



# AGENDA

## CABINET

**MONDAY, 4 SEPTEMBER 2006**

**11.00 AM**

**COUNCIL CHAMBER, COUNCIL OFFICES, ST PETERS HILL,  
GRANTHAM**

Duncan Kerr, Chief Executive

<b>CABINET MEMBERS:</b>	Councillor Mrs. Linda Neal (Leader/ Portfolio: Strategic Partnerships & Community Safety), Councillor Ray Auger (Portfolio: Healthy Environment), Councillor Teri Bryant (Portfolio: Resources & Assets), Councillor Paul Carpenter (Deputy Leader & Portfolio: Access and Engagement), Councillor Mrs Frances Cartwright (Portfolio: Organisational Development & Housing) and Councillor John Smith (Portfolio: Economic Development)
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**Members of the public are entitled to attend the meeting of the Cabinet at which key decisions will be taken on the issues listed on the following page. Key decisions are marked \*.**

**1. APOLOGIES**

**2. MINUTES**

To approve the record of the Cabinet meeting held on 7<sup>th</sup> August 2006.

**(Enclosure)**

**3. DECLARATIONS OF INTEREST (IF ANY)**

**CATEGORY A PRIORITY ISSUES:**

**4. DRAFT GRANTHAM MASTERPLAN**

Report number PLA611 by the Economic Development Portfolio Holder.

**(Enclosure)**

**EXCLUSION OF THE PUBLIC**

It is anticipated that, in accordance with Section 100A(4) of the Local Government Act 1972 as amended, the public may be excluded from the meeting during consideration of the following three items of business because of the likelihood that otherwise exempt information, as described in paragraph 1 of Schedule 12A of the Act as amended, paragraphs 3 and 5 of Schedule 12A of the Act as amended and paragraph 3 of Schedule 12A of the Act as amended, respectively, would be disclosed to the public.

**5. DEVELOPMENT CONTROL SERVICES - ACTION PLAN**

Report number PLA612 by the Economic Development Portfolio Holder.

**(Enclosure)**

*Appendix 1 of this report is exempt because it contains information relating to named individuals.*

**6. CATTLE MARKET, STAMFORD**

Report number DLS81 by the Economic Development Portfolio Holder.

**(Enclosure)**

*This item is exempt because it contains commercially sensitive information and information covered by legal privilege.*

**7. \*WAKE HOUSE, BOURNE**

Report number AFM019 by the Resources and Assets Portfolio Holder.

**(Enclosure)**

*This item is exempt because it contains information on the business affairs of the Council.*

**OTHER ISSUES:**

**8. \*GAMBLING ACT 2005**

Report number ENV361 by the Healthy Environment Portfolio Holder.

(Enclosure)

9. **MATTERS REFERRED TO CABINET BY THE COUNCIL OR THE DEVELOPMENT & SCRUTINY PANELS**
10. **ITEMS RAISED BY CABINET MEMBERS INCLUDING REPORTS ON KEY AND NON KEY DECISIONS TAKEN UNDER DELEGATED POWERS.**
11. **REPRESENTATIONS RECEIVED FROM MEMBERS OF THE PUBLIC ON MATTERS WITHIN THE FORWARD PLAN (IF ANY)**
12. **REPRESENTATIONS RECEIVED FROM NON CABINET MEMBERS**
13. **ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT**



**MEETING OF THE CABINET**  
**7 AUGUST 2006 - 11.00 AM – 12.35 PM**

**PRESENT:**

**Councillor Ray Auger  
Councillor Teri Bryant  
Councillor Paul Carpenter  
Councillor Mrs Frances Cartwright  
Councillor John Smith**

**Councillor Mrs. Linda Neal – Leader / Chairman**

**Chief Executive  
Strategic Director (2)  
Corporate Head of Finance Resources  
Assets and Facilities Manager  
Monitoring Officer  
Economic Development Team Leader  
Public Relations Manager  
Bourne Town Centre Manager  
Community Economic Development Officer  
Public Relations Officer  
Cabinet Support Officer**

**Non Cabinet Councillors: Councillor Craft**

**CO34. MINUTES**

The minutes of the Cabinet meeting held on 10<sup>th</sup> July 2006 were approved as a correct record with the following amendment at minute CO31, point 7 of the decision:

*“To task **budget holders** to keep the impacts of the Comprehensive*

*Spending Review and any other specific grants under review **and report back to Cabinet on a regular basis.***

CO35. DECLARATIONS OF INTEREST (IF ANY)

Councillor Smith declared a personal interest in agenda item 4 on the Bourne Core Area by virtue of his being a member of a club whose premises were in Bourne town centre, as such, he did not participate in voting on this item.

**EXCLUSION OF THE PUBLIC**

In accordance with Section 100A(4) of the Local Government Act 1972, as amended, it was resolved that the public be excluded because of the likelihood in view of the nature of business to be transacted that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 4 of Schedule 12A of the Act, as amended. With the press and public excluded, the following item was considered.

CO36. \*BOURNE CORE AREA

*Having declared a personal interest in agenda item 4, Councillor Smith did not participate in any vote on this item.*

**DECISION:**

1. That South Kesteven District Council and Bourne Town Centre Management Partnership terminate all future negotiations/discussions with Henry Davidson Development Ltd (HDDL) concerning the Bourne Core Area site;
2. That working in conjunction with (as appropriate) Welland SSP and the second placed developer (Dencora), further investigatory work be undertaken to determine scheme viability and, if appropriate, the level of public subsidy to deliver the scheme;
3. That should any South Kesteven District Council budgetary requirement arising from recommendation two be necessary, this be reported to Cabinet in due course, prior to any funding commitment being made.

Considerations/Reasons for Decision:

- (1) Exempt report number PLA607 by the Economic Development Portfolio Holder on the status of the Bourne Core Area project and the selection of a forward plan;
- (2) Four options available to SKDC on the future of the project;
- (3) Comments of the Section 151 Officer and the Monitoring Officer;
- (4) The Council's Category A Priority on Town Centre redevelopment
- (5) Additional money for HDDL's scheme had not been budgeted and would not guarantee the future of the development;

- (6) Discussion between Cabinet members during adjournment..

Other options considered and assessed:

Issues surrounding each option include: with option one, a potential risk of Council investment if HDDL deem the project unviable. With option two there would be issues around capital investments required by SKDC within the public subsidy. With option three as a stand-alone there would be questions raised and answered over the skill sets and capacities within the current council teams to undertake the project.

*[Meeting adjourned: 11:20-11:25]*

CO37. \*ASSET MANAGEMENT PLAN

**DECISION:**

**That subject to the amendments made at the meeting, the Cabinet adopts the Final Draft of the Asset Management Plan 2006–2009.**

Considerations/Reasons for Decision:

- (1) Report number AFM018 by the Resources and Assets Portfolio Holder, the draft Asset Management Plan and attached appendices;
- (2) Feedback from GOEM upon the previously submitted plan, which was rated as good;
- (3) Advice and knowledge obtained from the Beacon Councils and others rated Excellent in Asset Management Planning;
- (4) Publications by the RICS policy unit – Asset Management in local government;
- (5) Reviews of a previous draft by the Resources DSP and the Resources and Assets Portfolio Holder;
- (6) Alignment with the Council's Category A priority on the use of resources;
- (7) All references to the Office of the Deputy Prime Minister should be replaced with the Department for Communities and Local Government (DCLG);
- (8) The regional average of gross weekly earnings should be clarified because another document had presented a different figure;
- (9) Cabinet access to Mapinfo would be decided on a need basis for each layer of the application;
- (10) The District Council would wish to consider the opportunity from the County Council to adopt responsibility for street lighting;
- (11) Monitoring properties where asbestos has been identified. Before any development could take place at these locations, the District Council would be made aware and monitor all work;
- (12) Tennis clubs and other sports facilities should be included in the list relating to Special Expense Areas;
- (13) Plans showing the utilisation of office facilities should be prepared

to reflect a positive and negative vote on large scale voluntary transfer;

- (14) The sale of Conduit Lane car park should be added to the proposed programme for 2007/08.

#### CO38. \*MEDIUM TERM FINANCIAL STRATEGY

##### **DECISION:**

**That the Cabinet:**

- 1. Recommends to Council the approval of the Medium Term Financial Strategy;**
- 2. Adopts the budget timetable set out at paragraph 8 of report CHFR14;**
- 3. Requests that the Corporate Head of Finance and Resources, in consultation with the portfolio holders for Resources and Assets and Access and Engagement, draw up budget consultation proposals for implementation during the forthcoming budget cycle.**

Considerations/Reasons for Decision:

- (1) Report number CHFR14 by the Corporate Head of Finance and Resources on the Medium Term Financial Strategy 2006/07 to 2011/12 and Budget preparation and draft strategy;
- (2) Report CHFR12 considered by the Cabinet on 10<sup>th</sup> July 2006, which identified a number of issues that would impact on the Council's Medium Term Financial Strategy (MTFS) and budget preparation;
- (3) The strategy would provide the framework for the development of service plans as part of budget preparation for 2007/08;
- (4) The strategy needed to be updated to take account of the confirmation of formula grant allocation for 2007/08;
- (5) The strategy would need to reflect the outcome of the ballot of tenants on Large Scale Voluntary Transfer, due to take place in autumn 2006;
- (6) The MTFS identified 14 principles, which would, when applied, enable the Council to effectively use its resources, in accordance with the Council's category A priority;
- (7) The likely capping at 5% of increases in the level of council tax and indicative budget requirements based on an increase at the ceiling of 5% and an assumed 1% growth in the tax base;
- (8) 2007/08 service planning and budget preparation timetable included in report CHFR14.

#### CO39. REVIEW OF PENSIONS POLICY

##### **DECISION:**

**That the deposited pension scheme should be amended in accordance with the proposals outlined in report CEX349 and that all requests for early release of pension and employer consents (excepting those meeting the rule of 85) are dealt with on the following basis:**

**“the usual position will be to acquiesce subject to the Council being satisfied that the retirement of an employee is in the interests of efficiency of the service.”**

Considerations/Reasons for Decision:

- (1) Report number CEX349 by the Chief Executive on the clarification of a minor amendment to SKDC's deposited local government pension scheme;
- (2) An anomaly between discretion 5 of the County Council deposited scheme and reports to the Finance and Personnel Committee;
- (3) Proposed changes to the national scheme;
- (4) Consultation with the unions on Wednesday 26<sup>th</sup> July;
- (5) Comments from the Corporate Head of Corporate and Customer Services.

#### **CO40. PROCUREMENT OF LEISURE SERVICES**

##### **DECISION:**

- 1. That the Council's leisure procurement plan should be revised to allow full market testing of all leisure procurement options to be undertaken on a concurrent basis**
- 2. That consideration should be given to identifying investment and service delivery issues for inclusion in the procurement exercise.**

Considerations/Reasons for Decision:

- (1) Report number LAC150 by the Healthy Environment Portfolio Holder providing a progress report on the procurement of leisure services;
- (2) The Cabinet decision on 12<sup>th</sup> June 2006 to agree the indicative project plan, which included soft market testing of the contracting trust;
- (3) Responses received from contacting all members of the Sports and Recreation Trusts Association (SPORTA);
- (4) Advice from the Audit Commission on the procurement of leisure services suggesting that Councils should improve the strategic planning of sports and recreation provision and overall efficiency using a framework created for the purpose;
- (5) A District Council household and user survey on sporting provision in 2001 and a sports facilities assessment in 2003;
- (6) Leisure is a category M priority, meaning that any opportunity for



- investment in the expansion of facilities would be unlikely;
- (7) Previous experience of the District Council of hands-on management and private sector contract management;
- (8) A hybrid trust, a contracting trust and an independent trust have not been subject to side-by-side comparison; this would involve changing the project plan;
- (9) To establish a true comparison of costs, it would be more appropriate to undertake business planning work and tendering work consecutively so that the cost of setting up a trust could be directly compared to other market options;

**CO41. CONSULTATION ON LOCAL AREA AGREEMENTS OUTCOME FRAMEWORK**

**DECISION:**

**The Cabinet recommends to other Lincolnshire Authorities that:**

- 1. A target is set to increase participation in sport, the arts and other diversionary activities amongst children and young people from all areas of Lincolnshire;**
- 2. Targets are set for increasing detection and prosecution of environmental crime by 20% and a co-ordinated campaign across the county is undertaken with the aim of achieving a 10% increase in satisfaction with our response to fly-tipping and other environmental crimes;**
- 3. A target is set for every Council in Lincolnshire to reach at least Level 2 on the Local Government Equality Standard;**
- 4. The Health community in Lincolnshire is asked to confirm that the targets being proposed are still achievable if all proposals for service reductions and reconfigurations recently proposed are implemented;**
- 5. A new target is set for improving the provision of affordable homes in the county by 10% per annum;**
- 6. A new target is set for the engagement of young people in local democracy by the establishment throughout the county of youth forums or councils;**
- 7. A more ambitious target is considered for improving employment in deprived areas;**
- 8. A new target is introduced to undertake health checks on all market towns in the county and to prepare specific action plans for improving the economy and vitality of these settlements;**
- 9. Serious consideration is given to introducing a new target relating to improving transport within the county;**
- 10. In negotiating the Local Area Agreement, a specific flexibility is sought for all Lincolnshire authorities to use any MRA reserves to fund the provision of new social housing and to retain these reserves for this sole purpose following any**

- transfer of the housing stock;**
- 11. In negotiating the Local Area Agreement a specific flexibility is sought to enable collection authorities in Lincolnshire to offer rebates to householders to reflect the amount of recyclable waste being produced from their property;**
  - 12. The Council strongly urges partners to engage in a process that can lead to a clear vision or theme for the Lincolnshire Local Area Agreement.**

Considerations/Reasons for Decision:

- (1) Report number CEX346 by the Chief Executive on the consultation on Local Area Agreement outcome framework, the draft Local Area Agreement (LAA) document and the supplementary consultation document on the Local Area Agreement Safer Stronger Communities Block;
- (2) Sign-off of the LAA's first stage would be in September 2006;
- (3) LAA offer the opportunity of improving efficiency and effectiveness by merging funding streams into a single pot;
- (4) Local Authorities could identify any freedoms or flexibilities that could be given under ministerial delegated authority to help deliver outcomes;
- (5) Agreement sign-off is on a county basis; it was anticipated that the County LAA would be submitted to the Government Office by September 2006;
- (6) The 'Safer and Stronger Communities' element of the document relates closely to SKDC's priorities;
- (7) Little has been made on preventative approaches for creating 'Safer and Stronger Communities' and there little reference had been made to the equality and diversity agenda;
- (8) The unknown input of the PCTs in Lincolnshire and the United Lincolnshire NHS Hospital Trust into the targets for 'Healthier Communities and Older People';
- (9) Outcomes relating to housing focused solely on non-decent homes and did not set out any targets for increasing the provision of affordable homes in the county, which was identified as a major priority for the District Council;
- (10) The section on 'Children and Young People' did not include the engagement of young people in democracy and the governance of their communities, as per the District Council's priorities;
- (11) Targets proposed for areas of deprivation using the deprived areas fund eligibility as a benchmark, which excluded areas of South Kesteven, were set at 1%;
- (12) The importance of market towns as rural capitals and engines for the revival of the economy was not included;
- (13) No proposals for the improvement of transport links or plans to tackle traffic congestion were made;
- (14) If the scope of the LAA was increased, there would be the opportunity for Lincolnshire to use the Major Repairs Allowance to fund the provision of new social housing;

- (15) There could be the opportunity for Lincolnshire to be given pilot status in considering the charging of householders for the production of household waste, allowing the ability to charge or offer rebates according to the amount of non-recyclable waste each household produces;
- (16) A theme around innovation in service provision could challenge conventional thinking.

#### CO42. LINCOLNSHIRE SHARED SERVICES

##### **DECISION:**

- 1. That the Cabinet approves in principle, participation in the Lincolnshire Shared Services initiative and applies for £17,000 of funding from the provision approved for the capacity building fund;**
- 2. That Strategic Partnerships and Community Safety Portfolio Holder should be appointed as the member representative from South Kesteven on the Member Management Board.**

##### Considerations/Reasons for Decision:

- (1) Report number CEX350 by the Chief Executive on the recently endorsed bid to the East Midlands Centre of Excellence for capacity funding in order to develop a shared services model for Lincolnshire;
- (2) Funding has been provided by the Centre of Excellence on a match funding basis;
- (3) Efficiency gains of almost £3million were forecast for phase 1;
- (4) The Partnership Framework of the Lincolnshire Shared Services Partnership attached as an appendix to report CEX350;
- (5) Comments of the Section 151 officer given at the meeting: to fund the project, virement of funds from the capacity building and reorganisation reserves would be necessary.

##### Other options considered and assessed:

As a member of the partnership South Kesteven District Council has been asked to commit, in principle, to the shared services programme. Such a commitment would not mean that council would participate in all of the particular service groupings but it would mean that the council would work with colleagues in Lincolnshire in the spirit of trust, openness, clarity and fairness.

It should be recognised that the partnership members might require the council to amend some service policies in order to achieve consistencies and harmonisation required for effective partnership working and delivery of efficiency savings.

CO43. ITEMS RAISED BY CABINET MEMBERS INCLUDING REPORTS ON KEY AND NON KEY DECISIONS TAKEN UNDER DELEGATED POWERS.

**NON-KEY DECISIONS:**

**Councillor Frances Cartwright: Portfolio – Housing Services and Organisational Development**

**DECISION:**

That approval is granted for the Anite database to have information in respect of adaptations to existing dwellings transferred to it from the old Openhouse database and that tenants currently awaiting floor showers, stairlifts etc be canvassed to apply for entry onto the council's transfer register with the facts in respect of current waiting times, means testing and the council's need for stock optimisation highlighted.

[Decision made on 07/08/06]

**DECISION:**

That approval is granted to accept the tender from J & S Seddon, Bulwell, Nottingham in the sum of £21,366.00 for external painting contract HPT0605 for 151 properties situated in Grantham Rural South.

[Decision made on 07/08/06]

Minute CO38, being a Policy Framework Proposal, stands referred to the Council meeting on 7<sup>th</sup> August 2006. All other decisions as made on 7<sup>th</sup> August 2006 can be implemented on the 16<sup>th</sup> August 2006 unless subject to call-in by the Chairman of the relevant Development and Scrutiny Panel and five members of the Council.

**South Kesteven District Council, Council Offices, St. Peter's Hill, Grantham, Lincolnshire NG31 6PZ**

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## REPORT TO CABINET

REPORT OF: Economic Development Portfolio Holder

REPORT NO: PLA611

DATE: 4<sup>th</sup> September 2006

<b>TITLE:</b>	Final Draft Grantham Masterplan
<b>FORWARD PLAN ITEM:</b>	Not applicable
<b>DATE WHEN FIRST APPEARED IN FORWARD PLAN:</b>	Not applicable
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	Key Decision

<b>COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:</b>	Councillor John Smith (Portfolio Holder Economic Regeneration)
<b>CORPORATE PRIORITY:</b>	Town Centres (A Priority)
<b>CRIME AND DISORDER IMPLICATIONS:</b>	None
<b>FREEDOM OF INFORMATION ACT IMPLICATIONS:</b>	None
<b>BACKGROUND PAPERS:</b>	Grantham Masterplan 2002

## **1. PURPOSE OF REPORT AND SUMMARY**

This report sets out the new updated Grantham Masterplan for 2006-2015. The Masterplan reviews the initial Masterplan completed in 2002 and develops a visionary / strategic document with a prioritised, deliverable action plan with key performance indicators and measurable outcomes. The key outputs of this Grantham Masterplan are: the strategic framework, spatial Masterplan and the implementation plan. This will provide a detailed, prioritised action plan for delivery during 2006-2015 that will form the basis of an AAP for inclusion in the LDF.

## **2. RECOMMENDATIONS**

Cabinet are recommended to note and make comments on the final draft Grantham Masterplan.

## **3. DETAILS OF REPORT**

The Masterplan is created in six parts: -

- The introduction & context
- A summary of the baseline review including issues on urban design, audit and historical review, a business case through economic, market and planning analysis, and a transport and access perspective.
- Establishes a vision for Grantham
- Putting forward a strategic framework and associated projects that aim to deliver the vision
- An illustrative Masterplan is identified demonstrating one possible spatial illustration of how Grantham could look if the projects are delivered
- Identification of stakeholders and key interest groups.

A key issue is that of providing a clear delivery strategy for Grantham to meet its aspiration of being a sub regional centre. The key components for achieving the delivery strategy are: -

- Achieving status for the vision and Masterplan
- Championing and marketing the Masterplan principles and key development opportunities
- Co-ordinating delivery activity

Achieving the status and vision for the Masterplan can be done within three stages; securing stakeholder support, achieving materiality, and aligning key policy tools at local, sub regional, and regional levels. The Masterplan indicates a requirement for a Grantham champion to provide drive and focus. This role is identified as needing well developed political and strategy skills as well as core expertise in property development management. The Masterplanners suggest that early efforts should be made to confirm an individual with the appropriate seniority, influence and skills to act as a champion or director for the Masterplan and acting as the lead for Grantham Futures and SKDC. They also suggest that subject to resources, it may be necessary to build an effective 'delivery team' around the director as the intensity of delivery action increases. Co-ordinating this delivery will require a balance between strategic planning & policy alignment with project development, both are critical to securing funding whether public or private. Certainly, the skill set required in the delivery team in advancing the strategy at the outset will go beyond project management skills only.

The essential initial functions of the delivery team will be, advocacy, co-ordination and delivery. Specific activities for the team will be: -

1. Co-ordinate ongoing stakeholder engagement in the Masterplan and act as a principle advocate;
2. Define the investment priorities based on targeted approach to the town centre
3. Develop a branding and marketing strategy and a prioritised development / investment prospectus for the town centre
4. Refine the level of information on each development site in terms of development capacity, infrastructure requirements and site assembly needs;
5. Through representations ensure the alignment of key policy tools to the town centre Masterplan, including planning, transportation, economic & environmental policies, particularly through the LDF.
6. Co-ordinate the necessary inputs to work up detailed design proposals for key public realm proposals, including transport and environmental works.
7. Prepare preliminary development briefs for each of the priority opportunities.
8. Work with owners / occupiers of key sites to advance development projects
9. Engage the private sector developers to promote development opportunities in the town centre, including through competitive processes
10. Co-ordinate bids for public sector resources to advance priority public realm works.

The present arrangements for town centre management will need to be integrated with the Masterplan delivery team. However it should be recognised that the skills and resources required for the delivery of complex physical development projects are very different to those required to delivery of town centre management services.

In determining the strategy to encourage finance it will be necessary to confirm the level of public sector intervention required to facilitate development. There are three identified categories, which are: Facilitator, Strategic Partnerships and Direct Intervention.

The Masterplan has highlighted over twenty projects with some emphasis being placed on three key ones: these being: -

- Station approach: which aims to transform the approach to Grantham railway station, offering 20,000 square feet for freehold and the same again for leasehold. Office units, town housing, a hotel, café and bus interchange are part of the plan, all of which will provide a more attractive and better link between railway and town.
- Post Office & Bus Station: Linked to the station approach project, the key requirement is to re-house the Post Office's sorting office. The proposals also put forward plans to replace the bus station with a series of strategic interchange and stop on/off points.
- Greyfriars: - The project is designed to attract leading retailers and businesses to fill 10-12 major leisure and retail outlets of a size currently unavailable in the town, as well as providing good linkage through to other adjoining shopping areas particularly Westgate.

It must be emphasised that the design proposals are conceptual and should not be adopted as formal, each development will have to take account of key delivery issues that will be highlighted within the appropriate development brief process and will therefore be subject to some changes.

The Grantham Town Centre Manager has been consulting other local stakeholders to ensure a degree of consensus and advocacy. The draft final Masterplan was presented to Grantham Future on the 5<sup>th</sup> July 2006. A final draft Masterplan presentation was held for Grantham Councillors and the Charter Trustees on the 31<sup>st</sup> August 2006. A presentation was also given to a joint meeting of the Economic & Resources DSP's on the 24<sup>th</sup> August 2006. The Town Centre Manager has also presented the information to Strategic Management Team, and intends to undertake a second presentation to the Grantham Business Club and the Tenants & Residents Association. This will mean that any changes that were made to the existing Masterplan will not be articulated within the copies Cabinet have received.

#### **4. OTHER OPTIONS CONSIDERED AND ASSESSED**

No other options have been considered.

#### **5. COMMENTS OF SECTION 151 OFFICER**

A financial evaluation of the Masterplan has not yet been undertaken as the plan is being presented to Cabinet at this stage for members to consider its contextual basis. Before proceeding to adopt the Masterplan, an evaluation of the financial implications will need to be undertaken. This evaluation will include an assessment of the plan's affordability and fit with the Council's priorities for resource allocation purposes, particularly relating to those projects where a contribution is anticipated from the Council. The evaluation should also take account of the prospects of attracting funding from other public bodies as the affordability of individual schemes is likely to impact on the overall deliverability of the Masterplan.

#### **6. COMMENTS OF MONITORING OFFICER**

I am not aware of any consultation of officers of the Council. If the masterplan includes council owned land, those services affected should be consulted at this stage. Further consultation has been carried out on a "final draft" masterplan. The final draft must be undated as a result of that further consultation before the final draft masterplan is considered for comment.

#### **7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER**

#### **8. CONCLUSION OR SUMMARY**

This report requests that Cabinet note and comment on this final draft copy of the Masterplan, and upon completion of the changes requested the final document will be presented to Cabinet for endorsement in the near future.

#### **9. CONTACT OFFICER**

Mr Neil D Cuttell  
Team Leader (Economic & Community Regeneration)  
[n.cuttell@southkesteven.gov.uk](mailto:n.cuttell@southkesteven.gov.uk)



## REPORT TO CABINET

REPORT OF: Portfolio Holder for Economic Development:  
Councillor John Smith

REPORT NO. PLA612

DATE: 4 September 2006

<b>TITLE:</b>	<b>Development Control Services – Action Plan</b>
<b>FORWARD PLAN ITEM:</b>	N/A
<b>DATE WHEN FIRST APPEARED IN FORWARD PLAN:</b>	N/A
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	<b>Non Key Decision</b>

<b>COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:</b>	Councillor John Smith	
<b>CORPORATE PRIORITY:</b>	Category M Service	
<b>CRIME AND DISORDER IMPLICATIONS:</b>	Minor	
<b>FREEDOM OF INFORMATION ACT IMPLICATIONS:</b>	With the exception of the confidential paper at appendix one, this report is publicly available on the Council's website <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a> via the Local Democracy link	
<b>INITIAL EQUALITY IMPACT ASSESSMENT</b>	<b>Carried out and appended to report?</b>  <b>No</b>	<b>Full impact assessment required?</b>  <b>No</b>
<b>BACKGROUND PAPERS:</b>	2006 IDEA Planning Peer Review Report 2001 Best Value Review submission and action plan 2002 Audit Commission Best Value Report 2006/07 Development Control Business Plan	

## 1. INTRODUCTION

- 1) This report addresses several key issues for the short and longer term operation and management of the Council's Development Control (DC) Service - as follows.
- 2) Concern over the robustness of DC performance data, as performance measures and grant income are business critical.
- 3) Identify and address the reasons for performance slippage.
- 4) Report on the filling of two additional professional posts in DC.
- 5) Measures for a quick turn round in the management of DC.
- 6) Report on the issues and options for long term DC management.
- 7) Report on the content of an improvement plan for DC, including an implementation team

## 2. RECOMMENDATIONS

- 1) That the action taken to deal with the short to medium term management and performance issues in the Development Control Service, as set out in the report at appendix 1, is noted. **This appendix contains exempt information as described in paragraph 1 of Schedule 12A to the Local Government Act 1972**
- 2) That an independent verification is carried out of development control performance statistics against the Audit Commission Key Performance Indicators lines of enquiry; and that a detailed check is carried out of those applications that are determined close to the 8/13 week date, and a sample system check of up to 2% of applications, depending on AC guidelines.
- 3) That the positions of Trainee Planning Officer and Development Control Officer are advertised as soon as possible.
- 4) That a post of APAS system administrator (on an initial six month basis) be established, to be advertised internally for immediate filling.
- 5) That the post of temporary practice manager (on an initial six month basis) is advertised internally for immediate filling.
- 6) That these two appointments are reviewed after 3 months to evaluate possible further temporary arrangements or a permanent solution, with a report submitted to Cabinet to recommend the appropriate course of action.
- 7) That a report be submitted to the Cabinet setting out the measures to be in a Service Improvement Plan for Development Control based on the IDeA Peer

review Report, and the management and implementation team arrangements for carrying it out.

- 8) Endorse the proposals for the utilisation of Planning Delivery Grants as set out in the "Summary of Planning Delivery Grant Award, spend and commitments" contained at appendix 2

### **3. DETAILS OF REPORT**

- 1) A detailed report with supplementary annexes is set out as appendix 1 (**exempt information**). This sets out the basis of the recommendations in this report to Cabinet. It covers all of the main issues, and it has not been repeated.

### **4. OTHER OPTIONS CONSIDERED AND ASSESSED**

- 1) None appropriate, given the urgent timescale for the turn round of DC performance and the previous agreement of Operational Management Team to the filling of the two new DC posts. .

### **5. COMMENTS OF SECTION 151 OFFICER**

An award of £624,104 Planning Delivery Grant was made in 2005/6 and Cabinet endorsed a plan (as set out in report PLA520) to utilise this resource. A further award of £297,778 has been made in the current financial year. There is a Government requirement that PDG be utilised on the basis of 25% capital and 75% revenue.

Appendix 2 sets out a summary of the PDG award, spend and commitments to date together with further proposals for the utilisation of the 2006/7 award. Members will note that £170,458 was spent in 2005/6 and this has been reflected within the outturn figures for the year. Further commitments of £252,950 have already been entered into in accordance with the original plan (PLA520), also the original plan has been updated and it is envisaged that there are further outstanding commitments of £127,000. These commitments will be met from balances shown within the Statement of Accounts under "Receipts in Advance". In the future, to provide greater transparency, it is proposed that when reserves are reviewed a dedicated Planning Delivery Grant reserve is created as an earmarked reserve to enable the future financing of the proposals contained in the action plan which relate to future financial years.

The Summary of PDG award also identifies the proposed use of the 2006/7 PDG subject to endorsement of the revised action plan.

### **6. COMMENTS OF MONITORING OFFICER**

Greater transparency of the actual spend of the Planning Delivery Grant is essential to ensure improvement to the delivery of the planning service.

**7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER**

**8. CONTACT OFFICER**

Mr SP Williamson. Contact tel. 01476 406063

## Appendix 2

### Summary of Planning Delivery Grant Award, Spend and Commitments

	Capital	Revenue	Total
<b>Planning Delivery Grant 2005/6 Award</b>	<b>156026</b>	<b>468078</b>	<b>624104</b>
<i>Spend in year</i>			
Back scanning		19273	
IT - Presentation equipment		4163	
IT Flat Screens		3330	
Retail Capacity study update		20000	
Landscape Character Assessment		19900	
Bourne TCMP year 1 contribution		10000	
Housing Needs survey		93792	
<b>Spend in year 2005/6</b>	<b>0</b>	<b>170458</b>	<b>170458</b>
<i>Commitments</i>			
Back scanning		24950	
Limehouse publishing - web interface	35000		
Implementation of pendleton - GIS	13000		
Stamford Area Action Plan (initiated 2005/6)		40000	
Grantham Master Plan	60000		
Employment Land Survey		10000	
Developer Contributions SPD (initiated 2005/6)		50000	
Bourne TCMP - 2 further years		20000	
<b>Commitments made</b>	<b>108000</b>	<b>144950</b>	<b>252950</b>
Arboricultural survey		30000	
Diversity and Equality work		20000	
Member training		2000	
Stamford Car Parking review		40000	
Team Development		20000	
Training costs for trainee placement identified below		15000	
<b>Further commitments in action plan</b>	<b>0</b>	<b>127000</b>	<b>127000</b>
<b>Uncommitted balance remaining</b>	<b>48026</b>	<b>25670</b>	<b>73696</b>
<b>Planning Delivery Grant 2006/7 Award</b>	<b>74445</b>	<b>223334</b>	<b>297778</b>
<b>Available for commitment/spend 2006/7</b>	<b>122471</b>	<b>249004</b>	<b>371474</b>
<b>Action Plan 2006/7</b>			
Plan viewing area within customer services	80000		
<b>Proposed action plan 2006/7</b>			
Develop integration between APAS and ERDMS computer software	14400		
Audit of KPIs		2000	
4 year trainee placement - salary & oncosts		125105	

Dev Control Officer placement - salary & oncosts (part year) - as provision for substantive post contained within existing base budget in future years (utilised in current year for interims)	11135		
Interim APAS co-ordinator (backfill & secondment)	14353		
Temporary Practice Manager	17500		
Provision for further LDF work	40000		
Provision for implementation of Peer Review recommendations	38910		
	94400	249003	
<b>Balance available for future commitments</b>	<b>28071</b>	<b>0</b>	<b>28071</b>

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of the Local Government Act 1972.

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# Agenda Item 6

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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# Agenda Item 7

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

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## REPORT TO CABINET

**REPORT OF:**                   **HEALTHY ENVIRONMENT PORTFOLIO**  
**HOLDER**

**REPORT NO.**               **ENV361**

**DATE:**                   **4 SEPTEMBER 2006**

<b>TITLE:</b>	THE GAMBLING ACT 2005 DRAFT STATEMENT OF PRINCIPLES
<b>FORWARD PLAN ITEM:</b>	YES
<b>DATE WHEN FIRST APPEARED IN FORWARD PLAN:</b>	1 JUNE 2006
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	POLICY PROPOSAL

<b>COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:</b>	COUNCILLOR MRS L NEAL (COMMUNITY SAFETY)
<b>CORPORATE PRIORITY:</b>	Y – STATUTORY FUNCTION
<b>CRIME AND DISORDER IMPLICATIONS:</b>	MINOR
<b>FREEDOM OF INFORMATION ACT IMPLICATIONS:</b>	NO
<b>BACKGROUND PAPERS:</b>	REPORT NOS ENV354 AND ENV359

## **1. INTRODUCTION**

This matter originally came before the Licensing Committee on the 2 June 2006 when approval was sought to publish and consult on the draft Statement of Principles in respect of the Council's legislative responsibilities of the Gambling Act 2006. This followed the public consultation that commenced on 5 June 2006 and ends on 4 September 2006.

A summary of the results of consultation is shown at Appendix 1.

The results of the consultation procedure will be considered at the Licensing Committee meeting on 1 September 2006.

## **2. RECOMMENDATIONS**

That, following the consultation exercise, the Cabinet recommends to Council the draft Statement of Principles be adopted as "The Statement of Principles".

## **3. DETAILS OF REPORT**

The Act is due to take effect on 1 February 2007.

Section 2 of the Act defines the Council as the licensing authority.

Section 349 of the Act requires the licensing authority to consult on, publish and adopt a three year Statement of Principles for the area, which may be subject to periodic revision. Guidance to the Act requires a period of three months public consultation before adopting a Statement of Principles, which must be in place before 1 January 2007. The guidance only requires the licensing authority to "consult widely".

The period for consultation began on the 5 June 2006 and will end on 4 September 2006. The basis for the consultation was very similar to that carried out under the Licensing Act 2003. Over 600 letters have been sent to a wide range of interested parties, both local and national, such as businesses, community and residents groups. Groups likely to show concerns with the social effects of the Act were also contacted. Those letters were intended to inform all involved of the consultation exercise and that a copy of the Statement was available on the Council's website. Individual copies of the document were sent out on request. The relevant responsible authorities were sent their own personalised letters and copies of the draft Statement.

Other means of promoting the consultation exercise included a press release, copies of the document sent to the council's area offices and public libraries in the district. The Statement was also promoted at the two district Licensing Forums held in July. Despite the degree of effort to raise awareness, all of these methods received very limited response.

The draft Statement has also been peer assessed by colleagues from the County Licensing Group and LACORS.

The Statement has now passed through the scrutiny stage and was discussed by the Economic Scrutiny Group.

To date there have been a total of 13 responses, of which only eight were formal replies. These are shown at Appendix 2, together with an appraisal and any necessary amendment to the Statement. There have been seven requests for hard copies of the Statement.

To allow for the tight timescales involved in committee dates and for the closure of the consultation period, a verbal update of any late responses will be provided.

Following the completion of the consultation process and subject to the Cabinet's approval, the Statement of Principles can be then go before the full Council for adoption on 26 September 2006.

#### **4. OTHER OPTIONS CONSIDERED AND ASSESSED**

The Act requires the Council, following consultation, to produce a Statement of Principles under the Gambling Act and is subject to legislative time limits. The consultation has been completed following the relevant guidance. There are no other options.

#### **5. COMMENTS OF SECTION 151 OFFICER**

No comments.

#### **6. COMMENTS OF MONITORING OFFICER**

I have not seen the final draft statement of principles following consultation. The act referred to is the Gambling 2005. I understand the draft statement follows the LACORS model.

#### **7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER**

Subject to the approval of the Cabinet, the draft Statement will be the "Statement of Principles" and, subject to their recommendation, go before the full Council on 26 October 2006 for adoption.

#### **8. CONCLUSION/SUMMARY**

Every effort has been made to comply with the legislation and consult with as many affected parties as possible. A list of those with whom consulted and their responses will be retained and will be available as required. The draft Statement of Principles will be passed to the Council for adoption.

#### **9. CONTACT OFFICER**

M Start, Environmental Health Practitioner (Licensing)  
Tel: 01476 406321 E-mail: m.start@southkesteven.gov.uk





## Schedule of Responses to Draft Statement of Principles - Gambling Act 2005

**Part 1 Responsible Authorities and Statutory Consultees – Amendments made in final version submitted for council approval following cabinet meeting 9 October 2006.**

Reference	Respondent	Comments	Appraisal	Response
1. Received 30 June 2005	Bond Pearce – solicitors on behalf of Association of British Bookmakers – ABB	A. Asserts there is no history of nuisance, crime & disorder, inappropriate use of betting shops by vulnerable people or existence of an environment other than that is fair and responsible	There is no evidence to contradict this and the legislation would address same issues if they arise	No policy change
		B. ABB welcomes new legislation and “light touch” enforcement	This is in line with council policy	No policy change
		C. Door supervision suggests no need for door supervision.	Not an issue of legislation, does not require door supervision	No policy change

		<p>Contains comment re. Inclusion of re. Door supervision wording</p> <p>D. Betting machines suggests inclusion of working of authority not to limit betting machines unless there is a breach of licensing objectives</p> <p>E. Re – Site Applications. Suggests such applications will be looked on “sympathetically”</p> <p>F. Enforcement – Asks that in respect of any enforcement issues there would be a single point of contact within the authority</p>	<p>see also section 2.10 statement of principles</p> <p>It would not be appropriate to include instatement such working as each premise would be judged on its merits. Such inclusion would restrict the authority’s discretion</p> <p>Not appropriate as each case should be addresses on its merits, but the authority recognises benefits of regulated gambling in the district (section 1.2) and the authority’s Statement of Principles will not override any application (section 1.8)</p> <p>This is addressed within the Statement of Principles. The licensing team details are shown (section 1.7)</p>	<p>No policy change</p> <p>No policy change</p> <p>No policy change</p>
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2.	Race Course Association	Thanks for notification of Statement of Principles – no venues in district	Issue is addressed in (section 2.18)	No policy change
3.	Lincolnshire Fire and Rescue (J. Cook Fire Safety Manager)	A. Comment document is easy to read  B. No legislative issues arising from Gambling Act 2005 – will be addresses by Fire Service legislation  C. The Statement addresses the 3 licensing objectives		No policy change
4.	LCC Highways (B Thompson Divisional Highways Manager)	Acknowledges receipt – no comments		
5.	Gambling Commission (S Rossiter)	Acknowledges receipt – no comments	Statement of Principles was written with advice of LACORS and Gambling Commission	
6.	Lincolnshire Safeguarding Childrens Board (D Barnes Business Manager)	A. Board is democratically elected Page 5  B. Typographical error re “safeguarding” Page 5	Will be corrected  Will be corrected	Done  Done

		C. Issues re training of staff in gambling premises including offer to develop “model policy”	Already addressed in Statement section 2.8 and will be suspect to subsequent codes of practice and consideration of “model policy”	Any relevant codes including model policy will be considered as necessary
		D. Re ability of responsible authorities to initiate reviews	Contain in section 197 – 200 of Act – purpose of page 17 of Statement is to acknowledge issues re review should they arise	No policy change
		E. Issues re CRB convictions	This is addressed in page 18 of Statement. The authority would risk assess on an individual premise basis – see paragraph 2 section 3.2	No policy change
		F. Staff training premises	The authority cannot require such training unless there is a need – this could arise should the licensing objectives were breached or the need for a review arose. Should such issues come to notice the authority would expect the premises operator to demonstrate awareness of the relevant codes of practice and staff training	No policy change

		G. The respondent comments the Statement was easy to read, non-technical and the format was appropriate		
7.	"GAMCARE" (A Faulkener)	<p>A. Raises issue in respect of debt issues arising from problem gambling</p> <p>B. The respondent also raises matters such as misuse of drugs</p> <p>C. Leaflets to provide assistance contacts for people having gambling problems, the separation of ATM</p>	<p>This is not specifically for the Statement of Principles but the council recognises problem gambling and has contacted various organisations in respect of such matters as debt management as part of the consultation process. None have to date responded. Section 2.8 of the Statement of Principles address matters such as protection of vulnerable people</p> <p>The Statement of Principles recognises the issues raised and it is expected will be subject to codes of practice from the Gambling Commission</p>	<p>No policy change</p> <p>No policy change</p>

8.	British Beer & Pub Association (R Matthews) Also represents British Institute of Inn keeping, Association of Licensed Multiple Retailers and Federation of Licensed Victuallers Association	<p>A. Supports the councils draft Statement of Principles based on LACORS template</p> <p>B. Supports prevention of under 18 year old persons playing all cash machines and relevant code of practice together with proof of age schemes to prevent misuse</p> <p>C. Supports staff training and codes of practice in respect of the grant of additional permits</p> <p>D. Applications for more Than two machines – inclusion in Policy/Statement of Principles and no need for licensing on grounds of bureaucracy</p>	<p>As legislation and codes of practice</p> <p>Such applications will be addresses by the authority on their merits</p> <p>To accept this within the Statement of Principles would potentially fetter the authority's decision process, each case should be treated on its merits depending on the premises, it's nature and location thus preventing any alteration in the primary usage of the premises from that of the public house to that of a gambling venue</p>	No policy change
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		<p>E. Standard forms – LACORS</p> <p>F. Transitional arrangements</p>	<p>Not a matter for the Statement. Council anticipates adapting structured LACORS forms</p> <p>It would be inappropriate to include this in the Statement of Principles. The DCMS published draft transitional arrangements on 10 July 2006, consultation will not be completed until October and will then be subject to regulations. The council will have adopted its statement of principles by 26 October 2006 to meet required legislative deadlines</p>	
9.	Licensing Team	Completion and insertion of wording Section 4 of Statement of Principles as shown	Advice from LACORS DCMS & County Licensing Group	Statement amended

## SOUTH KESTEVEN DISTRICT COUNCIL STATEMENT OF PRINCIPLES – GAMBLING ACT 2005

<b>Item</b>	<b>Page</b>
Section 1 introduction	
Introduction	2
The licensing Objectives	2
Declaration	4
Responsible Authorities	4
Interested parties	5
Exchange of information	6
Enforcement	6
Licensing Authority functions	7
Section 2 Premises licences	
General Principles	8
Adult Gaming Centres	12
Licensed Family Entertainment Centres	12
Casinos	13
Bingo	14
Betting premises	14
Tracks	15
Travelling fairs	16
Provisional Statements	17
Reviews	17
Section 3 Permits / Temporary and Occasional Use Notices	
Unlicensed Family Entertainment Centre gaming machine permits	18
(Alcohol) Licensed premises gaming machine permits	19
Prize Gaming Permits	20
Club Gaming and Club Machines Permits	21
Temporary Use Notices	22
6. Occasional Use Notices	22
Section 4 Lotteries	
Appendix 1 – Summary of Delegated Powers	
Appendix 2 – List of Interested Parties	
Appendix 3 – Glossary of Terms	



# **SOUTH KESTEVEN DISTRICT COUNCIL**

## **STATEMENT OF PRINCIPLES – GAMBLING ACT 2005**

### **1. Introduction**

#### **The Licensing Objectives**

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

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

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

1.2 South Kesteven District Council, referred to in this statement of principles as “the council”, is situated in the southwest corner of the county of Lincolnshire, which contains 7 district councils in total. The council area has a population of 130,000 making it the second largest district in the County in terms of population. In terms of area it is the fourth largest, covering 365 square miles. The council area is mainly rural with 4 urban areas comprising of Grantham, in the north of the district with the towns of Stamford, Bourne and the Deepings in the south of the district. Additionally there are 100 villages and hamlets in the district.

The council has worked in partnership with the other councils in the county in preparing this statement of principles, which is based on the draft statement of principles guidance issued by the Department of Culture, Media and Sport (DCMS), the Gambling Commission (the commission) and The Local Authorities Coordinators of Regulatory Services (LACORS).

The council recognises its duties to consider the impact of all its functions and decisions on crime and disorder under the requirements of Section 17 of the Crime and Disorder Act 1998 in adopting this statement of principles. The council acknowledges the benefits to the community of properly regulating gambling in the district.

- 1.3 The council are the licensing authority for the purpose of the Gambling Act 2005 and any subsequent regulations and guidance. Any such regulations will be consulted on in due course.

The Gambling Act 2005 provides the delegated and procedural arrangements for the establishment of licensing authorities.

Licensing committees are established with Section 6 of the Licensing Act 2003 are also the relevant committees for the purpose of gambling functions. Therefore, the same committee that deals with applications and other issues in relation to alcohol premises will also be responsible for premise licence applications and other issues (i.e. permits) in relation to gambling.

The proceedings of the licensing committee are regulated by Section 9 of the 2003 Act (and regulations made under that section). Particular provision can be made for proceedings in relation to just the 2003 Act functions or just the 2005 Act functions. Any such regulations will be consulted upon in due course.

- 1.4 The functions of the licensing authority under the Act may be carried out by the licensing committee, by a sub-committee or by one or more officers acting under delegated authority. Delegated powers shall be in accordance with the table at Appendix 1.
- 1.5 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles, which they proposed to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed as required and any amended parts re-consulted upon, the statement must be then re-published.

The council consulted widely upon this statement of principles before finalising and publishing. A list of the persons we consulted is provided, in Appendix 2. It should be noted that unsolicited comments were received from other persons but we have not listed all of these.

- 1.6 The Gambling Act requires that the following parties be consulted by licensing authorities:
- The chief officer of police
  - One or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority's area
  - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005

The consultation took place between 5 June 2006 and 1 September 2006. The authority followed the Revised Code of Practice (which came into effect in April 2004) and Guidance issued by the cabinet office on consultations by the public sector. These documents are available via:

<http://www.cabinetoffice.gov.uk/regulation/consultation/code/index.asp>  
<http://www.cabinetoffice.gov.uk/regulation/consultation/documents/pdf/code.pdf>

- 1.7 The statement of principles will be submitted for approval at a meeting of the full council on 26 October 2006 and will be published via the council's website, shortly after that meeting. Copies will be placed in the public libraries of the area as well as being available in the councils' offices throughout the district.

Should you have any comments as regards this statement of principles statement please send them via e-mail or letter to the following contact:

The Licensing Team, Environmental Health and Licensing, Council Offices, Saint Peters Hill Grantham NG31 PZ  
E-mail [ehs@southkesteven.gov.uk](mailto:ehs@southkesteven.gov.uk) or telephone 01476 406300.

- 1.8 It should be noted that this statement of principles statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

Further information is available on the council's website [www.southkesteven.gov.uk](http://www.southkesteven.gov.uk).

## **Declaration**

- 1.9 In producing the draft licensing statement of principles statement, the licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement of principles statement.

## **Responsible Authorities**

- 1.10 The licensing authority 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 licensing authority's area.

- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

In accordance with the Gambling Commission's guidance for local authorities this authority designates the democratically elected Lincolnshire Safeguarding Children's Board for this purpose.

## **Interested parties**

1.11 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

- 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) e.g. members of parliament and ward councillors.

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

Each case will be decided upon its merits. The Authority will not apply a rigid rule to its decision-making. It will consider the examples of considerations provided in the Gambling Commission's guidance to local authorities. Decisions though, on premises licences, must be "in accordance" with the Gambling Commission guidance (section 153).

1.12 The Gambling Commission has recommended that the licensing authority state that interested parties include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission guidance for local authorities 8.17). This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

Interested parties can be persons who are democratically elected such as councillors and members of parliament. No specific evidence of being asked to represent an interested person will be required as long as the councillor or Member of Parliament represents the ward likely to

be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the licensing committee dealing with the licence application. If there are any doubts then please contact the licensing department on 01476 406300 or email: [ehs@southkesteven.gov.uk](mailto:ehs@southkesteven.gov.uk).

## **Exchange of Information**

- 1.13 Licensing authorities are required to include in their statement of principles statement the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that the licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Should any protocols be established as regards information exchange with other bodies then they will be made available. Discussions with the Gambling Commission and LACORS as regards information exchange between the commission and local authorities are, at the time of writing, at an early stage.

The council is a signatory to the joint protocol on information exchange under the provisions of Section 115 of the Crime and Disorder Act 1998 with the Lincolnshire Police and the Lincolnshire County Council. The council will seek to use that provision as appropriate.

## **Enforcement**

- 1.14 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising

the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

The licensing authority's principles are that:

It will be guided by the Gambling Commission's guidance for local authorities and as per the Gambling Commission's guidance for local authorities; it will endeavour to be,

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

As per the Gambling Commission's guidance for local authorities The licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

The licensing authority will also, as recommended by the Gambling Commission's guidance for local authorities, adopt a risk-based inspection programme.

- 1.15 The main enforcement and compliance role for the licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions, which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission. This authority also understands from LACORS that the Gambling Commission will be responsible for compliance as regards unlicensed premises.

The licensing authority will also keep itself informed of developments as regards the work of the better regulation executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, the licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the licensing team.

## **Licensing Authority functions**

1.16 The licensing authority is required under the Act to:

- Be responsible for the licensing of 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) of the use of two or fewer gaming machines
- Grant licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- Register small society lotteries below prescribed thresholds
- Issue prize gaming permits
- Receive and endorse temporary use notices
- Receive occasional use notices
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that local licensing authorities would not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operator licences.

## **2. PREMISES LICENSES SECTION**

### **General Principles**

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

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

- In accordance with any relevant code of practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives and
- In accordance with the authority's statement of licensing statement of principles

**2.2 Definition of “premises”** - Premises is defined in the Act as “any place”. It is for the licensing authority to decide whether different parts of a building can be properly regarded as being separate premises and as the Gambling Commission states in its guidance for local authorities, it “will always be a question of fact in the circumstances.” The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises. The Licensing Authority will not normally depart from adopting this guidance.

The licensing authority takes particular note of the Gambling Commission's guidance for local authorities which states that in considering applications for multiple licences for a building or those for a specific part of the building to be licensed, “entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.”

The licensing authority will also take note of the Gambling Commission's guidance to local authorities that: “licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).”

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



- 2.4 **Duplication with other regulatory regimes** - The authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. The authority will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. The authority will though listen to, and consider carefully, any concerns about conditions, which cannot be met by licensees due to planning restrictions, should such a situation arise.
- 2.5 **Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the licensing authority has considered the Gambling Commission's guidance to local authorities and some comments are made below.
- 2.6 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** – The Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it.

Unlike the Licensing Act 2003 there is no provision under the Gambling Act to address matters of nuisance arising from premises operating gambling. The authority therefore considers that in the event of such incidents of nuisance arising other regulatory bodies should address them.

- 2.7 **Ensuring that gambling is conducted in a fair and open way** - The licensing authority has noted that the Gambling Commission in its guidance for local authorities has stated that "Generally the commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence. " The licensing authority notes, however, that the Gambling Commission states "in relating to the licensing of tracks the licensing authorities' role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable." The licensing authority understands that there may be further guidance from the Gambling Commission on this issue which it will have regard to, when available.
- 2.8 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - The licensing authority has noted the Gambling Commission guidance to local authorities states that

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

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

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

As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who are gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” The licensing authority will consider this licensing objective on a case-by-case basis. Should a practical definition prove possible in future then this statement of principles statement will be updated with it, by way of a revision.

**2.9 Conditions** - Any conditions attached to licences will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises: and
- Reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures the licensing authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types

below. The licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

It is noted that there are conditions, which the licensing authority cannot attach to premises licences, which are:

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

**2.10 Door Supervisors** - The Gambling Commission advises in its guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though the Gambling Act 2005 has amended the Security Industry Act and the Licensing Authority cannot insist that the Security Industry Authority register door supervisors at casinos or bingo premises. The licensing authority may have specific requirements for door supervisors working at casinos or bingo premises, which are shown to be appropriate to individual premises and subject to any codes of practice. This is in recognition of the nature of their work in terms such as checking ages, searching individuals and dealing with potentially aggressive persons.

**2.11 Adult Gaming Centres** - The licensing authority 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 ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover issues such as:

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

This list is not exhaustive.

As regards the protection of vulnerable persons, the licensing authority will consider measures such as the use of self-barring schemes, provision of information leaflets / helpline numbers for organisations such as GAMCARE

- 2.12 **Licensed Family Entertainment Centres** - The licensing authority 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 ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- No persons under 18 to be admitted unless supervised by an adult

This list is not exhaustive.

As regards the protection of vulnerable persons, this licensing authority will consider measures such as the use of self-barring schemes, provision of information leaflets / help line numbers for organisations such as GamCare.

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

## **Casinos**

- 2.13 **No Casinos resolution** – Full council has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the full council decide in the future to pass such a resolution, it will update this statement of principles statement with details of that resolution.

- 2.14 **Casinos and competitive bidding** - The licensing authority is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. The licensing authority will run such a competition in line with any regulations issued under the Gambling Act 2005 by the Secretary of State.
- 2.15 **Betting machines** - The licensing authority is aware that, as explained in the Gambling Commission's guidance for local authorities: "section 181 contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the licensing authority, amongst other things, 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 by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons."

### **Bingo premises**

The licensing authority notes that the Gambling Commission's guidance states:

- "Licensing authorities will be able to find information about the restrictions that apply in the codes of practice that will be published on the commission's website"
- "Further guidance will be issued in due course about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises"

Once this information is available, the licensing authority will consider its application to premises licences for bingo premises.

### **Betting premises**

- 2.17 **Betting machines** - It is noted that the Gambling Commission's guidance for local authorities states: "section 181 contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the licensing authority, amongst other things, 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 by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons.”

- 2.18 **Tracks** - Note there are currently no tracks operating in the district, however this statement of principles contains provision for the event of such a premise.

The licensing authority is aware that the Gambling Commission may provide further specific guidance as regards tracks. We have taken note of the existing guidance from the Gambling Commission which highlights that tracks are different from other premises in that there may be more than one premises licence in effect and that the track operator may not be required to hold an operator licence as there may be several premises licence holders at the track which will need to hold their own operator licences.

There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and the authority would expect the premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

Appropriate licence conditions may be:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- The location of gaming machines

This list is not exhaustive.

As regards the protection of vulnerable persons, the licensing authority will consider measures such as the use of self-barring schemes, provision of information leaflets and helpline numbers for organisations such as GamCare.

- 2.19 In respect of betting machines on tracks licensing authorities have a power under the Gambling Act 2005, to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises

licence. The Gambling Commission's guidance will be noted in that it states: "In relation to betting premises away from tracks, the commission is proposing that licensing authorities should take into account the size of the premises and the ability of staff to monitor the use of the machines by vulnerable people when determining the number of machines permitted. Similar considerations apply in relation to tracks, where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machine. Licensing authorities will want to consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence."

The licensing authority also notes that, "In the commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises"

- 2.20 **Condition on rules being displayed** - The Gambling Commission has advised in its guidance for local authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

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

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair as defined by the Gambling Commissions guidance to licensing authorities. The authority will determine on each occasion whether gambling without a permit can be made available, but subject to the legal requirements in the way gaming machines operate.

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The licensing authority will work with its neighbouring authorities to ensure that land, which

crosses our boundaries, is monitored so that the statutory limits are not exceeded.

## **2.22 Provisional Statements**

The licensing authority notes the guidance for the Gambling Commission which states that “It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence” and that “Requiring the building to be complete ensures that the authority can inspect it fully”.

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from 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 is in the authority’s opinion reflect a change in the operator’s circumstances.

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

## **2.23 Reviews** - Interested parties or responsible authorities can make requests for a review of a premises licence; however, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious. The grounds will certainly not cause the authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence, or whether it is substantially the same as previous representations or requests for review.

- In accordance with any relevant code of practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives and
- In accordance with the authority’s statement of licensing statement of principles

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



### **3. Permits / Temporary & Occasional Use Notice**

- 3.1 **Unlicensed Family Entertainment Centre gaming machine permits (statement of principles on permits – schedule 10 para 7)** - Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 3.2 The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the commission under section 25. The Gambling Commission's guidance for local authorities also states: "In their three year licensing statement of principles statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits licensing authorities will want to give weight to child protection issues. Further guidance on the information that should be obtained from the applicant and others will be provided in the next version of this guidance."

The guidance also states: "An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. Relevant considerations to take into account would be the applicant's suitability... such as any convictions that they may have that would make them unsuitable to operate a family entertainment centre. And the suitability of the premises in relation to their location and issues about disorder."

It should be noted that a licensing authority cannot attach conditions to this type of permit and that the "statement of principles" only applies to initial applications and not to renewals (paragraph 18(4)).

Statement of Principles - The licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include criminal record checks for staff, training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

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

**3.3 Alcohol licensed premises gaming machine permits – (schedule 13 para 4(1))** - There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

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

**3.4** If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under section 25 of the Gambling Act 2005, and “such matters as they think relevant.” The licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in site of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets and helpline numbers for organisations such as GamCare.

**3.5** It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an adult entertainment centre premises licence.

- 3.6 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 3.7 It should also be noted that the holder of a permit must comply with any code of practice issued by the Gambling Commission about the location and operation of the machine.
- 3.8 **Prize Gaming Permits – (statement of principles on permits)** - The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.

The licensing authority has not prepared a statement of principles. Should it decide to do so it will include details in a revised version of the statement of principles statement?

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

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

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

- 3.9 **Club Gaming and Club Machines Permits** - members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a clubs gaming machines permit. The club gaming permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. A club gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

Gambling Commission guidance for local authorities states: “Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.”

The guidance also makes it clear that “Before granting the permit the authority will need to satisfy itself that the premises meet the requirements of a members’ club and may grant the permit if the majority of members are over 18.”

The Commission Guidance also notes that: “Licensing authorities may only refuse an application on the grounds that:

- (a) The applicant does not fulfil the requirements for a members’ 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 commission or the police (Gambling Commission’s guidance for local authorities)

It should be noted that there is a ‘fast-track’ procedure available for premises, which hold a club premises certificate under the Licensing Act 2003. As the Gambling Commission’s guidance for local authorities states: “Under the fast-track procedure there is no opportunity for objections to be made by the commission or the police, and the ground upon which an authority can refuse a permit are reduced” and “the grounds on which an application under the process may be refused are:

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

- 3.10 **Temporary Use Notices** - There are a number of statutory limits as regards temporary use notices. It is noted that it falls to the licensing authority to decide what constitutes a ‘set of premises’ where temporary use notices are received relating to the same building / site (see Gambling Commission’s guidance for local authorities).

- 3.11 **Occasional Use Notices** - The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The licensing authority will though need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

#### **4. Lotteries**

- 4.1 The licensing authority recognises and seeks to promote the existing valuable work done by lottery organisers and fundraisers on behalf of local charities and similar good causes. The licensing authority will work with such organisations to promote compliance with the relevant legislation, and the three licensing objectives, by processing timely and appropriate applications from such promoters. In order to ensure compliance with the legislation the licensing authority will maintain such registers and information required by the legislation.

#### **5. Review**

The statement of principles statement will remain in existence for a period of three years and will be subject to review and further consultation before October 2009. However, following consultation, the licensing authority may make revisions to it as deemed necessary.

## Appendix 1

### Summary of licensing authority delegations permitted under the Gambling Act

Matter to be dealt with	Full Council	Sub-committee of Licensing Committee	Officers
Final approval of three year licensing statement of principles	X		
Statement of principles not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licenses		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

X Indicates at the lowest level to which decisions can be delegated.

**The Sub-Committee of the Alcohol, Entertainment and Late Night Refreshment Licensing Committee shall be comprised of normally a minimum of 3 members of that committee**

**Document enhancement for the visually impaired on request.**

**Telephone: 01476 406300 or email: [frontdesk@southkesteven.gov.uk](mailto:frontdesk@southkesteven.gov.uk)**

## **Appendix 2**

### **SOUTH KESTEVEN DISTRICT COUNCIL STATEMENT OF GAMBLING STATEMENT OF PRINCIPLES Gambling Act 2005**

#### **Persons consulted**

#### **Statutory Consultees**

Lincolnshire Police – South Division  
Lincolnshire Fire and Rescue  
Environmental Health – Environment Section - SKDC  
Environmental Health – Commercial Section – SKDC  
Health and Safety Executive  
Health Protection Agency  
Environment Agency  
Gambling Commission  
Lincolnshire Safe Guarding Children's Board  
Building Control Services – SKDC  
HM Revenue and Customs

#### **Public Bodies**

Community Safety Team – SKDC  
Lincolnshire Health Care Trust  
Lincolnshire County Council Highways  
Security Industry Authority  
Lincolnshire County Council Social Services  
Lincolnshire County Council Trading Standards  
MOD establishments - RAF Wittering, RAF Cottesmore and MOD North Luffenham  
CCTV Manager – SKDC  
Community and Economics Development Manager – SKDC  
Clerk to the South Lincolnshire Justices  
Lincolnshire County Council Education Welfare Service  
Citizens Advice – Grantham and Stamford  
Probation Service

#### **Lincolnshire Authorities**

Lincoln City Council  
North Kesteven DC  
South Holland DC  
West Lindsey DC  
East Lindsey DC  
Boston Borough Council  
North East Lincolnshire Council

## **Media**

Grantham Journal  
Stamford Mercury

## **Community Groups**

Bourne Town Council  
Market Deeping Town Council  
Stamford Town Council  
Bourne Town Centre Partnership  
Deeping St James Town Council  
Grantham Town Centre Partnership  
Stamford Vision  
Grantham Charter Trustees  
St Peters Community Group  
Stamford Civic Society  
Grantham Civic Society  
Bourne Tenants Resource Centre  
Barnhill Residents Association – Stamford  
Market Deeping Town Centre Partnership  
Gay Men Talking  
Grantham Town Centre Residents Association  
Mencap  
Help The Aged  
NSPCC  
Childrens Society  
GAMCARE  
Addaction  
Alcoholics Anonymous  
Grantham Senior Citizens  
Community Care for the Elderly  
Lincoln Diocesan office  
Rev T Pick  
Salvation Army  
Samaritans  
Community Council for Lincolnshire  
Quentin Davies MP



Relate  
Grantham Council for Churches  
Earlesfield Forum  
Grantham Learning Disability  
Grantham Mind  
Lincolnshire Credit Union  
Stamford SHYP

Additionally there are a number of private individuals also held on a separate list.

## **Trade Associations involved in Gaming and Entertainment Industry**

British Beer and Pub Association  
British Institute of Innkeeping  
Campaign for Real Ale  
P J Enterprises  
Pubwatch – Grantham, Stamford and Bourne and the Deepings  
The Bingo Association  
Gamestech  
Musicians Union  
LVA's – Grantham, Stamford, Bourne and the Deepings  
Association of British Bookmakers  
Casino Operators Association  
Racecourse Association  
Business in Sport and Leisure  
British Holiday and Home Parks  
British Casino Association  
British Amusements and Catering Trade Association  
Wakely Automatics  
Eastern Automatics  
Hart Marler  
Leisure Link  
Peterborough Automatics  
Shire Leisure  
Claremont Automatics  
Keeday Leisure  
Gala Bingo  
Bet Fred  
Coral UK  
Mark Jarvis Betting  
Ladbrookes  
All late night food outlets holding AWP permit  
All alcohol licensed premises and registered club premises  
Amusement arcades permit holders in the district

## Appendix 2 Glossary of terms

South Kesteven District Council

Applications:	Applications for licences and permits as stated in the Statement of Principles
Notifications:	Notifications of temporary and occasional use notices
Act:	The Gambling Act 2005
Regulations:	Regulations made under the Gambling Act 2005
Premises:	Any place, including a vehicle, vessel or moveable structure
Premises Licence	Issued by the Licensing Authority to authorise premises to be used for the activities as defined by Section 150 of the Gambling Act
Operator Licence	Issued by the Gambling Commission to organisations and individuals who are providing facilities for gambling as defined by Section 65 of the Gambling Act
Personal Licence	Issued by the Gambling Commission to certain categories of people working in the gambling industry as defined by Section 127 of the Gambling Act
Family Entertainment Centre	The Act creates two classes of Family Entertainment Centres – Licensed: which provide category C and D gaming machines and require a premises licence Unlicensed: which provide category D gaming machines in reliance on a Gaming machine Permit
Adult Gaming Centre	Premises which provide category B, C and D gaming machines and require an operating licence and a premises licence
Gaming Machine	A machine which is designed or adapted for use by individuals to gamble as defined by Section 235 of the Gambling Act
Categories of Gaming machines	A – Maximum Stake: unlimited, Maximum Prize: unlimited B1 – Maximum Stake: £2, Maximum Prize: £4000 B2 – Maximum Stake: £100, Maximum Prize: £500 B3 – Maximum Stake: £1, Maximum Prize: £500 B4 – Maximum Stake: £1, Maximum Prize: £250 C – Maximum Stake: 50p, Maximum Prize: £25 D – Maximum Stake: 10p or 30p when non-monetary prize, Maximum Prize: £5 cash or £8 non-monetary prize
Betting Machine	A machine designed or adapted for use to bet on future real events as defined by Section 235(2)(c) of the Gambling Act
Remote Gambling	Gambling in which persons participate by the use of remote communication as defined by Section 4 of the Gambling Act
Remote Communication	Communication using - The internet Telephone Television Radio, or Any other type of electronic or other technology As defined by Section 4(2) of the Gambling Act.

Travelling Fair	<p>A fair wholly or principally providing amusements and that has been provided wholly or principally by persons who travel from place to place for the purpose of providing fairs, and</p> <p>On a site used for fairs for no more than 27 days per calendar year</p> <p>As defined by Section 286 of the Gambling Act</p>
Code of Practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005
Responsible Authority:	<p>For the purposes of this Act, the following are responsible authorities in relation to premises:</p> <ol style="list-style-type: none"> <li>1. The Licensing Authority in whose area the premises are wholly or mainly situated South Kesteven District Council);</li> <li>2. The Gambling Commission;</li> <li>3. Lincolnshire Police;</li> <li>4. Lincolnshire Fire and Rescue Service;</li> <li>5. Planning Department, South Kesteven District Council;</li> <li>6. Environmental Protection Team, South Kesteven District Council</li> <li>7. Lincolnshire Safe Guarding Children's Board, Lincolnshire County Council;</li> <li>8. HM Customs and Excise.</li> </ol>
Interested Party:	<p>For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person: -</p> <p>Lives sufficiently close to the premises to be likely to be affected by the authorised activities;</p> <p>Has business interests that might be affected by the authorised activities;</p> <p>Represents persons who satisfy a) or b) above.</p>