
6	Councillor Shoob	GREEN	Councillor Shoob	GREEN
7	Councillor McConville	LABOUR	Councillor McConville	LABOUR
8	Councillor Keutenius	LABOUR	Councillor Keutenius	LABOUR
9	Councillor Fuller	LIB DEMS	Councillor Fuller	LIB DEMS
10	Councillor Mullard	UKIP	Councillor Mullard	UKIP

4. COMMITTEES OF THE COUNCIL

- 4.1 These committees report directly to the Council and are responsible for a range of non-executive functions. Members of the Executive/Cabinet may serve on some non-executive committees.

4.2 Audit and Governance Committee

The function of the Audit and Governance Committee is to:

- Review the risk management framework and the associated control environment, independent review of the Council's financial and nonfinancial performance.
- Promote, advise on and monitor high standards of conduct by councilors and co-opted members and deals with other aspects of the standards framework contained in the Localism Act 2011.
- Exercise all the council's non-executive functions that have not been reserved to full council or delegated to any other committee.

- Advise council on any constitutional matters or revisions to the Constitution.

It is proposed that the membership of the Audit and Governance Committee be as shown below (this committee, following the decision of Council on 18 December 2019, minute 80 includes an independent member who is not a councillor):

	2021 Member	Party	2022 Nominated Member	Party
1	Councillor P Martin	CONS	Councillor P Martin	CONS
2	Councillor Mrs Berry	CONS	Councillor Mrs Berry	CONS
3	Councillor Shoob	GREEN	Councillor Shoob	GREEN
4	Councillor Davison	LABOUR	Councillor Davison	LABOUR
5	Councillor Mullard	UKIP	Councillor Mullard	UKIP
6	n/a	FH INDEP	n/a	FH INDEP
7	Andrew Vanburen – independent member			

* The Folkestone and Hythe Independent Party has stated that as both members of the political group are on the cabinet they will not be filling this seat.

4.4 Planning and Licensing Committee

The function of this committee is to:

- Exercise the council's powers in relation to town and country planning and the control of development.
- Determine applications for licences or registration where there are objections, including liquor licensing. The Licensing sub-committee is convened to determine the majority of referred licensing applications. Its membership is drawn from the planning and licensing sub – committee. The chairman of each licensing sub-committee meeting is determined at the start of the meeting.

It is proposed that the Committee Membership for the Planning and Licensing Committee remains the same, as shown below:

	2021 Member	Party	2022 Nominated Member	Party
1	Councillor Goddard	CONS	Councillor Goddard	CONS
2	Councillor Mrs Hollingsbee	CONS	Councillor Mrs Hollingsbee	CONS
3	Councillor P Martin	CONS	Councillor P Martin	CONS
4	Councillor Brook	CONS	Councillor Brook	CONS
5	Councillor Collier	CONS	Councillor Collier	CONS
6	Councillor J Martin	GREEN	Councillor J Martin	GREEN
7	Councillor Treloar	GREEN	Councillor Treloar	GREEN
8	Councillor Keen	LABOUR	Councillor Keen	LABOUR
9	Councillor Meade	LABOUR	Councillor Meade	LABOUR

10	Councillor Fuller	LIB DEM	Councillor Fuller	LIB DEM
11	Councillor Meyers	UKIP	Councillor Meyers	UKIP
12	Councillor Wimble	FH INDEP	Councillor Wimble	FH INDEP

4.7 Personnel Committee

The function of this Committee is to:

- Exercise the Council's powers to determine the terms and conditions of staff.
- Carry out the selection process, interview and appoint chief officers and make recommendations to the council on the appointment of the chief executive.

It is proposed that the Membership of the Personnel Committee be as shown below:

	2021 Member	Party	2022 Nominated Member	Party
1	Councillor Monk	CONS	Councillor Monk	CONS
2	Councillor Brook	CONS	Councillor Brook	CONS
3	Councillor Mrs Berry	CONS	Councillor Mrs Berry	CONS
4	Councillor Shoob	GREEN	Councillor Shoob	GREEN
5	Councillor Keen	LABOUR	Councillor Keen	LABOUR
6	Councillor Prater	LIB DEMS	Councillor Prater	LIB DEMS
7	Councillor Field	FH INDEP	Councillor Field	FH INDEP

5. COMMITTEE CHAIRMEN/VICECHAIRMEN

- 5.1 The council appoints the chairmen and vice-chairmen of the committees other than the joint standards hearing committee, the chairmanship of which alternates each meeting between a district and parish / town councillor. The Chairman of the Overview and Scrutiny Committee will be elected at the first meeting of the Committee.

The nominations for Chairmanship are set out below:

		Chairman 2021	Proposed for 2022
Audit and Governance	Chair	Councillor Martin (Cons)	Councillor Martin (Cons)
	Vice	Councillor Mrs Berry (Cons)	Councillor Mrs Berry (Cons)
Planning and Licensing	Chair	Councillor Goddard (Cons)	Councillor Goddard (Cons)
	Vice	Councillor P Martin (Cons)	Councillor P Martin (Cons)
Personnel	Chair	Councillor Monk (Cons)	Councillor Monk (Cons)
	Vice	Councillor Brook (Cons)	Councillor Brook (Cons)

6. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

6.1 Legal officer's comments (AK)

There are no legal implications arising directly from this report.

6.2 Finance officer's comments

There are no financial implications arising directly from this report.

6.3 Diversities and equalities implications

No implications arising directly from this report.

9. CONTACT OFFICER AND BACKGROUND DOCUMENTS

Councillors with any questions arising from this report should contact the following officer prior to the meeting:

Jemma West, Committee Services Specialist
Telephone: 01303 853539
Email: Jemma.west@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

None

This report will be made
public on 25 April 2022

Report number **A/22/02**

To: Council
Date: 4 May 2022
Status: Non – executive decision
Head of service: Amandeep Khroud, Assistant Director -
Governance, Law & Regulatory Services

SUBJECT: SCHEME OF DELEGATION OF NON-EXECUTIVE FUNCTIONS

SUMMARY: The Council's constitution requires that the scheme of delegations be agreed by the Council at its annual meeting. This report sets out the scheme.

REASON FOR RECOMMENDATIONS:

The council is asked to agree the recommendations set out below because it is required to agree the scheme of delegation at its annual meeting.

RECOMMENDATIONS:

1. To receive and note report A/22/02.
2. To agree the scheme of delegation set out in the appendix to this report in so far as it relates to the non-executive functions of the Council.

1. INTRODUCTION

- 1.1 The council's constitution requires the annual council meeting to agree a scheme of delegations for non-executive functions – see part 4.2 of the Constitution "Council Rules of Procedure", rule 1.1 h.
- 1.2 The functions of the council are divided into executive and non-executive functions. The rules on which functions are executive or non-executive are set out in the Local Authorities (Functions and Responsibilities) Regulations 2000. The council decides non-executive function delegations, the Leader of the Council decides executive function delegations.

2. THE SCHEME OF DELEGATION

- 2.1 The scheme of delegation to officers is attached at appendix 1. This is the current scheme which appears at part 8.1 of the Constitution.
- 2.2 The scheme includes executive and non-executive functions. The council can only approve those parts which relate to non-executive functions and this is reflected in the recommendations.

3. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

3.1 Legal officer's comments (AK)

There are no legal implications arising directly from this report.

3.2 Finance officer's comments

There are no financial implications arising from this report.

3.3 Diversities and equalities implications

No implications arising directly from this report.

4. CONTACT OFFICER AND BACKGROUND DOCUMENTS

Councillors with any questions arising from this report should contact the following officer prior to the meeting:

Amandeep Khroud, Head of Democratic Services and Law

Telephone: 01303 853253

Email: amandeep.khroud@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

None

Appendices:

Appendix 1 : Scheme of delegation to officers

PART 8.1 – DELEGATION TO OFFICERS

SCHEME OF DELEGATION TO OFFICERS

1. SCHEME OF DELEGATION TO OFFICERS

NOTE: This scheme of delegation does not include functions or powers delegated by the Council, Cabinet or regulatory committees to officers for a specified period not exceeding six months. The delegations to officers are made with the intent that they lead to a streamlining and simplification of the processes of the Council and accordingly should be interpreted widely rather than narrowly. In addition, under paragraph 1.4 below officers may authorise other officers to exercise their delegated powers and it is the intention for this scheme that powers are exercised at the most appropriate level.

- 1.1** Exercise of delegated powers: First Tier Officers , namely the Head of Paid Service), the Director of Corporate Services, the Director of Place, the Director of Housing and Operations, the Second Tier Officers namely the Assistant Director of Governance and Law, Economic Development Advisor, the Chief Officer Human Resources the Chief Officer - Planning, Chief Officer - Financial Services, Chief Officer – Place and Growth, Chief Officer – Place and Regulatory, Chief Officer – Housing, Chief Officer - Operations and the Chief Officer - Development (all collectively referred to in this scheme of delegation as “the Senior Officers”) can discharge all functions where they have managerial or professional authority except for matters specifically reserved to the Cabinet, a cabinet member, cabinet committees (if any), committees or the Council.
- 1.2** They will not take decisions that are expressly reserved to another decision-making body under this Constitution however First Tier Officers, (or in the absence of all First Tier Officers either the Monitoring Officer or Chief Officer - Financial Services):
- May make key decisions, as defined in Article 12 of the Constitution, if it is impractical for the Cabinet to do so because of the urgent nature of the decision to be made; and
 - May take decisions that are reserved to Council or Cabinet under this Constitution in an emergency and if it is lawful for them to do so.
- 1.3** They may use whatever means they consider appropriate within budget and in accordance with financial regulations to discharge those functions, including:
- Incurring expenditure and collecting income;
 - Engaging and deploying staff;
 - Deploying other resources within their control; and
 - Placing contracts and procuring other resources within or outside the Council.

In doing so, they must act within the law and the Council’s Constitution and follow Council policy and the lawful instructions of Council committees

and the Cabinet. If, exceptionally, they need to depart from Council policy or those instructions, they must report to the relevant body as soon as possible.

1.4 They may authorise other officers to exercise delegated powers on their behalf. They may also authorise appropriately experienced officers whose services are placed at the disposal of the Council pursuant to section 113 of the Local Government Act 1972 to exercise any powers or functions delegated to them or to specified officers.

1.5 Emergency action taken under delegated powers must be reported to the relevant body as soon as possible.

1.6 Significant decisions taken by Officers will be published and recorded in accordance with the Access to Information Procedure Rules There will be no requirement to keep a written record of operational decisions within the budget and policy framework.

1.7 The Senior Officers of the Council shall be entitled to exercise the powers and functions set out below.

1.8 Decisions Delegated to the Senior Officers after appropriate consultation

The Senior Officers , in respect of matters falling within their remit, may take any action on behalf of the Council, including action relating to executive and non-executive functions, where the proposed action conforms with the policy and budget framework but where in his or her opinion, the matter is politically sensitive or raises issues of public or local concern, after consultation with the Leader and/or relevant portfolio holder, or the chair of the appropriate non-executive committee in the case of non-executive functions, and may respond to consultation documents after consultation as set out above.

1.9 Decisions Delegated to Senior Officers without prior consultation

The Senior Officers_in respect of matters falling within their remit, may take any action on behalf of the Council, including action relating to Executive and non-executive functions, where the proposed action conforms with the policy and budget framework and where in their opinion it is not of such political sensitivity or public concern that consideration by members is necessary.

1.10 The Head of Paid Service may discharge any of the functions of any other officer unless prohibited from doing so by any legislation or regulatory rule.

2. GENERAL DELEGATION TO THE SENIOR OFFICERS

In addition to those matters expressly delegated to individual officers, all the Senior Officers (save where expressly reserved to chief officers only) shall have the following delegated powers:

2.1 Power to Take Urgent Decisions

First Tier Officers (and in the absence of all First Tier Officers, either the Monitoring Officer or Chief Officer – Financial Services) may take urgent decisions if they are of the opinion that circumstances exist which make it necessary for action to be taken by the Council prior to the time when such action could be approved through normal council procedures. They shall, where practicable, first consult with the Leader and relevant portfolio holder or the chair of the appropriate non-executive committee in the case of non-executive functions.

2.2 Staffing Issues

The Senior Officers may deal with any matter relating to staffing other than those expressly reserved to Council, or the Head of Paid Service under paragraph 3.2 below, provided that they are in accordance with approved human resources policies, procedures and within the approved budget framework.

2.3 Orders/Agreements for Work, Goods and Services

In accordance with standing orders, financial regulations and codes of procedure relating to contracts:

- To issue orders for work, goods and services;
- To accept tenders;
- To sign agreements;
- Tenders or quotations may be submitted, and contractual arrangements entered into for carrying out work and / or providing services for other parties with the approval of the head of paid service (in consultation with the other chief officers) provided that the value of such contracts does not exceed £40,000; and
- To appoint specialist advisors or consultants.

2.4 Operational Decisions

To take decisions relating to all operational and professional matters within their remit.

2.5 Ombudsman Matters

To agree local settlements where they consider it in the interests of the Council to do so.

2.6 Land and buildings

In respect of any development of land and buildings which is proposed to be carried out for the purposes of statutory functions within the sphere of his/her responsibility, power to authorise an application for planning permission to the Planning and Licensing Committee, or for any other permission for works or the use of land, and once such permission has been received, to authorise the carrying out of such development in accordance with the terms and conditions of such permission.

2.7 Legal Proceedings

In consultation with the Assistant Director - Governance and Law, to: -

- i. institute and defend legal proceedings on the Council's behalf; and
- ii. authorise any suitable officer of the Council to appear on the Council's behalf in proceedings before any Magistrates Court and/or County Court.

2.8 Fees and charges

To exercise, in accordance with any current policy, all of the Council's functions relating to those fees and charges falling within their remit. This does not, for the avoidance of doubt, include the determination of fees.

2.9 Compensation

To pay compensation for service failure where they consider it appropriate up to a maximum amount of £1,000 in respect of any single issue.

- 2.10** In addition to the General Scheme of Delegation to the Senior Officers set out above, individual Senior Officers shall be entitled to exercise the powers and functions expressly delegated to them in the following paragraphs, subject to the conditions and restrictions set out above.

3. SPECIFIC POWERS AND FUNCTIONS DELEGATED TO THE HEAD OF PAID SERVICE

- 3.1** To exercise the powers and responsibilities of the Head of Paid Service for the purpose of Section 4 of the Local Government and Housing Act 1989.

- 3.2** To determine and to amend staffing structures.

- 3.3** To give such directions as he/she may consider necessary:

- To secure the efficient management and execution of the Council's functions;
- To secure co-ordination of advice and forward planning of objectives and services;
- To secure a corporate approach to the affairs of the Council generally;
- To achieve the efficient and effective implementation of the Council's strategies and policies and the effective deployment of the Council's resources towards those ends;
- To maintain good internal and external relations;
- To determine the allocation of office accommodation

- 3.4** To take all such action as he/she considers appropriate in any emergency (as defined by the Head of Paid Service) including power to make or approve any necessary and urgent arrangements within the powers of the council for the protection of persons or property in any civil or other emergency.

- 3.5** To sign on behalf of the Council any document necessary to give effect to any resolution of the Council, the Cabinet, committees or sub-committees and/or officers acting under delegated powers.
- 3.6** To act as proper officer of the Council, except where legislation or this constitution names another officer or the Council has specifically determined otherwise.
- 3.7** In consultation with the other chief officers, settle employee and industrial relations matters, including issues involving the application or rates of pay, conditions of service or other staffing benefits etc.
- 3.8** To consider and approve applications and proposals for early retirement of staff who are subject to the Local Government Superannuation Regulations.
- 3.9** To determine and issue to officers general guidelines for the management of human resources in the areas of recruitment and planning; training and development; employee relations; health, safety and welfare (including occupational health); pay and performance and equality of opportunity.
- 3.10** To add posts to the list of politically restricted posts and to grant and supervise exemptions from political restriction under the Local Government and Housing Act 1989 (as amended).
- 3.11** To make any order requested by the chief constable and authorised by the Home Office prohibiting the holding of public processions or trespassory assemblies.
- 3.12** To provide assistance at elections to the county council, of the police and crime commissioner and to discharge functions relating to parliamentary, and local elections, referendums and polls (whether national or local) including appointment of staff and determination of fees payable to those staff.
- 3.13** To be the Council's Electoral Registration Officer pursuant to S 8(2) Representation of the People Act 1983 and to exercise all the functions of that post.
- 3.14** To be the returning officer pursuant to S 35(1) Representation of the People Act 1983.
- 3.15** To be the Returning Officer for the purpose of conducting parish polls pursuant to Rule 4 (1) of the Parish and Community Meetings (Polls) Rules 1987.
- 3.16** To exercise the powers and functions of the Council under S113 of the Local Government Act 1972 to enter into an agreement with another local authority;
- For the placing at the disposal of that authority for the purposes of their functions, the services of officers employed by the Council; and

- For the placing at the disposal of the Council for the purposes of its functions, the services of officers employed by that authority.
- 3.17** To exercise the powers and functions of the Council under the Local Authorities (Goods and Services) Act 1970.
- 3.18** To exercise the Council's powers to make appointments to committees or sub-committees at the request of the relevant political group leader subject to the conditions that (a) the appointed member shall be a replacement for a committee or sub-committee member from the same political group or the appointee is to fill a vacant seat on the committee/sub-committee allocated to the political group of which he/she is a member and (b) the changes shall be reported to the next available meeting of the council. This delegation shall only be exercisable in respect of councillors who are members of a political group.
- 3.19** To grant dispensations under the Local Authorities (Executive Arrangements) Meetings and Access to Information) (England) Regulations 2012 to in respect of any declared conflict of interest by a cabinet member.
- 3.20** To take the lead on organisational transformation initiatives.
- 3.21** To be the lead on matters relating to improvement, efficiency and organisational development.
- 3.22** To be responsible for the planning policy functions of the council as the local planning authority.
- 3.23** To nominate if he/she sees fit a deputy to exercise all the powers and functions of the Head of the Paid Service in his / her absence.
- 3.24** Where the post of Monitoring Officer or S151 Officer falls vacant to designate the Monitoring Officer or S151 Officer on a temporary basis pending the council's consideration of which officer to designate as one of the statutory officers.
- 3.25** To delegate any of the functions of Head of Paid Service subject to such conditions or limitations as he / she considers appropriate.
- 4. SPECIFIC POWERS AND FUNCTIONS DELEGATED TO THE DIRECTOR – CORPORATE SERVICES**
- 4.1** To carry out those of the council's duties and functions as are shown in the table in appendix 1 to this scheme of delegation against the post title of the director together with the functions specified below
- 4.2** To be and carry out the duties of the Chief Finance Officer (Section 151 Officer), including ensuring the proper administration of the council's financial affairs.
- 4.3** To undertake the following specific roles:

- To be the Council's money laundering reporting officer
- To appoint the deputy money laundering reporting officer
- To set the council tax base
- To appoint the deputy Chief Finance Officer
- To agree external audit arrangements
- To be the council's lead on digital delivery

4.4 To write off bad debts, stores deficiencies and surplus goods or equipment up to £10,000 (higher value write-offs require the approval of the Chief Finance Officer in liaison with the Portfolio holder).

5. SPECIFIC POWERS AND FUNCTIONS DELEGATED TO THE DIRECTOR OF PLACE

5.1 To carry out those of the council's duties and functions as are shown in the table in appendix 1 to this scheme of delegation against the post title of the director

6. SPECIFIC POWERS AND FUNCTIONS DELEGATED TO THE DIRECTOR – HOUSING AND OPERATIONS

6.1 To carry out those of the council's duties and functions as covered by the 1985 Housing Act and as shown in the table in appendix 1 to this scheme of delegation against the post title of the director

7. SPECIFIC POWERS AND FUNCTIONS DELEGATED TO THE ASSISTANT DIRECTOR – LAW AND GOVERNANCE.

7.1 To carry out those of the council's duties and functions as are shown in the table in appendix 2 to this scheme of delegation against the post title of the Second Tier Officer together with the functions specified below

7.2 Monitoring officer

To be the Council's Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.

To be the Proper Officer for the purposes of receiving applications for dispensation pursuant to section 33(1) of the Localism Act 2011.
To grant dispensations to members pursuant to section 32(2) of the

Localism Act 2011 and paragraph 8 of the adopted code of conduct to

Speak only or to speak and vote where:

- (i) so many members of the decision-making body have Disclosable Pecuniary or Other Significant Interests in a matter that it would impede the transaction of the business; or
- (ii) without a dispensation, no member of the executive would be able to participate on a particular item of business.

In consultation with the Chairman (or in his/her absence the vice-chair) of the Audit and Governance Committee to grant dispensations to speak and/or vote where it is not possible to convene a meeting of that committee where the application for dispensation is made on any of the following grounds:

- (i) Without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
- (ii) That the authority considers that the dispensation is in the interests of persons living in its area; or
- (iii) Where the authority considers that it is otherwise appropriate to grant a dispensation.

In making the decision the Monitoring Officer shall have regard to the following criteria:

- a) The nature of the member's interest and allowing them to participate would not damage public confidence in the conduct of the authority's business.

If public confidence would be damaged, then such an application would be likely to be refused. It is unlikely that it would be appropriate therefore, for example, to grant a dispensation to a member who has an interest arising as a result of an effect on their personal financial position or on that of a relative.

- b) The interest is common to the member and a significant proportion of the general public.
- c) The participation of the member in the business that the interest relates to is justified by the member's particular role or expertise.
- d) The business that the interest relates to is about a voluntary organisation or a public body which is to be considered by an overview and scrutiny committee and the member's interest is not a financial one.

In circumstances such as these, the committee might believe that it is in the interests of the authority's inhabitants to remove the incapacity from speaking or voting.

And that any dispensations granted shall be reported back to the next meeting of the Audit and Standards Committee.

To receive complaints relating to alleged breaches of the adopted Code of Conduct and to process complaints in accordance with the adopted arrangements for dealing with Code of Conduct complaints.

7.3 Land of community value

To hear appeals under the provisions relating to land of community value.

7.4 Solicitor to the council

To act as solicitor to the council in particular:

- To institute, defend, conduct and settle civil and criminal legal proceedings; and
- To sign or authenticate documents of any kind.

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8. SPECIFIC POWERS AND FUNCTIONS DELEGATED TO THE CHIEF OFFICER - PLANNING

8.1 To carry out those of the council's duties and functions as are shown in the table in appendix 2 to this scheme of delegation against the post title of the Second Tier Officer subject to any condition or limitation shown below

8.2 Planning

To exercise all the Council's functions, including determining all consents, permissions, licenses under the planning (including control of advertisements) and listed building legislation, and taking enforcement action, in relation to town and country planning, in accordance with the specific scheme of delegation for planning in paragraph 8.3.

8.3 Specific scheme of delegation for town and country planning.

8.3.1 The Chief Planning Officer is authorised to determine the categories of applications set out in paragraph 8.3.2 except those that:

- a) Have been called in to the committee at the request of any district councillor;
- b) Represent a significant departure from the development plan and which the Chief Officer - Planning considers should be approved;
- c) The Council has a substantial interest in, other than small-scale proposals, (e.g. extensions and alterations to council owned properties and means of enclosure, accesses, installation of windows);
- d) Relate to proposals submitted by or on behalf of any member (including any co-opted member) or employee of the Council other than small scale works to which there have been no objections and related renewals and amendments;
- e) The Chief Officer - Planning believes raise issues which should be considered by the Planning and Licensing Control Committee;

- f) Are planning applications where the view of the parish or town council differs strongly from that of the Chief Officer - Planning except where an objection:
 - i. relates to the principle of a proposal which already has outline planning permission; an issue determined at outline stage or an application of similar scale or character to one already approved;
 - ii. is for the renewal of a planning permission without stating what, in the view of the town or parish council, planning circumstances have changed since the grant of the original permission which would justify a refusal, is made without giving any reasons, or is only made on the basis that the work has already been implemented;
 - iii. is made without giving any reasons;
 - iv. is based upon a technical issue where the body responsible for providing advice on the issue is satisfied with the proposal subject to any evidence which contradicts that advice first being investigated;
 - v. is to minor operational development (e.g. domestic extensions, alterations to buildings, means of enclosures, accesses).
- g) Are planning applications where the view of a parish or town council differs strongly from that of the Chief Officer - Planning except where it expresses support for an application, but that application is clearly contrary to development plan policy and / or government guidance.

8.3.2 The categories of application which the Chief Officer - Planning may determine are:

- i. applications for planning permission under Section 70 Town and Country Planning Act 1990;
- ii. applications under Sections 73 and 73A of the Town and Country Planning Act 1990 to retain a building or to continue to use without complying with a condition subject to which planning permission has been granted;
- iii. applications to determine reserved matters and details arising from: grants of planning permission, e.g. landscaping schemes, details of external appearance, samples of materials, means of access, including listed building consents, conservation area consents, advertisement consents and permissions under the above;
- iv. applications submitted under General Permitted Development Order requirements; and

- v. applications for listed building and conservation area consents, subject to the agreement of the Secretary of State in cases where this is necessary.

8.3.3 The Chief Officer - Planning is authorised to determine:

- i. notifications under Sections 198 and 211 to 213 of the Town and Country Planning Act 1990 Act for the felling, topping or lopping of trees; and
- ii. applications for minor amendments/revisions in substitution for approved plans, including those for listed building consent, conservation area consent, advertisement consent or for permission to lop, top or fell trees.

8.3.4 Subject to the limitations in paragraph 10.3.1, the Chief Officer - Planning is authorised to:

- i. approve submissions respect of developments under Regulations 3 and 4 of the Town and Country Planning General Regulations 1992 made by the council and to raise objection or raise no objection to such submissions made by Kent County Council; and
- ii. respond to formal consultations by statutory bodies and development proposals by government departments.

8.3.5 In cases of urgency or where the breach of planning control relates to householder development or development that has already been refused planning permission, after consultation (if practicable) with the chairman or vice chairman of the Planning and Licensing Committee, the Chief Officer Planning - is authorised to:

- i. issue enforcement notices under Section 172 Town and Country Planning Act 1990;
- ii. serve a listed building preservation notice under 3 and 4 Planning (Listed Buildings and Conservation Area) Act 1990;
- iii. issue temporary stop notices under Section 171E Town and Country Planning Act 1990;
- iv. serve a stop notice under S183 Town and Country Planning Act 1990;
- v. make application for and serve injunctions under Section 187B Town and Country Planning Act 1990; and
- vi. serve urgent repairs notices under Section 54 Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3.6 The Chief Officer - Planning is authorised to make directions under Article 4 Town and Country Planning (General Permitted Development) Order 1995 to take away rights conferred by Class A, part 2, Schedule 2 of the

Order in relation to the erection, construction, maintenance, improvement or other alteration of a gate, fence, wall or other means of enclosure, subject to prior consultation with the relevant member of the Executive.

8.3.7 The Chief Officer - Planning is authorised to exercise all other functions relating to town and country planning.

8.238 The Chief Officer Planning is authorised, after consultation (if practicable) with the Chairman or vice-chairman of the Development Control Committee to arrange site visits for the committee where he/she considers it appropriate for the committee to visit the site. The Chief Officer - Planning can arrange such visits at any time during the processing of an application.

8.3.9 The Chief Officer - Planning may authorise other officers to exercise delegated powers on his/her behalf. In this case, the officers act in the name of the Chief Officer - Planning and he/she remains accountable for the action or decision.

8.4 Planning agreements

To negotiate Section 106 Agreements.

8.5 Listed buildings and conservation areas

To promote conservation of historic buildings and areas and make recommendations as to the designation of conservation areas.

8.6 Land of community value

To administer the list of land of community value.

9. SPECIFIC POWERS DELEGATED TO THE CHIEF OFFICER - HUMAN RESOURCES

9.1 To carry out those of the council's duties and functions as are shown in the table in appendix 2 to this scheme of delegation against the post title of the Second Tier Officer

APPENDIX 1 – Areas of Responsibilities – First Tier Officers

Director of Corporate Services	Director of Place	Director of Housing & Operations		
Human Resources	Licensing	Transportation		
Finance	Environmental Health	Grounds Maintenance		
ICT & Digital Services	Economic Growth	Lifeline		
Case Services (Corporate Services)	Waste	Estates and Assets		
Strategy and Policy	Building Control	Engineering and Technical Services		
Legal	Development Management	Housing Landlord Functions		
Democratic and Committee Services	Customer Services	Housing Strategy and Needs		
Leadership Support	Case Services (Place)	Strategic Development		
Procurement and Corporate Contracts	Communities			
Communication and Engagement	Community Safety			
Revenues & Benefits				

APPENDIX 2 - Areas of Responsibilities – Section Tier Officers

Chief Officer - HR	Assistant Director – Governance & Law	Economic Development Advisor	Chief Officer - Planning	Chief Officer – Place and Growth	Chief Officer - Place and Regulatory	Chief Officer - Operations	Chief Officer - Development	Chief Officer – Housing	Chief Officer – Financial Services
HR	Corporate Contracts and Procurement	Economic and business development	Development Management	Economic Growth, Business Development and Skills	Hythe Pool	Grounds Maintenance	Regeneration and Development Programmes	Housing Landlord functions	Treasury Management
Payroll	Legal Services		Building Control	Economic and place based Strategy	Environmental Health and Licensing	Engineering and Technical Services	HRA Regeneration and Development	Housing strategy and Needs	Corporate Debt
Training	Democratic Services & Elections			Town Centre Regeneration	Environmental Protection	Corporate Health and Safety			Accountancy
	Leadership Support			External funding	Waste	Estate and Asset Management			
	Communications and Engagement				Community Safety	Lifeline			
						Transportation			

This report will be made public on 25 April 2022

Report number **A/22/01**

To: Council
Date: 4 May 2022
Status: Non-Executive Decision
Responsible Officer: Amandeep Khroud, Assistant Director - Governance, Law & Regulatory Services

SUBJECT: SCHEDULE OF MEETING DATES 2022/23

SUMMARY: The Council is required to approve the annual schedule of meetings for the municipal year 2022/2023. The proposed annual schedule of meetings for 2022/23 is appended to this report, including dates for the whole of May for the following municipal year, as per the Council Procedure rules set out in part 4.2, paragraph 1.1.2(i) of the constitution.

REASON FOR RECOMMENDATIONS:

Council is asked to agree the recommendations set out below in order to set a programme of dates for meetings of the Council and its committees.

RECOMMENDATIONS:

1. To receive and note report A/22/01.
2. To approve and adopt the schedule of meetings for 2022/23 appended to this report as appendix 1.

1. INTRODUCTION

- 1.1 In accordance with the council rules of procedure, part 4.2, paragraph 1.1 of the constitution the council is required to approve the annual schedule of meetings for the municipal year 2022/23.
- 1.2 The proposed annual schedule of meetings for 2022/23 is appended to this report.

2. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

2.1 Legal officer's comments (AK)

There are no legal implications arising directly from this report.

2.2 Finance officer's comments (LW)

None arising directly from this report.

2.3 Diversities and equalities implications (AK)

No implications arising directly from this report.

3. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising from this report should contact the following officer prior to the meeting:

Jemma West
Telephone: 01303 853369
E-mail: jemma.west@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report.

None

Appendix:

Appendix 1 – Proposed schedule of meetings 2022/23.

SCHEDULE OF MEETINGS 2022/23

	COUNCIL 7.00 PM WEDNESDAY	OVERVIEW AND SCRUTINY COMMITTEE 7:00 PM TUE	FINANCE AND PERFORMANCE SCRUTINY - SUB COMMITTEE 7.00 PM TUE	CABINET 5.00 PM WEDNESDAY	AUDIT AND GOVERNANCE COMMITTEE 7:00 PM WEDNESDAY	PLANNING AND LICENSING COMMITTEE 7:00 PM TUESDAY	PERSONNEL COMMITTEE 2.00PM THURSDAY	FH&JPC 7:00PM THURSDAY	JTB 6:00PM MONDAY
2022									
MAY	04-May	31-May		18-May		24-May			
JUN			14-Jun	16 june (Thurs)		28-Jun	16-Jun		
JUL	27-Jul			20-Jul	28/07/2022 (thu)	26-Jul		21-Jul	11-Jul
AUG						23-Aug			
SEPT	28-Sep	06-Sep		21-Sep	21-Sep	20-Sep	15-Sep	15-Sep	12-Sep
OCT			11-Oct	19-Oct		18-Oct			
NOV	30-Nov	08-Nov		23-Nov		15-Nov		17-Nov	21-Nov
DEC			06-Dec	14-Dec	07-Dec	13-Dec			
2023									
JAN		17-Jan	10-Jan	25-Jan		24-Jan	26-Jan	19-Jan	
FEB	22-Feb	14-Feb		22-Feb		21-Feb			20-Feb
MAR	29-Mar		07-Mar	22-Mar	15-Mar	21-Mar		16-Mar	
APR		25-Apr		19-Apr		18-Apr	06-Apr		
MAY	24-May			31-May		30-May			

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This report will be made public on 25 April 2022

Report number **A/22/08**

To: Council
Date: 4 May 2022
Status: Non-Executive Decision
Responsible Officer: Amandeep Khroud, Assistant Director – Governance and Law

SUBJECT: ANNUAL POLICIES AND STRATEGIES ADOPTED BY CABINET AND AN UPDATE ON URGENT DECISIONS 2021/22

SUMMARY: This report is the annual report of policies and strategies that have been adopted, by Cabinet, during the 2021/22 municipal year.

REASON FOR RECOMMENDATIONS:

The Council is asked to agree the recommendations set out below, as the Council's constitution (Part 4.1, paragraph 1.2.4) provides that Cabinet is required to submit an annual report, to Council, detailing the policies that have been approved by the cabinet during the previous municipal year. Council shall also have the option of including any of the policies in the Policy Framework

RECOMMENDATIONS:

1. To receive and note report A/22/08.
2. To remove both the Budget Strategy and the Treasury Management Strategy from the Policy Framework for the reasons set out in paragraph 3.1 of the report.

1. INTRODUCTION

- 1.1 In accordance with the Folkestone and Hythe District Council Constitution (Part 4.1, paragraph 1.3), Cabinet shall submit an annual report to Council, detailing the policies that have been approved in the previous municipal year, which are not those mentioned in the Policy Framework.
- 1.2 Following consideration of the report, Council shall have the opportunity of including any of those policies or strategies, approved by Cabinet, in the Policy Framework.
- 1.3 In addition, this report will also serve to report to council on the use of urgency powers when the call-in procedure has not applied, in accordance with the provisions of the Constitution (Part 6.3, paragraph 19.4).

2. POLICIES AND STRATEGIES THAT HAVE BEEN ADOPTED, REVISED OR UPDATED DURING THE YEAR 2021/22

- 2.1 Policies and strategies that have been adopted, revised or updated by Cabinet during the 2021/22 municipal year, which are not in the Policy Framework are:
 - Corporate Complaints Policy.
 - Housing Compliance Policies.
 - Housing Compensation Policy.
 - Contaminated Land Strategy.
 - Housing Asset Management Strategy.
 - Review of Risk Management Policy.
 - Street naming and numbering policy.

3. UPDATE TO POLICY FRAMEWORK

- 3.1 At the Annual Meeting held on 5 May 2021, a number of policies and strategies were included in the Policy Framework. This included both the Budget Strategy, and the Treasury Management Strategy. On a practical basis, the inclusion of both these Strategies have created some operational problems in terms of the timetabling of financial papers. In addition CiPFA's Prudential Code no longer requires the Treasury Management Strategy to be reported to Full Council, instead the Investment & Capital Strategies now have that requirement which include the Minimum Revenue Provision Statement and the Prudential Indicators. Therefore, it is recommended that both strategies be removed from the Policy Framework, although Members can be assured they will continue to have oversight of both papers when they are presented to the Finance & Performance Sub-Committee and Cabinet.
- 3.2 Members also have the option of including any of the policies set out at paragraph 2.1 in the Policy Framework.

3. DECISIONS TAKEN UNDER THE URGENCY PROVISIONS

- 3.1 As per paragraph 19.4 of part 6 of the Constitution, there is a requirement that executive decisions taken using Rule 13 (Special Urgency) in the preceding year be reported to the Annual meeting, along with a summary of the matters in respect of which those decisions were taken. There were no decisions taken using Rule 13 in the municipal year 21/22.
- 3.2 There were however 5 urgent decisions taken using Rule 12 (General Exception) and call-in was disregarded for two of those decisions as per paragraph 7 of part 6 of the constitution (Call-in and urgency).

4. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

4.1 Legal Officer's Comments (AK)

There are no legal comments.

4.2 Finance Officer's Comments

There are no direct financial implications associated with this report: the financial implications of individual policies would have been contained within the specific reports at the time the policies were adopted.

4.3 Diversities and Equalities Implications (AK)

Where necessary, an equality impact assessment has been prepared in support of each policy and is appended to that policy.

5. CONTACT OFFICER AND BACKGROUND DOCUMENTS

Councillors with any questions arising from this report should contact the following officer prior to the meeting:

Jemma West, Committee Services Specialist
Telephone: 01303 853369
Email: jemma.west@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

None

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This report will be made public on 25 April 2022



Report number **A/22/04**

To: Council
Date: 4 May 2022
Status: Non-executive decision
Responsible Officer: Amandeep Khroud – Assistant Director Governance Law and Regulatory Services

SUBJECT: ANNUAL REPORT OF THE AUDIT AND GOVERNANCE COMMITTEE

SUMMARY: This report summarises the achievements of the Audit and Governance Committee against the terms of reference for the period 1 April 2021 to 31 March 2022 and details the impact that it has made on the overall system of internal control in operation.

RECOMMENDATIONS:

1. To receive and note report A/22/04.

1. INTRODUCTION

- 1.1 The purposes of the Council's Audit and Governance Committee are outlined in the constitution.
- 1.2 Listed below are the terms of reference for the Audit part of the Committee:
- a) Review and approve the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.
 - b) To consider the Head of Internal Audit's annual report and opinion on the Council's corporate governance arrangements.
 - c) To conduct reviews of the effectiveness of the Council's system of internal audit.
 - d) Be satisfied that the authority's assurance statement, including the annual governance statement, properly reflects the risk environment and any actions required to improve it.
 - e) Approve (but not direct) internal audit's strategy, plan and monitor performance.
 - f) Review summary internal audit reports and the main issues arising, and seek assurance that action has been taken, where necessary.
 - g) Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements, and seek assurance that action is being taken to mitigate those risks identified.
 - h) To make recommendations to Council on Contract Standing Orders.
 - i) To make recommendations to Council on the Financial Procedure Rules.
 - j) To maintain an overview of the Council's Whistle-blowing Policy.
- 1.3 The Audit and Governance Committee seeks to ensure it has effective communication with the authority, which includes the Executive, the Council's statutory officers, the Head of Internal Audit, the external auditor and other stakeholders. This is mainly achieved through the work of the Committee, but is further enhanced by the submission of this annual report to the Council's annual meeting.

2. ANNUAL REPORT

- 2.1 This report summarises the work of the Audit and Governance Committee over the past year and concludes that it has received clear, concise and relevant information, has received appropriate training on topics specific to the business of the Committee, and has done all that it can to meet the aims and objectives for the Committee.
- 2.2 The Committee has a well-established forward plan which is agreed by the Committee at the start of each year. This plan is reviewed at each meeting to ensure the responsibilities and audit needs are addressed.

- 2.3 Members of the Audit and Governance Committee seek to robustly challenge any weaknesses in the reports from auditors and officers. In particular we will continue to ask senior officers to attend meetings to outline and identify risks within their service areas; how they are mitigating those risks; and meeting their responsibilities.
- 2.4 The Audit and Governance Committee is assured on the integrity of data held in the financial statements. It receives clear, concise reports and actions are dealt with in an appropriate timescale. The members of the Committee receive specific training which gives them the skills required to carry out these functions effectively.
- 2.5 The work of the Internal and External Audit provides detailed assurance on the reliability and integrity of the information held in the financial statements.
- 2.6 The Director - Corporate Services, external audit and internal audit together support the Committee in forming their opinion of the financial statements, enabling the Committee to agree to sign them off in accordance with regulations.
- 2.7 The Committee receives a regular report on agreed actions from the annual governance assurance process. The Committee is able to request senior officers and, where necessary, the relevant Cabinet member to attend the Committee to give an update on progress against agreed actions to reduce risk and/or improve governance.
- 2.8 The Committee considers the effectiveness of internal audit by reviewing the annual assessment of the Director – Corporate Services, the view of external audit and the quality of reports, actions and follow up through the quarterly reports submitted throughout the year to Committee.
- 2.9 During the year the committee has considered a large number of reports including:
- Regular detailed updates from the East Kent Audit Partnership (EKAP), the Council's internal auditors
 - Regular detailed updates from Grant Thornton, the Council's external auditors
 - Grant Thornton Risk Assessment work
 - Accounting Policies
 - The annual Statement of Accounts
 - Annual Governance Statement
 - Annual Governance Statement actions update
 - Review of Corporate Risk Register
 - Review of Risk Management Policy
 - Auditor's Annual Report
 - Audit Findings for Folkestone and Hythe District Council
 - Quarterly Code of Conduct Complaints
 - Appointment of External Auditor

- Maintaining Ethical Standards

3. GOVERNANCE

3.1 Listed below are the terms of reference for the Governance part of the Committee:

- a) To promote and maintain high standards of conduct by members and co-opted members of Folkestone and Hythe District Council and to make recommendations to Council on improving standards.
- b) To advise and assist parish/town councils, and parish/town councillors, to maintain high standards of conduct and to make recommendations to parish/town councils on improving standards.
- c) To advise the District Council on the adoption of, or revisions to, its Code of Conduct.
- d) To advise, train, or arrange to train, district members, co-opted members and parish/town councillors on matters relating to the Code of Conduct.
- e) To assist the district councillors, co-opted members and parish/town councillors to observe their respective Codes of Conduct.
- f) To monitor and assess the operation and effectiveness for dealing with the Code of Conduct and to review and manage the arrangements for dealing with Code of Conduct complaints.
- g) To advise on local ethical governance protocols and procedures.
- h) To maintain oversight of the District Council's arrangements for dealing with Code of Conduct complaints.
- i) To act as an advisory body in respect of any ethical governance matter.
- j) To monitor and review the procedures for the Register of Members' Interests and declaring gifts and hospitality.
- k) To receive quarterly reports (or less frequently, if there are no complaints to report), from the Monitoring Officer, on the number and nature of complaints received, and action taken, as a result, in consultation with the Independent Person.
- l) To receive an annual report on the District Council's ethical governance arrangements.
- m) To make recommendations to Council on the appointment of an Independent Person(s) under S28 of the Localism Act 2011.
- n) To grant dispensations pursuant to Section 33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct where:
 - so many members of the decision-making body have Disclosable Pecuniary Interests in a matter, that it would impede the transaction of the business; or
 - without a dispensation, no member of the executive would be able to participate on a particular item of business;
 - without a dispensation, the representation of different political groups, on the body transacting the business, would be so upset as to alter the outcome of any voting on the matter;
 - that the authority considers that the dispensation is in the interests of persons living in the area; or

- where the committee considers that it is otherwise appropriate to grant a dispensation.

4. COMPLAINTS

- 4.1 During the financial year 4 'code of conduct' complaints were received relating to district and parish Councillors.

5. WHISTLEBLOWING

- 5.1 During the financial year 21/22, there have been no incidents of Whistleblowing. On 20 October 2021, a training session on Whistleblowing was delivered by the Head of the Audit Partnership to all staff of Team Leader level and above.

6. LEGAL, FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

6.1 Legal officer's comments (AK)

There are no legal issues arising out of this report.

6.2 Finance officer's Comments

There are no financial issues directly arising out of this report.

6.3 Diversities and equalities implications (AK)

This report does not directly have any diversity and equality implications.

7. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting:

Amandeep Khroud

Tel: 01303 853253

E-mail: Amandeep.khroud@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report: None

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This report will be made public on 25 April 2022



Report number **A/22/09**

To: Council
Date: 4 May 2022
Status: Non-executive decision
Responsible Officer: Amandeep Khroud, Assistant Director – Governance and Law

Subject: Annual report of the Overview and Scrutiny Committee 2021/22

SUMMARY: This report sets out the work that the Overview and Scrutiny Committee and the Finance and Performance Sub-Committee have completed during 2021/2022.

RECOMMENDATIONS:

1. To receive and note report A/22/09.

1. INTRODUCTION

- 1.1 This report sets out the work that the Overview and Scrutiny Committee have completed during the municipal year 2021/22.

2. WORK OF THE OVERVIEW AND SCRUTINY COMMITTEE, AND THE FINANCE AND PERFORMANCE SCRUTINY SUB-COMMITTEE FOR THE MUNICIPAL YEAR 2021/22

- 2.1 The Overview and Scrutiny Committee and Finance and Performance Scrutiny Sub-Committee have considered a number of topics in the municipal year 21/22 which are set out in the Annual Report (Appendix 1 of this report)

3. LEGAL AND FINANCE COMMENTS

3.1 Legal officer's comments

There are no legal comments.

3.2 Finance officer's comments (RH)

There are no financial implications arising from this report.

3.3 Diversities and equalities implications

There are no diversity or equality implications arising directly from this report.

4. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officers prior to the meeting:

Jemma West, Committee Services Specialist
Telephone: 01303 853369
E-mail: jemma.west@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

None

Appendix 1 – Overview and Scrutiny Annual report 21/22.

OVERVIEW AND SCRUTINY ANNUAL REPORT

Folkestone & Hythe District Council



Foreward by Overview & Scrutiny Chairman, Cllr Michelle Keutenius

It has been a busy year with the committee covering important areas, with more to come. Scrutiny is an essential part of ensuring that local government remains transparent, accountable and open, resulting in improved public policies and services.

Over the course of the last year, Overview & Scrutiny (O&S) has focused on numerous policies, strategies, updates and plans. The largest was the Task and Finish Sub Group, looking into the aftermath of the waste contract. Bin collections should be something very normal and this was our opportunity to find out the causes of what went wrong, causing residents and council staff throughout the district substantial issues for a period of time.

O&S has discussed vital topics such as community safety, safeguarding and licensing policies. It has received updates on Prevent and Budget Strategy.

One of the most recent subjects was fixed-term tenancies. This gave the committee the ability to see the council working to implement changes which would support social housing tenants with the security of long-term housing, cessation, and conversation with those on existing fixed-term tenancies.

During the year we have also been looking at the Housing Asset Management Strategy. This has provided us with the opportunity of seeing plans for the council's housing stock, including plans on carbon-reduction initiatives and how tenants will be at the heart of things going forward.

These committees are a way for councillors to come together and ensure we are working in the best way possible for everyone.

O&S might not cover everything that is important to our residents, so I would encourage for subjects to be submitted for the committee to look at.

Overview and Scrutiny Committee

Folkestone & Hythe District Council decisions are made by the council leader and cabinet. There are also non-executive councillors who form the Overview and Scrutiny Committee. This reviews decisions of the council, looks at how the council performs and investigates issues affecting the district.

The committee can:

- Question the cabinet's decisions.
- Make its own recommendations to the cabinet.
- Ask the cabinet and other decision-makers to reconsider.
- Refer a decision to the full council.

The fourth 'call-in' power usually refers to key decisions, ie those with a significant impact on finances or local communities.

O&S has met five times during the year and considered 16 items.

1 June 2021

- The committee had input and shaped proposals for setting up a Customer Access Point.
- Place Plan – advice was given on the proposed consultation and ways to encourage residents to respond.
- Performance Management Framework – ensuring reporting cycles coincided with planned Finance & Performance Scrutiny Sub Committee meetings that scrutinised performance data.
- Budget – members commented on issues such as simplifying finance and budget figures, the importance of staff training and transparency.

7 September 2021

- Formed a Task and Finish Group to review waste and street cleansing – made recommendations on service improvements which were considered by the cabinet member and Corporate Leadership Team (CLT).

- Reviewed the draft Licensing Policy statement and gave feedback – comments from the committee were included in the formal consultation responses that shaped the final policy.
- Corporate Action Plan – considered how the council will deliver priorities along with the key performance indicators (KPIs) used to monitor progress. The comments of the committee were considered by the director of Corporate Services in finalising the plan.
- Folkestone & Hythe District Council Community Safety Partnership – Members received a presentation on the Community Safety Partnership, in line with the council’s statutory annual duty to monitor its effectiveness.

9 November 2021

- Children, Young People and Vulnerable Adults Safeguarding policy refresh. Members’ comments influenced the policy framework.
- Budget 2022/23 presentation – ideas were given on how best to promote consultation and encourage residents to respond.

29 November 2021

This was a co-located scrutiny meeting with Dover District Council to discuss the shared waste contract – discussions took place on the schedule of improvements with DDC, Veolia and relevant portfolio holders.

07 December 2021

- Housing Asset Management Strategy – this was recommended for approval to cabinet.
- Budget Strategy 2022/23 – feedback was provided ahead of consideration by cabinet.
- Otterpool Business Plan Update – feedback prior to cabinet’s consideration in January 2022.

15 February 2022

- The committee members supported amendments to the F&HDC Housing Services Tenancy Policy, and authorising officers to investigate and implement an effective way to convert existing fixed-term tenancies to secure.

- The committee received a presentation on proposals for a Dog Control Public Spaces Protection Order (PSPO) and Community Safety Anti-Social Behaviour PSPO

Scrutiny outcomes 2021/22

In November 2021, O&S received a presentation setting out proposals for the 2022/23 budget. The comments of committee members resulted in the following changes being made to the budget consultation process:

- Members engaging with the public – members acted as a conduit, approaching constituents for their views on the budget process.
- Printed posters and flyers were produced to promote the budget consultation.
- [YouTube videos](#) were created to explain council tax setting.

On 7 September 2021, O&S commented on the proposed KPIs for Folkestone and Hythe and, as a result, a further eight KPIs were added including:

- The inclusion of a KPI for the number of community safety events held and projects delivered.
- The reintroduction of the KPI for the number of days to remove fly-tipped waste on public land once reported, due to public interest in the matter.
- The addition of percentage of successful fly-tipping prosecutions.
- The reintroduction of KPIs relating to households within bed & breakfast and temporary accommodation.
- The addition of two KPIs relating to data breaches.
- The addition of reference to the joint work on the Kent & Medway Low Emissions Strategy.

Finance and Performance Scrutiny Sub-Committee

This sub-committee of the Overview and Scrutiny Committee was created in October 2020 to scrutinise the council's performance against Key Performance Indicators (KPIs) and financial monitoring data against the budget, making recommendations to the main committee where appropriate. The sub-committee meets four times a year and comprises five members who are drawn from the main O&S.

Review of the year from Chairman, Cllr Connor McConville

The formation of the Finance and Performance Sub-Committee has been a welcome change to the way the council conducts its scrutiny responsibilities.

In the past, financial papers formed the tail end of long Overview and Scrutiny meetings and were often hurried through with little or no questioning. Giving councillors the time to look over these often sizable financial and performance-based reports within the sub-committee has provided the opportunity for more probing questions and analysis.

Just like the main Overview and Scrutiny Committee, the sub-group does not exist to make decisions but to hold the council to account with regards to its budget process and overall performance. I believe the creation of the sub-committee has proven beneficial to council operations.

I would like to thank those councillors who have sat on the committee this year and all the officers who have provided both well-written reports and attended in person to answer questions and provide insight and information.

The sub-committee has met three times and considered 14 items.

15 June 2021

- General Fund Capital Programme Outturn 2020/2021.
- General Fund Revenue 2020/21 Provisional Outturn.
- Housing Revenue Account Revenue & Capital Financial Outturn 2020/21.
- Annual Performance Report 2020/21.

16 November 2021

- Half-Year Performance Report (Q1 & Q2) 2021/22.
- General Fund Revenue Budget Monitoring - Quarter 2 2021/22.
- General Fund Capital Programme Budget Monitoring 2021/22.
- HRA Budget Monitoring - Quarter 2 2021/22.

18 January 2022

- General Fund Revenue Budget Monitoring - Quarter 3 2021/22.
- General Fund Capital Programme Budget Monitoring 2021/22.
- HRA Budget Monitoring - Quarter 3 2021/22.
- Treasury Management Strategy Statement 2022/23 and Treasury Management Monitoring Report 2021/22.
- Draft General Fund Budget 2022/23.
- Draft Housing Revenue Account Revenue and Capital Original Budget 2022/23.

18 January 2022

- The committee members noted the Quarter 3 Performance Report 2021/22.

Waste Task and Finish Group

The Overview and Scrutiny Committee has powers to create Task and Finish Groups (T&F) on specific topics, giving members an in-depth look at the specific issues involved. At the meeting of O&S on 15 June 2021, it was agreed to create a Task and Finish Group in order to look at a number of issues around the council's waste and street-cleansing contract.

Review of the year from Chairman, Cllr Rebecca Shoob

In July 2021, the Waste Contract Task & Finish Group met with Veolia and council officers to establish what had gone wrong with the service and what lessons could be learned to ensure a swift return to the expected level of service.

Members challenged Veolia on a wide range of issues, including the extent to which IT systems had been piloted prior to full deployment, whether frontline staff had sufficient input to route changes, the impact on assisted collections and, crucially, plans for restoring the service.

The group reported its findings back to full committee, along with its recommendations, one of which was to invite Veolia back to a co-located meeting with Dover District Council's Overview and Scrutiny Committee.

This was held in November for members to further scrutinise Veolia's recovery plans and to satisfy themselves that the promised improvements were both deliverable and sustainable.

The T&F group met on three occasions. On 26 July 2021 senior officers from Veolia, officers from Folkestone & Hythe District Council and Dover District Council and FH&DC union representatives attended. The committee asked various questions. Using the information gained in that session, a series of recommendations were formulated. All eight recommendations were presented to and approved by O&S at its meeting on 7 September 2021.

The T&F group made several recommendations in relation to the service problems experience with the Veolia Route Optimisation Project. The recommendations were agreed and implemented. The waste collection service has greatly improved since the T&F group first met and is now operating at the expected service levels. Highlighted actions include:

- CLT reviewing the management and risk processes for the award and delivery of new contracts.
- The recommendations made by the T&F Group in relation to future route changes are agreed. These include the thorough testing of IT systems before implementation and the need for proactive communication to residents.
- The councils met regularly throughout the disrupted period with Veolia's senior management to impress upon them the need for proactive action to recover the service.
- Additional contact centre staff were engaged to provide additional capacity in managing customer issues. Veolia established its own call centre to handle missed bins from July to September which took calls directly. Focus groups with staff from all affected council services teams were held with the chief executive and senior managers. These sessions allowed staff to discuss concerns and put forward ideas for ways in which they could be supported further.
- The recommended joint O&S meeting with Dover District Council took place on 29 November 2021. Veolia management made a presentation which included updates on the recovery plan for the waste collection service. Veolia workforce representatives were also present and contributed their experiences of the route optimisation project and the recovery plan.
- The councils are using the measures available within the contract to seek compensation and the reimbursement of costs for the service problems experienced from the route optimisation project.



This report will be made public on 25 April 2022



Report number: **A/22/10**

To: Council
Date: 4 May 2022
Status: Non- executive decision
Responsible Officer: Amandeep Khroud, Assistant Director – Governance, Law and Regulatory Services

SUBJECT: ANNUAL SCRUTINY WORK PROGRAMME 2022/23

SUMMARY: This report presents recommendations for the work programme for the overview and scrutiny committee for 2022/23.

RECOMMENDATIONS:

1. To receive and note report A/22/10.
2. To approve the annual scrutiny programme for 2022-23 attached to this report.

1. INTRODUCTION

- 1.1 The overview and scrutiny procedure rules require that the work programme of the committee be approved at the annual meeting of the council (the programme can be a rolling one) as the annual scrutiny programme. See rule 7.2 of the overview and scrutiny procedure rules.
- 1.2 The Committee needs to consider what work programme should be adopted as the annual scrutiny programme. This report sets out the recommendations of the Overview and Scrutiny Committee.
- 1.3 The Overview and Scrutiny Committee performs all scrutiny functions on behalf of the Council.

2. RECOMMENDATIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE

- 2.1 In January 2022, suggestions for Scrutiny topics were sought from various sources, with the criteria that only issues which affected residents across the whole district would be considered.

In addition, the following topics would not be considered:

- Individual service complaints.
- Topics outside of the remit of the council, where the council has no powers or influence.
- Issues where Scrutiny has considered in the last 12 months
- Areas relating to quasi-judicial functions, ie Planning and Licensing.

The final list of topics included Member and officer suggestions, community concerns, policies which were due for renewal, and topics rolled over from the previous year's Scrutiny work plan.

- 2.2 These suggestions were then circulated to Members of the Overview and Scrutiny Committee, who were invited to score each item from 1-5 (5 highest, 1 lowest), based on each of the following criteria:
 - High general public concern,
 - Critical to council priorities and plans,
 - High financial value,
 - Risks in successful delivery.
- 2.3 Based on this, the nine highest scoring items were selected for the Scrutiny workplan, with an additional four in 'reserve' for the Committee. These 'reserve' items will allow for some flexibility in the workplan, in the event that the Committee is required to consider other urgent matters. There are also two additional items for the work plan which have been referred from Full Council. The Committee will also act as the Council's Crime and Disorder Committee and meet for that purpose at least once a year.

- 2.4 The Overview and Scrutiny Committee are due to consider the proposed programme at their meeting on 26 April 2022.
- 2.5 The recommended programme, including the scoring given by the Overview and Scrutiny Committee Members, is shown in Appendix 1.
- 2.6 The Committee will also act as the Council's Crime and Disorder Committee and meet for that purpose at least once a year.

3. RISK MANAGEMENT ISSUES

A summary of the perceived risks are as follows:

No perceived risks.

4. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

4.1 Legal officer's comments

There are no legal comments.

4.2 Finance officer's comments

Any financial implications arising from the overview and scrutiny work programme which is not covered by existing budgets will need to be considered within the council's medium term financial planning processes.

4.3 Diversities and equalities implications

There are no specific diversities and equalities Implications arising from this report.

5. CONTACT OFFICER AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting:

Jemma West – Committee Services Specialist

Tel: 01303 853369

Email: Jemma.west@folkestone-hythe.gov.uk

Appendices:

Appendix 1: Suggested Annual Scrutiny Work Programme 2022/23.

Background documents:

[Scoring for all items](#)

[Description of all items](#)

Appendix 1 – proposed Scrutiny Workplan 22/23

Item no	Topic	Total score
1	Otterpool Park LLP business plan	106
2	Otterpool Park stewardship	101
3	FOLCA phase 2	95
4	Regeneration of former gas works (Ship Street)	92
5	HRA Business Plan	91
6	Civic centre relocation	91
7	Levelling up fund bid	90
8	Review progress of climate emergency action plan	86
9	Decarbonisation plan for the HRA	85
	The items below are reserve items	
10	Parking in the district, and enforcement	85
11	Economic development strategy	84
12	UKSPF investment plan	83
13	Allocation of CIL monies	83
	The items below are statutory items or items referred by Full Council.	
14	PREVENT & Safeguarding (statutory item)	
15	Review of current situation for self-contained holiday lets (advertised on Airbnb and other such websites (Opposition business 24 November 21)	
16	Renewal of Statement for Community Involvement (Opposition Business 30 March 22)	

This Report will be made public on 25 April 2022



Report Number **A/22/07**

To: Council
Date: 4 May 2022
Status: Non - executive decision
Responsible Officer: Susan Priest, Chief Executive

SUBJECT: GOVERNANCE ARRANGEMENTS

SUMMARY: Following the report presented at the extraordinary meeting of Full Council on 10 February 2022, which summarised the work of the Governance Working Group and set out the various governance models available, Members are now asked to consider if they wish to make any changes to its governance arrangements to take effect from May 2023.

RECOMMENDATIONS:

1. To receive and note report A/22/07.
2. To consider if the Council:
 - a. should make any changes to its existing governance arrangements with effect from May 2023; and
 - b. if so, the nature of those changes.

1. INTRODUCTION

1.1 On 25 September 2019, Full Council resolved:

“That this Council believes that all Councillors should have the ability to participate fully in decision-making and that a range of governance options are available. This council believes that a cross party working group of all group leaders should be set up to consider the issues of moving to a committee system, or an alternative system, at the earliest opportunity reporting back to council.” Council 25 September 2019 (minute 43.2).

1.2 Following on from the decision a Governance Working Group was created, and it has subsequently met four times. At the meeting of the Governance Working Group held on 11 October 2021 it was agreed that a decision be put to Full Council at the Annual Meeting in May 2022 and, subject to that decision, any potential changes to existing governance arrangements would take effect from May 2023.

1.3 Since the original motion was proposed various changes have been made to the council’s existing governance arrangements. These changes, along with the progress against a set of agreed ‘goals for change’, are set out in Report A/21/22 which was noted by Full Council at the meeting on 10 February 2022 (minute 53), and is appended to this report as Appendix 1. The report also included an appendix prepared by the Centre for Governance and Scrutiny (CfGS) setting out the governance options available and factors for consideration. This is also appended to this report as Appendix 2.

2. OPTIONS

2.1 The report by CfGS (Appendix 2) sets out the different options for the model of governance the Council might wish to adopt.

2.2 The CfGS report reviews the three options which are as follows: - 1. Continue with the current arrangements (i.e. cabinet system); 2. Adopt a “hybrid” governance system; or 3. Adopt a committee system.

2.3 The matter is now before the Council for decision. If the Council wishes to change its governance arrangements, in other words move to a hybrid or committee system, it must pass a formal resolution to that effect. Once a resolution to change the governance arrangements has been made a further resolution changing the governance arrangements again cannot be passed for a period of five years.

2.4 If it is council’s desire to change the governance arrangements, the selected model will form the basis of the new design. Procedures and protocols will be drawn up to ensure that the model can operate efficiently and effectively in accordance with the design principles. The financial implications of any new governance structure are difficult to assess at this stage without first determining its details and will form part of any report on those details.

3. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

3.1 Legal Officer's Comments (AK)

Any legal issues are covered in the main body of the report.

3.2 Finance Officer's Comments (LW)

There are no financial implications arising directly from this report.

3.3 Diversities and Equalities Implications (GE)

There are no equality or diversity issues arising as a result of the report.

4. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

Jemma West

Phone: 01303 853 369

Email: Jemma.west@folkestone-hythe.gov.uk

APPENDICES

Appendix 1 – Report A/21/22 considered at Full Council on 10 February 2022

Appendix 2 – Report prepared by CfGS setting out options available.

The following background documents have been relied upon in the preparation of this report:

[Minutes of the Governance Working Group meetings.](#)

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This Report will be made public on 2 February 2022

Report Number **A/21/22**

To: Council
Date: 10 February 2022
Status: Non - executive decision
Responsible Officer: Susan Priest, Chief Executive

SUBJECT: CHANGE IN GOVERNANCE ARRANGEMENTS –
PROGRESS OF THE GOVERNANCE WORKING GROUP

SUMMARY: This report summarises the work of the group to date and sets out the various governance models available.

RECOMMENDATIONS:

1. To receive and note report A/21/22.
2. To note the work of the Governance Working Group.
3. To note the next steps, set out in paragraph 2.1 of the report.

1. INTRODUCTION

1.1 On 25 September 2019, Full Council resolved:

“RESOLVED:

That this Council believes that all Councillors should have the ability to participate fully in decision-making and that a range of governance options are available. This council believes that a cross party working group of all group leaders should be set up to consider the issues of moving to a committee system, or an alternative system, at the earliest opportunity reporting back to council.” Council 25 September 2019 (minute 43.2).

1.2 Following on from the decision, a Governance Working Group was created, and have met four times. As a result, various changes have been made to the council’s governance arrangements.

1.3 At their meeting on 27 February 2020, the Working Group agreed a set of Goals for Change in Governance. The goals were based on a series of conversations with Group Leaders, and discussion points made at the Working Group meetings. The update below sets out the goals agreed by members, and describes progress made against each of them (shown in italics).

1. Inclusiveness – more Councillors should be involved in making decisions. Currently (at the time of writing in January 2020), 7 out of the 30 Councillors make decisions in Cabinet. The aim should be to increase the percentage of Councillors who have a role in making policy and service decisions.

***Progress** – On 1 February 2020, both the Green and Lib Dem Group Leaders joined the Cabinet and the number of Members on the executive increased to 9. The Labour Group Leader was also invited to join at this time, but declined to accept the offer making the Labour group the only party not holding an executive position.*

Since February 2020, the Executive has consisted of 5 Conservative, 1 Lib Dem, 1 Green, 1 Independent group leader and 1 independent member.

Four of nine portfolio holders are not members of the largest political group. The 4 portfolios held are:

- District Economy – Independent group*
- Environment – Green group*
- Revenues, Benefits, Anti-Fraud and Corruption – Lib Dem group*
- Transport and Digital Transformation – Independent group*

Since the start of this broader more inclusive executive, there have been 20 meetings held (as at 31 January 2022).

In addition, the creation of a number of theme-based Working Groups has also resulted in many more members being included directly in contributing to policy and service decisions at an early stage. To date, a total of 38

Working Group meetings have been held (up to 31 January 2022) involving at least 30 members.

Name of Working Group	Start date / end date	Current Membership	Number of meetings
<i>Corporate Plan</i>	<i>6 November 2019 - 1 July 2020</i>	<i>Councillors Monk (Chair), Mrs Hollingsbee, McConville, Meyers, Prater and Whybrow</i>	<i>3</i>
<i>Otterpool Park</i>	<i>7 October 2019 – 23 July 2020</i>	<i>Councillors Monk (Chair), Fuller, Keutenius, J Martin, Mullard and Wimble.</i>	<i>8</i>
<i>Folkestone Town Centre</i>	<i>30 October 2019 – ongoing</i>	<i>Councillors Brook (Chair), Davison, Monk, Prater, Wade and Wimble.</i>	<i>10</i>
<i>Climate and Ecological Emergency</i>	<i>18 October 2019 – ongoing</i>	<i>Councillors Whybrow (Chair), Fuller, Hills, McConville, Meyers, Wimble</i>	<i>13</i>
<i>Governance working group</i>	<i>5 November 2019 - ongoing</i>	<i>Councillors McConville, Meyers, Monk, Prater, Whybrow and Wimble (Chaired by LGA/CfGS).</i>	<i>4</i>

In addition, since September 2019, members have been invited to attend a total of 14 Member briefings (as at 31 January 22), on various topics of interest to the council including Otterpool Park, the Folkestone Place Plan, the Climate Emergency, and a demo of MyAccount. All councillors are invited to attend these briefings.

- 2. Representation** – currently, some communities in Folkestone and Hythe, represented by the Green, Labour and Liberal Democrat parties, have no representation in the main decision making processes of the Council. Change should ensure that more communities feel represented in the way decisions are made, and ensure effective engagement with the public.

Progress – As per point 1, the executive now has broad representation from various wards, and political groups. In addition, the changes to Overview and Scrutiny have resulted in stronger pre-decision scrutiny through a clear well planned and articulated work plan which helps deliver

greater inclusiveness and representation (also see point 4 below). Furthermore, members of our communities were surveyed as part of the Corporate Plan preparatory work, and many more surveys and consultations have taken place to secure the views of residents and other interested parties in subsequent policy development and decision-making.

- 3. Accountability** – the current system of portfolio holders gives clear accountability and responsibility for the decisions that are made. Any change should ensure that clear accountability remains.

***Progress** – The current executive system with portfolio holders has not changed, but since the changes to broaden cabinet membership there are now 4 portfolio holders who are not Conservative members (see above, representing a 55% 45% split). In addition, the expectation now is that portfolio holders present reports to the Overview and Scrutiny Committee which clearly identify this broader member accountability for reporting, for policy development, for decision-making, and for subsequent service improvements.*

In addition, a published annual forward plan for scrutiny and for decision-making makes this aspect of accountability more transparent.

- 4. Effective Scrutiny** – strong scrutiny is to be encouraged. In particular, there should be more emphasis on pre-decision scrutiny to ensure that proposals are explored in detail before decisions are made. In a Committee system this can be achieved through ensuring that each Committee has a clear role in ensuring effective scrutiny. In a Cabinet system, the Overview and Scrutiny Committee can have a stronger and more influential role in decision making (eg the Kirklees model) and not just scrutinising decisions once they are made. A process for call in will remain necessary.

***Progress** – A lot of work has been undertaken in making the Scrutiny function more effective, with the support of the Centre for Governance and Scrutiny (CfGS). Previously, the OSC would see Cabinet reports the night prior to Cabinet, which gave them little opportunity to have any meaningful considered impact. One of the main changes made was that OSC would have an opportunity to scrutinise topics at an earlier stage in development. On 6 October 2020, the Scrutiny Committee adopted an Overview and Scrutiny and Cabinet Members protocol. In addition, the structure of the work plan was revised to allow an average of two topics per meeting (12 topics in total, 3 of which held as ‘reserves’), enabling the Committee an opportunity for more in-depth exploration and scrutiny on each topic. In addition, on 6 October 2020, the Committee agreed to create a dedicated Finance and Performance Scrutiny Sub-Committee to receive detailed finance and performance quarterly monitoring reports. The Sub-Committee is chaired by the Leader of the Opposition and has met 6 times thus far. These changes are still at a relatively early stage but offer a dedicated opportunity to discuss in detail the performance and budget matters of council.*

- 5. Efficiency** – the current model is reasonably streamlined. Any change should not increase the overall number of meetings that are held in any year and should be mindful of the capacity of Members and officers alike to attend or service meetings. Any change should not lead to any significant increase in the costs of the Council’s decision making.

***Progress** – The changes made to the Scrutiny function have focused the work of the Committee, allowing more time within each meeting to explore in depth the specific topics on the Scrutiny work plan of importance to members. Overall, many more meetings have been held (see above for a review of Working Groups and all member briefings) and in the current resource base there is no capacity to increase this further.*

- 6. Transparency** – the forward programme of decisions and the reasons for decisions, once made, should be communicated clearly to all Councillors and to residents and businesses in the District. The number of meetings held in private or confidential papers should be minimal.

***Progress** – The forward plan of cabinet decisions has been adapted to show forthcoming decisions for a three month rolling period, whereas previously only key decisions were published, as per the statutory duty of the council. This wider forward look has improved transparency in forthcoming decision-making.*

The number of confidential papers has been significantly reduced, and for the municipal year 2020/21, only 4 Cabinet reports out of a total 71 were considered in private, three related to contractual matters regarding the waste contract, and one related to the Otterpool Park Business Plan - financial plan. Where possible, reports now tend to have a ‘confidential annex’, allowing for debate to take place in public based on the available information with restricted information kept to the minimum on ‘pink’ papers. In addition, where appropriate, redaction of sensitive information is used to allow for items to be considered in public wherever possible.

In addition, the Folkestone Parks and Pleasure Grounds Charity Trustee meetings are now a meeting held in public with papers being treated in a similar way to those for council meetings.

Transparency remains a key element of focus in the current Corporate Plan and will continue to be an important issue embraced through the culture of the council.

2. NEXT STEPS

- 2.1 At the meeting of the Governance Working Group, held on 11 October 2021, it was agreed that a report prepared by the Centre for Governance and Scrutiny (CfGS), setting out the work to date and factors for consideration in changing governance models, be considered at Full Council in January/February. The report would be for noting, and a decision would then be put to Full Council at the Annual meeting in May 2022, and subject to that decision, any changes to existing governance arrangements would take effect from May 2023.

2.2 The report prepared by the CfGS is therefore set out at appendix 1 to this report.

3. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

3.1 Legal Officer's Comments (AK)

Any legal issues are covered in the main body of the report.

3.2 Finance Officer's Comments (LW)

There are no financial implications arising directly from this report

3.3 Diversities and Equalities Implications (GE)

There are no equality or diversity issues arising as a result of the report.

4. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

Jemma West

Phone: 01303 853 369

Email: Jemma.west@folkestone-hythe.gov.uk

APPENDIX 1 – CfGS report

The following background documents have been relied upon in the preparation of this report:

Minutes of the Governance Working Group meetings

FOLKESTONE & HYTHE: OPTIONS FOR GOVERNANCE CHANGE

1. This report has been prepared by the Centre for Governance and Scrutiny (CfGS) on the factors for consideration when contemplating governance changes. It has been prepared as an independent report, at the request of the Governance Working Group, following their meeting on 11 October 2021.

2. Background

- 2.1 *“That this Council believes that all Councillors should have the ability to participate fully in decision-making and that a range of governance options are available. This council believes that a cross party working group of all group leaders should be set up to consider the issues of moving to a committee system, or an alternative system, at the earliest opportunity reporting back to council.” Council 25 September 2019 (minute 43.2).*
- 2.3 Council made this resolution in 2019, and since then (subject to delay owing to the pandemic) steps have been taken to establish a working group to consider the topic in more detail, and to review options for change.
- 2.4 This paper sets out the result of this work, which has been led by Andrew Campbell at the LGA and more recently by Ed Hammond at the Centre for Governance and Scrutiny.

3. Goals for Change

- 3.1 A key element of this work was the early agreement of a set of “goals for change”, which set out design principles that need to be satisfied in the design of any new system. The approach of agreeing principles to govern the process is recommended in the CfGS publication “Rethinking governance”.
- 3.2 Members of the Working Group agreed the following “goals for change” in February 2020:
 1. **Inclusiveness** – more Councillors should be involved in making decisions. Currently, 7 out of the 30 Councillors make decisions in Cabinet. The aim should be to increase the percentage of Councillors who have a role in making policy and service decisions.
 2. **Representation** – currently, some communities in Folkestone and Hythe, represented by the Green, Labour and Liberal Democrat parties, have no representation in the main decision making processes of the Council. Change should ensure that more communities feel represented in the way decisions are made, and ensure effective engagement with the public.

3. **Accountability** – the current system of portfolio holders gives clear accountability and responsibility for the decisions that are made. Any change should ensure that clear accountability remains.
4. **Effective Scrutiny** – strong scrutiny is to be encouraged. In particular, there should be more emphasis on pre-decision scrutiny to ensure that proposals are explored in detail before decisions are made. In a Committee system this can be achieved through ensuring that each Committee has a clear role in ensuring effective scrutiny. In a Cabinet system, the Overview and Scrutiny Committee can have a stronger and more influential role in decision making (e.g. the Kirklees model) and not just scrutinising decisions once they are made. A process for call in will remain necessary.
5. **Efficiency** – the current model is reasonably streamlined. Any change should not increase the overall number of meetings that are held in any year and should be mindful of the capacity of Members and officers alike to attend or service meetings. Any change should not lead to any significant increase in the costs of the Council's decision making.
6. **Transparency** – the forward programme of decisions and the reasons for decisions, once made, should be communicated clearly to all Councillors and to residents and businesses in the District. The number of meetings held in private or confidential papers should be minimal.

4. Progress

4.1 Since the agreement of these goals, a number of tangible steps have been taken to improve current practice. Some of these include:

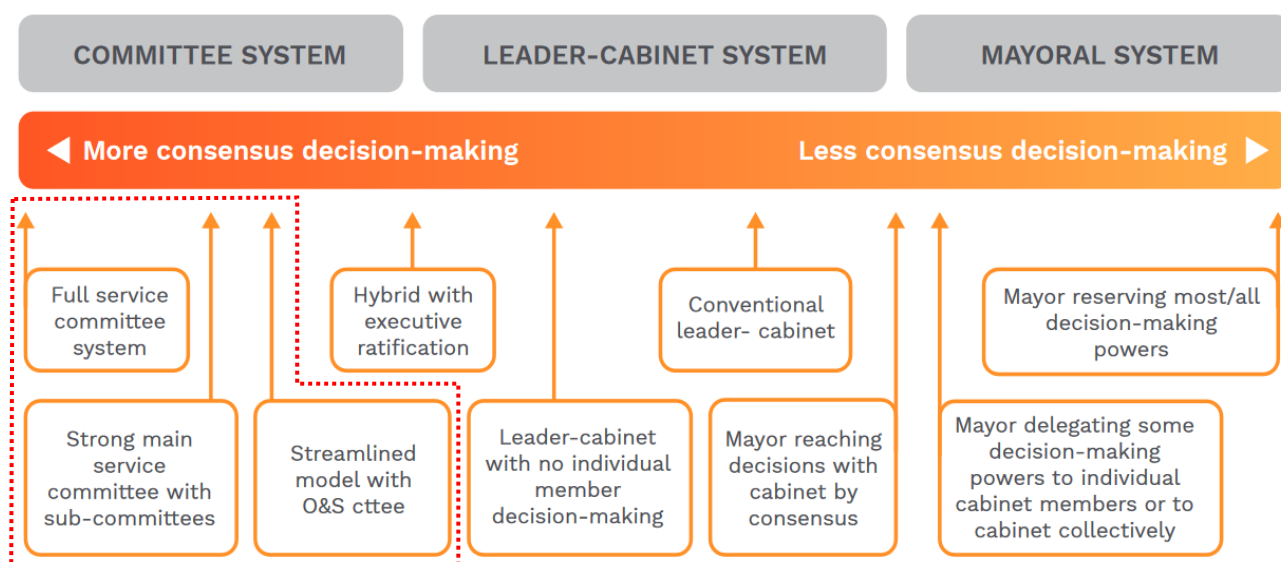
- Improvements to the scrutiny function, in particular the practice of pre-decision scrutiny and the regular review of performance and finance monitoring information. Members of the Working Group note that these arrangements are still relatively new;
- The introduction of a wide range of working groups and all-member briefings, drawing more councillors into decision-making and ensuring that they are all better informed. Members of the Governance Working Group note that attendance by members at some other working groups is fairly low;
- A reduction in the use of confidential papers to support decision-making, which Governance Working Group members have welcomed.
- Appointments to Cabinet have been made on a cross-party basis. An offer has been made to the Labour Group to take up places on Cabinet, but this is not an offer that they have been able to accept. It remains the case that a politically-balanced Cabinet cannot be formally specified in the constitution, and its continuation depends on the majority party.

5. The spectrum of opportunities

5.1 It is worth noting that there are no clear “pros and cons” between different models – the most important thing is culture - the behaviours, values and attitudes of those operating within the system. While structural change can help to embed changes to culture, it will not bring it about automatically. For example, while it is the case that under the leader-cabinet system a majority party holds all legal decision-making power, this is in a practical sense also the case on the committee system, where a

majority party would have most seats on any committee, and hence would be able to win any votes. Ultimately, this reflects the decision of electors.

- 5.2 Governance can most usefully be thought of as being a spectrum, with a range of models being available between those offering most consensus decision-making, to those offering least consensus decision-making – as shown in the diagram below.



6. Options overall

1. Continue with the current pace of evolution of the current arrangements;
2. Accelerate that change by adopting more obviously “hybrid” governance systems;
3. Formally change governance option by adopting the committee system (outlined in the red dotted line in the diagram above).

6.1 We recommend that members contemplate these options further.

6.2 Option 1: The current pace of evolution

A range of positive changes to governance have been made since the “goals for change” were agreed. While these may not have gone far enough for some members, and while some members may be uncertain about the prospect that evolution of the current system at the same pace will deliver their “goals for change”, we think that there may well be opportunities here that could well go some distance to meet expectations without requiring a significant shift to new governance arrangements which would inevitably come with a degree upheaval and disruption.

6.2.1 These might include:

Inclusiveness: more, and more effective, pre-decision scrutiny on matters that are complicated or contentious. Unlike under a hybrid or committee system this would focus member discussion on the matters of greatest importance – but this would require ways to agree on what those matters would be;

- 6.2.2 **Representation.** Cabinet would still be the primary decision-maker under this system. Additional opportunities to feed in would be informal, rather than being provided as a matter of right.
- 6.2.3 **Accountability.** Individual and collective accountability are clear in the Cabinet system, being provided for through both officer delegation and decision-making delegation to individual Cabinet members.
- 6.2.4 **Effective Scrutiny.** A key component of the Cabinet system is strong and effective scrutiny, and options also exist here for improvement. More, and more effective, pre-decision scrutiny along the lines discussed above is an obvious option. We also think that the opportunity is present to strengthen the way that councillors review and oversee performance information, and other management data about how services are delivered. In combination with member-led audit functions, there is also an opportunity to more generally strengthen financial scrutiny.
- 6.2.5 **Efficiency.** The leader/cabinet system is generally regarded as “efficient” inasmuch as it makes it easier to make decisions quickly and flexibly, and without convening significant numbers of meetings. However, it should be noted that taking action to enhance inclusivity, accountability and so on may negatively impact on “efficiency” in its narrowest sense.
- 6.2.6 **Transparency.** There are a variety of ways under leader/cabinet to enhance transparency. The council could publish process maps and flow diagrams demonstrating more clearly how different decisions are made. This could inform the Forward Plan. Consistent publication of background papers and systems for dealing with member enquiries (including overhauling relevant systems) have also been adopted elsewhere to enhance transparency. There are obviously resource implications for officers here.
- 6.3 **Option 2: Adopting “hybrid” governance systems**
- 6.3.1 Hybrid systems are generally (legally) leader-cabinet systems with committee system characteristics. This involves the introduction of more radical, structural changes to the way that the council does business.
- 6.3.2 A number of councils have chosen to adopt hybrid arrangements. This generally involves the creation of new formal member structures to provide spaces for member decision. This can for example involve:
- The conversion of scrutiny committees into policy development, or “pre-decision”, committees, where all matters due to be dealt with on the Cabinet agenda are brought before decision. These committees become a place for debate, and then a relevant recommendation is made to Cabinet, which effectively “rubber-stamps” those recommendations to convert them into a formal decision;
 - A similar system to that described above, but where the committees in question are committees of Cabinet, rather than scrutiny committees. Under this model, the chairs of these committees might be Cabinet members, who are empowered to make decisions based on the committee’s recommendations immediately. This can be seen as offering clarity over where accountability and oversight arrangements lie. However, we are aware that involvement in those committees may prove challenging for one minority party on the Council, which is not permitted by its national rules to be involved formally in decision-making systems.

- 6.3.3 Some councils operating hybrid systems will also establish a business committee for Council (often styled as a General Purposes Committee) to provide cross-party ownership for the Council's overall policy agenda.
- 6.3.4 These systems have been adopted in a number of councils and appear to work well. However, they raise some challenges (outlined below) which are pertinent to the "goals for change" and F&H's needs.
- 6.3.5 Assessing against the goals for change
- 6.3.6 **Inclusiveness.** A hybrid form of governance would increase the number of councillors involved in decision-making. However, legal decisions would still only be made by Cabinet, and where delegated to individual Cabinet members and officers, as under the current system. Legally, any new committees could only recommend the adoption of certain decisions, much like the various Working Groups can do now under the current system.
- 6.3.7 **Representation.** Under a hybrid system decision-making would still be the role and responsibility of Cabinet, even though arrangements would look and feel more pluralistic.
- 6.3.8 **Accountability.** Hybrid systems can "fudge" the issue of where a legal decision is made. Legally, Cabinet makes the decision although a political commitment is usually made that the decision will reflect the recommendation of a committee. However, that political commitment can be withdrawn, and this lack of stability and absolute certainty can cause problems in a council with complex political balance arrangements and/or where an issue under consideration is especially controversial.
- 6.3.9 **Effective Scrutiny.** Hybrid systems do not necessarily strengthen scrutiny. Where scrutiny committees are used as the vehicle for policy development discussions, there is the risk that wider challenge over the organisation's strategic direction can be lost, because these committees become de facto "decision-making" bodies rather than ones holding a decision-maker to account.
- 6.3.10 **Efficiency.** The risk is that councils operating hybrid arrangements end up establishing new committees and similar structures to provide more space for member discussion, and that these end up sitting in addition to Cabinet. For example, establishing cabinet committees and/or a separate General Purposes Committee, as set out above, would present significant risks here and demand additional resources.
- 6.3.11 **Transparency.** A hybrid system would not necessarily be automatically more transparent. It would be necessary to take additional steps – including those set out in the section above on "The current pace of evolution" – to achieve these measures.
- 6.3.12 We think that members should not take forward further discussion on the adoption of "hybrid" models, which involve significant structural changes. While these work for many councils, we do not consider that these align with members expectations as set out and agreed in the "goals for change".
- 6.4 **Option 3: A formal change of governance**
- 6.4.1 Councillors may alternatively consider that the best way to meet the goals for change would be to make a formal change to the council's governance system. Currently the council operates under the leader-cabinet system. Two alternative governance options are available – the committee system and the Mayoral system.

6.4.2 The three most common structural approaches for councils operating the committee system are:

- **A full-service committee system:** in which individual service committees have the freedom to make decisions in their remit, and cross-cutting decisions go to multiple committees for signoff. All the committees would be responsible for implementation in their relevant service area, working within the overall policy and budget framework as determined by full Council. Committees will also consider and develop policy for recommendation to Council for approval. The Working Group has established that this is not a model that would work for Folkestone and Hythe, not least because it would not meet the goal on “Efficiency”.
- **Strong main service committee with service committees:** in which a co-ordinating committee (which in most models usually has a name like “Policy and Resources” or “Strategy and Resources”) has an overarching role in setting corporate policy. This committee usually deals with major cross-cutting issues itself and may have the chairs of other committees sitting on it, and it may also set the agendas for those other committees.
- **Streamlined approach:** in which councils operate what was termed a “streamlined” model – with only a couple of service committees, a strategy and resources committee and (usually but not always) a separate scrutiny committee. The Working Group felt that, if it was concluded that a change in formal governance option was justified, this would be the preferred model.

6.4.3 Any new approach, which meets the “goals for change”, would need to take account of:

- Committees’ work programmes. Service committees can focus on policy development, but in order to influence forthcoming decisions members could reasonably expect to consider issues before a formal decision is developed. This satisfies members’ need for inclusivity but raises challenges on the weight of agendas – and the number of times that members might expect the same matter to be brought to a member forum before a decision is made. For more complex decisions, it might be better to run workshops for members or even to establish working groups – but this also raises serious challenges for workload. Councils operating the committee system take different approaches – in some, members’ involvement in decision-making is limited to discussing the matter in committee and then taking a vote, but this is not in line with the agreed goals for change;
- The frequency of committees. Not all committees have to meet with the same frequency, but meetings will need to be regular in order to ensure that decisions can be made promptly and effectively;
- The role of chairs. In some committee system councils, chairs are effectively “lead members”, taking responsibility for liaison with service departments and informal conversations with senior officers in the same manner as a cabinet member. The main difference is that the chair has to consider the interests of the wider committee, and presumably needs to act subject to the committee’s wishes. The constitution would need to be clear as to the roles and responsibilities of chairs – and the assignment of additional lead members for particular subjects if this is thought necessary to satisfy the “accountability” goal for change;
- The role of officers. Arrangements for the delegation of decisions may need to be different under the committee system. Councils operating the committee system often take the opportunity to consider powers of delegation in favour of members, sometimes by slightly reducing financial thresholds. Sometimes changes are

made, but more informally – for example by introducing an expectation that a committee will be consulted on the development of certain decisions.

6.4.4 Assessing against the goals for change

6.4.5 **Inclusiveness:** a wider range of members are directly involved in the legal act of decision-making. However, members will need to consider how, within the committee system, they expect also to be involved in policy development, and the conversations leading up to formal decision-making.

6.4.6 **Representation.** All parties have a stake in decision-making under the committee system, through taking votes in committee and at Council.

6.4.7 **Accountability.** Accountability for decision-making is held by all councillors in the committee system – however many councils have found it useful to identify “lead members” for specific issues to ensure that policies can be discussed and taken forward between meetings. These people would have no legal powers to make decisions but could be appointed by service committees to ensure that committee business is taken forward promptly and effectively by officers.

6.4.8 **Effective Scrutiny.** It is not a requirement of the committee system that councils appoint a scrutiny committee, and many have chosen not to. Councils who have chosen to appoint a scrutiny committee have tended to focus the work of that committee on matters external to the council (and in particular the role of partners). Scrutiny committees under the committee system can also provide assistance to service committees on monitoring performance, which is something that service committees can find themselves with limited time to do effectively.

6.4.9 **Efficiency.** While the committee system has in the past been criticised as “inefficient”, councils have managed to successfully design ways of working to ensure that decisions can be made quickly, flexibly and effectively. This requires terms of references of committees to be clear and, in particular, for there to be clear rules for managing decision-making where more than one committee’s interests are effective. It also requires that decisions not be subject to further review or onward reference to bodies such as Council.

6.4.10 **Transparency.** Councils operating the committee system usually find it necessary to overhaul systems to share information with councillors, as more councillors are involved in the decision-making process. The early sharing of reports in draft and the systematising of the way that management information is addressed seems to be an essential part of committee system operations. As noted above, there are resource implications on this for officers.

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This Report will be made public on 25 April 2022



Report Number **A/22/05**

To: Council
Date: 4 May 2022
Status: Non-Executive Decision
Responsible Officer: Ewan Green - Director of Place
Cabinet Member: Councillor David Monk – Leader of the Council

SUBJECT: Gambling Act 2005 – Update to the Statement of Principles

SUMMARY: The Gambling Act 2005 requires the council, in its role as the local licensing authority, to prepare a Statement of Principles related to the exercise of its local licensing of gambling. The Statement of Principles must be reviewed every three years and the current statement runs until April 2022. The Statement of Principles has been reviewed and updated to cover the next three year period from 2022 to 2025. This report seeks approval from Full Council to adopt and publish the updated statement.

RECOMMENDATIONS:

1. To receive and note report A/22/05.
2. To approve the updated Gambling Statement of Principles for the period 2022-2025.

1. BACKGROUND

1.1. Gambling activities (except the national lottery) are regulated by the Gambling Act 2005. The council is the local licensing authority for the purposes of the Act. The council has no role in regulating online gambling.

Its main functions are: -

- The grant of premises licences where gambling activities take place (including betting shops, bingo premises, betting tracks, adult gaming centres and family entertainment centres).
- Issuing permits for gaming machines and receiving notifications of use of gaming machines in premises licenced under Licensing Act 2003.
- Local enforcement of the Gambling Act 2005.

1.2. Within the district, there are currently: -

- 7 Betting Shops
- 4 Bingo premises
- 3 Family Entertainment Centres
- 4 Adult Gaming Centres
- 11 premises with gaming machine permits (including 2 unlicensed family centres)
- 44 premises licensed under the Licensing Act 2003, who have given notice of use of up to 2 gaming machines.

1.3. The Gambling Act 2005 requires the council, in its role as a licensing authority, to prepare a Statement of Principles related to the exercise of its licensing functions. The scope and content of the Statement of Principles is largely determined by the Gambling Act 2005 and guidance from the Gambling Commission.

1.4. The Statement of Principles must be reviewed every three years. The current statement was last updated in 2019 and runs until April 2022. The Statement of Principles has now been reviewed for the next three year period 2022 to 2025. A copy of the draft Statement of Principles is attached (Appendix 1).

1.5. Since the last review and the impact of the pandemic lockdowns much of the attention given to problem gambling and gambling addiction has focused on online betting and gaming websites, which are regulated directly by the Gambling Commission. However, studies (e.g. NHS) continue to identify 'in person' gambling particularly use of gaming machines as a 'pathway' risk to problem gambling.

2. THE DRAFT STATEMENT

- 2.1. The statement has been reviewed and updated based on current guidance from the Gambling Commission. There have been only minor changes to the guidance since the last review in 2019.

The main changes are as follows: -

- General update of references and area descriptions.
- Gambling Prevalence Statistics (p15) updated with the latest NHS study 2019.
- Clarification of the meaning of 'available for use' for access to gaming machine (p29).
- Update on the limits on the number of Category B gaming machines (p29, p32, p37-p38)

3. CONSULTATION

3.1. The updated statement was reported to the Planning & Licensing Committee on 25 January 2022. The committee agreed that the updated statement should proceed to public consultation and the Director of Place to approve any minor amendments to the final statement as a result of the consultation, before being presented to Full Council for approval and adoption. A public consultation period of 6 weeks ran from 26 January 2021 to 9 March 2021 inclusive. Consultation was undertaken with: -

- Responsible Authorities (listed in the draft statement)
- Town and Parish Councils
- Operators of Premise Licences and gaming machine permit holders in the District
- Gamble Aware
- Association of British Bookmakers
- British Amusement Catering Trade Association
- Office for Health Improvement and Disparities (formerly Public Health England)

3.2. The draft statement was also published on the council website with an invitation to submit relevant comments.

3.3. During the consultation only one response was received, this was from Gamble Aware who said that due to resource constraints with them being a small charity, they were not able to offer specific feedback on our policy.

3.4. It is now recommended that the Council approve the adoption of the updated Gambling Statement of Principles for the period 2022-25.

4. RISK MANAGEMENT ISSUES

4.1 The following risks are reported -

Perceived risk	Seriousness	Likelihood	Preventative action
Statement is contrary to the Gambling Act 2005	High	Low	Statement is drafted based on template and content as advised by the Gambling Commission.
Lack of consultation with public and statutory consultees			Consultation exercised undertaken.

5. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

5.1. Legal Officer's Comments (NM)

S349 of the Gambling Act 2005 requires that, every three years, licensing authorities prepare and publish the principles that they propose to apply in exercising their functions under this Act. Failure to do so would mean that the Council is failing in its statutory duty.

5.2. Finance Officer's Comments (TM)

There is no finance implications relating to this report.

5.3. Diversities and Equalities Implications (AR)

No equalities implications. The statement considers the protection of vulnerable persons and children as well as the impact of problem gambling.

6. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

Briony Williamson, Licensing Specialist
Telephone: 01303 853475
Email: briony.williamson@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

Appendices:

Appendix 1 – Folkestone & Hythe District Council - Draft Statement of Principles under the Gambling Act 2005 for the period 2022-2025

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Folkestone & Hythe District Council

STATEMENT OF PRINCIPLES FOR GAMBLING

Under Section 349 Of The Gambling Act 2005

Effective April 2022 – April 2025

Folkestone & Hythe District Council Statement of Principles for Gambling

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Foreword

Folkestone and Hythe District Council Statement of Principles for Gambling

This is the sixth edition of Folkestone and Hythe District Council's Statement of Principles for Gambling under the Gambling Act 2005. This edition has been comprehensively revised to reflect clearly the expectations of Folkestone and Hythe District Council in its role as a Licensing Authority.

We are required under the Gambling Act 2005 to produce a new policy on our approach to premises used for gambling every three years.

This Statement of Principles endeavours to carefully balance the interests of those who provide facilities for gambling and people who live, work in, and visit the Folkestone and Hythe district. Its focus is to aim to permit gambling, as required by section 153 of the Gambling Act 2005, in so far as it is (a) in accordance with the Gambling Commission's Licence Conditions and Codes of Practice; (b) in accordance with the Gambling Commission's Guidance to Licensing Authorities that is in effect at the time the application is considered; (c) reasonably consistent with the licensing objectives and (d) in accordance with this Statement of Principles. The three licensing objectives are:

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

Chapter One

Introduction and Overview

This Policy document includes the Statement of Principles for Gambling of the Folkestone & Hythe District Council effective from 12 April 2022.

Definitions Used in this Policy

'the Act' means the Gambling Act 2005

'the Council' means Folkestone & Hythe District Council

'the Commission' means the Gambling Commission established under the Gambling Act of 2005

'the Guidance' means the Guidance to Licensing Authorities published by the Gambling Commission

'Licensing Authority' means Folkestone & Hythe District Council

'Licensing Committee' refers to the committee of the Folkestone & Hythe District Council that considers licensing matters (Planning and Licensing Committee)

'licensable activities' means those activities that are required to be licensed by the Council under the Gambling Act 2005

'Licensing Sub Committee' refers to a Sub Committee of the Licensing Committee to consider licence applications

'relevant representations' means a representation conforming to the legal requirements of the Gambling Act 2005

'Regulations' refers to Regulations under the Gambling Act 2005 issued by the Secretary of State

'responsible authority' means the bodies designated under the Gambling Act 2005 and described in the Introduction to this Statement of Principles

'the Statement' refers to this Statement of Principles for Gambling

Introduction

1. Under Section 349 of the Gambling Act 2005, the Council is required to publish a Statement of Principles it proposes to apply when exercising its functions under the Act. The form of the Statement of Principles is set out in the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2007 and further guidance on what should be contained in the Statement of Principles can be found in the Gambling Commission's Guidance to Licensing Authorities.
2. The Licensing Authority is required by virtue of section 153 of the Gambling Act 2005 to aim to permit gambling in so far as it is (a) in accordance with the Gambling Commission's Licence Conditions and Codes of Practice; (b) in accordance with the Gambling Commission's Guidance to Licensing Authorities that is in effect at the time the application is considered; (c) reasonably consistent with the licensing objectives and (d) in accordance with this Statement of Principles.

3. The Gambling Commission issues Licence Conditions and Codes of Practice for gambling operators. Social Responsibility Codes have the force of a licence condition. The Gambling Commission also issue Ordinary Codes, which set out best industry practice. They are not licence conditions, but operators are expected to follow them unless they have alternative arrangements in place which they can demonstrate are equally as effective.
4. The Licensing Authority, when carrying out inspections of gambling operators, reserves the right to assess compliance with such matters set out in the Gambling Commission's Licence Conditions and Codes of Practice as it sees fit, and will share intelligence with the Gambling Commission about any issues of non-compliance in this respect.
5. The licensing objectives under the Gambling Act 2005 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.
6. The Council consulted widely upon this revised Statement of Principles from 26 January 2021 to 9 March 2021 . A list of persons consulted on the revised Statement can be found at Appendix One.
7. The Act requires the following to be consulted in the revision of the statement:
 - the Chief Officer of Police for the authority's area;
 - people and bodies representing the interests of persons in gambling businesses in the area;
 - people and bodies who represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
8. Nothing in this Statement of Principles overrides the right of any person to make an application, make representations about an application or apply for a review of a licence. Each will be considered on its own merits and in accordance with the statutory requirements of the Act.
9. In reviewing this Statement of Principles, the Council has had regard to the licensing objectives under the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission and to the responses arising from our consultation.

Responsible Authorities

10. The Council is required by regulations to state the principles it will apply in exercising its 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 principles are:

- the need for the body to be responsible for an area covering the whole of the Council's area; and
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
11. The Council designates Kent County Council Social Services to advise on the protection of children from harm under the Gambling Act 2005.
12. The full list of Responsible Authorities for Folkestone and Hythe District Council are as follows:

Chief Constable

Kent Police Headquarters
Sutton Road
Maidstone
ME15 9BZ

Kent Fire & Rescue Service

South Kent Group Fire Safety Office
Park Farm Road
Folkestone
CT19 5LT

Environmental Protection Team

Folkestone & Hythe District Council
Castle Hill Avenue
Folkestone
Ct20 2QY

Licensing Team

Folkestone & Hythe District Council
Castle Hill Avenue
Folkestone
CT20 2QY
licensing@folkestone-hythe.gov.uk

Planning Team

Folkestone & Hythe District Council
Castle Hill Avenue
Folkestone
CT20 2QY
Planning@folkestone-hythe.gov.uk

Kent Social Services

County Hall
Maidstone
ME14 1XQ
Social.services@kent.gov.uk

Health & Safety Team

Folkestone & Hythe District Council
Castle Hill Avenue
Folkestone
CT20 2QY
foodteam@folkestone-hythe.gov.uk

The Gambling Commission

Victoria Square House
Victoria Square
Birmingham B2 4PB
info@gamblingcommission.gov.uk

HM Revenue and Customs

Excise Processing Teams
BX9 1GL
UK
nrubetting&gaming@hmrc.gsi.gov.uk

Interested Parties

13. Interested parties are persons who may make representations to applications or apply to the Council for the review of an existing licence. These parties are defined in section 158 of the Act as a person who:
 - (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).
14. When determining whether a person is an interested party for the purposes of the Act, the Licensing Authority will not apply rigid rules but will treat each case on its merits.
15. In considering whether a person lives sufficiently close to a premises to be considered to be an interested party the following matters will be taken into account:
 - the size of the premises
 - the nature of the premises
 - the distance of the premises from the home or workplace of the person making the representation
 - the potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises)
 - the circumstances of the person and nature of their interests, which may be relevant to the distance from the premises.
16. In determining whether a person or organisation "has business interests" the Licensing Authority will adopt the widest possible interpretation and include trade associations, trade unions, partnerships, charities, faith groups, voluntary organisations such as hostels and medical practices, bodies for Gambling Addiction, as appropriate.
17. The Licensing Authority will regard bodies such as trade associations, trade unions, residents' and tenants' associations and professional advisors such as solicitors, barristers and consultants as capable of representing interested parties where they are satisfied that the interested party has asked for representation. The Licensing Authority will only regard representative bodies as interested parties in their own right if they have a member who can be classed as an interested person under the terms of the Act.
18. In principle, the Licensing Authority will allow any person to represent an interested party but will seek confirmation that the person genuinely represents the interested party. We will generally require evidence that a person/body (e.g. an advocate or relative) 'represents' an interested party. If persons representing interested parties are Councillors or Members of Parliament, then no specific evidence of being asked to represent an

interested person will be required so long as they represent the area likely to be affected.

19. If individuals wish to approach Councillors to ask them to represent their views those Councillors shall not sit on a Licensing Sub-Committee that meets to determine the licence application. If there are any doubts then either interested parties or Councillors should contact the Licensing Authority for advice.

Geographical Area Covered by this Statement of Principles

20. A map showing the geographical area covered by this Statement of Principles can be viewed at Appendix Two.

List of Bodies Consulted on this Statement of Principles

British Amusement Catering Trade Association (BACTA)
Association of British Bookmakers
Gamble Aware
The Gambling Commission
Kent County Council Public Health
Office for Health Improvement and Disparities
Operators of Betting Premises in Folkestone and Hythe District
Operators of Adult Gaming Centres in Folkestone and Hythe District
Operators of Family Entertainment Centres in Folkestone and Hythe District
Operators of Bingo Premises in Folkestone and Hythe District
Holders of Gaming Machine Permits in Folkestone and Hythe District
Holders of Club Gaming Permits in Folkestone and Hythe District
Holders of Club Machine Permits in Folkestone and Hythe District
Folkestone and Hythe DC Ward Councillors
Town and Parish Councils within the district

Exchange of Information

21. The Council will act in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission.
22. Section 29 of the Gambling Act 2005 enables the Gambling Commission to require information from Licensing Authorities (including the manner in which it is compiled, collated and the form in which it is provided), provided that it:
 - forms part of a register maintained under the Gambling Act 2005;
 - is in the possession of the Licensing Authority in connection with a provision under the Gambling Act 2005.
23. Section 350 of the Gambling Act 2005 allows Licensing Authorities to exchange information with other persons or bodies for use in the exercise of functions under the Act. These persons or bodies are:
 - A constable or Police force

- An enforcement officer
 - A Licensing Authority
 - HMRC
 - The First Tier Tribunal
 - The Secretary of State
 - Scottish Ministers
24. Information requests from such parties should be made to the Licensing Authority in writing, setting out clearly what information is required and the reason the information is required. The requirements of the Data Protection Act 2018 will be complied with. Freedom of Information requests can be submitted online at:
- <https://www.folkestone-hythe.gov.uk/your-council/council-information/request-council-information>
25. The Licensing Authority will also have regard to Guidance issued by the Gambling Commission to local authorities as well as any relevant regulations issued by the Secretary of State under the powers provided for in the Act.

Enforcement

26. The primary aim of enforcement is to achieve compliance. Though enforcement may be taken to mean the formal approach, it may also include advice and support to business to achieve compliance.
27. Inspections will be carried out on a risk basis. 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 be viewed as higher risk. 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 be considered higher risk.
28. Compliance may be achieved through encouraging a sense of community, improved communication, and proactive work with licensees and businesses. Such proactive work may include project work, giving advice and information, and initiatives that educate, inform and encourage partners and stakeholders to work together efficiently and effectively. The principal objective in taking a holistic approach to managing the gambling industry is to prevent problems from occurring before they begin.
29. However, it is recognised that such aims cannot always be achieved, and that active enforcement of the law may be the only effective means of securing compliance. To this end the following enforcement options are available to the Licensing Authority:

- verbal or written advice
 - verbal warning
 - written warning
 - mediation between licensees and interested parties
 - licence review
 - simple caution
 - prosecution
30. These actions are not mutually exclusive and it may be that one course of action follows another, depending on the individual circumstances.
31. 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.
32. The Kent & Medway Licensing Steering Group has formulated an Enforcement Protocol which each licensing authority and responsible authority has agreed. The purpose of the protocol is to facilitate co-operation and co-ordination between enforcement agencies and sets out general enforcement principles.
33. 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.
34. 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.
35. Premises found to be fully compliant will attract a lower risk rating. Those where breaches are detected will attract a higher risk rating.
36. The Licensing Authority will take appropriate enforcement action against those responsible for unlicensed premises/activity. Action will be carried out in accordance with these enforcement principles.
37. Before deciding which course of action to take, the Licensing Authority shall consider the following matters:
- the history of the premises
 - the history of the offender
 - the offender's attitude
 - the circumstances of the offence
 - whether the offender has a statutory defence to the allegations

- the impact or potential impact of the breach on the public
 - the quality of the evidence against the offender
 - the likelihood of achieving success in a prosecution
 - the likely punishment that will be incurred if the case goes to Court
 - whether the course of action proposed is likely to act as a deterrent
 - whether the course of action, if it is publicised, is likely to have a beneficial effect on the behaviour of others
38. The Licensing Authority will operate within the principles of natural justice and take into account the Human Rights Act 1998. This includes, in particular:
- Every person is entitled to the peaceful enjoyment of his possessions – a licence is a possession in law and persons may not be deprived of their possessions except where it is in the public interest;
 - Every person is entitled to a fair hearing.
39. The Licensing Authority officers are committed to the principles of good regulation as set out in the Regulators Code. This means our inspection and enforcement activities will be carried out in a way that is:
- Proportionate: only intervening when necessary. Remedies will be appropriate to the risk posed, and costs identified and minimised;
 - Accountable: able to justify our decisions, and be subject to public scrutiny;
 - Consistent: implementing rules and standards fairly in a joined-up way;
 - Transparent: acting in open way, and keeping conditions placed on Premises Licences simple and user friendly; and
 - Targeted: focusing on the problems, and aiming to minimise the side effects.

The Council's Functions

40. Councils, when acting as Licensing Authorities are required under the Act to:
- license premises where gambling activities are to take place by issuing Premises Licences
 - issue Provisional Statements
 - regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
 - issue Club Machine Permits to commercial clubs
 - grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
 - receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
 - 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
 - register small society lotteries below the prescribed thresholds

- issue Prize Gaming Permits
- receive and endorse Temporary Use Notices
- receive Occasional Use Notices for betting at tracks
- provide information to the Gambling Commission regarding details of licences, permits and other permissions issued
- Maintain registers of the permits and licences that are issued under these functions.

41. Councils are not involved in licensing online gambling, which is the responsibility of the Gambling Commission.

Duplication with Other Regulatory Regimes

42. The Licensing Authority will seek to avoid duplication with other statutory and regulatory regimes where possible, including planning. The Licensing Authority will not consider planning permission or building regulations approval when making decisions under the Gambling Act. Nor will it regard the granting of a licence, permit or permission as fettering the Council's ability to consider planning applications independently on their planning merits.

43. Applicants should be aware that the granting of a Premises Licence does not permit the operator to provide gambling facilities where to do so would breach other legislative requirements such as the requirement for appropriate planning consent to be held. It is the operator's responsibility to ensure all relevant legal requirements are met and to seek their own independent legal advice.

Gambling Prevalence and Problem Gambling

44. Research commissioned by the Gambling Commission as part of the Health Survey for England in 2018 (published 2019) found the following:

- 54% of people in England gambled in 2018
- 40% of people in England (excluding those who had only played National Lottery draws) gambled in 2018
- 0.5% of people in England identified as problem gamblers
- 3.5 % of people in England were at low or moderate risk of developing problems with their gambling

45. Figures published by Public Health England in September 2021 estimated the prevalence of problem gambling as 3.8% of people in England.

46. 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 loses. 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.

47. 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.

Chapter Two

Welcome to Folkestone and Hythe District Council

This section gives a description of Folkestone and Hythe District

General Description

48. The council is situated in the County of Kent, which contains 12 district councils and one unitary authority.
49. Folkestone and Hythe District covers an area of 35,670 hectares (140 sq. miles) on the East Kent coast about 75 miles from London. It has a population of around 113,330 (2021) most of whom live in the Folkestone and Hythe urban area, but there are also towns at Sandgate, Sellindge, Hawkinge, Lydd and New Romney. The north of the district is mainly rural and includes the villages of Lyminge and Elham.
50. The District occupies a key strategic position between the United Kingdom and mainland Europe at the end of the M20 motorway and with the Channel Tunnel and Lydd Airport providing gateways to continental Europe.
51. Demographics of the population are that it is 94.7 % White and 5.3% Black & Minority Ethnic. . Folkestone and Hythe District has an older age profile with a higher proportion of residents in the working age group from 45 years to retirement compared to the rest of Kent and Medway while there is low representation of residents in younger working age groups.
52. Folkestone and Hythe District Council is comprised of 13 wards. The main centre of population is in Folkestone. Folkestone has a town centre with a shopping complex. The Council manages many parks and open spaces. These include the Coastal Park, Radnor Park and The Leas. There are 32 miles of coastline from Folkestone to Dungeness. The beaches attract many tourists in season.

Chapter Three

Licensing Objectives and Local Area Risk Assessments

53. The Gambling Act 2005 contains three licensing objectives. In this revision of its Statement of Principles, the Licensing Authority seeks to assist applicants by setting out the considerations we will apply when determining applications under the Act.
54. Though Licensing Authorities are required to 'aim to permit' gambling, there is wide scope for them to impose conditions on Premises Licences or to reject, review or revoke Premises Licences where there is an inherent conflict with the relevant Licence Conditions and Codes of Practice issued by the Gambling Commission, the Guidance to Licensing Authorities issued by the Gambling Commission, the licensing objectives or this Statement of Principles.
55. Licensing Authorities are able to request any information from an operator they may require to make licensing decisions. The Gambling Act 2005 requires a minimum level of information to be provided, but the Gambling Commission state in their Guidance to Licensing Authorities that this does not preclude reasonable requests from Licensing Authorities for any additional information they may require to satisfy themselves their decisions accord with the licensing objectives and Codes of Practice.

Risk Assessment

56. The Licensing Authority expects applicants to have a good understanding of the area in which they either operate, or intend to operate. The applicant will have to provide evidence that they meet the criteria set out in this Statement of Principles and demonstrate that in operating the premises they will promote the licensing objectives.
57. The Gambling Commission introduced a Social Responsibility Code of Practice (Doc Ref 10.1.1) requiring operators of premises used for gambling to conduct local area risk assessments and an Ordinary Code stating this should be shared with the Licensing Authority in certain circumstances from May 2016.
58. The Licensing Authority expects applicants for Premises Licences in its area to submit a risk assessment with their application when applying for a new premises licence, when applying for a variation to a premises licence or when changes in the local environment or the premises warrant a risk assessment to be conducted again.
59. 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.
60. It is recommended that operators liaise with other gambling operators in the area to identify risks and consult with any relevant responsible authorities as necessary.
61. This Statement of Principles does not preclude any application being made and every application will be decided on its individual merits, with the opportunity given for the applicant to show how potential concerns can be overcome.
62. The Licensing Authority expects applicants to keep a copy of the local area risk assessment on the licensed premises and to ensure that all staff have seen the risk assessment, have received training in respect of its content, and are able to produce the risk assessment on request by an authorised officer of the Council, the Police or the Gambling Commission.

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

63. The Licensing Authority will consider whether the premises make, or are likely to make, a contribution to the levels of crime and disorder in an area and whether the applicant has demonstrated that he has, or intends to, implement sufficient controls to prevent the premises being a source of, and/or associated with crime or disorder, or being used to support crime, if the application is granted.
64. Where an area is known for high levels of crime (particularly crime associated with premises used for gambling), the Licensing Authority will consider whether gambling premises are suitable to be located there, and whether additional conditions may be necessary, such as the provision of CCTV, minimum levels of staffing and licensed door supervisors.

65. In terms of disorder, the Guidance to Licensing Authorities published by the Gambling Commission states, “Licensing Authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether Police assistance was required and how threatening the behaviour was to those who could hear or see it. There is not a clear line between nuisance and disorder and the Licensing Authority should take the views of its lawyers before determining what action to take in circumstances in which disorder may be a factor”.
66. The Licensing Authority will consider whether the layout, lighting, staffing and fitting out of the premises have been designed so as to minimise conflict and opportunities for crime and disorder.
67. The Licensing Authority will consider whether sufficient management measures are proposed or are in place to prevent the premises being a source of, or associated with crime or disorder, or used to support crime either as a place of association or to avoid apprehension.

Ensuring that gambling is conducted in a fair and open way

68. Though this licensing objective is primarily the responsibility of the Gambling Commission, the Licensing Authority will have a role in respect of the licensing of tracks (defined in section 121), where an Operator’s Licence from the Gambling Commission is not required. Matters to be taken into account will include:
 - whether the layout, lighting and fitting out of the premises have been designed so as to ensure gambling is conducted in a fair and open way.
 - whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way.
 - whether the management and operation of the premises is open and transparent.
 - whether the operators of the premises have been or will be fully cooperative with enforcement agencies.
 - whether the operator has a transparent procedure in place for dealing with consumer complaints that are available to all customers and implemented where necessary.
 - whether gaming machines are compliant with Gambling Commission Technical Standards in respect of machine livery requirements such as clear display of stakes, prizes, machine category and RTP.
 - whether the terms and conditions on which gambling products and promotions are offered and rules are clear and readily available to customers.
 - whether the Gambling Commission’s Licence Conditions and Codes of Practice have been complied with.

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

69. The Licensing Authority will consider the following when taking this licensing objective into account:
- whether the operator has a specific training programme for staff to ensure they are able to identify children and vulnerable people and take appropriate action to promote this objective to exclude them from the premises or parts of the premises;
 - if the premises is an adult only environment, whether the operator has taken effective measures to implement a proof of age scheme such as Think 21 to ensure no one under the age of 18 is admitted to the premises or restricted areas;
 - whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling;
 - whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling;
 - whether any promotional material associated with the premises could encourage the use of the premises by children or young people;
 - whether the operator can produce a record of underage challenges and action taken to establish age and prevent underage persons from being able to gamble;
 - whether the premises are located near to facilities that may encourage their use by vulnerable people, such as hostels for those with mental illness and/or addiction problems.
70. The Licensing Authority expects applicants to consider the measures necessary to promote the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. It is noted that neither the Act nor the Gambling Commission Guidance define the term 'vulnerable persons'. The Licensing Authority consider the term 'vulnerable persons' to include people who gamble more than they want to; people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, changes in circumstances such as bereavement, loss of employment or ill health or due to alcohol or drugs. This can cover anyone who, for physical or mental reasons, is unable to look after themselves or their finances.

Chapter Four

Premises Licences

71. Any person or business that wishes to offer gambling for which an Operating Licence from the Gambling Commission is required, and which is premises based, must apply to the Licensing Authority for a Premises Licence.
72. Premises Licences can authorise the provision of facilities on:
- (a) casino premises,
 - (b) bingo premises,
 - (c) betting premises including tracks and premises used by betting intermediaries,
 - (d) adult gaming centre premises, or
 - (e) family entertainment centres.
73. Matters the Licensing Authority may not take into account include:
- the expected demand for gambling premises in the area;
 - planning or building law restrictions;
 - moral or ethical objections to gambling as an activity;
 - dislike of gambling;
 - a general notion that gambling is undesirable.
74. All licences will be subject to mandatory and/or default conditions and conditions imposed by the Licensing Authority. The Licensing Authority may consider that conditions other than the mandatory or default conditions are necessary to ensure the premises are reasonably consistent with the licensing objectives, the Gambling Commission's Codes of Practice and this Statement of Principles.
75. The Licensing Authority will take decisions in accordance with the Gambling Commission's Guidance and Licence Conditions and Codes of Practice and will have regard to the advice which it issues from time to time. The Licensing Authority will monitor the operation of premises and report any potential breach of Operating Licence conditions to the Gambling Commission. Applicants for new Premises Licences or variations to existing ones should be clear that the premises are intended to be used for the primary gambling activity proposed. For example a betting Premises Licence application that has four gaming machines but no betting counter or associated betting facilities shown on the proposed plans would not be considered as offering the primary gambling activity in accordance with that indicated on the application.
76. The majority of Premises Licences will have mandatory and/or default conditions attached to the licence. The Licensing Authority can attach its own conditions to a Premises Licence if it believes this will promote the licensing objectives. Any conditions attached 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;
- relate to the scale and type of premises; and
- reasonable in all respects.

77. Certain matters set out in the Act may not be the subject of conditions. These are:

- conditions which make it impossible to comply with an Operating Licence
- conditions as to gaming machines that contradict the provisions in the Act
- conditions making activities, premises or parts of them operate as a membership club
- conditions on fees, winnings, stakes or prizes.

78. Conditions will be attached to individual licences on the basis of their merits. However, there will be a number of measures the Licensing Authority will commonly consider utilising in order to pursue the licensing objectives. These may include measures such as:

- the supervision of entrances;
- separation of gambling from non-gambling areas frequented by children;
- the supervision of gaming machines in premises not specifically for adult gambling and
- appropriate signage for adult only areas.

The Licensing Authority will expect the applicant to propose how the licensing objectives can be met effectively through the use of conditions.

Split Premises

79. 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.

80. 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'.

81. 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.

82. 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.
83. 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.
84. 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.
85. 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.
86. 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.
87. 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 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.”
88. 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.
89. 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.

90. 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.

Access to Premises

91. 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.
92. '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"> • The principal access to the premises must be from a 'street'; • No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons; • No customer must be able to access a casino directly from any other premises which holds a gambling premises licence.

Adult Gaming Centre	<ul style="list-style-type: none"> No customer must be able to access the premises directly from any other licensed gambling premises.
Betting Shop	<ul style="list-style-type: none"> Access must be from a 'street' or from other premises with a betting licence; 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.
Track	<ul style="list-style-type: none"> No customer must be able to access the premises directly from a casino or Adult Gaming Centre.
Bingo Premises	<ul style="list-style-type: none"> 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.
Family Entertainment Centre	<ul style="list-style-type: none"> 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.

Plans

93. The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 state that a plan to accompany an application for a Premises Licence must show:

- the extent of the boundary or perimeter of the premises
- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
- where the premises forms part of a building, the location of any external or internal walls of the building which are included in the premises
- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel which are included in the premises
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which exit leads.

94. The Regulations also state that other than in respect of a track, the plan must show 'the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence'. The Licensing Authority may, however, consider that these minimum requirements are insufficient to satisfy them in respect of the licensing objectives at tracks, Gambling Commission Guidance, Codes of Practice or its own Statement of Principles. In such cases, the Licensing Authority may ask for such additional information to be shown on the plan as it deems necessary to enable it to

discharge its duties effectively. Information shown on the plan that is not required by Regulations will not form part of the Premises Licence and will only be used by the Licensing Authority to help it make a considered decision on the application.

95. If plans change in any material respect during the lifetime of the licence, the applicant will be in breach of their licence and would either need to make a fresh application under s.159 or to seek an amendment to the licence under s.187 of the Gambling Act 2005. If the changes are substantial, this may, in the opinion of the Licensing Authority, render the premises different to those to which the licence was granted. In such cases, variation of the licence under s.187 would not be possible and an application for a new application would be required under s.159.

General Requirements for All Premises

96. The Licensing Authority expects all applicants for gambling Premises Licences to ensure there is adequate provision for staff to supervise persons using the licensed premises. This is to identify those who have self-excluded, vulnerable persons, under age persons, persons gambling beyond limits they have set for themselves, person who may be involved in crime, persons who may be prone to anti-social behaviour, persons who are drinking alcohol where this is prohibited and persons who are showing signs of distress in respect of their gambling.
97. Applicants must take the structure and layout of the premises into account when considering their own policies and procedures. For example, where it is not possible for counter staff to supervise persons using gambling facilities such as gaming machines, the Licensing Authority would expect applicants to volunteer conditions that floor walkers will be used or that counter staff will be able to view all areas of the premises on CCTV provided to the counter area where it can be clearly seen.
98. Arrangements must be made for how staff will deal with customers who become aggressive and for ejecting patrons who are, for example, self-excluded, vulnerable or under age. This will include staff training and ensuring there are appropriate numbers of staff to deal with problems.
99. Staff should be in a position to monitor entrances and gaming machines and challenges should be initiated at the earliest opportunity.
100. Where access to premises is age restricted, the Licensing Authority expects applicants to have a Think 21 policy in place and to train its staff in recognising acceptable forms of identification. Posters should also be displayed stating that the relevant policy is in place and that users may be challenged.
101. Licence holders should record details of persons who have self-excluded, persons who have been ejected or refused admission, persons who have been barred by the operator, and any instances of crime or disorder that occurs on, or in association with, the licensed premises.

102. Applicants should demonstrate how they will identify self-excluded persons.
103. Where applicable, operators shall be able to demonstrate they are participating effectively in the relevant multi-operator self-exclusion scheme.
104. Section 242 of the Gambling Act 2005 makes it an offence for a person to make a gaming machine available for use, where they do not hold an operating licence or other permission covering gaming machines and where no other exemption applies. The Act does not define what ‘available for use’ means, but the Commission considers that a gaming machine is ‘available for use’ if a person can take steps to play it without the assistance of the operator. The Gambling Commission provides further guidance - <https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/when-a-machine-is-available-for-use>

Casinos

105. There are currently no licensed casinos in the district and permission has not been granted for any.

Bingo

106. This policy applies to applications for a Bingo Premises Licence. Bingo has its ordinary and natural meaning and includes any version of the game irrespective of by what name it is described. A holder of a bingo Premises Licence will be able to offer bingo in all its forms.
107. Children and young persons are permitted in bingo premises, but may not participate in the bingo. If any Category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.
108. Section 172(7) of the Gambling Act 2005 as amended, provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. For example, a premises with a total of 25 gaming machines available for use can make five or fewer category B3 gaming machines available on that premises. Premises that were licensed before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. There are no restrictions on the number of category C or D machines that can be made available. Regulations state that category B machines at bingo premises are restricted to sub-category B3 (SI 2007/2158: [Categories of Gaming Machine Regulations 2007 \(opens in new tab\)](#)) (but not B3A) and B4 machines. Licensing authorities should ensure that gambling machines are made available for use in a manner consistent with our guidance within Part 16. For the purpose of calculating the category B machine entitlement in gambling premises, gaming machines should only be counted if they can be played simultaneously by different players without physical hindrance. This includes tablets.

109. 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.
110. 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.
111. In determining applications for bingo premises, the Licensing Authority shall consider the following:
- proof of age schemes
 - CCTV
 - entry control system
 - staff numbers
 - staff training
 - supervision of entrances/ machine areas
 - whether children are permitted on the premises and, if so, how the operator intends to prevent them from playing bingo or being able to access adult only machine areas
 - notices/ signage
 - opening hours
 - the times and frequency of which bingo is offered
 - whether bingo is offered by a caller or only electronically
 - whether the premises are clearly identifiable as being licensed for the purposes of offering bingo facilities
 - 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.
112. Young persons, aged 16 and 17, may be employed in bingo premises provided their duties are not connected with the gaming or gaming machines. The Licensing Authority will not grant licences unless the applicant demonstrates how they intend to meet this licensing objective and identify appropriate measures they will take to protect young employees.
113. Where hand held gaming devices are to be used on bingo premises, the Licensing Authority expects applicants to demonstrate how use of these devices will be monitored by staff.

Betting Premises

114. 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.
115. 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.
116. 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.

117. 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.
118. 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.
119. 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. Section 172(8) of the Gambling Act 2005 provides that

the holder of a betting premises licence may make available for use up to four gaming machines of category B, C or D. Regulations state that category B machines at betting premises are restricted to sub-category B2, B3 and B4 machines (the terminals commonly in use are able to provide both B2 and B3 content).

120. 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.

Betting Tracks and Other Sporting Venues

121. Tracks include premises where a race or other sporting event takes place, or is intended to take place. These may be subject to one or more than one Premises Licence, provided each licence relates to a specified area of the track. The Gambling Commission Guidance identifies that operators of track betting premises will not necessarily hold an Operating Licence issued by the Commission. The Licensing Authority will have particular regard to proposals and measures to ensure the environment in which betting takes place is suitable for betting and that betting is conducted in a fair and open way.
122. Examples of tracks include:
- Horse racecourses
 - Greyhound tracks
 - Point to point meetings
 - Football, cricket and rugby grounds
 - Athletics stadia
 - Golf courses
 - Venues hosting darts, bowls or snooker tournaments
 - Premises staging boxing matches
 - Sections of river hosting fishing competitions
 - Motor racing events
123. The offence of permitting a child or young person to enter gambling premises under section 47 of the Act does not apply to tracks. Therefore the Licensing Authority will consider the impact upon the objective of protection of children and vulnerable persons, the need to ensure that entrances to each type of licensed premises within the sporting venue are distinct, and that children are excluded from gambling areas which they are not permitted to enter.

124. The possibility of multiple licences at tracks is noted in Part 20 of the Gambling Commission Guidance. The Licensing Authority will expect the applicant for a Premises Licence to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities. Children and young persons are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but are still prevented from entering areas where gaming machines (other than Category D machines) are provided. Children and young persons are not prohibited from playing Category D machines on a track.
125. In determining applications for betting at tracks, consideration will be given to appropriate measures/licensing conditions to address the matters listed below:
- proof of age schemes such as Think 21
 - CCTV
 - entry control system
 - supervision of entrances/ machine areas
 - physical separation of areas
 - notices/ signage
 - opening hours
 - provision of responsible gambling information
 - provision of policies and procedures in relation to social responsibility measures as set out below
 - staffing levels
 - staff training and records of staff training
 - recording of incidents such as underage challenges, customer interactions for problem gambling, self-exclusions and complaints and disputes relating to gambling
 - details of action to be taken where an on course bookmaker has breached their Gambling Commission Operating Licence conditions repeatedly, for example where children have been able to gamble.

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.

126. Track betting operators must be able to demonstrate their adoption of socially responsible gambling policies and procedures. Such policies and procedures must ensure that track betting activities promote the licensing objectives of ensuring that gambling is conducted in a fair and open way and children and other vulnerable people are not harmed or exploited by gambling.
127. A track Premises Licence does not in itself entitle the holder to provide gaming machines. However, by virtue of section 172(9) of the Act, track owners who hold both a track Premises Licence AND a pool betting Operating Licence issued by the Gambling Commission (this currently only applies to greyhound tracks) may provide up to four Category B2 to D gaming machines on the track.

128. The Licensing Authority will consider the location of gaming machines at tracks, and applicants for track Premises Licences will need to demonstrate that, where the applicant holds or seeks a pool betting Operating Licence and is going to use their full entitlement to gaming machines, these machines are located in areas from which children are excluded. The applicant will be required to provide information as to what measures it will put in place around the gaming machines to ensure that children are excluded.
129. The Licensing Authority will expect applicants to include detailed plans for the track itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”), pool betting, and any other proposed gambling facilities. Plans should make clear what is being sought for authorisation under the track betting Premises Licence and what, if any, other areas are to be subject to a separate application for a different type of Premises Licence. Any such plans must also contain the information prescribed by regulations.
130. In respect of staff training, the Licensing Authority would expect staff involved with the provision of gambling facilities at the track to be trained in social responsibility measures including, but not limited to, age verification, problem gambling indicators and action to be taken, self-exclusion, complaints procedures and money laundering indicators and action to be taken. Records of such training should be retained by the track management showing the subjects the staff member was trained in and the date training took place. These should be signed off by the staff member and training should be refreshed at least annually.
131. The Licensing Authority expects track operators to have policies and procedures in place to deal with age verification, self-exclusion, money laundering, complaints and disputes and problem gambling as a minimum and to ensure that all staff involved in the provision of gambling facilities are aware of these policies and procedures and have been trained in their implementation.
132. The Licensing Authority expects track management to ensure appropriate problem gambling information is provided commensurate to the size and layout of the premises. This should be in the form of posters and also leaflets which a customer can take away. Leaflets should be provided in areas where they can be taken away discreetly by the customer.
133. Section 152 of the Act permits tracks to be the subject of multiple Premises Licences.
134. Access between premises licensed for gambling and non-gambling areas will be considered carefully by the Licensing Authority for the following reasons:
- To prevent operators from attempting to circumvent the Act by artificially sub-dividing premises and securing separate Premises Licences for its composite parts;
 - To ensure operators do not circumvent the regulations governing the maximum number of gaming machines that may be provided at specific

- premises;
- To ensure people who have entered premises to take part in one form of gambling are not exposed to another form of gambling;
- To ensure there is no direct access between gambling premises to which children have access and those which they are prohibited from entering;
- To ensure all gambling premises have publicly accessible entrances;
- To ensure gambling premises are not developed in 'back rooms' of other commercial premises.

Adult Gaming Centres (AGC's)

135. Adult gaming centre (AGC) Premises Licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a relevant Operating Licence from the Gambling Commission and must seek a Premises Licence from the Licensing Authority. Gaming machines are a form of gambling attractive to children and AGC's may contain machines of a similar format to the Category D machines on which children are allowed to play. However, persons under the age of 18 are not permitted to enter an AGC.
136. Gaming machine provisions by premises are set out at Appendix A. Section 172(1) of the Gambling Act, as amended. This section provides that the holder of an AGC premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. For example, a premises with a total of 25 gaming machines available for use can make five or fewer category B3 gaming machines available on those premises.
137. Premises subject to a licence granted before 13 July 2011 are entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever is the greater. AGC premises licences granted on or after 13 July 2011 are entitled to 20% of the total number of gaming machines only. Regulations specify that the category B machines should be restricted to sub-category B3 and B4 machines, but not B3A machines (S1 2158 [The Categories of Gaming Machine Regulations 2007 \(opens in new tab\)](#)). Licensing authorities should ensure that gambling machines are made available for use in a manner consistent with our guidance within [Part 16](#). For the purpose of calculating the category B machine entitlement in gambling premises, gaming machines should only be counted if they can be played simultaneously by different players without physical hindrance. This includes tablets.
138. Gaming machines provide opportunities for solitary play and immediate pay outs, and are therefore 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 [Social Responsibility Code Provision 3.5.6](#) requires that adult gaming centres must offer self-exclusion schemes to customers requesting such a facility. This is also a requirement under the Gambling Commission' Licence Conditions and Codes of Practice.

139. 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
- entry control system
- supervision of entrances/ machine areas
- physical separation of areas
- notices/ signage
- opening hours
- staffing levels
- staff training
- provision of problem gambling information
- self-exclusion schemes

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.

Family Entertainment Centres (FEC's)

140. Generally, FEC's must be operated by a person or body having an Operating Licence from the Gambling Commission. Unlicensed Family Entertainment Centres do not require the operator to have a Gambling Commission Operator's Licence or Premises Licence from the Licensing Authority, but do need to have a gaming machine permit as set out in the section on Permits. Unlicensed Family Entertainment Centres may only be used to provide Category D gaming machines.

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

142. 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 for Category C machines
- location of entry
- notices/ signage
- opening hours
- staffing levels
- staff training
- self-exclusion schemes
- provision of problem gambling information
- measures and training for dealing with children on the premises suspected of truanting.

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.

143. The Licensing Authority expects applicants to demonstrate adequate separation between the area in which Category C gaming machines are made available and areas of the premises to which children may have access. This will include whether physical separation is provided, staff supervision, signage and layout and presentation of the premises as a minimum. Operators should be aware of the risk of children entering adult only areas to speak to a parent who may be gambling in that area for example and have appropriate controls in place to reduce the risk of this.

Door Supervisors

144. The Gambling Commission Guidance advises that Licensing Authorities may consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, but there can also be a need for supervision to stop premises becoming a source of crime. Door supervisors at casinos or bingo premises are not required to be registered by the Security Industry Authority (SIA) under the Private Security Industry Act 2001. Door supervisors not directly employed by a casino or bingo operator do however have to be SIA registered.

145. For betting offices and other premises, the operator and/or the Licensing Authority may decide that supervision of entrances or machines is appropriate in particular cases. The Licensing Authority will make door supervision a requirement where there is evidence, from the history of trading at the premises or in the area that the premises cannot be adequately supervised by counter staff or that problem customers cannot be dealt with effectively by counter staff alone and that door supervision is both necessary and proportionate.

Provisional Statements

146. Following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the Premises Licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- (a) which could not have been raised by objectors at the provisional licence stage; or
 - (b) which in the authority's opinion reflect a change in the operator's circumstances.

Reviews

147. Requests for a review of a Premises Licence can be made by interested parties or responsible authorities, including the Licensing Authority. 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 matters listed below:
- any relevant Code of Practice issued by the Gambling Commission;
 - any relevant guidance issued by the Gambling Commission;
 - the licensing objectives;
 - this Statement of Principles.
148. The Licensing Authority may reject an application for review if it thinks the grounds on which the review is sought:
- a) are not relevant to the relevant code of practice or guidance issued by the Gambling Commission, the licensing objectives or the Licensing Authority's statement of principles;
 - b) are frivolous;
 - c) are vexatious;
 - d) 'will certainly not' cause the Licensing Authority to revoke or suspend the licence or to remove, amend or attach conditions on the Premises Licence;
 - e) are substantially the same as grounds cited in a previous application relating to the same premises (the Licensing Authority will consider the length of time that has passed since the earlier application in deciding whether this is a reasonable reason to reject the review application);
 - f) are substantially the same as representations made at the time the application for the Premises Licence was considered. While the Licensing Authority will consider the length of time that has passed since the representations were made, it will not normally review a licence on the basis of the same arguments considered on the grant of the Premises Licence.
149. General objections to gambling as an activity are not likely to be considered relevant reasons for a review. Other examples of irrelevant considerations include demand for gambling premises, issues relating to planning, public

safety and traffic congestion.

150. The Licensing Authority can initiate a review of a particular Premises Licence, or any particular class of Premises Licence, for any reason it believes is appropriate. This includes reviewing a Premises Licence on the grounds that a Premises Licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
151. The Licensing Authority may review any matter connected with the use made of a particular premises if it has reason to believe the Premises Licence conditions are not being observed, or for any other reason which gives it cause to believe a review may be appropriate.
152. A responsible authority or interested party may apply to the Licensing Authority to review a Premises Licence. Such reviews can be made in relation to, amongst other things if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address, where incidents that have adversely effected one or more licensing objectives have occurred at premises that could have been prevented if advice and guidance from a responsible authority had been heeded, or if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder.
153. As a review of a Premises Licence can lead to its revocation, the Licensing Authority will consider whether informal actions to ensure timely or immediate compliance have been exhausted prior to an application being made. The Licensing Authority accepts that an application for review may be appropriate without informal measures being taken, but will seek to establish that all options have been considered in determining review applications.

Chapter Five

Travelling Fairs and Permits

Travelling Fairs

154. The Act defines a travelling fair as 'wholly or principally' providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming machines but must comply with legal requirements about the way the machines are operated.
155. It will fall to the 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.
156. The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair. The 27 day statutory maximum for the land being used as a fair each calendar year 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. The Licensing Authority will keep a record of any travelling fairs that take place in Folkestone & Hythe District that offer gambling as an ancillary use to the fair. The Licensing Authority will ensure the 27 day statutory maximum for the land being used is not breached. The Licensing Authority will advise travelling fair operators if requested of the statutory time period remaining for the land they intend to use.

Permits

157. Permits regulate gambling and the use of gaming machines in a premises which do not hold a Premises Licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.

The Licensing Authority is responsible for issuing the following permits:

- a) unlicensed family entertainment centre gaming machine permits;
 - b) alcohol licensed gaming machine permits;
 - c) prize gaming permits;
 - d) club gaming permits and club machine permits.
158. The Licensing Authority can only grant or reject an application for a permit and cannot attach conditions. Therefore, the Licensing Authority will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

Unlicensed family entertainment centre gaming machine permits

159. This policy applies to those premises that are proposed to be used as Unlicensed Family Entertainment Centres (uFECs). uFECs are premises primarily used for making gaming machines available that offer only Category D gaming machines. An uFEC permit allows any number of these machines to be made available at the premises (subject to other considerations such as health and safety and fire regulations). Given that Category D machines have no age restrictions, these premises particularly appeal to children and young persons. Therefore, the Licensing Authority will give particular weight to matters relating to child protection issues.
160. The Licensing Authority will grant an application for a permit only if it is satisfied that the premises are used wholly or mainly for making gaming machines available for use, and following consultation with the Police.
161. The Licensing Authority will not grant uFEC permits where the premises are not primarily used for making gaming machines available for use in accordance with section 238 of the Gambling Act 2005. This will preclude granting permits to lobbies in shopping centres or motorway service areas for example.
162. In cases where an existing uFEC permit has been granted to premises not primarily used for making gaming machines available, the Licensing Authority shall refuse to renew such permits.
163. Applicants for uFEC permits are expected to provide a scale plan of the premises with their application showing:
 - The boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways where any category D gaming machines are positioned.
 - The location where any prize gaming will take place (including any seating and tables) and the area where any prizes will be displayed
 - The positioning and types of any other amusement machines or play areas on the premises
 - The location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area, the location of any ATM/cash machines or change machines.
 - the location of any fixed or temporary structures such as columns or pillars
 - The location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
 - The location of any public toilets in the building.

In addition applicants will be required to provide the following supporting documents:

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

164. The Licensing Authority will require applicants to demonstrate as a minimum:

- a full understanding of the maximum stakes and prizes of gambling that is permissible in unlicensed FECs;
- that problem gambling information will be provided in the premises commensurate with its size and layout;
- that the applicant has a written policy in place to deal with complaints and disputes which can be given to a customer on request;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)
- that staff are trained to recognise problem gambling and signpost a customer to problem gambling information;
- that staff have been trained in how to deal with complaints and disputes in line with the applicant's policy.

165. The Licensing Authority will expect the applicant to show there are policies and procedures in place to protect children and vulnerable people 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:

- measures/training for staff regarding suspected truant school children on the premises;
- measures/training covering how staff will deal with unsupervised very young children being on the premises;
- measures/training covering how staff would deal with children causing perceived problems on or around the premises.

Automatic entitlement to two gaming machines

166. Premises licensed to sell alcohol on the premises under the Licensing Act 2003 are automatically entitled to provide two gaming machines of Category C and/or

D. The holder of the Premises Licence under the Licensing Act 2003 must notify the Licensing Authority of their intention to make the gaming machines available for use and must pay the prescribed fee.

167. This entitlement only relates to premises with a Licensing Act 2003 Premises Licence that authorises the sale of alcohol for consumption on the premises and which contain a bar at which alcohol is served without the requirement that alcohol is only sold ancillary to the provision of food.
168. Licensees siting gaming machines must comply with the relevant Gambling Commission Code of Practice.
169. Licensees must be aware that gaming machines can only be supplied by a person holding an Operating Licence from the Gambling Commission enabling them to do this. A register of licensed suppliers can be found on the Gambling Commission's website at www.gamblingcommission.gov.uk.
170. In the event that the relevant authorisation under the Licensing Act 2003 is transferred, lapses or is revoked, the automatic entitlement to two gaming machines ceases to have effect and a new notification will need to be served on the Licensing Authority.
171. The Licensing Authority will 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 provision of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or
 - An offence under the Gambling Act has been committed on the premises.

Permit for three or more gaming machines

172. This policy applies to alcohol licensed premises that propose to have three or more gaming machines. Licensed premises wishing to have three or more gaming machines of Category C or D must apply to the Licensing Authority for a permit. This permit will replace the automatic entitlement to two gaming machines rather than be in addition to it and the holder must comply with the relevant Gambling Commission Code of Practice.
173. As gaming machines provide opportunities for solitary play and immediate pay outs, they are more likely to engender repetitive and excessive play. The Licensing Authority, on considering an application, will consider whether

granting a permit would be appropriate on a case by case basis, but will specifically have regard to:

- the need to protect children and vulnerable people from harm or being exploited by gambling;
- measures taken by the applicant to satisfy the Licensing Authority that there are sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines;
- whether the applicant has an effective policy in place for handling customer complaints or disputes about the gaming machines.

174. The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures may cover issues such as:

- the adult machines being in the sight of staff who will monitor that the machines are not being used by those under 18 and look for signs of problem gambling, attempts to cheat the machine, or suspected money laundering;
- notices and signage;
- the provision of information leaflets or helpline numbers for organisations who can assist with problem gambling.

175. If the Licensing Authority is not satisfied that appropriate measures have been taken by the applicant to comply with this policy, it may refuse to grant the permit, or it may vary the number or category of gaming machines authorised by the permit.

176. The Licensing Authority may cancel a permit or may vary the number or category (or both) of gaming machines authorised by it if:

- (a) it would not be reasonably consistent with pursuit of the licensing objectives for the permit to continue to have effect,
- (b) gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit,
- (c) the premises are mainly use or to be used for making gaming machines available, or,
- (d) an offence under the Gambling Act 2005 has been committed on the premises.

177. Before the Licensing Authority cancels or varies a permit it will give the permit holder 21 days' notice of its intention and allow him/her the opportunity to make a representation. If the permit holder requests a hearing the Licensing Authority will arrange a Licensing Sub-Committee hearing to consider the permit holder's representation and any other evidence available before making its determination.

178. When determining an application for an alcohol-licensed premises gaming machine permit, the Licensing Authority will consider each application on its own merits.

Prize Gaming Permits

179. This policy applies to applications for, or renewals of, Prize Gaming Permits. Gaming is prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.
180. Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.
181. Given that the prize gaming will particularly appeal to children and young persons, the Licensing Authority will give weight to child protection issues.
182. The applicant will be expected to set out the types of gaming that they are intending to offer and will also be expected to demonstrate:
- an understanding of the limits to stakes and prizes set out in regulations;
 - that the gaming offered is within the law;
 - clear policies that outline the steps to be taken to protect children and vulnerable persons from harm.
183. The Licensing Authority will only grant a permit after consultation with the Police. This will enable the Licensing Authority to determine the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming, the suitability of the premises in relation to their location, and issues about disorder.
184. There are conditions in the Act with which the permit holder must comply, though 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.

Club Gaming and Club Machine Permits

185. Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs such as snooker clubs run on a profit basis may apply for a club machine permit. Each type of permit allows the provision of different types of gaming and provision of game machines. The current entitlements can be found by visiting the Gambling Commission's website (www.gamblingcommission.gov.uk).
186. A commercial club is defined as a club where membership is required but the club is operated for commercial gain.
187. A non-commercial club is a club where no commercial gain is made. A non-commercial club must meet the following criteria to be considered a members' club:
- it must have at least 25 members;
 - it must be established and conducted wholly or mainly for purposes other than gaming (with the exception of bridge or whist);
 - it must be permanent in nature;
 - it must not be established to make a commercial profit;
 - it must be controlled by its members equally.

Examples of these include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

188. The Licensing Authority 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.
189. There is also a "fast-track" procedure available under the Act for premises that hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which a Licensing Authority can refuse a permit are reduced. The grounds on which an application under this process may be refused are that:

- (a) the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - (b) in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - (c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.
190. There are statutory conditions on club gaming permits that no child may use a Category B or C gaming machine on the premises and that the holder complies with any relevant provision of a Gambling Commission Code of Practice about the location and operation of gaming machines.
191. The Licensing Authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit. In order to do this, it may require proof of additional information from the operator such as:
- is the primary activity of the club something other than gaming?
 - are the club's profits retained solely for the benefit of the club's members?
 - are there 25 or more members?
 - are the addresses of members of the club genuine domestic addresses and do most members live reasonably locally to the club?
 - do members participate in the activities of the club via the internet?
 - do guest arrangements link each guest to a member?
 - is the 48 hour rule being applying for membership and being granted admission being adhered to?
 - are there annual club accounts available for more than one year?
 - how is the club advertised and listed in directories and on the internet?
 - are children permitted in the club?
 - does the club have a constitution and can it provide evidence that the constitution was approved by members of the club?
 - is there a list of Committee members and evidence of their election by the club members?
192. When examining the club's constitution, the Licensing Authority would expect to see evidence of the following:
- Who makes commercial decisions on behalf of the club?
 - Are the aims of the club set out in the constitution?
 - Are there shareholders or members? Shareholders indicate a business venture rather than a non-profit making club.
 - Is the club permanently established? (Clubs cannot be temporary).
 - Can people join with a temporary membership? What is the usual duration of membership?
 - Are there long term club membership benefits?
193. 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.

Chapter Six Notices

Temporary Use Notices

194. This policy applies to applications for Temporary Use Notices. Temporary Use Notices allow the use of premises for gambling where there is no Premises Licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for gambling would include hotels, conference centres and sporting venues.
195. The Licensing Authority can only grant a Temporary Use Notice to a person or a company holding a relevant Operating Licence.
196. Currently, Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.
197. The Licensing Authority, in considering applications for Temporary Use Notices, will consider whether gambling should take place, or should only take place with modifications to the TUN. In doing so, the Licensing Authority will consider:
 - the suitability of the premises;
 - the location of the premises, paying particular attention to its proximity to any schools, hostels or other sensitive premises;
 - the CCTV coverage within the premises;
 - the ability of the premises to provide sufficient staff and/or licensed door supervisors for the notice period;
 - whether the premises or the holder of the Operating Licence have given the Licensing Authority any cause for concern at previous events in relation to the licensing objectives, the guidance issued by the Gambling Commission, the relevant code of practice or this Statement of Principles.

Occasional Use Notices

198. The Licensing Authority has very little discretion on Occasional Use Notices for betting at tracks aside from ensuring the statutory limit of eight days a calendar year is not exceeded. The Licensing Authority will consider the definition of a “track” and whether the applicant can demonstrate they are responsible for the administration of the “track” or an occupier, and thus permitted to avail themselves of the notice. The definition of “track” in the Act is wider than dog tracks or horse racecourses and includes places where races or other sporting events take place. This could include major halls, hotels and other venues. If notices are given for a single track which would permit betting to occur for more than eight days per year, the Licensing Authority is obliged to issue a counter notice preventing such a breach occurring.

Chapter Seven

Small Society Lotteries

199. The Gambling Act 2005 provides that promoting or facilitating a lottery is illegal, unless it falls into one of two categories of permitted lottery, namely:
- licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences
 - exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Act, including the small society lottery.

Definition of lottery

200. A lottery is any arrangement that satisfies all of the criteria contained within the statutory description of either a simple lottery or a complex lottery, under s.14 of the Gambling Act 2005.
201. An arrangement is a simple lottery if:
- persons are required to pay to participate
 - one or more prizes are allocated to one or more members of a class
 - the prizes are allocated by a process which relies wholly on chance.
202. An arrangement is a complex lottery if:
- persons are required to pay to participate
 - one or more prizes are allocated to one or more members of a class
 - the prizes are allocated by a series of processes
 - the first of those processes relies wholly on chance.

Definition of society

203. A 'society' is the society, or any separate branch of such a society, on whose behalf a lottery is to be promoted. Section 19 of the Gambling Act 2005 defines a society as such if it is established and conducted:
- for charitable purposes, as defined in s.2 of the Charities Act 2006
 - for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
 - for any other non-commercial purpose other than that of private gain.
204. It is inherent in this definition that the society must have been established for one of the permitted purposes as set out in s.19 of the Act, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.

205. Participation in a lottery is a form of gambling. Lotteries must be conducted in a socially responsible manner and in accordance with the Act.
206. The minimum age for participation in a lottery is sixteen. The holder of a small society lottery registration must take reasonable steps to ensure that all those engaged in the promotion of their lottery understand their responsibilities for preventing underage gambling, returning stakes and not paying prizes to underage customers.

External Lottery Managers

207. External lottery managers (ELM's) are required to hold a lottery operator's licence issued by the Gambling Commission to promote a lottery on behalf of a licensed society.
208. However, individuals or firms can and do provide services to a society or local authority lottery without assuming the role of an ELM. When determining whether a third party is a 'service provider' only, or has assumed the role of an ELM, the degree of management undertaken by both the promoter and the sub-contractor will be crucial factors. Key indicators will include:
 - who decides how the lottery scheme will operate
 - who appoints and manages any sub-contractors
 - the banking arrangements for handling the proceeds of the lottery
 - who sells the tickets and pays the prizes
 - who controls promotional aspects of the lottery.
209. Societies employing an unlicensed ELM may be committing an offence and they will need to satisfy themselves that any ELM they employ holds the relevant operator's licence issued by the Commission. The Commission publishes a register of operating licences on its website at www.gamblingcommission.gov.uk.

Lottery Tickets

210. Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). All tickets must state:
 - the name of the promoting society
 - the price of the ticket, which must be the same for all tickets (e.g. there can be no option to 'buy two tickets, get one free')
 - the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is one, the ELM
 - the date of the draw, or information which enables the date to be determined.

211. The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it.
212. The society should maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw. The Licensing Authority may wish to inspect the records of the lottery for any purpose related to the lottery.

Where tickets may be sold

213. The Licensing Authority expects holders of small society lottery registrations not to sell lottery tickets to a person in any street. For these purposes 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. Tickets may, however, be sold in a street from a static structure such as a kiosk or display stand. Tickets may also be sold door to door. Licensees must ensure that they have any necessary local authority permissions, such as a street trading licence, in order to do this.

Prizes

214. Prizes awarded in small society lotteries can be either cash or non-monetary. Prizes declared on returns must not exceed the limits on prizes set out by the Act - in effect that combined with any expenses incurred with the running of the lottery, such as managers' fees, they must not comprise more than 80% of the total proceeds of the lottery. Donated prizes would not be counted as part of this 80% (as no money would be withdrawn from the proceeds to cover their purchase) but are still subject to the limit on a single maximum prize of £25,000 and should be declared on the return following the lottery draw.
215. Alcohol should not be offered as a prize in a lottery without the society first ensuring that no Licensing Act 2003 consent is required for this from the Licensing Authority. If such consent is required, then alcohol shall not be offered as a prize unless such consent has been obtained.

Small society registration

216. The promoting society of a small society lottery must, throughout the period during which the lottery is promoted, be registered with a Licensing Authority. Parts 4 and 5 of Schedule 11 of the Act set out the requirements on both societies and Licensing Authorities with respect to the registration of small society lotteries.
217. The Licensing Authority, with which a small society lottery is required to register, must be in the area where their principal office is located.
218. Licensing authorities are required by paragraph 44 of Schedule 11 of the Act to record details of the society on a register. While it does not have to be a public register, the Commission recommends that licensing authorities make the register available to the public on request.

219. Once the application for registration has been accepted and entered on the local register, the licensing authority must then notify both the applicant and the Commission of this registration as soon as practicable.
220. Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all necessary documents required by the Licensing Authority to assess the application. This information shall include a copy of the society's terms and conditions and their constitution to establish that they are a non-commercial society.
221. Societies may not circumvent the requirement to hold a Gambling Commission Lottery Operating Licence by obtaining two or more registrations with the same or different Licensing Authorities. As set out previously, the Act states that a society lottery is a large lottery if the arrangements for it are such that its proceeds may exceed £20,000 in a single lottery, or if the aggregate proceeds in a calendar year exceed £250,000.
222. In cases where a society has separate branches with different aims and objectives, it is acceptable for them to hold more than one licence or registration. However, in cases where a society holds more than one registration and the aims and objectives of those societies are the same, this may constitute a breach of the threshold limits for small society lotteries set out in Schedule 11 of the Act.
223. By virtue of Schedule 11 paragraph 31(5) of the Act, societies may not hold an Operating Licence with the Gambling Commission and a local authority registration with the same aims and objectives at the same time. This paragraph also provides for a statutory period of three years during which a large society cannot convert to small society status.
224. Registrations run for an unlimited period, unless the registration is cancelled.

Refusal of registration

225. The Licensing Authority may propose to refuse an application for any of the following reasons:
- An operating licence held by the applicant for registration has been revoked or an application for an operating licence made by the applicant for registration has been refused, within the past five years. The Commission will be able to advise the details of people and organisations that have been refused an operating licence or have had an operating licence revoked in the past five years. Licensing Authorities should consult the Commission as part of their consideration process.
 - The society in question cannot be deemed non-commercial.
 - A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, listed in Schedule 7 of the Act.
 - Information provided in or with the application for registration is found to be false or misleading.

226. The Licensing Authority may only refuse an application for registration after the society has had the opportunity to make representations. These can be taken at a formal hearing or via correspondence. The Licensing Authority shall inform the society of the reasons why it is minded to refuse registration and provide it with at least an outline of the evidence on which it has reached that preliminary conclusion, in order to enable representations to be made.
227. Representations will be heard by a licensing subcommittee.

Revocation of a small society's registered status

228. The Licensing Authority may revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and provide them with the evidence on which it has reached that preliminary conclusion.
229. Representations will be heard by a licensing sub-committee.

Administration and returns

230. The Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery. If a small society lottery does not comply with these limits it will be in breach of the Act's provisions, and consequently be liable to prosecution.
231. The limits are as follows:
- at least 20% of the lottery proceeds must be applied to the purposes of the society (Schedule 11, paragraph 33)
 - no single prize may be worth more than £25,000 (Schedule 11, paragraph 34)
 - rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000 (Schedule 11, paragraph 35)
 - every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed (Schedule 11, paragraph 37).
232. Paragraph 39 of Schedule 11 in the Act sets out the information that the promoting society of a small society lottery must send as returns to the Licensing Authority with which it is registered, following each lottery held. This information allows Licensing Authorities to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose. The following information must be submitted:
- the arrangements for the lottery - specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes,

- including any donated prizes and any rollover
- the total proceeds of the lottery
- the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers
- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery
- the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds) whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.

233. Paragraph 39 of Schedule 11 in the Act also requires that returns must:

- be sent to the Licensing Authority no later than three months after the date of the lottery draw, or in the case of 'instant lotteries' (scratch cards) within three months of the last date on which tickets were on sale
- be signed (electronic signatures are acceptable if the return is sent electronically) by two members of the society, who must be aged 18 or older, are appointed for the purpose in writing by the society or, if it has one, its governing body, and be accompanied by a copy of their letter or letters of appointment.

234. The Gambling Commission may inspect a society's returns, although it will not routinely do so. The Licensing Authority is required to retain returns for a minimum period of three years from the date of the lottery draw. They must also make them available for inspection by the general public for a minimum period of 18 months following the date of the lottery draw.

235. The Licensing Authority will monitor the cumulative totals of returns to ensure that societies do not breach the annual monetary limit of £250,000 on ticket sales. The Licensing Authority must notify the Commission if returns reveal that a society's lotteries have exceeded the values permissible, and such notifications will be copied to the society in question. The Gambling Commission will contact the society to determine if they are going to apply for a lottery operator's licence, thereby enabling them to run large society lotteries lawfully, and will inform the Licensing Authority of the outcome of its exchanges with the society.

Appendix One Consultation

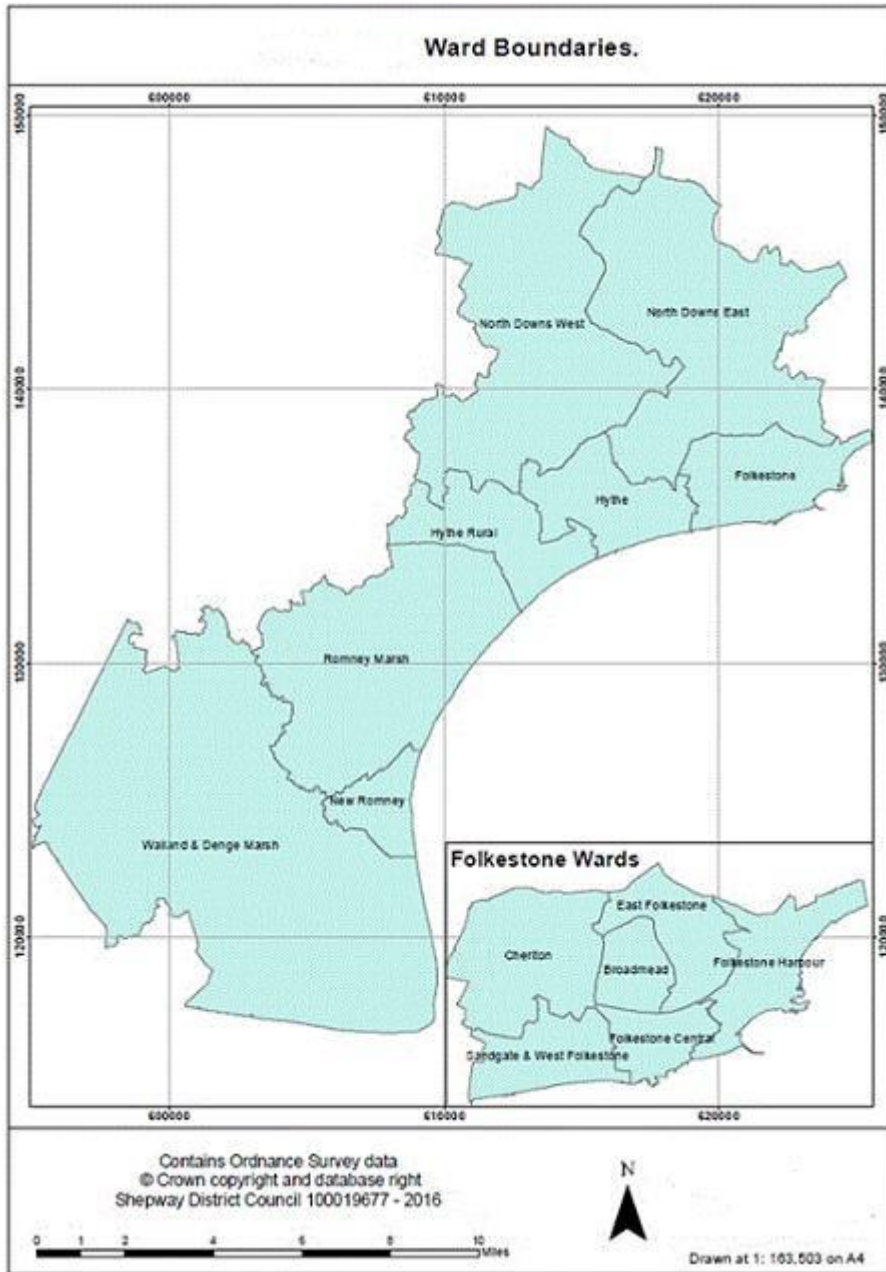
A public consultation was carried out in respect of this Statement of Principles from 26th January – 8th March 2022. As well as sending consultation letters and emails directly to the parties mentioned in the Introduction and Overview, a public notice was displayed at public libraries within the District for the duration of the consultation.

The draft statement and an invitation to comment as part of the consultation was also published on the council website and displayed on the noticeboard at the Civic Centre.

The Statement of Principles was considered by the Council's Planning and Licensing Committee on XXX and approved by Full Council on XXX

A notice was published on the Council's notice board at the Civic Centre, Castle Hill Avenue on 4th February 2022 stating where the Statement of Principles could be inspected.

Appendix Two Map of the Area Covered by this Statement of Principles



DRAFT

This Report will be made
public on 25 April 2022

Report Number **A/22/11**

To: Council
Date: 4 May 2022
Status: Non-executive Decision
Head of Paid Service: Susan Priest
Cabinet Member: Councillor David Monk, Council Leader

SUBJECT: PAY POLICY STATEMENT 2022/23

SUMMARY: This report considers the recommendation from the Personnel Committee and presents a refreshed pay policy statement for 2022/23 for approval.

REASONS FOR RECOMMENDATIONS:

Council is asked to consider the recommendation of the Personnel Committee to approve the pay policy statement.

RECOMMENDATIONS:

1. To receive and note Report A/22/11.
2. To consider the recommendation of the Personnel Committee.
3. To approve under S38(1) Localism Act 2011 the updated Pay Policy Statement appended to this report for 2021/22.
4. To approve that Part 5/5 of the Constitution (Personnel Committee Terms of Reference) is updated at section 3.1(c) to state 'to make recommendations to Council on the appointment of Chief Officers as defined in Part 2/27 para 11.1.2(a)'.

1. INTRODUCTION

- 1.1 On 14th April 2022, Personnel Committee considered report P/21/09. That report and its appendices are attached as Appendix 1 to this report.
- 1.2 The Personnel Committee report is self-explanatory and it is not the intention of this report to repeat the information. The reason for the recommendation from that committee is to ensure that Council is given the opportunity to approve the annual pay policy statement for publication on the Council's internet page.

2. PROPOSED RECOMMENDATION

- 2.1 The recommendations from personnel committee are as follows:
 - *To recommend to council that it under S38(1) Localism Act 2011 the Pay Policy Statement appended to this report for 2021/22 be approved.*
 - *To recommend to council that Part 5/5 of the Constitution (Personnel Committee Terms of Reference) is updated at section 3.1(c) to state 'to make recommendations to Council on the appointment of Chief Officers as defined in Part 2/27 para 11.1.2(a)'*

3 RISK MANAGEMENT ISSUES

- 3.1 A summary of the perceived risks follows:

No perceived risks.

4. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

- 4.1 Legal Officer's Comments (AK)

There are no legal implications arising directly out of this report, relevant issues having been addressed in each of the report and the Appendices.
- 4.2 Finance Officer's Comments (CS)

Any financial implications arising from any reward strategy will need to be considered within the council's medium term financial planning processes.
- 4.3 Diversities and Equalities Implications (ASm)

There are no specific Diversities and Equalities Implications arising from this report.

5. **CONTACT OFFICER AND BACKGROUND DOCUMENTS**

Councillors with any questions arising out of this report should contact the following officer prior to the meeting:

Andrina Smith, Chief HR Officer
Tel: 01303 853405
Email: andrina.smith@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

None

Appendices

Appendix 1 – Report P/21/09 Personnel Committee – 14 April 2022 with appendices

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Annendix 1

This Report will be made public on



Report Number **P/21/09**

To: Personnel Committee
Date: 14th April 2022
Status: Non-executive Decision
Chief Officer: Andrina Smith, Chief HR Officer

SUBJECT: PAY POLICY STATEMENT 2022/23

SUMMARY: This report presents the revised pay policy statement for 2022/23 for approval and recommendation to council.

REASONS FOR RECOMMENDATIONS:

Personnel Committee is asked to note the contents of the report.

RECOMMENDATIONS:

1. To receive and note Report P/21/09
2. To recommend to council that it approve under S38(1) Localism Act 2011 the Pay Policy Statement appended to this report for 2022/23.
3. To recommend to council that Part 5/5 of the Constitution (Personnel Committee Terms of Reference) is updated at section 3.1(c) to state 'to make recommendations to Council on the appointment of Chief Officers as defined in Part 2/27 para 11.1.2(a)'

1. INTRODUCTION

- 1.1 All local authorities are required to annually publish, and present to Full Council for adoption, a Pay Policy Statement in accordance with the Localism Act 2011. Folkestone & Hythe District Council's Pay Policy Statement was first approved in January 2012 and since then only minor amendments have been made to the document.
- 1.2 As it is now 10 years since the council's Pay Policy Statement was last fully revised it was considered appropriate to present a complete refresh. Several other local authority Pay Policy Statements were reviewed as part of the preparatory work in presenting this refresh, and as a result a newly worded Statement has been developed for Folkestone & Hythe District Council.

2. PAY POLICY

- 2.1 The Pay Policy Statement for 2022-23 has been redrafted and is attached as **Appendix A**. This document is based on:
- The Department of Communities and Local Government's (DCLG)** Statutory Guidance Under Section 40 of the Localism Act, Openness and Accountability in Local Pay, published at February 2012; and
 - The Department of Communities and Local Government's (DCLG) Openness and Accountability in Local Pay: Guidance under section 40 of the Localism Act 2011 – Supplementary Guidance, published February 2013.

** The Department of Communities and Local Government (DCLG) is now known as the Ministry of Housing, Communities & Local Government however the guidance documents still bear the DCLG name.

- 2.2 As part of the redrafting of the Pay Policy Statement additional information has been included to provide more context to our pay framework at Folkestone & Hythe District Council.
- 2.3 Information on the following areas have been added to the Pay Policy Statement:
- More detail on the definitions of Chief Officer (paragraphs 5-7);
 - Detail regarding the National Living Wage compared to the lowest hourly rate at the council paragraphs 9-10);
 - Salary scales for the main pay framework and the Chief Executive & Directors salary scales (paragraphs 16 and 18);
 - More detailed wording around salary packages in excess of £100,000 (paragraph 24);
 - Information on apprenticeships has been added (paragraph 27);
 - Contribution rates for the Local Government Pension Service have been included (paragraph 28);

- The detail on employee benefits has been expanded (paragraphs 38-44);
- More detailed wording around exit packages in excess of £100,000 (paragraph 47); and
- Gender Pay Gap Reporting is now included (paragraphs 50-51).

2.4 At the Council meeting of 29th September 2021 an additional recommendation to report A/21/13 'Pay Policy – salary and severance packages' was proposed by Councillor McConville, seconded by Councillor Monk and agreed as part of the final resolution 'that the Personnel Committee be asked to consider the possibility of ensuring any staff employed at Grade L or above required the approval of Full Council'. As a result of this recommendation more detailed wording around salary packages in excess of £100,000 has been added to paragraph 24 of the Pay Policy Statement.

2.5 As salary packages for Directors and potentially Assistant Directors (points 63 and 64 within Grade L of the main pay framework) are in excess of £100,000 a recommendation of this report is to make a change to the Terms of Reference for Personnel Committee.

Part 5/5 of the Constitution sets out the Terms of Reference for Personnel Committee and section 3.1(c) currently states 'to appoint chief officers other than the Head of Paid Service'.

It is recommended that section 3.1(c) is updated to state 'to make recommendations to Council on the appointment of Chief Officers as defined in Part 2/27 para 11.1.2(a)'.

2.6 As the 2022-23 Pay Policy Statement has been completely rewritten, rather than present this committee with a tracked change document, the 2021-22 Pay Policy Statement is attached as **Appendix B** with comments against each paragraph to illustrate where the information can be found in the 2022-23 Pay Policy Statement. It was thought that cross-referencing would be easier for the reader to follow than present a single tracked changed version. It should however be noted that no paragraphs have been deleted from last years' Statement.

2.7 At the time of writing this report no further updated guidance notes have been issued by the DLUCH (as was MHCLG), however should an update be issued that requires an amendment to the attached pay policy statement for 2022-23 then a revised statement will be presented to the Personnel Committee at a future meeting.

3. RISK MANAGEMENT ISSUES

3.1 A summary of the perceived risks are as follows:

- No perceived risks

4. LEGAL / FINANCIAL AND OTHER CONTROLS / POLICY MATTERS

4.1 **Legal Officer's Comments (AK)**

There are no legal implications arising directly out of this report, relevant issues having been addressed in each of the report and the Appendix.

4.2 **Finance Officer's Comments (CS)**

Any financial implications arising from any reward strategy will need to be considered within the council's medium term financial planning process.

4.3 **Diversities and Equalities Implications (ASm)**

There are no specific Diversities and Equalities Implications arising from this report.

5. **CONTACT OFFICER AND BACKGROUND DOCUMENTS**

Councillors with any questions arising out of this report should contact the following officer prior to the meeting:

Andrina Smith, Chief HR Officer
Tel: 01303 853405
Email: Andrina.smith@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

None

Appendix

Appendix A – Draft Pay Policy Statement 2022-23
Appendix B – Pay Policy Statement 2021-22 cross referenced to the draft pay policy statement 2022/23

Folkestone & Hythe District Council Pay Policy Statement – Financial Year 2022-23

Introduction and Purpose

1. In accordance with section 112 of the Local Government Act, the Council has the 'power to appoint officers on such reasonable terms and conditions as the authority thinks fit'. This Pay Policy Statement (the 'statement') sets out the Council's approach to pay policy in accordance with the requirements of section 38 of the Localism Act 2011 (as amended) and the 'Openness and accountability in local pay: guidance under section 40 of the Localism Act 2011 – supplementary guidance' which requires the council to produce a policy statement that covers a number of matters concerning the pay of the council's staff.
2. The purpose of the statement is to provide transparency with regard to the Council's approach to setting the pay of its employees by identifying:
 - The general principles that underpin the council's approach to its pay policy;
 - Definitions of the 'lowest paid employees' and 'chief officers' for the purposes of pay comparison;
 - The methods by which salaries are determined; and
 - The relationship between the remuneration of chief officers and the remuneration of employees who are not chief officers.
3. Once approved by full Council, this policy statement will come into immediate effect and will be subject to review on a minimum of an annual basis.

Definitions

For the purpose of this pay policy statement, the following definitions will apply:

4. **Pay/remuneration** includes salary (for employees) or payment under a contract of services (for self-employed), expenses, bonuses, as well as contractual arrangements involving possible future severance payments. Also, charges, fees, allowances, benefits in kind, termination payments and increases in/enhancement of pension entitlement as a result of a resolution of the authority.
5. **Chief Officer** is defined within section 43 of the Localism Act 2011 as:
 - The head of the authority's paid service designated under section 4(1) of the Local Government and Housing Act 1989;
 - The monitoring officer designated under section 5(1) of that Act;
 - A statutory chief officer mentioned in section 2(6) of that Act;

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- A non-statutory chief officer mentioned in section 2(7) of that Act; and
 - A deputy chief officer mentioned in section 2(8) of that Act.
6. The following roles within Folkestone & Hythe District Council (FHDC) have therefore been identified as being chief officers for the purposes of this Pay Policy Statement:
- Chief Executive (Head of Paid Service)* (statutory chief officer)
 - Director – Corporate Services* (non-statutory chief officer)
 - Director – Place* (non-statutory chief officer)
 - Director – Housing & Operations* (non-statutory chief officer)
 - Chief Finance Officer & s151 Officer** (statutory chief officer)
 - Monitoring Officer*** (statutory chief officer)
 - In addition, Assistant Directors and those posts which report directly, and are directly accountable, to a statutory or non-statutory chief officer in respect of all or most of their duties****, with the exception of roles which are identified as being solely administrative in nature
7. * Members of the Council’s Corporate Leadership Team (CLT).
** This role is currently undertaken by the Director – Corporate Services.
*** This role is currently undertaken by the Assistant Director – Governance and Law.
**** It should be noted that, whilst identified as chief officers within the terms of the Localism Act 2011, these posts are not designated as chief officers at FHDC.

Please note that the definition of Chief Officer in this Pay Policy Statement is different to that contained within Part 2 Article 11 of the Constitution.

8. **Lowest paid employees** refers to those staff employed within grade B of the Council’s pay framework at point 8 (as point 7 is removed with effect from 1 April 2022). This definition for the “lowest paid employees” has been adopted because grade B is the lowest grade on the Council’s pay framework. It excludes apprentices, whose pay remains subject to other regulations, and has specific reference under this policy. There are no staff governed by National consultation groups.

Based on the financial year 2021/22 –

- Grade B Point 8 is £18,977
- The mode (most frequently used) salary for permanent employees falls within Grade E, the maximum of which is £31,042
- The median (average) salary for full-time employees, excluding overtime and any other additional payments, is £32,790

National Minimum Wage & National Living Wage – April 2022

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9. The statutory National Minimum Wage (NMW) for employees aged 21 to 22 is £9.18 per hour with the statutory National Living Wage (NLW) for employees aged 23 and over is £9.50 per hour from 1 April 2022.
10. The Council's lowest grade (£10.09 per hour from 1 April 2022 with the agreed pay award implemented) is £0.59 higher than the NLW.

General Approach

11. This pay policy statement provides a basis on which FHDC can compete in labour markets at all levels and for all roles, enabling the council to attract, retain and fairly reward people with the knowledge, experience, skills and attributes that are essential to the effective delivery of services to residents, businesses and other stakeholders within the district as well as fulfilling the council's business objectives.

In our approach to appointments, particularly senior appointments, consideration is given to the value for money for the whole of the public sector. Consideration includes avoidance of arrangements which could be perceived as seeking to minimise tax payments.

Pay and reward packages for the Chief Executive and Chief Officers will be made in an open and accountable way with a verified, accountable process for recommending any changes to their salary scales.

FHDC will be transparent on pay rises including the publication, on the Council's website, of any above inflation pay rises.

Pay Structure

12. FHDC's pay framework was implemented in 2007 and is based on:
 - Local pay determination for 'all other employees who are not Chief Officers', including those Assistant Directors who hold statutory positions; and
 - With effect from September 2015, local pay determination for Chief Officers who are either designated as a Chief Executive or Director. The pay for this small group of staff will be determined by the Personnel Committee with external independent advice.
13. FHDC's pay grades are locally determined taking into account national guidance, with the grade for each role being determined by a consistent job evaluation process. This followed a national requirement for all Local Authorities and other public sector employers to review their pay and grading frameworks to ensure fair and consistent practice for different groups of workers with the same employer.
14. As part of this, FHDC determined a local pay framework and the overall number of grades is 11, grade B being the lowest and grade L the highest. Grade A on the pay framework was removed as part of the pay

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negotiations for April 2020. Grade L was introduced during the 2019-20 financial year following a benchmarking exercise with approval from Personnel Committee. Each employee (with the exception of the Chief Executive and Directors) will be on one of the 11 grades based on the job evaluation of their role. Employees can progress to the salary range maximum of their grade by annual progression unless formal performance interventions are in place.

15. Terms and conditions of employment, including the pay framework, are determined by Personnel Committee. The Personnel Committee comprises elected Councillors and is formed in accordance with the rules governing proportionality.
16. Pay awards are considered annually by the Joint Staff Consultative Panel for all employees, with the exception of the Chief Executive and Directors, unless otherwise by agreement. These are developed using local pay determination in negotiation with the local Trades Unions and staff representatives. The last pay award was made at April 2021 with the next due to be implemented from 1 April 2022.

The current salary scale applicable from April 2021 can be seen at **Appendix 1** which also shows the agreed pay awards for April 2022 and April 2023.

17. FHDC will be transparent on pay rises including the publication, on the Council's website, of any above inflation pay rises.
18. The pay for the Chief Executive and Director roles is subject to local pay negotiation and following a benchmarking exercise undertaken by an external advisor during early 2019 the Personnel Committee approved new pay scales for these roles in June 2019.

The current salary scales for the Chief Executive and Directors can be seen at **Appendix 2**.

19. New appointments to any of the council's pay grades are subject to the Council's recruitment and selection policy and will generally be made at the bottom pay point within a pay grade unless there are special circumstances that objectively justify payment at a higher pay point within the grade, e.g. where the candidate's current employment package would make the first point of the pay grade unattractive. This is determined following discussion with the Human Resources team and will be within the salary range for the role.
20. There are a small number of career-graded posts within the Council where advancement through a grade is based on achievement of relevant qualifications and completion of practical experience. In these cases, a job description has been created and evaluated to cover each stage of the career in order to assess advancement through the grade.

Appendix A

21. For the Chief Executive and Directors, salary on appointment has regard to the relative size and challenge of the role and account is also taken of other relevant available information, including the salaries of comparable posts in other similar sized organisations.
22. FHDC operates a market supplement policy which allows an additional supplement to be applied on top of basic salary in order to attract applicants of the right calibre, and to retain employees with necessary skills and experience especially in professions where there is a particular skills shortage. A supplement of this kind can only be approved via submission of evidence from the recruiting manager to the Chief HR Officer who submits the documentation to the Corporate Leadership Team for review and approval. All such supplements are time limited and subject to appropriate review before consideration is given to an extension.
23. There may from time to time be situations where employees are transferred into FHDC from another organisations which have different pay and conditions. The employees' terms and conditions on transfer may be subject to protection under TUPE or TUPE-like arrangements, and as such may then be outside of the council's main pay structure until such time as it is possible for them to be integrated.
24. It is a recommendation of the DCLG¹ that Full Council should be offered the opportunity to vote before a new employee is offered a salary package of £100,000 or more in respect of a new appointment. At FHDC, all new employee appointments to chief officer posts are made in accordance with the pay grades identified within this statement (see Appendices 1 & 2), which includes those in excess of £100,000 per annum. Any proposed variation to the application of this policy in this regard will be reported to Full Council.

Of the chief officer posts whose salary package exceeds £100,000 upon appointment the following arrangements will apply under the council's constitution:

- The appointment of the Chief Executive is approved and voted on by Full Council following recommendation by the Personnel Committee.
 - Directors are selected by the Personnel Committee. A report will then be prepared for Full Council on the recommended appointment enabling approval and voting by Full Council on that appointment.
 - Assistant Directors are appointed by the Chief Executive. Should the salary package be in excess of £100,000 then a report will be prepared for Full Council on the recommended appointment enabling approval and voting by Full Council on that appointment.
25. Salary packages include the annual salary, bonuses, fees or allowances routinely payable to the appointee and benefits in kind to which the officer is entitled as a result of their employment.

¹ Openness and accountability in local pay: guidance under section 40 of the Localism Act (Feb 2012)

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26. The posts with a current salary package above £100,000 per annum are the Chief Executive, Directors and (due to incremental increases and pay awards) Assistant Directors who are appointed within Grade L of the FHDC pay scales.

Apprenticeships

27. With effect from 1 April 2022 the national hourly rate for the first year of an apprenticeship is –
- £4.81 per hour irrespective of age

From the second year of an apprenticeship –

- Aged 17 £4.81 per hour
- Aged 18-20 £6.83 per hour
- Aged 21-22 £9.18 per hour
- Aged 23 and over £9.50 per hour

Local Government Pension Scheme

28. Subject to qualifying conditions, all employees have a right to join the Local Government Pension Scheme. In addition, the Council operates pensions ‘auto enrolment’ as required by the Pensions Act 2008. The table below sets out the pension contribution bands which are effective from 1 April 2022.

Band	Actual annual pensionable pay ²	Employee Contribution (%)
1	Up to £15,000	5.5%
2	£15,001 - £23,600	5.8%
3	£23,601 - £38,300	6.5%
4	£38,301 - £48,500	6.8%
5	£48,501 - £67,900	8.5%
6	£67,901 - £96,200	9.9%
7	£96,201 - £113,400	10.5%
8	£113,401 - £170,100	11.4%
9	More than £170,101	12.5%

The employer contribution rates are set by actuaries advising the Kent Pension Fund and are reviewed on a regular basis in order to ensure the scheme is appropriately funded. The employer contribution rate for 2022/23 will remain at 17.9%.

29. There are no locally agreed enhancements to the pension scheme. With the exclusion of the Head of Paid Service responsibility for any such enhancements would be at the discretion of the Personnel Committee. In

² LGPS define pensionable pay as the total of all salary, wages, fees and other payments paid to an employee (Regulation 20 – Local Government Pension Scheme Regulations 2013) [The Local Government Pension Scheme Regulations 2013 \(legislation.gov.uk\)](#)

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relation to the Head of Paid Service, any such enhancements would be at the discretion, and with the approval, of Full Council.

30. Where a senior (chief officer) new starter already receives a public sector pension, this will be declared on the FHDC website and relevant abatement implemented.

Additional Information

31. In addition to incremental progression, FHDC provides the following additional payment schemes applicable to employees on the main pay framework:
 - When temporarily undertaking additional duties e.g. the full, or a proportion of, the duties of a higher graded post (acting up payment)
 - Honorarium payments e.g. for exceptional level of performance
 - Allowances including payments for additional hours, weekend and/or public holiday working, disturbance, eye tests, first aid, car and standby
 - Additional and accelerated increments e.g. for exam success on pre-determined roles and qualifications but subject to the maximum of the pay grade not being exceeded.

There is no provision for bonus payments across the Council.

Any allowance, or other payments, will only be made to staff in connection with their role and/or the patterns of hours they work and must be in accordance with the Council's internal Pay Policy statement which explains related procedure and practice.

32. FHDC also provides a car allowance payment for the Chief Executive and Directors.
33. In addition to basic salary, employees (including Chief Officers) are eligible for payments under the reimbursement of expenses policy e.g. for business travel.
34. FHDC also reimburses the cost of one practicing certificate fee or membership of a professional organisation provided it is relevant or essential to the post that an employee occupies within the council. In exceptional circumstances, and with the authorisation of a Director or the Chief Executive, the Council will reimburse more than one professional fee.
35. Chief Officers (Chief Executive and Directors) are performance managed differently from the performance management process applying to other employees. This includes input from, and assessment by, identified FHDC Members on an annual basis with a 6-monthly review of objectives. Targets are set and performance against those targets is assessed. Chief Officers receive incremental progression until the top of their grade is reached.

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Charges, Fees or Allowances

36. The following charges, fees or allowances are paid to the Chief Executive: Election Duties including as Returning Officer, paid separately from salary payments. The Council's Returning Officer, who is also the Chief Executive, receives separate fees for local elections under S36 of the Representation of the People Act 1983. The Council has chosen to adopt the Kent Scale of Fees and Charges for local elections (see: [Cabinet decision and report](#) of 28 September 2011). The Returning Officer must not exceed the maximum fees and charges as laid down in the scale unless further approval is given by a decision of Cabinet or Full Council.
37. Employees receive Election Fees when participating.

Employee Benefits

38. The Council offers a discount at Folkestone Sport Centre Trust and a daily free swim at Hythe Pool to all employees.
39. An employee recognition scheme runs quarterly which recognises individual and team achievements across the council based on the core values plus a separate award for the employee of the year.

In addition it also recognises long service with the first level of recognition at 5 years and then every five years thereafter.

Employees recognised under these scheme receive a choice of vouchers or donation to charity.

40. The Council provides access to an Employee Assistance Programme which provides telephone and face to face counselling on a range of issues.

The Council also has access to an Occupational Health Service which helps to ensure that employees are properly supported enabling a return to work following an absence as soon as possible.

41. Employees are able to register with F&H Rewards, provided by Reward Gateway, which is a voluntary online platform providing access to discounts for high street / online shopping, holidays, insurance and household goods.
42. As part of the F&H Rewards scheme, employees are able to participate in a salary sacrifice scheme for the purchase of bicycles under a 'Cycle to Work' scheme and the purchase of white goods and electronics under the 'SmartTech' scheme.

Appendix A

43. At the time of writing, a salary sacrifice car lease scheme within F&H Rewards is also being launched to employees during the 2022/23 financial year.
44. These salary sacrifice schemes and their operation are regulated by HM Revenues and Customs and there are strict rules around the management of the schemes. The schemes permit employees to 'sacrifice' part of their salary in exchange for a benefit. This means that tax and national insurance are not paid on the amount sacrificed effectively reducing the cost of the benefit to the employee. These schemes are open to all employees at the council with the proviso that their salary exceeds the National Minimum Wage after the deduction.

Payments on Termination

45. We are required to publish –
 - Our policy on discretionary payments on early termination of employment and our policy on increasing an employee's total pension scheme membership and on awarding additional pension (Regulation 66 of the Local Government Pension Scheme [Administration] Regulations 2008). These are covered in the Early Termination of Employment Policy which can be found on FHDC's website.
 - Statements relating to remuneration. Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 requires an authority to formulate, review and publish its policy on making discretionary payments on early termination of employment.
46. FHDC pays statutory redundancy payments in accordance with the Employment Relations Act 1998, which provides for a maximum calculation of up to 30 weeks' pay. The payment will be based on an employee's actual weekly salary rather than the figure set by the Government.
47. Full council will be offered the opportunity to vote on exit packages which are greater than £100,000³. In such circumstances, the employee will be made aware that before an exit package can be confirmed the information will firstly be considered by the Personnel Committee who will then recommend that the decision be taken by Council.

When presenting the information to Personnel Committee and Council the components within the package will be clearly outlined. These components may include:

- Salary paid in lieu of notice
- Redundancy
- Compensation for loss of office
- Pension entitlements
- Pension costs required to be paid by the council to the LGPS

³ Openness and accountability in local pay: guidance under section 40 of the Localism Act (Feb 2012)

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- Holiday pay
- Any bonuses, fees or allowances

Any such payments will be subject to compliance with all relevant legislation.

48. It is important that the Council has flexibility to respond to unforeseen circumstances as regards re-employing a former employee as a Chief Officer. If we re-employ a previous employee who received a redundancy or severance package on leaving, or if that person returns on a 'contract for services', or if they are in receipt of a Local Government / Firefighter Pension Scheme (with same or another local authority), we require that the requirements of the following are observed:
- The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999
- And/or
- Relevant abatement.
49. It is the Council's policy that in normal circumstances a FHDC employee whose employment has been terminated on grounds of voluntary redundancy and/or voluntary early retirement and who has received a severance payment and/or early retirement benefits will not be re-engaged. In exceptional circumstances there may be a justifiable case for re-engaging such an employee but this may only occur following agreement by members of the Corporate Leadership Team.

Gender Pay Gap Reporting

50. The Equality Act 2010 (Gender Pay Gap Information) Regulations 2016 introduced a mandatory gender pay gap reporting duty for employers of 250 or more employees and came into force for qualifying public sector employers from April 2017. The pay information provided must be based on data from a specific pay period with the overall mean and median pay gap information being published before the 30th March each year.
51. As FHDC employs more than 250 staff the requirement to publish information has been met annually with the relevant calculations be presented to the Corporate Leadership Team in February before publication in March each year. The details are also provided to Personnel Committee annually in June which enables more benchmarked comparisons to be reported.

Publication and Access to Information

52. FHDC is required to publish pay related information. This includes the Code of Recommended Practice for Local Authorities on Data Transparency requirements to publish a Pay Multiple and information on senior salaries. The Pay Multiple is the ratio between the highest paid salary and the median average salary of the whole authority's salaries.

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53. For the Statement of Accounts, Accounts and Audit Regulations and CIPFA Accounting Code of Practice requires us to publish:
 - Senior officer remuneration details on a post by post level
 - Disclosure of remuneration amounting to £50,000 and over in bands of £5,000
 - Exit package disclosures
54. Information on pay will be published on the FHDC website, as follows and by:
 - 1 June – the Pay Multiple figure and information on senior salaries
 - 30 September – the accounts as audited by the Council's external auditors.
55. This pay policy statement, once approved by Full Council, will be published on the Council's public website.
56. This statement is for the financial year 1st April 2022 – 31st March 2023.
57. Full Council may, by resolution, amend this statement (including after the beginning of the financial year to which it relates). An amended statement will be published on the Council's public website.

Appendices:

Appendix 1 – FHDC Salary Scale

Appendix 2 – Chief Executive & Directors Salary Scale

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Grade	Point	Effective Date		
		1st April 2021	1st April 2022	1st April 2023
A	3	Grade Removed	Grade Removed	Grade Removed
	4			
	5			
	6			
B	7	£18,538	N/A	N/A
	8	£18,977	£19,477	£19,977
	9	£19,437	£19,937	£20,437
	10	£19,938	£20,438	£20,938
C	11	£20,435	£20,844	£21,261
	12	£20,845	£21,262	£21,687
	13	£21,642	£22,075	£22,516
	14	£22,450	£22,899	£23,357
D	15	£23,278	£23,744	£24,218
	16	£23,893	£24,371	£24,858
	17	£24,589	£25,081	£25,582
	18	£25,402	£25,910	£26,428
	19	£26,222	£26,746	£27,281
E	20	£27,061	£27,602	£28,154
	21	£27,968	£28,527	£29,098
	22	£28,898	£29,476	£30,065
	23	£30,043	£30,644	£31,257
	24	£31,042	£31,663	£32,296
F	25	£31,769	£32,404	£33,052
	26	£32,708	£33,362	£34,029
	27	£33,681	£34,355	£35,042
	28	£34,648	£35,341	£36,048
	29	£35,369	£36,076	£36,798
	30	£36,310	£37,036	£37,777
G	31	£37,340	£38,087	£38,849
	32	£38,438	£39,207	£39,991
	33	£39,695	£40,489	£41,299
	34	£40,746	£41,561	£42,392
	35	£41,827	£42,664	£43,517
	36	£42,895	£43,753	£44,628
H	37	£43,965	£44,844	£45,741
	38	£45,045	£45,946	£46,865
	39	£46,063	£46,984	£47,924
	40	£47,180	£48,124	£49,086
	41	£48,269	£49,234	£50,219
	42	£49,318	£50,304	£51,310
I	43	£50,379	£51,387	£52,414
	44	£51,467	£52,496	£53,546
	45	£52,572	£53,623	£54,696
	46	£53,709	£54,783	£55,879
	47	£54,859	£55,956	£57,075
J	48	£56,046	£57,167	£58,310
	49	£57,090	£58,232	£59,396
	50	£58,247	£59,412	£60,600
	51	£59,402	£60,590	£61,802
	52	£61,703	£62,937	£64,196
K	53	£63,381	£64,649	£65,942
	54	£65,668	£66,981	£68,321
	55	£67,195	£68,539	£69,910
	56	£69,711	£71,105	£72,527
	57	£72,231	£73,676	£75,149
	58	£74,743	£76,238	£77,763
	59	£77,264	£78,809	£80,385
L	60	£84,139	£85,822	£87,538
	61	£86,446	£88,175	£89,938
	62	£88,706	£90,480	£92,290
	63	£93,495	£95,365	£97,272
	64	£96,806	£98,742	£100,717

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SENIOR MANAGEMENT GRADES

Effective 14th June 2019

(Personnel Committee report dated 13th June 2019)

	Chief Executive / Head of Paid Service	Corporate Directors
Point 1	£118,236	£99,577
Point 2	£124,148	£103,306
Point 3	£130,355	£107,039
Point 4	£136,872	£110,772
Point 5	£143,715	N/A

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Folkestone & Hythe District Council Pay Policy Statement – Financial Year 2021-22

Purpose

1. This Pay Policy Statement is provided in accordance with Section 38(1) of the Localism Act 2011. This will be updated annually, or more frequently, i.e. by the end of March each year. Approval of the Pay Policy, and any amendments, will be made by resolution of the full council.
2. This pay policy statement sets out Folkestone & Hythe District Council's (FHDC) policies relating to the pay of its workforce for the financial year 2021-22. In particular the:
 - Remuneration of its Chief Officers
 - Remuneration of its "lowest paid employees"
 - Relationship between the remuneration of its Chief Officers and the remuneration of its employees who are not Chief Officers

Commented [SA1]: Pay Policy Statement 2022-23 Paragraph 1

Commented [SA2]: Pay Policy Statement 2022-23 Paragraph 2

Definitions

3. For the purpose of this pay policy the following definitions will apply:
4. **Pay/remuneration** includes salary (for employees) or payment under a contract of services (for self employed), expenses, bonuses, performance related pay, as well as contractual arrangements involving possible future severance payments. Also, charges, fees, allowances, benefits in kind, termination payments and increases in/enhancement of pension entitlement as a result of a resolution of the authority.
5. For the purposes of this Pay Policy, 'Chief Officer' refers to the following roles within FHDC as defined within section 2 of the Local Government and Housing Act 1988:
 - Chief Executive (Head of Paid Service)* (statutory Chief Officer)
 - Director – Corporate Services* (non-statutory Chief Officer)
 - Director – Place* (non-statutory Chief Officer)
 - Director – Housing & Operations* (non-statutory Chief Officer)
 - Director – Transformation & Transition (non-statutory Chief Officer)
 - Development Director (non-statutory Chief Officer)
 - Chief Finance Officer & s151 Officer** (statutory Chief Officer)
 - Monitoring Officer*** (statutory Chief Officer)
 - In addition, Assistant Directors and those posts which report directly, and are directly accountable, to a statutory or non-statutory Chief Officer in respect of all or most of their duties.

Commented [SA3]: Pay Policy Statement 2022-23 Paragraph 4

* Members of the Council's Corporate Leadership Team (CLT).

** This role is currently undertaken by the Director – Corporate Services.

*** This role is currently undertaken by the Assistant Director – Governance and Law.

Commented [SA4]: Pay Policy Statement 2022-23 Paragraphs 5, 6 & 7

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6. 'Lowest paid employees' refers to those staff employed within grade B of the Council's pay framework. There are no staff governed by National consultation groups. This definition for the "lowest paid employees" has been adopted because grade B is the lowest grade on the Council's pay framework.

Commented [SA5]: Pay Policy Statement 2022-23 Paragraph 8

7. 'Employee who is not a Chief Officer' refers to all staff who are not covered under the 'Chief Officer' group above. This includes the 'lowest paid employees' i.e. staff on grade B. There are no staff governed by National consultation groups.

Commented [SA6]: Pay Policy Statement 2022-23 Paragraph 8

Pay framework and remuneration levels

General approach

8. Remuneration at all levels needs to be adequate to secure and retain high-quality employees dedicated to fulfilling the council's business objectives and delivering services to the public. This has to be balanced by ensuring remuneration is not, nor is seen to be, unnecessarily excessive. Each council:

- Has responsibility for balancing these factors;
- Faces its own unique challenges and opportunities in doing so; and
- Retains flexibility to cope with various circumstances that may arise that might necessitate the use of market supplements or other such mechanisms for individual categories of posts where appropriate.

Commented [SA7]: Pay Policy Statement 2022-23 Paragraph 11

9. FHDC will be transparent on pay rises including the publication, on the Council's website, of any above inflation pay rises. The size of the award paid to employee(s) should be commensurate with the work being rewarded. Advice and guidance is available to decision takers on this including with regard to equal pay provisions.

Commented [SA8]: Pay Policy Statement 2022-23 Paragraph 11

Responsibility for decisions on remuneration

10. It is essential for good governance that decisions on pay and reward packages for the Chief Executive and chief officers are made in an open and accountable way and that there is a verified and accountable process for recommending the levels of top salaries. FHDC will review the terms of senior appointments, to ensure value for money, including where arrangements could be perceived as seeking to minimise tax payments.

Commented [SA9]: Pay Policy Statement 2022-23 Paragraph 11

11. The pay for the "lowest paid employees" and "all other employees who are not Chief Officers" is determined by the Personnel Committee. The Personnel Committee comprises elected Councillors, and is formed in accordance with the rules governing proportionality and has responsibility for local terms and conditions of employment for staff within FHDC's pay framework.

Commented [SA10]: Pay Policy Statement 2022-23 Paragraph 15

12. FHDC's pay framework was implemented in 2007 and is based on:

- Local pay determination for 'all other employees who are not Chief Officers', including those Assistant Directors who hold statutory positions; and
- With effect from September 2015, local pay determination for Chief Officers who are members of the Corporate Leadership Team. The pay will be

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determined by the Remuneration Committee comprising members of the Personnel Committee with external independent advice.

Commented [SA11]: Pay Policy Statement 2022-23 Paragraph 12

13. Full Council will be offered the opportunity to vote on salary packages, at the time of an employee's appointment, which are greater than £100,000 a year. Salary packages include the annual salary, bonuses, fees or allowances routinely payable to the appointee and benefits in kind to which the officer is entitled as a result of their employment.

Commented [SA12]: Pay Policy Statement 2022-23 Paragraphs 24, 25 & 26

Salary grades and grading framework for 'all other employees who are not Chief Officers'.

14. Grades are locally determined taking into account national guidance, with the grade for each role being determined by a consistent job evaluation process. This followed a national requirement for all Local Authorities and other public sector employers to review their pay and grading frameworks to ensure fair and consistent practice for different groups of workers with the same employer.

Commented [SA13]: Pay Policy Statement 2022-23 Paragraph 13

15. As part of this, FHDC determined a local pay framework and the overall number of grades is 11, grade B being the lowest and grade L the highest. Grade A on the pay framework was removed as part of the pay negotiations for April 2020. Grade L was introduced during the 2019-20 financial year following a benchmarking exercise with approval from Personnel Committee. Each employee will be on one of the 11 grades based on the job evaluation of their role. Employees can progress to the salary range maximum of their grade by annual progression and subject to assessment of their performance in the process.

Commented [SA14]: Pay Policy Statement 2022-23 Paragraph 14

16. Pay awards are considered annually for all employees with the exception of the Chief Executive and Directors, unless otherwise by agreement. These are developed using local pay determination in negotiation with the local Trades Unions and staff representatives. The last pay award to 'all other employees who are not Chief Officers' was made at April 2020.

Commented [SA15]: Pay Policy Statement 2022-23 Paragraph 16

17. The pay for the Chief Executive and Director roles is subject to local pay negotiation, with the most recent pay award being April 2017. However, following a benchmarking exercise, Personnel Committee approved new pay scales for these roles in June 2019.

Commented [SA16]: Pay Policy Statement 2022-23 Paragraph 18

18. For the Chief Executive and Directors, salary on appointment has regard to the relative size and challenge of the role and account is also taken of other relevant available information, including the salaries of comparable posts in other similar sized organisations.

Commented [SA17]: Pay Policy Statement 2022-23 Paragraph 21

19. The posts with a current salary package above £100,000 are the Chief Executive and Directors.

Commented [SA18]: Pay Policy Statement 2022-23 Paragraph 26

'Chief Officers' who are Assistant Directors

20. Pay for Assistant Directors is within the main pay framework, at grade L, and they are treated in accordance with the arrangements detailed above for 'lowest paid employees' and 'all other employees who are not Chief Officers'. Pay is determined by the Personnel Committee in accordance with arrangements detailed

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above for the 'lowest paid employees' and 'all other employees who are not chief officers'.

Commented [SA19]: Pay Policy Statement 2022-23 Paragraph 14, 15 & 26

'Lowest paid employees'

21. Each "lowest paid employee" is paid within the salary range for grade B with due regard paid to the National Living Wage which was introduced in April 2016.

Commented [SA20]: Pay Policy Statement 2022-23 Paragraphs 8 & 9

Allowances

22. There is no provision for bonus payments for the 'lowest paid employees', for 'employees who are not Chief Officers' or for 'Chief Officers'.
23. In addition to incremental progression, FHDC provides the following additional payment schemes to the main scheme for 'employees who are not Chief Officers' and Assistant Directors. These schemes include:
- When temporarily undertaking additional duties e.g. the full, or a proportion of, the duties of a higher graded post
 - Honorarium e.g. for exceptional level of performance
 - Allowances e.g. for additional hours, weekend and/or public holiday working, disturbance, eye tests, tools, telephone use, emergency co-ordination, first aid, car and standby
 - Additional and accelerated increments e.g. for exam success and consistent exceptional performance. This is subject to the maximum of the scale not being exceeded.
 - Childcare vouchers (for those enrolled in a scheme prior to October 2018)
24. FHDC provides a car allowance for Directors and the Chief Executive.
25. FHDC has the flexibility to introduce additional schemes if required and to respond to changing conditions in the employment market including skills shortage.

Commented [SA21]: Pay Policy Statement 2022-23 Paragraph 31

Commented [SA22]: Pay Policy Statement 2022-23 Paragraph 31

Commented [SA23]: Pay Policy Statement 2022-23 Paragraph 32

Commented [SA24]: Pay Policy Statement 2022-23 Paragraph 22

Other pay elements

26. 'Chief Officers' (Chief Executive and Directors) are performance managed differently from the performance management process applying to the 'lowest paid employees' and 'employees who are not Chief Officers'. This includes input from, and assessment by, identified FHDC Members.
27. Targets are set and performance against those targets is assessed. Chief Officers receive incremental progression until the top of their grade is reached. Where pay progression is considered, performance will be taken into account when determining whether any award will be made.

Commented [SA25]: Pay Policy Statement 2022-23 Paragraph 35

Commented [SA26]: Pay Policy Statement 2022-23 Paragraph 35

Charges, fees or allowances

28. Any allowance, or other payments, will only be made to staff in connection with their role and/or the patterns of hours they work and must be in accordance with the Council's internal Pay Policy statement which explains related procedure and practice.

Commented [SA27]: Pay Policy Statement 2022-23 Paragraph 31

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29. The following charges, fees or allowances are paid to the Chief Executive: Election Duties including as Returning Officer, paid separately from salary payments. The Council's Returning Officer, who is also the Chief Executive, receives separate fees for local elections under S36 of the Representation of the People Act 1983. The Council has chosen to adopt the Kent Scale of Fees and Charges for local elections (see: [Cabinet decision and report](#) of 28 September 2011). The Returning Officer must not exceed the maximum fees and charges as laid down in the scale unless further approval is given by a decision of Cabinet or Full Council.

Commented [SA28]: Pay Policy Statement 2022-23 Paragraph 36

30. Employees receive Election Fees when participating.

Commented [SA29]: Pay Policy Statement 2022-23 Paragraph 37

Benefits in kind

31. The Council offers a discount at Folkestone Sport Centre Trust and a free swim at Hythe Pool.

Commented [SA30]: Pay Policy Statement 2022-23 Paragraph 38

Other Employee Benefits

32. The Council provides access to an Employee Assistance Programme which provides telephone and face to face counselling on a range of issues. The Council also has access to an Occupational Health Service which helps to ensure that employees are properly supported enabling a return to work following an absence as soon as possible.

Commented [SA31]: Pay Policy Statement 2022-23 Paragraph 40

33. An employee recognition scheme runs quarterly which recognises individual and team achievements across the council based on the core values plus a separate award for the employee of the year. In addition it also recognises long service with the first level of recognition at 5 years and then every five years thereafter. Employees recognised under these scheme receive a choice of vouchers or donation to charity.

Commented [SA32]: Pay Policy Statement 2022-23 Paragraph 39

34. Employees are able to register with F&H Rewards, provided by Reward Gateway, which is a voluntary online platform providing access to discounts for high street / online shopping, holidays, insurance and household goods. [41](#)

Commented [SA33]: Pay Policy Statement 2022-23 Paragraph 41

35. As part of the F&H Rewards scheme, employees are able to participate in a salary sacrifice scheme for the purchase of bicycles under a 'Cycle to Work' scheme.

Commented [SA34]: Pay Policy Statement 2022-23 Paragraphs 42 & 44

Pension

36. As a result of their employment, all employees are eligible to join the Local Government Pension Scheme. There are no locally agreed enhancements. With the exclusion of the Head of Paid Service responsibility, any such enhancements would be at the discretion of the Personnel Committee. In relation to the Head of Paid Service responsibility, any such enhancements would be at the discretion, and with the approval, of Full Council.

Commented [SA35]: Pay Policy Statement 2022-23 Paragraphs 28 & 29

Severance Payments

37. We are required to publish:

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- Our policy on discretionary payments on early termination of employment and our policy on increasing an employee's total pension scheme membership and on awarding additional pension (Regulation 66 of the Local Government Pension Scheme [Administration] Regulations 2008). These are covered in the Early Termination of Employment Policy which can be found on FHDC's website.
 - Statements relating to remuneration. Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 requires and authority to formulate, review and publish its policy on making discretionary payments on early termination of employment.
38. Full Council will be offered the opportunity to vote on severance packages which are greater than £100,000. Severance payments may include salary paid in lieu, redundancy compensation, pension entitlements, holiday pay and any bonuses, fees or allowances paid. Bonuses may include any payment not normally paid to the employee and not formally identified within this document.
39. It is important that the Council has flexibility to respond to unforeseen circumstances as regards re-employing a former employee as a Chief Officer. If we re-employ a previous employee who received a redundancy or severance package on leaving, or if that person returns on a 'contract for services', or if they are in receipt of a Local Government / Firefighter Pension Scheme (with same or another local authority), we require that the requirements of the following are observed:
- The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999
 - And/or
 - Relevant abatement.
40. It is the Council's policy that in normal circumstances a FHDC employee whose employment has been terminated on grounds of voluntary redundancy and/or voluntary early retirement and who has received a severance payment and/or early retirement benefits will not be re-engaged. In exceptional circumstances there may be a justifiable case for re-engaging such an employee but this may only occur following agreement by members of the Corporate Leadership Team.
- New starters joining the Council**
41. In our approach to appointments, particularly senior appointments, consideration is given to the value for money for the whole of the public sector. Consideration includes avoidance of arrangements which could be perceived as seeking to minimise tax payments.
42. Employees new to the Council will normally be appointed to the first point of the salary range for their grade. Where the candidate's current employment package would make the first point of the salary range unattractive (and this can be demonstrated by the applicant in relation to current earnings) or where the employee already operates at a level commensurate with a higher salary, a higher salary may be considered by the recruiting manager, with guidance from the HR department. This will be within the salary range for the grade. The candidate's
- Commented [SA36]:** Pay Policy Statement 2022-23 Paragraph 45
- Commented [SA37]:** Pay Policy Statement 2022-23 Paragraph 47
- Commented [SA38]:** Pay Policy Statement 2022-23 Paragraph 48
- Commented [SA39]:** Pay Policy Statement 2022-23 Paragraph 49
- Commented [SA40]:** Pay Policy Statement 2022-23 Paragraph 11

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level of skill and experience should be consistent with that of other employees in a similar position on the salary range.

Commented [SA41]: Pay Policy Statement 2022-23 Paragraph 19

43. In professions where there is a particular skills shortage, and as a temporary arrangement, it may be necessary to consider a market premium to attract high quality applicants. With senior manager salaries, there can be scope for negotiation over the exact starting salary at the point of job offer, and a range of factors will be considered. The final decision as regards any discretion lies with members of the Corporate Leadership Team.

Commented [SA42]: Pay Policy Statement 2022-23 Paragraph 22

44. Where a senior (chief officer) new starter already receives a public sector pension, this will be declared on the FHDC website and relevant abatement implemented.

Commented [SA43]: Pay Policy Statement 2022-23 Paragraph 30

Relationship between remuneration of “Chief Officers” and “employees who are not Chief Officers”

45. We are required to publish pay related information. This includes the Code of Recommended Practice for Local Authorities on Data Transparency requirements to publish a Pay Multiple and information on senior salaries. The Pay Multiple is the ratio between the highest paid salary and the median average salary of the whole authority’s salaries.

Commented [SA44]: Pay Policy Statement 2022-23 Paragraph 52

46. For the Statement of Accounts, Accounts and Audit Regulations and CIPFA Accounting Code of Practice requires us to publish:
- Senior officer remuneration details on a post by post level
 - Disclosure of remuneration amounting to £50,000 and over in bands of £5,000
 - Exit package disclosures

Commented [SA45]: Pay Policy Statement 2022-23 Paragraph 53

47. Information on pay will be published on the FHDC website, as follows and by:
- 1 June – the Pay Multiple figure and information on senior salaries
 - 30 September – the accounts as audited by the Council’s external auditors.

Commented [SA46]: Pay Policy Statement 2022-23 Paragraph 54

Conclusion

48. This pay policy statement, once approved by Full Council, will be published on the Council’s public website.

Commented [SA47]: Pay Policy Statement 2022-23 Paragraph 55

49. This statement is for the financial year 1st April 2021 – 31st March 2022.

Commented [SA48]: Pay Policy Statement 2022-23 Paragraph 56

50. Full Council may, by resolution, amend this statement (including after the beginning of the financial year to which it relates). An amended statement will be published on the Council’s public website.

Commented [SA49]: Pay Policy Statement 2022-23 Paragraph 57

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