

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

Julie Beilby BSc (Hons) MBA

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**NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.**

Contact: Committee Services  
[committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

14 September 2015

To: MEMBERS OF THE LICENSING AND APPEALS COMMITTEE  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Licensing and Appeals Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 22nd September, 2015 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

## A G E N D A

### PART 1 - PUBLIC

- |    |                          |       |
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3. Minutes 9 - 10

To confirm as a correct record the Minutes of the meeting of Licensing and Appeals Committee held on 30 June 2015

4. Minutes of Panel 11 - 28

To receive the Minutes of the following meetings of the Licensing and Appeals Committee sitting as a Panel:

29 July 2015  
26 August 2015

**Matters for recommendation to the Council**

5. Gambling Act 2005 - Revised Statement of Policy 29 - 60

**Decisions to be taken under Delegated Powers**

6. Proposed Licence Conditions for the Home Boarding of Dogs and Cats and Dog Day Care Establishments 61 - 80

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**Matters for consideration in Private**

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The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**PART 2 - PRIVATE**

10. Urgent Items 107 - 108

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

## **MEMBERSHIP**

Cllr R W Dalton (Chairman)  
Cllr Mrs P A Bates (Vice-Chairman)

Cllr Mrs J A Anderson  
Cllr O C Baldock  
Cllr M C Base  
Cllr Mrs B A Brown  
Cllr M A Coffin  
Cllr B T M Elks  
Cllr Mrs F A Kemp

Cllr S M King  
Cllr H S Rogers  
Cllr R V Roud  
Cllr A K Sullivan  
Cllr M Taylor  
Cllr F G Tombolis

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Apologies for absence

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Declarations of interest

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### LICENSING AND APPEALS COMMITTEE

Tuesday, 30th June, 2015

**Present:** Cllr R W Dalton (Chairman), Cllr Mrs P A Bates (Vice-Chairman), Cllr Mrs J A Anderson, Cllr Mrs B A Brown, Cllr M A Coffin, Cllr B T M Elks, Cllr Mrs F A Kemp, Cllr S M King, Cllr H S Rogers, Cllr R V Roud, Cllr A K Sullivan, Cllr M Taylor and Cllr F G Tombolis

Councillor Ms J A Atkinson was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors O C Baldock and M C Base

#### PART 1 - PUBLIC

##### **LA 15/48 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

##### **LA 15/49 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Licensing and Appeals Committee held on 18 March 2015 be approved as a correct record and signed by the Chairman.

##### **LA 15/50 MINUTES OF PANEL**

**RESOLVED:** That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 27 March, 17 April, 27 April, 30 April and 2 June 2015 be received and noted.

#### MATTERS SUBMITTED FOR INFORMATION

##### **LA 15/51 INTRODUCTION TO THE WORK OF THE COMMITTEE**

The Director of Central Services and the Licensing and Community Safety Manager provided an introduction to the work of the Licensing and Appeals Committee and presented an overview of the Licensing Act 2003, outlined the role and responsibilities of a Licensing Authority, summarised the various licences applied across the Borough and outlined the relevance of the Licensing Objectives applied in respect of premises licences. A brief outline was provided of the role of the committee when sitting as a Panel in respect of premises licences and temporary event notices. In addition, an overview of the taxi industry and the different types of taxi licences was presented together with brief

examples of the cases reviewed at hearings over recent months. Members noted that the presentations were an introduction to the work of the Committee and that further training would be required to allow the new members to serve on a Hearing/Panel. In thanking officers for their presentation the Chairman invited Members to contact Committee Services to provide an indication of their availability for further training.

**MATTERS FOR CONSIDERATION IN PRIVATE**

**LA 15/52 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.57 pm

## TONBRIDGE AND MALLING BOROUGH COUNCIL

### LICENSING AND APPEALS PANEL

Wednesday, 29th July, 2015

**Present:** Cllr Mrs J A Anderson (Chairman), Cllr M A Coffin and Cllr H S Rogers

Councillor Mrs B A Brown was also present pursuant to Council Procedure Rule No 15.21.

Together with representatives of the Licensing Authority.

#### PART 1 - PUBLIC

##### **LA 15/53 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

##### **LA 15/54 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

**RESOLVED:** That as public discussion would disclose exempt information, the following matters be considered in private.

#### PART 2 - PRIVATE

##### DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

##### **LA 15/55 APPLICATION FOR DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - CASE NO 12/2015**

**(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)**

The Panel gave consideration to the report of the Director of Central Services and Monitoring Officer regarding an application for a Dual Hackney Carriage and Private Hire Driver's Licence following the disclosure of information in respect of a Caution on the application form and the receipt of information from the Disclosure and Barring Service (DBS).

The Panel listened carefully to the representations made by the Applicant regarding the circumstances surrounding the offence, had regard to the report of the Director of Central Services, noted that

Paragraph 12.12.1 of Appendix D of the Council's Hackney Carriage and Private Hire Licensing Policy provided that a Caution should be treated as though it was a conviction and made the following findings:-

1. The Panel noted that the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Licensing Policy stated that, where offences of soliciting had been committed, an application would normally be refused until a substantial period (usually between 5 and 10 years) free of any such conviction can be shown; and
2. It was noted that the relevant Caution was on the 24 February 2012.

The Panel considered the "fit and proper" test to hold a driver's licence as documented within the terms of the Hackney Carriage and Private Hire Policy and found that there were no circumstances in this case that would warrant a departure from the Policy.

For these reasons the Panel therefore

**RESOLVED:** That the Application for a Dual Hackney Carriage and Private Hire Driver's Licence be REFUSED.

The meeting ended at 10.03 am  
having commenced at 09.30 am

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Wednesday, 29th July, 2015**

**Present:** Cllr Mrs J A Anderson (Chairman), Cllr M A Coffin and Cllr H S Rogers

Councillors M C Base and Mrs B A Brown were also present as observers for training purposes.

Together with representatives of the Licensing Authority.

**PART 1 - PUBLIC**

**LA 15/56 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

**LA 15/57 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

**RESOLVED:** That as public discussion would disclose exempt information, the following matters be considered in private.

**PART 2 - PRIVATE**

**DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION**

**LA 15/58 APPLICATION FOR PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 13/2015**

**(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)**

The Panel gave consideration to the report of the Director of Central Services and Monitoring Officer regarding an application for a Probationary Private Hire Driver's Licence following the receipt of information from the Disclosure and Barring Service (DBS).

The Panel listened carefully to the representations made by the Applicant, had regard to the report of the Director of Central Services and made the following findings:-

1. The Panel noted that the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Licensing Policy stated that,

where offences of violence had been committed, an application would normally be refused if made within 4 years of conviction.

2. It was noted that the relevant Caution was on the 15 September 2015.
3. It was noted that Tonbridge and Malling Borough Council had no specific policy as to how to approach Public Order offences of this nature (Public Order Act 1986 S.4A(1)).
4. The Panel took into consideration the events leading up to the Caution and noted the explanation given by the Applicant.

The Panel considered the “fit and proper” test to hold a driver’s licence as documented within the terms of the Hackney Carriage and Private Hire Licensing Policy, noted that the Applicant had applied for a Probationary Private Hire Driver’s Licence and that he had the support of a Mentor at the company at which he would be employed.

For these reasons, the Panel therefore

**RESOLVED:** That the application for a Probationary Private Hire Driver’s Licence be APPROVED for a period of six months.

The meeting ended at 11.14 am  
having commenced at 10.47 am

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Wednesday, 29th July, 2015**

**Present:** Cllr Mrs J A Anderson (Chairman), Cllr M A Coffin and Cllr H S Rogers

Councillors M C Base and Mrs B A Brown were also present as observers for training purposes.

Together with representatives of the Licensing Authority.

**PART 1 - PUBLIC**

**LA 15/59 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

**LA 15/60 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

**RESOLVED:** That as public discussion would disclose exempt information, the following matters be considered in private.

**PART 2 - PRIVATE**

**DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION**

**LA 15/61 PRIVATE HIRE DRIVER'S LICENCE - CASE NO 14/2015**

**(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)**

The Panel was invited to consider whether a Full Private Hire Driver's Licence should be granted following the receipt of information that the Applicant had been driving a Licensed Private Hire Vehicle for a month after his Probationary Private Hire Driver's Licence had expired.

The Panel listened carefully to the representations made by the Applicant, considered in detail the matters raised in the report of the Director of Central Services and noted the Applicant's explanation as to why he had failed to renew his licence in the correct way and thereafter carried on driving without a licence. The Panel expressed concern that the Applicant had failed to put in place measures to ensure that his

licence was renewed at an appropriate time and questioned whether he was fit to continue to hold a driver's licence. The Panel made the following findings:-

1. The Panel noted that driving a Private Hire Vehicle without a licence was itself a criminal offence.
2. The Panel was concerned that the Applicant had failed to put in place appropriate measures to ensure that the renewal application was submitted in time.
3. The Panel took into consideration the absence of any concern about the Applicant's fitness to drive during the period of the previous probationary licence. However, given the Applicant's conduct since the expiry of the Probationary Private Hire Driving Licence the Panel was reluctant to grant a three year licence.

The Panel considered the "fit and proper" test to hold a driver's licence as documented within the terms of the Hackney Carriage and Private Hire Licensing Policy and

**RESOLVED:** That the Applicant be GRANTED a Private Hire Driver's Licence for a further six month period, subject to standard conditions, together with an additional condition requiring that the Driver attend the Council offices for a meeting with the Licensing and Community Safety Manager after 1, 2, 4, and 6 months.

The meeting ended at 12.35 pm  
having commenced at 11.35 am

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Wednesday, 29th July, 2015**

**Present:** Cllr Mrs J A Anderson (Chairman), Cllr M A Coffin and  
Cllr H S Rogers

Together with representatives of the Licensing Authority.

**PART 1 - PUBLIC**

**LA 15/62 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

**LA 15/63 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

**RESOLVED:** That as public discussion would disclose exempt information, the following matters be considered in private.

**PART 2 - PRIVATE**

**DECISIONS TAKEN UNDER DELEGATED POWERS IN  
ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE  
CONSTITUTION**

**LA 15/64 APPLICATION FOR PROBATIONARY PRIVATE HIRE DRIVER'S  
LICENCE - CASE NO 15/2015**

**(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to  
an individual)**

The Panel was advised that immediately prior to the hearing further information had been received regarding the Applicant and the Private Hire Operator by whom he would be employed which required further investigation. The Panel, therefore

**RESOLVED:** That consideration of Case No 15/2015 be deferred to the meeting of the Panel scheduled to be held on 26 August 2015.

The meeting ended at 12.54 pm  
having commenced at 12.50 pm



## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **LICENSING AND APPEALS PANEL**

**Wednesday, 26th August, 2015**

**Present:** Cllr Mrs J A Anderson (Chairman), Cllr H S Rogers and Cllr M Taylor

Councillors Mrs B Brown, R Roud and F Tombolis were also present as observers for training purposes.

Together with representatives of the Licensing Authority, Mr N Hossenboccus (Applicant), Mr D Hook (Solicitor to the Applicant) and Mr D Morgan (Manager), Councillor Mrs S Luck, Mr A Mills, Mrs C Mills, Mrs P Hill, Mr A Austin, Mrs P Austin, Mr S Donovan and Mrs A Echlin (Interested Parties)

#### **PART 1 - PUBLIC**

##### **LA 15/65 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

#### **DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION**

##### **LA 15/66 APPLICATION FOR A NEW PREMISES LICENCE FOR THE FANCY GOAT, 40 HIGH STREET, WEST MALLING**

The Panel gave consideration to an application made by Todo Sobre Limited for a Premises Licence under Section 17 of the Licensing Act 2003 in respect of premises known as "The Fancy Goat" at 40 High Street, West Malling. The application related to the performance of plays; exhibition of films; Indoor sporting events; performance of live music; playing of recorded music; performance of dance; anything of a similar description to that falling within live music, recorded music or performance of dance; provision of late night refreshment and supply of alcohol.

The Panel gave careful consideration to the written report of the Director of Central Services and Monitoring Officer, the application set out at Annex 3 to the report, and the written representations received during the statutory consultation period (set out in Annexes 5 and 9 to the report). The Panel was advised that the representation from Kent Police had been withdrawn following the agreement of the Applicant to the conditions proposed in the written representation at Annex 5 of the report as amended by the email of the Licensing Coordinator (West Division) dated 17 August 2015. The Panel was further advised that the

representation from the Environmental Health Team had been withdrawn following the agreement of the Applicant to the conditions proposed in the representation at Annex 5 of the report as amended by the email of the Environmental Protection Team Manager dated 21 August 2015.

The Panel listened carefully to the representation made by Mr D Hook, Solicitor, on behalf of the applicant, Mr N Hossenboccus (General Manager and proposed Designated Premises Supervisor), Councillor Mrs S Luck (Borough Councillor for West Malling and Leybourne Ward) and by local residents Mr A Mills, Mrs P Hill, Mr A Austin and Mr S Donovan. The Panel was made aware of the concerns of residents in respect of the proximity of the premises to residential properties, noise, the party walls between the premises and residential property, the Courtyard at the rear of The Fancy Goat being used by patrons late at night and the emptying of bottles in to bins by staff.

The Panel was mindful of its obligations under Section 18(3) of the Licensing Act 2003, which stated that, having regard to the relevant representations, the Licensing Authority must take such of the steps set out in s18(4) (if any) as it considers appropriate for the promotion of the licensing objectives. The Panel had particular regard to the provisions of Chapter 9 of the amended guidance issued under Section 182 of the 2003 Act. Having had regard to the representations, both written and oral, and in accordance with the objectives contained within the Licensing Policy of Tonbridge and Malling Borough Council, the Licensing and Appeals Committee, sitting as a Panel

**RESOLVED:** That the Premises Licence be granted as follows:-

Section a)	<b>Performance of plays –</b> Sunday until Thursday from 07:00 hours until 23:30 hours. Friday and Saturday from 07:00 hours until 24:00 hours (Midnight).
Section b)	<b>Exhibition of films –</b> Sunday until Thursday from 07:00 hours until 23:30 hours. Friday and Saturday from 07:00 hours until 24:00 hours (Midnight).
Section c)	<b>Indoor sporting events –</b> Sunday until Thursday from 07:00 hours until 23:30 hours. Friday and Saturday from 07:00 hours until 24:00 hours (Midnight).
Section d)	<b>Boxing or wrestling –</b> Not applied for

Section e)	<p><b>Performance of live music –</b></p> <p>Sunday until Thursday from 07:00 hours until 23:30 hours.</p> <p>Friday and Saturday from 07:00 hours until 24:00 hours (Midnight).</p> <p>New Year's Eve and Christmas Eve: from 07:00 hours until 01:00 hours.</p>
Section f)	<p><b>Playing of recorded music –</b></p> <p>Sunday until Thursday from 07:00 hours until 23:30 hours.</p> <p>Friday and Saturday from 07:00 hours until 24:00 hours (Midnight).</p>
Section g)	<p><b>Performance of dance –</b></p> <p>Sunday until Thursday from 07:00 hours until 23:30 hours.</p> <p>Friday and Saturday from 07:00 hours until 24:00 hours (Midnight).</p>
Section h)	<p><b>Anything of a similar description to that falling within live music, recorded music or performance of dance –</b></p> <p>Sunday until Thursday from 07:00 hours until 23:30 hours.</p> <p>Friday and Saturday from 07:00 hours until 24:00 hours (Midnight).</p>
Section i)	<p><b>Provision of late night refreshment –</b></p> <p>Sunday until Thursday 23:00 hours until 23:30 hours.</p> <p>Friday and Saturday from 23:00 hours until 00:30 hours.</p> <p>New Year's Eve and Christmas Eve: from 23:00 Hours until 01:30 hours.</p>
Section j)	<p><b>Supply of alcohol –</b></p> <p>Sunday until Thursday from 07:00 hours until 23:30 hours.</p> <p>Friday and Saturday from 07:00 hours until 24:00 hours (Midnight).</p> <p>New Year's Eve and Christmas Eve: from 07:00 hours until 01:00 hours.</p>

Subject to the Mandatory Conditions as defined in the Licensing Act 2003 and to the following conditions as agreed between the applicant and the responsible authorities:

1. CCTV to be installed in and around the premises covering internal and external areas accessed by customers.
2. Written notices and signs will be prominently displayed in all public areas informing customers that they are subject to recording by means of CCTV.

3. All CCTV cameras and recording equipment must be well maintained, kept in good working order and be subject to regular testing and inspection. Records of all testing and inspections must be maintained at the premises.
4. All images captured by CCTV must be of a continuous nature and be retained and stored securely for a minimum of 28 days.
5. CCTV images should be provided to Kent Police within a reasonable time period upon request when required for the purposes of investigation and detection of incidents or offences and to assist with the identification of person believed connected with offences.
6. Two door supervisors will be employed at the premises on Friday and Saturday nights from 21:30 hours until 30 minutes following the close of that day's trading.
7. Tables and chairs will be removed from outside the front of the premises by 22:00 hours every night.
8. After 22:00hrs no persons shall be permitted to take drinks, alcoholic or otherwise, in open vessels into the outside area at the front of the venue.
9. A policy of Challenge 25 will be adopted by the premises and all staff will be trained in the process required.
10. Notices will be displayed to discourage noise from patrons particularly using the outside areas of the premises, staff will be trained to challenge persons believed to be causing unnecessary noise nuisance.
11. Windows and doors to the premises shall be kept closed at all times (excepting access to and egress from the premises) to prevent noise from within the premises adversely affecting local residents.
12. Use of the rear courtyard by patrons and staff shall cease at 20:00 hours daily. No further use of the area shall occur until opening time on the following day. The door to this area will be kept securely closed and Notices shall be prominently displayed advising patrons not to use the area after 20:00 hours on any day.
13. No Bottle Bins shall be emptied between the hours of 21:00 and 08:00 on any day so as to minimise the potential for noise disturbance to local residents.
14. Signs shall be prominently displayed at all exits requesting patrons to leave quietly, so as to minimise the potential for noise disturbance to local residents.

15. No new admissions to the premises shall be permitted after 23:00 hours on any day.
16. Amplified live music will be restricted between 11:00 hours and 23:00 hours on any day, except New Year's Eve and Christmas Eve when it shall cease by 01:00<sup>1</sup>

<sup>1</sup> Condition 16 was read out at the Licensing Hearing. However due to the Deregulation Act 2015 this condition is not valid between the Hours of 11:00 hours and 23:00 hours on any day.

**LA 15/67 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 1.29 pm  
having commenced at 10.00 am

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**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Wednesday, 26th August, 2015**

**Present:** Cllr Mrs J A Anderson (Chairman), Cllr H S Rogers and Cllr M Taylor

Councillors Mrs B Brown and F Tombolis were also present as observers for training purposes.

Together with representatives of the Licensing Authority.

**PART 1 - PUBLIC**

**LA 15/68 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

**LA 15/69 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

**RESOLVED:** That as public discussion would disclose exempt information, the following matters be considered in private.

**PART 2 - PRIVATE**

**DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION**

**LA 15/70 REVIEW OF PRIVATE HIRE OPERATORS LICENCE – CASE NO 16/2015**

**(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)**

The Panel gave consideration to the report of the Director of Central Services and Monitoring Officer regarding the review of a Private Hire Operator Licence following the receipt of information that an employee had been driving a Licensed Private Hire Vehicle prior to the granting of a Probationary Private Hire Driver's Licence.

The Panel listened carefully to the representations made by the Operator who explained that the company's Administrator, on being advised that the application was being processed, had assumed that the applicant for the driving licence was able to drive prior to receipt of his badge. The Operator acknowledged that this had been an erroneous

assumption and that the driver should not have undertaken any work until he had received his licence and badge.

The Panel had regard to the report of the Director of Central Services, noted the standards expected of Private Hire Operators in the Council's Hackney Carriage and Private Hire Policy (as set out in paragraphs 1.3.1 to 1.3.5 of the report) and expressed grave concern that the Operator had failed meet these standards. The Panel was particularly concerned that the Operator had failed to ensure the safety of the vulnerable children who had been passengers in a vehicle driven by an unlicensed driver. The Panel therefore

**RESOLVED:** That the Private Hire Operator be issued with a written warning for failing to comply with the primary objective of ensuring the safety of the public and that he be advised that any future breaches would lead to a further review of his licence which could result in the revocation of his Private Hire Operator's Licence.

The meeting ended at 2.24 pm  
having commenced at 1.55 pm

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Wednesday, 26th August, 2015**

**Present:** Cllr Mrs J A Anderson (Chairman), Cllr H S Rogers and Cllr M Taylor

Councillors Mrs B Brown and F Tombolis were also present as observers for training purposes.

Together with representatives of the Licensing Authority.

**PART 1 - PUBLIC**

**LA 15/71 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

**LA 15/72 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

**RESOLVED:** That as public discussion would disclose exempt information, the following matters be considered in private.

**PART 2 - PRIVATE**

**DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION**

**LA 15/73 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 15/2015**

**(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)**

The Panel was invited to consider whether a Probationary Private Hire Driver's Licence should be granted following the receipt of information that the Applicant had been driving a Licensed Private Hire Vehicle in advance of receipt of his Driver's Licence and Badge.

The Panel listened carefully to the representations made by the Applicant, considered in detail the matters raised in the report and sought clarification of the Licensing and Community Safety Manager of the information sought from and provided to applicants for driving licences. The Panel noted the intention to include a specific notice to

applicants that they would not be able to drive a licensed vehicle until they had received their licence and badge.

The Panel considered the “fit and proper” test to hold a driver’s licence as documented within the terms of the Hackney Carriage and Private Hire Licensing Policy and

**RESOLVED:** That the Applicant be GRANTED a Probationary Private Hire Driver’s Licence for a six month period, subject to standard conditions, together with an additional condition that the Driver and his Mentor attend the Council offices for a meeting with the Licensing and Community Safety Manager after 2, 4 and 6 months and that the Driver be required to attend the Council’s Safeguarding Training.

The meeting ended at 2.47 pm  
having commenced at 2.34 pm

## TONBRIDGE & MALLING BOROUGH COUNCIL

### LICENSING & APPEALS COMMITTEE

22 September 2015

#### Report of the Director of Central Services and Monitoring Officer

#### Part 1- Public

#### Matters for Recommendation to Council

### 1 GAMBLING ACT 2005 – REVISED STATEMENT OF POLICY

#### 1.1 Executive Summary

- 1.1.1 Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three year period to which the policy applies.
- 1.1.2 The Council's current Statement of Principles for the Gambling Act 2005 took effect from 14 January 2013 and will run until 14 January 2016.
- 1.1.3 In preparing a statement, the Council will have regard to guidance issued by the Gambling Commission. The Commission has just completed consultation on the 5th edition of the guidance, and intend to publish their response in late September/early October 2015. Unfortunately, due to the proposed timing of publication, it will not be possible to prepare and consult on a revised version of our policy in order to ensure both that it reflects the amended guidance and is in force by January 2016.
- 1.1.4 Given the above, it is therefore intended to re-instate the existing version of the policy with effect from January 2016, subject only to minimal changes to ensure accuracy (change of contact details etc).
- 1.1.5 A draft copy of the draft policy is shown at **Annex 1**. On publication of the revised guidance from the Gambling Commission a further review of the statement will take place to determine whether any modifications are required. It is anticipated this further review will take place early in 2016.

#### 1.2 Legal Implications

- 1.2.1 Under the Gambling Act 2005, the Licensing Authority Statement of Policy will last for a maximum of three years.
- 1.2.2 In preparing a statement or revision of the Statement of Policy, the Council is required to consult the Chief Officer of Police, together with representatives of

local gambling trade and others likely to be affected by the exercise of the Council's functions under the Act. It is proposed to carry this consultation exercise out for a 4 week period commencing 23 September to 23 October 2015. However, given that the policy will substantively remain the same we do not expect to receive any adverse comments.

- 1.2.3 The policy must be approved by Full Council on the recommendation of the Licensing and Appeals Committee. Once adopted, the Statement must be published & advertised in accordance with specific provisions set out in the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.

### **1.3 Financial and Value for Money Considerations**

- 1.3.1 Fee levels for licences and permits are set by the Licensing Authority.

### **1.4 Risk Assessment**

- 1.4.1 The statement of policy should provide a transparent and consistent basis for decision making. This in turn should reduce the risks of decisions being challenged in the Courts

### **1.5 Equality Impact Assessment**

- 1.5.1 There is no perceived impact on end users.

### **1.6 Recommendations**

- 1.6.1 Members are requested to RECOMMEND to Council that, subject to no adverse comments being received during the consultation period, the existing version of the policy be re-adopted for a period of 3 years with effect from January 2016, subject to minor changes.

Background papers:

contact: Anthony Garnett 6151

Gambling Act 2005

TMBC Statement of Policy

Gambling Commission Web site

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## **Tonbridge and Malling Borough Council**

### **Gambling Act 2005**

### **Draft Statement of Principles Gambling Policy**

**14 January 2013 to 14 January 2016**

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## 1. Process steps to develop this policy

- |   |   |
|---|---|
| a) Draft consultation agreed at the Licensing and Appeals Committee | 22 <sup>nd</sup> September 2015   |
| b) Public Consultation  | 23 <sup>rd</sup> t September 2015<br>until<br>23 <sup>rd</sup> October 2015 |
| c) Full Council adopt policy  | 3 <sup>rd</sup> November 2015   |
| d) New Policy comes into force                                      | 14 January 2016   |

## 2. 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

## 3. Principles to be applied - Section 153

- (1) In exercising its functions under this part a Licensing Authority shall aim to permit the use of premises for gambling
- a) in accordance with any relevant code of practice under section 24;
  - b) in accordance with any relevant guidance issued by the Commission under section 25;
  - c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b));
  - d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).
- (2) In determining whether to grant a Premises Licence a Licensing Authority must not have regard to the expected demand for gambling premises that are the subject of the application.

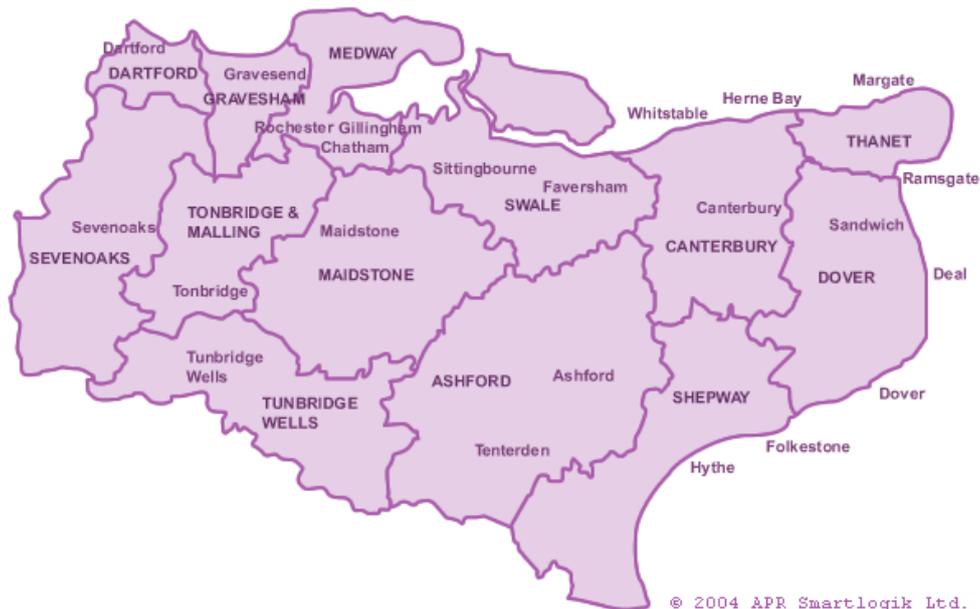
(3) Any objection to an application for a Premises Licence or request for a review of an existing licence should be based on the licensing objectives of the Gambling Act 2005. It should be noted that, unlike the Licensing Act 2003, the Gambling Act 2005 does not include as a specific licensing objective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

#### 4. Introduction

Tonbridge and Malling Borough Council is situated in the County of Kent, which contains 12 District Councils and 1 Unitary Authority in total.

Tonbridge and Malling covers an area of 24,013 hectares. The main towns are Tonbridge, Aylesford, Ditton, Larkfield and Snodland.

The areas are shown in the map below.



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

In determining its policy the licensing authority must have regard to the Gambling Commission Guidance and will give appropriate weight to the views of those it has consulted.

Tonbridge and Malling Borough Council consulted widely on this policy statement before finalising and publishing it.

The Gambling Act requires that the following parties be consulted by Licensing Authorities:

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

The list of persons consulted when preparing this Policy statement is deliberately wide, including Councillors, Parish Councils, Gambling premises, Responsible Authorities and Local Interest Groups.

The policy is published on Tonbridge and Malling Borough Councils website [www.tmbc.gov.uk](http://www.tmbc.gov.uk). Copies have been placed in Council's offices and the public libraries within the area.

This policy statement will not override the right of any person to make an application, make representations about an application or apply for a review of a licence. Each application or representation will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

## **5. Declaration**

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

## **6. Casinos**

**No Casinos resolution** – Section 166 of the Gambling Act 2005 gives a Licensing Authority the ability to resolve not to issue casino premises licences. This licensing authority has **not** passed a 'no casino' resolution. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

## 7. Functions

Function	Who deals with it
Be responsible for the licensing of premises where gambling activities are to take place by issuing <i>Premises Licences</i>	Licensing Authority
Issue <i>Provisional Statements</i>	Licensing Authority
Regulate <i>members' clubs</i> and <i>miners' welfare institutes</i> who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits	Licensing Authority
Issue <i>Club Machine Permits to Commercial Clubs</i>	Licensing Authority
Grant permits for the use of certain lower stake gaming machines at <i>unlicensed Family Entertainment Centres</i>	Licensing Authority
Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines	Licensing Authority
Grant <i>Licensed Premises Gaming Machine Permits</i> for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required	Licensing Authority
Register <i>small society lotteries</i> below prescribed thresholds	Licensing Authority
Issue <i>Prize Gaming Permits</i>	Licensing Authority
Receive and Endorse <i>Temporary Use Notices</i>	Licensing Authority
Receive <i>Occasional Use Notices</i>	Licensing Authority
Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')	Licensing Authority
Maintain registers of the permits and licences that are issued under these functions	Licensing Authority

## Gambling Commission Functions

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

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

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

### 8. Responsible Authorities

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

the need for the body to be responsible for an area covering the whole of the licensing authority's area

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

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

Kent Safeguarding Children Board

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

## 9. Interested parties

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

Interested parties can make representations about licence applications, or apply for a review of an existing licence.

These parties are defined in Section 158 of the Gambling Act 2005 as someone who, in the opinion of the licensing authority which issues the licence or to which the application is made, -

- 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).

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision-making. It will however consider the following matters as recommended by the Guidance to local authorities:

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and
- the nature of the complainant (not the personal characteristics of the complainant but the interests of the complainant, which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) residential hostel for vulnerable adults).
- the catchment area of the premises (i.e. how far people travel to visit); and
- whether the person making the representation has business interests in that catchment area, that might be affected.

The Gambling Commission has emphasised to licensing authorities that ‘demand’ cannot be a factor in decisions. The Guidance also states that moral objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives.

The Gambling Commission has also recommended that the licensing authority states that interested parties will include trade associations and trade unions, and residents and tenants' associations. However, this authority will not, however, generally view these bodies as interested parties unless they have a member who can be classed as one under the terms of the Gambling Act 2005, ie lives sufficiently close to the premises to be likely to be affected by the authorised activities.

Interested parties can be represented by other persons such as Ward Councillors, Councillors for the Division, MP's etc. Councillors who are part of the Licensing Committee dealing with the licence may not be able to represent an interested party, but they may recommend another councillor who may be able to help.

## **10. Exchange of Information**

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

The principle that this Licensing Authority will apply is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information and the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will have regard to any Guidance issued by the Gambling Commission on this matter as well as any regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Any protocols established as regards information exchange with other bodies will be made available.

## **11. Enforcement**

The Licensing Authority will act in accordance with the relevant legislation and guidance from the Gambling Commission and adopt the principles of better regulation set out in the Regulators Compliance Code.

In accordance with the Guidance, this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority will also, as recommended in the Guidance, adopt a risk-based inspection programme.

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

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

This licensing authority's principles are that it will be guided by the Guidance 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

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

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

# Appendix 1

## Introduction

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

### 1. Permits

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

Where a premise does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit.

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

This licensing authority intends to require applicants to demonstrate:

- a) a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres;
- b) that the applicant has no relevant convictions as set out in Schedule 7 of the Act; and
- c) that staff are trained to have a full understanding of the maximum stakes and prizes.

The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25.

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

For initial applications, the Licensing Authority does not have to have regard to the licensing objectives but does need to have regard to any Gambling Commission guidance.

Guidance for local authorities states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications

for permits, licensing authorities will want to give weight to child protection issues.

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

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 confined to harm from gambling but includes wider child protection issues. The efficiency of such policies and procedures will each be considered on their merits and could include such matters as measures and staff training to deal with suspected truant schoolchildren, unsupervised very young children and children causing perceived problems in the vicinity of the premises.

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

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

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

- a) provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- b) 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)
- c) the premises are mainly used for gaming; or
- d) an offence under the Gambling Act has been committed on the premises

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant*.” This licensing authority considers that “such matters” will be decided on a case by case basis but that if any general themes arise it will endeavour to provide examples of such in this licensing policy statement by way of a revision.

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.

**(iii) Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 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”..

The Guidance states: “In their three year licensing policy statement, licensing authorities should include a statement of principles that they propose to apply when exercising their functions in considering applications for permits. In particular, they may want to set out the matters that they will take into account in determining the suitability of the applicant.

Given that the premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to request for the applicant, this licensing authority will want to give weight to child protection issues and will ask the applicant to set out the types of gaming that he or she is intending to offer.

The applicant should be able to demonstrate that they understand the limits to stakes and prizes that are set out in Regulations and that the gaming offered is within the law.

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

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

- a) the limits on participation fees, as set out in regulations, must be complied with;
- b) 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;
- c) 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
- d) participation in the gaming must not entitle the player to take part in any other gambling.

#### **(iv) Club Gaming and Club Machine Permits**

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

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

This Licensing Authority is aware 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

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

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

There are statutory conditions on club gaming permits that no child uses a category B3A, B4 or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

### Premises Licences

#### (i) Decision making - general:

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

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

- a) in accordance with any relevant code of practice issued by the Gambling Commission
- b) in accordance with any relevant guidance issued by the Gambling Commission
- c) reasonably consistent with the licensing objectives and
- d) in accordance with the authority's statement of licensing policy

As regards licence conditions, the Guidance for local authorities states that "Conditions imposed by the licensing authority must be proportionate to the circumstances which they are seeking to address. In particular, licensing authorities should ensure that the premises licence conditions:

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

The Commission also adds that "the licensing authority should take decisions on individual conditions on a case by case basis, although this will be against the background of any general policy set out in this guidance or their own licensing policy statement."

This licensing authority is in agreement with these statements by the Gambling Commission.

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

- a) any condition on the premises licence which makes it impossible to comply with an operating licence condition
- b) conditions relating to gaming machine categories, numbers, or method of operation;
- c) 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
- d) conditions in relation to stakes, fees, winnings or prizes

The Gambling Commission has also emphasised to local authorities, that 'demand' cannot be a factor in decisions.

**(ii) "premises":**

Premises is defined in the Act as "any place". It is for the licensing authority to decide whether different parts of a building can be properly regarded as being separate premises and as the Gambling Commission states in its Guidance for local authorities, it "will always be a question of fact in the circumstances." The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

This licensing authority takes particular note of the Gambling Commission's draft Guidance for local authorities which states that in considering applications for multiple licences for a building or those for a specific part of the building to be licensed, licensing authorities should be aware that:

- a) the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also that they are not permitted to be in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling; and
- b) entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area."

This licensing authority will also take note of the Guidance that: "Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities

should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.”

**(iii) Location:**

This licensing authority notes the Guidance which states that: “Licensing authorities will need to consider the location of premises without the context of this<sup>1</sup> licensing objective. If an application for a licence or permit is received in relation to premises that are in an area noted for particular problems with organised crime for example, licensing authorities should think about what (if any) controls might be appropriate to prevent those premises becoming a source of crime. These might include conditions being put on the licence, such as a requirement for door supervisors”

The Commission also states in its Guidance: “For example, a licensing policy statement might set out that the authority will consider very carefully whether applications for premises licence in respect of certain gambling premises located very close to a school, or a centre for gambling addicts should be granted in light of the third licensing objective. Any such policy must, however, come with the qualification that each case will be decided on its merits, and will depend to a large extent on the type of gambling that it is proposed will be offered on the premises. If an applicant for a premises licence can show how licensing objective concerns can be overcome, that will have to be taken into account.” This licensing authority will adhere to this advice.

**(iv) Planning:**

Planning and licensing are different regulatory systems and will be dealt with separately. The Guidance states: “When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to 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.”

This authority 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.

#### **(v) Duplication**

In accordance with the Guidance this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

#### **(vi) Door Supervisors**

The Guidance states that licensing authorities may require persons operating premises in which gambling takes place to take measures such as the supervision of entrances; segregation of gambling from non-gambling areas frequented by children (assuming such non-gambling areas are compatible with requirements of the Act); and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

It is to be noted that door supervisors at licensed casino or bingo premises are exempt from the requirements of the Private Security Industry Act 2001. Where an authority imposes door supervision requirements on such licences, the personnel will not need licensing under the 2001 Act.

However where a casino or bingo premises are licensed under the Licensing Act 2003 door supervisors employed are required to be licensed under the PSIA Act 2001 to enable them to perform their functions under that Act.

#### **(vii) Licensing objectives**

This licensing authority has considered the Gambling Commission's Guidance to local authorities in respect of the licensing objectives:

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

### **(viii) Reviews**

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

- a) it is in accordance with any relevant code of practice issued by the Gambling Commission
- b) it is in accordance with any relevant guidance issued by the Gambling Commission
- c) it is reasonably consistent with the licensing objectives and
- d) it is in accordance with the authority's statement of licensing policy

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

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

### **(ix) Provisional Statements**

This licensing authority notes that the Guidance states:

“An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The intention behind part 8 of the Act is the reference to “the premises” are to premises in which gambling may now take place. Thus a licence to use premises for gambling should only be issued in relation to premises that are ready to be used for gambling. This is why the Act allows an operator to apply for a provisional statement if the building is not yet complete, needs alteration, or he does not yet have a right to occupy it”

“It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. For example, the fact that a wall needed painting would not stop a full assessment of the premises as gambling premises, and in such circumstances it would probably be wrong to insist that the applicant applied for a provisional statement rather than a premises licence.”

“Once an operator has completed a building, the licensing authority will be able to consider a premises licence application for it.”

“Requiring the building to be complete ensures that the authority can inspect it fully, as can other responsible authorities with inspection rights under Part 15 of the Act. Inspection will allow authorities to check that gambling facilities comply with all necessary legal requirements. For example, Category C and D machines in a licensed family entertainment centre must be situated so that people under 18 do not have access to the category C machines. The physical location of the machines will be an important part of this, and inspection will allow the authority to check that the layout complies with the operator’s proposals and the legal requirements.” (in relation to Provisional Licences)

In terms of representations about premises licence applications, following the grant of a provisional statement, the Guidance states: “If a provisional statement has been granted, the licensing authority is constrained in the matters it can consider when an application for a premises is made subsequently in relation to the same premises. No further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

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

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

### **(x) Adult Gaming Centres**

This licensing authority particularly notes that the Guidance states: “No-one under the age of 18 is permitted to enter an Adult Gaming Centre. Licensing authorities will wish to have particular regard to the location of an entry to Adult Gaming Centres to minimise the opportunities for children to gain access. This may be of particular importance in areas where young people may be unsupervised and an Adult Gaming Centre is in a complex, such as a shopping centre or airport.”

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives which could cover such issues as:

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

This list is not mandatory or exhaustive but indicates example measures.

#### **(xi) (Licensed) Family Entertainment Centres**

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

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives which could cover such issues as:

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self barring schemes
- Provision of information/leaflets/helpline numbers for organisations such as GamCare
- Measures/training for staff to identify and deal with suspected truant schoolchildren on the premises

This list is not mandatory or exhaustive but indicates example measures.

#### **(xii) Tracks**

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

#### **(xiii) Casinos**

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

#### **(xiv) Bingo**

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

#### **(xv) Temporary Use Notices**

There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the licensing authority to decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building/site (see Gambling Commission's Guidance for Local Authorities).

#### **(xvi) Occasional Use Notices**

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

#### **(xvii) Travelling Fairs**

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

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

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

**(xviii) Betting premises**

**Betting machines** –The Guidance states: “Section 181 contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the licensing authority, amongst other things, should take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons.”

## Appendix 3

### Responsible Authorities' contact details

#### **Licensing Authority:**

Legal Services, Tonbridge and Malling Borough Council  
Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ  
[licensing.services@tmbc.gov.uk](mailto:licensing.services@tmbc.gov.uk)

#### **Gambling Commission**

Victoria Square House, Victoria Square, Birmingham B2 4BP  
[info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

#### **The Chief Officer of Police – (West Division)**

Kent Police, The Police Station, Pembury Road, Tonbridge, Kent, TN9 2HS  
[West.division.licensing@kent.pnn.police.uk](mailto:West.division.licensing@kent.pnn.police.uk)

#### **Kent Fire and Rescue Service**

Tonbridge Fire Station, 424 Vale Road, Tonbridge, Kent, TN9 1SW  
[tonbridgefiresafety@kent.fire-uk.org](mailto:tonbridgefiresafety@kent.fire-uk.org)

#### **Local Planning Authority**

Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ  
[planning.applications@tmbc.gov.uk](mailto:planning.applications@tmbc.gov.uk)

#### **Environmental Protection/ Health and Safety Authorities**

Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ  
[environmental.protection@tmbc.gov.uk](mailto:environmental.protection@tmbc.gov.uk)

#### **Kent Safeguarding Children Board**

Room 2.60, Sessions House, County Road, Maidstone, Kent, ME14 1XQ  
[kscb@kent.gov.uk](mailto:kscb@kent.gov.uk)

#### **HM Revenue and Customs**

Medvale House, Mote Road, Maidstone, Kent ME15 6AE  
[www.hmrc.gov.uk](http://www.hmrc.gov.uk)

Any other body prescribed in regulations made by the Secretary of State.

## Appendix 4

### Summary of machine provisions by premises

Premises type	Machine category							
	A	B1	B2	B3	B3A	B4	C	D
<b>Large casino</b> (machine/table ratio of 5-1 up to maximum)	Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)							
<b>Small casino</b> (machine/table ratio of 2-1 up to maximum)	Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)							
<b>Pre-2005 Act casino</b> (no machine/table ratio)	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead							
<b>Betting premises and tracks occupied by pool betting</b>	Maximum of 4 machines categories B2 to D (except B3A machines)							
<b>Bingo premises</b>				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**			No limit on category C or D machines	
<b>Adult gaming centre</b>				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**			No limit on category C or D machines	
<b>Family entertainment centre</b> (with premises licence)							No limit on category C or D machines	
<b>Family entertainment centre</b> (with permit)							No limit on category D machines	
<b>Clubs or miners' welfare institute</b> (with permits)				Maximum of 3 machines in categories B3A or B4 to D*				
<b>Qualifying alcohol-licensed premises</b>							1 or 2 machines of category C or D automatic upon notification	
<b>Qualifying alcohol-licensed premises</b> (with gaming machine permit)							Number of category C-D machines as specified on permit	
<b>Travelling fair</b>							No limit on category D machines	

Premises type	Machine category							
	A	B1	B2	B3	B3A	B4	C	D
	<p>* It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.</p> <p>** Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. But not B3A machines.</p>							

## Appendix 5

### Summary of gaming machine categories and entitlements

Category of machine	Maximum stake (From Jan 2014)	Maximum prize (From Jan 2014)
<b>B1</b>	£5	£10,000*
<b>B2**</b>	£100	£500
<b>B3</b>	£2	£500
<b>B3A</b>	£2	£500
<b>B4</b>	£2	£400
<b>C</b>	£1	£100
<b>D - non-money prize (other than a crane grab machine)</b>	30p	£8
<b>D – non-money prize (crane grab machine)</b>	£1	£50
<b>D (money prize)</b>	10p	£5
<b>D - combined money and non-money prize (other than a coin pusher or penny falls machine)</b>	10p	£8 (of which no more than £5 may be a money prize)
<b>D - combined money and non-money prize (coin pusher or penny falls)</b>	20p	£20 (of which no more than £10 may be a money prize)

\*With the option of a maximum £20,000 linked progressive jackpot on a premises basis only.

**Note:** This summary of gaming machine categories and entitlements was updated through the Statutory Instruments 2014 No.45 – **BETTING, GAMING AND LOTTERIES – The Categories of Gaming Machine (Amendment) Regulations 2014**, which came into force on 14 January 2014.

## Appendix 6

### Summary of gaming entitlements for clubs and alcohol-licensed premises

	Members' club or MW institute with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit	Pubs and other alcohol-licensed premises
<b>Equal chance gaming</b>	Yes	Bridge and/or Whist only	Yes	Yes	Yes
<b>Limits on stakes</b>	No limit	No limit	<b>Poker</b> £1000 per week £250 per day £10 per person per game  <b>Other gaming</b> No limit	<b>Poker</b> £1000 per week £250 per day £10 per person per game  <b>Other gaming</b> No limit	<b>Poker</b> £100 per premises per day  <b>Other gaming</b> £5 per person per game  <b>Cribbage &amp; dominoes</b> No limit
<b>Limits on prizes</b>	No limit	No limit	<b>Poker</b> £250 per game  <b>Other gaming</b> No limit	<b>Poker</b> £250 per game  <b>Other gaming</b> No limit	<b>Poker</b> £100 per game  <b>Other gaming</b> No limit
<b>Maximum participation fees – per person per day</b>	<b>Bridge and/or whist*</b> £20 <b>Other gaming</b> £3	£18 (without club gaming permit) £20 (with club gaming permit)	<b>Bridge and/or whist*</b> £18 <b>Other gaming</b> £3 (commercial club) £1 (members' club)	<b>Bridge and/or whist*</b> £18 <b>Other gaming</b> £1	None permitted
<b>Bankers or unequal chance gaming</b>	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
<b>Limits on bingo</b>	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.

\* On a day when no other facilities for gaming are provided

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### LICENSING & APPEALS COMMITTEE

22 September 2015

Report of the Director of Central Service Director and Monitoring Officer

#### Part 1- Public

#### Delegated

#### 1 PROPOSED LICENCE CONDITIONS FOR THE HOMEBOARDING OF DOGS AND CATS AND DOG DAY CARE ESTABLISHMENTS

This report details proposals to adopt licensing conditions in respect of the home boarding of dogs and cats.

#### 1.1 Background

- 1.1.1 Section 1 of the Animal Boarding Establishments Act 1963 requires that any person keeping a boarding establishment for other people's dogs or cats must be licensed by the Local Authority. This applies to traditional boarding establishments (i.e. kennels and catteries).
- 1.1.2 A new style of boarding is becoming increasingly popular whereby pet animals are home boarded in a domestic environment for a traditional holiday period or for the day. Recently the Council has become aware of one home boarder who would like to be licensed.
- 1.1.3 Existing animal boarding licence conditions are not wholly suited to the home boarding environment.
- 1.1.4 The proposed licence conditions (**Annex 1 & 2**) are based on the Local Government Regulation and British Kennel and Cattery Association model conditions and provide a relevant set of standards and controls for the regulation of home boarding of cats and dogs and dog day care establishments.
- 1.1.5 The applicant would be required to re-apply for their licence annually.
- 1.1.6 If non-compliances are found, the Licensing Authority would have the following enforcement options:
- i) To advise the license holder in writing of non-compliances and encourage necessary improvements;
  - ii) If the matter is serious, to consider taking legal proceedings against the licence holder;

- iii) If the matter is very serious or if there is repeated non-compliance, to make representation to have the licence revoked.

## **1.2 Legal Implications**

- 1.2.1 As set out above

## **1.3 Financial and Value for Money Considerations**

- 1.3.1 The current annual licensing fee for an Animal Boarding Establishment is £262. The proposed fee for new home boarding, dog day care licences and for annual renewals is £150 to cover licensing administration and inspection costs. For first time applicants a veterinary inspection will be conducted at an additional cost to the applicant. Otherwise veterinary inspections would be undertaken at the officer's request and the applicant would be charged an additional fee.

## **1.4 Risk Assessment**

- 1.4.1 Failure to regulate home boarding and dog day care establishments will mean that people choosing to board their animals in a domestic setting are not covered by similar controls governing traditional kennels and catteries.

## **1.5 Equality Impact Assessment**

- 1.5.1 There is no perceived impact on end users Recommendations

## **1.6 Recommendations**

- i) adopt the licence conditions detailed in Annex 1 & 2 and
- ii) agree the annual fee of £150 to cover the costs associated with the administration and inspection regime.
- iii) agree to cost recovery of additional veterinary fees.

Background papers:

Nil

contact:

Melanie Henbest 6192

Anthony Garnett 6151

Adrian Stanfield

Central Services Director and Monitoring Officer

## Animal Boarding Establishment Act 1963

### Conditions for home boarding of cats and dogs

#### GENERAL

- 1.1 Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs and/or cats *{delete as appropriate}* have access and/or which are used in association with the boarding of dogs and/or cats *{delete as appropriate}*.
- 1.2 No dog breed specified under Schedule 1 under the Dangerous Dogs Act 1991(as amended) must be accepted for home boarding.
- 1.3 The Licensee must not knowingly accept any dog, which has been subject to successful action under Section 3 of the Dangerous Dogs Act 1991(as amended).
- 1.4 Dog hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. Wolf Hybrids) are not to be accepted for home boarding.
- 1.5 Entire males and bitches in season or bitches due to be in season or bitches due to be in season during boarding, including resident dogs, should not be boarded together.
- 1.6 Entire males and queens in season must not be boarded with other cats. Kittens under 6 months of age must not be boarded with any other cats unless it is their mother.
- 1.7 Puppies under 6 months must not be boarded with other dogs unless they have been suitably vaccinated and no difficulties identified during a documented trial socialisation period.
- 1.8 The local authority must be satisfied that the licensee is not disqualified from keeping animals under any relevant legislation and has experience as a dog or cat *{delete as appropriate}* owner.
- 1.9 The appointed officer of the Licensing Authority can, at any reasonable time, have a right of entry onto the premises for the purpose of carrying out any of the relevant statutory provisions. To enable these provisions to be carried out, the appointed officer may take any other person authorised by the Council that may be considered necessary.
- 1.10 The Licensee must ensure that the establishment is covered by adequate and suitable public liability insurance and, where necessary, adequate and suitable employers liability insurance. Certificates of insurance must be produced on request to clients or the Licensing Authority.

- 1.11 Normally planning permission will not be required for the home boarding of animals on the scale proposed, however should complaints be received because of particular noise or odour problems, then the Licensing Authority reserves the right to consider whether there has been a change of use which requires a planning application to be submitted.

## **2. LICENCE DISPLAY**

- 2.1 A copy of the licence and its associated conditions must be suitably displayed to the public in a prominent position in, on or about the premises or made available to each boarder.

## **3. NUMBERS OF ANIMALS**

- 3.1 The maximum number of dogs or cats *{delete as appropriate}* to be boarded at any one time is *(enter number)*
- 3.2 Only cats from one family may be boarded at any one time.
- 3.3 Dogs must not be boarded with any cat, unless they normally live together in the same household.
- 3.4 Cats must not be boarded with any dog, unless they normally live together in the same household.
- 3.5 Only dogs from the same household may be boarded at any one time unless the licence holder has:
- Secured the specific written consent of each household to confirm that they are content for their dogs to be boarded with others
  - A mandatory, documented trial familiarisation session takes place for all dogs prior to their stay
  - Where dogs from different households are boarded together, safe behavioural integration must be established and documented before being left unsupervised. In cases of unexpected unsafe integration, separation of the appropriate dog(s), must occur immediately and must be maintained when left unattended.
  - Dogs are fed separately to minimise the likelihood of dispute and aggression.
- 3.6 Where there is a resident cat or dog kept in the household, written consent from the owners of the boarded dog/cat *{delete as appropriate}* must be gained following a trial familiarisation session.

#### **4. CONSTRUCTION**

- 4.1 Dogs or cats *{delete as appropriate}* must live in the home as family pets. There must be no external construction of buildings, cages or runs.
- 4.2 The premises shall have its own entrance and must not have shared access e.g. communal stairs.
- 4.3 There must be adequate space, light, heat and ventilation for the dogs or cats *{delete as appropriate}*.
- 4.4 As far as reasonably practicable all areas/rooms within the home to which boarded dogs or cats *{delete as appropriate}* have access, must have no physical or chemical hazards that may cause injury to the dogs or cats *{delete as appropriate}*.
- 4.5 There must be sufficient space available to be able to keep the dogs or cats *{delete as appropriate}* separately if required.

#### **5 EXERCISE FACILITIES**

- 5.1 Dogs must be exercised in accordance with their owner's wishes. If dogs are taken off the premises, they must be kept on leads unless with the owners written permission.
- 5.2 There must be direct access to a suitable outside area. The area/garden must only be for the home owner (not shared with other residents). The area must be kept clean.
- 5.3 The exercise area/garden area of the premises and any other area to which boarded dogs may have access, must be totally secure and safe. Fencing must be adequate to offer security to prevent escape and be safe, with no dangerous sharp objects or protrusions. Gates must be able to be locked.
- 5.4 If there is a pond or pool, it must be covered to avoid drowning.
- 5.5 Dogs or cats *{delete as appropriate}* must wear a collar and identity tag during their time in boarding. The tag must display the name, address and telephone number of the boarding premises.
- 5.6 Cats must not be allowed outside unless they are on leads, or with the owner's written permission.
- 5.7 A double door system must be employed so that no cat has direct access to any external door in regular use.

5.8 The Licensing Authority must be informed on the next working day if a dog or cat *{delete as appropriate}* is lost.

## **6 MANAGEMENT**

### **6.1 TRAINING**

6.1.1 The Licensee must be able to demonstrate that they are competent to care for their boarders.

6.1.2 A written training policy for staff must be provided. Staff must be trained in the safe handling of animals, emergency procedures and all relevant licence conditions that are applicable to their work. Staff should also be regularly vaccinated against Tetanus.

### **6.2 CLEANLINESS**

6.2.1 All areas where the dogs or cats *{delete as appropriate}* have access to, including the kitchen etc must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog or cat *{delete as appropriate}* comfort.

6.2.2 All excreta and soiled material must be removed from all areas used by dogs or cats *{delete as appropriate}* at least daily and more often if necessary. Disposal facilities for animal waste must be agreed with the Licensing Authority.

6.2.3 Suitably sized impermeable litter trays, which are easy to clean and disinfect must be provided at all times. These must be emptied and cleansed at least once a day and as necessary at any time during the day if found to be unduly soiled. A suitable material for litter must be provided.

6.2.4 All bedding areas must be kept clean and dry.

6.2.5 Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the treatment and handling of dogs or cats *{delete as appropriate}* with infectious diseases. The final route for all such waste shall comply with current waste regulations.

6.2.6 Measures must be taken to minimise the risks from rodents, insects and other pests within the premises.

6.2.7 Premises must be thoroughly disinfected between each boarding visit.

6.2.8 Veterinary advice must be sought in relation to cleaning substances so that they or their fumes cannot be harmful to animals.

### **6.3 FOOD AND WATER SUPPLIES**

6.3.1 All dogs or cats *{delete as appropriate}* shall have an adequate supply of suitable food as directed by the client.

6.3.2 Fresh drinking water must be available at all times (unless advised otherwise by a veterinary surgeon) and the drinking vessel cleaned daily. The water must be changed at least twice a day.

6.3.3 Suitable bedding, bowls, grooming materials etc must be provided. Clients may be encouraged to provide their own items. These items must be cleaned regularly to prevent cross-infection. The Licensee must also be able to provide extra materials.

6.3.4 Where necessary, eating and drinking vessels must be provided, and where so, they must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must also be maintained in a clean condition. Feeding bowls must be cleaned or disposed of after each meal and each dog or cat *{delete as appropriate}* must be provided with its own bowl.

### **6.4 KITCHEN FACILITIES**

6.4.1 Airtight containers must be provided for the storage of dry foods. Uncooked food and the remains of opened tins must be stored in covered, non-metal, leak proof containers in the fridge.

6.4.2 All bulk supplies of food shall be kept in vermin proof containers. These must be stored in a separate area from where the dog or cats *{delete as appropriate}* is kept.

6.4.3 A separate sink from the household sink must be used for washing dog bowls etc.

### **6.5 DISEASE CONTROL AND VACCINATION**

6.5.1 Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst the dogs or cats *{delete as appropriate}*, staff and visitors.

6.5.2 Proof must be provided that boarded and resident dogs have current vaccinations against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis (*L. canicola* and *L. icterohaemorrhagicae*) and

Canine Parvovirus and other relevant diseases. The course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with manufacturer's instructions. A record that this proof has been supplied must be kept on-site throughout the period that the dog is boarded.

- 6.5.3 Proof must be provided that boarded and resident cats have current vaccinations against infectious feline enteritis, feline respiratory disease and other relevant diseases. The course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with manufacturer's instructions. A record that this proof has been supplied must be kept on-site throughout the period that the cat is boarded.
- 6.5.4 Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any dog or cat *{delete as appropriate}* is sick or injured, any instructions for its treatment, which have been given by a veterinary surgeon, must be strictly followed.
- 6.5.4 A well-stocked first-aid kit suitable for use on dogs or cats *{delete as appropriate}* must be available and accessible on site.
- 6.5.5 The Licensee must be registered with a veterinary practice that can provide 24-hour help and advice. The clients own veterinary practice must be known and consulted if necessary.
- 6.5.6 Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in premises, boarded and resident dogs or cats *{delete as appropriate}*. Proof must be maintained for all routine and emergency treatments for parasites.
- 6.5.7 The premises shall be treated for fleas and parasites with an effective product as necessary.

## **6.6 ISOLATION AND CONTAGIOUS DISEASE OUTBREAK.**

- 6.6.1 Dogs or cats *{delete as appropriate}* showing signs of any disease or illness shall be isolated from any other dogs or cats *{delete as appropriate}* and kept within the premises until veterinary advice is obtained. There must be sufficient facilities within the licensed premises to ensure effective separation of any sick animal.
- 6.6.2 The Licensee must inform the Council without delay if a dog or cat *{delete as appropriate}* develops an infectious disease.

6.6.3 Following an episode of infectious disease during any stay, the premises must undergo a reasonable quarantine period before new boarders are admitted. This period will be specified by the Licensing Authority with advice from a veterinary surgeon.

6.6.4 The Council must be informed of any animal death on the premises. The Licensee must make arrangements for the body to be stored at a veterinary surgeon's premises until the owners return unless directed otherwise by the owner or their representative.

## **6.7 REGISTER**

6.7.1 A register must be kept of all dogs or cats {delete as appropriate} boarded. The information kept must include the following:

- Date of arrival
- Name of dog or cat *{delete as appropriate}*, any identification system such as microchip number, tattoo
- Description, breed, age and gender of dog or cat *{delete as appropriate}*
- Name, address and telephone number of owner or keeper
- Name, address and telephone number of contact person whilst boarded
- Name, address and telephone number of veterinary surgeon
- Anticipated and actual date of departure
- Proof of current vaccinations, medical history and requirements
- Details of any treatment administered whilst the animal is being boarded
- Health, welfare nutrition and exercise requirements
- Copy of written consent from the owner regarding boarding their animal with other dogs or cats *{delete as appropriate}*.

6.7.2 Such a register is to be available for inspection at all times by an authorised officer of the Licensing Authority and/or a veterinary surgeon.

6.7.3 The register must be kept readily available for a minimum of 2 years and kept in such a manner as to allow an authorised officer easy access to such information.

6.7.4 If medication is to be administered, this must be recorded.

6.7.5 Where records are computerised, a back-up copy must be kept. The register must also be available to key members of staff of the establishment at all times.

## **6.8 SUPERVISION**

6.8.1 A fit and proper person with relevant experience must always be available to exercise supervision and deal with emergencies whenever dogs or cats

*{delete as appropriate}* are boarded at the premises. This person must not have any conviction or formal Cautions for any animal welfare related offence.

6.8.2 Dogs or cats *{delete as appropriate}* must not be left unattended for longer than 3 hours at a time and then not on a regular basis.

6.8.3 No home where there are children under 5 years of age will be licensed.

6.8.4 Only people over 16 years of age are allowed to walk the dogs unsupervised in public places.

## **6.9 FIRE / EMERGENCY PRECAUTIONS**

6.9.1 Appropriate steps must be taken for the protection of the dogs or cats *{delete as appropriate}* in case of fire or other emergencies.

6.9.2 The occupier of the property must be aware of the location of the dogs or cats *{delete as appropriate}* in the property at all times.

6.9.3 Careful consideration needs to be given to the sleeping area for dogs or cats *{delete as appropriate}* to ensure that they can be easily evacuated in the event of a fire, without putting the occupiers of the property at risk.

6.9.4 A fire warning procedure and emergency evacuation plan – including details of where dogs or cats *{delete as appropriate}* are to be evacuated to in the event of a fire or other emergency - must be drawn up, brought to the attention of those involved in the home boarding arrangements and/or displayed in a prominent place on the premises. The Licensee must have suitable arrangements for the temporary boarding of dogs or cats *{delete as appropriate}* in the event that the licensed premises is rendered uninhabitable.

6.9.5 Fire detection equipment must be provided in accordance with general advice given by the Fire Safety Officer. The home must have at least 2 working smoke detectors located at the top & bottom of the staircase, or other appropriate location.

6.9.6 All doors to unoccupied rooms must be kept shut at night.

6.9.7 All electrical installations and appliances must be maintained in a safe condition. No dog or cat *{delete as appropriate}* must be left in a room with loose or trailing cables or wires.

6.9.8 All heating appliances must be free of risk of fire as is reasonably practicable. There must be no use of freestanding gas or unsealed oil appliances. Any other freestanding appliances must be kept in a safe, secure manner and should not be easily knocked over by boarding dogs or cats *{delete as appropriate}*.

6.9.9 A relative, friend or neighbour within 5 minutes travelling time must have a spare set of keys and access to the premises in case of emergency. These details must be made available to the Licensing Authority.

## **6.10 TRANSPORT**

6.10.1 If a collection or delivery service is provided, a suitable vehicle with a guard, cage or other suitable restraint must be used.

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## **Animal Boarding Establishment Act 1963**

### **Conditions for a licence for a day care dog boarding establishment**

#### **GENERAL**

- 1.1 Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs have access and/or are used in association with the boarding of dogs.
- 1.2 Dogs are not permitted to be boarded overnight.
- 1.3 The Licensee must not knowingly accept any dog, which has been subject to successful action under Section 3 of the Dangerous Dogs Act 1991(as amended).
- 1.4 Dog hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. Wolf Hybrids) are not to be accepted for home boarding.
- 1.5 Written consent must be received from every dog owner before any dog is placed into the establishment for the first time, confirming that they agree that their dog(s) may socialise with other dogs.
- 1.6 Pre-screening of dogs must be undertaken prior to them being accepted into the day care centre to ensure they will be comfortable in the presence of other dogs and will not be a danger to dogs, staff or other visitors.
- 1.7 The licensee must not be disqualified from keeping animals under any legislation.
- 1.8 The appointed officer of the Licensing Authority can, at any reasonable time, have a right of entry onto the premises for the purpose of carrying out any of the relevant statutory provisions. To enable these provisions to be carried out, the appointed officer may take any other person authorised by the Council that may be considered necessary.
- 1.9 The Licensee must ensure that the establishment is covered by adequate and suitable public liability insurance and, where necessary, adequate and suitable employers liability insurance. Certificates of insurance must be produced on request to clients or the Licensing Authority.
- 1.10 Normally planning permission will not be required for the home boarding of animals on the scale proposed, however should complaints be received because of particular noise or odour problems, then the Licensing Authority reserves the right to refer to Planning Enforcement/ Environmental Protection to investigate. .

## **2. LICENCE DISPLAY**

- 2.1 A copy of the licence and its associated conditions must be suitably displayed to the public in a prominent position in, on or about the boarding establishment.

## **3. NUMBERS OF ANIMALS**

- 3.1 The maximum number of dogs to be kept at any one time is #
- 3.2 No animals other than dogs are to be boarded within the licensed facilities without the written approval of an authorised officer from Tonbridge & Malling Borough Council.

## **4. CONSTRUCTION**

- 4.1 The establishment must, at all times, be laid out and operated in accordance with an approved plan of the premises, to be attached to the licence. Before carrying out any alterations, plans must be submitted to and approved by an authorised officer of Tonbridge & Malling Borough Council.
- 4.1.1 Wood should not be used in exposed construction of walls, floors, partitions, door frames or doors in the licensed premises. There must be no projections liable to cause injury.
- 4.1.2 The construction of the premises must be such that the security of the dog is ensured and that it is safe.
- 4.1.3 Any exterior wood must be properly treated against wood rot. Only products which are not toxic to dogs must be used.
- 4.1.4 All internal surfaces such as walls, floors, partitions, doors and door frames are to be durable, smooth, impervious and capable of being easily cleaned. There must be no projections or rough edges liable to cause injury.
- 4.1.5 Junctions between wall and floor sections should be coved. If impractical in existing premises, all joints must be sealed.
- 4.1.6 A double gate system must be provided at all entrances and exits to the premises to prevent the escape of dogs.
- 4.1.7 Doors must be strong enough to resist impact and scratching and must be capable of being effectively secured.

- 4.1.8 All windows that pose a security risk must be escape-proof at all times and where necessary windows must be suitably protected against contact and breakage by dogs.
- 4.1.9 The establishment must be connected to mains drainage or an approved, localised sewage disposal system.
- 4.2. Floors must have effective means of drainage where necessary.
- 4.2.1 Adequate lighting must be provided in all areas which are, or may be, used in connection with the establishment so that all parts are clearly visible at all times that the business is in operation. Where practicable this must be natural light.
- 4.2.2 Adequate ventilation must be provided to all interior areas.
- 4.2.3 Suitable and safe means shall be provided for heating, to an appropriate temperature, of all common indoor areas.
- 4.2.4 Maintenance and repair of the whole establishment must be carried out regularly so as to maintain it in a suitable condition.

## **5 EXERCISE FACILITIES**

- 5.1 Dogs must be exercised in accordance with their owner's wishes. If dogs are taken off the premises, they must be kept on leads unless with the owners written permission.
- 5.2 There must be direct access to a suitable outside area. The area/garden must only be for the home owner (not shared with other residents). The area must be kept clean.
- 5.3 The exercise area/garden area of the premises and any other area to which boarded dogs may have access, must be totally secure and safe. Fencing must be adequate to offer security to prevent escape and be safe, with no dangerous sharp objects or protrusions. Gates must be able to be locked.
- 5.4 If there is a pond or pool, it must be covered in such a way as to prevent drowning.
- 5.5 Dogs must wear a collar and identity tag during their time in boarding. The tag must display the name, address and telephone number of the boarding premises.

## **6 MANAGEMENT**

### **6.1 TRAINING**

- 6.1.1 Staff must receive the necessary training and instruction in their duties relating to dog care. All records of training must be kept for inspection by an authorised officer of Tonbridge & Malling Borough Council.

### **6.2 CLEANLINESS**

- 6.2.1 All areas where the dogs have access to, including the kitchen etc must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog comfort.
- 6.2.2 All excreta and soiled material must be removed from all areas used by dogs or cats {delete as appropriate} at least daily and more often if necessary. Disposal facilities for animal waste must be agreed with the Licensing Authority.
- 6.2.4 All bedding must be kept clean and dry.
- 6.2.5 Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the treatment and handling of dogs with infectious diseases. The final route for all such waste shall comply with current waste regulations.
- 6.2.6 Measures must be taken to minimise the risks from rodents, insects and other pests within the premises.

### **6.3 FOOD AND WATER SUPPLIES**

- 6.3.1 All dogs shall have an adequate supply of suitable food as directed by the client.
- 6.3.2 Fresh drinking water must be available at all times (unless advised otherwise by a veterinary surgeon) and the drinking vessel cleaned daily. The water must be changed at least daily.
- 6.3.3 Where necessary, eating vessels must be provided, and where so, they must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must also be maintained in a clean condition. Feeding bowls must be cleaned or disposed of after each meal.

## **6.4 KITCHEN FACILITIES**

- 6.4.1 If food is provided, exclusive facilities, hygienically constructed and maintained, must be provided for the storage and preparation of food for the dogs.
- 6.4.2 Where fresh and cooked meats are stored, refrigeration facilities must be provided, and potential food contamination must be avoided.
- 6.4.3 A sink with hot and cold running water must be provided for the washing of food equipment and eating and drinking vessels. A separate wash-hand basin with hot and cold (or appropriately mixed warm) running water must be provided for staff with soap and hygienic hand drying facilities.
- 6.4.4 Suitable containers for storing foods must be provided and must be constructed and maintained to guard against insects and other pests. All food must be kept in these containers unless it is otherwise protected (e.g. individual tinned food). These containers must be capable of being easily cleaned and disinfected and must be kept in a clean condition.

## **6.5 DISEASE CONTROL AND VACCINATION**

- 6.5.1 Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst the dogs, staff and visitors.
- 6.5.2 Dogs attending the day care facility must have current vaccinations against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis (*L. canicola* and *L. icterohaemorrhagicae*) and Canine Parvovirus, Bordetella Kennel Cough and other relevant diseases. The course of vaccination must have been completed at least four weeks before the first date of attendance or in accordance with manufacturer's instructions. A record that this proof has been supplied must be kept on-site.
- 6.5.3 Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any dog is sick or injured, any instructions for its treatment, which have been given by a veterinary surgeon, must be strictly followed.
- 6.5.4 A well-stocked first-aid kit suitable for use on dogs must be available and accessible on site.
- 6.5.5 The Licensee must be registered with a veterinary practice that can provide 24-hour help and advice. The clients own veterinary practice must be known and consulted if necessary.

- 6.5.6 Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in premises and boarded dogs.
- 6.5.7 The premises shall be treated for fleas and parasites with an effective product as necessary.
- 6.5.8 A suitable range of muzzles of varying sizes and a suitable dog catching device must be kept on site.

## **6.6 ISOLATION AND CONTAGIOUS DISEASE OUTBREAK.**

- 6.6.1 Dogs showing signs of any disease or illness shall be isolated from any other dogs and kept within the premises until veterinary advice is obtained. There must be sufficient facilities within the licensed premises to ensure effective separation of any sick animal.
- 6.6.2 The Licensee must inform the Council without delay if a dog develops an infectious disease.
- 6.6.3 Following an episode of infectious disease during any stay, the premises must undergo a reasonable quarantine period before new boarders are admitted. This period will be specified by the Licensing Authority with advice from a veterinary surgeon.
- 6.6.4 The Council must be informed of any animal death on the premises.
- 6.6.5 The isolation facilities should be maintained at a temperature suitable for the dog, dependent on veterinary advice.
- 6.6.6 Hands must be washed after leaving the isolation facility and before handling other dogs.

## **6.7 REGISTER**

- 6.7.1 A register must be kept of all dogs attending the licensed establishment. The information kept must include the following:
- Times and days of boarding
  - Name of dog, any identification system such as microchip number or tattoo
  - Description, breed, age and gender of dog
  - Name, address and telephone number of owner or keeper
  - Name, address and telephone number of contact person if different to owner or keeper
  - Name, address and telephone number of veterinary surgeon
  - Proof of current vaccinations, medical history and requirements

- Details of any treatment administered whilst the animal is being boarded
  - Health, welfare nutrition and exercise requirements
- 6.7.2 Such a register is to be available for inspection at all times by an authorised officer of the Licensing Authority and/or a veterinary surgeon.
- 6.7.3 The register must be kept readily available for a minimum of 2 years and kept in such a manner as to allow an authorised officer easy access to such information.
- 6.7.4 If medication is to be administered, this must be recorded.
- 6.7.5 Where records are computerised, a back-up copy must be kept. The register must also be available to key members of staff of the establishment at all times.

## **6.8 SUPERVISION**

- 6.8.1 A fit and proper person with relevant experience must always be available to exercise supervision and deal with emergencies whenever dogs are boarded at the premises. This person must not have any conviction or formal Cautions for any animal welfare related offence.
- 6.8.2 Adequate staffing must be provided to ensure continual supervision and safety of all the dogs. The ratio of dogs to staff at any one time shall not exceed 6:1.
- 6.8.3 Dogs must not be left unattended for longer than 3 hours at a time and then not on a regular basis.
- 6.8.4 No home where there are children under 5 years of age will be licensed.
- 6.8.5 Only people over 16 years of age are allowed to walk the dogs unsupervised in public places.

## **6.9 FIRE / EMERGENCY PRECAUTIONS**

- 6.9.1 Appropriate steps must be taken for the protection of the dogs in case of fire or other emergencies.
- 6.9.2 A fire warning procedure and emergency evacuation plan – including details of where dogs are to be evacuated to in the event of a fire or other emergency - must be drawn up, brought to the attention of those involved in the home boarding arrangements and/or displayed in a prominent place on the premises.

- 6.9.3 Fire detection equipment must be provided in accordance with general advice given by the Fire Safety Officer and must be properly maintained.
- 6.9.4 All electrical installations and appliances must be maintained in a safe condition.
- 6.9.5 All heating appliances must be free of risk of fire as is reasonably practicable. There must be no use of freestanding gas or unsealed oil appliances. Any other freestanding appliances must be kept in a safe, secure manner and should not be easily knocked over by dogs.
- 6.9.6 There must be adequate means of raising an alarm in the event of a fire or other emergency.

## TONBRIDGE & MALLING BOROUGH COUNCIL

### LICENSING & APPEALS COMMITTEE

22 September 2015

#### Report of the Director of Central Services and Monitoring Officer

#### Part 1- Public

#### Matters for Information

#### 1 TAXI SAFEGUARDING TRAINING

##### 1.1 Executive overview

- 1.1.1 Child sexual exploitation is not new – it has been around for years. What is new is the fact that professionals are now recognising the signs and responding to safeguard the victims.
- 1.1.2 There have been a number of high profile cases in the news recently, Rotherham, Rochdale, Oxford, but we have also had cases in Kent. This is still a hidden problem, and we do not know the full extent. Part of the issue is that in the beginning at least, the victims do not see themselves as victims.
- 1.1.3 It starts with the grooming process, then the isolation, then the control and abuse.
- 1.1.4 Kent is known as a high risk corridor authority. If we consider children and young people being trafficked from overseas, we know YP arrive, Dover, Ebbsfleet, Ashford Int'l, etc, but many pass through Kent to other destinations. However a number do stay in Kent and we need to be aware of the risks that they YP are in, and if we know something we have a duty to report.
- 1.1.5 In Tonbridge & Malling Borough Council we have worked with Kent Police and Kent Safeguarding Children Board to develop a training package for Taxi Drivers which has resulted in running two pilot training courses which have attracted heavy media interest.

## 1.2 Background

1.2.1 As of the 27 August 2015 the Borough Council had 617 taxi & private hire drivers made up as follows:

Type of licence	27.08.2015	01.02.2012	%
Hackney Carriage Drivers	165	151	9.27%
Hackney Carriage Probationary Drivers	2	0	
Dual Driver badges	117	51	129.41%
Private Hire Drivers	251	216	16.20%
Private Hire Probationary Drivers	82	0	
<b>Total number of drivers</b>	<b>617</b>	<b>418</b>	<b>47.61%</b>

1.2.2 The Borough Council ran two pilot training sessions on "Safeguarding Children Abused through Sexual Exploitation". The first pilot training was aimed at Operators, Managers and Supervisors, whilst the second pilot was for drivers.

1.2.3 The learning outcomes for the two training sessions covered:

- What is meant by Sexual Exploitation and Trafficking
- Some key indicators
- Why some young people get trapped into sexual exploitation
- What to do when you have concerns that a child or young person may be at risk
- Understanding the role of taxi companies
- How to support reporting drivers and victims of CSE and Trafficking

1.2.4 As a result of the Borough Council issuing a press release there was very extensive coverage from different media outlets, including BBC, local radio, social media and local press. A summary of the press coverage is show at **Annex 1**.

1.2.5 I have also sent the training material to different Licensing Authorities around the Country, including Hull City Council, Oxfordshire County Council and Hertsmere Borough Council.

## 1.3 Legal Implications

1.3.1 None arising from this report

**1.4 Financial and Value for Money Considerations**

1.4.1 None arising from this report

**1.5 Policy Considerations**

1.5.1 Safeguarding Children Framework

Background papers:

Nil

Contact:

Anthony Garnett 6151

Adrian Stanfield

Director of Central Services and Monitoring Officer

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**Tuesday 30<sup>th</sup> June 2015 - Taxi CSE Pilot Operators Training**

**Tuesday 14<sup>th</sup> July 2015 - taxi driver pilot training**

## Press release for Safeguarding training and press coverage

- TMBC Press Release
- Tonbridge & Malling Website
- Kent Messenger – Friday 17 July 2015
- Courier – Friday 17 July 2015
- BBC News web page – 18 July 2015
- <https://www.facebook.com/BBCSouthEastToday/videos/10153454399028648/>
- Institute of Licensing Web Site
- Institute of Licensing Face Book page
- Kent –online – 18 July 2015
- Kentnews.co.uk – 14 July 2015
- Taxi Hire News – 18 July 2015
- LGIU Daily News – 20 July 2015
- Social Media
- KMFM Radio Interview – 18 July 2015
- Sample certificate for completing the training

**Anthony Garnett**

**Licensing and Community Safety Manager**



# News release

NR09

14 July 2015

## **Safeguarding training for licensed taxi drivers**

Tonbridge & Malling Borough Council is piloting training sessions on "Safeguarding Children Abused through Sexual Exploitation". This is the first time these training sessions, which are provided by the Council and the Kent Safeguarding Children's Board, will be given in Kent.

The training will provide awareness through case studies and highlight the signs that drivers should look out for when transporting people around. These include any patterns in journeys and whether drivers are being asked to take the same adults or young people to the same address or multiple addresses.

The two pilot sessions for managers, supervisors and drivers will be rolled out to 584 Hackney Carriage and Private Hire drivers licensed in the borough.

Cllr Brian Luker, Tonbridge & Malling Borough Council's Cabinet Member for Community Safety, said: "With the recent high profile cases in the press we are making this training mandatory for all new applicants and taxi drivers who are currently licensed with Tonbridge & Malling Borough Council. This will ensure that operators, managers and drivers are aware of the signs to look out for and who to contact if they have any concerns."

**Ends**

### **Note to editors**

A photo is attached with the suggested caption: Taxi drivers attending the pilot training session at Tonbridge and Malling Council offices.

For more information, please contact: Janet Saunders, Media & Communications Manager

Tel: 01732 876008 or email: [janet.saunders@tmbc.gov.uk](mailto:janet.saunders@tmbc.gov.uk)



Home » News » Archive 2015 » Big Tidy Up and a Big Scoop launches "Love Kent Hate Litter" campaign » Safeguarding training for licensed taxi drivers

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## Safeguarding training for licensed taxi drivers

Last Updated: 15 Jul 2015 8:45am

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## Spotting the signs

### Cabbies told to look out for abuse of children

Taxi drivers across Tonbridge and Malling have been trained to spot the signs of child sex abuse.

by James Walker  
jameswalker@thekmgrouop.co.uk  
@JWalkerKM

Things drivers will look out for include regular patterns in journeys and whether children are plied with alcohol.  
Jason Brown, manager of Express Cabs, said:

### INSIDE SHELL-EBRATE!

Tortoise given set of wheels

PAGE 3

### PHOTO CAPERS

Risque pose for calendar cover

PAGE 6

### PITCH TRIBUTE

Teams remember bright young star

PAGE 9

### SHOW SUCCESS

Thrills and spills at county show

## Pioneering training will help cabbies to be on alert for potential child abuse victims



Taxi drivers attending the pilot training session at Tonbridge and Malling Council offices; Jason Brown, manager of Express Cabs, above, said the training made him realise that drivers are in a good position to help look out for possible victims of abuse

### MORE SCANDALS

Child sex abuse scandals have come to light in several UK towns.

In Rotherham in November 2010 five men were jailed for sexual offences against under-age girls. But a confidential police report had warned thousands of such crimes were being committed.

In 2012 South Yorkshire Police set up a task force to investigate the issues - finding off accusations it was slow to act because of the ethnic origin of those said to be involved.

An independent inquiry revealed abuse included abduction, rape, torture and sex trafficking of children.

There have also been prosecutions of groups of men in TI towns and cities, including Oldham, Rochdale and Derby.

In May West Midlands police examined the issue in its patch. It led to taxi drivers in Wolverhampton having their licences suspended after alarm bells were raised about potential abuse.

# Taxi drivers joining the fight

by James Walker  
jameswalker@thekmgroupp.co.uk  
@JWalkerKM

Taxi drivers in Tonbridge and Malling are to play their part in guarding against child sex abuse following scandals across the UK.

Around 800 hackney carriage and private hire drivers have become the first in Kent to get new training on protecting children.

The scheme is being rolled out after an independent inquiry into the Rotherham sex abuse scandal found private hire vehicles were used to move around victimised children.

It is believed 1,400 children in the Yorkshire town were sexually exploited, predominantly by gangs of British-Pakistani men.

Drivers will be asked to look out for any regular patterns in journeys, whether they are being booked to take the same adults or young people to the same addresses, or if older men



Drivers will be vigilant for signs of possible abuse

were offering children things like alcohol.

An inaugural batch of drivers were trained at the council

offices in Kings Hill at the end of June. Among them was Nick Rushby, manager of Castle Cars.

He said: "I went into the training quite sceptical, thinking these things seem like a good idea to the council but they can be a pain.

"It's all to do with trafficking and what to look for. I now think it's fantastic and I will support it the whole way.

"If putting all the drivers through the training saves just one victim it's worth it."

#### Think

Jason Brown, manager of Express Cabs, added: "It's not something immediately obvious to think about but having attended it makes you realise our drivers are in a good position to spot things like this."

Once they have completed the training it is hoped drivers will be more vigilant about young people's vulnerability.

If drivers are suspicious they can report concerns to their supervisors, the council or police.

Lessons are delivered as part of the council's Safeguarding Children Abused Through Sexual Exploitation initiative.

The borough council did not say whether there was a heightened risk to children in the borough, but said it felt moved to act because abusers using pri-

vate hire vehicles was a common trend across England.

Cllr Brian Luker, cabinet member for community safety, said: "With the recent high profile cases in the press we are making this training mandatory for all new applicants and those currently licensed."

# Taxi drivers trained to spot sex abuse signs

TONBRIDGE taxi drivers are being trained to spot patterns to help safeguard children abused through sexual exploitation.

Tonbridge and Malling Borough Council is piloting these training sessions on "Safeguarding Children Abused through Sexual Exploitation".

This will be the first time they will be given in Kent.

They will provide awareness through case studies and highlight the signs that drivers should look out for when transporting people around. These include any patterns in journeys and whether drivers are being asked to take the same adults or young people to the same address or multiple addresses.

The two pilot sessions for managers, supervisors and drivers will be rolled out to 584 Hackney Carriage and Private Hire drivers licensed in the borough.

## Mandatory

Cllr Brian Luker, TMBC cabinet member for community safety, said: "With the recent high-profile cases in the press we are making this training mandatory for all new applicants and taxi drivers who are currently licensed with Tonbridge and Malling Borough Council.

"This will ensure that operators, managers and drivers are aware of the signs to look out for and who they should contact if they have any concerns," he added.



SAFETY: Tonbridge taxi drivers doing the training sessions

## Kent cabbies to be trained to spot signs of sexual exploitation

18 July 2015 | Kent



Taxi drivers are being urged to report any signs of suspicious activity or journeys

Taxi drivers in part of Kent are to be trained to spot signs of the sexual exploitation of children and young people.

Tonbridge and Malling Council is running the sessions with the Kent Safeguarding Children Board.

### Top Stories

#### Draw up 40% cuts plans, ministers told

Some government departments are told to prepare for a 40% cut in their budgets as Chancellor George Osborne launches his spending review.

20 minutes ago

#### Burnham admits Labour welfare 'mess'

1 hour ago

#### Man in court on 'terror plan' charge

14 minutes ago

### Features



#### The Portfolio Diet

Michael Mosley on how to reduce cholesterol

Drivers will be taught to watch for signs of distress and suspicious activity, the authority said.

This might include adults or young people being taken to the same or multiple addresses.

Taxi drivers will be encouraged to report any concerns, with the key message: "Say something if you see something."

### **'Purely awareness'**

The council is making the training compulsory for all new applicants and drivers currently licensed with Tonbridge & Malling Borough Council.

Anthony Garnett, from the council, said of drivers: "They hear a huge amount of conversation and are engaged in conversation.

"We're not asking drivers to intervene with questions. It's purely awareness and to report any concerns they may have."

Speaking of what he had learned, Terry Hill, a taxi driver from Castle Cars, said things to look out for might include: "Signs they are scared to go to a particular place or that they are worried about being with a particular person, signs of distress."

Fellow taxi driver Nick Rushby felt it was worthwhile: "It gives you a good idea what to look for. If we can save one teenager it's worth a couple of hours of your time."



**BBC South East Today**

For the first time in Kent, taxi drivers are being trained on how to spot the signs of child sexual exploitation. It follows high profile cases such as the widespread abuse of children in Rotherham.

18 July

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**TERRY HILL**  
Taxi driver, Castle Cars

BBC SOUTH EAST TODAY



**ANTHONY GARNETT**  
Tonbridge & Malling Borough Council

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**NICK RUSHBY**  
Taxi driver, Castle Cars

BBC SOUTH EAST TODAY

# Institute of Licensing Web Site

The screenshot shows a web browser window displaying an article on the Institute of Licensing website. The browser's address bar shows the URL: [http://www.instituteoflicensing.org/article\\_id/1001639/2015/07/15/Safeguarding+training+for+K...](http://www.instituteoflicensing.org/article_id/1001639/2015/07/15/Safeguarding+training+for+K...). The website header includes the Institute of Licensing logo and a 'member login' section with 'Login' and 'Forgot Password' buttons. A navigation menu lists: Home, Taxis, About, News, Regions, Events, Membership, National Licensing Forum, Library, Links, Contact, and ISVs. The article title is 'Safeguarding training for Kent licensed taxi drivers', published on 15/Jul/2015. The article text states: 'Tonbridge & Malling Borough Council is piloting training sessions on "Safeguarding Children Abused through Sexual Exploitation"'. A yellow banner below the text reads: 'You need to be logged in as a member to read the full story'. The footer contains: '© 2015 Institute Of Licensing | [Terms & Conditions](#) | [Contact Us](#) | a SPACESTREAM.com CMS website'. A social media sidebar on the left includes icons for Facebook, Twitter, Email, Print, and a plus sign.

The screenshot shows a Facebook post from the 'Institute of Licensing' page. At the top, there is a Facebook login form with fields for 'Email or Phone' and 'Password', and buttons for 'Log In', 'Keep me logged in', and 'Forgotten your password?'. Below the login form, a banner reads 'Institute of Licensing is on Facebook. To connect with Institute of Licensing, sign up for Facebook today.' with 'Sign Up' and 'Log In' buttons. The main post content shows the Institute of Licensing profile picture and name, followed by the text: 'Institute of Licensing shared a link. 15 July at 23:15 ·'. The shared link preview includes the title 'Safeguarding training for Kent licensed taxi drivers - Institute of Licensing', the text 'Tonbridge & Malling Borough Council is piloting training sessions on 'Safeguarding Children Abused through Sexual Exploitation'. INSTITUTEOFLICENSING.ORG | BY SIMON FLETCHER', and interaction buttons for 'Like', 'Comment', and 'Share'.

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## Tonbridge and Malling taxi drivers join fight against child abuse

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by James Walker [jameswalker@thekmgroupp.co.uk](mailto:jameswalker@thekmgroupp.co.uk)   18 July 2015

Taxi drivers in Tonbridge and Malling are to play their part in guarding against child sex abuse following scandals across the UK.

Around 600 hackney carriage and private hire drivers have become the first in Kent to get new training on protecting children.

The scheme is being rolled out after an independent inquiry into the Rotherham sex abuse scandal found private hire vehicles were used to move around victimised children.




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It is believed 1,400 children in the Yorkshire town were sexually exploited, predominantly by gangs of British-Pakistani men.

Drivers will be asked to look out for any regular patterns in journeys, whether they are being booked to take the same adults or young people to the same addresses, or if older men were offering children things like alcohol.

An inaugural batch of drivers were trained at the council offices in Kings Hill at the end of June. Among them was Nick Rushby, manager of Castle Cars.



Drivers will be vigilant for signs of possible abuse. Stock picture

He said: "I went into the training quite sceptical, thinking these things seem like a good idea to the council but they can be a pain.

"It's all to do with trafficking and what to look for. I now think it's fantastic and I will support it the whole way.

"If putting all the drivers through the training saves just one victim it's worth it."

Jason Brown, manager of Express Cabs, added: "It's not something immediately obvious to think about but having attended it makes you realise our drivers are in a good position to spot things like this."



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## Taxi drivers taught to spot child sexual exploitation rings in pioneering pilot project in Kent

12:40 14 July 2015 | Chris Britcher



Taxi drivers in Tonbridge

Hundreds of cabbies will be taught how to spot the tell-tale signs and alert the authorities of any suspicious activity

Taxi drivers are being educated as part of a pilot project to help identify child sexual exploitation rings.

The training will include keep an eye out for any patterns in journeys and whether drivers are being asked to take the same adults or young people to the same address or multiple addresses.

Tonbridge & Malling Borough Council is piloting training sessions, Safeguarding Children Abused through Sexual Exploitation, in what will be the first time it is rolled out in Kent.

The two pilot sessions for managers, supervisors and drivers will be rolled out to 584 Hackney Carriage and Private Hire drivers licensed in the borough.

Brian Luker, the council's cabinet member for community safety, said: "With the recent high profile cases in the press we are making this training mandatory for all new applicants and taxi drivers who are currently licensed with Tonbridge & Malling Borough Council.

"This will ensure that operators, managers and drivers are aware of the signs to look out for and who to contact if they have any concerns."



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## Tonbridge and Malling taxi drivers join fight against child abuse – Kent Online

Posted in *Taxi Hire News*

July 18, 2015

Taxi drivers in Tonbridge and Malling are to play their part in guarding against child sex abuse following scandals across the UK.

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The scheme is being rolled out after an independent inquiry into the Rotherham sex abuse scandal found private hire vehicles were used to move around victimised children.



Taxi drivers attending the pilot training session at Tonbridge and Malling Borough Council's offices

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Monday, 20th July 2015

### CHILDREN

#### **Blind eye turned to testing**

Freedom of Information requests by the College of Optometrists have shown that many county councils are failing to provide eye tests for children, despite national recommendations that they are given to four and five year olds. The data showed that only 30% of authorities said they provide the tests, with 40% admitting they do not.

*The Sun, Page: 15 Daily Mirror, Page: 11 The Daily Telegraph, Page: 12*

#### **Cabbies to be trained to spot signs of sexual exploitation**

Taxi drivers in part of Kent are to be trained to spot signs of the sexual exploitation of children and young people. **Tonbridge and Malling Council** is running the sessions with the Kent Safeguarding Children Board.

[BBC News](#)

## Social Media

### Victoria Hill

19-Jul 06:57

Very impressed that @TMBC\_Kent have trained taxi drivers on #CSE #  
operationmakesafe @maidstonebc have you/Will you do the same?

[View Message](#)



### Maidstone council

20-Jul 11:04

@Victoria\_C\_Hill @TMBC\_Kent it is something we are looking to do as well

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### The Update with kmfm news

The kmfm news team brings you all the latest updates throughout the day and a special extended bulletin at 1pm, looking in more detail at the county's biggest stories.

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Mr Neil Graham Bushell  
14 Glenleigh Road  
Wateringbury  
Maidstone  
Kent  
ME18 5LE

This is to certify that Mr Neil Graham Bushell has completed the following one day training course held on Tuesday 30 June 2015.

## **"Safeguarding Children Abused through Sexual Exploitation"**



This will be given by Tonbridge & Malling Borough Council and Kent Safeguarding Children's Board

A handwritten signature in black ink, appearing to read "A.W. Powell".

Licensing and Community Safety Manager

Safeguarding training certificate issued by  
The Licensing Authority of Tonbridge & Malling Borough Council  
Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ  
Telephone Number 01732 876368

# Agenda Item 8

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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# Agenda Item 9

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT  
INFORMATION**

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# Agenda Item 10

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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