

COUNCIL 7 DECEMBER 2022



29 November 2022

Unless a majority of the Council resolve to extend the meeting before 10.00 pm it will automatically end at 10.00 pm in accordance with Council Procedure Rule 17.2.

NOTE: There will be limited public access to observe the meeting. Those wishing to do so must reserve a seat by completing a [Registration Form](#) by 4pm on the working day prior to the meeting. Access is also available via a live stream through the [Mid Sussex District Council's YouTube channel](#).

To all Members of the Council,

You are hereby summoned to attend a meeting of the **MID SUSSEX DISTRICT COUNCIL** to be held in the **COUNCIL CHAMBER** on **WEDNESDAY, 7TH DECEMBER, 2022** at 7.00 pm to transact the following business:

Yours sincerely,

KATHRYN HALL
Chief Executive

Pages

1. Opening Prayer.
2. To receive questions from members of the public pursuant to Council Procedure Rule 9.
3. To confirm Minutes of the meeting of Council held on 2 November 2022. **5 - 16**
4. To receive declarations of Interest from Members in respect of any matter on the Agenda.
5. To consider any items that the Chairman of the Council agrees to take as urgent business.
6. Chairman's Announcements.
7. Review of Member's Allowances for 2023/24. **17 - 38**

Working together for a better Mid Sussex



8. Council Tax Base 2023-24.
Report to Follow
9. Statement of Gambling Policy. **39 - 76**
10. Recommendations from Cabinet held on 21 November 2022. **77 - 78**
11. Appointment of Monitoring Officer. **79 - 80**
12. To receive the Leader's Report
13. Report of Cabinet Members, including questions pursuant to Council Procedure Rule 10.1
14. Questions from Members pursuant to Council Procedure Rule 10.2

To: **Members of Council:** Councillors M Belsey (Chairman), P Coote (Vice-Chair), K Adams, G Allen, J Ash-Edwards, R Bates, J Belsey, A Bennett, L Bennett, A Boutrup, P Bradbury, P Brown, H Brunsdon, R Cartwright, P Chapman, R Clarke, E Coe-Gunnell White, M Cornish, R Cromie, J Dabell, R de Mierre, B Dempsey, J Edwards, S Ellis, R Eggleston, A Eves, B Forbes, L Gibbs, I Gibson, S Hatton, J Henwood, S Hicks, S Hillier, T Hussain, R Jackson, J Knight, C Laband, Andrew Lea, Anthea Lea, G Marsh, J Mockford, A Peacock, C Phillips, M Pulfer, R Salisbury, S Smith, A Sparasci, L Stockwell, D Sweatman, C Trumble, N Walker, R Webb, N Webster and R Whittaker

**Minutes of a meeting of Council
held on Wednesday, 2nd November, 2022
from 7.00 pm - 9.44 pm**

Present: M Belsey (Chairman)
P Coote (Vice-Chair)

K Adams	B Dempsey	J Mockford
G Allen	J Edwards	A Peacock
J Ash-Edwards	S Ellis	C Phillips
R Bates	R Eggleston	M Pulfer
J Belsey	A Eves	R Salisbury
A Bennett	L Gibbs	S Smith
P Bradbury	I Gibson	A Sparasci
P Brown	S Hatton	L Stockwell
R Cartwright	J Henwood	D Sweatman
P Chapman	S Hillier	C Trumble
E Coe-	R Jackson	N Walker
Gunnell White	J Knight	R Webb
M Cornish	Andrew Lea	N Webster
R Cromie	Anthea Lea	R Whittaker
J Dabell	G Marsh	
R de Mierre		

Absent: Councillors L Bennett, A Boutrup, H Brunsdon, R Clarke,
B Forbes, S Hicks, T Hussain and C Laband

1. OPENING PRAYER.

The opening prayer was read by the Vice-Chairman.

2. TO RECEIVE QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE 9.

The following question was received from Ms Wilcock

Please clarify how the Agents appointed in relation to Clair Hall are to be paid. The BOP stated this would be a percentage of the capital receipt received by the Council. The Council has repeatedly said that Clair Hall would be leased and not sold or disposed of. A capital receipt is the funds received on the disposal of a fixed asset, and recorded on the balance sheet, whereas rental income from a lease is recorded in income accounts. So if Clair Hall is leased how does a capital receipt arise, and thus how are the Agents to be paid?

The following response was provided by the Leader:

Thank you for your question. As you know the Cabinet in October agreed to continue our ambition to seek an investment partner and cultural anchor tenant for a modern fit for purpose venue on the Clair Hall site.

Currently, officers are working to commission a specialist broker/agent to develop proposals on how to take two agreed models to the market in order to improve the chances of successful delivery of this project.

The question of how an agent will be paid for such work is premature and will clearly be subject to the proper procurement process. The commissioning work will be reported back to the Cabinet in the New Year.

I can confirm that the strategic success criteria agreed in July included the commitment that the Council will not sell the site and that remains the case.

Ms Wilcock asked a supplementary question noting that it appeared to be a question of semantics. She stated that 'selling is disposing and if you are proposing to receive a capital receipt from selling off Clair Hall, that is a disposal and you are misleading the public by referring to it as leasing. A long lease for a premium is a disposal.'

The Leader responded, rejecting the characterisation of the Council's work or intentions, stating that it is untrue. No decision has been made other than to take forward 2 options – to seek an investment partner and cultural anchor tenant and to take that to market. The commissioning of the agent is still to be done and we haven't gone to market so to infer that an outcome has been agreed is incorrect.

The following question was received from Ms Weinstein

The Mid Sussex Climate Coalition welcomes the commitment of Council to set net zero targets. Many national governments, including our own, have had net zero targets in place for several years but the UN has been warning us that the limited action being taken to reach those targets means that the planet will warm to a very dangerous level of above 1.5 degrees before 2030. We would therefore ask the Council why they are not following the example of other local authorities such as Worthing and setting targets for 2030 to ensure that the necessary action is taken urgently.

The following response was provided by the Cabinet Member for Economic Growth and Net Zero

The Council agrees that action plans are an important tool in the delivery of evidence-based net zero targets. That is why this Council recently adopted its Sustainable Economy Strategy and why it has committed to the preparation of a net zero carbon programme to meet the targets we are recommending this evening.

The net zero targets proposed tonight are based on significant evidence prepared by industry experts.

You will note that we are proposing to set a more challenging target for emissions in our direct control as we can actively influence the achievement of this target. However, it is more difficult to set realistic and achievable targets in respect to the emissions the Council cannot directly control. In this case we are heavily reliant on the implementation of national legislation and policy to secure reductions in carbon emissions (for example ensuring our energy suppliers are carbon zero). Therefore,

we consider it responsible to align our target to the national target. Currently the national target is to achieve net-zero in the UK by 2050.

You are correct that Councils have adopted different net zero targets - unfortunately not all of them are evidenced based and in my view may not be deliverable.

Although Adur & Worthing Councils have pledged to be carbon neutral for the emissions, they control by 2030 their net zero target for the district and borough is in fact 2045. Without national policy and legislation in place it is difficult to see how this will be achieved. I believe our work has enabled the Council to agree an evidenced and pragmatic target which is aligned to national expectations.

Ms Weinstein asked a supplementary question noting that there are 2-fold issues, that of National Government and the difficulties faced by the local community, businesses, and residents. She asked 'What is this council doing to implore National Government to get on and provide the leadership that you require to do what you need to do and are you working together with the local community as the last time I was here you were looking forward to working with local green and environmental groups to get us all meeting those targets. How is that going?'

The Cabinet Member responded by stating he is confident that National Government are fully aware and has heard from our MP in discussions with other countries around the world, that they are very admiring of our position. He is confident that the expectations of this Council are aligned with the Government. They have committed a huge number of resources and in many ways are globally leading on the industries and all the technology that is required. In terms of the second part of the question this will be addressed later in the meeting. If the targets are agreed, then the next part is to set out the action plan and the next step is to convince and help the community in doing what they can to help us achieve our net zero targets.

3. TO CONFIRM MINUTES OF THE MEETING OF COUNCIL HELD ON 12 OCTOBER 2022.

The minutes of the extraordinary meeting of Council held on 12 October 2022 were agreed as a correct record of the meeting and signed by the Chairman.

4. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA

In respect of item 7, Councillor Eggleston declared an interest related to DPH7 where the tenant is Burgess Hill Town Council and he is Leader of the Town Council. He also listed the following Councillors who are also Members of Burgess Hill Town Council; Councillors Eves, Cornish, Henwood, Cartwright, Allen, Gibbs and Chapman.

Councillor Gibson and Councillor Jackson declared an interest in item 7 as West Sussex County Councillor for Imberdown and Member of Hurstpierpoint and Sayers Common Parish Council, respectively.

Councillor Andrew Lea declared an interest in item 8 of the agenda as he has a personal project on the subject and agreed to leave the meeting prior to discussion on the item.

Councillor Bradbury declared an interest in item 10 as Chairman of West Sussex County Council and Chairman of the 'Building Heroes' charity.

5. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN OF THE COUNCIL AGREES TO TAKE AS URGENT BUSINESS.

None.

6. CHAIRMAN'S ANNOUNCEMENTS.

The Chairman highlighted two engagements in December to which Members are invited; the Annual Civic Service on Sunday 4 December at St Swithun's Church, East Grinstead and the next Council meeting on 7 December which will be followed by refreshments.

7. CONSULTATION DRAFT DISTRICT PLAN - REGULATION 18.

The Solicitor to the Council clarified the decision that the Council was being asked to take and how the 4 appendices were set out in the Council report pack.

Councillor Salisbury moved the item with an amendment to clarify the position around DPH7, noting that the wording under policy requirements in DPH7 on p155 of the Consultation Draft District plan, should be read "in the round" with DPI5 on p214. The 9th bullet point on p155 of the Council reports pack about re-provision of allotments will now read:

"Secure the provision of an equal number of allotments in Burgess Hill in line with Policy DPI5."

He noted that the document had been considered by 4 cross-party workshops and 2 Scrutiny Committees, and endorsed by these groups to go out to a Regulation 18 consultation for stakeholders to put forward their comments. This was seconded by Councillor Ash-Edwards.

An amendment was proposed by Councillor Eggleston and seconded by Councillor Henwood. The amendment was to the start of first recommendation to include the wording:

'Save for the removal of site DPH7 in the draft District Plan.'

In proposing, Councillor Eggleston highlighted the fragile nature of the lease arrangement between Burgess Hill Town Council and Network Rail regarding the site which is used for allotments. Noting that the Town Council allotment sites are set out in the Neighbourhood Plan, he acknowledged that the Town Council has a statutory duty to provide allotment sites but has no land of its own. Should Network Rail not renew the lease, there would be no requirement for allotments to be re-provided and it would represent a loss of 24% allotment sites with no alternative provision available.

In seconding the amendment, Councillor Henwood noted that the methodology for all sites was approved but that Burgess Hill Station was not addressed specifically in the working groups. She also drew attention to the need to support the health and wellbeing policies of the Council noting that allotments have a significant impact for residents in this regard. There are 63 allotments on this site with an extensive waiting list and no alternative option within 20 minutes' walk.

Significant discussion was held on the amendment. Several Members agreed with its sentiment, noting that allotments were important for the community in terms of health, wellbeing and supporting the ability to grow local produce. Two Members requested that alternative allotment sites are urgently sought, and residents are kept informed of the proposed alternatives, reiterating both the human impact, and effect on wildlife of the potential allotment loss.

Discussion was held on the impact of the amendment on the oversupply for resilience. The Cabinet Member acknowledged Councillor Eggleston's position but noted that removing the site would take 300 properties out of the Draft Plan, leaving an excess of only 2. It also gives the potential for those 300 properties to be built on greenfield land, both of which are not acceptable. He noted that the site is not a statutory allotment site, it is brownfield land, and the landowner could at any point terminate the lease and do whatever they wish with the land. The Cabinet Member's original motion provides instruction on what can be done in this instance.

A point of order was raised by Councillor Eggleston to clarify the position regarding the 300 units. He noted that 100 are allocated in the Burgess Hill Neighbourhood plan so it is only an increase of 200 on the station site.

Prior to a vote on the amendment, the Leader concluded by acknowledging that the discussion is regarding ways that the allotments can be protected for Burgess Hill residents. The amendment would take out the site but does not offer any protection whereas the original motion would introduce a policy requirement that any development would require a re-provision of allotments at the planning application stage.

A recorded vote was requested with five supporting Members. The Chairman took Members to a recorded vote on the amendment which was lost with 19 in favour, 25 against and 2 abstentions.

	For	Against	Abstain		For	Against	Abstain
Adams, K.		Y		Gibson, I.	Y		
Allen, G.	Y			Hatton, S	Y		
Ash-Edwards, J.		Y		Henwood, J.	Y		
Bates, R.	Y			Hillier, S		Y	
Belsey, J.		Y		Jackson, R.	Y		
Belsey, M.		Y		Knight, J.		Y	
Bennett, A.	Y			Lea, Andrew		Y	
Bradbury, P		Y		Lea, Anthea		Y	
Brown, P.	Y			Marsh, G.		Y	
Cartwright, R.	Y			Mockford, J.	Y		
Chapman, P.	Y			Peacock, A.		Y	
Coe-Gunnell White, E.			Y	Phillips, C.	Y		
Coote, P.		Y		Pulfer, M.		Y	
Cornish, M.	Y			Salisbury, R.		Y	
Cromie, R.		Y		Smith, S.			Y
Dabell, J.		Y		Sparasci, A.	Y		
de Mierre, R.		Y		Stockwell, L.		Y	
Dempsey, B.	Y			Sweatman,		Y	

				D.			
Edwards, J.	Y			Trumble, C.		Y	
Eggleston, R.	Y			Walker, N.		Y	
Ellis, S.		Y		Webb, R.		Y	
Eves, A.	Y			Whittaker, R.		Y	
Gibbs, L.				Webster		Y	

An amendment was proposed by Councillor Brown and seconded by Councillor Eves. The amendment was to the Resolution of Agenda item 7.4.1 to replace '6' with '9' so that the resolution reads:

'Approve the following documents for Regulation 18 consultation for a period of 9 weeks commencing 7th November 2022.'

In proposing the amendment Councillor Brown noted that it allows an extended opportunity for the public, stakeholders and third tier Local Authorities to consider the plan.

Discussion was held on the pros and cons of extending the timeline. The Cabinet Member noted that 6 weeks is the statutory timeframe for consultations, and this is reflected in the Council's adopted statement of community involvement. There has only been one request for a 12-week consultation process from the CPRE and in previous 6 week long consultations, no one has written in to complain about the timeframe. He noted that 2000 comments were made by over 1300 respondents on the Site Allocations Development Plan Document and there are a range of mechanisms set out in Appendix 4 that the Council uses for engagement. There will also be a further consultation at the Regulation 19 stage.

In seconding the amendment Councillor Eves noted that it was a compromise to the 12 week extension proposed at the Scrutiny Committee and a chance for people to consider the plan over the Christmas period.

The Chairman took Members to a vote on the amendment which was lost with 16 in favour, 25 against and 3 abstentions.

Discussion resumed on the substantive motion, focussing on policies DPN1 and DPN2 (biodiversity and biodiversity net gain) and the extent to which the Council has completed mapping the ecology of the District. The Cabinet Member for Economy and Net Gain noted that Sussex Nature Partnership has been identifying and mapping areas in the District where nature recovery could be focussed. This will build on the historic mapping of priority habitats, green infrastructure, and Biodiversity Opportunity Areas (BOAs). The benefit of the Sussex Nature Partnership carrying out this mapping is that there will be a strategic approach across both East and West Sussex and because of this the Council does not need to commission the work originally anticipated in the Sustainable Economy Strategy. He also noted that work is beginning on the emerging Local Nature Recovery Strategy which will be co-ordinated across West and East Sussex County Council and the Sussex Nature Partnership and provide opportunity for local consultation and engagement going forward.

Discussion was also held on the traffic implications, infrastructure requirements and urban planning and the need to engage with communities over their needs for housing.

In seconding the original motion, the Leader noted that the consequence of carrying out the District Plan review is significant and gives the community control over what development takes place as opposed to leaving it open to unscrupulous developers and it gives the Council the ability to bring in more up to date policies.

The Chairman took Members to a vote on the recommendations as set out in the report which were approved.

RESOLVED

Council:

- I. Approved the following documents for Regulation 18 consultation, for a period of 6 weeks commencing 7th November 2022:
 - (a) Consultation Draft District Plan (Appendix 1) (as amended with the 9th bullet point on p155, 9th bullet point to read "Secure the provision of an equal number of allotments in Burgess Hill in line with Policy DPI5.")
 - (b) Sustainability Appraisal (Appendix 2)
 - (c) Habitats Regulations Assessment (Appendix 3)
- II. Approved the Community Involvement Plan (CIP) (Appendix 4)
- III. Authorised the Assistant Director for Planning and Sustainable Economy, in consultation with the Cabinet Member for Planning, to make any necessary minor typographical and factual changes to the above documents prior to consultation.

Councillor Andrew Lea left the meeting prior to the next item.

8. MID SUSSEX NET ZERO TARGETS.

Councillor Hillier moved the item noting that the work began with the approval of the Sustainable Economy Strategy and highlighted objectives 6, 8 and 13 of that strategy. He confirmed that the Scrutiny Committee has considered and endorsed the recommendations and Members have received a presentation on the subject.

He acknowledged that the proposed dates are long-stop dates and are heavily reliant on the Government for getting enabling legislation through, particularly around planning, and for achieving the huge tasks of decarbonising the energy sources and transport system. The Council also must balance the need for speed with keeping services affordable to the lower income council taxpayers. He encouraged Members to play their part by holding the Council to account as the pathways to net zero emerge. To assist this there will be periodic independent carbon re-baselining of both District wide and Council only carbon emissions with Council-only (directly controlled) happening once a year, Council-only (indirectly influenced) happening every two years and District-wide happening every three years. It is also important to continue to inform and support communities in what they can do as their part in reducing emissions.

Discussion was held on mitigation measures that are not within the Council's control such as solar technologies and road transport reductions as well as the need for assurance on the timeline for delivery of the Net Zero Carbon Programme. A Member requested a range of further items that they wish to see included such as a cycle path between Haywards Heath and Burgess Hill, e-bike and e-scooter schemes and workplace parking levies.

In seconding the item, Councillor John Belsey highlighted that the Council has been addressing the issue in several ways recently including the food waste trial, which is

currently underway, work carried out by the local cycling panel, rewilding schemes and ongoing work to move towards greener methods of transport in the vehicles used by both the Council and contractors.

The Chairman took Members to a vote on the recommendations as set out in the report which were approved.

RESOLVED

Council:

- (i) Approved the following recommended net zero targets:
 - a. A District-wide net zero target aligned to the national target.
 - b. A Council-only net zero target of 2040 for emissions the Council can directly control.
 - c. A Council-only net zero target aligned to the national target for emissions the Council can only indirectly influence.

9. TO RECEIVE THE LEADER'S REPORT.

The Leader noted that as part of the cost-of-living initiatives, the Council has secured funding to improve efficiency of homes. Up to £25k is available per home for insulation, solar and air source heat pumps if the property has an energy rating of 'E', 'F' or 'G' and household income is under £30k or in receipt of a benefit. An assessment will be made on the most appropriate measures in each case. He encouraged Members to promote this within the community and promotion materials will be released.

In response to a query on the current position of investment zones, since the recent change in Prime Minister, the Leader noted that there had not been a formal announcement by the Government, though it may be included in the Autumn Statement. He maintained the importance of making a case for investment within Mid Sussex.

10. REPORT OF CABINET MEMBERS, INCLUDING QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1.

Deputy Leader

The Deputy Leader highlighted a recent press release confirming that 29 tonnes of food waste had been collected in the past 4 weeks, noting that feedback on the scheme has been good. In answer to a question from Councillor Gibson, he agreed to feedback statistics on how the food waste amount collected is benchmarked against other Districts.

He provided an update on the Centre for Outdoor Sports as a meeting with England Athletics has now taken place. They do not support any new running tracks unless they are direct replacements, but they would support a running loop around the centre. This is being discussed further as well as discussions to maximise facilities at a local school. He noted a Member's comment that Burgess Hill Rugby Club wish to be involved in any discussion regarding the Centre and another Member's comments regarding the popularity of Park Runs, highlighting that there is one in East Grinstead as well as Haywards Heath. Should volunteers wish to start a Park Run in Burgess Hill he acknowledged that the Council would be happy to support it should it be held on Council owned land.

He noted that consultations for Hemsley Meadow, Finches Field and Hollands Way play areas have taken place and were well attended. The Hollands Way play area will be next to the Quarry Café which will be an exciting scheme providing a valuable and fresh community space in East Grinstead. He also welcomed a new bonfire society in Ashurst Wood.

Cabinet Member for Economic Growth and Net Zero

The Cabinet Member had nothing further to report at this time.

Cabinet Member for Community

The Cabinet Member began by noting the positive result of a 94% submission rate so far for the Annual Electoral Canvas. He also noted that following the Electoral Review of Mid Sussex, the Parliamentary Order was made on 14th July and came into effect on 15 October. The Council's Electoral Services team has prepared the maps, prepared and checked polling districts boundaries and are prepared produce the new Electoral Register by the end of the month.

He noted that the Local Land Charges Registry was migrated to the Government's Land Registry on 21 March and searches to enable property completion are now by an online self-service portal with instant results. He also reported that the Council's legal practice has been assessed and awarded an Excellence in Legal Practice Management and Client Care mark by the Law Society.

The Cabinet Member welcomed the Director for Resources and Organisational Development and highlighted details of grants awarded at the October Cabinet Grants Panel. These include a grant to Foresight Vision Support to fund the production of newsletters in an accessible format, a grant for Careers Support West Sussex for a project to identify and engage with male carers in Mid Sussex, a Microbusiness grant for staff training and registration for the installation of solar panels and two sets of funding to support the hiring of apprentices.

He also highlighted that a Warmer Homes video has been put on social media and a press release (28 October) that provides further details. Also, as more social prescribers are appointed, the Wellbeing team are getting a greater number of referrals.

In terms of anti-social behaviour, he reiterated that it will not be tolerated, and the Council will use all powers at its disposal to prevent it. A public space protection order for car cruising is set to expire in April 2023 and officers will be carrying out work including consultation to include Jobs Lane and the A2300 where that been car racing in recent months. He also acknowledged a Member's question regarding anti-social behaviour on the increase in parks such as Worlds End and St John's Park, noting that the Police are aware and that the Community Safety Sub Group of the Mid Sussex Partnership Board have been allocated funding by this council (supported by the Police and Crime Commissioner) to provide 2 mobile CCTV systems which can be used in such locations. He also acknowledged a question from Councillor Cornish related to excessive car noise and the difficulty in photographing car number plates in the dark to submit a complaint. The Cabinet Member agreed to investigate what can be done in that respect.

He noted that an air quality management annual report has been discussed at the recent annual meeting and satisfactory results continue. He thanked Councillor

Hatton and Cllr Lord for their constructive engagement in the process. He also noted that the Environment Team remain busy with an upward trend in site visits.

In conclusion he noted that 20 Remembrance Services will be taking place throughout the District, each with a District Councillor laying a wreath on behalf of the Council. A Member highlighted information on a Government Survey which is taking place for 12 weeks, starting in November to collect feedback from the Veteran community on the access to and use of services for veterans. The Royal British Legion has also brought forward an 'everyday needs' grant designed to assist those who need help with everyday items such as kitchen appliances and energy costs. More information is available on the Royal British Legion's website. Discussion was also held on the Council's plans around improving on the current bronze level of the employment recognition scheme of SERFCA.

Cabinet Member for Leisure and Parking

The Cabinet Member noted that the three leisure centres continue to have an increased number of visits and membership. In August, attendance was 93% of 2019 levels and at the end of September there had been over 700,000 visits, on target to reach the aim of 1 million. She did acknowledge that utility expenditure continues to rise and impacts the overall financial position. Places for Leisure are about to install photo voltaic (PV) panels at the Triangle and LED replacements across all three centres, with a detailed report being presented to the Scrutiny Committee in November. In response to a question from Councillor Henwood, the Cabinet member confirmed that Places Leisure were paying for the PV panels and agreed to respond in writing on whether there are any plans to sponsor a PV plant on Council land. A Member also requested that the heating levels are reviewed, particularly at the Dolphin Centre.

The Cabinet Member noted that car park income is still significantly lower than 2019 but post-covid has been better than expected. An annual update will be presented to the Scrutiny Committee in 2023.

With regards to electric car charging points, there are 36 points active across District, with Queensway in East Grinstead going live by the end of week. She acknowledged technical issues with the Cyrus Road location, which hope to be resolved soon. Further installations are planned for Mount Noddy and Lindfield. In response to a question from Councillor Anthea Lea, the Cabinet Member agreed to provide data on the take up of charging points such as the four in Lindfield where it was noted that spaces are often empty.

Also, as part of the initial on-street phase a proposal has been made to install new public points across the District including Turners Hill, Burgess Hill, Haywards Heath, and Hassocks. A formal consultation on this begins on 10th November until 1 December 2022.

In conclusion the Cabinet Member encouraged Members to sign up for the Mid Sussex Marathon in April 2023.

Cabinet Member for Planning

Acknowledging that most of the discussion during the meeting had focussed on planning matters, the Cabinet Member concluded by noting that the performance level of the Development Management team remains high.

Cabinet Member for Housing and Customer Services

In response to a question from a previous Council meeting, the Cabinet Member confirmed that there were currently no homeless veterans, and that the Council does track that information.

The Cabinet Member encouraged Members to share information about the Turning Tides Bus, details of which can be found on a poster on the Council's Facebook page. She also acknowledged that Members could benefit from better access to information posted on the Council's website and work is ongoing to resolve this and send links directly.

In conclusion, the Cabinet Member highlighted the Coat Exchange facilitated by Haywards Heath Town Council which is taking donations of spare coats and providing them to those in need.

11. MOTIONS ON NOTICE.

The proposed motion was withdrawn by Councillor Alison Bennett who reserved her right to bring it back to a future meeting.

The Council agreed to the motion's withdrawal.

12. QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 10.2.

No questions received.

The meeting finished at 9.44 pm

Chairman

This page is intentionally left blank

REVIEW OF MEMBERS' ALLOWANCES FOR 2023/2024

REPORT OF: Interim Assistant Director Legal and Democratic Services and Monitoring Officer
 Contact Officer: Lucinda Joyce, Senior Democratic Services Officer
 Email: lucinda.joyce@midsussex.gov.uk Tel: 01444 477225
 Wards Affected: All
 Key Decision N/A
 Report to: Council - 7 December 2022

Purpose of Report

- To present the attached report of the Independent Remuneration Panel on the review of Members' Allowances to be paid to Members of Mid Sussex District Council in 2023/2024.

Recommendations

- Council is recommended to:**
 - thank the Panel for its work;
 - consider the recommendations of the Panel, and
 - agree the scheme of allowances for the financial year 2023/024 set out in paragraph 3, below.
- The Panel's recommendations for Basic and Special Responsibility Allowances are summarised in the table below.

Role	Current Allowance (£):	Recommended Allowance (£):
Basic Allowance	5,200	5,700
Leader's Allowance	20,800	22,800
Deputy Leader's Allowance	11,000	11,400
Cabinet Member	42,500 (8,500 x 5)	45,600 (9,120 x 5)
Chairman of the Council	6,750	7,410
Vice-Chairman of Council	2,250	2,470
2 x Planning Committee Chairman	13,000 (6,500 x 2)	14,250 (7,125 x 2)
2 x Planning Vice-Chairman	3,250 (1,625 x 2) 25% of Planning Chairman's allowance	3,562 (1,781 x 2) 25% of Planning Chairman's allowance
Licensing Committee Chairman	1,040	1,140
Standards Committee Chairman	1,040	1,140
Group Leader	250 per group member	250 per group member
3 x Scrutiny Committee Chairman	12,480 (4,160 x 3)	13,680 (4,560 x 3)

3 x Scrutiny Vice-Chairman	3,120 (1,040 x 3) 25% of Scrutiny Chairman's allowance	3,420 (1,140 x 3) 25% of Scrutiny Chairman's allowance
Audit Committee Chairman	3,060	3,420
3 x Independent Persons for Standard Matters	2,250 (3 x 750)	2,250 (3 x 750)

4. The Panel recommend that Members should only be entitled to claim one Special Responsibility Allowance, with the exception of allowances paid to Group Leaders.

Basic and Special Responsibility Allowances

5. Noting the reduction in the number of Councillors from 54 to 48 in May 2023, the Panel acknowledged the increase in the population notionally represented by each Councillor as well as the increased rate of the Consumer Price Index.
6. The Panel therefore recommended that the Basic Allowance be increased to £5,700 with effect from 1 May 2023, being as close as possible to the election of the new Council.
7. With regard to Special Responsibility Allowances, the Panel maintained the position of a linkage between the Basic Allowance and the allowances paid to the Leader, Deputy Leader, Cabinet Members and Chairman as detailed below.
8. The Panel suggested that discussions are underway regarding the number of Scrutiny Committees, and should a decision be taken to reduce the number of Scrutiny Committees in 2023/24, the saving arising should be taken as an in year saving on the budget for Councillors' allowances.
9. Members are aware that the possibility of reducing the number of Scrutiny Committees was first recommended for consideration as part of Phase 2 of the 2021 Governance Review. This will be considered as part of the wider work of annual Constitution Review Group when it meets in the coming months, but no discussions have otherwise taken place and no decisions will be made until the Group presents its recommendations to Full Council.

Leader, Deputy Leader and Cabinet Member's Allowance

10. The Panel maintained the current position that the Leader's allowance be set at 4 times the Basic Allowance.
11. The Panel maintained the current position that the Deputy Leader's allowance be set at 2 times the Basic Allowance and that the remaining Cabinet Member Allowances are set at 1.6 times the Basic Allowance.

Chairman's Allowance

12. Acknowledging that the current rate is appropriate, the Chairman's Allowance is recommended to remain at 1.3 times the Basic Allowance.

Travelling and Subsistence Allowance

13. The Panel recommended no change for the mileage allowances, as these are in line with the HMRC guidance.

Detail	Recommended Rate
Vehicles	
Car Mileage	45p per mile
Car Passenger Mileage Rate	3p per mile for 1 passenger 5p per mile for 2 or more passengers
Cycling Allowance	20p per mile
Subsistence	
Breakfast	£7.00
Lunch	£10.00
Tea	£4.00
Evening Meal	£13.00
Overnight Out of Pocket Expenses Per night	£6.00
Overnight Out of Pocket Expenses Per week	£24.00

Childcare and Dependent Carer's Allowances

Childcare Allowance

14. The Panel recommended that this allowance should remain linked to the National Living Wage rate. Therefore, payment will be on receipt-based actual costs up to a maximum rate of £11 per hour for one child, or a maximum of £22 per hour for two or more children.

Dependent Carer's Allowance

15. In line with the Childcare Allowance increase, the Panel agreed that payment of receipt-based actual costs, up to a maximum rate of £22 per hour is appropriate.

Background

16. The Local Government Act 2000 requires local authorities to set their schemes of allowance on an annual basis after taking into account the recommendations of an independent panel.
17. The Mid Sussex Independent Remuneration Panel undertook its review of Members' allowances between September and November 2022 and its report is appended below.
18. Members are not obliged to take the allowance.

Financial Implications

19. The additional cost of the Panel's recommendations is £1,302 representing 0.31% of the current budget.

20. The report makes reference to there being “discussions under way that might lead to a reduction from three to two of the Scrutiny Committees but that this decision was not imminent and if taken would certainly come after this report was presented to Council. Should such a decision be taken then the saving arising from the abolition of one post each of Chair and Vice Chair (£5,100 at current rates) should be taken as an in year saving on the budget for Councillors’ allowances.”
21. This will be considered as part of the wider work of annual Constitution Review Group when it meets in the coming months, but no discussions have otherwise taken place and no decisions will be made until the Group presents its recommendations to Full Council, at which time any associated financial implications can be considered.

Risk Management Implications

22. None.

Equality and Customer Services Implications

23. All Members were written to by the Panel and had the opportunity to provide written or verbal comments on the scheme of allowances and expenses.
24. Considerations on childcare and dependent care allowances have been fully factored in by the Panel in their deliberations.

Sustainability Implications

25. None.

Other Material Implications

26. None.

Appendices

- Report of the Independent Remuneration Panel on Members' Allowances for 2023/2024.
- Appendix A (included in Main Remuneration Panel report)
- Appendix B (included in Main Remuneration Panel report)
- Appendix C
- Appendix D

Mid Sussex

Report of the Independent Remuneration Panel on the review of Members' Allowances 2023/2024

Mr Neil Gershon (Chair)
Ms Jane Henry
Ms Jane Rothwell



Blank page

Contents

Report of the Panel

- Chairman’s Foreword.....
- Introduction.....
- Terms of Reference.....
- Work of the Panel.....

Consideration and Recommendations

- Basic Allowance.....
- Special Responsibility Allowances.....
- Travelling and Subsistence Allowances.....
- Childcare and Dependent Carer’s Allowance.....
- Other Matters.....
- Summary of Recommendations.....
- Acknowledgements.....

Appendices

- A: Panel Membership.....
- B: Members and Officers Interviewed.....
- C: Comparable Allowances of District and Borough Councils in the South East Region.....
- D: MSDC Committee Structure.....

CHAIRMAN'S FOREWORD

I am pleased to present the report and recommendations of the Independent Remuneration Panel for Mid Sussex District Council, relating to the financial year 2023/24.

There were no resignations from or appointments to the Panel.

The Panel's discussions focused on the level of the Basic Allowance and the factors used to determine Special Responsibility Allowances (SRA's). In respect of the former the Panel took into account the rate of price inflation (CPI) and the forthcoming reduction in the number of Councillors. In respect of the latter the Panel was advised that there had been no material changes in workloads that might have affected the allowances paid to those in receipt of SRA's and consequently did not seek to revisit any of the established linkages.

The Panel wrote to all Councillors inviting comments on the level of the basic allowance and on the amounts paid for SRA's. Eight Councillors responded to our letter, and we comment on those responses in the body of this report. We met with one Councillor who had requested a meeting and also with the Leader of the Council.

The Panel took into account data from other councils in West Sussex and the matters referred to above. **We concluded that an increase in the Basic Allowance to £5,700 (an increase of £500) was reasonable and we recommend the increase but with effect from 1 May 2023 for reasons adduced in the body of the report.**

In the light of the advice we received concerning workloads relating to SRA's we noted that there had been no material changes and consequently we make no recommendations for any changes to the factors used to determine those payments. We learned, however, that there are discussions in progress which might lead to the reduction in Scrutiny Committees from three to two but that no decision was likely before the publication of our report. **Accordingly, we recommend that should this decision be taken the cost of the SRA's (Chair and Vice Chair) be taken as an in year saving on the budget for Councillors' Allowances.**

The Panel recommends no changes to ancillary allowances for matters such as mileage and meals. We re-iterate our view that such allowances should remain tied to those approved by HMRC for the re-imbursment of expenses necessarily incurred. Similarly we recommend maintaining the link between the National Living Wage and the rate paid for dependent care.

The additional costs of our recommendations are £1,302 a year or 0.31% of the current budget.

Neil Gershon
December
2022

INTRODUCTION

This Independent Remuneration Panel has been appointed by Mid Sussex District Council to consider and make recommendations for the 2023/24 financial year. The Panel comprises Neil Gershon (this year's Chair), Jane Henry and Jane Rothwell. Their terms of appointment and a short biography are set out at Appendix A.

TERMS OF REFERENCE

The Panel is required to make recommendations to Mid Sussex District Council on their schemes of allowances. The terms of reference, in so far as they relate to Mid Sussex District Council, are to make their recommendations:

- a) On the amount of Basic Allowance which should be payable to its Elected Members;
- b) About the roles and responsibilities for which a Special Responsibility Allowance should be paid and the amounts thereof;
- c) About the duties for which travelling and subsistence allowances should be paid and the amounts thereof;
- d) As to whether co-optees to committees should receive allowances and the amounts thereof;
- e) As to whether the Council's scheme should include an allowance in respect of arranging for the care of children and dependents and if so, the amount thereof.

WORK OF THE PANEL

The Panel wrote to all Members of the District Council seeking views relating to allowances and expenses and received replies from eight individual Councillors, five of these being a suggestion that the rate of inflation be taken into account. Other suggestions included the possibility that an allowance be paid to members of Planning Committees (two) and a proposal for a radical restructuring of part of the system of allowances with a view to reducing the amounts paid to Committee Chairman and Vice-chairman and introducing an allowance for committee membership.

The Panel met with one Councillor to discuss his proposals and with the Leader for a general discussion.

The Panel met twice between September and November 2022, and also communicated over this period by email. These meetings planned the review, evaluated the evidence received and debated its findings, before formulating both draft and final reports containing its recommendations.

The Panel laid great weight on affordability in the current economic climate and aimed to ensure that our recommendations did not have a material effect on the budget.

We therefore make our recommendations accordingly.

Consideration and Recommendations

1. Basic Allowance

The Panel once again examined the record of Basic Allowance rates since the system was introduced in July 2001. Allowances paid since 2010 are detailed below:

Year	Recommended Rate	Adopted Rate (£):	Percentage increase on previous year	Percentage rate of inflation in same year <small>(Sept CPI of Previous Year)</small>
2010/11	4738	4738	0	4.48
2011/12	4501	4501	-5.0	2.83
2012/13	4501 plus increase in line with Local Government Pay Settlement for 2012/13	4501	0	2.56
2013/14	4501	4501	0	1.69
2014/15	4501 plus increase in line with Local Government Pay Settlement for 2014/15	4501	0	Source: Inflation.eu Historic average inflation rate based upon Consumer Price Index (CPI).
2015/16	4501	4501	0	0
2016/17	4620	4620	2.5	1.0
2017/18	4736	4736	2.5	3.0
2018/19	4878	4878	3	3.0
2019/20	5000	5000	2.5	2.2
2020/21	5100	5100	2	1.7
2021/22	5100	5100	0	0.7
2022/23	5100	5200	2	3.1

The reduction in the number of councillors from 54 to 48 in May 2023 provides a saving equivalent to six Basic Allowances. However, at the same time it represents an increase in the population notionally represented by each Councillor of some 10 – 11%. Together with the rate of the CPI (10.1% at time of writing) the Panel felt there was a strong case to apply the saving referred to as an increase in the Basic Allowance of £500 an increase of 9.6% and one that allowing for the multiplier effect of the SRA factors would make full use of the saving produced by the reduction in numbers.

The Panel recommends therefore that the basic Allowance be increased to £5,700 but with effect from 1 May 2023 being as close as possible to the election of the new Council.

The Panel noted that this increase would still leave the Mid Sussex allowance within the +/- 5% tolerance compared to the average in West Sussex without taking into account any proposed increases that might be applied within other District Councils.

2. Special Responsibility Allowances

In its previous report the Panel finalised its work in providing factors to enable the linking of all SRA's to the Basic Allowance. We received no information to suggest that there had been any material change in the workloads relating to SRA's therefore we make no recommendations for change.

We did note that there are discussions under way that might lead to a reduction from three to two of the Scrutiny Committees but that this decision was not imminent and if taken would certainly come after our report was presented to Council. Should such a decision be taken then the saving arising from the abolition of one post each of chair and vice chair (£5,100 at current rates) should be taken as an in year saving on the budget for Councillors Allowances.

3. Travelling and Subsistence Allowance

The Panel received one general comment on the level of mileage allowances and none on any other allowances. Whilst the Panel is sympathetic to the rising cost of motoring we do not feel that the Council should deviate from the allowances deemed appropriate by HMRC and we recommend therefore that these allowances continue to be linked to those deemed acceptable by HMRC.

Detail	Recommended Rate
Vehicles	
Car Mileage	45p per mile
Car Passenger Mileage Rate	3p per mile for 1 passenger 5p per mile for 2 or more passengers
Cycling Allowance	20p per mile
Subsistence	
Breakfast	£7.00
Lunch	£10.00
Tea	£4.00
Evening Meal	£13.00
Overnight Out of Pocket Expenses Per night	£6.00
Overnight Out of Pocket Expenses Per week	£24.00

4. Childcare and Dependent Carer's Allowances

4.1. Childcare Allowance

The Panel agreed that this allowance should remain linked to the National Living Wage rate. Payment will be on receipt-based actual costs up to a maximum rate of £11.00 per hour for one child, or a maximum of £22 per hour for two or more children.

4.2. Dependent Carer's Allowance

The Panel agreed that the existing payment of receipt-based actual costs, up to a maximum rate of £22 per hour was appropriate.

4.3. Cycling Allowance

The Panel makes no recommendation for change.

5. Other Matters

We had an interesting discussion with one Councillor who had suggested that the allowance paid to chairs and vice chairs of committees should be reduced and standardised. In addition, he proposed that all committee members should be paid an allowance in order to encourage others to join committees and/or to better remunerate those who already sat on them. However, to achieve this would have required a freezing of the basic allowance, a reduction in the amounts paid to chairs and vice chairs and a redistribution of the savings referred to earlier in order to pay for the additional allowances without increasing the budget.

The Panel considered the proposals made but agreed that the priority was to recognise the increased workload for all Councillors and the current rate of inflation both of which supported the Panel's view that an increase in the basic allowance for all Councillors would be a fairer outcome.

6. Summary of Recommendations

The Panel's recommendations for Basic and Special Responsibility Allowances are summarised in the table below (rounded to the nearest whole pound).

Role	Current Allowance (£):	Recommended Allowance (£):
Basic Allowance	5,200	5,700
Leader's Allowance	20,800	22,800
Deputy Leader's Allowance	11,000	11,400
Cabinet Member	42,500 (8,500 x 5)	45,600 (9,120 x 5)
Chairman of the Council	6,750	7,410
Vice-Chairman of Council	2,250	2,470
2 x Planning Committee Chairman	13,000 (6,500 x 2)	14,250 (7,125 x 2)
2 x Planning Vice-Chairman	3,250 (1,625 x 2) 25% of Planning Chairman's allowance	3,562 (1,781 x 2) 25% of Planning Chairman's allowance
Licensing Committee Chairman	1,040	1,140
Standards Committee Chairman	1,040	1,140
Group Leader	250 per group member	250 per group member
3 x Scrutiny Committee Chairman	12,480 (4,160 x 3)	13,680 (4,560 x 3)
3 x Scrutiny Vice-Chairman	3,120 (1,040 x 3) 25% of Scrutiny Chairman's allowance	3,420 (1,140 x 3) 25% of Scrutiny Chairman's allowance
Audit Committee Chairman	3,060	3,420
3 x Independent Persons for Standard Matters	2,250 (3 x 750)	2,250 (3 x 750)

The additional cost of the Panel's recommendations is £1,302 representing 0.31%.

The Panel recommends that Members should continue to only be entitled to claim one Special Responsibility Allowance, with the exception of allowance paid to the Group Leaders.

ACKNOWLEDGEMENTS

The Panel would like to extend its thanks to those who took the time to reply to our request for comments. We would also like to offer our collective thanks to the Member Services Team, for their research and administrative support of our work this year.

**Neil Gershon
Jane Henry
Jane Rothwell**

Members of the Independent Panel for the Review of Members' Allowances are appointed for a four-year term:

Name	Term ends
Neil Gershon	31 July 2023
Jane Henry	31 July 2023
Jane Rothwell	31 July 2023

BIOGRAPHICAL INFORMATION

Neil Gershon

Neil Gershon spent his working life in the University sector during which time he was responsible amongst many other matters for HR and was involved in remuneration committees for non- academic staff. He retired from the post of Registrar at the University of Sussex in 2004. He is currently the Chairman of Furnihelp Mid Sussex, a local furniture recycling charity. He lives in Haywards Heath.

Jane Henry

Jane qualified in both Law and Social Work before working as a social worker in West London. Jane has lived the majority of her life in Sussex and is now taking a break from paid employment to raise 3 young children.

Jane Rothwell

Jane had a career in HR working in the Financial Services Sector initially working for NatWest Bank before moving to a HR Consultancy company based in the City, specialising in Recruitment, Training & Development & Outplacement. She managed teams of 80 plus people, most were self- employed consultants, and was involved in all operational matters including annual pay reviews for her team. She happily took early retirement in 2015 and has since retrained to become a Magistrate working in West Sussex courts. Jane has been living in West Hoathly since 2015.

APPENDIX B
Members and Officers Interviewed

The Panel wishes to acknowledge and thank those who were able to spare the time to attend face-to-face discussions:

Leader of the Council

Solicitor to the Council

Councillor Gibson

This page is intentionally left blank

APPENDIX C - Comparable Allowances of District and Borough Councils in the South East Region (West Sussex District and Borough Councils highlighted in green.)

Council name	Type of council	Basic Allowance	Leader	Deputy Leader	Cabinet Member / Portfolio Holder	Cabinet Member / Non Portfolio Holder	Chair Audit Committee	Licensing Committee Chair	Deputy Chair Licensing Committee	Members of Licensing Committee	Planning Committee Chair	Deputy Chair Planning Committee	Members of Planning Committee	Overview and Scrutiny Committee Chair	Deputy Chair Overview and Scrutiny Committee	Overview and Scrutiny Co-optee	Working/Joint Committee	Chair/Civic Mayor	Deputy Chair/Civic Mayor	Opposition Group Leader	Deputy Opposition Leader	Group Leader	Opposition Spokesperson	Committee Chair	Independent Person Allowance	Do you operate the '1 SRA per councillor' rule?	Do you operate the 50% rule?	
Adur District Council	District	£4,762	£14,040	£7,020	£5,850	£0.00	£2,340	£3,510	£0.00	£0.00	£4,680	£1,170	£0.00	£3,510	£1,170	£0.00	£0.00	£2,340	£1,170	£2,340	£0.00	£0.00	£0.00	£0.00	£75.00	No	No	
Arun District Council	District	£5,730	£5,978	£2,116	N/A	N/A	£3,920	£4,181	£1,254	£261	£6,272	£2,070	£784	N/A	N/A	N/A	N/A	£8,698	£2,869	£4,095	N/A	£101	N/A	£5,091	£505	No	No	
Ashford Borough Council	District	£5,035	£16,470	£10,980	£8,235	NA	£5,490	£1,647	£0.00	£0.00	£6,588	£2,196	£0.00	£6,588	£2,196	NA	£1,647	NA	NA	£0.00	£0.00	£253	NA	NA	£1,647	No	No	
Basingstoke and Deane Borough Council	District	£7,445	£26,058	£16,938	£13,029	N/A	£6,515	£6,515	£652	N/A	£7,817	£782	N/A	£6,515	£652	£652	N/A	£6,515	£1,629	£7,817	N/A	£3,909	N/A	£6,515	£1,955	Yes	Yes	
Bracknell Forest Council	Unitary	£8,687	£28,954	£17,372	£15,926	N/A	£2,895	£4,343	£434	N/A	£7,239	£732	-	£5,791	N/A	£310	-	£12,703	£4,234	£9,651	£965	-	-	-	£400	Yes	No	
Brighton & Hove City Council	Unitary	£13,360	£33,399	£20,040	N/a	N/a	£5,010	£11,690	£1,002	N/a	£11,690	£1,002	N/a	£5,010	N/a	N/a	N/a	£10,020	£2,004	£11,690	£6,680	£6,680	N/a	£10,020	£1,002	Yes	Yes	
Buckinghamshire Council	Unitary	£13,260	£46,818	£31,212	£23,929	£8,323	£8,323	£4,162	£0.00	£0.00	£6,242	£0.00	£0.00	£8,323	£0.00	£0.00	£0.00	£14,566	£4,162	£17,686	£0.00	£17,686	£0.00	£1,040	£200	Yes	No	
Canterbury City Council	District	£5,986	£20,300	£6,200	£5,000	N/A	£1,000	£4,500	£1,000	£0.00	£4,500	£1,000	£12.00	£4,500	£1,000	£0.00	£0.00	£6,200	£4,500	150 per cllr	£100	£150	£0.00	£500	£533	Yes	No	
Cherwell District Council	District	£4,512	£7,680	£2,652	£6,708	£0.00	£3,732	£264 SRA plus £264 per meeting to capped limit of £1,056 p/a	£0.00	£0.00	£4,464	£0.00	£0.00	£3,732	£0.00	£0.00	£0.00	£2,000	£0.00	£3,096	£0.00	£0.00	£0.00	£3,732	£768	No	No	
Chichester District Council	District	£5,200	£15,500	£8,150	£7,400	£7,400	£4,800	£4,300	n/a	n/a	£6,350	n/a	n/a	£5,050	n/a	n/a	n/a	£5,000	n/a	£4,750	n/a	n/a	n/a	n/a	n/a	£750	Yes	No
Crawley Borough Council	District	£6,617	£15,885	N/A	£7,942	N/A	£2,649	£5,453	£0.00	£0.00	£6,617	£0.00	£0.00	£7,106	£0.00	N/A	N/A	£6,361	£954	£2,448	N/A	N/A	N/A	N/A	£750	Yes	No	
Dover District Council	District	£5,000	£18,000	£9,000	£6,750	n/a	£4,500	£1,125	£315	£315	£4,500	£1,125	£0.00	£4,500	£1,125	n/a	£0.00	£5,300	£1,400	£5,061	£2,250	n/a	£0.00	£1,125	£927	Yes	No	
East Hampshire District Council	District	£5,200	£18,000	£10,000	£6,000	£3,000	£2,000	£2,000	£0.00	£250	£6,000	£3,000	£250	£2,000	£0.00	£0.00	£2,000	£3,000	£0.00	£3,000	£0.00	£0.00	£0.00	Other than already stated - Audit, O&S, Licensing and Planning, then £0	£0.00	Yes	No	
East Sussex County Council	County	£13,379	£37,461	£19,121	£16,389	N/A	£6,828	N/A	N/A	N/A	£6,828	£0.00	£0.00	£6,828	£0.00	£0.00	£0.00	£13,655	£5,468	£13,655	£3,548	see above	£0.00	£6,828	£35	Yes	Yes	
Eastbourne Borough Council	District	£2,808	£4,212	£2,808	£2,808	£0.00	£0.00	£1,404	£0.00	£62	£2,106	£0.00	£1,404	£1,404	£0.00	£0.00	£0.00	£2,808	£1,404	£2,106	£1,404	£0.00	£0.00	£93.00	£1,000	No	No	
Eastleigh Borough Council	District	£7,011	9,602	8,229	£0.00	£2,742	£0.00	£0.00	£0.00	£0.00	£3,430	£856	£0.00	2,742	£686	£0.00	£0.00	£0.00	£0.00	£5,487	£0.00	£0.00	£0.00	£1,717	£4,800	No	Yes	

APPENDIX C - Comparable Allowances of District and Borough Councils in the South East Region (West Sussex District and Borough Councils highlighted in green.)

Elmbridge Borough Council	District	£5,326	£13,315	N/A	£6,658	N/A	£3,995	£2,663	£666	N/A	£5,992	£1,498	N/A	£6,658	£3,329	N/A	N/A	N/A	N/A	£1,332	N/A	N/A	N/A	N/A	N/A	Yes	No
Fareham Borough Council	District	£7,704	£23,112	N/A	£12,840	N/A	£4,815	£8,025	£963	N/A	£11,556	£963	N/A	£8,025	£963	N/A	N/A	£5,136	£963	£3,852	N/A	N/A	£321	N/A	£792	Yes	No
Folkestone & Hythe District Council	District	£5,433	£23,905	£11,953	£10,866	£0.00	£6,248	£0.00	£0.00	£0.00	£6,248	£0.00	£0.00	£6,248	£0.00	£815	£0.00	£8,150	£1,630	£8,150	£0.00	£0.00	£0.00	£0.00	£0.00	Yes	Yes
Gosport Borough Council	District	£7,068	£15,112	£5,000	N/A	N/A	£2,500	N/A	N/A	N/A	£5,000	£2,500	N/A	N/A	N/A	N/A	N/A	N/A	N/A	£5,397	N/A	£1,079	N/A	£5,000	N/A	Yes	Yes
Gravesham Borough Council	District	£5,041	£22,687	£10,083	£5,041	N/A	£1,260	£756	N/A	N/A	£5,041	N/A	N/A	£2,521	£756	N/A	N/A	£10,790	£3,140	£5,041	N/A	N/A	N/A	N/A	N/A	No	Yes
Guildford Borough Council	District	£7,405	£15,673	£7,838	£6,269	N/A	£3,919	£3,919	£0.00	£0.00	£6,269	£0.00	£0.00	£6,269	£0.00	N/A	£3,919	£6,269	£3,919	£0.00	£0.00	£78.38	£0.00	£3,703	£0.00	No	No
Hampshire County Council	County	£13,058	£31,509	£18,906	£18,906	N/A	£6,303	N/A	N/A	N/A	£12,604	£3,159	N/A	£12,604	£3,159	£736	N/A	£19,997	£10,243	£12,594	N/A	£12,594	£5.65	N/A	£736	Yes	Yes
Hart District Council	District	£4,875	£17,067	£8,532	£7,680	n/a	£2,561	£1,708	n/a	n/a	£5,121	£1,705	n/a	£3,413	n/a	n/a	n/a	£4,266	n/a	£2,561	n/a	£107	n/a	n/a	£250	Yes	No
Hastings Borough Council	District	£6,429	£12,861	£8,364	£6,945	£3,335	£3,216	£1,047	£0.00	£108	£3,861	£1,413	£1,047	£3,216	£630	£0.00	£0.00	£6,840	£2,235	£1,569	£192	£1,569	£0.00	n/a	£0.00	No	No
Havant Borough Council	District	£5,676	£18,214	£10,473	£8,807	na	£5,791	£1,167	na	na	£5,236	na	na	£5,791	na	na	na	unknown	na	na	na	£962	na	na	£1,000	Yes	No
Horsham District Council	District	£5,470	£15,587	£8,925	£7,285	N/A	£2,535	£2,535	N/A	N/A	£4,000	£1,345	N/A	£5,310	£1,775	N/A	N/A	£5,310	£1,780	£3,856	N/A	N/A	N/A	£2,535	£1,345	Yes	No
Isle of Wight Council	Unitary	£8,377	£16,754	£10,471	£8,377	N/A	£3,350	£2,513	£0.00	£0.00	£6,701	£1,675	£0.00	£8,377	£1,675	£0.00	£0.00	£5,863	£1,675	£1,675	£0.00	£0.00	N/A	N/A	£301	Yes	No
Kent County Council	County	£15,695	£51,613	£33,548	£33,548	NA	£9,032	NA	NA	NA	£11,354	£0.00	£0.00	£9,032	£0.00	NA	NA	£17,032	£9,032	£17,032	£0.00	£17,032	£0.00	9,032.29 - 11,354.87	500 per annum plus 100/day	Yes	No
Lewes District Council	District	£3,196	£14,821	£0.00	£5,928	£2,964	£4,446	£60	£0.00	£0.00	£4,446	£741	£533	£3,557	£0.00	£0.00	£1,112	£2,224	£0.00	£4,446	£0.00	£4,446	£0.00	£0.00	£1,000	Yes	No
Maidstone Borough Council	District	£5,065	£20,002	£0.00	£0.00	£0.00	£4,000	£4,000	£0.00	£0.00	£8,000	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£2,653	£1,061	£402	£0.00	£402	£0.00	£8,000	£750	Yes	No
Medway Council	Unitary	£10,585	£31,754	£21,169	£15,877	N/A	£7,409	N/A	N/A	N/A	£12,702	£5,292	N/A	£10,585	£3,705	N/A	N/A	£13,231	£6,351	£12,702	N/A	£6,351	6,351	n/a	N/A	Yes	No
Mid Sussex District Council	District	£5,200	£20,800	£11,000	£8,500	£8,500	£3,120	£1,040	£0.00	£0.00	£6,500	£1,625	£0.00	£4,160	£1,040	£0.00	£0.00	£6,760	£2,253	£0.00	£0.00	£250	£0.00	£0.00	£750	Yes	No
Milton Keynes Council	Unitary	£11,165	£33,495	£16,748	£11,723	NA	£5,024	£8,374	NA	NA	£8,374	NA	NA	£8,374	NA	NA	NA	£11,723	£5,862	£15,073	NA	NA	NA	NA	£640	Yes	No
Mole Valley District Council	District	£4,793	£8,225	£4,661	If 4 or less Portfolio Holders - all share £17,548. 78 If 5 Portfolio Holders each receive £3,509.7 5 If 6 Portfolio Holders each receive -£3,509. 75 If 7 Portfolio Holders each receive -£3,509. 75 If 8 Portfolio Holders ,all share -£24,568.29	n/a	£2,341	£586	n/a	n/a	£2,807	£383	n/a	£2,341	£329	n/a	n/a	£2,807	£1,052	£4,096	£586	£586	n/a	n/a	N/a - travel expenses paid	No	No

APPENDIX C - Comparable Allowances of District and Borough Councils in the South East Region (West Sussex District and Borough Councils highlighted in green.)

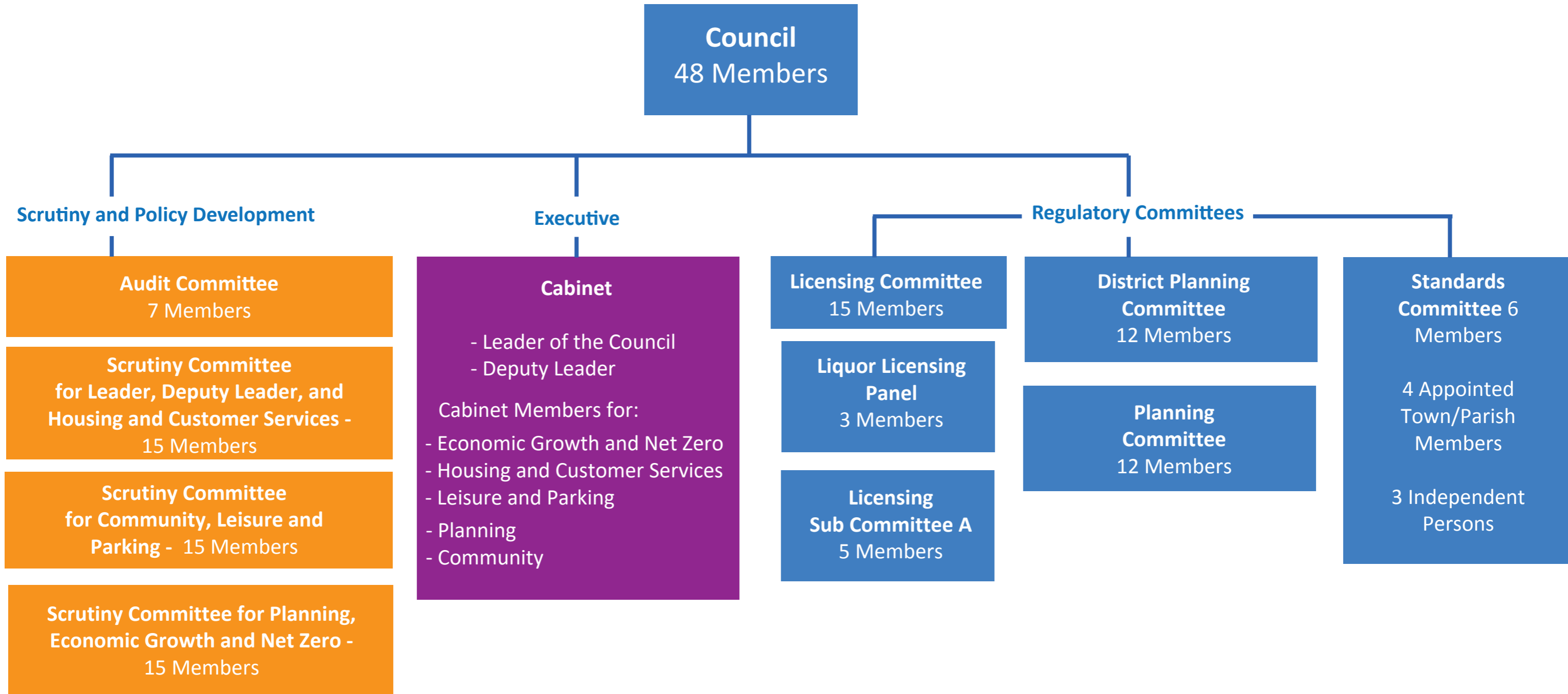
New Forest District Council	District	£6,871	£21,781	£13,069	£10,891	N/A	£2,178	£2,178	£0.00	£0.00	£7,623	£0.00	£0.00	£5,445	£0.00	£15.73	N/A	£8,712	£2,178	£8,168	£1,634	£1,634	£0.00	N/A	£318	Yes	Yes	
Oxford City Council	District	£5,245	£15,735	£5,245	£7,868	£2,623	£1,311	£0.00	£0.00	£0.00	£2,623	£0.00	£0.00	£5,245	£0.00	£0.00	N/A	£5,245	£1,311	£2,623	£0.00	N/A - we have an allowance to be split between all opposition group leaders (q27) and an allowance for Council leader (q10))	£0.00	N/A	£0.00	No	No	
Oxfordshire County Council	County	£11,013	£31,940	£22,027	£17,622	N/A	£6,608	N/A	N/A	N/A	£6,608	N/A	N/A	£6,608	N/A	N/A	N/A	£9,361	£2,340	£8,810	£2,753	N/A	N/A	£6,608	£1,500 pa (usually about £300 per review)	No	No	
Portsmouth City Council	Unitary	£11,684	£21,031	£0.00	£8,179	N/A	£4,089	£4,089	£0.00	£0.00	£4,089	£0.00	£0.00	£2,921	£0.00	£0.00	£0.00	£8,179	£1,168	£7,010	£0.00	£2,337	£1,168	N/A	N/A	Yes	No	
Reading Borough Council	Unitary	£8,447	£19,008	£11,610	£9,761	N/A	£3,123	£6,243	£1,103	N/A	£6,243	£1,103	N/A	N/A	N/A	N/A	N/A	£9,200	£2,400	£6,243	N/A	£3,123	N/A	£3,123	£1,103	Yes	No	
Reigate and Banstead Borough Council	District	£5,783	£14,151	£11,557	£9,434	N/A	£3,162	£441	N/A	N/A	£5,442	N/A	£804	£3,162	N/A	N/A	N/A	£5,700	N/A	£205	N/A	£205	N/A	N/A	Only as detailed above	£570 pa	No	No
Rother District Council	District	£4,703	£13,735	£3,873	£2,988	N/A	£2,186	£2,186	N/A	N/A	£2,988	N/A	N/A	£2,988	N/A	N/A	N/A	N/A	N/A	£550	N/A	£550	N/A	N/A	£361	Yes	No	
Royal Borough of Windsor and Maidenhead	Unitary	£8,472	£25,416	£13,979	£12,708	N/A	£5,084	£6,335	£0.00	£0.00	£6,355	£0.00	£0.00	£5,084	£0.00	£0.00	£0.00	£3,183	£1,061	£6,355	£0.00	£0.00	£0.00	£0.00	£1,000	Yes	No	
Runnymede Borough Council	District	£5,500	£11,000	£5,500	n/a	n/a	£5,184	£5,184	£2,592	£0.00	£9,048	£6,024	£3,012	£5,184	£2,592	n/a	Nil	£5,184	£1,396	£425	Nil	£425	n/a	£5,184	Reasonable expenses	No	No	
Rushmoor Borough Council	District	£5,425	£16,861	£9,712	£8,372	N/A	£5,655	£5,655	N/A	£453	£5,655	N/A	N/A	£4,215	£1,265	N/A	N/A	£1,579	N/A	£3,398	N/A	N/A	N/A	£4,215	£523	Yes	No	
Sevenoaks District Council	District	£5,715	£20,910	£12,546	£7,319	£1,673	£2,614	£2,614	£0.00	£141	£5,228	£1,046	£523	£2,614	£0.00	n/a	N/A	£10,957	£4,795	£282	n/a	£282	N/A	£2,614	N/A	No	No	
Slough Borough Council	Unitary	£7,779	£20,224	£14,156	£11,123	n/a	£3,033	£3,033	£1,011	n/a	£5,056	£1,684	n/a	£7,080	£1,415	n/a	n/a	£7,626	£2,990	£6,067	n/a	n/a	n/a	n/a	£1,314	Yes	Yes	
South Oxfordshire District Council	District	£5,186	£20,741	£14,519	£10,369	N/A	£1,557	£2,074	N/A	N/A	£6,223	£3,111	N/A	£3,111	N/A	N/A	N/A	£5,186	£1,557	£2,074	N/A	N/A	N/A	£3,111	N/A	Yes	No	
Southampton City Council	Unitary	£13,900	£41,700	£13,900	£13,900	N/A	£6,950	£6,950	N/A	N/A	£6,950	£0.00	£0.00	£6,950	N/A	N/A	£3,475	£13,900	£13,900	£26,063	Basic	N/A	N/A	N/A	£693	Yes	No	
Spelthorne Borough Council	District	£99,800	£11,000	£5,500	£0.00	£0.00	£4,400	£5,500	£2,750	£0.00	£6,600	£3,300	£0.00	na	na	na	£5,500	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£7,700	£500	Yes	No	
Surrey County Council	County	£13,120	£45,410	£29,430	£23,760	£10,540	£10,570	n/a	n/a	n/a	£12,680	n/a	n/a	£10,570	n/a	travel expenses only	n/a	£19,020	£6,870	£12,680	n/a	n/a	n/a	n/a	varies between committees	travel expenses only	Yes	No
Surrey Heath Borough Council	District	£5,288	£13,749	£8,249	£5,500	£0.00	£3,712	£3,712	£0.00	£0.00	£4,812	£2,640	£0.00	£3,712	£0.00	£0.00	£0.00	£5,500	£1,650	£0.00	£0.00	£34,812	£0.00	£3,712	£0.00	Yes	Yes	
Swale Borough Council	District	£6,786	£16,965	£8,483	£0.00	£0.00	£2,036	£2,036	£0.00	£0.00	£6,786	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£4,750	£2,035	£5,938	£0.00	£2,036	£0.00	£5,938	£0.00	Yes	No	

Council - 7 December 2022

APPENDIX C - Comparable Allowances of District and Borough Councils in the South East Region (West Sussex District and Borough Councils highlighted in green.)

Tandridge District Council	District	£4,317	£6,123	£1,531	N/A	N/A	£3,062	N/A	N/A	N/A	£3,062	£1,021	£591	N/A	N/A	N/A	N/A	£3,062	£1,021	£3,062	N/A	N/A	N/A	£3,062	N/A	No	No
Test Valley Borough Council	District	£7,619	£16,258	£10,346	£8,942	N/A	£2,439	£3,429	£686	N/A	£5,715	£1,143	N/A	£7,619	£1,524	N/A	N/A	£3,429	£686	£3,429	N/A	N/A	N/A	N/A	N/A	Yes	Yes
Thanet District Council	District	£4,570	£18,082	£10,776	£7,990	£7,990	£5,204	£3,216	£805	£0.00	£5,204	£1,216	£0.00	£7,990	£3,216	£0.00	£0.00	£2,188	£1,530	£5,762	£2,862	£0.00	£2,862	£0.00	£250	Yes	No
Tonbridge and Malling Borough Council	District	£5,175	£20,706	£15,528	£8,802	N/A	£2,589	£2,589	£648	Basic allowance only	£1,725	£336	Basic allowance only	£2,589	£648	N/A	N/A	£6,048	£1,434	£1,293	N/A	£1,293	N/A	£1,656	unknown	Yes	No
Tunbridge Wells Borough Council	District	£5,500	£19,250	£3,575	£11,000	£11,000	£1,375	£1,375	£0.00	£0.00	£5,500	£1,320	£0.00	£1,375	£0.00	£0.00	£1,375	£5,380	£1,080	£3,575	£0.00	£3,575	£0.00	£0.00	£800	Yes	No
Vale of White Horse District Council	District	£5,186	£20,741	£14,519	£10,369	N/A	£1,557	£2,074	N/A	N/A	£6,223	£3,111	N/A	£3,111	N/A	N/A	N/A	£5,186	£1,557	£2,074	N/A	N/A	N/A	£3,111	N/A	Yes	No
Waverley Borough Council	District	£5,164	£15,171	£10,503	£7,002	na	£3,501	£3,501	£1,752	na	£3,501	£1,752	na	£3,501	£1,752	na	na	£612	£0.00	£3,501	na	na	na	£3,501	£0.00	Yes	No
Wealden District Council	District	£4,846	£14,169	N/A	£5,857	N/A	£3,963	£1,439	N/A	N/A	£4,464	£1,476	N/A	£3,963	N/A	N/A	N/A	£5,024	£1,242	£1,143	N/A	£14,169	N/A	N/A	£867	Yes	No
West Berkshire Council	Unitary	£7,697.00	£11,545	£9,622	£0.00	£2,887	£2,887	£0.00	£0.00	£4,810	£0.00	£0.00	£4,810	£0.00	£0.00	£0.00	£5,773	£1,155	£7,697	£0.00	£1,902	£2,309	£0.00	£1,051	Yes	Yes	
West Oxfordshire District Council	District	£5,227	£15,683	£10,455	£7,841	£0.00	£2,763	£7,841	£2,763	£0.00	£7,841	£2,763	£0.00	£5,227	£2,763	£0.00	£0.00	£5,227	£2,763	£5,227	£0.00	£0.00	£0.00	£0.00	£0.00	No	No
West Sussex County Council	County	£12,416	£34,441	£24,797	£22,042	N/A	£9,719	N/A	N/A	N/A	£9,719	N/A	N/A	£9,719	None	Travel expenses	N/A	£20,515	£8,598	£5,088	None	£33,849	None	£9,719	Travel expenses	Yes	Yes
Winchester City Council	District	£6,074	£18,205	£9,933	£8,275	£8,275	£3,312	£3,312	n/a	n/a	£8,275	£2,485	n/a	£8,275	n/a	n/a	n/a	£2,485	n/a (note - both mayor and dep mayor get separate civic allowances which are outside this scheme)	£8,275	n/a	n/a	£1,658	£3,312	£800	Yes	Yes
Woking Borough Council	District	£7,380	£12,000	£3,600	£2,400	£0.00	£0.00	£600	£0.00	£0.00	£2,400	£0.00	£0.00	£1,200	£0.00	£0.00	£8,217	£14,527	£1,458	£1,200	£0.00	£600	£0.00	£0.00	£369	Yes	No
Wokingham Borough Council	Unitary	£7,784	£20,000	N/A	£10,000	£2,000	£2,500	£2,500	£0.00	£0.00	£5,000	£0.00	£1,250	£5,000	£0.00	£0.00	£0.00	£7,420	£1,960	£7,500	£0.00	£0.00	£0.00	£1,250	£1,000	Yes	No
Worthing Borough Council	District	£5,153	£15,461	£7,730	£644	£0.00	£2,577	£3,865	£1,288	£0.00	£5,154	£1,288	£0.00	£3,865	£1,288	£0.00	£0.00	£2,577	£1,288	£2,577	£1,288	£0.00	£0.00	£0.00	£75	No	No

MSDC Committee Structure



This page is intentionally left blank

STATEMENT OF GAMBLING POLICY

REPORT OF: Judy Holmes, Deputy Chief Executive.
Contact Officer: Jon Bryant, Senior Licensing Officer
Email: jon.bryant@midsussex.gov.uk Tel: 01444 477428
Wards Affected: ALL
Key Decision: No
Report to: Council
7th December 2022

Purpose of Report

1. Following consideration and endorsement by the Scrutiny Committee for Community, Leisure and Parking this report seeks the Council's approval of the Statement of Principles (Gambling Act) Policy 2023 at Appendix 1.

Recommendations

2. The Council is required to review the Statement of Principles (Gambling Act) Policy every three years (or sooner if appropriate). The Policy was last reviewed in 2018 and adopted on 31 January 2019. However, due to pressures caused by the Covid pandemic, review of this policy was delayed to 2022.
3. The reviewed Policy reflects a number of regulatory and legislative changes and statutory guidance. In September a draft of the policy was approved for public consultation by the Scrutiny Committee for Community, Leisure and Parking. This report includes the outcome of that consultation.

Recommendations

4. The Council approves the Statement of Principles (Gambling Act) Policy at Appendix 1 for implementation on 1st January 2023.
-

Background

5. This Council currently licences:
 - 2 Adult Gaming Centres (Pease Pottage Services)
 - 7 Betting Shops
 - 69 premises with Gaming Machines that are licensed to sell alcohol and that have an automatic entitlement to have 2 gaming machines provided they have notified us
 - 9 premises with 3 or more Gaming machines
 - 8 Club Gaming Machine Permits (Registered Clubs) - larger prize money
 - 1 Club Gaming Permits allows certain gaming and larger prize money machines
 - 77 Small Society Lotteries are registered (these register annually to allow raffles, sale of tickets etc.)
6. The Council currently has an adopted Statement of Principles (Gambling Act) Policy. The Policy states that it will be reviewed every three years, which reflects the requirements in section 349 of the Gambling Act 2005. The revised policy reflects both legislative changes and updates. A draft policy was considered and endorsed for consultation by Scrutiny Committee for Community, Leisure and Parking at its meeting on 28th September 2022.

7. The Policy is not intended to be used to limit gambling establishments but to protect the public, using the following three objectives:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Consultation Responses

8. Following a 6 week consultation the Council received no responses

Policy Context

9. The Statement of Principles (Gambling Act) Policy is produced in accordance with the provisions of The Gambling Act 2005 (Licensing Authority Policy Statement England and Wales) Regulations 2006, which places a duty on the Council to carry out its licensing functions in respect to the licensing, inspection and enforcement of such premises.

Financial Implications

10. None

Risk Management Implications

11. The Council is required to review its Policy every three years or sooner if appropriate. Failure of a Council to review their Policy could be open to a legal challenge. The policy was last reviewed in 2018 and adopted on the 31st January 2019.

Equality and Customer Service Implications

12. An equality impact assessment was carried out in the development of this Statement and did not identify any negative impacts for customers and those protected by equalities legislation. The Statement is intended to protect the public and through our consultation with a range of stakeholders, including the Police, we will ensure that any relevant issues are identified.

Sustainability Implications

13. None for the purposes of this report.

Background Papers

Appendix 1 - Statement of Principles (Gambling Act) Policy 2022



**MID SUSSEX
DISTRICT COUNCIL**

**STATEMENT OF
PRINCIPLES**

**GAMBLING ACT 2005
(Licensing Authority Policy
Statement)**

Approved Gambling Act 2005 Licensing Authority Policy Statement
to take effect from
1st January 2023 for 3 years.

All references to the Guidance refer to the Gambling Commission's
Guidance to Local Authorities 5th Edition published September 2015

Contents

1. Introduction.....	3
2. Mid Sussex District Council Geographical Area	3
3. Licensing Objectives Declaration	4
4. Responsible Authorities	4
5. Interested parties.....	5
6. Gambling Risk Assessments.....	6
7. Exchange of Information	6
8. Enforcement.....	6
9. Licensing Authority’s functions.....	7
10. Duplication with other regulatory regimes	8
11. Table Of Delegation Of Licensing Functions	9
12. Policies supporting each of the licensing objectives	10
13. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.	10
14. Ensuring that gambling is conducted in a fair and open way.....	11
15. Protecting children and other vulnerable persons from being harmed or exploited by gambling.....	12
16. Premises Licences	12
17. Primary Gambling Activity.....	15
18. Conditions	15
20. Buildings divided into more than one premises.....	16
19. Separation of premises within a single building	16
21. Access to premises	17
22. Casinos	17
23. Bingo.....	18
24. Betting (Other).....	18
25. Betting Tracks including other sporting venues	19

26. Adult Gaming Centres	20
27. Family Entertainment Centres (FEC):	21
28. Travelling Fairs	22
29. Door Supervisors	22
30. Provisional Statements	22
31. Reviews.....	23
32. Permits	24
33. Unlicensed Family Entertainment Centre (UFEC) Gaming Machine Permits	24
34. Alcohol-Licensed Premises Gaming Machine Permits	25
35. Prize Gaming Permits.....	27
36. Club Gaming and Club Machines Permits.....	27
37. Temporary Use Notices (TUN's).....	29
38. Occasional Use Notices	29
Appendix 1	30
Gaming machine (fruit machine, slot machine) categories.....	30
Appendix 2	32
Organisations & Groups Consulted	32
SUPPLEMENTARY GUIDANCE DOCUMENT 1	34
SUPPLEMENTARY GUIDANCE DOCUMENT 2	35

1. Introduction

- 1.1. Under section 349 of the Gambling Act 2005 (the Act) the council is required to publish a statement of Licensing Policy which it proposes to apply when exercising its functions under the Act. The form of the policy is set out in The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2007. The Gambling Commission's Guidance to licensing authorities published on 1st April 2021 (Commission's Guidance) contains further detail on the form of the council's statement of principles.
 - 1.2. Gambling is a legitimate regulated activity that is enjoyed by a large number of the population. However, there are a number of people within our society who are at risk to gambling related harm. The Council, as the Licensing Authority under the Act has a duty to consider applications relating to allowing gambling facilities within the District to ensure that they meet the fundamental principles of the Act. In doing so the authority must balance the needs of business to profit and grow with the potential impact on those who are vulnerable to being exploited or susceptible to gambling related harm.
 - 1.3. The Council's policy is intended to promote the three licensing objectives set out in the Act. These 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.
- The Council has a duty to pursue the licensing objectives, and we expect gambling business to deliver them.
- 1.4. The Act requires that the following people and bodies be consulted in the revision of the statement:
 - The Chief Officer of Police.
 - People and bodies representing the interests of persons in gambling businesses in the area.
 - People and bodies who represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
 - 1.5. A list of those consulted on the revision of the statement of principles is attached at Appendix 2. In producing the final policy statement, it has had regard to:
 - the licensing objectives in the Act
 - the guidance issued by the Commission
 - any responses from those consulted on its policy statement
 - 1.6. It should be noted that this policy statement will not override the right of any person to make an application, or to make representations about an application, or to apply for a review of a licence, as each will be considered on its own merits and in accordance with the statutory requirements of the Act.

2. Mid Sussex District Council Geographical Area

- 2.1. Mid Sussex District Council is located within the County of West Sussex. It is a relatively prosperous area whose residents are generally well qualified. The age demographics point to an increasingly ageing population. More than half the area is designated as an Area of Outstanding Natural Beauty. It lies on the eastern

edge of the county and shares boundaries with East Sussex to the east, Surrey to the north and Brighton and Hove and the South Downs National Park to the south. Mid Sussex covers an area of 128 square miles and includes the three main towns of East Grinstead, Burgess Hill and Haywards Heath. There are some 25 villages and many small hamlets in a predominantly rural area outside of the main towns. The District has a population of approximately 146,000. Sixty percent of the population lives in the three main towns with the remaining 40% living in the smaller villages and rural areas.

- 2.2 Mid Sussex is a safe place to live and work and is kept so by the Mid Sussex community and agencies such as the Council and Police working together. Since 1998 there has been a legal duty on agencies to work together with the community to reduce crime and anti-social behaviour. The Mid Sussex Partnership acts as the formal co-ordinating group to ensure that Mid Sussex meets this legal duty.

3. Licensing Objectives Declaration

- 3.1. In reviewing this Policy, this Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

4. Responsible Authorities

- 4.1. The council is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

The principles are:

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

- 4.2. In common with its practice under the Licensing Act 2003, the council designates the West Sussex Children Safeguarding Board to advise on the protection of children from harm. The Responsible Authorities are therefore:

- The Council's Licensing Service (as licensing authority)
- The Gambling Commission
- Sussex Police
- West Sussex County Council Fire and Rescue Service
- The Council's Planning and Economy Services (as planning authority)
- The Council's Environmental Protection Team (as the authority minimising or preventing the risk of environmental pollution and/or harm to human health)
- West Sussex Children Safeguarding Board
- H.M. Revenue and Customs

- 4.3. The Secretary of State has not, as yet, prescribed any further Responsible Authorities. The contact details of all the Responsible Authorities under the Act are listed in the Supplementary Guidance to this document.

5. Interested parties

- 5.1. Interested parties can make representations about licence applications or apply for a review of an existing licence. These parties are defined in s158 of the Act as follows: "For the purposes of this Part a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-
- lives sufficiently close to the premises to be likely to be affected by the authorised activities,
 - has business interests that might be affected by the authorised activities, or
 - represents persons who satisfy paragraph (a) or (b)
- 5.2. When determining whether a person is an interested party for the purposes of the Act we will not apply rigid rules but will apply the principle that 'each case will be decided upon its merits.'
- 5.3. In considering whether a person lives sufficiently close to a premises to be considered to be an interested party the following matters will be taken into account
- The size of the premises.
 - The nature of the premises
 - The distance of the premises from the habitual residence or workplace of the person making the representation.
 - The potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises).
 - The circumstances of the person and nature of their interests, which may be relevant to the distance from the premises.
- 5.4. In determining whether a person or organisation "has business interests" we will adopt the widest possible interpretation and include residents' and tenants' associations, trade associations, trades unions, partnerships, charities, faith groups and medical practices, as appropriate.
- 5.5. The council will regard bodies such as trade associations, trade unions, residents' and tenants' associations, and professional advisors such as solicitors, barristers and consultants, as capable of representing interested parties where they are satisfied that the interested party has asked for representation. We will only regard representative bodies as interested parties in their own right if they have a member who can be classed as an interested person under the terms of the Act.
- 5.6. In principle, the council will allow any person to represent an interested party, but it may seek to have it confirmed that the person genuinely represents the interested party. We will generally require evidence that a person/body (e.g. an advocate or relative) 'represents' someone. If persons representing interested parties are Councillors, Members of Parliament or Members of the European Parliament, then no specific evidence of being asked to represent an interested person will be required as long as they represent the area likely to be affected.
- 5.7. If individuals wish to approach Councillors to ask them to represent their views then those Councillors shall not sit on a Licensing Sub-Committee that meets to determine the licence application. If there are any doubts then either interested parties or Councillors should contact the Licensing Team for advice.

6. Gambling Risk Assessments

- 6.1 The Gambling Commission (the Commission) introduced new provisions in its social responsibility code within the Licence Conditions and Codes of Practice

(LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. The risk assessment requirement is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.

- 6.2 The introduction of new provisions in the social responsibility code within the LCCP encourages local authorities, the Commission and the industry to work in partnership to address local issues and concerns. Gambling operators are required to undertake a risk assessment for all of their licensed premises. Operators must also undertake a review of those assessments when certain triggers are met.
- 6.3 This local risk assessment process is not the same as other forms of risk assessment undertaken by gambling operators, such as Health and Safety at Work, Fire Safety and Food Hygiene, etc. These local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the local area and the local community.

7. Exchange of Information

- 7.1 The council will act in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission; this includes a provision that the Data Protection Act 1998 will not be contravened. We will also have regard to Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.
- 7.2. Licensing authorities are required to include in their statements 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 respect to the exchange of information between it and the other interested persons and bodies listed in Schedule 6 to the Act. The principle that this 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

8. Enforcement

- 8.1 The principles to be applied by the council 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, are stated below.
- 8.2. The council will operate within the principles of natural justice and take into account the Human Rights Act 1998. We will have regard to Commission Guidance and will endeavour to avoid unnecessary duplication with other regulatory regimes as far as possible and to be:

- Proportionate: only intervening when necessary: Remedies will be appropriate to the risk posed, and costs identified and minimised;
- Accountable: able to justify its decisions, and be subject to public scrutiny;
- Consistent: implementing rules and standards fairly in a joined-up way;
- Transparent: open, and keep conditions placed on premises licences simple and user friendly; and
- Targeted: focusing on the problems and aiming to minimise the side effects.

8.3. The main enforcement and compliance role for the council is to ensure compliance with the premises licences and other permissions which it grants itself. The Gambling Commission will be the enforcement body for operating licences and personal licences. Similarly, concerns about manufacture, supply or repair of gaming machines will not be dealt with by us, but we will be alert to the way premises are operated and will notify the Gambling Commission if it becomes aware of matters of concern in the operation of the premises.

This Licensing Authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

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

8.4. Our enforcement policy is available upon request to the licensing team.

9. Licensing Authority's functions

9.1 Licensing authorities are 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) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below the prescribed thresholds
- Issue Prize Gaming Permits
- Receive and endorse Temporary Use Notices
- Receive Occasional Use Notices for betting at tracks
- Provide information to the Gambling Commission regarding details of

licences, permits and other permissions issued (see section above on 'information exchange')

- Maintain registers of the permits and licences that are issued under these functions

- 9.2. The licensing of remote gambling is the sole responsibility of the Gambling Commission via operating licences.
It should be noted that local licensing authorities are not involved in licensing remote gambling. This will fall to the Gambling Commission via operating licences

10. Duplication with other regulatory regimes

- 10.1. The council will seek to avoid any duplication with other statutory and regulatory systems where possible, including planning. The licensing authority will not consider whether an application for a premises licence, permit or other permission is for a premise that has been or is likely to be awarded planning permission or building regulations approval, in its own consideration of it. Nor will it regard the granting of a licence, permit or permission as fettering the council's ability to consider planning applications independently on their planning merits.

11. Table Of Delegation of Licensing Functions

Matter to be Dealt with	Full Council	Full Licensing committee	Licensing sub-Committee	Officers
Three year licensing policy	X			
Policy not to permit casinos	X			
Application for premises licenses			Where representations have been received and not withdrawn	Where no representations received/representation have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received/representation 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/representation have been withdrawn
Review of a premises licence			X	
Application for club gaming/club machine permits			Where representations have been received and not withdrawn	Where no representations received/representation 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	

12. Policies supporting each of the licensing objectives

- 12.1 As mentioned above the Act contains three licensing objectives (page1) which underpin the functions of the licensing authority. These 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.
- 12.2 Section 153 of the Act states that in exercising its functions under the Act the licensing authority shall aim to permit gambling in so far as it thinks it is: in accordance with the Commission's codes and guidance to local authorities; reasonably consistent with the licensing objectives and in accordance with the licensing authority's statement of principles. The authority intends to assist applicants, responsible authorities and interested parties by detailing the criteria that it will consider as being reasonably consistent with each of the objectives when considering applications.
- 12.3 The council will continue to review this Statement and will revise it further as appropriate in response to changing circumstances.
13. **Policy Objective 1-Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.**

Policy Objective 1

To prevent gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:

- a) Whether the premises make or will make a contribution to the levels of crime and disorder and whether the applicant has demonstrated that he has, or intends to, implement sufficient controls to prevent the premises being a source of, and/or associated with crime or disorder, or being used to support crime, if the application is granted.
- b) Where an area is known for high levels of crime the council will consider carefully whether gambling premises are suitable to be located there, and whether additional conditions may be necessary, such as the provision of CCTV, minimum levels of staffing and licensed door supervisors.
- c) Whether there is a history of crime or disorder associated with the premises or its use by those involved in crime to associate or dispose of the proceeds of crime.
- d) Whilst issues of nuisance are not included specifically in the gambling objectives, the council may consider, when making decisions on the applications for premises licenses, that extreme instances of public nuisance and persistent public nuisance may constitute disorder and criminal offences.
- e) Whether the layout, lighting and fitting out of the premises have been designed so as to minimise conflict and opportunities for crime and disorder.
- f) Whether sufficient management measures are proposed or are in place to prevent the premises being a source of, or associated with crime or disorder, or used to support crime either as a place of association or to avoid apprehension.

- 13.1 Applicants for premises licences will have to hold an operator’s licence from the Commission (except occupiers of tracks who do not propose to offer gambling themselves). Generally, the licensing authority will not (unless evidence to the contrary comes to light) have to ascertain if the applicant is suitable to hold a premises licence. The licensing authority will have to be satisfied that the premises will not adversely affect the licensing objectives and is compliant with the Commission’s Guidance, codes or practice and this statement of principles.
- 13.2 The council will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, a gambling premises. The applicant will have to provide evidence that they meet the criteria set out in this policy and demonstrate that in operating the premises they will promote this objective. Operators need to be aware of how the operation of their premises may impact on this objective. We will expect the applicants to provide details as to their crime prevention measures and any risk assessments that they have carried out. The operator must meet the Commission’s requirements to obtain and hold an operator’s licence, whilst the Licensing Authority’s concerns are focused on the premises and how the operation of the premises will affect the licensing objectives.

14. Policy Objective 2-Ensuring that gambling is conducted in a fair and open way.

Policy Objective 2

To ensure that gambling is conducted in a fair and open way, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:

- a) Whether the premises will operate with such measures that will ensure that the gambling activity is conducted in a fair and open way.
- b) Whether the layout, lighting and fitting out of the premises have been designed so as to ensure gambling is conducted in a fair and open way.
- c) Whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way.
- d) Whether the management and operation of the premises is open and transparent.
- e) Whether the operators of the premises have been or will be fully cooperative with enforcement agencies.
- f) Whether the Commissions Codes of Practice have been complied with

- 14.1 The Gambling Commission is the body primarily concerned with ensuring that each operator conducts gambling activities in a fair and open way. The Licensing Authority will consider each application on its own merits and will look closely at applications for types of premises that can be run by an operator where there is no requirement to hold an operator’s licence. Track owners do not necessarily require an operator’s licence and any application made by such an unlicensed operator will be scrutinised to ensure that this objective is met. In these circumstances, the applicant would be expected to address how they intend to ensure that gambling will be conducted fairly and openly. The Licensing Authority may wish to impose conditions to ensure that the environment in which betting takes place is suitable.

15. Policy Objective 3 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Policy Objective 3

To protect children and other vulnerable persons from being harmed or exploited by gambling, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews.

- a) Whether there are appropriate measures in place to protect children and other vulnerable persons from being harmed or exploited by gambling.
- b) Has the operator a specific training programme for staff to ensure that they are able to identify children and vulnerable people and take appropriate action to promote this objective to exclude them from the premises or parts of the premises.
- c) If the premise is an adult only environment has the operator taken effective measures to implement an appropriate proof of age scheme to ensure that no one under the age of 18 is admitted to the premises or restricted areas.
- d) Whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling.
- e) Whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling.
- f) Whether any promotional material associated with the premises could encourage the use of the premises by children or young people.

15.1 The Licensing Authority will expect applicants to consider the measures necessary to promote the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. The location of the premises may be a significant factor if for example the premises are located near a school, hostel or other sensitive premises. Other policies specifically deal with location although the applicant will have to demonstrate that there are suitable control measures to promote this objective.

15.2 Persons under 18 cannot be admitted to many types of gambling premises. It is noted that the Act and Commission Guidance does not define the term vulnerable persons. The Commission states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs”. This is the definition of vulnerable persons the council will use in its consideration of applications.

16. Premises Licences

16.1 Any person or business that wishes to offer gambling for which an operating licence from the Gambling Commission is required, and which is premises based, must apply to the Licensing Authority for a premises licence.

16.2 Premises licences can authorise the provision of facilities on:

- casino premises
- bingo premises
- betting premises including tracks and premises used by betting intermediaries
- adult gaming centre premises,
- family entertainment centre premises.

16.3 For each premises type the Act makes it clear that the primary activity should be that described in the premises licence type. It is the council's opinion that all gambling premises, whether subject to application or currently licensed, must operate primarily in the use of the licence type applied for or issued.

16.4 A premises licence issued by us will be subject to mandatory and/or default conditions and conditions imposed by the council. The council may consider that conditions, other than the mandatory or default conditions, are necessary to ensure that the premises are reasonably consistent with the licensing objectives, the Commission's codes of practice and/or local authority guidance, and this statement of principles.

16.5 Under the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) there is a requirement for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises. Social Responsibility code (SR) 10.1.1:

1. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and have policies procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.
2. Licensees must review and update as necessary their local risk assessments.
 - a) To take account of significant changes in local circumstances including those identified in a licensing authority's statement of licensing policy
 - b) When there are significant changes at a licensed premises that may affect their mitigation of local risks
 - c) When applying for a variation of a premises licence
 - d) In any case undertake a local risk assessment when applying for a new premises licence.

16.6 The Council will expect each local risk assessment to consider:

- Whether the premises are in an area subject to high levels of crime and or disorder;
- Nearby gambling, drug, alcohol or mental health support facility;
- Other gambling premises in the vicinity.
- The location and proximity of services for children such as schools, colleges, playgrounds, youth clubs, leisure/community centres, cafes, coffee shops, bus stops and other areas where children will gather.
- The location and proximity of services for vulnerable people such as health centres, drop-in centres, alcohol/drug dependency units, self-help groups, GP surgery.
- The demographics of the area in relation to the type and size vulnerable groups.

- Location and proximity of banks and cash dispensing machines.
- Location and proximity of alcohol licensed premises and information
- Information held by the gambling licensee regarding customer refusals linked to alcohol consumption.
- The demographics of the area in relation to vulnerable groups.
- Whether the premises is in an area subject to high levels of crime and/or disorder.
- Known problems in the area such as problems arising from street drinkers, youths participating, in anti-social behaviour, drug dealing
- How vulnerable people, including people with gambling dependencies are protected.
- Information held by the gambling licensee regarding self-exclusions and incidences of underage gambling.
- Proximity of gaming machines to the entrance door of the premises.
- Consideration of the line of sight from the counter to gaming machines within the premises.
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments.

16.7 The assessment should include the following matters relating to the management and governance of the site:

- The training of staff to intervene when customers show signs of excessive gambling, the ability of staff to offer intervention and how the staffing of premises affects this.
- Details of the location and coverage of CCTV cameras and how the system will be monitored.
- The layout of the premises so that staff will have an unobstructed view of persons using the premises.
- The number of staff available on the premises at any one time. If at any time that number drops to one confirm the supervisory and monitoring arrangements.
- Arrangements for dealing with monitoring under age and vulnerable persons. These may include - dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays, and advertisements not to entice passers-by.
- Where the application is for a Betting Premises Licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

16.8 This information will be used during the process to determine the application.

16.9 We will expect operators to share risk assessments with us when applying for a new premises licence or a variation to an existing one. We will also expect operators to share information and data with us about self-exclusions and underage attempts to gamble.

16.10 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how any concerns can be overcome.

17. Primary Gambling Activity

- 17.1 The primary activity of each premises licence type is specified on the premises licence when it is issued. Section 150 of the Gambling Act 2005 authorises the provision of gambling facilities for the following types of premises licences:
- casino premises
 - bingo premises
 - betting premises, including tracks and premises used by betting intermediaries
 - adult gaming centre premises (for category C and D machines)
 - family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue family entertainment centre gaming machine permits, which authorise the use of category D machines only).

(See Appendix 1 for definitions of categories of gaming machines)

- 17.2 In betting premises, the primary activity will be betting, with gaming machines as an ancillary offer on the premises. The Commission have provided information relating to the primary gambling activity in Local Authority Guidance, Licence Conditions and Codes of Practice and advice notes. It should be noted that the Act does not permit a premises to be licensed for more than one gambling activity.
- 17.3 The council will take decisions in accordance with the Commission's guidance and codes of practice on primary gambling activity and will have regard to the advice which it issues from time to time and will expect applicants to operate premises in line with the Commission's Guidance and conditions on their operator's licence. We will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to be clear that the premises are intended to be used for the primary gambling activity proposed. The Licensing Authority will expect there to be sufficient facilities for over the counter betting. For example, a betting (other) premises licence application that only has 4 gaming machines, but no betting counter or associated betting facilities shown on the proposed plans, will not be considered as offering the primary gambling activity in accordance with that indicated on the application.

18. Conditions

- 18.1 The majority of premises licences will have mandatory and/or default conditions attached to the licence. These conditions are detailed in the Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007.
- 18.2 The Licensing Authority can attach conditions to any licence if it believes that the imposition of conditions will ensure that the premises promotes the licensing objectives. Any conditions attached to a licence 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;
 - related to the scale and type of premises; and
 - reasonable in all respects.
- 18.3 Certain matters are set out in the Act may not be the subject of conditions. These are:
- conditions which make it impossible to comply with an operating licence.

- conditions as to gaming machines that contradict the provisions in the Act.
- conditions making activities, premises or parts of them operate as a membership club
- conditions on fees, winnings, stakes or prizes.

18.4 Conditions will be attached to individual licences on the basis of their merits. However, there will be a number of measures the council will commonly consider utilising in order to pursue the licensing objectives. These may include measures such as: the supervision of entrances; separation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in premises not specifically for adult gambling; appropriate signage for adult only areas, etc. The council will expect the applicant to propose how the licensing objectives can be met effectively through the use of conditions.

19. Buildings divided into more than one premises

19.1 Part 7 of the Commissions Guidance states that a building can, in principle, be divided into more than one premises, and subject to more than one premises licence provided they are for different parts of the building, and the different parts of the building can be reasonably regarded as being different premises. An example is given of the units within a shopping mall, where each unit is a separate self-contained premises that is contained within one building. It is also possible for licensed premises to be located next to each other. The council will follow this guidance.

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

19.3 In considering whether different areas of a building are genuinely separate premises the council will take into account factors which will include: whether there are separate registrations for business rates in place for the premises, whether the premises are owned or operated by the same person, and whether the premises are operated independently of each other.

20. Separation of premises within a single building

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

20.2 The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another. We would not, for example, be likely to consider that separation of areas of a building by ropes, or by low level, or moveable partitions to be appropriate.

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

enter the other premises.

21. Access to premises

- 21.1 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises the council will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions which relate to access between premises.
- 21.2 The relevant provisions of the regulations relating to access are set out in paragraph 7.23 of the Commission's Guidance. In a number of types of licensed premises provisions on access that prevent customers from being able to enter the premises directly from other licensed premises.
- 21.3 The Commission Guidance at paragraph 7.25 states "There is no definition of 'direct access' in the Act or regulations. However, it could be said that there should be an area separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access."
- 21.4 It is the council's opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.
- 21.5 The council does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or ATMs,
- 21.6 Where the council is satisfied that a building can be divided into separate premises and properly satisfy the statutory provisions, the council will expect applicants to ensure that:
- premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part,
 - entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit.
 - Customers should be able to participate in the activity named on the premises licence.

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

22. Casinos

- 22.1 No Casinos resolution - The licensing authority 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 licensing authority decide in the future to pass such a

resolution, it will update this policy statement with details of that resolution. It should be noted that we are not an authority that has been granted permission by the government to issue a casino licence. We are not a district that the Government has selected to have a casino.

23. Bingo

23.1 This policy applies to applications for a bingo premises licence. Bingo has its ordinary and natural meaning and includes any version of the game irrespective of by what name it is described. A holder of a bingo premises licence will be able to offer bingo in all its forms.

23.2 The holder of a bingo premises licence may make available for use, up to a maximum of 20% of the machine estate available for use on the premises of category B machines (restricted to sub-category B3 or B4 machines) and any number of category C or D machines

23.3 Children and young persons are permitted in bingo premises, but may not participate in the bingo. If any category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.

(See Appendix 1 for definitions of categories of gaming machines)

23.4 In determining whether the application meets the criteria set in Policy Objective 1,2,3 consideration will be given to appropriate measures/licensing conditions to address the matters listed below:

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

This list is not exhaustive, and is merely indicative of examples of measures the council will expect applicants to offer their own measures to meet the licensing objectives.

24. Betting (Other)

24.1 This policy applies to applications for off-course betting premises. This is betting that takes place other than at a track, typically in a betting shop, and includes an entitlement to operate up to four gaming machines of category B2, B3, B4, C or D, and any number of betting machines.

24.2 In determining whether the application meets the criteria set in Policy Objective 1,2,3 consideration will be given to appropriate measures/licensing conditions to address the matters listed below:

- Proof of age schemes
- CCTV

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

This list is not exhaustive, and is merely indicative of examples of measures the council will expect applicants to offer their own measures to meet the licensing objectives.

25. Betting Tracks including other sporting venues

25.1 Under section 353 of the Act, “tracks” includes premises where a race or other sporting event takes place or is intended to take place. These may be subject to one or more than one premises licence, provided each licence relates to a specified area of the “track”. The Commission Guidance, identifies that operators of track betting premises will not necessarily hold an operator’s licence issued by the Commission. The council will have particular regard to proposals and measures to ensure that the environment in which betting takes place is suitable for betting and that betting is conducted in a fair and open way.

25.2 We will consider the impact upon the objective of protection of children and vulnerable persons, the need to ensure that entrances to each type of licensed premises within the sporting venue are distinct and that children are excluded from gambling areas where they are not permitted to enter. The possibility of multiple licences at tracks is noted in Part 20 of the Commission Guidance. The council will expect the applicant for a premises licence to demonstrate suitable measures to ensure that children do not have access to adult- only gaming facilities. 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, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided. (Children and young persons are not prohibited from playing category D machines on a track.)

25.3 In determining whether the application meets the criteria set in Policy Objective 1,2,3 consideration will be given to appropriate measures/licensing conditions to address the matters listed below:

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

This list is not exhaustive and is merely indicative of examples of measures the council will expect applicants to offer their own measures to meet the licensing objectives.

- 25.4 Track betting operators must be able to demonstrate their adoption of socially responsible gambling policies and procedures. Such policies and procedures must ensure that the track betting activities promote the licensing objectives of ensuring that gambling is conducted in a fair and open way and children and other vulnerable people are not harmed or exploited by gambling.
- 25.5 The council will consider the location of gaming machines at tracks, and applicants for track premises licences will need to demonstrate that, where the applicant holds or seeks a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. The applicant will be required to provide information as to what measures it will put in place around the gaming machines to ensure that children are excluded.
- 25.6 The council will expect applicants to include detailed plans for the race track itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”), pool betting, as well as any other proposed gambling facilities. Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. Any such plans must also contain the information prescribed by Regulations.
- 25.7 The council concurs with the Commission’s view that it would be preferable for all self-contained premises operated by off-course betting operators to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

26. Adult Gaming Centres

- 26.1 Adult gaming centres (AGCs) premises licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. They will be able to make up to 4 category B3 or B4 gaming machines, and an unlimited number of category C or D gaming machines available to their customers. Gaming machines are a form of gambling which is attractive to children and AGC’s will contain machines of a similar format to the Category D machines on which children are allowed to play. However, no-one under the age of 18 is permitted to enter an AGC and applicants must be aware of the location of and entry to AGC’s to minimise the opportunities for children to gain access.
- 26.2 Because gaming machines provides opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The council in considering premises licences and will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds are not attracted to, or gain access to, the premises.
- 26.3 In determining whether the application meets the criteria set in Policy Objective

1,2,3 consideration will be given to appropriate measures/licensing conditions to address the matters listed below:

- Proof of age schemes
- CCTV
- Entry control system
- Supervision of entrances/ machine areas
- Physical separation of areas
- Location of entry
- Notices/ signage
- Specific opening hours
- Self-barring schemes for individuals to bar themselves from premises
- Provision of information leaflets/ helpline numbers for organisations such as GamCare.

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

27. Family Entertainment Centres (FEC):

27.1 Generally, FECs must be operated by a person or body having an operating licence from the Gambling Commission (the Act also provides that there is a class of unlicensed Family Entertainment Centres that may be run by individuals or bodies not holding an operator's licence). Unlicensed Family Entertainment Centres do not require the operator to have a Gambling Commission operator's licence or premises licence from the local licensing authority but do need to have a gaming machine permit as set out below. Gaming machines are a form of gambling which is attractive to children and FECs will contain both Category D machines on which they are allowed to play, and category C machines on which they are not. Because gaming machines provide opportunities for solitary play and for immediate payouts, they are more likely to engender repetitive and excessive play. The council, in considering applications for FEC premises licences will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

27.2 In determining whether the application meets the criteria set in Policy Objective 1,2,3 consideration will be given to appropriate measures/licensing conditions to address the matters listed below:

- CCTV
- Supervision of entrances/ machine areas
- Physical separation of areas for category C machines
- Location of entry
- Notices/ signage
- Specific opening hours
- Self-barring schemes for individuals to bar themselves from premises
- Provision of information leaflets/ helpline numbers for organisations such as GamCare
- Measures & training for dealing with children on the premises suspected of truanting.

This list is neither mandatory, nor exhaustive, and is merely indicative of example measures.

27.3 The council will have regard to the Gambling Commission's guidance on any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated but may require further measures on physical separation and controls on entry. The council must apply the mandatory conditions but will consider whether to exclude any of the default conditions that may be specified by regulation from the Secretary of State.

27.4 Family Entertainment Centres will provide amusement with prizes machines (gaming machines) or entertainment machines which are used to play games where there are no chance of winning prizes.

28. Travelling Fairs

28.1 The Act defines a travelling fair as 'wholly or principally' providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming machines but must comply with legal requirements about the way the machines are operated.

28.2 It will fall to the council 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.

28.3 The council will also consider whether the applicant falls within the statutory definition of a travelling fair. We will apply the 27 day statutory maximum for the land being used as a fair each calendar year applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. We will keep a record of any travelling fairs taking place in the District that offer gambling as an ancillary use to the fair. The authority will ensure that the 27 day statutory maximum for the land being used is not breached. The Authority will advise travelling fair operators if requested of the statutory time period remaining for the land they intend to use.

29. Door Supervisors

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

29.2 For betting offices and other premises other than casinos and bingo premises, the operator and/or the council may decide that supervision of entrances or machines is appropriate in particular cases. The authority will make door supervision a requirement where there is evidence, from the history of trading at the premises or in the area, that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

30. Provisional Statements

30.1 An application may be made to the licensing authority for a provisional statement' in respect of premises that are yet to be constructed, altered or occupied.

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

- which could not have been raised by objectors at the provisional licence stage; or
- which in the authority's opinion reflect a change in the operator's circumstances.

31. Reviews

31.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, including the licensing authority. However, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- any relevant code of practice issued by the Gambling Commission;
- any relevant guidance issued by the Gambling Commission;
- the licensing objectives;
- the authority's statement of principles.

31.2 The licensing authority may reject an application for review if it thinks that the grounds on which the review is sought:

- are not relevant to the relevant code of practice or guidance issued by the Gambling Commission, the licensing objectives or the licensing authority's statement of principles;
- are frivolous;
- are vexatious;
- 'will certainly not' cause the licensing authority to revoke or suspend the licence or to remove, amend or attach conditions on the premises licence;
- are substantially the same as grounds cited in a previous application relating to the same premises (the licensing authority will consider the length of time that has passed since the earlier application in deciding whether this is a reasonable reason to reject the review application);
- are substantially the same as representations made at the time the application for the premises licence was considered. While the licensing authority will consider the length of time that has passed since the representations were made, it will not normally review a licence on the basis of the same arguments considered on the grant of the premises licence.

31.3 General objections to gambling as an activity are not likely to be considered relevant reasons for a review. Other examples of irrelevant considerations include demand for gambling premises, issues relating to planning, public safety and traffic congestion.

31.4 The licensing authority itself, as a responsible authority can initiate a review of a particular premises licence, or any particular class of premises licence, for any reason which it thinks is appropriate. This includes reviewing a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a

speculative manner without intending to use them, or to ensure that the principle of primary use is applied.

- 31.5 The licensing authority may review any matter connected with the use made of a particular premises if it has reason to believe that the premises licence conditions are not being observed, or for any other reason which gives it cause to believe a review may be appropriate.
- 31.6 A responsible authority or interested party may apply to the council to review a premises licence. Such reviews can be made in relation to, amongst other things if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address, where incidents that have adversely effected one or more licensing objectives have occurred at a premises that could have been prevented if advice and guidance from a responsible authority had been heeded, if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder.
- 31.7 As a review of a premises licence can lead to its revocation the council will consider whether informal actions to ensure timely or immediate compliance have been exhausted prior to an application being made. The council accepts that an application for review may be appropriate without informal measures being taken, but will seek to establish that all options have been considered in determining review applications.

32. Permits

- 32.1 Permits regulate gambling and the use of gaming machines in a premises which does not hold a premises licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.

The council is responsible for issuing the following permits:

- unlicensed family entertainment centre gaming machine permits;
- alcohol-licensed premises gaming machine permits;
- prize gaming permits;
- club gaming permits and club machine permits.

- 32.2 The council can only grant or reject an application for a permit and cannot attach conditions. Therefore, the council will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

33. Unlicensed Family Entertainment Centre (UFEC) Gaming Machine Permits

- 33.1 This policy applies to those premises that are proposed to be used as Unlicensed Family Entertainment Centres. UFECs are those that offer only category D machines and a permit allows any number of these machines to be made available at the premises (subject to other considerations such as health and safety and fire regulations). Given that category D machines have no age restrictions, these premises will particularly appeal to children and young persons. Therefore, the council will give particular weight to matters relating to child protection issues.

The council will grant an application for a permit only if it is satisfied that the premises will be used as an unlicensed FEC, and following consultation with the Chief of Police.

33.2 The council will require applicants to demonstrate:

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

33.3 The council will expect the applicant to show that there are policies and procedures in place to protect children and vulnerable people from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include:

- measures / training for staff as regards suspected truant school children on the premises;
- measures / training covering how staff would deal with unsupervised very young children being on the premises;
- measures / training covering how staff would deal with children causing perceived problems on or around the premises.
- measures / training covering how staff would identify the signs and symptoms of persons engaged in the illegal use of controlled drugs.

34. Alcohol-Licensed Premises Gaming Machine Permits

34.1 Automatic entitlement to 2 gaming machines: A premises licensed to sell alcohol under the Licensing Act 2003 is automatically entitled to 2 gaming machines of category C and/or D. The holder of the on- premises licence under the Licensing Act 2003 must notify the council of their intention to make the gaming machines available for use and must pay the prescribed fee.

34.2 An automatic authorisation does not negate pub and club operators from their responsibilities to comply with the 'Codes of Practice for gaming machines in Pubs and Clubs' issued by the Gambling Commission. Operators should be aware of the contents of this code and ensure that their staff comply accordingly.

34.3 Operators are expected to demonstrate responsibility in the supervision of their machines, in particular siting them in positions where they can easily be supervised by staff.

34.4 The council will remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a provision of section 282 of the Gambling Act (i.e. that written notice has been provided to the council, 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.

- 34.5 **Permit for 3 or more gaming machines.** This policy applies to those licensed premises that propose to have 3 or more gaming machines. A licensed premises wishing to have 3 or more gaming machines of category C or D must apply to the council for a permit.
- 34.6 As gaming machines provide opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The council, on considering an application, will consider whether granting a permit would be appropriate on a case by case basis, but will specifically have regard to the need to protect children and vulnerable people from harm or being exploited by gambling;
- measures taken by the applicant to satisfy the council that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.
- 34.7 The council will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures may cover issues such as:
- the adult machines being in sight of the bar;
 - the adult machines being in the sight of staff who will monitor that the machines are not being used by those under 18;
 - notices and signage;
 - the provision of information leaflets or helpline numbers for organisations such as GamCare.
 - The council will expect applicants to submit a plan showing the precise location of all machines applied for under this section. The plan should be the same version as that currently submitted with the Licensing Act 2003 Premises Licence.
- 34.8 If it is not satisfied that appropriate measures have been taken by the applicant to comply with this policy, the council will refuse to grant the permit, or it may vary the number or category of gaming machines authorised by the permit.
- 34.9 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the gaming machines.
- 34.10 The council may cancel a permit or may vary the number or category (or both) of gaming machines authorised by it if:
- it would not be reasonably consistent with pursuit of the licensing objectives for the permit to continue to have effect,
 - gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit,
 - the premises are mainly use or to be used for making gaming machines available, or,
 - an offence under the Gambling Act 2005 has been committed on the premises.
- 34.11 Before the council cancels or varies a permit it will give the permit holder 21 days notice of its intention and allow him the opportunity to make a representation. If the permit holder requests a hearing the council will arrange a Licensing Sub-Committee hearing to consider the permit holder's representation and any other evidence available before making its determination.
- 34.12 The Council when determining an application for an alcohol-licensed premises gaming machine permit will consider each application on their own merits.

34.13 Some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for and dealt with as an Adult Gaming Centre premises licence.

35. Prize Gaming Permits

35.1 This policy applies to applications for, or renewals of, prize gaming permits. Gaming is “prize gaming” if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.

35.2 Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.

Given that the prize gaming will particularly appeal to children and young persons, the licensing authority will give weight to child protection issues.

35.3 The applicant will be expected to set out the types of gaming that they are intending to offer and will also be expected to demonstrate:

- an understanding of the limits to stakes and prizes set out in regulations;
- That the gaming offered is within the law;
- Clear policies that outline the steps to be taken to protect children from harm.

35.4 We will only grant a permit after consultation with the chief officer of police. This will enable the licensing authority to determine the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming, the suitability of the premises in relation to their location, and issues about disorder.

35.5 It should be noted that there are conditions in the Act with which the permit holder must comply, but that the council 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.

36. Club Gaming and Club Machines Permits

36.1 Members clubs and Miners’ welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs may apply for a club machine permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming, and games of chance as set out in regulations. A club machine permit will enable

the premises to provide gaming machines (three machines of categories B4, C or D).

- 36.2 A club must meet the following criteria to be considered a members' club:
- It must have at least 25 members;
 - It must be established and conducted wholly or mainly for purposes other than gaming (unless the gaming is permitted by separate regulations);
 - It must be permanent in nature;
 - It must not be established to make a commercial profit;
 - It must be controlled by its members equally.

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

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

- 36.4 We will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures may cover issues such as:
- the adult machines being in sight of the bar;
 - the adult machines being in the sight of staff who will monitor that the machines are not being used by those under 18;
 - notices and signage;
 - the provision of information leaflets or helpline numbers for organisations such as GamCare.
 - The council will expect applicants to submit a plan showing the precise location of all machines applied for under this section. The plan should be the same version as that currently submitted with the Licensing Act 2003 Club Premises Certificate.

- 36.5 There is also a "fast-track" procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which a council can refuse a permit are reduced. The grounds on which an application under this process may be refused are:
- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled".

- 36.6 There are statutory conditions on club gaming permits that no child uses a category

B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

37. Temporary Use Notices (TUN's)

37.1 Temporary Use Notices (TUN's) allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for gambling would include hotels, conference centres and sporting venues.

37.2 The licensing authority can only grant a Temporary Use Notice to a person or a company holding a relevant operating licence.

37.3 Currently, Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.

37.4 The licensing authority, in considering applications for Temporary Use Notices, will consider whether gambling should take place, or should only take place with modifications to the TUN. In doing so, the licensing authority will consider:

- the suitability of the premises;
- to the location of the premises, paying particular attention to its proximity to any schools, hostels or other sensitive premises;
- The CCTV coverage within the premises;
- The ability of the premises to provide sufficient staff and/or licensed door supervisors for the notice period;
- whether the premises or the holder of the operating licence have given the council any cause for concern at previous events in relation to the licensing objectives, the guidance issued by the Commission, the relevant code of practice or this statement of principles.

38. Occasional Use Notices:

38.1 The council has very little discretion as regards Occasional Use Notices to accept bets at "tracks", aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The council will, however, consider the definition of a "track" and whether the applicant will need to demonstrate that they are in fact responsible for the administration of the "track" or is an occupier, and therefore permitted to avail themselves of the notice. It should be noted that the definition of track in the Act is wider than dog tracks or horse racecourses and includes places where races or other sporting events take place. If notices are given for a single track which would permit betting to occur for more than 8 days per year the council has an obligation to issue a counter notice preventing such a breach occurring.

Appendix 1

Gaming machine (fruit machine, slot machine) categories

Gaming machines (fruit machines, slot machines) fall into categories depending on the maximum stake and prize available:

Machine category	Maximum stake (from April 2019)	Maximum prize (from January 2014)	Allowed premises
A	Unlimited	Unlimited	Regional Casino
B1	£5	£10,000 (with the option of a maximum £20,000 linked progressive jackpot on a premises basis only)	Large Casino, Small Casino, Pre-2005 Act casino and Regional Casinos
B2	£2	£500	Betting premises and tracks occupied by pool betting and all of the above
B3	£2	£500	Bingo premises, Adult gaming centre and all of the above
	£2	£500	Members' club or Miners' welfare institute only
B4	£2	£400	Members' club or Miners' welfare club, commercial club and all of the above.
C	£1	£100	Family entertainment centre (with Commission operating licence), Qualifying alcohol licensed premises (without additional gaming machine permit), Qualifying alcohol licensed premises (with additional LA gaming machine permit) and all of the above.
D money prize	10p	£5	Travelling fairs, unlicensed (permit) Family entertainment centre and all of the above

Machine category	Maximum stake (from April 2019)	Maximum prize (from January 2014)	Allowed premises
D non-money prize (other than crane grab machine)	30p	£8	All of the above.
D non-money prize (crane grab machine)	£1	£50	All of the above.
D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)	All of the above.
D combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)	All of the above.

Appendix 2

Organisations & Groups Consulted

Mid Sussex District Councillors

Mid Sussex District Town and Parish Councils

The Gambling Commission, 4th Floor Victoria Square House, Victoria Square, Birmingham, B2 4BP

The Chief Officer of Police, Sussex Police, Church Lane, Lewes, East Sussex BN7 2DZ

West Sussex Fire & Rescue Service, Northgate, Church Road, Chichester, PO19 1BD

The Planning Authority, Planning and Economy , Mid Sussex District Council,
Oaklands, Oaklands Road, Haywards Heath, RH16 1SS

West Sussex Safeguarding Children's Board, Room 12, County Hall, West Street,
Chichester, PO19 1RQ

Environmental Health Section Mid Sussex District Council, Oaklands Road, Haywards
Heath, West Sussex, RH16 1SS

HM Revenue & Customs, 100 Parliament Street, London SW1A 2BQ

British Casino Organisation, 38 Grosvenor Gardens, London, SW1W 0EB

BACTA, Alders House, 133 Aldersgate Street, London, EC1A 4JA

British Bingo Association, Lexham House, 75 High Street North, Dunstable, Beds, LU6
1JF

Association of British Bookmakers Ltd, Regency House, 1-4 Warwick Street, London,
W1B 5LT

Remote Gambling Association, Regency House, 1-4 Warwick Street, London, W1B 5LT

The Manager, Citizens Advice Bureau, Oaklands, Oaklands Road, Haywards Heath,
West Sussex, RH16 3DN

The Manager, Citizens Advice Bureau, Cantelupe House, Cantelupe Road, East
Grinstead, RH19 3BZ

The Manager, Citizens Advice Bureau, 38 Church Road, Burgess Hill, West Sussex,
RH15 9AE

Sussex Chamber of Commerce, 4 Victoria Business Centre, 43 Victoria Road, Burgess
Hill, RH15 9LR

Burgess Hill Library, The Martlets, Burgess Hill, West Sussex, RH15 9NN

Hassocks Library, Keymer Road, Hassocks, West Sussex, BN6 8QJ

Haywards Heath Library, Boltro Road, Haywards Heath, West Sussex, RH16 1BN

Hurstpierpoint Library, Trinity Road, Hurstpierpoint, West Sussex, BN6 9UY

Chief Executive, West Sussex County Council, County Hall, Chichester, West Sussex, PO19 1RG

Transport and General Workers Union, Eastbourne District Office, T&G Centre, Grand Parade, Eastbourne, BN21 4DN

Mims Davies MP, House of Commons, London, SW1A 0AA

Andrew Griffith MP, House of Commons, London, SW1A 0AA

Jeremy Quinn MP, House of Commons, London, SW1A 0AA

Gatwick Diamond Business14 Basepoint Business and Innovation Centre Metcalf Way, Crawley, RH11 7XX

Director of Public Health, 1 The Causeway, Goring-By-Sea, Worthing, BN12 6BT

South East Coastal Sussex Strategic Health Authority, Director of Public Health, York House, 18-20 Massetts Road, Horley, Surrey, RH6 7DE

GamCare, 2&3 Baden Place, Crosby Row, London, SE1 1YW

Gamblers Anonymous, PO Box 5382, London, W1A 6SA

Independent Betting Arbitration Service, PO Box 44781, London, SW1W 0WR

William Hill, Greenside House, 50 Station Road, Wood Green, London N22 7TP

Coral Racing Ltd, 5th Floor, 70 Victoria Street, London SW1E 6SQ

Ladbrokes Betting & Gaming Ltd, Imperial House, Imperial Drive, Rayners Lane, Harrow, HA27JW

Betfred, The Spectrum, 56-58 Benson Road, Birchwood, Warrington, WA3 7PQ

SUPPLEMENTARY GUIDANCE DOCUMENT 1

Internet sources of information on the Gambling Act 2005

The Gambling Act 2005 may be viewed on the web at

www.legislation.gov.uk/ukpga/2005/19/contents,

The Gambling Commission www.gamblingcommission.gov.uk

SUPPLEMENTARY GUIDANCE DOCUMENT 2

Gambling Act 2005

Responsible Authorities

The Licensing Authority, Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS

The Gambling Commission, 4th Floor Victoria Square House, Victoria Square, Birmingham, B2 4BP

Sussex Police, The Chief Constable, Police HQ, Malling House, Lewes, East Sussex BN7 2DZ

West Sussex Fire and Rescue Service, Northgate, Chichester, PO19 1BD

The Planning Authority, Planning and Economy, Mid Sussex District Council, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS

West Sussex Safeguarding Children's Board, Room 12, County Hall, West Street, Chichester, PO19 1RQ

Environmental Health Section, Mid Sussex District Council, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS

EITHER

Food & Safety Mid Sussex District Council, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS

OR

Health & Safety Executive, Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS

HM Revenue & Customs, 100 Parliament Street, London SW1A 2BQ

Any other person prescribed by regulations made by the Secretary of State

RECOMMENDATIONS FROM CABINET – 21 NOVEMBER 2022

BUDGET MANAGEMENT 2022/23 – PROGRESS REPORT APRIL TO SEPTEMBER 2022

1. The Cabinet considered the progress on the Revenue Budget, Capital Programme, Major Revenue Projects and Treasury Management for 2022/23.

Summary

2. The Cabinet paper sets out several movements across the Revenue Budget which result in a sustainable midyear position. This is achieved despite a challenging economic climate. In addition, the Capital Programme and our major Revenue schemes continue to deliver despite some difficult external market pressures.
3. Due to national economic factors and internal spending pressures the projected overspend has increased from £701,000 in the April to July period to a current overspend position of £1,235,000
4. The Consumer Price Index (CPI) rose to 10.1% by the end of July and although dropping slightly to 9.9% at the end of August has now risen again to 10.1% for September. Projected inflationary pressures for the year are currently predicted to be £762,000.
5. However, the impact of rising interest rates and effective investment decision making is also achieving a positive movement on the Council's Treasury Management income. As at the end of September 2022 this has achieved an above target performance of £269,000, which is projected to rise to £1,194,000 by year end. This income stream has a fundamental and positive effect on the overall position, and it is proposed that this sum should be used to finance the revenue budget, reducing the projected overspend. Once this contribution is considered the net revenue overspend position is projected to be £41,000.
6. The Capital and Major Projects programme is delivering across a large number of schemes with an anticipated spend of £8,064,000 in year. In addition, £4,910,000 has been subject to detailed review and consequently reprofiled into 2023/24. In most cases this reflects that fact that projects are significant and will be delivered across more than one financial year. Officers will work in a clearer profiling approach for rolling multi-year schemes going forward.
7. Additionally, Officers are currently undertaking a review of the planned use of Specific Reserves, as detailed in the Budget Guidelines 2023/24. Progress on this will be reported in future budget management reports.

Recommendations

8. That Council Approve:
 - (i) **that £11,510 received from DLUHC in respect of Rough Sleeper Accommodation Programme grant be transferred to Specific Reserve as detailed in paragraph 27 of the Cabinet report;**
 - (ii) **that £82,500 received from the Home Office in respect of Dispersal of Asylum Seekers grant be transferred to Specific Reserve as detailed in paragraph 28 of the Cabinet report;**

- (iii) that £5,200 received from DLUHC in respect of new burdens grant for Temporary Pavement Licencing. be transferred to Specific Reserve as detailed in paragraph 29 of the Cabinet report;**
- (iv) that £280,465 received from UK Health Security Agency in respect of Track and Trace Self Isolation Administration grant be transferred to Specific Reserves as detailed in paragraph 30 of the Cabinet report;**
- (v) that £61,542 received from DLUHC for New Burdens Council Tax Rebate scheme be transferred to Specific Reserve as detailed in paragraph 31 of the Cabinet report;**
- (vi) the variations to the Capital Programme contained in Table 4 of the Cabinet report in accordance with the Council's Financial Procedure rule B3;**
- (vii) to approve the use of the projected increase of £1,194,000 for Treasury Management income to finance the revenue budget, reducing the projected revenue overspend year end position to £41,000.**

APPOINTMENT OF MONITORING OFFICER

REPORT OF: Director of Resources & Organisational Development
Contact Officer: Louise Duffield, Email: louise.duffield@midsussex.gov.uk Tel: 01444 477145
Wards Affected: All
Key Decision: N/A
Report to: Council
7 December 2022

Purpose of Report

1. The purpose of this report is to seek Council's approval for the designation of the statutory role of Monitoring Officer, as required by the law and the Constitution.

Recommendations

2. **Council is recommended to agree the designation of:**
 - (a) **Kevin Toogood as the Council's Monitoring Officer with effect from 16th January 2023**
-

Background

3. As Members are aware, the current interim Assistant Director for Legal & Democratic Services, Geoff Wild, was appointed to the role of the Monitoring Officer by the Council on 12th October 2022. Mr Wild's contract with the Council ends on 4 February 2023.
4. The new Assistant Director for Legal & Democratic Services, Kevin Toogood, takes up his permanent appointment from 5 December 2022.
5. Mr Toogood joins the Council from Tonbridge and Malling Borough Council. He is the Head of Legal and Democratic Services and the Deputy Monitoring Officer. He comes with wealth of experience both from the private and public sectors and is well adept at supporting members.

Appointment of Monitoring Officer

6. The Council is required to designate one of its officers as the Monitoring Officer pursuant to section 5 of the Local Government and Housing Act 1989, with sufficient resources to carry out that role. The Monitoring Officer is required to bring to the attention of Council any action of the Council or its Committees which has given rise to or is likely to give rise to contravention of any enactment, rule of law or maladministration. The officer acts as the lead officer on all Standards matters.
7. Consequently, it is recommended that Kevin Toogood be appointed as the Council's Monitoring Officer. This should take place from 16th January 2023 after a period of handover from Mr Wild is completed.

Policy and Legal Context

8. There is a legal requirement on the Council to designate statutory officers. These include the Head of Paid Service (Chief Executive), the Monitoring Officer and the Section 151 Officer/Chief Finance Officer.

9. It is a statutory requirement for local authorities to have statutory officers in place, to ensure that their necessary roles and functions are delivered effectively.
10. The Monitoring Officer is responsible for ensuring the actions of the Council are lawful and through the Standards Committee work with elected members to ensure high levels of probity and adherence to the Member Code of Conduct.

Financial Implications

11. The financial implications associated with agreeing the recommendations can be covered within the existing revenue budget for 2022/23.

Risk Management Implications

12. None.

Equality and Customer Service Implications

13. None.

Other Material Implications

14. None.

Sustainability Implications

15. None

Background Papers

16. None