

To all Members of the Council

6 May 2022

You are hereby summoned to attend the **Annual Council Meeting of Rother District Council** to be held at the **Town Hall, Bexhill** on Monday 16 May 2022 at 6.30 pm when it is proposed to transact the business stated below.

1. The Chairman (Councillor Brian Drayson) to take the Chair.
2. To receive apologies for absence.
3. The Chairman to announce first business to be the election of Chairman of the Council for the ensuing year.
A Councillor to move that Councillor Kathy Harmer be elected as Chairman of the Council. To be seconded. The Chairman to ask if there are any other nominations. If there is more than one nomination there will be a ballot in accordance with Council Procedure Rule 17.4.
4. If there is only one nomination, the Chairman to put that nomination to the meeting and subsequently to declare the Councillor elected.
5. The retiring Chairman and the elected Chairman to retire to the Chairman's Room.
6. The elected Chairman to take the Chair and the retiring Chairman to take the seat reserved for him.
7. The Chairman to read and sign the Declaration of Acceptance of Office.
8. The Chairman to thank the Council for her election.
9. The Chairman to seek nominations for the appointment of Vice-Chairman of the Council.
A Councillor to move that Councillor Andrew Mier be appointed Vice-Chairman of the Council. To be seconded. The Chairman to ask if there are any other nominations. If there is more than one nomination there will be a ballot in accordance with Council Procedure Rule 17.4.
10. If there is only one nomination, the Chairman to put that nomination to the meeting and subsequently to declare the Councillor appointed.
11. The Chairman to invest the Vice-Chairman with the Badge of Office.
12. The Vice-Chairman to take the seat on the right of the Chairman.
13. The Vice-Chairman to read and sign the Declaration of Acceptance of Office.

14. The Vice-Chairman to thank the Council for his appointment.
15. To approve as a correct record and to authorise the Chairman to sign the Minutes of the Council meetings held on 21 February and 7 March 2022.
16. To receive the Chairman's communications.
17. The following vote of thanks to the retiring Chairman for past services to be moved and seconded:
 "That the Council record its gratitude to Councillor Brian Drayson for his conscientious and impartial discharge of the duties of the Chairman during his term of office."
18. The Chairman to put the motion to the Council for approval.
19. The retiring Chairman to reply to the vote of thanks.
20. The Chairman to confirm that, in accordance with the current Executive Arrangements Councillor Oliver has been appointed Leader of the Council until May 2023.
21. The Leader of the Council to confirm that Councillor Prochak, MBE, has been appointed as the Deputy Leader of the Council.
22. The Leader of the Council to confirm that Cabinet will comprise the Leader and the following eight other Members with the following portfolios:

Councillors	Portfolios and Spokespersons
Oliver (Leader)	Strategy
Prochak, MBE (Deputy Leader)	Environment and Place and Member Training Champion
Bayliss	Economic Development and Regeneration
Byrne	Housing and Homes
Dixon	Transformation, Procurement and Social Value
Field	Environmental Management
Jeeawon	Finance and Performance Management
Timpe	Communities, Culture and Tourism
Vine-Hall	Strategic Planning

(Note: In accordance with Article 7 of the Constitution, the Cabinet will consist of the Leader together with at least two, but not more than ten, Councillors appointed by the Leader).

23. The Leader of the Council to confirm that Councillors Prochak, MBE and Field have been appointed as the Council's representatives on the Joint Waste and Recycling Committee with Councillors Bayliss and Byrne as substitutes.

24. The Leader of the Council to confirm that Councillors Clark, Coleman, Madeley and Thomas have been re-appointed as Cabinet Spokespersons / Member Champions on Older Persons, Young Persons / Child Poverty, Well-Being, Equality and Inclusiveness and Promoting Liveable Neighbourhoods (Cycling/ walking) respectively.
25. The Leader of the Council to confirm that Councillors Bayliss, Curtis, Jeeawon, Mier, Oliver and Vine-Hall have been appointed as Members of the Property Investment Panel.
26. To consider and approve as detailed in Appendix 1: (Pages 1 - 4)
 - the committees to be established for the municipal year;
 - the size and terms of reference for those committees;
 - the allocation of seats to political groups in accordance with the political balance rules or as otherwise determined by the Council; and
 - the nominations of Group Leaders as to the Councillors to serve on each committee.
27. Disclosure of Interest

To receive any disclosure by Members of personal and disclosable pecuniary interests in matters on the agenda, the nature of any interest and whether the Member regards the personal interest as prejudicial under the terms of the Code of Conduct. Members are reminded of the need to repeat their declaration immediately prior to the commencement of the item in question.
28. To receive the report of the Cabinet on matters for determination by full Council at its meetings held on 28 March and 9 May 2022, if any, as under: (Pages 5 - 8)

28 March 2022

- Community Infrastructure Levy Governance Arrangement and Funding Decision Protocol (CB21/95)

9 May 2022

- Review of the Constitution – Reference from the Overview and Scrutiny Committee (CB21/103)
- Member Training and Development Strategy (CB21/104)

29. To receive the report of the Head of Paid Service, in accordance with paragraph 17a of the Overview and Scrutiny Procedure Rules and paragraph 4 of the Budget and Policy Framework Procedure Rules, that there were no decisions taken as matters or urgency at the Cabinet meetings held on 28 March and 9 May 2022.
30. To receive the report of the Licensing and General Purposes Committee on the following matter for determination by the full Council considered at its meeting held on 17 January 2022, as under: (Pages 9 - 38)
 - Gambling Act 2005 - Statement of Principles (AS21/12)

31. To receive the report of the Chief Executive on the Appointment of Representatives to Outside Bodies. (Pages 39 - 48)
32. To receive the Annual Report of the Member Development Task Group. (Pages 49 - 54)
33. To receive the Annual Report of the Overview and Scrutiny Committee submitted in accord with Article 6 of the Constitution. (Pages 55 - 66)
34. In accordance with Council Procedure Rule 12 consideration be given to the following Motion to Council submitted by Councillor Oliver: (Pages 67 - 68)
"This Council would like to have the flexibility to hold decision-making virtual, hybrid and in-person meetings to suit the local context and needs of residents and Councillors.

This Council resolves to:

- Write to the Department of Levelling Up, Housing and Communities (DLUHC) urging a permanent amendment to the meeting rules set out in the Local Government Act 1972 be enabling local authorities to hold decision-making virtual, hybrid or physical meetings;
- Write to our local Members of Parliament to ask for support for this flexible approach to council meetings; and
- Continue to explore the use of technology to develop online meetings to attract a wider audience once our request has been successful."



Malcolm Johnston
Chief Executive

Town Hall
Bexhill-on-Sea
East Sussex, TN39 3JX

PROCEDURE FOR FIRST MEETINGS OF COMMITTEES

For details of the Council, it's elected representatives and meetings
visit the Rother District Council Website www.rother.gov.uk

At the conclusion of the Annual Meeting of Council, the first meetings of the Council's Committees will be held, the sole business of which will be to elect their Chairs and Vice-Chairs.

Election of Chairs and Vice-Chairs

The procedure adopted by the Council is as follows:

- a. The Meetings of the Committees will follow immediately on the close of the Annual Meeting in the following sequence:

Audit and Standards Committee
Licensing and General Purposes Committee
Overview and Scrutiny Committee
Planning Committee

- b. It will not be necessary for Members to leave the Chamber when meetings take place of Committees of which they are not members. Voting will be limited to Committee Members only. The composition of each Committee to be appointed is identified in Appendix 1 to the Council Agenda. Voting will be in accordance with Council Procedure Rule 17.4.
- c. Voting slips (appropriately coloured) will be circulated to those Members of the Committee present.
- d. The Chief Executive will seek nominations for the election of Chair for each Committee. When the ballot for the election of Chair is concluded the new Chair of the Committee will proceed to seek nominations for the election of Vice-Chair.
- e. If a Committee is unable to elect its Chair or Vice-Chair, the Annual Meeting shall be resumed in order that such appointment(s) may be determined by full Council.

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**ANNUAL MEETING
16 May 2022**

**LOCAL GOVERNMENT & HOUSING ACT 1989 – PROPORTIONAL
REPRESENTATION**

**ARRANGEMENTS – REGULATORY & OVERVIEW & SCRUTINY COMMITTEES
2022/2023**

- a) In accordance with Council Procedure Rule 2.3 (i) the following Regulatory and Overview and Scrutiny Committees of the Council be constituted for the ensuing year:
- Audit and Standards Committee
 - Licensing and General Purposes Committee
 - Overview and Scrutiny Committee
 - Planning Committee
- b) In accordance with Council Procedure Rule 2.3 (ii) the terms of reference for the Regulatory and Overview and Scrutiny Committees and the scheme of delegation, be as set out within Articles 6 and 8 and “Part 3 – Responsibility for Functions” of the Constitution.
- c) In accordance with Council Procedure Rule 2.3 (ii) and (iii) the membership of Political Groups and the allocation of seats to serve on each Committee be as follows:

Membership

CONSERVATIVE (14) C

Barnes, J	Ganly
Barnes, M L	Hacking
Bird	Kirby-Green
Browne	Maynard
Carroll	Mooney
Curtis	Osborne
Earl-Williams	Stevens

ASSOCIATION OF INDEPENDENTS (12) AoI

Byrne	Jeeawon
Clark	Langlands
Courtell	Madeley
Drayson	Oliver
Errington	Timpe
Harmer	Vine-Hall

LIBERAL DEMOCRAT & GREEN (8) LD&G

Cook	Mier
Dixon	Norton
Field	Prochak, MBE
Gray	Thomas

LABOUR (2) LAB

Bayliss
Coleman

NON-GROUP INDEPENDENT MEMBER (1)

Brewerton

- d) In accordance with usual practice for the purposes of committee seat allocation the vacant seat (Brede and Udimore) has been allocated to the Group who last held the seat (Conservative). The allocation of Committee Seats is therefore as follows, in accordance with the political balance of the Council:

Allocation of Seats

<u>Committees</u>	<u>C</u>	<u>Aoi</u>	<u>LD&G</u>	<u>LAB</u>
Audit and Standards (8)	3	4	1(2)	0
Planning (14)	5	5	4	0(1)
Licensing & General Purposes (12)	5	3	3	1
OSC (12)	6	3	2	1
TOTALS	19	15	10	2

- e) The Labour Group are unable to take up their seat on the Planning Committee and have given the seat to the Liberal Democrat and Green Group. The Liberal Democrat and Green Group have given up one of their seats on the Audit and Standards Committee to the Association of Independents. The seat allocation and the actual entitlement is shown in brackets in the table above. The overall seat allocation to the political groups remains the same and is in accordance with political balance requirements.

Substitutes

- f) In accordance with the Council's Substitute Procedure, one named Substitute is also permitted from each Political Group on the Planning Committee, the Licensing and General Purposes Committee and the Overview and Scrutiny Committee. Substitutes appointed to the Planning and Licensing and General Purposes Committees must have undertaken the pre-requisite mandatory training to take an active part in the meetings, when acting as Substitute. It is noted that as the Labour Group have not appointed a substantive Planning Committee Member, there is no Labour Group Substitute on the Planning Committee.

Audit and Standards Committee – 8 Members

(3xC, 4xAol, 1*LD&G)

C	Aol	LD&G
Barnes, J.	Byrne	Thomas
Mrs Barnes, M.L.	Courtel	
Kirby-Green	Drayson	
	Madeley	

*one LD&G seat given to Aol.

Licensing & General Purposes Committee – 12 Members

(5xC, 3xAol, 3xLD&G, 1xLAB)

C	Aol	LD&G	LAB
Bird	Errington	Field	Coleman
Browne	Madeley	Mier	
Curtis	Timpe	Thomas	
Hacking			
+ 1 vacancy			
Substitute:	Substitute:	Substitute:	Substitute:
Kirby-Green	Byrne	Gray	Bayliss

Overview and Scrutiny Committee – 12 Members

(6xC, 3xAol, 2xLD&G, 1xLAB)

C	Aol	LD	LAB
Barnes, J.	Clark	Cook	Coleman
Carroll	Courtel	Gray	
Earl-Williams	Madeley		
Maynard			
Mooney			
Osborne			
Substitute:	Substitute:	Substitute:	Substitute:
Stevens	Langlands	Thomas	None

Planning Committee – 14 Members

(5xC, 5xAol, 4xLD&G, 0*xLAB)

C	Aol	LD&G
Mrs Barnes, M.L.	Byrne	Gray
Curtis	Errington	Mier
Ganly	Langlands	Prochak
Stevens	Madeley	Norton
+ 1 vacancy	Vine-Hall	
Substitute:	Substitute:	Substitute:
Barnes, J.	Drayson	Cook

*one LAB seat given to LD&G Group.

- g) The Chief Executive be granted delegated authority to undertake a review of the allocation of committee seats following the Brede and Udimore Rother Ward by-election and to agree any necessary adjustments and appointments of Members to committee seats in accordance with the relevant Group Leaders' wishes.

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Rother District Council

Report to	-	Council
Date	-	16 May 2022
Report of the	-	Cabinet
Subject	-	References from Cabinet Meetings

The Council is asked to consider the recommendations arising from the Cabinet meetings held on 28 March 2022 and 9 May 2022, if any, as set out below.

CABINET – 28 March 2022**CB21/95. COMMUNITY INFRASTRUCTURE LEVY (CIL) GOVERNANCE ARRANGEMENT AND FUNDING DECISION PROTOCOL**

Following full Council adoption of the new Community Infrastructure Levy (CIL) Governance Arrangement and Funding Decision Protocol in January 2022, a further amendment was recommended in order to streamline the process further and remove potential delays, and clarity regarding the 'Climate Emergency Bonus Fund' (CEBF) was also required.

The revised protocol allowed for the Chief Executive to implement the recommendations of the Steering Group, as had previously been the case, which would speed up the timeframe in which funding decisions were confirmed to give infrastructure providers, Parish and Town Councils and other applicants greater assurance in deliverability.

Any round of funding allocation which may occur before the proposed changes to the protocol are approved at the Full Council meeting in May 2022, as detailed in the timetable in Appendix 1 to the report, would follow the current procedure to gain final approval from Council, but in May rather than June as shown in error. Subsequent funding allocations due to take place after full Council had met in May, would follow the revised procedure if approved.

The CEBF supported the Council's commitment to be a carbon neutral district by 2030 as set out in the Environment Strategy (September 2020) and would provide funding, either in part or in whole, where infrastructure projects could demonstrate a significant contribution to the reduction of carbon emissions or to the offsetting of carbon emissions. It was also clarified that the CEBF would enable the Council to consider allocating monies to projects identified by the Climate Change Steering Group that met the basic CIL requirements but may not have other obvious funding streams. Members were clear that the Climate Emergency Bonus Fund was intended to be a stand-alone fund which funded projects primarily generated from the Climate Emergency Steering Group (where those projects met the CIL requirements) but could also be used to top up the other two funds where appropriate.

Cabinet were asked to recommend to Council the revised version of the CIL Governance Arrangement and Funding Decision Protocol, and clarification with regard to the CEBF as set out in Appendix 1 to the report, which Members were pleased to support. An additional recommendation was proposed and agreed to allow ad hoc CIL Allocation Panels to be convened if and when required, with the authority of the Chief Executive and Chair of the CIL Allocations Panel.

RECOMMENDED: That:

- 1) the amended version of the 'Community Infrastructure Levy (CIL) Governance Arrangement and Funding Decision Protocol' be approved and adopted;
- 2) the Chief Executive be granted delegated authority to implement the recommendations of the CIL Allocations Panel in line with the proposed new process; and
- 3) ad hoc CIL Allocation Panels be convened when required with the authority of the Chief Executive and Chair of the CIL Allocations Panel.

(Cabinet Agenda Item 10)

CABINET – 9 May 2022

CB21/103. REVIEW OF THE CONSTITUTION – REFERENCE FROM THE OVERVIEW AND SCRUTINY COMMITTEE

Cabinet received and considered Minute OSC21/60 arising from the meeting of the Overview and Scrutiny Committee (OSC) held on 25 April 2022 regarding the review of the Constitution and recommendations of the Constitution Review Steering Group. The Steering Group was established in January 2021, had met frequently during 2021 and made a total of nine recommendations.

The cross-party Group had worked well together and undertaken a very thorough review by comparing the Council's Constitution against other models as well as neighbouring authorities and other good practice. The scope of the work undertaken by the Steering Group was shown at Appendix 1 to the report. It was noted that Parts 3, Responsibility for Functions and 8, Delegations to Officers were still to be completed and would follow later this year.

Attached at Appendix 2 to the report was a full list of all the main proposals which were either a deviation to current custom and practice and represented a change to the way the Council currently operated, or new provisions which were not within the Council's existing Constitution. Those that were considered worthy of special note had been highlighted.

Comparing different models to the Council's Constitution had identified several easy, quick improvements that could be made throughout the document ranging from layout changes, minor clarifications, gender neutral terminology, the use of Chair and Vice-Chair and improved use of plain English; a number of these amendments had been made throughout.

Whilst looking at the various parts of the Constitution that related to the scrutiny function, the Steering Group considered the role of scrutiny and whether it added value to the work of the Council, was as effective as it could be and clearly understood by Members. As a result, there was a proposal from the Centre for Governance and Scrutiny (CfGS) to undertake a scrutiny improvement review, with full details attached at Appendix 3 to the report. The cost of the review would be £4,850+VAT which could be funded from the 2022/23 Member Training Budget.

Cabinet were supportive of all the recommendations, in particular that general awareness training on the Constitution, as this dictated how the Council operated, be offered to all Councillors. It was noted that the Constitution would be reviewed more regularly by each in-coming administration, which was one of the recommendations.

RECOMMENDED: That:

- 1) all proposed amendments to the Council's Constitution highlighted within Appendix 2, and contained within Appendices 2A-2K be approved and adopted;*
- 2) the current governance model (executive / scrutiny split with no individual Cabinet Member decision making) be maintained;
- 3) a new stand-alone advisory Human Resources Committee comprising seven Members, to meet twice per year and assigned all functions relating to staffing matters that currently come under the remit of the Licensing and General Purposes Committee be created (the Licensing and General Purposes Committee to remain as currently constituted without HR related functions);
- 4) the Leader of the Council be requested to add Human Resources to their Cabinet Portfolio;
- 5) a review be undertaken by the incoming administration at the start of each new 4-year Council term, within its first year, to consider the decision-making structure and any proposals for change;
- 6) in each "normal" subsequent year following an election year, the Annual Council meeting to receive a report highlighting any changes that have been made to the Constitution in the preceding 12 months, under officer delegations or otherwise;
- 7) the Planning Advisory Services' latest Probity in Planning Guidance be automatically adopted and incorporated into the Constitution;
- 8) that general awareness / training on the Constitution be offered to all Councillors; and

- 9) the Centre for Governance and Scrutiny be commissioned to undertake a scrutiny improvement review during 2022/23, and be funded from the Member Training Budget, subject to the approval of the Member Development Task Group / Member Training Champion.

(Agenda Item 6)

CB21/104. **MEMBER TRAINING AND DEVELOPMENT STRATEGY**

The Council's Member Training and Development Strategy had been in place since 2007 as part of the Council's commitment to Member Training and Development. The Strategy set out how the Council developed its elected Members in order to assist both the Council in achieving its aims and priorities in accordance with the Corporate Plan and to assist Members to manage with the increasing demands placed upon them.

The Strategy was reviewed and re-adopted every four years in the year preceding the District Council elections to ensure that the Strategy remained fit for purpose and had taken account of any new or emerging issues. The Member Development Task Group had considered the revised Strategy at its last meeting held on 21 February 2022 and commended its re-adoption to Council.

It was noted that the Strategy had been updated to reflect the following:

- that all Members during their four-year term and staff receive an appropriate level of carbon literacy awareness training to help achieve the Council's goal of becoming carbon neutral by 2030;
- periodic meetings be held with Committee Chairs and Vice-Chairs to discuss the training needs of their committees to enable the effective discharge of the committee's functions; and
- training and development opportunities be shared with parish and town councils, at no additional cost to the Council, wherever appropriate.

Members acknowledged the comprehensive training and development offer at the Council which equipped all Members with the skills and knowledge to undertake their roles. The Member Training and Development Champion extended thanks to Councillors and the officer team, in particular Democratic Services for managing the process.

RECOMMENDED: That the revised Member Training and Development Strategy be approved and adopted.

(Agenda Item 7)

Councillor D.B. Oliver
Leader of the Council

Rother District Council

Report to	-	Council
Date	-	16 May 2022
Report of the	-	Licensing and General Purposes Committee
Subject	-	Gambling Act 2005 – Statement of Principles

The Council is asked to consider the recommendation arising from the Licensing and General Purposes committee meeting held on 17 January 2022, as set out below. The original report and Statement of Principles considered by the Committee is attached as Appendix 1 to this report.

LICENSING AND GENERAL PURPOSES COMMITTEE – 17 JANUARY 2022**LG21/12. GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES**

The Gambling Act 2005 (the Act) required Rother District Council, as the Licensing Authority, to formally review and approve its Statement of Principles (SoP) (Gambling Policy) in regard to how it regulated Gaming Premises every three years. The Statement was based upon the requirements of the Gambling Act 2005 and was developed in line with a nationally accepted template. The last SoP was approved in 2018.

Operators and personal licences were issued by the Gambling Commission, whereas premises licences were dealt with by the Local Authority. The Council had never received a representation against the granting of a premises licence under the Act. For this reason a hearing into an application had never been made and therefore reference to the SoP had not been made by Members.

Consultees (who included the Police, Gambling Commission, Department of Public Health and existing licence holders) would be advised that there were no significant changes in the regulations issued by the Secretary of State or guidance issued by the Gambling Commission that materially affected the SoP.

If there were no objections to the SoP, it would be recommended to Council for formal approval and adoption.

The Committee agreed that the draft SoP be approved for consultation and, subject to no objections being received, be recommended to full Council for formal approval and adoption. Should objections be received, a report would be presented to the Licensing and General Purposes Committee.

RESOLVED: That:

- 1) the draft Statement of Principles be approved for consultation; and

- 2) subject to no objections being received, be **RECOMMENDED** to Council for approval and adoption.*

(Licensing and General Purposes Committee Agenda Item 7)

*The Head of Environmental Health confirmed on 7 March 2022 that no comments were received and requested onward submission to Council for approval.

Rother District Council

Report to: Licensing and General Purposes Committee

Date: 17 January 2022

Title: Gambling Act 2005 - Statement of Principles

Report of: Head of Service - Environmental Services, Licensing and Community Safety

Ward(s): All

Purpose of Report: To adopt a Statement of Principles in relation to the administration of licence applications under the Gambling Act 2005

Officer

Recommendation(s): It be **RESOLVED**: That:

- 1) the draft Statement of Principles be approved for consultation; and
 - 2) subject to no objections being received, be recommended to Council for approval and adoption.
-

Introduction

1. The Gambling Act 2005 (the Act) requires Rother District Council, as the Licensing Authority, to formally review and approve its Statement of Principles (Gambling Policy) in regard to how it regulates Gaming Premises every three years. The Statement is based upon the requirements of the Gambling Act 2005 and was developed in line with a nationally accepted template. The last Statement of Principles was approved in 2018.
2. The types of licence that the Act is concerned with are:
 - operators that manage and conduct gambling;
 - personal management licences (for directors and area managers) and personal functional licences (for staff working in casinos); and
 - premises licences for the property where the gambling takes place.
3. Operators and personal licenses are issued by the Gambling Commission, whereas premises licences are dealt with by the Local Authority. The Council has never received a representation against the granting of a premises licence under the Act. For this reason a hearing into an application has never been made and therefore reference to the Statement of Principles has not been made by Members.
4. The Act requires the authority to consider certain licensing objectives whilst undertaking its responsibilities. These are:
 - To prevent gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.

- To ensure that gambling is conducted in a fair and open way.
 - To protect children and other vulnerable persons from being harmed or exploited by gambling.
5. Consultees will be advised that there are no significant changes in the regulations issued by the Secretary of State or guidance issued by the Gambling Commission that materially affect the Statement of Principles.
6. If there are no objections to the Statement of Principles it will be recommended to Council for adoption.

Conclusion

7. As required, the Council's draft Statement of Gambling Principles must be consulted upon, before adoption.

Risk Assessment

8. The Council is required to review its Gambling Act 2005 Statement of Principles every three years. Failure to do so could lead to a legal challenge.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	Yes	External Consultation	Yes
Environmental	No	Access to Information	No
Risk Management	Yes	Exempt from publication	No

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Richard Parker-Harding, Head of Service
e-mail address:	richard.parker-harding@rother.gov.uk
Appendices:	Appendix A –Draft Statement of Principles
Relevant Previous Minutes:	LG18/09
Background Papers:	None
Reference Documents:	None

Rother District Council

GAMBLING ACT 2005

DRAFT STATEMENT OF PRINCIPLES 2022-2025

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PART A – GENERAL

1. The Licensing Objectives

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

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

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

As a Licensing Authority, Rother District Council, is aware that, in accordance with Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

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

2. Introduction

Rother District Council is situated in the County of East Sussex. The Council has a population of just over 90,000; in terms of area it covers 200 square miles. The principal towns are Bexhill-on-Sea (population ~40,000), Battle (population ~8,000) and Rye (population ~4,000).

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

The Gambling Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police.
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority’s area.
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority’s functions under the Gambling Act 2005.

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

Map of Rother

[To be inserted here]

3. Declaration

In producing the final statement, 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

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

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

In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this Authority designates the East Sussex Local Safeguarding Children Board for this purpose.

The contact details of all the responsible authorities under the Gambling Act 2005 are available via the Gambling Act links on the Council's website at: www.rother.gov.uk

5. Interested Parties

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

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:

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

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

- Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at paragraphs 8.11 to 8.18. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor or MP represents the

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

- If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not members of the Licensing and General Purposes Committee. If there are any doubts please contact the Licensing Team on 01424 787550 or licensing@rother.gov.uk.

6. Exchange of Information

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.

7. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities and the Enforcement Concordat and will endeavour to be:

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

In accordance with the Gambling Commission's Guidance to Licensing Authorities, this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

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; and
- 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. Licensing Authority Functions

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 or 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 prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and Endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange'); and
- Maintain registers of the permits and licences that are issued under these functions.

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.

9. Local Risk Assessments

Gambling Commission Licence Conditions and Codes of Practice (LCCP) formalise the need for operators to consider local risks to the licensing objectives posed by the

provision of gambling facilities at each of their licensed premises, and have policies, procedures and control measures to mitigate those risks.

This Licensing Authority will expect each Local Risk Assessment (LRA) to consider as a minimum:

- 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 surgeries.
- 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.
- 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.

The LRA must be:

1. Kept on the individual premises and must be available for inspection.
2. Submitted with any new or variation application, otherwise the application has not been properly served.
3. Submitted when changes in the local environment or the premises warrant a risk assessment to be conducted again.

The Licensing Authority expects the operator to obtain the necessary information required for a LRA at its own expense without assistance from the Licensing Authority. The County Council will need to be consulted for the location of health and educational centres etc.

10. Local Area Profiles

The completion of a local area profile is not a requirement on licensing authorities. A local area profile may be developed by the Licensing Authority if it identifies that a better awareness of the local area and existing/developing risks is required.

PART B – PREMISES LICENCES

1. General Principles

Premises licences will be subject to the requirements set-out in the Gambling Act

2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

(i) Decision-making – This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

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

It is appreciated that in accordance with the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' – see section on Casinos below) and also that unmet demand is not a criterion for a Licensing Authority.

(ii) Definition of "premises" – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the third edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

This Licensing Authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to

participate in, have accidental access to or closely observe gambling where they are prohibited from participating.

- 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 normally 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.

The Guidance also gives a list of factors which the Licensing Authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?
- This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission’s relevant access provisions for each premises type, (Section 7.25), are reproduced below:

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.23 of the Guidance).
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons.
- No customer must be able to enter a casino directly from any other premises holding a gambling premises licence.

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

Betting Shops

- Access must be from a street (as per paragraph 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino; and
 - an adult gaming centre.

Bingo Premises

- No customer must be able to access the premises directly from:
 - a casino;
 - an adult gaming centre; and

- a betting premises, other than a track.

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino;
 - an adult gaming centre; and
 - a betting premises, other than a track.

Part 7 of the Gambling Commission’s Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

(iii) Premises “ready for gambling” – The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a Premises Licence can be granted where there are outstanding construction or alteration works at a premises, this Authority will determine applications on their merits, applying a two stage consideration process:

- First, whether the premises ought to be permitted to be used for gambling. Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.59-7.66 of the Guidance.

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

(v) Planning – The Gambling Commission Guidance to Licensing Authorities states:

7.59 – In determining applications the Licensing Authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example

of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This Authority will not take into account irrelevant matters as per the above guidance. In addition, this Authority notes the following excerpt from the Guidance:

7.63 – When dealing with a premises licence application for finished buildings, the Licensing Authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

(vi) Duplication with other regulatory regimes – This Licensing Authority will seek to avoid any duplication with other statutory or regulatory systems, where possible, including planning. This Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this Authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

Licensing Objectives – Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime – This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area is known to have high levels of organised crime this Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.

[Note: Issues of nuisance cannot be addressed using Gambling Act provisions.]

Ensuring that gambling is conducted in a fair and open way – This Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is

conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below.

Protecting children and other vulnerable persons from being harmed or exploited by gambling – Throughout this Statement of Principles, references to “children” will also include “other vulnerable persons” as appropriate.

This Licensing Authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at, or are particularly attractive to, children). The Licensing Authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances or machines, segregation of areas, etc.

This Licensing Authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to, people who 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 Licensing Authority will consider this licensing objective on a case by case basis.

Conditions – Any conditions attached to licences will be proportionate and:

- relevant to the need to make the proposed building suitable as a gambling facility; and
- directly related to the premises and the type of licence applied for; fairly and reasonably related to the scale and type of premises; and reasonable in all other respects.

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

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

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

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

- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This Licensing Authority is aware that tracks may be subject to one or more premises licences, provided each licence relates to a specified area of the track. In accordance with the Gambling Commission's Guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions which the Licensing Authority cannot attach to premises licences which are:

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

Door Supervisors – The Gambling Commission advises in its Guidance to Licensing Authorities that if a Licensing Authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor and is entitled to impose a premises licence condition to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

2. Adult Gaming Centres

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This Licensing Authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes.
- CCTV.

- Supervision of entrances or machine areas.
- Physical separation of areas.
- Location of entry Notices or signage.
- Specific opening hours.
- Self- exclusion schemes.
- Provision of information leaflets or helpline numbers for organisations such as “GamCare.”

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

Machines in Adult Gaming Centres (AGC) and Bingo premises

Since the 1 April 2014 the maximum permitted number of B3 and B4 gaming machines sited on premises has been limited to 20% of the total number of gaming machines made available for use.

Any AGC or Bingo premises licences which were granted before 13 July 2011 are not affected by this change.

3. (Licensed) Family Entertainment Centres

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, 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.

This Licensing Authority may consider measures to meet the licensing objectives such as:

- CCTV.
- Supervision of entrances or machine areas.
- Physical separation of areas.
- Location of entry.
- Notices or Signage.
- Specific opening hours.
- Self-exclusion schemes.
- Provision of information leaflets or helpline numbers for organisations such as GamCare.
- Measures or training for staff on how to deal with suspected truant school children on the premises.

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

This Licensing Authority will, in accordance with the Gambling Commission’s guidance, refer to the Commission’s website to see any conditions that apply to operating licences covering the way in which the area containing Category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

This 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 this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

This Licensing Authority has not submitted a proposal for a premises licence for a small, large or regional casino to the Independent Casinos Advisory Panel.

5. Bingo Premises

This Licensing Authority notes that the Gambling Commission's Guidance states:

18.4 Licensing authorities will need to satisfy themselves that Bingo can be played in any Bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing Bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

This authority also notes the Guidance at paragraph 18.9 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

18.7 Children and young people are allowed into Bingo premises; however they are not permitted to participate in the Bingo and if Category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

Machines in Adult Gaming Centres (AGC) and Bingo premises

Since the 1 April 2014 the maximum permitted number of B3 and B4 gaming machines sited on premises has been limited to 20% of the total number of gaming machines made available for use.

Any AGC or Bingo premises licences which were granted before 13 July 2011 are not affected by this change.

6. Betting Premises

Betting machines – this Licensing Authority will, in accordance with the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number, nature and circumstances of betting machines an operator wants to offer.

7. Tracks

Currently there are no licensed tracks within the Rother area. However, this Licensing Authority is aware that tracks may be subject to one or more than one premises licences, provided each licence relates to a specified area of the track. In accordance

with the Gambling Commission's Guidance, this Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This Authority will therefore expect the Premises Licence applicant 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.

This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures or licence conditions may cover issues such as:

- Proof of age schemes.
- CCTV.
- Supervision of entrances or machine areas.
- Physical separation of areas.
- Location of entry.
- Notices or Signage.
- Specific opening hours.
- Self-exclusion schemes.
- Provision of information leaflets or helpline numbers for organisations such as GamCare.

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

Gaming Machines – Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than Category D machines) should be located in areas from which children are excluded.

Betting Machines – This Licensing Authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and Plans

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Licensing Authority to plan future premises inspection activity (see Guidance to Licensing Authorities, para 20.43).

Plans for tracks do not need to be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by regulations (see Guidance to Licensing Authorities, paragraph 20.44).

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (see Guidance to Licensing Authorities, paragraph 20.46).

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

This Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this Authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan (see Guidance to Licensing Authorities, paragraph 20.46).

8. Travelling Fairs

This Licensing Authority is responsible for deciding whether, where Category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

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

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

9. Provisional Statements

Developers may wish to apply to this Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow 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 statement stage;
- which in the Authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

10. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities, 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. That is, whether the grounds for review:

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

The request for the review will also be subject to the consideration by the Authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this Authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The Licensing Authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins seven days after the application was received by the Licensing Authority, who will publish notice of the application within seven days of receipt.

The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are:

- a) add, remove or amend a licence condition imposed by the Licensing Authority;
- b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- c) suspend the premises licence for a period not exceeding three months; and
- d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the Licensing Authority may also initiate a review of 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.

Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:

- the licence holder;
- the applicant for review (if any);
- the Commission;
- any person who made representations;
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

PART C – PERMITS, TEMPORARY & OCCASIONAL USE NOTICES

1. Unlicensed Family Entertainment Centre (FEC) Gaming Machine Permits (Statement of Principles on Permits Schedule 10 paragraph 7)

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Gambling Act 2005 states that a Licensing Authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit. In preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 24. The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits, licensing authorities will want to give weight to child protection issues."

Guidance also states: "An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. Licensing authorities might wish to consider asking 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."

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

Statement of Principles: This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures or training for staff as regards suspected truant school children on the premises, measures or training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises. This Licensing Authority will also expect, in accordance with Gambling Commission Guidance, that applicants 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.

2. (Alcohol) Licensed premises gaming machine permits – (Schedule 13 paragraph 4(1))

Automatic entitlement: 2 machines

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of Categories C and/or D. The premises merely need to notify the Licensing Authority.

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

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

Permit: 3 or more machines

If a premises wishes to have more than two machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 26 of the Gambling Act 2005, and “such matters as they think relevant.”

This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets or helpline numbers for organisations such as GamCare.

It is recognised that 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.

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions other than these cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the Licensing Authority propose to consider in determining the suitability of the applicant for a permit.”

This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law; and
- clear policies that outline the steps to be taken to protect children from harm.

In making its decision on an application for this permit the Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

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

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (up to 3 machines of Categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (up to three machines of Categories B, C or D).

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

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

- a) the applicant does not fulfil the requirements for a members' or 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.

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

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

There are statutory conditions on club gaming permits that no child uses a Category 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.

5. Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of

"a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

In considering whether a place falls within the definition of "a set of premises", the Licensing Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

6. Occasional Use Notices

The Licensing Authority has very little discretion as regards these notices, aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. However, this Licensing Authority will consider the definition of a 'track' and whether the applicant is permitted to avail him or herself of the notice.

7. Small Society Lotteries

The Licensing Authority will register and administer smaller non-commercial lotteries and applicants for lottery licences must apply to the licensing authority in the area where their principal office is located.

The Licensing Authority may refuse an application for registration if in their opinion:

- The applicant is not a non-commercial society;
- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
- Information provided in or with the application for registration is false or misleading.

Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations to the General Licensing Panel and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion.

The Licensing Authority may revoke the registered status of a society if it thinks that they would have had to or would be entitled to; refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations to the Panel. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

PART D – DELEGATIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING PANEL	DEPUTY CHIEF EXECUTIVE OR HEAD OF SERVICE
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)*			X
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits		X	
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice			X
Institution of legal proceedings for offences under the Act			X
Authorisation of Officers			X

X Means decision to be made by

*Fees are set by Statute.

Rother District Council

Report to	-	Council
Date	-	16 May 2022
Report of the	-	Chief Executive
Subject	-	Appointments of Representatives to Outside Bodies

Recommendation: It be **RESOLVED:** That:

- 1) appointments be made to the outside bodies attached at Appendices 1 and 2 for a term of one year except where stated otherwise, and attendance be designated as an approved duty;
 - 2) the Bexhill Town Forum and Hastings and Rother Task Force be removed from the list of outside bodies, as appointments are no longer required; and
 - 3) Members be reminded of the need to report annually via the Members' Bulletin on the outside bodies to which they are appointed.
-

Introduction

1. Full Council has retained the responsibility for approving the list of outside bodies to which formal appointments are made and making such appointments at the Annual Council Meeting (ACM) or as otherwise required.

Appointments Required

2. Attached at Appendix 1 is a list of Outside Bodies to which the Council is required to make an appointment for the 2022/23 civic year. It also shows the name(s) of the current representatives that were appointed for the last municipal year.
3. Only one appointment is required from this year for the Combe Valley Community Interest Company due to a reduction in Local Authority (LA) representation on the board. The overall LA voting rights will not be affected.
4. The Local Government Association – Coastal Issues Special Interest Group have invited the Council to appoint a substitute representative from this year.

Reserved Appointments / Appointments not required

5. There are a number of appointments which are reserved for Members holding a certain position within the Council, for example the Portfolio Holder for Housing and Homes will be the Council's representative on the Sussex Local General Panel.
6. Those that are reserved in this way are listed at Appendix 2; these appointments are therefore not open for re-appointment and/or nomination but are shown for information and completeness following the appointment of Cabinet Members and allocation of portfolios confirmed by the Leader at the ACM. Substitutes, where appropriate, have also been confirmed by the Leader

of the Council. Where an appointment is reserved for the Leader of the Council, in practice, this will mean the Leader of the Council or a named replacement in his place.

7. Attached at Appendix 3 is a list of the Outside Bodies that do not require an appointment to be made this year as these appointments are of a longer duration – this is therefore for information only.

Considerations

8. In considering each appointment, Members will need to take account of the following:
 - the benefit to the authority that continued membership provides; and
 - the views of the previous Member representative, if available.
9. To aid the Council's deliberations, Member representatives have been asked to submit comments in support or otherwise of the outside bodies to which they were previously appointed. Four Members have responded, and their comments are attached at Appendix 4 for consideration. Any comments received subsequent to the publication of this report will be circulated at the meeting.
10. Where the Council has appointed non-Councillors as its representatives to certain outside bodies, it is confirmed that all are happy to continue to represent the Council in their appointments if that is Members' decision.
11. Members are requested to consider each outside body that requires an appointment and appoint thereto. In the light of any evidence given by the previous representative, either on the night or in writing, the Council may also wish to agree to the removal of any outside body from the current list.

Removals from the List

12. Since appointments to outside bodies were made in June 2021, there have been no removals from the Council's list of approved outside bodies.
13. In light of the establishment of the Bexhill-on-Sea Town Council, the Bexhill Town Forum has now ceased to exist, therefore it will be removed from the list.
14. Hastings and Rother Task Force has not met for some time and it is therefore recommended that no appointment is made and this outside body is removed from the list. Should the Group be resurrected, it can then be reconsidered by the Council.
15. At the extraordinary meeting of Council held on 7 March it was agreed that whilst the Council retained membership SeaChange Sussex (East Sussex Energy, Infrastructure and Development Ltd) no Director would be appointed to the Board until such time as that person is able to represent the best interests of the company without compromising the values of this Council. This appointment is therefore shown as a pending appointment at Appendix 3.

Additions to the List

16. **Rye Chamber of Commerce:** In September 2021, full Council agreed to reappoint a representative to the Rye Chamber of Commerce, which had been removed from the list of outside bodies to which the Council appointed in 2017 due to its semi-dormancy. The Rye Chamber of Commerce has been re-energised and, following contact with Councillor Stevens, one of the local District Ward Members for Rye and Winchelsea, the Chamber welcomed the reappointment of a Rother District Council representative.

Reports on Outside Bodies

17. It has previously been agreed that Members appointed to outside bodies are required to produce an annual report (published in the Members' Bulletin) to keep all other Councillors informed of the work of the outside body or bodies to which they had been appointed. It is disappointing to note that no reports have been received from the appointed representatives during the last year, but it is acknowledged that in some cases this is due to the fact that the outside body has not met, or the Council's representative has been unable to attend any meetings.
18. A template for reports and timetable will be circulated after the meeting to those Members who represent the Council on outside bodies for reports to be submitted for inclusion in the Members' Bulletin.

Risk Management

19. Failure to appoint representatives to outside bodies may result in the loss of conduit between the Council and the respective external organisations.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Risk Management	Yes	Exempt from publication	No

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Lisa Cooper, Democratic Services Manager
e-mail address:	lisa.cooper@rother.gov.uk
Appendices:	1 Appointments Required 2022/23 2 Reserved Appointments 2022/23 3 No Appointments Required 4 Members' Comments
Relevant Previous Minutes:	None
Background Papers:	None
Reference Documents:	N/A.

APPOINTMENTS REQUIRED

OUTSIDE BODY	DETAILS OF APPOINTMENTS IN 2021/22	APPOINTMENT REQUIRED FOR 2022/23
Battle Abbey Liaison Group (formerly the Battle Abbey Advisory Group)	Councillor Cook	One appointment required Propose Cook
Bexhill Chamber of Commerce and Tourism	Councillor Timpe	One appointment required Propose Langlands
Bexhill Town Forum Executive Committee	Councillor Langlands (Substitute: Councillor Drayson)	TO BE REMOVED FROM LIST – COMMITTEE NO LONGER EXISTS
Combe Valley Community Interest Company	Councillors Byrne & Timpe	One appointment only Required from 2022 Propose Timpe
Connecting Hastings and Rother Together, Local Action Group	Councillor Coleman Substitute: Councillor Courtel	One appointment and one substitute appointment required Propose Coleman / Courtel (S)
Dungeness Power Station Site Stakeholders Group	Mr Hoggart (Substitute: Councillor Osborne)	One appointment and one substitute appointment required Propose Mr Hoggart / Osborne (S)
East Sussex Health and Wellbeing Board	Councillor J Barnes	One appointment required Propose Barnes
East Sussex Health Overview and Scrutiny Committee	Councillor Mrs Barnes (Substitute Councillor Osborne)	One appointment and one substitute appointment required (Member of Overview and Scrutiny Committee) Propose Mrs Barnes / Osborne (S)
Harbour of Rye Advisory Committee	Councillors Norton & Stevens	Two appointments required Propose Norton & Stevens
Hastings and Bexhill Renaissance Ltd (SeaSpace)	Councillor Dixon	One appointment required Propose Dixon

OUTSIDE BODY	DETAILS OF APPOINTMENTS IN 2021/22	APPOINTMENT REQUIRED FOR 2022/23
Hastings Furniture Service (SLA)	Councillor Courtel	One appointment required Propose Courtel
Local Government Association – Coastal Issues Special Interest Group	Councillor Mier	One appointment required and the addition of one substitute from 2022 Propose Mier / Mr Hoggart (S)
Pevensey and Cuckmere Water Level Management Board (formerly - Pevensey Levels Internal Drainage Board (Shadow Board))	Councillor Thomas	One appointment required Propose Thomas
Romney Marshes Area Internal Drainage Board	Councillors Mier, Norton, Osborne, Prochak, Mr Hoggart, Mr Lovejoy and Mr Nickerson (until end March 2022, Mr Oliver from April 2022 – May 2023).	Six appointments required Propose Mier, Norton, Osborne, Prochak, Mr Hoggart, Mr Lovejoy
Romney Marsh Partnership	Mr Hoggart	One appointment required Propose Mr Hoggart
Rural Rother Trust	Chairman of Council – Councillor Drayson (R) , Vice-Chairman of Council – Councillor Harmer (R) , and Councillors Browne, Ganly, Mrs Kirby-Green, Mier and Prochak.	Five appointments required Propose Browne, Ganly, Mrs Kirby-Green, Mier and Prochak
Rye Chamber of Commerce	Councillor Stevens	One appointment required Propose Stevens
Rye Harbour Nature Reserve Management Committee (SLA)	Mr A.H. Lloyd and Councillor Norton (Substitute: Mr Hoggart)	Two appointments and one substitute appointment required Propose Mr Lloyd & Norton / Mr Hoggart (S)
Rye Partnership	Mr Hoggart	One appointment required Propose Mr Hoggart
Team East Sussex (TES)	Councillor Bayliss	One appointment required Propose Bayliss

(SLA) = Voluntary Sector Service Levels Agreements

RESERVED APPOINTMENTS (R)

OUTSIDE BODY	REPRESENTATIVE(S) APPOINTED IN 2021/22	CONFIRMED APPOINTMENTS 2022/23
Action in Rural Sussex (SLA) (R)	Cabinet Portfolio Holder for Environmental Management – Councillor Field (Substitute: Councillor Prochak)	Field Substitute: Prochak
1066 Country Member Liaison Group (R)	Cabinet Portfolio Holder for Communities, Culture & Tourism – Councillor Timpe	Timpe
A21 Reference Group (R)	Cabinet Portfolio Holder for Environmental Management and the Chairman of the Overview and Scrutiny Committee – Councillors Field and Osborne	Field Osborne*
De La Warr Pavilion (R)	Cabinet Portfolio Holder for Communities Culture and Tourism and Deputy Leader of the Council – Councillors Timpe and Prochak	Timpe Prochak
District Councils' Network (DCN) (R)	Leader of the Council – Councillor Oliver	Oliver
East Sussex Strategic Partnership (R)	Deputy Leader of the Council – Councillor Prochak (Substitute: Councillor Oliver)	Prochak Substitute: Oliver
Hastings and Rother Task Force (R)	Leader of the Council - Councillor Oliver (Substitute: Councillor Prochak)	TO BE REMOVED FROM LIST – NO APPOINTMENT REQUIRED
High Weald AONB Forum / Joint Advisory Committee (R)	Chairman of the Planning Committee – Councillor Vine-Hall	Vine-Hall*
Local Government Association (R)	Leader of the Council – Councillor Oliver	Oliver
Rother Local Strategic Partnership (R)	Deputy Leader of the Council – Councillor Prochak	Prochak
South East Employers (R)	Chairman of Licensing & General Purposes Committee – Councillor Mier (Substitute: Councillor Coleman)	Mier* Substitute: Coleman*

The Sussex Local General Panel (formerly known as the AmicusHorizon Area Panel) (R)	Cabinet Portfolio Holder for Housing & Homes – Councillor Byrne	Byrne
Tourism South East (R)	Cabinet Portfolio Holder for Communities Culture & Tourism – Councillor Timpe (Substitute: Councillor Dixon)	Timpe Substitute: Dixon

(SLA) = Voluntary Sector Service Levels Agreements

*subject to appointment as Committee Chairmen / Vice-Chairman.

NO APPOINTMENTS REQUIRED

OUTSIDE BODY	DETAILS OF APPOINTMENTS IN 2021/22	APPOINTMENT REQUIRED FOR 2022/23
Battle Area Sports Centre Management Committee (4-year appointment)	Councillors Cook and Dixon (Substitutes: Curtis and Prochak)	None required
Bexhill Museum Limited (formerly Society of Bexhill Museums) (SLA) (4-year appointment)	Councillor Thomas (Substitute: Councillor Langlands)	None required
Hastings Advice and Representation Centre (HARC) (SLA) (4-year appointment)	Councillor Coleman (Substitute: Councillor Mier)	None required
Hastings and Rother Mediation Service (SLA) (4-year appointment)	Councillor Thomas (Substitute: Councillor Vine-Hall)	None required
Police & Crime Commissioner Panel (4-year appointment)	Councillor Drayson (Substitute: Councillors Jeeawon & Mier)	None required
Rother District Citizens Advice Bureau (SLA) (4-year appointment)	Councillor Gray (Substitute: Councillor Timpe)	None required
Rother Voluntary Action (4-year appointment)	Councillor Cook (Substitute: Councillor Errington)	None required
Rye Sports Centre Advisory Committee (4-year appointment)	Councillors Osborne and Stevens	None required
Safer Rother Partnership (4-year appointment)	Councillor Drayson	None required

PENDING APPOINTMENT

East Sussex Energy, Infrastructure & Development Ltd	Councillor Dixon	Council agreed not to appoint at meeting held on 7 March 2022.
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Connecting Hastings and Rother Together (CHART): Councillor Coleman

CHART projects bring large amounts of EU money into the community and so long as CHART still operates, it is important the Rother have a representative in the Local Action Group.

East Sussex Health and Well Being Board: Councillor Barnes

I represent the District Council on the East Sussex Health and Well Being Board, a statutory body with limited executive functions to which the county-wide health and care services are accountable. Rother is technically an observer with speaking rights, but since most votes are to take note of reports, this does not preclude us from exercising an appropriate degree of influence on the Board's discussions. The Board meets quarterly and its minutes are published. It does not, however, publish an annual report, although it does receive annual reports from other bodies, notably that concerned with the safeguarding of children.

The three main areas that have been under scrutiny which are germane to the District Council are the continued integration of Health and Social Care Services (now at a very advanced state), reports from the Director of Health, including his annual report, and resilience planning. The Pandemic has until recently been a major subject of report and discussion. In terms of public health, Rother is a member of the Local Strategic Partnership, but this body does not appear to report to Members, and I have suggested that the Overview and Scrutiny Committee gives some consideration to looking at the part we play in furthering public health and well-being and in diminishing health inequalities. In addition to wards with high levels of social deprivation, the use of Super Output Areas to assess these levels tends to obscure the fact that most of our rural communities have about a fifth of their population below the poverty line and that social isolation is also to be found there. The problems of central Bexhill and Sidley are more visible.

Although it is more of a strategic partnership forum than an executive board, the Health and Well Being Board is of considerable value to the people of Rother and we should clearly continue to take up our place on the Board.

East Sussex Health Overview and Scrutiny Committee (HOSC): Councillor Mrs Barnes

The membership of the Health, Overview and Scrutiny Committee is made up of local authority Councillors and charity representatives. I represent Rother District Council. The purpose is to act as critical friends of East Sussex Health Authority and to take soundings of some of its decisions. It meets formally four times a year at County Hall, Lewes when we question the senior staff of the authority on all aspects of its work.

During the last two years, we have also held working groups to consider important changes such as closing the walk-in centre at Eastbourne station, consulting on setting up emergency cardiac response teams on one specialist site at Maidstone hospital with a secondary site at Tunbridge Wells, and ophthalmology services to be centred at Eastbourne and Bexhill.

Bexhill was chosen as the site for a new mental health facility for adults after much deliberation and consultation. This is to replace the one currently in operation at Eastbourne hospital and will become a centre of excellence in treating those with mental conditions.

I act as a conduit for important messages from East Sussex Healthcare NHS Trust to the general public and the messages came frequently during the worst part of the Covid epidemic. The latest is on knowing how to use the NHS to best advantage.

I consider our membership of HOSC to be of great value to Rother.

Hastings Advice and Representation Centre: Councillor Coleman

HARC provide an essential service to residents in the district at a value far beyond what we contribute. With an astonishing record of success in appealing incorrect assessments and getting residents the benefits they are entitled to, HARC play a fundamental role in reducing poverty across Rother. HARC also put admirable effort into outreach, attending food banks and community spaces in Rye, Battle and Bexhill in order to provide help and advice to those who might be unaware of their service. An asset to the area and an important outside body to be represented on.

Hastings Furniture Service: Councillor Courtel

The Chair of Hastings and Rother Furniture Service (HFS), Claire Davies, tells me that she would welcome the continued relationship with both Rother and Hastings Councils. She tells me that both the Council representatives, Cllr Nigel Sinden (Hastings) and Cllr Paul Courtel (Rother), make a useful contribution at the bi-monthly Board Meetings.

On my suggestion, Cllr Kathy Harmer, who has extensive retail management experience, has been invited to attend Board meetings when she is able to, to provide HFS with her expert retail advice. HFS is delighted that she has accepted the invitation.

While the principal aim of this charity is to provide second-hand goods at discounted prices to low-income families, it has also been furnishing the units of temporary accommodation that Rother District Council has been purchasing. HFS reuses 300 tons of furniture per year, contributing towards Rother's net zero carbon footprint objective as well as creating opportunities for people who are out of work to gain skills, confidence and qualifications through employment-based training. A woodwork training centre at the back of the Bexhill shop is a recent addition to the HFS offering.

The charity has a solid financial base and proactive Trustees. It has successfully navigated the problems caused by Covid.

South East Employers: Councillor Mier

The only contact I have had is notice of AGM.

Rother District Council

Report to	-	Council
Date	-	16 May 2022
Report of the	-	Member Development Task Group
Subject	-	Annual Report of the Member Development Task Group

Recommendation: It be **RESOLVED:** That the report be noted.

Introduction

1. The Member Development Task Group (MDTG) provides a structured and on-going Member-led approach to Member training and development. This report provides Members with an annual update on Member Training and Development issues since May 2021.
2. The Membership of the MDTG is usually fixed for the life of the Council and is made up of all Group Leaders, the majority Group Leader's Representative, the Member Training and Development Champion, two newly elected Members from the last elections (2019) and any independent (non-Group Members).
3. The current membership is confirmed as: Councillors Prochak (Member Training and Development Champion and Chairman), Bayliss (Labour Group Leader), Mrs Cook (newly elected 2019 Member), Dixon (Liberal Democrat Group Leader), Oliver (Independent Group Leader), Stevens (Conservative Group representative) and Timpe (newly elected 2019 Member). All Group Leaders are able to send a substitute if they are unable to attend and Councillor Gray has attended once during the past year as a substitute for Councillor Dixon.
4. All Members are encouraged to contact their respective representatives if they have any training and development issues to be brought to the attention of the MDTG.
5. The MDTG has met three times since the last annual report. The minutes arising from the meetings are highlighted within the Members' Bulletin e-zine and published on the website (extranet).
6. At this stage of the life of the Council, the initial training and development needs of Members, particularly newly elected Members, have been met and consequently training and development activity reduces. However there has continued to be a variety of training and development activities available to Members during the past 12 months.
7. As a result of the COVID-19 pandemic the majority of training sessions have also been delivered on-line via MS Teams. Whilst there have been benefits to receiving training on-line, the networking opportunity that face-to-face sessions bring has been lost and facilitators are now being requested to introduce an "ice-breaker" into the beginning of training and development sessions, where appropriate.

Member Training Programme 2021

8. This past year has seen the continuation of the Member Training Programme identified through the initial and revised Training Needs Analysis (TNA) undertaken in June 2019 and September/October 2020 respectively. As well as concentrating on essential service-related training and personal skills, more wide-ranging development / learning opportunities have included Carbon Literacy (shared with officers), Public Speaking Skills, Communications and Scrutiny Skills training.
9. A full list of the development activities that have been offered to Members during the last year is available on the Members' Area of the website as well as the feedback received on these sessions, where appropriate.
10. Where possible and appropriate, relevant training and development opportunities have been offered to the parish and town councils, particularly with regard to planning matters.

Partnership Working

11. There has been one opportunity over the past year for partnership working with Member training and development. The Annual (Mandatory) Licensing Training was shared with Wealden District Council. Sharing sessions continues to help reduce the impact on the Council's Member Training budget and enables the Council to recoup costs where applicable.

Finance

12. The Council continues to allocate both human and financial resources to Member Development and currently has a Member training budget of £15,000 per annum. A higher expenditure is usual in years 1 and 2 with less activity in years 3 and 4. Any underspent budget is not automatically carried forward year-on-year.
13. In order to ensure value for money (vfm) it is essential that once Members have requested a place on a training session that the date is reserved, particularly where an external consultant or other additional expenditure such as transport is involved; at the request of the MDTG, the cost of training per head is now advised to Members at the time that places are offered.
14. There have been occasions during the last year where the overall vfm has been compromised when the number Members have reduced due to last minute drop outs – it is acknowledged that there are occasions (sickness, family crisis etc.) which are unavoidable.

Evaluation

15. In accordance with the Council's Member Training and Development Strategy, the Council is committed to obtaining feedback on the effectiveness of training and development undertaken and Members are required to complete an evaluation form and in addition provide feedback on how the skills/knowledge gained has been of benefit to them and the Council.

16. The MDTG consider feedback on all training and development activities at the next available meeting and unfortunately, as a result of predominantly on-line training sessions the evaluation return rate has significantly deteriorated. This was despite an email requesting feedback be sent to Members directly after the session with a heading stipulating "Training Feedback Needed". It is anticipated that face-to-face training sessions will increase, therefore enabling feedback to be more easily obtained.

Member Training and Development Attendance Statistics

17. The MDTG continues to receive an update at each meeting on the number of training events each Member has attended since the elections in May 2019; this information is primarily for use by the Group Leaders and the most recent update is detailed below:

Courtel, Paul – 64	Barnes, John – 28
Gray, Polly – 64	Bayliss, Christine – 25
Timpe, Hazel – 59	Norton, Howard – 24
Langlands, Lynn – 58	Field, Kathryn – 22
Mier, Andrew – 58	Ganly, Tony – 22
Prochak, Sue – 55	Curtis, Gary – 18
Drayson, Brian – 51	Dixon, Kevin – 18
Madeley, Chris – 51	Jeeawon, Ashan – 15
Errington, Sarah – 50	Earl-Williams, Deirdre – 14
Coleman, Sam – 46	Browne, Graham – 12
Harmer, Kathy – 43	Kirby-Green, Eleanor – 10
Oliver, Doug – 41	Bird, Roger – 7
Cook, Vikki – 40	Mooney, Martin – 6
Stevens, Gennette – 40	Osborne, Paul – 6
Thomas, Richard – 39	Carroll, James – 5
Vine-Hall, Jonathan – 38	* Hacking, Lizzie – 4
Byrne, Terry – 35	Maynard, Carl – 2
Brewerton, Jay – 34	Clark, Charles – 1
Barnes, Mary – 31	

* elected 6 May 2021.

18. Training and Development is not compulsory, except for those Members serving on the Council's regulatory committees; each Member has very specific training and development requirements, based on their own personal circumstances which will include experience, role (both internal and external to Rother), interests, availability and length of service as a Councillor.
19. Those Members who had attended five or fewer sessions were contacted to ascertain whether there were any specific reasons why they were not participating in training. One responded stating that as a long-standing experienced Member they felt they did not require additional training.
20. Training events can be uploaded to the ModGov system and displayed on each Councillors individual website page. This will be instigated from May 2023.

Terms of Reference

21. The MDTG undertook a review of the current Terms of Reference (ToR) and agreed that the current arrangements worked well. The ToR will be reviewed by the new MDTG at its first meeting in June/July 2023.

The Next 12 Months

22. In looking ahead, historically, during last 12 months of a Council Term, the training requirements reduce as a result of Members feeling more confident in their role; Members also start to look ahead and contemplate whether they will be standing for re-election in 2023 and this will also have an influence on their training needs. The training and development offer focuses on the mandatory training, licensing, planning and other function specific training such as Treasury Management.
23. The MDTG's Work Programme for 2022/23 is full and will be focusing on preparing for the 2023 elections, including amongst other matters, the pre-election event to be held on Monday 14 November 2022, considering and formulating the Member Induction Programme, reviewing and updating various guides (Becoming a Rother District Councillor, Rural and Bexhill Members), considering Member Induction Packs, IT Provision for 2023 and Councillor Role Profiles. All Members will be contacted for contributions and comment on these issues as and when appropriate / timely.

Conclusions

24. Our move to on-line meetings and training in the wake of the COVID-19 pandemic has been embraced by officers, Councillors and professional trainers alike and I would like to thank all those involved. With expert officer support, our meetings are professional and proficient, and I congratulate all who have risen to this challenge. Attendance is much easier if on TEAMS and we will continue to use 'virtual' meetings as appropriate. However, there have been training sessions which can only work well in a 'live' event. This limits the number of participants, but feedback from such sessions has been extremely positive.
25. At this stage of our term of office, Councillors have a greater knowledge and experience of the business and procedures of the Council. Therefore, the training needs have changed with Members appreciating much more Rother specific focus, rather than off-the-shelf content provided by external trainers. Having said that, some Members have benefitted from being given a wider picture in specific webinar training given for example, by the Local Government Association. Any feedback reports from Members are greatly appreciated.
26. We are still required to provide the mandatory annual training for licensing and planning, together with any other service specific training, requirements as a result of service changes, new legislation etc. An ambition is to source online training for the mandatory training, similar to that used for data protection. The other most important aim is to offer carbon literacy training across the whole of the organisation.

27. I would like to thank Democratic Services staff for supporting this ongoing programme so well, in particular Julie Hollands. There are also very welcome initiatives and suggestions from Chairs of Committees. Perhaps involvement of all Chairs would be useful in planning training sessions when we are half way through a term of office.
28. The one aspect of Member development which we should be proud of is reaching out to our parish and town councils by inviting them to participate in relevant training sessions and recording any which would be useful to those who could not attend. This is particularly relevant for our fledgling Bexhill Town Council.
29. I am pleased to take this opportunity also to thank formally my fellow Task Group Members, Councillors Bayliss, Cook, Dixon (Gray), Oliver, Stevens and Timpe for the contribution they have made over the past year and the officer support that is provided both directly by Democratic Services, the Transformation Team and indirectly through all staff involved in guiding and providing assistance to Members in a number of ways.

Councillor Prochak
Chairman of the Member Development Task Group

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Rother District Council

Report to	-	Council
Date	-	16 May 2022
Report of the	-	Overview and Scrutiny Committee Chairman, Councillor Paul Osborne
Subject	-	Overview and Scrutiny Annual Report to Council

Recommendation: It be **RESOLVED:** That the report be noted.

Introduction

1. The Local Government Act 2000 states that where councils operate an executive style administration, there must be at least one committee that has the power to review or scrutinise decisions or actions which affect the authority's area or its residents. The Overview and Scrutiny Committee (OSC) acts as a critical friend to the Cabinet (Executive) and other local service providers, helping to monitor performance and develop policies. The OSC also has the power to hold the Cabinet to account by "calling in" decisions before or after they have been taken.
2. The OSC cannot make decisions or policies themselves, but they have the power of influence. They make recommendations informed by partner and public opinions, performance information, examples of best practice and professional advice.
3. In accordance with Article 6, paragraph 6.3. (d) of Rother District Council's (RDC) Constitution, the OSC must report annually to Council on their workings and make recommendations for future work programmes and amend working methods, if appropriate.
4. In compiling this report, consideration has been given to the terms of reference contained within Article 6 of the Constitution and how the OSC has fulfilled its role under these terms.
5. This report covers the period from April 2021 through to the end of March 2022; the report has been prepared before the last scheduled meeting of the OSC for the 2021/22 municipal year has been held.

Scrutiny at Rother

6. Currently, RDC has 38 elected Members who represent the 21 wards within the boundaries of Rother. With eight Cabinet Members, this enables 30 Members to have the opportunity to be involved in Scrutiny.
7. During the period of this report, 60% of non-Cabinet Members have been involved in Scrutiny either through membership of the Council's Scrutiny Committee or in the Task and Finish Group(s).

Structure of Scrutiny Committees

8. During the period of this report, two Task and Finish Groups have been in operation. In addition to Scrutiny meetings, the Council can have up to four active Task and Finish Groups in place at any one time provided that the same service officers are not being involved in more than one active group at any one time.
9. There are 12 Members appointed on the OSC and they meet formally eight times a year. The OSC is politically balanced in that its make-up reflects that of the Council as a whole and its Chairman and Vice-Chairman are elected annually from amongst its membership.

Overview and Scrutiny Committee

10. The following Members were appointed by Full Council to the OSC in May 2021:

P.N. Osborne (Chairman), Mrs V. Cook (Vice-Chairman), J. Barnes, J.J. Carroll, C.A. Clark, S.J. Coleman, B.J. Drayson (ex-officio), Mrs D.C. Earl-Williams, S.J. Errington, P.J. Gray, C.A. Madeley, C.R. Maynard and M. Mooney.
11. The following substitute Members were appointed to the OSC: P.C. Courtel (Labour), L.M. Langlands (Association of Independents), G.F. Stevens (Conservative) and R. Thomas (Liberal Democrat). Due to a change in the political makeup of the Council, P.C. Courtel was no longer appointed as a substitute Member from 20 September 2021. In accordance with the system, a formal substitution has been made on four occasions during the period covered by this report.
12. The Committee has met twice remotely, due to the COVID-19 pandemic via the Microsoft Teams Software, and a further seven times in person between April 2021 and the end of March 2022. An additional meeting was held in April 2021 to consider the Town Hall Renaissance Project.
13. Attendance at meetings by Members appointed to the Committee has been good, with an average of 90.74% of the Committee attending the meetings during the period of this report.
14. The average number of reports on the agenda for each meeting was four and the average length of a meeting was 1 hour and 43 minutes. A total of 149 members of the public were in attendance via the live broadcast at the nine committee meetings held during the period of this report. Dependent on the business to be considered, the relevant Cabinet Portfolio Holders continued to be invited to attend meetings.
15. Between April 2021 and the end of March 2022, the OSC received reports on a number of issues including:
 - Carbon Baseline Approach for Council's Activities
 - Council Tax Reduction Scheme - Outcome of consultation to proposed changes

- Draft Anti-Poverty Strategy Proposals
- Economic Recovery Plan Update
- Egerton Park Children's Centre
- Financial Assistance Policy 2021-2025 (Disabled Facilities Grants)
- Financial Procedure Rules Update
- Forgotten Places - A Presentation by Trees for Cities
- Medium Term Financial Plan 2022/23 to 2026/27
- New Community Infrastructure Levy Governance and the proposal for apportionment of Strategic Community Infrastructure Levy Funds
- Progress on the Environment Strategy (2020)
- Recommendations of the Anti-Poverty Task and Finish Group
- Recommendations of the Off-Street Car Parks Task and Finish Group
- Review of the Housing, Homelessness and Rough Sleeping Strategy (2019-2024)
- Town Hall Renaissance Project

16. Standing items reviewed by the Committee included:

- Annual Work Programme
- Annual Report of the Rother Community Safety Partnership
- Call-in and Urgency Procedures
- Draft Annual Report to Council
- Draft Revenue Budget
- Key Performance Targets
- Quarterly Progress Reports on the Annual Performance Plan
- Revenue Budget and Capital Monitoring Programme

Informal Annual Work Programming Meeting

17. The meeting for the 2022/23 municipal year has been scheduled to take place on Tuesday 17 May 2022 at 2:00pm in order to highlight Council priorities for the year. All current non-executive Members have been invited to this meeting whether or not they will be appointed to the new OSC. The Work Programme items identified during this informal meeting will be considered alongside the Annual Work Programme report that will be received by the new OSC at its first meeting on 6 June 2022.

Crime and Disorder Committee

18. In 2009, the Scrutiny Committee was designated as the Council's 'Crime and Disorder Committee' under section 19 of the Police and Justice Act 2006. This is not a separate working or steering group; it simply means that on an annual basis, as part of their regular Scrutiny business, the OSC reviews the work of the Safer Rother Partnership as the Council's Crime and Disorder Committee.

The opportunities and challenges for 2021/22 included: Anti-Social Behaviour (ASB) and youth crime; rural crime; County Lines; acquisitive crime within retail (which had been stalled because of the closure of businesses under the COVID restrictions and the associated reductions in this type of crime); White Ribbon campaign; tackling modern slavery (project Discovery); ASB neighbour disputes; issues arising at beaches; safeguarding of both adults and children; COVID-19 compliance; and funded crime reduction equipment.

Scrutiny Reviews

October 2021

19. **Forgotten Places - A Presentation by Trees for Cities:** Members were given a presentation by Trees for Cities on their project 'Forgotten Places', an 18 month programme of community tree planting and tree-related activities in seven coastal towns and cities with high deprivation, low canopy cover and lack of investment towards tree programmes.

Members were pleased to note the excellent work carried out by the project team.

Progress on the Environment Strategy (2020): Members received the report of the Head of Neighbourhood Services, which outlined progress made on the Environment Strategy (2020). Various initiatives were in progress including the Bexhill i-Tree Study, Carbon Literacy training for Councillors and members of the Corporate Management Team, a review of the existing carbon footprint of the vehicles and equipment used to deliver the Waste Collections and Street and Beach Cleansing service, reduction in energy consumption for the three Freedom Leisure Centres, longer grass areas across the district, implementation of three 'long stay' car parks and interventions through planning policy.

The Climate Change Steering Group had been reconvened to agree the next steps for driving forward carbon reduction across the district and Members noted the progress made.

20. **Economic Recovery Plan Update:** Members received the report of the Principal Regeneration Officer with detailed the Council's Economic Recovery Action Plan, which set out six broad ambitions: thinking local, acting local; building skills, creating jobs; fast-forwarding business; better places, fuller lives; cleaner energy, greener transport; and the future is digital. A summary was provided of the progress and activity against each ambition.

Members were pleased to note the actions that had been taken and progress made.

November 2021

21. **Review of the Housing, Homelessness and Rough Sleeping Strategy (2019-2024):** Members received an update on the progress made towards achieving the Housing, Homelessness and Rough Sleeping Strategy (2019-2024)'s three strategic priorities and an updated Improvement Delivery Plan (IDP). The Strategy was now in the third year since adoption, and already a significant amount of progress had been achieved to date. The progress and success of many of the achievements was testament to the strength of partnership working in Rother and ongoing commitment from all stakeholders to improve the quality of life for residents.

Members were pleased to note the progress made and made a number of recommendations to Cabinet, as detailed in Appendix 1.

22. The OSC also scrutinised the performance of services and the resources they use on a quarterly basis. In conjunction, the OSC looked into the wider, strategic implications for the district and the lives of residents that are represented by individual indicators and targets. Just some of the themes addressed over the period were:
- **Housing and Communities:** Members were advised that the number of affordable homes delivered (gross) (supply) target was being met, but the other four targets were not. New properties for use as Temporary Accommodation (TA) continued to be purchased and TA was being transformed into more of a supportive scheme to prevent rough sleeping or returning to abusive situations.
 - **Economic Development and Poverty:** Members were pleased to note that all three measures continued to meet their targets.
 - **Waste Collection:** Members were advised that this measure did not meet its target, largely due to contamination at bring-sites. Members praised the Council's waste collection operator, Biffa, for maintaining their service over the pandemic, despite staffing issues.
 - **Additional Income:** Members were advised that both measures did not meet their targets and the property team was actively looking to improve revenues from existing assets. Work had commenced with Heads of Service to identify proposals that would be presented to the Financial Stability Programme Board. As a result of the continuing pandemic, this work and the subsequent implementation of proposals had been delayed and therefore it was unlikely that the target for 2021/22 would be met.
 - **Planning Processing:** Members were advised that both measures did not meet their targets, however, there was a marked improvement in the third quarter, compared to the second quarter, for processing of both major and minor applications. Work was continuing on processing improvements and the impact would be clearer with the fourth quarter results. Performance figures were also reported to the Planning Committee on a monthly basis.

Recommendations to Cabinet

23. During the period of the report a total of 17 recommendations were made to Cabinet, 15 of which were supported and two were noted. Details of all recommendations made to Cabinet by the OSC can be seen at Appendix 1.

Call-In

24. The OSC has not found it necessary to Call-In any decisions of the Cabinet for further scrutiny during the last year. The annual report on the Call-In and Urgency Procedures can be seen elsewhere on the Agenda for this meeting.

Task and Finish Groups

25. Members have previously requested that this Annual Report to Council incorporates a cumulative examination of the results of working groups, when they have concluded their work, to establish if their recommendations and outcomes have delivered their set objectives.

26. During the period of this report the Off-Street Car Parks Task and Finish Group (OSCPT&FG), reported back to the OSC in April 2021 and recommended various changes to car park operations for onward recommendation to Cabinet. The OSCPT&FG also recommended that it continued its work for a further six months, as it had proved too early in the easing of COVID-19 restrictions to make proper judgements regarding the impact of Civil Parking Enforcement (CPE). The OSC agreed with the Group's recommendations and Cabinet was happy to support this.
27. The OSCPT&FG reported once again to the OSC in January 2022 with further recommendations, along with a letter to East Sussex County Council detailing the Council's response to the introduction of CPE, which was recommended for onward approval by Cabinet. Cabinet was supportive of the OSCPT&FG's recommendations.
28. The Anti-Poverty Task and Finish Group last met in May 2021 and reported back to the OSC in June 2021 with recommendations for onward approval by Cabinet. Cabinet was supportive of the OSC's recommendations.

Overview and Scrutiny Chairman's Statement

29. From the contents of this report it is evident that this has been another busy and productive year for the OSC. As Chairman, I am pleased with the progress that has been made in terms of improved scrutiny processes and comprehensive contributions from outside representatives. I would like to thank the Members of the Committee for their attendance and their input to the many debates that have taken place.
30. The Task and Finish Groups that we have established continue to do a lot of good work with regard to the individual tasks that they have been set. I would particularly like to thank the Members of these Task and Finish Groups, as well as outside representatives and officers for their time and input.
31. I would like to thank Councillor Vikki Cook, my Vice-Chairman and Democratic Services, in particular Louise Hollingsworth, for their continued support throughout the year.

Risk Management

32. Failure to produce this report would be in breach of Article 6, paragraph 6.3. (d) of the Constitution.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	Yes		

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Louise Hollingsworth
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Appendices:	Appendix 1 – References to Cabinet
Relevant previous Minutes:	N/A
Background Papers:	N/A
Reference Documents:	N/A

REFERENCES TO CABINET

From April 2021 until end March 2022, the Overview and Scrutiny Committee (OSC) referred the following reports to Cabinet:

26 APRIL 2021

1. **REPORT OF THE OFF-STREET CAR PARKS TASK AND FINISH GROUP:** Members received the report of the Head of Neighbourhood Services which detailed the recommendations of the Off-Street Car Parks Task and Finish Group. Members were happy to support the recommendations to Cabinet.

Cabinet was supportive of the OSC's recommendations.

2. **KEY PERFORMANCE TARGETS 2021/22:** Members received the report of the Head of Acquisitions, Transformation and Regeneration, previously considered by Cabinet on 1 March 2021, detailing the proposed Key Performance Indicators (KPIs) and their target levels of performance for the financial year 2021/22. Members requested that Cabinet consider wider scrutiny of performance in Planning.

Cabinet was supportive of the OSC's recommendations and two additional Key Performance Indicators (KPI) were added to the KPI set to monitor planning applications.

7 JUNE 2021

3. **RECOMMENDATIONS OF THE ANTI-POVERTY TASK AND FINISH GROUP:** Members received and considered the report of the Head of Housing and Community which detailed the recommendations of the Anti-Poverty Task and Finish Group. Members were happy to support the recommendations to Cabinet.

Cabinet was supportive of the OSC's recommendations.

4. **FINANCIAL ASSISTANCE POLICY 2021-2025 (DISABLED FACILITIES GRANTS):** Members received the report of the Head of Housing and Community which outlined a revised Financial Assistance Policy that set out the tools for providing housing renewal assistance as required by the Regulatory Reform (Housing Assistance) England and Wales Order 2002. The Council was required to adopt a Financial Assistance Policy to be able to provide Disabled Facilities Grant funding through the Better Care Fund. Members were happy to support the recommendations to Cabinet.

Cabinet was supportive of the OSC's recommendations submitted for onward recommendation to Council.

5. **PERFORMANCE REPORT: FOURTH QUARTER 2020/21:** Members considered the report of the Head of Acquisitions, Transformation and

Regeneration on the Performance Report of the Fourth Quarter 2020/21. Members raised concerns about high housing targets set by Central Government that did not consider the amount of protected land across districts that could not be built on. Members recommended that Cabinet considered that the Council work with other local authorities with an 80% or higher level of protected land, to put forward a case to Central Government for a national abatement formula to calculate housing targets.

Cabinet was supportive of the OSC's recommendation.

13 SEPTEMBER 2021

6. **REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING QUARTER 1 - 2021/22:** Members received and considered the report of the Finance Manager on the Revenue Budget and Capital Programme Monitoring Quarter 1 2021/22. Members were requested to approve a recommendation for Cabinet to consider a grant offer of £391,050 from the Ministry of Housing, Communities and Local Government to support the purchase of further accommodation units as part of the East Sussex Rough Sleeper Initiative. Members were happy to approve the recommendation to Cabinet.

Cabinet was supportive of the OSC's recommendation.

22 NOVEMBER 2021

7. **NEW COMMUNITY INFRASTRUCTURE LEVY GOVERNANCE AND THE PROPOSAL FOR APPORTIONMENT OF STRATEGIC COMMUNITY INFRASTRUCTURE LEVY FUNDS:** Members considered the report of the Director – Place and Climate Change, which proposed the new Community Infrastructure Levy (CIL) Governance arrangements and proposals for apportionment of Strategic CIL funds. A Community Infrastructure Levy Steering Group (CILSG) had been established to consider the allocation and spending of the Strategic CIL funding and the report detailed the Group's recommendations. The OSC was supportive of the CILSG's recommendations.

Cabinet was supportive of the OSC's recommendations submitted for onward recommendation to Council.

8. **REVIEW OF THE HOUSING, HOMELESSNESS AND ROUGH SLEEPING STRATEGY (2019-2024):** Members received the report of the Director – Place and Climate Change and the Head of Housing and Community which provided an update on the progress made towards achieving the Housing, Homelessness and Rough Sleeping Strategy (2019-2024)'s three strategic priorities. Members were happy to approve the recommendations to Cabinet, but also added a further two recommendations.

Cabinet were supportive of the OSC's recommendations.

9. **PERFORMANCE REPORT: SECOND QUARTER 2021/22:** Members considered the report of the Director – Place and Climate Change on the Performance Report of the Second Quarter 2021/22. The OSC noted the

report, but recommended that Cabinet be requested to further explore the possibility of suitable Council-owned sites be used to accommodate pre-fabricated buildings to be used as temporary accommodation.

Cabinet noted the OSC's recommendation and invited Councillor Barnes to provide Cabinet with additional information on the practicalities of pre-fabricated buildings.

10. **COUNCIL TAX REDUCTION SCHEME – OUTCOME OF CONSULTATION TO PROPOSED CHANGES:** Members received the report of the Revenue and Benefits Manager which provided details of the outcome of the Council Tax Reduction Scheme consultation and made recommendations to implement changes to scheme. OSC were pleased to support the recommendations to Cabinet.

Cabinet was supportive of the OSC's recommendations submitted for onward recommendation to Council.

11. **MEDIUM TERM FINANCIAL PLAN 2022/23 TO 2026/27:** Members considered the report of the Chief Finance Officer on the Council's Medium Term Financial Plan 2022/23 to 2026/27, which would be considered by Cabinet at their meeting on 13 December 2021. Members were happy to support the recommendations to Cabinet.

Cabinet was supportive of the OSC's recommendations.

12. **CARBON BASELINE APPROACH FOR THE COUNCIL'S ACTIVITIES:** Members considered the report of the Director – Place and Climate Change, which provided details of the proposed approach to be taken to establish a Carbon Baseline for the Council's activities to assist the Council in meeting its ambitious carbon zero target. Members were happy to support the recommendation to Cabinet.

Cabinet was supportive of the OSC's recommendation and added an additional four recommendations.

24 JANUARY 2022

13. **KEY PERFORMANCE TARGETS 2022/23:** The OSC considered the report of the Director - Place and Climate Change, which gave details of the current Key Performance Indicators (KPIs) and their target levels of performance for the financial year 2021/22. Members were requested to review the current KPIs and consider if they were still relevant for 2022/23 when considering the priorities of the Council as set out in the Corporate Plan. After considerable discussion, the OSC recommended 14 KPIs within five themed areas, namely Housing and Communities (four indicators); Finance Performance (three indicators); Economic Development and Poverty (three indicators); Environment (two indicators); and Planning (two indicators).

Cabinet was supportive of the KPIs and their performance targets recommended by the OSC for 2022/23. It was acknowledged that the KPIs selected would adequately reflect a review of the Council's performance.

14. **RECOMMENDATIONS OF THE OFF-STREET CAR PARKS TASK AND FINISH GROUP:** Members considered the report of the Off-Street Car Parks Task and Finish Group which summarised the work and final recommendations of the Group in reviewing the impact of the introduction of Civil Parking Enforcement (CPE) on the use of Rother District Council car parks during the previous 12 months, flowing from evidence gathering, stakeholder engagement and car park data. The Group made four recommendations to Cabinet, which the OSC were pleased to approve and a further recommendation for the Group to be reconvened at a later date to review Manor Gardens car park usage and East Sussex County Council's response to the CPE annual review.

Cabinet was supportive of the OSC's recommendations.

15. **DRAFT REVENUE BUDGET 2022/23 PROPOSALS:** The OSC considered the draft Revenue Budget which outlined the likely financial position and key issues that Members needed to consider as part of the budget setting process. The Committee had been requested to consider the draft budget and make recommendations to Cabinet, to be considered at its meeting on 7 February 2022.

Cabinet noted the OSC's comments and agreed to increase Council Tax at Band D by £4.67 (2.47%) per annum and set at £193.38.

14 MARCH 2022

16. **DRAFT ANTI-POVERTY STRATEGY:** Members received the report of the Head of Housing and Community which gave details of the draft Anti-Poverty Strategy to go out to consultation with key stakeholders and the wider population of Rother. Members requested Cabinet approve the draft Anti-Poverty Strategy for consultation.

Cabinet was supportive of the OSC's recommendation.

17. **REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING QUARTER 3 – 2021/22:** Members received and considered the report of the Chief Finance Officer on the Revenue Budget and Capital Programme Monitoring Quarter 3 2021/22. The report contained details of the significant variations of the Revenue Budget, updated Capital Programme and a brief update on the Collection Fund performance. Members were requested to recommend approval of the continuation of two Service Level Agreements in respect of Rother District Citizen's Advice and Bexhill Museum, and agree to the extension of funding of £85,000 for Rother Citizens Advice and £8,500 for Bexhill Museum for a further one-year period. Members were happy to support the recommendation to Cabinet.

Cabinet was supportive of the OSC's recommendation.

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Rother District Council

Report to	-	Council
Date	-	16 May 2022
Report of the	-	Chief Executive
Subject	-	Motion – Remote / Hybrid Meetings

Background - Remote / Hybrid Meetings

1. The temporary enabling of virtual council meetings in response to the coronavirus pandemic allowed the Council to continue making democratic decisions efficiently, transparently and safely without the need for physical meetings in one place. We welcomed the return to in-person meetings where they can safely and efficiently take place, but also recognise the benefits to democracy of providing flexible meeting options, including opening up local democratic decision-making and creating a more accessible experience for councillors and the public.
2. The Council notes in particular the following advantages of being able to hold remote and hybrid council meetings:
 - Some Councillors and prospective Councillors have work or caring commitments, or mobility or accessibility issues limiting their ability to attend meetings in person. Virtual or hybrid meeting options provide more flexibility and accessibility for Councillors to attend council meetings. In the future, this flexibility and increased accessibility could help to attract a wider range of potential councillors.
 - Many Councillors have to travel a long distance from their homes to the Town Hall. This can make it more difficult for Councillors to attend every meeting they would wish to attend. In addition, long travel time for short meetings may not be the most efficient use of Councillor time; attending virtually on occasion may help maintain high levels of Councillor attendance and be more efficient.
 - This Council acknowledges the challenges around climate change and has already declared a climate emergency. For example, a reduction in unnecessary travel by attending some meetings virtually rather than driving would reduce emissions and cut down on the Council's carbon footprint.
 - Virtual meetings can save money for the Council in terms of travel expenses and venue costs.
 - Some Councillors are also Councillors for other Councils in the area, and virtual meeting options can help them attend more meetings, even meetings taking place on the same day. This increases engagement in the various tiers of government, which is an advantage for this Council and others affected.
 - Providing virtual meeting options can make Council meetings more accessible and produce better engagement from the public and the press on various issues. For example, we have clearly seen an increase in viewings of meetings since the Council started live streaming them.

Malcolm Johnston
Chief Executive

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