

Borough of Gosport

Notice is hereby given that an **EXTRAORDINARY MEETING** of the **COUNCIL OF THE BOROUGH OF GOSPORT** will be held in the **TOWN HALL, GOSPORT** on **WEDNESDAY** the **TWENTY NINTH DAY** of **NOVEMBER 2006** at **5.30PM** AND **ALL MEMBERS OF THE COUNCIL ARE HEREBY SUMMONED TO ATTEND TO CONSIDER AND RESOLVE THE FOLLOWING BUSINESS –**

1. To receive apologies from Members for their inability to attend the Meeting.
2. **Election of Honorary Freeman**

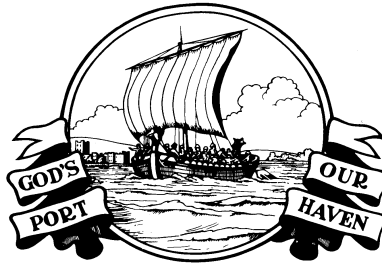
In accordance with Section 249(5) of the Local Government Act, 1972, the Council is required to approve the following recommendation:-

“That, in accordance with Section 249(5) of the Local Government Act, 1972, the Rights, Titles, Privileges, Honours and Distinctions granted by the Borough to the Royal Hospital Haslar be reaffirmed and extended to include the Ministry of Defence Hospital Unit (Portsmouth) in recognition of the strong links with Defence Medical Services that still exist, which permits the Royal Hospital Haslar and Ministry of Defence Hospital Unit (Portsmouth) to march through the streets of the Borough on all ceremonial occasions with bayonets fixed, drums beating and colours flying.”

**IAN LYCETT
CHIEF EXECUTIVE**

**TOWN HALL
GOSPORT**

21 November 2006



Borough of Gosport

Notice is hereby given that a **MEETING** of the **COUNCIL OF THE BOROUGH OF GOSPORT** will be held in the **TOWN HALL, GOSPORT** on **WEDNESDAY** the **TWENTY NINTH DAY** of **NOVEMBER 2006** at **6.00PM** AND **ALL MEMBERS OF THE COUNCIL ARE HEREBY SUMMONED TO ATTEND TO CONSIDER AND RESOLVE THE FOLLOWING BUSINESS –**

1. To receive apologies from Members for their inability to attend the Meeting.
2. To confirm the Minutes of the Ordinary Meeting of the Council held on 4 October 2006 (copy herewith).
3. To receive, consider and pass such resolutions as the Council shall deem expedient on the Mayor's Communications (if any).
4. To receive Deputations in accordance with Standing Order No 3.5 and to answer Public Questions pursuant to Standing Order No 3.6, such questions to be answered orally during a time not exceeding 15 minutes.

(NOTE: Standing Order No 3.5 requires that notice of a Deputation should be received by the Borough Solicitor NOT LATER THAN 12 O'CLOCK NOON ON MONDAY, 27 NOVEMBER 2006 and likewise Standing Order No 3.6 requires that notice of a Public Question should be received by the Borough Solicitor NOT LATER THAN 12 O'CLOCK NOON ON MONDAY, 27 NOVEMBER 2006).

5. Questions (if any) pursuant to Standing Order No 3.4.

(NOTE: Members are reminded that Standing Order No 3.4 requires that Notice of Question pursuant to that Standing Order must be received by the Borough Solicitor NOT LATER THAN 12 O'CLOCK NOON ON TUESDAY, 28 NOVEMBER 2006).

6. To receive and determine the following Part I Minutes of the Boards of the Council -

BOARD	DATE	PAGE NO
Policy & Organisation Board	8 November 2006	5
Community & Environment Board	30 October 2006	6 - 7

7. Notice of Motion

In accordance with Standing Order 3.3 the following Notices of Motion have been received:

- (a) Councillor Hook –

“That the Council suspend Standing Orders 4.6 and 4.14 for the purposes of considering the following three Motions on (A) Car Park Charges, (B) Gosport Festival Working Group and (C) Holbrook Recreation Centre Working Group.”

- (b) Councillor Philpott –

“A. (i) That the Council notes with regret that the Car Park Charges Working Group appointed at the Extraordinary Meeting of the Council on 11th September 2006 has not met.

(ii) That the Council regrets the refusal by the Leader of Gosport’s Liberal Democrat Group to discuss his charging policy with the Council’s Policy Scrutiny Committee and to ignore the invitations of that Committee.

(iii) That the Council agree that any removal of car parking charges would have the effect of increasing harmful carbon emissions.

(iv) That the Council now considers the objections to the Borough of Gosport (Off Street Parking Places) (Gosport and Lee-on-the Solent) (Amendment) (No.3) Order 2006.

The Council has complied with the statutory requirements to consult certain bodies and to advertise their intention to make the Order, a copy of the advert is attached. The Council have also placed the attached documents on deposit as required by the regulations.

The period for objections closed on 18 October 2006. No objections were received from the statutory bodies.

4 written objections have been received in response to the advert, copies of which are attached as appendix A. The addresses of individuals have been removed and the objections are open to public inspection.

(v) In light of the objections the Council resolves not to proceed with making the Borough of Gosport (Off Street Parking Place) (Gosport and Lee-on-the Solent) (Amendment) (No.3) Order 2006.”

A copy of the documents accompanying the Notice of Motion have been sent to each Member, placed on the Website and placed in the Members Room.

(c) Councillor Kimber –

“B. (i) That the Council notes that the Gosport Festival Working Group has failed to submit any recommendations to full Council for the Gosport Waterfront Festival for 2007 and that it is disbanded with immediate effect.

(ii) To ensure a successful Waterfront Festival, that the Council agree that the Gosport Waterfront Festival decisions are taken by the Community Events Sub-Board who have delegated powers to make decisions on behalf of the Council.”

(d) Councillor Hook –

“C. (i) That the Council notes that the Holbrook Recreation Centre Working Group have failed to submit any recommendations to full Council and that therefore it is disbanded with immediate effect.

(ii) That the 3 companies who expressed an interest in providing new leisure facilities for Gosport be invited to make a presentation to Full Council to enable a decision on the way forward to be made.”

8. To receive the following Part II Minutes of the Boards of the Council –

BOARD	DATE	PAGE NO
Policy & Organisation Board	8 November 2006	8 - 9
Community & Environment Board	30 October 2006	10 - 13
Housing Board	1 November 2006	14 - 18

9. Review of Council Boards, Sub-Boards and Committees and Determination of Allocation of Seats

To consider the report of the Borough Solicitor (copy herewith).

10. Report from Borough Solicitor on recommendation of Services Overview and Scrutiny Committee (15 November 2006) on a new Overview and Scrutiny Committee (copy herewith).

11. To appoint and elect a nominee to serve on the under-mentioned Outside Body.

Fareham and Gosport MIND

The Council's appointee has resigned and it is therefore recommended to consider making a Borough Council nomination to Fareham and Gosport MIND for the remainder of the Municipal Year.

**IAN LYCETT
CHIEF EXECUTIVE**

**TOWN HALL
GOSPORT**

21 November 2006

NOTE: (1) MEMBERS ARE REQUESTED TO NOTE THAT IF THE COUNCIL WISHES TO CONTINUE ITS BUSINESS BEYOND 9.30PM THEN THE MAYOR MUST MOVE SUCH A PROPOSITION IN ACCORDANCE WITH STANDING ORDER 4.11.18.

BOROUGH OF GOSPORT
TRAFFICE REGULATION ORDER

NOTICE is hereby given that THE GOSPORT BOROUGH COUNCIL in exercise of its powers under Section 32 and 35 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act") and of all other enabling powers and after consultation with the County Council in accordance with Section 39 of this Act and The Chief Officer of Police proposes to make the following Order:-

THE BOROUGH OF GOSPORT (OFF STREET PARKING PLACES) (GOSPORT AND LEE-ON-THE-SOLENT) (AMENDMENT) (NO 3) ORDER 2006

The effect of the Order is as follows:-

1. To change the waiting restrictions in the 3 hour and 1 hour Gosport Town Centre Car Parks to 2 hours with no return within 2 hours (excluding Thorngate Way Car Park).
2. To remove the daily parking charges in these car parks (excluding Thorngate Way Car Park).
3. To change the waiting restrictions in the Thorngate Way Car Park on Saturday, Sunday and Bank Holidays to 2 hours with no return within 2 hours and to remove the parking charges on those days.
4. To provide that in the above car parks, even though free of charge a parking ticket is still to be obtained and displayed, in accordance with the instructions in each car park.

Objections to the proposals should be sent to the Environmental Services Manager, Town Hall, Gosport, PO12 1EB, stating the grounds thereof by the 18th October 2006

LINDA EDWARDS
BOROUGH SOLICITOR

Town Hall Gosport
PO12 1EB
Dated 26th September 2006

STATEMENT OF REASONS FOR MAKING THE ORDER

The Council has undertaken a review of car parking operations following the introduction of car parking charges, and propose to make amendments to THE BOROUGH OF GOSPORT (OFF STREET PARKING PLACES)(GOSPORT AND LEE-ON-THE-SOLENT) ORDER 2004 as amended by THE BOROUGH OF GOSPORT (OFF STREET PARKING PLACES)(GOSPORT AND LEE-ON-THE-SOLENT)(AMENDMENT)(NO1) and (NO2) ORDERS 2005 as detailed in THE BOROUGH OF GOSPORT (OFF STREET PARKING PLACES)(GOSPORT AND LEE-ON-THE-SOLENT)(AMENDMENT)(NO3) ORDER 2006 for the following reason:

The removal of car park charges in the short stay car parks in Gosport town centre is to encourage local shopping trips therefore helping to minimise the number of longer journeys and reduce congestion on the wider highway network. The waiting restrictions have been changed in these car parks to 2 hours to ensure these spaces are used for such trips.

Dated August 2006

THE BOROUGH OF GOSPORT (OFF STREET PARKING PLACES) (GOSPORT AND LEE-ON-THE-SOLENT) (AMENDMENT) (NO 3) ORDER 2006

The Gosport Borough Council (hereinafter referred to as "the Council") in exercise of its powers under Section 32 and 35 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act") and of all other enabling powers and after consultation with the County Council in accordance with Section 39 of the Act and with the Chief Officer of Police hereby make the following Order:-

1. The Order specified in column 1 to the Schedule to this Order is hereby varied as indicated in column 2 to that Schedule
2. This Order may be cited as THE BOROUGH OF GOSPORT (OFF STREET PARKING PLACES) (GOSPORT AND LEE-ON-THE-SOLENT (AMENDMENT) (NO 3) ORDER 2006 and shall come into force on the day of 2006

EXECUTED AS A DEED)
by affixing the Common Seal of)
THE COUNCIL OF THE)
BOROUGH OF GOSPORT)
this day of 2006)
in the presence of:-

Borough Solicitor

THE BOROUGH OF GOSPORT (OFF STREET PARKING PLACES)(GOSPORT AND LEE-ON-THE-SOLENT) (AMENDMENT) (NO 3) ORDER 2006

SCHEDULE

Column 1	Column 2
<p>THE BOROUGH OF GOSPORT (OFF STREET PARKING PLACES) (GOSPORT AND LEE-ON-THE-SOLENT) ORDER 2004 AS AMENDED BY THE BOROUGH OF GOSPORT (OFF STREET PARKING PLACES) (GOSPORT AND LEE-ON-THE-SOLENT) (AMENDMENT) (NO 1) ORDER 2005 AND AS FURTHER AMENDED BY THE BOROUGH OF GOSPORT (OFF STREET PARKING PLACES) (GOSPORT AND LEE-ON-THE-SOLENT) (AMENDMENT) (NO 2) ORDER 2005</p>	<p>1. Amend Article 30.2 (c) by inserting "is of" before "a class"</p> <p>2. Amend Article 30.4 by deleting the first paragraph and replacing with "during any period between 8am and 6pm on Saturdays, Sundays and Bank Holidays a Valid Parking Ticket has been obtained and is displayed in accordance with Article 39.2, or the Vehicle is displaying a Medical Permit in accordance with Article 39.2 and the Vehicle:-"</p> <p>3. Amend Article 30.4(a) by deleting "one hour" and replace with "two hours"</p> <p>4. Amend final paragraph of Article 30 by inserting in 7th line after "purchased" " or obtained"</p> <p>5. Amend Article 34 as follows</p> <p>delete paragraph (a) and replace with</p> <p>"(a) during any period between 8am and 6pm a Valid Parking Ticket has been obtained and is displayed in accordance with Article 39.2; or"</p> <p>Amend paragraph (d) by deleting 'Free of charge' and replace with 'a Motor Cycle'</p> <p>Amend paragraph (f) by deleting "one hour" and replace with "two hours"</p> <p>6. Amend final paragraph of Article 34 as follows</p> <p>Fifth line delete "has purchased a Valid Parking Ticket, the Vehicle is Free of charge" and replace with "has obtained a Valid Parking Ticket, or the Vehicle is a Motor Cycle"</p> <p>7. Amend Article 39.1 by deleting at the end of paragraph (a) "and" and replace with "or"</p> <p>(b) has been obtained from a pay and display machine or parking inspector authorised by or on behalf of the Council at</p>

a Parking Place in accordance with the instructions for that Parking Place and on the day and for the period specified in relation to the Parking Place in which the Vehicle is placed; and”

8. Article 39.1 Reletter (b) to (c)

9. Article 39.1 Reletter (c) to (d) and amend by inserting after “purchased” “or obtained”

10. Article 39.1 Reletter (d) to (e)

11. Article 39.1 Amend final paragraph by inserting after “purchased” on both the second and third line “or obtained”.

12. Amend Schedule 4 by deleting entries 1 – 7 inclusive and renumber entries 8, 9 and 10 as 1,2 and 3 respectively

13. Amend Schedule 6 by deleting and replacing with the attached Schedule 6

14. Amend Schedule 10 by deleting and replacing with the attached Schedule 10.

SCHEDULE 6

PARKING PLACES OPEN TO PERMIT HOLDERS MONDAY TO FRIDAY (EXCLUDING BANK HOLIDAYS) IN WHICH DAILY PARKING CHARGES APPLY (CHARGING HOURS 8AM –6PM)

PARKING PLACES MARKED 'DISABLED' OPEN TO DSIABLED PERSONS BADGE HOLDERS VISITING THE TOWN HALL ONLY BETWEEN THE HOURS OF 8AM AND 6PM MONDAY TO FRIDAY (EXCLUDING BANK HOLIDAYS) WAITING LIMITED TO 1 HOUR NO RETURN WITHIN 2 HOURS

(a) Car Park	(b) Class of Vehicle	(c) Price
1. The Parking Place situated at the south side of the Town Hall known as Thorngate Way Car Park	Motor Vehicle	Motor Vehicle 50p per hour
	Motor Cycle	Over 5 hours £3.00 per day
		Motorcycles Free
		Disabled Persons Exempt
		Badge Holders Exempt
		Valid Permit Holders Exempt

Table 1

FOR THE AVOIDANCE OF DOUBT USERS OF THIS CAR PARK MONDAY TO FRIDAY MUST DISPLAY A PERMIT FOR USE IN THE CAR PARK AND DISPLAY EITHER A VALID PARKING TICKET OR A VALID PERMIT OR BE HOLDERS OF A DISABLED BADGE AND PARK IN A PARKING PLACE MARKED 'DISABLED' DISPLAYING PERSONS BADGE

PARKING PLACES OPEN TO THE PUBLIC SATURDAYS, SUNDAYS AND BANK HOLIDAYS WHERE A VALID PARKING TICKET IS REQUIRED BETWEEN THE HOURS OF 8AM AND 6PM – WAITING LIMITED TO 2 HOURS NO RETURN WITHIN 2 HOURS

(a) Car Park	(b) Class of Vehicle
1. The Parking Place situated at the south side of the Town Hall known as Thorngate Way Car Park	Motor Vehicle
	Trailer
	Motor Cycle

Table 2

SCHEDULE 10

**PARKING PLACE WHERE A VALID PARKING TICKET IS REQUIRED AND
WAITING LIMITED TO 2 HOUR, NO RETURN WITHIN 2 HOURS (8AM-6PM)**

(a) Car Park	(b) Class of Vehicle
1. The Parking Place situated off the north side of South Street to the east of the shopping precinct known as Coates Way Car Park	Motor Vehicle Motor Cycle
2. The Parking Place situated off South Street adjacent to the Bus Station known as Mumby Road Bus Station Car Park	Motor Vehicle Motor Cycle
3. The Parking Place situated off the north side of Minnitt Road known as Minnitt Road North Car Park	Motor Vehicle Motor Cycle
4. The Parking Place situated off the north side of South Street and east of Bemisters Lane known as South Street Car Park	Motor Vehicles Motor Cycle
5. The Parking Place situated off the north side of the loading road to the rear of 1-17 High Street Gosport known as North Loading Bay Car Park	Motor Vehicle Motor Cycle
6. The Parking Place off the south side of Minnitt Road to the rear of Nos. 45-49 High Street, Gosport known as Minnitt Road South Car Park	Motor Vehicle Motor Cycle
7. The Parking Place situated off the west side to North Cross Street opposite 11-16 North Cross Street known as North Cross Street No. 1 Car Park	Motor Vehicle Motor Cycle
8. The Parking Place situated off the west side of North Cross Street opposite 17-20 North Cross Street known as North Cross Street No. 2 Car Park	Motor Vehicle Motor Cycle
9. The Parking Place situated at Church Path (excluding spaces marked "Residents") known as Church Path Car Park	Motor Vehicle Motor Cycle

THE BOROUGH OF GOSPORT (OFF STREET PARKING PLACES) (GOSPORT AND LEE-ON-THE-SOLENT) (AMENDMENT) (NO 2) ORDER 2005

The Gosport Borough Council (hereinafter referred to as "the Council") in exercise of its powers under Section 32 and 35 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act") and of all other enabling powers and in exercise of the powers of the County Council under Section 45 and 46 of the Act and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act and after consultation with the County Council in accordance with Section 39 of this Act hereby make the following Order:-

1. The Order specified in column 1 to the Schedule to this Order is hereby varied as indicated in column 2 to that Schedule

2. This Order may be cited as THE BOROUGH OF GOSPORT (OFF STREET PARKING PLACES) (GOSPORT AND LEE-ON-THE-SOLENT (AMENDMENT)(NO 2) ORDER 2005 and shall come into operation on the 1st day of August 2005

3. Any Resident Permit and Non-Resident Permit purchase before the date of this Order is notwithstanding the provisions of this Order deemed to be a Valid Permit for the duration of the period for which it was issued.

THE COMMON SEAL OF THE COUNCIL OF)
THE BOROUGH OF GOSPORT was hereunto)
affixed this 1st day of August 2005)
in the presence of:-)

Janice E. ...
Borough Solicitor



BOROUGH OF GOSPORT

THE BOROUGH OF GOSPORT (OFF STREET PARKING PLACES)(GOSPORT AND LEE-ON-THE-SOLENT) (AMENDMENT) (NO 2) ORDER 2005

SCHEDULE 1

Amendments to Existing Order

Column 1	Column 2
<p>THE BOROUGH OF GOSPORT (OFF STREET PARKING PLACES) (GOSPORT AND LEE-ON-THE SOLENT) ORDER 2004 AS AMENDED BY THE BOROUGH OF GOSPORT (OFF STREET PARKING PLACES) (GOSPORT AND LEE-ON-THE-SOLENT) (AMENDMENT) (NO1) ORDER 2005</p>	<ol style="list-style-type: none"> 1. In Part 1 General under paragraph 3 amend as follows:- <ol style="list-style-type: none"> (a) Delete the definition in full of "Entitled Resident" (b) Delete the definition in full of "Resident Permit" and replace with " "Long Stay Car Park Permit" means a permit issued under Article 40 of this Order" (c) Delete the Definition in full of "Non Resident Permit" and replace with the definition " "Medical Person" means a General Practitioner Nurse Midwife Health Visitor or any similar medical practitioner employed or contracted by the General Medical Practices in the Borough or employed or contracted by the Primary Care Trust and working in the Borough (d) Insert after the definition of "Medical Person" the following definition; " "Medical Permit" means a permit issued under Article 40.4.1 of this Order" (e) Insert the definition "Seafront Car Park Permit" means a permit issued under Article 40.12 of this Order" after the definition of "Long Stay Car Park Permit" 2. Delete the wording in Article 19 (h) and replace with:- "The Driver of a Vehicle shall not permit the Vehicle to wait in any Parking Place (or part thereof) specified in Schedule 8 to this Order for longer than three hours at any one time and shall not within two hours after its leaving permit the Vehicle to return and wait in the Parking Place" 3. Insert new Article 19 (n) "The Driver of a Vehicle shall not permit the Vehicle to wait in any Parking Place (or part thereof) specified in Schedule 9 Part C to this Order between the hours of 10pm to 7.30am 1 April to 30 September and between the hours of 8pm to 7.30am 1 October to 31 March" 4. In Article 28 insert new sub-paragraph "(b) the Vehicle is displaying a Medical Permit in accordance with Article 39.2 and the existing (b) (c) (d) (e) (e) in Article 28 become (c) (d) (e) (f) (g) respectively 5. Amend final paragraph of Article 28 6th line by inserting after "Valid Parking Ticket;" "the Vehicle is displaying a Medical Permit;" 6. Amend Article 30.4 by inserting in the 7th line after "Article 39.2" the following "or the Vehicle is displaying a Medical Permit in accordance with Article 39.2" 7. Amend Article 30 by inserting in the last line of the last

paragraph after "Free of charge" "or the Vehicle is displaying a Medical Permit"

8. Amend Article 32 by deleting the wording in sub-paragraph (a) and (b) and replacing with the following:-
" (a) the Vehicle does not wait in the Parking Place for longer than three hours at any one time; and
 (b) the Vehicle is not permitted to return to the Parking Place within two hours of the Vehicle leaving such Parking Place; and "
9. Replace the Article number "33." with "33.1" and delete the word and figure "Schedule 9" throughout Article 33.1 and replace with the words and figure "Schedule 9 Part A " and amend the penultimate line by deleting after "Parking Ticket" "has" and replace with "is displaying"
10. Insert a new Article 33.2 with the following wording:-

"The Driver of a Vehicle placed in a Parking Place (or part thereof) specified in Schedule 9 Part B hereto shall be exempt from payment of the Standard Charge provided that:-

- (a) during any period within charging hours a Valid Parking Ticket has been purchased at the price specified in Schedule 9 Part B (as amended from time to time by notice under Section 35 (c) of the Act) and for the periods indicated in Schedule 9 Part B and is displayed in accordance with Article 39.2; or
- (b) during any period within charging hours a Valid Permit is displayed in accordance with Article 39.2; or
- (c) a Disabled Persons Badge is displayed in accordance with Article 39.2; or
- (d) the Vehicle is Free of charge; and
- (e) the Vehicle is of a class specified in column (b) in Schedule 9 Part B for that particular Parking Place; and
- (f) the Vehicle has been placed in strict compliance with the provisions of this Order including Articles 4 to 22 inclusive of this Order

FOR THE AVOIDANCE OF DOUBT the Driver of any Vehicle placed in a Parking Place specified in Schedule 9 Part B hereto in such manner as not to comply with the provisions of Articles 4 to 22 inclusive hereto shall be liable to pay the Standard Charge irrespective of whether in accordance with this Article the Driver of the Vehicle has purchased a Valid Parking Ticket is displaying a Valid Permit is displaying a Disabled Persons Badge or the Vehicle is Free of charge"

11. Insert a new Article 33.3 with the following wording:-
"The Driver of a Vehicle placed in the Parking Place (or part thereof specified in Schedule 9 Part C hereto shall be exempt from payment of the Standard Charge provided that:-
 (a) during any period within charging hours a Valid Parking Ticket has been purchased at the price specified in Schedule 9 Part C (as amended from time

to time by notice under Section 35(c) of the Act) and for the periods indicated in Schedule 9 Part C and is displayed in accordance with Article 39.2; or

- (b) during any period within charging hours a Valid Permit is displayed in accordance with Article 39.2; or
- (c) a Disabled Persons Badge is displayed in accordance with Article 39.2 or
- (d) the Vehicle is Free of charge; and the Vehicle is a class specified in column (b) in Schedule 9 Part C for that particular Parking Place; and
- (e) the Vehicle does not wait in the Parking Place between the hours of 10pm to 7.30 am 1 April to 30 September or between the hours of 8pm to 7.30am 1 October to 31 March and
- (f) the Vehicle has been placed in strict compliance with the provisions of this Order including Articles 4 to 22 inclusive of this Order

FOR THE AVOIDANCE OF DOUBT the Driver of any Vehicle placed in a Parking Place specified in Schedule 9 Part C hereto in such manner as not to comply with the provisions of Articles 4 to 22 inclusive hereto shall be liable to pay the Standard Charge irrespective of whether in accordance with this Article the Driver of the Vehicle has purchased a Valid Parking Ticket is displaying a Valid Permit is displaying a Disabled Persons Badge or the Vehicle is Free of charge”

- 12. Insert in Article 34 a new sub-paragraph (b) as follows “the Vehicle is displaying a Medical Permit in accordance with Article 39.2” and the existing sub-paragraphs (b) (c) (d) (e) (f) in Article 34. become (c) (d) (e) (f) (g) respectively and insert at the end of Article 34 after “Badge” “or is displaying a Medical Permit”
- 13. In Article 36 insert new sub-paragraph (b) as follows “the Vehicle is displaying a Medical Permit in accordance with Article 39.2” and the existing sub-paragraphs (b) and (c) in Article 36 become (c) and (d) respectively and insert at the end of Article 36 after “Permit” “or is displaying a Medical Permit”
- 14. Insert in Article 37 new sub-paragraph (b) as follows “the Vehicle is displaying a Medical Permit in accordance with Article 39.2” and the existing sub-paragraphs (b) (c) (d) (e) in Article 37 become (c) (d) (e) (f) respectively and insert at the end of Article 37 after “Permit” “or is displaying a Medical Permit”
- 15. Amend Article 39.2 by inserting after “Valid Visitor Permit;” on the second line “display of a Medical Permit” and amending sub-paragraph (a) by deleting after “a permit” in the first line “and” and by inserting after “Valid Visitor Permit;” “and a Medical Permit” and amending the final paragraph of Article 39.2 by inserting after “Valid Visitor Permit;” “a Medical Permit;”
- 16. In Article 40.3 delete the words “Resident Permit” and replace with the words “Long Stay Car Park Permit”
- 17. Delete the wording in Article 40.3.1 and replace with the following:-

	<p>"Any person may apply to the Council for the issue of a Long Stay Car Park Permit for the leaving of a Motor Vehicle in any of the Parking Places specified in Schedule 9 Part A; Part B; and Part C of this Order"</p> <p>18. In Article 40.3.2 delete the wording and replace with the following:- "On receipt of an application duly made under the provisions of this Article and the charge specified in Article 40.3.4 the Council may issue to the applicant one Long Stay Car Park Permit for use in the Parking Places referred to in Article 40.3.1 and in accordance with the provisions of this Order"</p> <p>19. Delete Article 40.3.3</p> <p>20. In Article 40.3.4 delete the words "Entitled Resident" and replace with the word "applicant" and delete the words "Resident Permit" and replace with the words "Long Stay Car Park Permit" and renumber as Article "40.3.3"</p>
	<p>21. Delete Articles 40.4 through to 40.4.3 and replace with new 40.4 to 40.4.4 as follows:- "40.4 Medical Permit 40.4.1 Any Medical Person who: (a) Is the Owner of a Motor Vehicle; or (b) With the permission of the Owner uses a Motor Vehicle on a regular basis may apply to the Council for the issue of one Medical Permit for the leaving of the Motor Vehicle referred to in Article 40.4.1 in any of the Parking Places specified in Schedules 4,6,9,10,12 and 13 inclusive of this Order</p> <p>40.4.2 The Medical Permit is only to be used and displayed when the Medical Person is visiting a patient at their home and not at any other time</p> <p>40.4.3 On receipt of an application duly made under the provision of this Article and the charge specified in 40.4.4 and the Council being satisfied that the provisions of Article 40.4.1 are met in full the Council may issue one Medical Permit to the Medical Person for use in the Parking Places referred to in Article 40.4.1 and in accordance with the provisions of this Order</p> <p>40.4.4 The applicant for a Medical Permit shall pay to the Council the charge for the Medical Permit set out in Schedule 15 to this Order"</p> <p>22. In Article 40.7.3 delete the words "or an Entitled Resident" from Article 40.7.3(a) and replace with the words "a Medical Person"</p> <p>23. In Article 40.7.3 (b) delete "or 40.3.1(b)"</p> <p>24. In Article 40.7.3(d) insert the words "Part A; Part B; and Part C" after the figure "9"</p> <p>25. In Article 40.9 in sub-paragraph (a) after the word "issued" insert the words "save that this only applies to a Gosport Town Centre Resident Permit and Lee-on-the-Solent Resident Permit"</p> <p>26. In Article 40.10 after the figure "9" insert the words "Part A Part B; and Part C" and in the final paragraph of Article</p>

	<p>40.10 after the word "a permit;" delete the word "and " and after the words "a Valid Visitor Permit" insert the words "; and a Medical Permit"</p> <p>27. In Article 40.11 in the final paragraph after the words "a permit;" delete the word "and" and after the word "a Valid Visitor Permit" insert the words ";and a Medical Permit"</p> <p>28. Insert a new Article 40.12 as follows:- "Seafront Car Park Permit"</p> <p>40.12.1 A person may apply to the Council for the issue of a Seafront Car Park Permit for the leaving of a Motor Vehicle in any of the Parking Places specified in Schedule 9 Part B and Part C of this Order</p> <p>40.12.2 the applicant shall pay to the Council the charge for the Seafront Car Park Permit set out in Schedule 15 of this Order</p> <p>40.12.3 On receipt of an application duly made under the provisions of this Article and the charge specified in Article 40.12.2 the Council may issue to the applicant one Seafront Car Park Permit referred to in Article 40.12.1 for use in the Parking Places specified in Schedule 9 Part B and Part C of this Order and in accordance with the provisions of this Order</p> <p>29. Delete Schedule 4 of the Order and replace with the attached Schedule 4</p> <p>30. Delete Schedule 6 of the Order and replace with the attached Schedule 6</p> <p>31. Delete Schedule 8 of the Order and replace with the attached Schedule 8</p> <p>32. Delete Schedule 9 of the Order and replace with the attached Schedule 9 Part A Part B and Part C</p> <p>33. Delete Schedule 10 of the Order and replace with the attached Schedule 10</p> <p>34. Delete Schedule 12 of the Order and replace with the attached Schedule 12</p> <p>35. Delete Schedule 13 of the Order and replace with the attached Schedule 13</p> <p>36. Delete Schedule 15 of the Order and replace with the attached Schedule 15</p>
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SCHEDULE 4

**PARKING PLACES IN WHICH DAILY PARKING CHARGES APPLY
(CHARGING HOURS 8AM - 6PM)**

**WAITING LIMITED TO 3 HOURS, NO RETURN WITHIN 2 HOURS
(8AM – 6PM)**

(a) Car Park	(b) Class of Vehicle	(c) Price	
1. The Parking Place situated off the north side of Minnitt Road known as Minnitt Road North Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle hour	50p per
		Trailer hour	50p per
		Motorcycles	Free
		Disabled Persons	Exempt
		Badge Holders	
		Medical Permit	Exempt
2. The Parking Place situated off the north side of South Street and east of Bemisters Lane known as South Street Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle hour	50p per
		Trailer hour	50p per
		Motorcycles	Free
		Disabled Persons	Exempt
		Badge Holders	
		Medical Permit	Exempt
3. The Parking Place situated off the north side of the loading road to the rear of 1-17 High Street Gosport known as North Loading Bay Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle hour	50p per
		Trailer hour	50p per
		Motorcycles	Free
		Disabled Persons	Exempt
		Badge Holders	
		Medical Permit	Exempt
4. The Parking Place off the south side of Minnitt Road to the rear of Nos. 45-49 High Street, Gosport known as Minnitt Street South Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle hour	50p per
		Trailer hour	50p per
		Motorcycles	Free
		Disabled Persons	Exempt
		Badge Holders	
		Medical Permit	Exempt
5. The Parking Place situated off the west side of North Cross Street opposite 11-16 North Cross Street known as North Cross Street No. 1 Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle hour	50p per
		Trailer hour	50p per
		Motorcycles	Free
		Disabled Persons	Exempt
		Badge Holders	
		Medical Permit	Exempt
6. The Parking Place situated off the west side of North Cross Street opposite 17-20 North Cross Street known as North Cross Street No. 2 Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle hour	50p per
		Trailer hour	50p per
		Motorcycles	Free
		Disabled Persons	Exempt
		Badge Holders	

		Medical Permit	Exempt
7. The Parking Place situated at Church Path (excluding spaces marked 'Residents') known as Church Path Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle hour Trailer hour Motorcycles Disabled Persons Badge Holders Medical Permit	50p per hour 50p per hour Free Exempt Exempt Exempt
8. The Parking Place situated off the south west side of Marine Parade West, Lee-on-the-Solent opposite 4-9 Marine Parade West known as Marine Parade No. 1 Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle hour Trailer hour Motorcycles Disabled Persons Badge Holders Medical Permit	50p per hour 50p per hour Free Exempt Exempt Exempt
9. The Parking Place situated off the cliff-lands off the south west side of Marine Parade West, Lee-on-the-Solent, opposite Milvil Road known as Marine Parade No. 2 Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle hour Trailer hour Motorcycles Disabled Persons Badge Holders Medical Permit	50p per hour 50p per hour Free Exempt Exempt Exempt
10. The Parking Place situated off Marine Parade East adjacent to Flower Buildings known as Flower Buildings Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle hour Trailer hour Motorcycles Disabled Persons Badge Holders Medical Permit	50p per hour 50p per hour Free Exempt Exempt Exempt

SCHEDULE 6

PARKING PLACES OPEN TO PERMIT HOLDERS MONDAY TO FRIDAY (EXCLUDING BANK HOLIDAYS) IN WHICH DAILY PARKING CHARGES APPLY (CHARGING HOURS 8AM – 6PM)

PARKING PLACES MARKED 'DISABLED' OPEN TO DISABLED PERSONS BADGE HOLDERS VISITING THE TOWN HALL ONLY BETWEEN THE HOURS OF 8AM AND 6PM MONDAY TO FRIDAY (EXCLUDING BANK HOLIDAYS) WAITING LIMITED TO 1 HOUR NO RETURN WITHIN 2 HOURS

(a) Car Park	(b) Class of Vehicle	(c) Price
1. The Parking Place situated at the south side of the Town Hall known as Thorngate Way Car Park	Motor Vehicle	Motor Vehicle 50p per hour
	Motorcycles	Over 5 hours £3.00 per day
		Motorcycles Free
		Disabled Persons Badge Holders Exempt
		Valid Permit Holders Exempt

Table 1

FOR THE AVOIDANCE OF DOUBT USERS OF THIS CAR PARK MONDAY TO FRIDAY MUST DISPLAY A PERMIT FOR USE IN THE CAR PARK AND DISPLAY EITHER A VALID PARKING TICKET OR VALID PERMIT OR BE HOLDERS OF A DISABLED BADGE AND PARK IN A PARKING PLACE MARKED 'DISABLED' DISPLAYING A DISABLED PERSONS BADGE

PARKING PLACES OPEN TO THE PUBLIC SATURDAYS, SUNDAYS AND BANK HOLIDAYS IN WHICH DAILY PARKING CHARGES APPLY BETWEEN THE HOURS OF 8AM AND 6PM - WAITING LIMITED TO 1 HOUR NO RETURN WITHIN 2 HOURS

(a) Car Park	(b) Class of Vehicle	(c) Price
1. The Parking Place situated at the south side of the Town Hall known as Thorngate Way Car Park	Motor Vehicle	Motor Vehicle 50p
	Trailer	Trailer 50p
	Motorcycles	Motorcycles Free
		Disabled Persons Badge Holders Exempt
		Medical Permit Exempt

Table 2

SCHEDULE 8

WAITING LIMITED TO 3 HOURS AT ANY ONE TIME NO RETURN WITHIN 2 HOURS

1. The Parking Place situated on the south side of Jamaica Place at its western end near its junction with Shaftesbury Road known as Jamaica Place South Car Park
2. The Parking Place situated on the north side of Jamaica Place and east of the Grove Buildings access known as Jamaica Place North Car Park

SCHEDULE 9

PART A

**PARKING PLACES WHERE DAILY PARKING CHARGES APPLY
(CHARGING HOURS 8AM – 6PM)**

(a) Car Park	(b) Class of Vehicle	(c) Price
1. The Parking Place situated off the east side of Clarence Road adjacent to the Masonic Hall (excluding spaces marked 'Residents') known as Clarence Road Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle 50p per hour Trailer 50p per hour Over 5 hours £3.00 per day Motorcycles Free Disabled Persons Exempt Badge Holders Valid Permit Exempt Holders
2. The Parking Place situated off the south side of South Street opposite Thorngate Way known as Walpole Park Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle 50p per hour Trailer 50p per hour Over 5 hours £3.00 per day Motorcycles Free Disabled Persons Exempt Badge Holders Valid Permit Exempt Holders
3. The Parking Place situated off the north side of Mumby Road opposite its junction with Clarence Road known as Mumby Road Lorry Park	Motor Vehicle Trailer Motorcycles HGV's	Motor Vehicle 50p per hour Trailer 50p per hour Over 5 hours £3.00 per day Motorcycles Free HGV's Free Disabled Persons Exempt Badge Holders Valid Permit Exempt Holders

SCHEDULE 9

PART B

**PARKING PLACES WHERE DAILY PARKING CHARGES APPLY
(CHARGING HOURS 10AM – 6PM)**

(a) Car Park	(b) Class of Vehicle	(c) Price
1. The Parking Place situated at Stokes Bay adjacent to the Sailing Club, including the access road from Stokes Bay Road known as Pebble Beach Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle 50p per hour Trailer 50p per hour Over 5 hours £3.00 per day Motorcycles Free Disabled Persons Exempt Badge Holders Valid Permit Exempt Holders
2. Parking Place situated at Stokes Bay known as No 2 Battery, including the access road from Stokes Bay Road known as No. 2 Battery West Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle 50p per hour Trailer 50p per hour Over 5 hours £3.00 per day Motorcycles Free Disabled Persons Exempt Badge Holders Valid Permit Exempt Holders
3. Parking Place situated at Stokes Bay known as No 2 Battery East known as No. 2 Battery East Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicles 50p per hour Trailer 50p per hour Over 5 hours £3.00 per day Motorcycles Free Disabled Persons Exempt Badge Holders Valid Permit Exempt Holders
4. The Parking Place situated at the south side of Marine Parade East adjacent to Elmore Angling Club known as Elmore Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle 50p per hour Trailer 50p per hour Over 5 hours £3.00 per day Motorcycles Free Disabled Persons Exempt Badge Holders Valid Permit Exempt Holders
5. The Parking Place situated on the south side of Stokes Bay Road east of the Alverbank known as Alverbank East Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle 50p per hour Trailer 50p per hour Over 5 hours £3.00 per day Motorcycles Free Disabled Persons Exempt Badge Holders Valid Permit Exempt Holders
6. The Parking Place situated on the south side of Stokes Bay Road west of the Alverbank known as Alverbank West Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle 50p per hour Trailer 50p per hour Over 5 hours £3.00 per day Motorcycles Free Disabled Persons Exempt

		Badge Holders Valid Permit Holders	Exempt
7. Parking Place at Stokes Bay adjacent to Gilkicker Angling Club, including the access road from Stokes Bay Road/Fort Road roundabout known as Gilkicker Car Park	Motor Vehicle Trailer	Motor Vehicle Trailer	50p per hour 50p per hour Over 5 hours £3.00 per day
	Motorcycles	Motorcycles Disabled Persons Badge Holders Valid Permit Holders	Free Exempt Exempt

SCHEDULE 9

PART C

LIMITED WAITING FROM 7.30AM – 10PM 1 APRIL TO 30 SEPTEMBER

LIMITED WAITING FROM 7.30AM – 8PM 1 OCTOBER TO 31 MARCH

**PARKING PLACES WHERE DAILY PARKING CHARGES APPLY
(CHARGING HOURS 10AM – 6PM)**

1. Parking Place situated at the south side of Marine Parade East Opposite Beach Road Lee-on-the-Solent, including the access road from Marine Parade East known as Beach Road Car Park	Motor Vehicle Trailer	Motor Vehicles Trailer	50p per hour 50p per hour Over 5 hours £3.00 per day
	Public Service Vehicle Motorcycles	Coach Motorcycles Disabled Persons Badge Holders Valid Permit Holders	£3.00 per hour Free Exempt Exempt

SCHEDULE 10

**PARKING PLACES IN WHICH DAILY PARKING CHARGES APPLY
(CHARGING HOURS 8AM-6PM)**

WAITING LIMITED TO 1 HOUR, NO RETURN WITHIN 2 HOURS (8AM-6PM)

(a) Car Park	(b) Class of Vehicle	(c) Price	
1. The Parking Place situated off the north side of South Street to the east of the shopping precinct known as Coates Way Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle Trailer Motorcycles Disabled Persons Badge Holders Medical Permit	50p 50p Free Exempt Exempt
2. The Parking Place situated off South Street adjacent to the Bus Station known as Mumby Road Bus Station Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle Trailer Motorcycles Disabled Persons Badge Holders Medical Permit	50p 50p Free Exempt Exempt

SCHEDULE 12

PARKING PLACE OR PART OF A PARKING PLACE TO BE USED BY PERMIT HOLDERS ONLY (INCLUDES MEDICAL PERMIT HOLDERS)

MAXIMUM PERIOD OF WAITING 48 HOURS FOR VALID VISITOR PERMIT HOLDERS

1. The Parking Place south of The Mews known as The Mews Car Park
2. The parking laybys in Trinity Close known as Trinity Close Car Park
3. The spaces marked for residents in the Clarence Road Car Park
4. The spaces marked for residents in the Church Path Car Park
5. North Cross Street, north west of the junction with Mumby Road known as North Cross Street Car Park
North side of North Street known as North Street Car Park
7. White Lion Walk off the eastern side of Clarence Road known as White Lion Walk Car Park
8. Alec Rose House – The Anchorage known as Alec Rose House Car Park
9. Slocum House – The Anchorage known as Slocum House Car Park
10. Gloucester House – Holly Street known as Gloucester House Car Park
11. Hove Court, High Street, Lee-on-the-Solent known as Hove Court Car Park
12. Rogers House, Elmore Road, Lee-on-the-Solent known as Rogers House Car Park
13. Elmore Avenue, access between 36/38 Elmore Avenue, Lee-on-the-Solent known as Elmore Avenue Car Park
14. Chester Courts - three car parks serving Chester Courts off the South side of Jamaica Place known as Chester Courts Car Park
15. Burnhams Walk off the north side of the High Street Rear Loading Road known as Burnhams Walk Car Park

SCHEDULE 13

PARKING PLACE TO BE USED BY PERMIT HOLDERS (INCLUDING MEDICAL PERMIT HOLDERS) AND PARKING PLACE MARKED 'DISABLED' FOR USE BY DISABLED PERSONS BADGE HOLDERS ONLY

MAXIMUM PERIOD OF WAITING 48 HOURS FOR VALID VISITOR PERMIT AND DISABLED PERSONS BADGE HOLDERS

1. The Parking Place situated on the eastern side of Seaward Tower (adjacent to Watergate) known as Watergate Car Park

SCHEDULE 15

CHARGES FOR VALID PERMIT REFERRED TO IN ARTICLE 40 HEREOF (AS AMENDED FROM TIME TO TIME BY NOTICE UNDER SECTION 35(C) OF THE ACT)

Gosport Town Centre Resident Permit - £60.00 per annum

Lee on the Solent Town Centre Resident Permit - £60.00 per annum

Seafront Car Park Permit - £60.00 per annum

Long Stay Car Park Permit:-

1 Month	£40.00
3 Months	£110.00
6 Months	£210.00
per annum	£400.00

*Medical Permit - £10.00 per annum

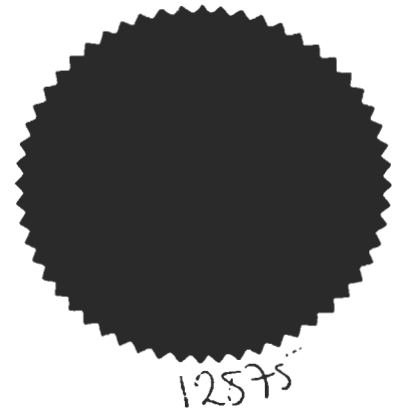
THE BOROUGH OF GOSPORT (OFF STREET PARKING PLACES)
(GOSPORT AND LEE-ON-THE-SOLENT) (AMENDMENT) (NO1) ORDER 2005

The Gosport Borough Council (hereinafter referred to as "the Council") in exercise of its powers under Section 32 and 35 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act and after consultation with the County Council in accordance with Section 39 of this Act hereby make the following Order:-

1. The Order specified in column 1 to the Schedule to this Order is hereby varied as indicated in column 2 to that Schedule

2. This Order may be cited as THE BOROUGH OF GOSPORT (OFF STREET PARKING PLACES) (GOSPORT AND LEE-ON-THE-SOLENT (AMENDMENT)(NO 1) ORDER 2005 and shall come into operation on the 1st day of *APRIL* 2005

THE COMMON SEAL OF THE COUNCIL OF)
THE BOROUGH OF GOSPORT was hereunto)
affixed this 1st day of *APRIL* 2005)
in the presence of:-)



Lucie Edwards
Borough Solicitor

BOROUGH OF GOSPORT

BOROUGH OF GOSPORT (OFF STREET PARKING
PLACES)(GOSPORT AND LEE-ON-THE-SOLENT (AMENDMENT) (NO1)
ORDER 2005

SCHEDULE 1

Amendments to Existing Order

Column 1

Column 2

THE BOROUGH OF
GOSPORT (OFF
STREET PARKING
PLACES) GOSPORT
AND LEE-ON-THE
SOLENT ORDER 2004

1. delete 19. (d) to (f) inclusive and replace with:-

19. (d) The Driver of a Vehicle shall not permit the Vehicle to wait in any Parking Place (or part thereof) specified in Schedule 6 to this Order between the hours of 8am and 6pm Monday to Friday (excluding Bank Holidays) unless the Vehicle is:-
- (i) displaying a permit for use in that Parking Place in accordance with Article 39.2;
 - (ii) a motor cycle placed in a Parking Place marked for Motor Cycles;
 - (iii) displaying a Disabled Persons Badge and is placed in a Parking Place marked 'Disabled'; and the Disabled Persons Badge holder is visiting the Town Hall; and the Vehicle is waiting in the Parking Place for no longer than one hour at any one time and does not return and wait in the Parking Place within two hours of leaving the Parking Place
- (e) The Driver of a Vehicle between the hours of 8am and 6pm on Saturdays Sundays and Bank Holidays displaying a Disabled Persons Badge shall not permit the Vehicle to wait in a Parking Place marked 'Disabled' specified in Schedule 6 to this Order for longer than one hour and shall not within two hours after its leaving permit the Vehicle to return and wait in the Parking Place.
- (f) The Driver of a Vehicle between the hours of 8am and 6pm on Saturdays Sundays and Bank Holidays shall not permit the Vehicle to wait in any Parking Place (or part thereof) specified in Schedule 6 to this Order for longer than one hour and shall not within two hours after its leaving permit the Vehicle to return and wait in the Parking Place.

2. delete Article 30.1 to 30.3 inclusive and replace with:-

30. The Driver of a Vehicle placed in a Parking Place (or part thereof) specified in Schedule 6 hereto shall be exempt from payment of the Standard Charge provided that:-

30.1 during the hours of 8am to 6pm Monday to Friday (excluding Bank Holidays):-

- (a) the Vehicle is displaying a permit for use in that Parking Place in accordance with Article 39.2 and
- (b) a Valid Parking Ticket has been purchased at the price specified in Schedule 6 (as amended from time to time by notice under Section 35 (c) of the Act) and for the periods indicated in Schedule 6 and is displayed in accordance with Article 39.2 or the Vehicle is displaying a Valid Permit in accordance with Article 39.2

OR

30.2 during the hours of 8am to 6pm Monday to Friday (excluding Bank Holidays) the Vehicle is:-

- a) a Motor Cycle placed in a Parking Place marked for Motor Cycles;
- b) waiting in a Parking Place marked 'Disabled' and is a Vehicle displaying a Disabled Persons Badge and the Disabled Person is visiting the Town Hall PROVIDED THAT the Vehicle does not wait in the Parking Place for longer than one hour at any one time and does not return and wait in the Parking Place within two hours of leaving the Parking Place;

AND

- c) a class specified in column (b) of table 1 in Schedule 6 for that Parking Place

AND

30.3 the Vehicle has been placed in strict compliance with the provisions of this Order inclusive of Articles 4 to 22 of this Order

OR

30.4 during any period within charging hours of 8am and 6pm on Saturdays, Sundays and Bank Holidays a Valid Parking Ticket has been purchased at the price specified in Schedule 6 (as amended from time to time by notice under Section 35 (c) of the Act) and for the period indicated in Schedule 6 and is displayed in accordance with Article 39.2 and the Vehicle:-

- a) does not wait in the Parking Place for longer than a period of one hour at any one time and the Driver shall not in any event permit the Vehicle to return and wait in that particular Parking Place within two hours of leaving;
- b) does not wait in the Parking Place marked 'Disabled' unless such Vehicle displays a Disabled Persons Badge;
- c) is of a class specified in column (b) of table 2 in Schedule 6 for that Parking Place

30.5 the Vehicle has been placed in strict compliance with the provisions of this Order inclusive of Articles 4 to 22 of this Order

FOR THE AVOIDANCE OF DOUBT the Driver of any Vehicle placed in a Parking Place specified in Schedule 6 hereto in such manner as not to comply with the provisions of Articles 4 to 22 inclusive hereto, shall be liable to pay the Standard Charge irrespective of whether in accordance with this Article the Driver of the Vehicle is displaying a permit for use in that Parking Place and has purchased a Valid Parking Ticket or has a Valid Permit or the Vehicle is displaying a Disabled Persons Badge or the Vehicle is Free of charge.

3. Schedule 6 to the Order is deleted and replace with the attached Schedule 6.
4. Delete the word 'Street' in paragraph 4. of Schedule 4 to this order and replace with the word 'Road'.
5. Amend paragraph 1. of Schedule 10 to read 'The Parking Place situated off Coates Road to the east of the shopping precinct known as Coates Road Car Park'.
6. Delete the word 'Park' in paragraph 14. of Schedule 12 and replace with the word 'Parks'.
7. Delete the words 'Victoria Road' in paragraph 15. and replace with the words 'Victoria Street'.

SCHEDULE 6

PARKING PLACES OPEN TO PERMIT HOLDERS MONDAY TO FRIDAY
(EXCLUDING BANK HOLIDAYS) IN WHICH DAILY PARKING CHARGES
APPLY (CHARGING HOURS 8AM – 6PM)

PARKING PLACES MARKED 'DISABLED' OPEN TO DISABLED
PERSONS BADGE HOLDERS VISITING THE TOWN HALL ONLY
BETWEEN THE HOURS OF 8AM AND 6PM MONDAY TO FRIDAY
(EXCLUDING BANK HOLIDAYS) WAITING LIMITED TO 1 HOUR NO
RETURN WITHIN 2 HOURS

(a) Car Park	(b) Class of Vehicle	(c) Price
1. The Parking Place situated at the south side of the Town Hall known as Thorngate Way Car Park	Motor Vehicle	Motor Vehicle 50p per hour
	Motorcycles	Over 5 hours £3.00 per day
		Motorcycles Free
		Disabled Persons Exempt
		Badge Holders
		Valid Permit Holders Exempt

Table 1

**FOR THE AVOIDANCE OF DOUBT USERS OF THIS CAR PARK
MONDAY TO FRIDAY MUST DISPLAY A PERMIT FOR USE IN THE
CAR PARK AND DISPLAY EITHER A VALID PARKING TICKET OR
VALID PERMIT OR BE HOLDERS OF A DISABLED BADGE AND
PARK IN A PARKING PLACE MARKED 'DISABLED' DISPLAYING A
DISABLED PERSONS BADGE**

SATURDAYS, SUNDAYS AND BANK HOLIDAYS IN WHICH DAILY
PARKING CHARGES APPLY BETWEEN THE HOURS OF 8AM AND
6PM – WAITING LIMITED TO 1 HOUR NO RETURN WITHIN 2
HOURS

(a) Car Park	(b) Class of Vehicle	(c) Price
1. The Parking Place situated at the south side of the Town Hall known as Thorngate Way Car Park	Motor Vehicle	Motor Vehicle 50p
	Trailer	Trailer 50p
	Motorcycles	Motorcycles Free
		Disabled Persons Exempt
		Badge Holders

Table 2

THE BOROUGH OF GOSPORT (OFF-STREET PARKING PLACES) (GOSPORT AND LEE-ON-THE-SOLENT) ORDER 2004

The Council of the Borough of Gosport (hereinafter referred to as "the Council") pursuant to arrangements made under Section 101 of the Local Government Act 1972 and Section 19 of the Local Government Act 2000 and Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 with the County Council of Hampshire in exercise of the powers of the County Council under Sections 45 and 46 and the Council in exercise of its powers under Section 32 and 35 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:

PART I
General

1. All those Orders (relating to off-street parking places) specified in Schedule I to this Order are hereby revoked.
2. This Order shall come into force on the fifteenth day of November 2004 and may be cited as the Borough of Gosport (Off-Street Parking Places) (Gosport and Lee-on-the-Solent) Order 2004.
3. In this Order the following expressions have the meanings hereby assigned to them:-

"Coach" means a Public Service Vehicle adapted to carry more than 12 people exclusive of the driver

"Disabled Persons Badge" means a disabled persons badge as defined in and displayed and used in accordance with the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000

"Driver" in relation to a Vehicle placed in a Parking Place, means:-

- (a) the person engaged in the driving or steering of the Vehicle at the time it was placed in the Parking Place, or
- (b) in relation to a Trailer means the Driver of the Vehicle by which the Trailer is drawn, or
- (c) when the name of the person who was engaged in the driving or the steering of the Vehicle at the time it was placed in the Parking Place is unknown then for the purposes of this Order and any legal proceedings taken thereunder, if on the date the Vehicle was placed in the Parking Place, a person is shown to have been the registered keeper thereof, he shall be deemed to have been the driver of that Vehicle on that date provided that the registered keeper of the Vehicle shall not be liable if:-
 - (i) he proves that at the relevant time the Vehicle was in the possession of some other person without his consent, or
 - (ii) within one month of being required in writing by the Council to do so, he informs the Council in writing of the name of the person who was the owner or the driver as the case may be at the relevant time.

"Entitled Gosport Town Centre Resident" means a person being an individual whose usual place of abode is at premises the postal address of which is in any street or part of a street within the area edged black on Plan 1 and who is entitled to apply for a permit under Article 40.1 of this Order

"Entitled Lee-on-the-Solent Town Centre Resident" means a person being an individual whose usual place of abode is at premises the postal address of

which is any street or part of a street within the area edged black on Plan 2 and who is entitled to apply for a permit under Article 40.2 of this Order

“Entitled Resident” means a person being an individual whose usual place of abode is at premises whose postal address is within the administrative area of the Council and who is entitled to apply for a permit under Article 40.3 of this Order

“Free” means use of a particular Parking Place by a Vehicle of the class specified in the schedule to this Order is free of charge

“Goods Vehicle” means a Motor Vehicle constructed or adapted for use for the carriage or haulage of goods or burden of any description, or a Trailer so constructed or adapted and includes HGV

“Gosport Town Centre Resident Permit” means a permit issued to an Entitled Gosport Town Centre Resident under Article 40.1 of this Order

“HGV” means any Goods Vehicle with a gross weight of 3.5 tonnes or over

“Invalid Carriage” means a mechanically propelled vehicle the weight of which unladen does not exceed 254 kilograms or which is specifically designed and constructed and not merely adapted for the use of a person suffering from some physical defect or disability and is used solely by such a person

“Lee-on-the-Solent Town Centre Resident Permit” means a permit issued to an Entitled Lee-on-the-Solent Town Centre Resident under Article 40.2 of this Order

“Motor Cycle” means a mechanically propelled vehicle not being an invalid carriage with less than four wheels and the weight of which unladen does not exceed 410 kilograms

“Motor Vehicle” means subject to Section 20 of the Chronically Sick and Disabled Persons Act 1970 a mechanically propelled vehicle intended or adapted for use on roads

“Non Resident Permit” means a permit issued under Article 40.4 of this Order

“Owner” in relation to a Vehicle, means the person in whose name the Vehicle is registered under the Road Vehicles (Registration and Licensing) Regulations 2002 on the date on which the Vehicle was placed in the Parking Place in question

“Parking Place(s)” means the areas of land provided by the Council under Section 32(1) or as the case may be the area of land provided under Section 45 of the Act and as specified in Schedules 3,4,5,6,7,8,9,10,11,12,13 and 14 of this Order and to be used as provided for in Section 32(4)(b) and Section 45 of the Act or any part thereof

“Plan 1” means the plan marked 1 attached

“Plan 2” means the plan marked 2 attached

“Public Service Vehicle” means as defined in Section 1 of the Public Passenger Vehicles Act 1981 and includes Coach

“Resident Permit” means a permit issued to a Entitled Resident under Article 40.3 of the Order

“the Council” means Gosport Borough Council

“the Excess Charge” means the charge referred to in Article 23

“the Standard Charge” means the charge referred to in Article 23

“Trailer” means a vehicle drawn by a vehicle

“Valid Parking Ticket” means a parking ticket obtained and displayed in accordance with Article 39 of this Order

“Valid Permit” means a permit issued by the Council under the provisions of Article 40

“Valid Permit Holder” means a person to whom a Valid Permit is issued under Article 40 of this Order

“Valid Visitor Permit” means a permit issued by the Council
“Vehicle” means and includes Motor Vehicle Motor Cycle Goods Vehicle
Coach HGV and Trailer as defined in this Order

PART II
Use of Parking Places

4. The Driver of a Vehicle using a Parking Place shall stop the engine as soon as the said Vehicle is in position in the Parking Place, and shall not start the engine except when about to change the position of the Vehicle in or to depart from the Parking Place.
5. No person shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any Vehicle in a Parking Place for any purpose other than the purpose of placing that Vehicle in the Parking Place in accordance with the provisions of this Order or for the purpose of departing from the Parking Place.
6. The Driver of a Vehicle using a Parking Place shall not sound or suffer cause or permit to be sounded any horn or other similar instrument except when about to change the position of the said Vehicle in or to depart from the Parking Place or in cases of emergency.
7. No person shall while a Vehicle is placed in a Parking Place:-
 - (a) carry out or suffer cause or permit to be carried out any work of repair; construction; breaking up; stripping; maintenance to the Vehicle (except as may be necessary to enable the Vehicle to be moved from the Parking Place);
 - (b) wash the Vehicle;
 - (c) use suffer cause or permit to be used the Vehicle for human habitation or camping.
8. In the Parking Place no person shall:-
 - (a) erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council
 - (b) light or cause or permit to be lit any fire
9. Except as provided by Article 12 of this Order, no person shall bring into or leave in a Parking Place any Vehicle containing any noxious or dangerous substance or material, other than fuel required for the propulsion of the Vehicle.
10. Except as provided by Article 11 of this Order, no person shall bring into or leave in a Parking Place:-
 - (a) a Public Service Vehicle
 - (b) a Goods Vehicle exceeding 2225 kilograms unladen weight
 - (c) a Vehicle in a derelict or dangerous condition
 - (d) any boat, stores, luggage, matter or thing in a manner likely to impede or obstruct entry or exit facilities, or the use of the Parking Place
 - (e) a caravan

without the prior written permission given by a person authorised in that behalf by the Council.

11.
 - (a) Articles 10(a) and (b) shall not apply to Parking Place numbered 10 in Schedule 9 to this Order
 - (b) Article 10 (a) shall not apply to the Parking Place numbered 1 in Schedule 3 to this Order.
 - (c) Article 10 (a) shall not apply to the Parking Place numbered 4 in Schedule 9 to this Order.
 - (d) Article 10 (b) shall not apply to the loading bay situated in the Parking Place numbered 1 in Schedule 13 to this Order.
12. Any Vehicle conveying inflammable liquids and required by any Act, Order or Regulation to wait unattended only in a place approved by Licensing Authorities for the purposes of the Petroleum (Consolidation) Act 1928, shall wait only in Parking Place numbered 10 in Schedule 9 to this Order.
13.
 - (a) The Driver of a Vehicle shall not place the Vehicle on any part of a Parking Place that is laid out as or is marked by lines or otherwise a traffic lane or on any part of any lane or roadway that is intended for use as an access between the Parking Place and a nearby public highway.
 - (b) The Driver of a Vehicle shall not place the Vehicle on any part of the Parking Place that is marked by double yellow lines or other lining or signing that indicates that parking is prohibited.
 - (c) Where parking bays are provided in a Parking Place the Driver of a Vehicle shall ensure that it is positioned wholly within a marked parking bay.
14. Where in a Parking Place signs are erected or surface markings are laid for the purpose of indicating the entrance or exit from the Parking Place or indicating that a Vehicle using the Parking Place shall proceed in a specified direction within the Parking Place no person shall drive or permit to be driven any Vehicle
 - (a) so that it enters the Parking Place otherwise than by an entrance or leaves the Parking Place otherwise than by an exit so indicated; or
 - (b) in a direction other than so specified.
15. No person shall use a Parking Place so as unreasonably to prevent access to any premises adjoining the Parking Place, or so as to be a nuisance.
16. No person shall in a Parking Place
 - (a) use a skateboard, roller blades or the like;
 - (b) play games that cause disturbance and nuisance.
17. No person shall use a Vehicle while it is placed in a Parking Place in connection with the sale or hire of any article or thing to persons in or near the Parking Place or in connection with the selling or offering for the hire of his skills or services.
18.
 - (a) Where any part of a Parking Place has been marked out especially for the accommodation of Vehicles of any specified class or description, no Driver of a Vehicle shall place the Vehicle in such part unless it is a Vehicle of the class or description so specified.
 - (b) Where any part of a Parking Place has been marked out especially for 'Disabled' no Driver of a Vehicle shall place the Vehicle in such part unless it is a Vehicle displaying a Disabled Persons Badge and is

used at that time for the carriage of the holder of that Disabled Persons Badge.

- (c) Where any part of a Parking Place is marked especially for 'Residents' 'Residents only' 'Permit Holders' or 'Permit Holders only' no Driver of a Vehicle shall place the Vehicle in such part unless it is a Vehicle displaying a permit for use in that particular Parking Place (or part thereof).
- 19
- (a) The Driver of a Vehicle shall not permit the Vehicle to wait in any Parking Places (or part thereof) specified in Schedule 3 to this Order for longer than forty eight hours at any one time.
 - (b) The Driver of a Vehicle between the hours of 8am and 6pm shall not permit the Vehicle to wait in any Parking Place (or part thereof) specified in Schedule 4 to this Order for longer than three hours at any one time and shall not within two hours after its leaving permit the Vehicle to return and wait in the Parking Place.
 - (c) The Driver of a Vehicle between the hours of 8am and 6pm shall not permit the Vehicle to wait in any Parking Place (or part thereof) specified in Schedule 5 to this Order for longer than three hours at any one time and shall not within two hours after its leaving permit it to return and wait in the Parking Place.
 - (d) The Driver of a Vehicle shall not permit the Vehicle to wait in any Parking Place (or part thereof) specified in Schedule 6 to this Order unless between the hours of 8am and 6pm Monday to Friday (excluding Bank holidays) the Vehicle is:-
 - (i) displaying a permit for use in that Parking Place;
 - (ii) a motor cycle placed in a Parking Place marked for Motor Cycles;
 - (iii) displaying a Disabled Persons Badge and is placed in a Parking Place marked Disabled; and the Disabled Persons Badge holder is visiting the Town Hall; and the Vehicle is only waiting in the Parking Place for no longer than one hour at any one time and does not return and wait in the Parking Place within two hours of leaving the Parking Place
 - (e) The Driver of a Vehicle on Saturdays Sundays and Bank Holidays displaying a Disabled Persons Badge shall not permit the Vehicle to wait in a Parking Place marked 'Disabled' specified in Schedule 6 to this Order for longer than three hours and shall not within two hours after its leaving permit the Vehicle to return and wait in the Parking Place.
 - (f) The Driver of a Vehicle between the hours of 8am and 6pm on Saturdays Sundays and Bank Holidays shall not permit the Vehicle to wait in any Parking Place (or part thereof) specified in Schedule 6 to this Order for longer than three hours and shall not within two hours after its leaving permit the Vehicle to return and wait in the Parking Place.
 - (g) The Driver of a Vehicle shall not permit the Vehicle to wait in any Parking Place (or part thereof) specified in Schedule 7 to this Order for longer than 30 minutes at any one time and shall not within one hour after its leaving permit the Vehicle to return and wait in the Parking Place.
 - (h) The Driver of a Vehicle displaying a Disabled Persons Badge shall not permit the Vehicle to wait in any Parking Place (or part thereof) specified in Schedule 8 to this Order for longer than twenty four hours at any one time.

- (i) The Driver of a Vehicle between the hours of 8am and 6pm shall not permit the Vehicle to wait in any Parking Places (or part thereof) specified in Schedule 10 to this Order for longer than one hour at any one time and shall not within two hours after its leaving permit the Vehicle to return and wait in the Parking Place.
 - (j) The Driver of a Vehicle shall not permit the Vehicle to wait in any Parking Place (or part thereof) specified in Schedule 11 to this Order for longer than seven days at any one time.
 - (k) The Driver of a Vehicle displaying a Valid Visitor Permit shall not permit the Vehicle to wait in any Parking Place (or part thereof) specified in Schedule 12 to this Order for longer than forty eight hours at any one time.
 - (l) The Driver of a Vehicle displaying a Disabled Persons Badge or a Valid Visitor Permit shall not permit the Vehicle to wait in a Parking Place (or any part thereof) specified in Schedule 13 to this Order for longer than forty eight hours at any one time.
 - (m) The Driver of the Vehicle shall not permit the Vehicle to wait in a Parking Place (or part thereof) specified in Schedule 14 to this Order for longer than twenty minutes at any one time and shall not within forty minutes after its leaving permit the Vehicle to return and wait in the Parking Place.
20. When a Vehicle is brought into or placed in a Parking Place in contravention of Article 9, 10, 12, 13, 15,17,18 and 19 of this Order, a person authorised in that behalf by the Council may remove the Vehicle or arrange for it to be removed from that Parking Place and when it is so removed he shall make such arrangements as may reasonably be necessary for the safe custody of it.
21. When a Vehicle is brought into or placed in a Parking Place a person authorised in that behalf by the Council may in the case of an emergency move or cause the Vehicle to be moved or remove the Vehicle or arrange for it to be removed from that Parking Place and when it is so removed he shall make such arrangements as may reasonably be necessary for the safe custody of it.
22. Any person moving or removing a Vehicle by virtue of Articles 20 and 21 above may do so by towing, driving or in such other manner as he may think necessary and may take such measures in relation to the Vehicle as he may think necessary to enable him to move or remove it.

PART III
Standard Charge/Excess Charge

23. Subject to Articles 26 to 40 below a Standard Charge is payable or where relevant an Excess Charge is payable in respect of any Vehicle placed in a Parking Place specified in the Schedules hereto for any period. The Standard Charge and Excess Charge is specified in Schedule 2 hereto and such charge is a daily charge, payable each day or part of each day that the Vehicle is placed in the Parking Place. The charge shall be payable by the Driver of the Vehicle.
24. In the case of a Vehicle where the Standard Charge or the Excess Charge may have been incurred it shall be the duty of a parking inspector authorised by or on behalf of the Council (this expression shall include any Council

Enforcement Officer) to attach to the Vehicle in a conspicuous position a notice which shall include the following particulars:-

- (a) The registration mark of the Vehicle or where the Vehicle is being used under a trade licence the number of the trade plate carried by the Vehicle.
 - (b) The time at which he or any other parking inspector first noticed that the Standard Charge or Excess Charge had been incurred.
 - (c) A statement that the Standard Charge or the Excess Charge is required to be paid.
 - (d) The manner in which and the time within which the Standard Charge or the Excess Charge is to be paid, and
 - (e) A statement that it is an offence under this Order in accordance with Section 35(A)(1) of the Act or where relevant under Section 47 of the Act for the Driver of a Vehicle who has placed the Vehicle in a Parking Place to fail to pay the Standard Charge or Excess Charge
25. When a notice has been attached to a Vehicle in accordance with Article 24 above, no person who is not a person duly authorised by the Council, shall remove the notice from the Vehicle until the Vehicle is removed from the Parking Place save for the Driver of the said Vehicle.
26. The Standard Charge or Excess Charge whichever is applicable shall be paid to the Council either by cheque, bankers draft, money order or postal order, which shall be delivered or sent by post so as to reach the Contracts Section, Leisure and Amenities Unit of the Council (or such other department as may consequent to the date hereof fulfil similar functions to that of the Contracts Section) at the Town Hall, High Street, Gosport, PO12 1EB not later than 4pm on the 21st day following the day on which the charge was incurred or in cash in person by payment at the cashiers desk in the Town Hall Reception area not later than aforesaid.

PROVIDED THAT if the said 21st day falls upon a day on which the Council offices are closed, the period within which payment of the said charge shall be made to the Council shall be extended until 4pm on the next full day on which the Council offices are open.

PART IV

Exemptions from the Standard Charge or Excess Charge

27. The Driver of a Vehicle that is placed in a Parking Place (or part thereof) specified in Schedule 3 hereto shall be exempt from payment of the Standard Charge or Excess Charge whichever is applicable provided that the Vehicle is not permitted to wait in the Parking Place for longer than forty eight hours at any one time and provided that the Vehicle has been placed in strict compliance with the provisions of this Order including Articles 4 to 22 inclusive
28. The Driver of a Vehicle placed in a Parking Place (or part thereof) specified in Schedule 4 hereto shall be exempt from payment of the Standard Charge or Excess Charge whichever is applicable provided that:-
- (a) during any period within charging hours a Valid Parking Ticket has been purchased at the price specified in Schedule 4 (as amended from time to time by notice under section 35 (c) of the Act) and for the periods indicated in Schedule 4 and is displayed in accordance with Article 39.2; or

- (b) a Disabled Persons Badge is displayed in accordance with Article 39.2; or
- (c) the Vehicle is Free of charge; and
- (d) the Vehicle is of the class specified in column (b) in Schedule 4 for that Particular Parking Place; and
- (e) the Vehicle is not permitted to wait in the Parking Place for a period of longer than three hours at any one time between the hours of 8am and 6pm and the Driver shall not in any event permit the return and waiting of such Vehicle to that particular Parking Place within two hours of that Vehicle leaving such Parking Place during these hours; and
- (e) the Vehicle has been placed in strict compliance with the provisions of this Order including Articles 4 to 22 inclusive of this Order

FOR THE AVOIDANCE OF DOUBT the Driver of any Vehicle placed in a Parking Place specified in Schedule 4 hereto in such manner as not to comply with the provisions of Articles 4 to 22 inclusive hereto, shall be liable to pay the Standard Charge or Excess Charge whichever is applicable irrespective of whether in accordance with this Article the Driver of the Vehicle has purchased a Valid Parking Ticket, the Vehicle is Free of charge or the Vehicle is displaying a Disabled Persons Badge.

- 29. The Driver of a Vehicle placed in a Parking Place (or part thereof) specified in Schedule 5 hereto shall be exempt from the Standard Charge provided that the Vehicle does not wait in the Parking Place for a period of longer than three hours at any one time between the hours of 8am and 6pm and shall not in any event permit the return and waiting of such Vehicle to that particular Parking Place within two hours of that Vehicle leaving such Parking Place AND PROVIDED THAT the Vehicle has been placed in strict compliance with the provisions of this Order including Articles 4 to 22 inclusive of this Order
- 30. The Driver of a Vehicle placed in a Parking Place (or part thereof) specified in Schedule 6 hereto shall be exempt from payment of the Standard Charge provided that:-
 - 30.1 during the hours of 8am to 6pm Monday to Friday (excluding bank holidays) the Vehicle is:-
 - (a) displaying a permit for use in that Parking Place;
 - (b) a Motor Cycle placed in a Parking Place marked for Motor Cycles;
 - (c) waiting in a Parking Place marked 'Disabled' and is a Vehicle displaying a Disabled Persons Badge and the Disabled Person is visiting the Town Hall PROVIDED THAT the Vehicle does not wait in the Parking Place for longer than one hour at any one time and does not return and wait in the Parking Place within two hours of leaving the Parking Place;

or
 - 30.2 during the hours of 8am and 6pm on Saturdays, Sundays and Bank Holidays the Vehicle:-
 - (a) does not wait in the Parking Place for longer than a period of three hours at any one time and the Driver shall not in any event permit the Vehicle to return and wait in that particular Parking Place within two hours of leaving; and
 - (b) does not wait in the Parking Place marked 'Disabled' unless such Vehicle displays a Disabled Persons Badge;

and

- 30.3 the Vehicle has been placed in strict compliance with the provisions of this Order including Articles 4 to 22 inclusive of this Order

FOR THE AVOIDANCE OF DOUBT the Driver of any Vehicle placed in a Parking Place specified in Schedule 6 hereto in such manner as not to comply with the provisions of Articles 4 to 22 inclusive hereto, shall be liable to pay the Standard Charge irrespective of whether in accordance with this Article the Driver of the Vehicle has a permit for use in the Parking Place or is displaying a Disabled Persons Badge or is the Driver of a Motor Cycle.

31. The Driver of a Vehicle placed in a Parking Place (or part thereof) specified in Schedule 7 hereto shall be exempt from payment of the Standard Charge provided that:-
- (a) the Vehicle does not remain in the Parking Place for longer than 30 minutes
 - (b) the Vehicle is not permitted to return to that Parking Place within one hour of the Vehicle leaving such Parking Place; and
 - (c) the Vehicle is placed in strict compliance with the provisions of this Order including Articles 4 to 22 inclusive of this Order
32. The Driver of a Vehicle placed in the Parking Place (or part thereof) referred to in Schedule 8 hereto shall be exempt from payment of the Standard Charge provided that:-
- (a) the Vehicle is displaying a Disabled Persons Badge; and
 - (b) the Vehicle does not wait in the Parking Place for longer than a period of twenty four hours; and
 - (c) the Vehicle has been placed in strict compliance with the provisions of this Order including Articles 4 to 22 inclusive of this Order.
33. The Driver of a Vehicle placed in a Parking Place (or part thereof) specified in Schedule 9 hereto shall be exempt from payment of the Standard Charge or Excess Charge whichever is applicable provided that:-
- (a) during any period within charging hours a Valid Parking Ticket has been purchased at the price specified in Schedule 9 (as amended from time to time by notice under Section 35(c) of the Act) and for the periods indicated in Schedule 9 and is displayed in accordance with Article 39.2; or
 - (b) during any period within charging hours a Valid Permit is displayed in accordance with Article 39.2; or
 - (c) a Disabled Persons Badge is displayed in accordance with Article 39.2; or
 - (d) the Vehicle is Free of charge; and
 - (e) the Vehicle is of a class specified in column (b) in Schedule 9 for that particular Parking Place; and
 - (f) the Vehicle has been placed in strict compliance with the provisions of this Order including Article 4 to 22 inclusive of this Order

FOR THE AVOIDANCE OF DOUBT the Driver of any Vehicle placed in a Parking Place specified in Schedule 9 hereto in such manner as not to comply with the provisions of Articles 4 to 22 inclusive hereto, shall be liable to pay the Standard Charge or Excess Charge whichever charge is applicable irrespective of whether in accordance with this Article the Driver of the Vehicle

has purchased a Valid Parking Ticket has a Valid Permit is displaying a Disabled Persons Badge or the Vehicle is Free of charge

34. The Driver of a Vehicle placed in a Parking Place (or part thereof) specified in Schedule 10 hereto shall be exempt from payment of the Standard Charge provided that:-
- (a) during any period within charging hours a Valid Parking Ticket has been purchased at the price specified in Schedule 10 (as amended from time to time by notice under Section 35(c) of the Act) and for the periods indicated in Schedule 10 and is displayed in accordance with Article 39.2; or
 - (b) a Disabled Persons Badge is displayed in accordance with Article 39.2; or
 - (c) the Vehicle is Free of charge; and
 - (d) the Vehicle is of the class specified in column (b) in Schedule 10 for that particular Parking Place; and
 - (e) the Vehicle does not wait in the Parking Place for a period of longer than one hour at any one time between the hours of 8am and 6pm and the Driver shall not in any event permit the return of such Vehicle to that particular Parking Place within two hours of that Vehicle leaving such Parking Place during those times; and
 - (f) the Vehicle has been placed in strict compliance with the provisions of this Order including Articles 4 to 22 inclusive of this Order

FOR THE AVOIDANCE OF DOUBT the Driver of any Vehicle placed in a Parking Place specified in Schedule 10 hereto in such manner as not to comply with the provisions of Articles 4 to 22 inclusive hereto shall be liable to pay the Standard Charge irrespective of whether in accordance with this Article the Driver of the Vehicle has purchased a Valid Parking Ticket, the Vehicle is Free of charge or the Vehicle is displaying a Disabled Persons Badge.

35. The Driver of a Vehicle placed in a Parking Place (or part thereof) specified in Schedule 11 hereto shall be exempt from the Standard Charge provided that the Vehicle has been placed in strict compliance with the provisions of this Order including Articles 4 to 22 inclusive of this Order and the Vehicle does not wait in the Parking Place for longer than a period of seven days at any one time.
36. The Driver of a Vehicle placed in a Parking Place (or part thereof) specified in Schedule 12 shall be exempt from payment of the Standard Charge provided that:-
- (a) the Vehicle is displaying a permit for use in that particular Parking Place; or
 - (b) the Vehicle is displaying a Valid Visitor Permit for use in that particular Parking Place and does not wait in the Parking Place for longer than a period of forty eight hours at any one time; and
 - (c) the Vehicle has been placed in strict compliance with the provisions of this Order including Articles 4 to 22 inclusive of this Order

FOR THE AVOIDANCE OF DOUBT the Driver of any Vehicle which is placed in a Parking Place specified in Schedule 12 hereto in such a manner as not to comply with the provisions of Articles 4 to 22 inclusive hereto shall be liable to pay the Standard Charge irrespective of whether in accordance with this

Article the Driver of the Vehicle has a permit for use in that Parking Place or a Valid Visitor Permit.

37. The Driver of a Vehicle placed in a Parking Place (or part thereof) specified in Schedule 13 shall be exempt from payment of the Standard Charge provided that:-
- (a) the Vehicle is displaying a permit for use in that particular Parking Place ;
 - (b) the Vehicle is displaying a Disabled Persons Badge and is placed in a Parking Place marked 'Disabled' and does not wait in the parking place marked 'Disabled' for longer than a period of forty eight hours at any one time;
 - (c) the Vehicle is displaying a Valid Visitor Permit for that particular Parking Place and does not wait in the Parking Place for longer than a period of forty eight hours at any one time;
 - (d) the Vehicle is being used to set down or pick up passengers; and
 - (e) the Vehicle has been placed in the Parking Place in strict compliance with the provisions of this Order including Articles 4 to 22 inclusive of this Order

FOR THE AVOIDANCE OF DOUBT the Driver of any Vehicle which is placed in a Parking Place specified in Schedule 13 hereto in such a manner as not to comply with the provisions of Articles 4 to 22 inclusive hereto shall be liable to pay the Standard Charge irrespective of whether in accordance with this Article the Driver has a permit for use in the Parking Place or a Valid Visitor Permit or a Disabled Persons Badge or is setting down or picking up passengers.

38. The Driver of a Vehicle placed in a Parking Place specified in Schedule 14 shall be exempt from the Excess Charge provided that:-
- (a) the Vehicle does not wait in the Parking Place for a period of longer than twenty minutes at any one time and the Driver shall not in any event permit the return of the Vehicle to the Parking Place within forty minutes of the Vehicle leaving such Parking Place;
 - (b) the Vehicle is being used to set down or pick up passengers; and
 - (c) the Vehicle has been placed in the Parking Place in strict compliance with the provisions of this Order including Article 4 to 22 inclusive of this Order

FOR THE AVOIDANCE OF DOUBT the Driver of any Vehicle which is placed in a Parking Place specified in Schedule 14 hereto in such a manner as not to comply with the provisions of Article 4 to 22 inclusive shall be liable to pay the Excess Charge irrespective of whether in accordance with this Article the Driver is waiting in the parking place or is setting down or picking up passengers.

- 39.1 Any reference to Valid Parking Ticket in this Order means a ticket which:-
- (a) has been purchased from a pay and display machine or parking inspector authorised by or on behalf of the Council at a Parking Place at the price and on the day and for the period specified in relation to the Parking Place in which the Vehicle is placed; and
 - (b) the ticket is displayed in accordance with Article 39.2; and
 - (c) the period of time for which the ticket has been purchased has not expired; and

- (d) the Vehicle is placed in the Parking Place where the ticket was purchased

FOR THE AVOIDANCE OF DOUBT the ticket is only a Valid Parking Ticket for the period of time and for the day it was purchased and for use in the Parking Place at which it was purchased.

39.2 Any reference to display of a Valid Parking Ticket; display of a Valid Permit; display of a permit; display of a Valid Visitor Permit; or display of a Disabled Persons Badge means:-

- (a) in respect of a Valid Parking Ticket; a Valid Permit ;a permit; and a Valid Visitor Permit it is displayed in accordance with Article 40.10;
- (b) in respect of a Disabled Persons Badge it is displayed in a prominent place as provided for in the Disabled Persons (Badge for Motor) Vehicles (England) Regulations 2000

AND the Restriction and Removal of Valid Permits in Article 40.11 shall apply to a Valid Parking Ticket; a permit; a Valid Visitor Permit; and a Disabled Persons Badge

PART V
Application for and issue of Valid Permits

40.1. Gosport Town Centre Resident Permit

40.1.1 Any Entitled Gosport Town Centre Resident who:-

- (a) is the Owner of a Motor Vehicle which is registered and kept at their usual place of abode which is within the area edged black on Plan 1; or
- (b) with the permission of the Owner uses a Motor Vehicle on a regular basis which is kept at their usual place of abode which is within the area edged black on Plan 1 ;and
- (c) does not have access to any off street parking at their usual place of abode which is within the area edged black on Plan 1

may apply to the Council for the issue of one Gosport Town Centre Resident Permit in respect of his or her household for the leaving of the Motor Vehicle referred to in Article 40.1.1 of this Order in any of the Parking Places Numbered 8,9, and 10 in Schedule 9 of this Order

40.1.2 On receipt of an application duly made under the provision of this Article and the charge specified in Article 40.1.3 and the Council being satisfied that the provisions of Article 40.1.1 are met in full the Council may issue to the applicant one Gosport Town Centre Resident Permit for use in the Parking Places referred to in Article 40.1.1 and in accordance with the provisions of this Order

40.1.3 The Entitled Gosport Town Centre Resident shall pay to the Council the charge for the Gosport Town Centre Resident Permit set out in Schedule 15 of this Order

40.2 Lee on the Solent Town Centre Resident Permit

40.2.1 Any Entitled Lee on the Solent Town Centre Resident who:-

- (a) is the Owner of a Motor Vehicle which is registered and kept at their usual place of abode which is within the area edged black on Plan 2; or
- (b) with the permission of the Owner uses a Motor Vehicle on a regular basis which is kept at their usual place of abode which is within the area edged black on Plan 2; and
- (c) does not have access to any off street parking at their usual place of abode which is within the area edged black on Plan 2

may apply to the Council for the issue of one Lee on the Solent Town Centre Resident Permit in respect of his or her household for the leaving of the Motor Vehicle referred to in Article 40.2.1 of the Order in the Parking Place Number 4 in Schedule 9 of this Order

40.2.2 On receipt of an application duly made under the provision of this Article and the charge specified in Article 40.2.3 and the Council being satisfied that the provisions of Article 40.2.1 are met in full the Council may issue to the applicant one Lee on the Solent Town Centre Resident Permit for use in the Parking Place referred to in Article 40.2.1 and in accordance with the provisions of this Order

40.2.3 The Entitled Lee on the Solent Town Centre Resident shall pay to the Council the charge for the Lee on the Solent Town Centre Resident Permit set out in Schedule 15 of this Order

40.3 Resident Permit

40.3.1 Any Entitled Resident who:-

- (a) is the Owner of a Motor Vehicle which is registered and kept at their usual place of abode which is within the administrative area of the Council; or
- (b) with the permission of the Owner uses a Motor Vehicle on a regular basis which is kept at their usual place of abode which is within the administrative area of the Council

may apply to the Council for the issue of a Resident Permit for the leaving of the Motor Vehicle referred to in Article 40.3.1 in any of the Parking Places specified in Schedule 9 of this Order

40.3.2 On receipt of an application duly made under the provisions of this Article and the charge specified in Article 40.3.4 and the Council being satisfied that the provisions of Article 40.3.1 are met in full the Council may issue to the applicant one Resident Permit for use in the Parking Places referred to in Article 40.3.1 and in accordance with the provision of this Order

40.3.3 The application for a Resident Permit may include details of no more than three Motor Vehicles which fully meet the provisions of Article 40.3.1 and any Resident Permit issued by the Council in respect of such an application may be used in any of the Motor Vehicles identified in the Resident Permit at any one time

40.3.4 The Entitled Resident shall pay to the Council the charge for the Resident Permit set out in Schedule 15 of this Order

40.4 Non Resident Permit

40.4.1 Any person whose usual place of abode is not within the administrative area of the Council may apply to the Council for the issue of a Non Resident Permit for the leaving of a Motor Vehicle in any of the Parking Places specified in Schedule 9 of this Order

40.4.2 The application for a Non Resident Permit may include details of no more than three Motor Vehicles and any Non Resident Permit issued by the Council in respect of such an application may be used in any of the Motor Vehicles identified in the Non Resident Permit at any one time

40.4.3 The applicant for a Non Resident Permit shall pay to the Council the charge for the Non Resident Permit set out in Schedule 15 of this Order

40.5 An application for a Valid Permit shall be made on the form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied

40.6 The Council may at any time require an applicant for a Valid Permit or Valid Permit Holder to produce to an officer of the Council such evidence in respect of an application for a Valid Permit made to them as they may reasonably require to verify any particulars or information given to them or in respect of any Valid Permit issued by them as they may reasonably require to verify the Valid Permit is valid. If such evidence in respect of an application for a Valid Permit cannot be supplied the Council shall have discretion on whether or not a Valid Permit is issued or is valid

40.7 Surrender Withdrawal and Validity of Permits

40.7.1 A Valid Permit Holder may surrender the Valid Permit to the Council at any time and subject to Article 40.8 shall surrender the permit to the Council within 48 hours of the occurrence of one of the events set out in Article 40.7.3

40.7.2 The Council may by notice in writing (served on the Valid Permit Holder by sending the same by First Class Post at the address shown on the application for a Valid Permit or at any other address believed to be the Valid Permit Holders place of abode) withdraw the Valid Permit if it appears to the Council that any one of the events set out in Article 40.7.3 has occurred

40.7.3 The events referred to above are:-

- (a) The Valid Permit Holder ceasing to be an Entitled Gosport Town Centre Resident; an Entitled Lee on the Solent Town Centre Resident; or an Entitled Resident;
- (b) the Valid Permit Holder ceasing to be the Owner of a Motor Vehicle or user of a Motor Vehicle as provided for in Articles 40.1.1(b), 40.2.1(b) or 40.3.1(b) in respect of which the Valid Permit was issued
- (c) the receipt of the notice of withdrawal of such a Valid Permit by the Council under the provisions of Article 40.7.2 of this Order
- (d) the Motor Vehicle in respect of which such Valid Permit was issued being adapted or used in such a manner that it does not fall within the

class of vehicle for the Parking Places covered by the Valid Permit as specified in column (b) in Schedule 9 of this Order

- (e) the issue of a replacement for a Valid Permit by the Council under the provisions of Article 40.8 of this Order
- (f) the Valid Permit ceasing to be valid pursuant to Article 40.7.4

40.7.4 Without prejudice to the provisions of this Article a Valid Permit shall cease to be valid at the expiration of the period specified thereon or on the occurrence of any one of the events set out in this paragraph 7 of Article 40

40.8 Application for the Issue of a Replacement for a Valid Permit

40.8.1 If a Valid Permit is mutilated or accidentally defaced or the figures or particulars thereon become illegible or the colour of the permit has become altered by fading or otherwise, the Valid Permit Holder shall either surrender it to the Council or apply to the Council for the issue of a replacement permit so marked and upon such issue the existing Valid Permit shall become invalid.

40.8.2 If a Valid Permit is lost or destroyed the Valid Permit Holder may apply to the Council for the issue of a replacement permit and the Council upon being satisfied as to such loss or destruction shall issue a replacement permit so marked and upon such issue the existing Valid Permit shall become invalid.

40.8.3 The provisions of this Order shall apply to a replacement permit and an application therefore as if it were a Valid Permit or as the case maybe an application therefore.

40.8.4 The Valid Permit Holder applying for a replacement permit shall pay to the Council a charge of £5 towards the cost incurred by the Council in issuing the replacement permit.

40.9 A Valid Permit shall be in writing and shall include the following particulars:-

- (a) the registration mark of the Motor Vehicle or Motor Vehicles in respect of which the Valid Permit has been issued
- (b) the period during which subject to the provision of Article 40.7.4 of this Order the Valid Permit shall remain valid;
- (c) an indication that the Valid Permit has been issued by the Council

40.10 Display of Valid Permit

At times during which a Motor Vehicle is left in a Parking Place specified in Schedule 9 during the charging hours there shall be displayed:

- (a) in the case of a Motor Vehicle which is fitted with a transparent windscreen on the inside surface of the windscreen so that it is facing forwards and can be entirely and easily seen from the front of the vehicle a Valid Permit issued in respect of that Motor Vehicle;
- (b) in the case of a Motor Vehicle which is not fitted with a transparent windscreen on the front of the vehicle so that it is facing forwards and can be entirely and easily seen from the front of the vehicle a Valid Permit issued in respect of that Motor Vehicle;

AND the provisions of paragraph (a) and (b) of this Article 40.10 shall apply equally to the display of a Valid Parking Ticket; a permit; and a Valid Visitor Permit as provided for in Article 39.2.

40.11 Restriction and Removal of Valid Permit

Where a Valid Permit has been displayed on a Motor Vehicle in accordance with the provisions of Article 40.10 of this Order no person other than the driver of that Motor Vehicle shall remove the Valid Permit from the Motor Vehicle unless authorised to do so by the Driver of that Motor Vehicle as in 40.10.

AND the provisions of this Article 40.11 shall apply equally to the removal of a Valid Parking Ticket; a permit; and a Valid Visitor Permit as provided for in Article 39.2.

SCHEDULE 1

Orders to be revoked

- The Borough of Gosport (Off Street Parking Places) Order 1997
- The Borough of Gosport (Housing Off Street Parking Places) Order 2000
- The Borough of Gosport (Off Street Parking Places) (Amendment) Order 2001
- The Borough of Gosport (Off Street Parking Places) (Amendment)(No 19) Order 2002
- The Borough of Gosport (Off Street Parking Places) Notice of Variation (No 1) 2003
- The Borough of Gosport (Off Street Parking Places) Notice of Variation (No 2) 2003

SCHEDULE 2

THE STANDARD CHARGE

The Standard Charge referred to in Article 23 hereto is £60 (sixty pounds) per day or part of a day thereof provided that if the Standard Charge is paid within seven days of it having been incurred the Council will accept the sum of £40 (forty pounds) in full settlement.

THE EXCESS CHARGE

The Excess Charge referred to in Article 23 hereto is £60 (sixty pounds) per day or part of a day thereof provided that if the Excess Charge is paid within seven days of it having been incurred the Council will accept the sum of £40 (forty pounds) in full settlement.

SCHEDULE 3

WAITING LIMITED TO 48 HOURS

1. The Parking Place situated off the east side of Fort Road to the north east of Stokes Bay Golf Club known as Fort Road Car Park
2. The Parking Place situated off the south west side of Forton Road and known as White's Place Car Park
3. The Parking Place situated off the west side of Brougham Lane known as Brougham Lane West Car Park
4. The Parking Place situated off the east side of Brougham Lane known as Brougham Lane East Car Park
5. The Parking Place situated off the south side of South Street at the junction with Prince Alfred Street known as Prince Alfred Car Park
6. The Parking Place situated off the south side of White Hart Road known as White Hart Road Car Park
7. The Parking Place situated off the south side of South Street at the junction with Stone Lane known as Stone Lane Car Park
8. The Parking Place situated off the south side of South Street at the junction with Alver Road known as Alver Road Car Park
9. The Parking Place situated off the south side of South Street at the junction with Molesworth Road known as Molesworth Road Car Park
10. The Parking Place situated off the south side of South Street at the junction with Kensington Road known as Kensington Road Car Park
11. The Parking Place situated off the south side of South Street adjoining Shaftesbury Road known as Shaftesbury Road Car Park
12. The Parking Place situated off the south side off Rowner Road (adjacent to 'The Green Dragon' public house) known as Green Dragon Car Park
13. The Parking Place situated off the west side of George Street to the rear of Leonard Road known as George Street Car Park
14. The Parking Place situated off the west side of Albert Street known as Albert Street Car Park
15. The Parking Place situated at the southern end of Albert Street and on its east side at its junction with the link road between Albert Street and Victoria Street known as Victoria Road Car Park

SCHEDULE 4

PARKING PLACES IN WHICH DAILY PARKING CHARGES APPLY (CHARGING HOURS 8AM - 6PM)

**WAITING LIMITED TO 3 HOURS, NO RETURN WITHIN 2 HOURS
(8AM – 6PM)**

(a) Car Park	(b) Class of Vehicle	(c) Price	
1. The Parking Place situated off the north side of Minnitt Road known as Minnitt Road North Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle Trailer Motorcycles Disabled Persons Badge Holders	50p per hour 50p per hour Free Exempt
2. The Parking Place situated off the north side of South Street and east of Bemisters Lane known as South Street Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle Trailer Motorcycles Disabled Persons Badge Holders	50p per hour 50p per hour Free Exempt
3. The Parking Place situated off the north side of the loading road to the rear of 1-17 High Street Gosport known as North Loading Bay Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle Trailer Motorcycles Disabled Persons Badge Holders	50p per hour 50p per hour Free Exempt
4. The Parking Place off the south side of Minnitt Road to the rear of Nos. 45-49 High Street, Gosport known as Minnitt Street South Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle Trailer Motorcycles Disabled Persons Badge Holders	50p per hour 50p per hour Free Exempt
5. The Parking Place situated off the west side of North Cross Street opposite 11-16 North Cross Street known as North Cross Street No. 1 Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle Trailer Motorcycles Disabled Persons Badge Holders	50p per hour 50p per hour Free Exempt
6. The Parking Place situated off the west side of North Cross Street opposite 17-20 North Cross Street known as North Cross Street No. 2 Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle Trailer Motorcycles Disabled Persons Badge Holders	50p per hour 50p per hour Free Exempt
7. The Parking Place situated at Church Path (excluding spaces marked 'Residents') known as Church Path Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle Trailer Motorcycles Disabled Persons Badge Holders	50p per hour 50p per hour Free Exempt
8. The Parking Place situated off the south west side of Marine Parade West, Lee-on-	Motor Vehicle Trailer	Motor Vehicle Trailer	50p per hour 50p per hour

the-Solent opposite 4-9 Marine Parade West known as Marine Parade No. 1 Car Park	Motorcycles	Motorcycles Disabled Persons Badge Holders	Free Exempt
9. The Parking Place situated off the cliff-lands off the south west side of Marine Parade West, Lee-on-the-Solent, opposite Milvil Road known as Marine Parade No. 2 Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle Trailer Motorcycles Disabled Persons Badge Holders	50p per hour 50p per hour Free Exempt
10. The Parking Place situated off Marine Parade East adjacent to Flower Buildings known as Flower Buildings Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle Trailer Motorcycles Disabled Persons Badge Holders	50p per hour 50p per hour Free Exempt

SCHEDULE 5

**WAITING LIMITED TO 3 HOURS 8AM-6PM
NO RETURN WITHIN 2 HOURS**

1. The Parking Place situated in Priory Road at the Hardway Slipway opposite Green Lane known as Hardway Slipway Car Park

SCHEDULE 6

PARKING PLACE OPEN TO PERMIT HOLDERS BETWEEN THE HOURS OF 8AM AND 6PM MONDAY TO FRIDAY (EXCLUDING BANK HOLIDAYS)

PARKING PLACES MARKED 'DISABLED' OPEN TO DISABLED PERSONS BADGE HOLDERS VISITING THE TOWN HALL ONLY BETWEEN THE HOURS OF 8AM AND 6PM MONDAY TO FRIDAY (EXCLUDING BANK HOLIDAYS) WAITING LIMITED TO 1 HOUR NO RETURN WITHIN 2 HOURS

SATURDAYS, SUNDAYS AND BANK HOLIDAYS BETWEEN THE HOURS OF 8AM AND 6PM - WAITING LIMITED TO 3 HOURS, NO RETURN WITHIN 2 HOURS

The Parking Place situated at the south side of the Town Hall known as Thorngate Way Car Park

SCHEDULE 7

WAITING LIMITED TO 30 MINUTES NO RETURN WITHIN 1 HOUR

1. The parking situated in the lay-by in Thorngate Way to the south side of the Town Hall known as Thorngate Way Lay-by

SCHEDULE 8

PARKING PLACES FOR USE BY DISABLED PERSONS BADGE HOLDERS

MAXIMUM PERIOD OF WAITING 24 HOURS

1. The Parking Place situated on the south side of Stokes Bay Road west of the Alverbank known as Alverbank West Car Park

SCHEDULE 9

**PARKING PLACES IN WHICH DAILY PARKING CHARGES APPLY
(CHARGING HOURS 8AM – 6PM)**

(a) Car Park	(b) Class of Vehicle	(c) Price
1. The Parking Place situated at Stokes Bay adjacent to the Sailing Club, including the access road from Stokes Bay Road known as Pebble Beach Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle 50p per hour Trailer 50p per hour Over 5 hours £3.00 per day Motorcycles Free Disabled Persons Exempt Badge Holders Valid Permit Exempt Holders
2. Parking Place situated at Stokes Bay known as No 2 Battery, including the access road from Stokes Bay Road known as No. 2 Battery West Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle 50p per hour Trailer 50p per hour Over 5 hours £3.00 per day Motorcycles Free Disabled Persons Exempt Badge Holders Valid Permit Exempt Holders
3. Parking Place situated at Stokes Bay known as No 2 Battery East known as No. 2 Battery East Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicles 50p per hour Trailer 50p per hour Over 5 hours £3.00 per day Motorcycles Free Disabled Persons Exempt Badge Holders Valid Permit Exempt Holders
4. Parking Place situated at the south side of Marine Parade East Opposite Beach Road Lee-on-the-Solent, including the access road from Marine Parade East known as Beach Road Car Park	Motor Vehicle Trailer Public Service Vehicle Motorcycles	Motor Vehicles 50p per hour Trailer 50p per hour Over 5 hours £3.00 per day Coach £3.00 per hour Motorcycles Free Disabled Persons Exempt Badge Holders Valid Permit Exempt Holders
5. Parking Place at Stokes Bay adjacent to Gilkicker Angling Club, including the access road from Stokes Bay Road/Fort Road roundabout known as Gilkicker Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle 50p per hour Trailer 50p per hour Over 5 hours £3.00 per day Motorcycles Free Disabled Persons Exempt Badge Holders Valid Permit Exempt Holders
6. The Parking Place situated at the south side	Motor Vehicle	Motor Vehicle 50p per hour

of Marine Parade East adjacent to Elmore Angling Club known as Elmore Car Park	Trailer Motorcycles	Trailer 50p per hour Over 5 hours £3.00 per day Motorcycles Free Disabled Persons Exempt Badge Holders Valid Permit Exempt Holders
7. The Parking Place situated on the south side of Stokes Bay Road east of the Alverbank known as Alverbank East Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle 50p per hour Trailer 50p per hour Over 5 hours £3.00 per day Motorcycles Free Disabled Persons Exempt Badge Holders Valid Permit Exempt Holders
8. The Parking Place situated off the east side of Clarence Road adjacent to the Masonic Hall (excluding spaces marked 'Residents') known as Clarence Road Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle 50p per hour Trailer 50p per hour Over 5 hours £3.00 per day Motorcycles Free Disabled Persons Exempt Badge Holders Valid Permit Exempt Holders
9. The Parking Place situated off the south side of South Street opposite Thorngate Way known as Walpole Park Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle 50p per hour Trailer 50p per hour Over 5 hours £3.00 per day Motorcycles Free Disabled Persons Exempt Badge Holders Valid Permit Exempt Holders
10. The Parking Place situated off the north side of Mumby Road, opposite its junction with Clarence Road known as Mumby Road Lorry Park	Motor Vehicle Trailer Motorcycles HGV's	Motor Vehicle 50p per hour Trailer 50p per hour Over 5 hours £3.00 per day Motorcycles Free HGV's Free Disabled Persons Exempt Badge Holders Valid Permit Exempt Holders
11. The Parking Place situated on the south side of Jamaica Place, at its western end, near its junction with Shaftesbury Road known as Jamaica Place South Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle 50p per hour Trailer 50p per hour Over 5 hours £3.00 per day Motorcycles Free Disabled Persons Exempt Badge Holders Valid Permit Exempt Holders

<p>12.The Parking Place situated on the north side of Jamaica Place and east of the Grove Buildings access known as Jamaica Place North Car Park</p>	<p>Motor Vehicle Trailer Motorcycles</p>	<p>Motor Vehicle 50p per hour Trailer 50p per hour Over 5 hours £3.00 per day Motorcycles Free Disabled Persons Exempt Badge Holders Valid Permit Exempt Holders</p>
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SCHEDULE 10

**PARKING PLACES IN WHICH DAILY PARKING CHARGES APPLY
(CHARGING HOURS 8AM-6PM)**

WAITING LIMITED TO 1 HOUR, NO RETURN WITHIN 2 HOURS (8AM-6PM)

(a) Car Park	(b) Class of Vehicle	(c) Price	
1. The Parking Place situated off the north side of South Street to the east of the shopping precinct known as Coates Way Car Park	Motor Vehicle Trailer Motorcycles	Motor Vehicle	50p
		Trailer	50p
		Motorcycles	Free
		Disabled Persons	Exempt
		Badge Holders	
2. The Parking Place situated off South Street adjacent to the Bus Station known as Mumby Road Bus Station Car Park	Motor Vehicle	Motor Vehicle	50p
	Trailer	Trailer	50p
	Motorcycles	Motorcycles	Free
		Disabled Persons	Exempt
		Badge Holders	

SCHEDULE 11

MAXIMUM STAY SEVEN DAYS

1. The Parking Place off the west side of Green Lane, Hardway known as Green Lane Hardway Car Park

SCHEDULE 12

PARKING PLACE OR PART OF A PARKING PLACE TO BE USED BY PERMIT HOLDERS ONLY

MAXIMUM PERIOD OF WAITING 48 HOURS FOR VALID VISITOR PERMIT HOLDERS

1. The Parking Place south of The Mews known as The Mews Car Park
2. The parking laybys in Trinity Close known as Trinity Close Car Park
3. The spaces marked for residents in the Clarence Road Car Park
4. The spaces marked for residents in the Church Path Car Park
5. North Cross Street, north west of the junction with Mumby Road known as North Cross Street Car Park
6. North side of North Street known as North Street Car Park
7. White Lion Walk off the eastern side of Clarence Road known as White Lion Walk Car Park
8. Alec Rose House – The Anchorage known as Alec Rose House Car Park
9. Slocum House – The Anchorage known as Slocum House Car Park
10. Gloucester House – Holly Street known as Gloucester House Car Park
11. Hove Court, High Street, Lee-on-the-Solent known as Hove Court Car Park
12. Rogers House, Elmore Road, Lee-on-the-Solent known as Rogers House Car Park
13. Elmore Avenue, access between 36/38 Elmore Avenue, Lee-on-the-Solent known as Elmore Avenue Car Park
14. Chester Courts - three car parks serving Chester Courts off the South side of Jamaica Place known as Chester Courts Car Park
15. Burnhams Walk off the north side of the High Street Rear Loading Road known as Burnhams Walk Car Park

SCHEDULE 13

PARKING PLACE TO BE USED BY PERMIT HOLDERS AND PARKING PLACE MARKED 'DISABLED' FOR USE BY DISABLED PERSONS BADGE HOLDERS ONLY

MAXIMUM PERIOD OF WAITING 48 HOURS FOR VALID VISITOR PERMIT AND DISABLED PERSONS BADGE HOLDERS

1. The Parking Place situated on the eastern side of Seaward Tower (adjacent to Watergate) known as Watergate Car Park

SCHEDULE 14

WAITING LIMITED TO 20 MINUTES NO RETURN WITHIN 40 MINUTES

1. Parking Place adjacent to Falklands Gardens, west of the Taxi Rank known as Falklands Gardens Car Park

SCHEDULE 15

Charges for Valid Permit referred to in Article 40 hereof (as amended from time to time by notice under Section 35(c) of the Act)

Gosport Town Centre Resident Permit - £240 per annum

Lee on the Solent Town Centre Resident Permit - £240 per annum

Resident Permit - £480 per annum

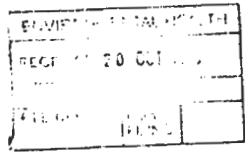
Non Resident Permit - £720 per annum

THE COMMON SEAL
OF GOSPORT BOROUGH
COUNCIL was hereunto
Affixed this 3rd day of
November 2004 in the
presence of:-

Dunde Edwards
Borough Solicitor



12744



Lee Business Association
c/o 135, High Street,
Lee-on-the Solent
Po13 9BU
17th October 2006

Environmental Services Manager
Town Hall
Gosport
P012 1EB

**OBJECTION TO PROPOSED ALTERATIONS RE: SHORT STAY CAR
PARKS IN GOSPORT TOWN CENTRE.**

We object to the proposals on the grounds that 1). The proposals do not take into account that the Lee-on-the-Solent short stay car parks are in the same category.

2). The proposed removal of the car parking charges and subsequent loss of revenue will not address the weak trading levels in the Town Centre which is in need of major investment.

3). The loss of revenue can lead to increases in Gosport residence council tax and undermine confidence in Town Centre

investment and management.

Peter Patterson

Lee Business Association

Appendix A

From: Osbourne, Leroy (UK)
Sent: 09 October 2006 13:57
To: ian.lycett@gosport.gov.uk
Subject: Car Parking

Dear Mr Lycett,

I wish to complain at the unfair parking regime which disallows Lee residents from free parking in the 3 short stay car parks on the sea front. I must say I am also amazed that the council has agreed to have free parking at all, in view of the increased burden the rates already puts on home owners, you have in your wisdom dealt us another blow by asking home owners to meet the cost of the revenue which would have otherwise been collected at the car park.

It is my view that the cost of council services is already heavily weighted against home owners and you have a duty to keep our cost down to very minimum (never above inflation).

I would be grateful if you could make my concerns known to all elected members of the council and write to me when you have done so. I will be keeping my councillor informed of your actions.

Kind Regards

Leroy Osbourne

Appendix A

From: Peter White
Sent: 03 October 2006 19:59
To: ian.lycett@gosport.gov.uk
Subject: Car parking charges at Lee

Dear Mr Lycett

I have recently found out that Gosport council have voted to re- introduce free car parking (for 2 hours) at the Gosport town short stay car parks. However this decision specifically excludes the Lee short stay car parks on the sea front. As a resident of Lee On The Solent I wish to complain in the strongest possible terms at this discriminatory policy. The 2 hours free parking should apply at all locations within the Borough and not just Gosport town. Why should the residents of Lee subsidise the residents of Gosport for free parking, unless of course you are going to reduce the Council tax for the Lee residents? (which I doubt)

I have also read that to finance this scheme council tax will have to rise by a substantial amount next year to cover the loss of revenue, this does seem a very ill thought out proposal, with no consideration for the hard pressed council taxpayer that will be required to pay out more money for someone's "good idea" !!.

Why does Gosport have to have free car parking in the town centre anyway, in all the other large towns in the area you have to Pay and Display for the privilege of parking, so why should Gosport be different and at the taxpayers expense.

I would be grateful if you could make my feelings known to all elected members of the council and provide me with the rationale behind this undemocratic discriminatory scheme.

Regards

Mr P White

A MEETING OF THE POLICY AND ORGANISATION BOARD

WAS HELD ON 8 NOVEMBER 2006

The Mayor (Councillor Mrs Cully) (ex-officio); Chairman of the Policy and Organisation Board (Councillor Hook) (P); Councillors Burgess (P), Carter (P), Chegwyn (P), Cully (P), Gill (P), Langdon (P), Smith (P), Taylor (P) and Wright (P) .

PART I

28. ADOPTION OF A GAMBLING POLICY FOR GOSPORT BOROUGH COUNCIL

Consideration was given to a report of the Environmental Services Manager (a copy of which is attached in the Minute Book as Appendix 'PO1'), which sought the introduction of a Gambling Policy for use by the Licensing Board in connection with applications received under the Gambling Act 2005 and to establish a fee structure for such applications based on regulations issued by the Department of Culture, Media and Sport.

Members expressed concern regarding the report's recommendation that the Environmental Services Manager, in consultation with the Chairman of the Policy and Organisation Board, be given delegated authority to adopt the most appropriate suitable fee structure for licences. Members felt that the Council should be recommended to approve the adoption of the highest banding permitted under the regulations.

RECOMMENDED: That:

- a) the Gambling Policy, which formed part of the report of the Environmental Services Manager, be adopted; and
- b) Council adopt the highest fee banding permitted for licences issued under the Gambling Act 2005, having regard to the Department of Culture, Media and Sport Regulations.

A MEETING OF THE COMMUNITY AND ENVIRONMENT BOARD

WAS HELD ON 30 OCTOBER 2006

The Mayor (Councillor Mrs Cully)(ex-officio); Chairman of the Policy and Organisation Board (Councillor Hook)(ex-officio)(P), Councillors Ms Ballard (P), Carr (P), Champion (P), Clinton (P), Dickson (P), Edgar (P), Kimber (P), Smith, Wright (P) and Mrs Wright (P)

In accordance with Standing Orders, it was reported that notice had been received that Councillor Foster-Reed would replace Councillor Smith for this meeting.

PART I

21. ANN'S HILL CEMETERY – MEMORIAL TESTING RESULTS

Members had received a report of the Leisure and Cultural Services Manager (a copy of which is attached in the Minute Book as Appendix 'CE1'), which informed the Board of the outcome of the memorial testing procedure that had been conducted at Ann's Hill Cemetery earlier this year.

The Council had conducted a survey to assess the stability of all memorials in the Cemetery and it was reported that the work had addressed the health and safety concerns and the risk assessment had identified the issues that the Council would need to consider. The report outlined the options available to the Council for remedial action.

The costs of the initial survey and interim works had exceeded the original estimated budget and at present there was no capital or revenue budget provision for any future works. The capital programme included a budget of £30,000 in respect of this matter against which £59,000 had been spent to date. The remedial cost options available to the Council outlined in the report were all unbudgeted and, if approved, would impact on the Council's capital resources and revenue budget.

The legal considerations for the Council and powers as the Local Burial Authority, under the Local Authorities Cemeteries Order 1977, were also detailed in the report.

A Member expressed the view that consideration of this matter should be debated by Council and that this Board should refer any recommendations to full Council. The majority of Members of the Board felt that a resolution was within their terms of reference and therefore consideration should be given to advising officers of recommendations for action. Under Standing Order 6.10 (Minority Order), two Members requested that the matter be referred to full Council.

Notwithstanding the Minority Order and that the Borough Solicitor had not received any requests for deputations, Members agreed that Mr Bone, a local resident, could address the Board. Mr Bone made the following points:

- headstones were the ownership of families concerned;
- it would be theft if the Council removed them;
- if headstones were not replaced or repaired would they be taken away?
- it was emotional blackmail to suggest they would be removed and tantamount to vandalism.

The Chairman read out to the Board the contents of a letter received from Mrs B Sharp, a local resident, referring to the manner in which the procedure had been carried out.

The Leisure and Cultural Services Manager explained in detail the reasons, on health and safety grounds and the Council's duty as owners of the cemetery, for undertaking the memorial testing, the extensive consultation that had ensued and the comprehensive methods of communication, how the work had been undertaken with sensitivity, and the number of memorials tested and of those repaired.

A Member proposed a recommendation, which was duly seconded, as follows:

‘That, on this occasion, the Council pays for the cost of reinstatement of gravestones laid down or temporarily staked as a result of this process.’

The recommendation was put to the meeting and declared LOST.

Two Members reiterated their wish that this matter be referred to full Council under Standing Order 6.10 (Minority Order).

RECOMMENDED: That Council be requested to consider the outcome of the memorial testing procedure that was conducted at Ann's Hill Cemetery earlier this year and advise officers of its recommendation for action.

A MEETING OF THE POLICY AND ORGANISATION BOARD

WAS HELD ON 8 NOVEMBER 2006

The Mayor (Councillor Mrs Cully) (ex-officio); Chairman of the Policy and Organisation Board (Councillor Hook) (P); Councillors Burgess (P), Carter (P), Chegwyn (P), Cully (P), Gill (P), Langdon (P), Smith (P), Taylor (P) and Wright (P) .

25. APOLOGY

An apology for inability to attend the meeting was submitted on behalf of the Mayor.

27. MINUTES

RESOLVED: That the Minutes of the Board meeting held on 13 September 2006 be approved and signed by the Chairman as a true and correct record.

PART II

29. BUDGET MONITOR

Consideration was given to a report of the Borough Treasurer which advised Members on forecast revenue and capital expenditure compared to the revenue budget and capital programme for 2006/07 and sought formal approval of the use of reserves to fund the projected net overspend.

Concerns were raised regarding the recommendation to write off £50,000 promised by Berkeley Homes towards the running costs of the Explosion! Museum. Members felt that officers should pursue this promised contribution and decided that it should not be written off at this stage.

RESOLVED: That:

- a) the contents of the Borough Treasurer's report be noted;
- b) approval be given to the net additional expenditure incurred in 2006/07 being met by a supplementary estimate from reserves;
- c) it be noted that variations in projected capital expenditure and funding resources will be reported as part of the capital programme in the budget process; and
- d) officers be requested to pursue again the outstanding £50,000 promised by Berkeley Homes towards the running costs of the Explosion! museum.

30. CROSS REFERENCE FROM THE CIVIC AND COMMEMORATIVE EVENTS SUB-BOARD (26 OCTOBER 2006): ROYAL HOSPITAL HASLAR – FREEDOM OF THE BOROUGH

Consideration was given to a cross reference from the Civic and Commemorative Events Sub-Board, which, at its meeting on 26 October 2006, had considered proposals for the extension of the Freedom Rights granted to the Royal Hospital Haslar on 11 March 1998 to include the Ministry of Defence Hospital Unit (Portsmouth). The Sub-Board had subsequently supported these proposals and accordingly recommended them to this Board.

RESOLVED: That:

- a) the extension of the Freedom Rights granted to the Royal Hospital Haslar to include the Ministry of Defence Hospital Unit (Portsmouth) be referred to an Extraordinary Council meeting to be held at 5.30 p.m. on 29 November 2006; and
- b) approval be given to a ceremony being held on 28 March 2007 in the Timespace in order to hand over the scroll of honour to the Ministry of Defence Hospital Unit (Portsmouth) and be followed by a parade along the High Street.

31. FUNDING OF COMMUNITY DEVELOPMENT PROJECT: ROWNER (ACCESS POINT)

Consideration was given to a report of the Chief Executive, which requested a further two years of ongoing funding for the Community Development Project in Rowner.

Members were advised that Gosport Voluntary Action had requested Hampshire County Council and Portsmouth Housing Association, who were partners to the project, to consider making financial contributions for 2007/08 and 2008/09. A favourable response had been received from Hampshire County Council although it was not known what level of contribution would be made.

RESOLVED: That, subject to budgetary provision being made, the Council provide £15,000 per annum for 2007/08 and 2008/09 to support the Community Development Project – Rowner.

The meeting commenced at 6.00 p.m. and concluded at 6.45 p.m.

A MEETING OF THE COMMUNITY AND ENVIRONMENT BOARD

WAS HELD ON 30 OCTOBER 2006

The Mayor (Councillor Mrs Cully)(ex-officio); Chairman of the Policy and Organisation Board (Councillor Hook)(ex-officio)(P), Councillors Ms Ballard (P), Carr (P), Champion (P), Clinton (P), Dickson (P), Edgar (P), Kimber (P), Smith, Wright (P) and Mrs Wright (P)

In accordance with Standing Orders, it was reported that notice had been received that Councillor Foster-Reed would replace Councillor Smith for this meeting.

16. APOLOGIES

Apologies for inability to attend the meeting were submitted on behalf of The Mayor and Councillor Smith.

17. DECLARATIONS OF INTEREST

There were no declarations of interest.

18. MINUTES

RESOLVED: That the Minutes of the Board meeting held on 4 September 2006 be approved and signed by the Chairman as a true and correct record.

19. DEPUTATIONS

It was reported that no deputations had been received.

20. PUBLIC QUESTIONS

No questions had been received from the public.

PART II

22. TEMPORARY HEALTH CENTRE, JUNCTION ROWNER LANE AND GRANGE LANE

The Board considered a report of the Development Services Manager seeking approval for the renewal of a lease of land at the junction of Rowner Lane and Grange Lane for a period from 31 October 2005 to 31 December 2010.

The Hampshire (formerly Fareham and Gosport) Primary Care Trust had approached the Council with a request to renew the lease to enable continued use of the accommodation at temporary health centre buildings in order to decant some of the facilities from Gosport War Memorial Hospital whilst works were taking place at the hospital.

The Board were reminded that the PCT had originally proposed using the building for a limited period only whilst the Rowner Health Centre was being built. A Member expressed the view that, as this was situated in a conservation area, the land should be returned to an open space and that an extension to the lease should not be granted. He commented that, rather than further developing the Gosport War Memorial Hospital, better use of the excellent facilities at the Royal Hospital Haslar should be encouraged.

Members were mindful of the Council's vote of 'no confidence' in the PCT at its meeting on 20 January 2005 and confirmed their view that Haslar should be promoted at every opportunity, in compliance with the wishes of the community.

Following a vote on the recommendation, the Board were unanimously against approving an extension to the lease.

RESOLVED: That the proposed granting of a lease of land at the junction of Rowner Lane and Grange Lane to the Hampshire Primary Care Trust for a period commencing on 31 October 2005 and terminating on 31 December 2010 be not approved.

23. ELSON AND LEESLAND ALLOTMENTS

The Leisure and Cultural Services Manager submitted a report seeking approval for the use of funding received by the Council from the sale of land at Camden Allotments in order to upgrade the existing perimeter boundary fencing at both Elson and Leesland Allotments.

The Allotment Stakeholders Consultative Group had identified that the existing perimeter fencing at those locations was in need of urgent improvement and provided only a low level of security for the sites. As the Group did not have any delegated authority, it was necessary to submit any proposals requiring funding to the Board for approval.

RESOLVED: That the expenditure of £12,400 from the funding received from the sale of land at Camden Allotments be approved, in order to upgrade fencing at Elson and Leesland Allotments.

24. IMPROVEMENTS TO LEE-ON-THE-SOLENT PLAY AREA, LEESLAND PARK AND ROWNER BOWLING CLUB

Consideration was given to a report of the Leisure and Cultural Services Manager seeking approval for the use of Developer Contributions in order to undertake a range of improvement works to leisure facilities at the locations identified above.

The report outlined the proposed improvements and identified how they would address any risks that had been assessed with the current provision. Each of the proposals set out in the report sought to enhance and upgrade equipment and security, contributing to an improved quality of facilities for residents local to the areas identified. As such, the schemes were within the permitted use of

planning developer contributions.

A Member expressed disappointment at the lack of developer contributions that were available for the Bridgemary area and suggested that Groundwork Solent be invited to a future meeting of the Board to inform Members of progress on work being undertaken in the Borough.

RESOLVED: That:

(a) the use of £48,600 from Developer Contribution funding for improvements to Lee-on-the-Solent Recreation Ground Play Area, Leesland Park and Rowner Bowling Club be approved.

(b) Groundwork Solent be invited to attend a future meeting of the Board to update Members on work being carried out in the Borough.

25. FORTON RECREATION GROUND

The Board considered a report of the Leisure and Cultural Services Manager seeking approval for the use of additional Developer Contributions in order to continue the upgrade of the open space facility at Forton Recreation Ground by providing an additional pathway and a Teenshelter.

The route of the additional proposed pathway, as shown in the report, would overcome concerns of an informal pathway being formed over the existing grassed area and would facilitate the current users of the recreation ground.

The installation of the Teenshelter would assist in providing a recognised meeting place for youngsters using the recreation ground facilities.

RESOLVED: That the use of £22,000 from the East Gosport Children's Playing Space fund, which currently has a balance of £34,177 of which £12,210 related to sites where development has not yet started, be approved.

26. DEDICATION OF LAND ALONG HOWE ROAD

The Board considered a report of the Leisure and Cultural Services Manager seeking approval for the dedication of the area of land along Howe Road to Hampshire County Council for the use of the public as a public highway.

It was proposed that the portion of land incorporating the footway verge and street lighting, referred to in the report and shown on the plan, be dedicated as public highway. Hampshire County Council had expressed its willingness to undertake maintenance of the land within its role as highway authority.

If approved a Deed of Dedication would be drawn up as a formal recognition of this arrangement.

RESOLVED: That the area of land along Howe Road, referred to in the Leisure and Cultural Services Manager's report, be dedicated for use by the public as a

public highway.

The meeting commenced at 6.00pm and concluded at 7.12pm

A MEETING OF THE HOUSING BOARD

WAS HELD ON 1 NOVEMBER 2006

The Mayor (Councillor Mrs Cully) (ex-officio) (P), Chairman of Policy and Organisation Board (Councillor Hook) (P), Councillors Allen (P), Burgess (P), Cully (P), Foster (P), Foster-Reed (P), Gill (P), Philpott (P), Mrs Mudie (P), Rigg and Mrs Wright (P).

Also in attendance: Tenant Representative – Mrs Janne Carter

It was reported that, in accordance with Standing Orders, notice had been received that Councillor Hook would replace Councillor Rigg for this meeting.

14 DECLARATIONS OF INTEREST

Councillor Mrs Wright declared a personal and prejudicial interest during Minute No 21 (Early Stage Review of the Choice Based Lettings Scheme), left the meeting room and took no part in the discussion on homelessness or voting thereon.

15 APOLOGIES

Apologies for inability to attend the meeting were received on behalf of Councillor Rigg.

16 MINUTES

RESOLVED: That the Minutes of the meeting held on 14 June 2006 be approved and signed by the Chairman as a true and correct record.

17 DEPUTATIONS

There were no deputations.

18 PUBLIC QUESTIONS

There were no public questions.

PART II

19 DELIVERING DECENT HOMES 2010 AND BEYOND

The Board considered the report of the Housing Services Manager setting out the plans to enable the Council to meet the Decent Homes Standard (DHS) for its owned properties by 2010 and setting out the need for investment in council homes, above the Decent Homes Standard, to ensure the long-term viability of the Council's

housing assets.

Members were advised that at present there is limited scope for moving the Decent Homes programme beyond 2010 following information from the Department of Communities and Local Government.

Members were concerned about a potential shortfall of £2.056M by 2010/11.

Officers gave a detailed explanation of the figures contained in the report and confirmed that the shortfall of £2.056M was needed for improvement works above the DHS.

Members were given an update as to the current housing stock position and although they were keen to maximise the potential for carrying out improvement works to the housing stock were concerned about the effect this might have on any potential funding gap. The Housing Services Manager confirmed that the external funding position would be clearer on publication of the Housing Revenue Account subsidy, determined on an annual basis in December, and that funding from external sources such as the Regional Housing Board were excluded from the figures presented. Officers confirmed that leaseholders were excluded from making any payments in 'like for like' replacement circumstances but that their potential contributions were not taken into account for the purpose of the calculations.

Members wished to aspire to the enhanced DHS with improvement works, but not at the expense of jeopardising the investment in, and retention of, the housing stock to which the Board was committed. In the event of a deficit in funding, the goals of the DHS should be achieved.

In conclusion Members expressed their concern regarding the recommendation to approve the improvements programme subject to consultation with the Housing Forum. The Tenant Representative confirmed that this matter had already been discussed at the Housing Forum, therefore the words 'subject to consultation with the Housing Forum.' should be deleted from the recommendation.

RESOLVED: That:

- (a) the Capital Investment plans for Decent Homes set out in paragraph 2.11 of the Housing Service Manager's report be approved;
- (b) the Annual Decent Homes return to GOSE (Government Office for the South East) be made on the basis of a shortfall of £2.056M;
- (c) an improvements programme as detailed in paragraph 2.13 of the report be approved; and
- (d) that officers prepare an Asset Management Strategy, in partnership with PCA Management Consultants for presentation to the Housing Board in 2007.

20 PERFORMANCE INFORMATION EXCEPTION REPORT 2006/07

The Board considered the report of the Housing Services Manager informing Members of progress by the Housing Service in meeting performance targets and the proposed remedial action where appropriate. Members were given an update as to information received for the second quarter of 2006/07.

Empty Properties

There was Member concern that adequate recording of tenant satisfaction was being made for those moving into Council properties. The officer confirmed that the recording of satisfaction in this area had been in place for several months and that sufficient data should be available by the end of this financial year. A further way to ensure that standards were being maintained was an analysis of empty property expenditure although directly comparable figures with previous years was not possible, as there had been a change of main contractor in March 2006. The next performance report to Members would cover these two areas. It was also confirmed that the Empty Property Standard for properties was set at a higher level than that of the DHS, and had remained essentially unaltered in recent years.

Officers confirmed that they would forward a checklist to all Members giving details of the void standard when re-letting Council properties.

Communications: Telephone answering

Officers reported that the performance in 2006-07 year to date for calls answered with 20 seconds was still below the 90% corporate target, but that recent improvements in processes had already seen an improvement in performance. Officers were optimistic that the corporate target could be achieved by the end of the financial year. Officers reported that this performance indicator was taking priority over "percentage of calls engaged", which although also important, was not felt could be addressed until the former performance indicator showed improvement.

In response to Members' questions, officers explained the details relating to telephone answering and how improvements could be made whereby additional staff would be in the office at peak times. It was confirmed that telephone statistics quoted in the report were cumulative, Members were conscious of providing good customer service and requested that staff be encouraged to achieve maximum telephone coverage to maintain a good customer service image.

Communications: Response to General and Councillor correspondence

Members explained how they were at 'the sharp end' as far as enquiries from residents were concerned and would appreciate a quick response from staff in this respect. Officers advised that the importance of this area was recognised as a priority. Members requested that officers undertake further reviews of the Councillor enquiry process at appropriate intervals and as non-performance may determine.

Members were assured that, regarding the 'percentage of Councillor correspondence answered within 5 working days', this meant that the substantive part of any enquiry would be dealt with within this timescale.

Members expressed their thanks for bringing this report to the Board.

RESOLVED: That the action plans for Communications: Telephone Answering and Response to General and Councillor Correspondence, identified in the report, be approved.

21 EARLY STAGE REVIEW OF THE CHOICE BASED LETTINGS SCHEME

Note: Councillor Mrs Wright declared a personal and prejudicial interest during the discussion on homelessness, and left the room whilst this matter was debated.

The Board considered the report of the Housing Services Manager giving Members an initial overview of the implementation of the Choice Based Lettings scheme (CBL).

Members were advised that further reports would be forthcoming relating to the CBL together with an Allocations Policy review. Regarding a recent publication of posters, making the public aware of the CBL scheme, Members were assured they would, in future, be readily available for public display.

A Member expressed disappointment in the difficulties experienced in accessing information on the CBL website relating to the number of homeless, transfers and the waiting list. It was considered that comparable data between the old and new systems should be available and that a review of CBL should be undertaken and presented to Housing Board in January 2007. There were further concerns regarding the priorities and fairness of the new banding system and it was felt that further development was required. The potential for recording up to date vital information relating to medical conditions and the need for constant monitoring was also requested. There was mixed support from Members of the Board for the new banding system at this stage, although it was understood that there was a need to be flexible and to monitor changes to the new scheme.

Officers confirmed they would undertake to keep scheme advertisements simple. Approaches to local voluntary agencies would be considered so that they could gain access to the CBL system and assist people with learning difficulties.

Officers explained that the new CBL scheme was being continually evaluated, improvements were being made and work was continuing to address the problems as quickly as possible. There were a large number of homeless people, the problems were complicated and there was a high eviction rate. It was confirmed that further investigations would be carried out regarding policy issues and points' adjustments and the potential for penalties would be addressed. Further reports on this matter would be provided for Members.

Members were advised that homeless customers were underrepresented on the CBL scheme as they had been on the previous scheme, that it was a difficult area regarding permanent lettings and the Gosport and Fareham Supporting Housing Panel, with a multi-agency approach, had been set up to address the problems.

Members were informed that there had been few complaints regarding the new scheme and officers confirmed they would provide detailed customer feedback, a breakdown of lets and refusal details, for debate by Members at Housing Board in January 2007.

RESOLVED: That the Housing Services Manager's report on the Early Stage Review of the Choice Based Lettings Scheme be noted.

22 CHAIRMAN'S CLOSING REMARKS

The Chairman drew attention to the Briefing Note entitled 'Progress Report on Review of Council Garages' distributed to Members of the Housing Board prior to the meeting. It was reported that this item was to be presented to Housing Board in January 2007.

The meeting commenced at 6pm and concluded at 7.47pm

GOSPORT BOROUGH COUNCIL

BOARD/COMMITTEE:	COUNCIL
DATE OF MEETING:	29 NOVEMBER 2006
TITLE:	REVIEW OF COUNCIL BOARDS, SUB-BOARDS AND COMMITTEES AND DETERMINATION OF ALLOCATION OF SEATS
AUTHOR:	BOROUGH SOLICITOR
STATUS:	FOR DECISION

PURPOSE

To advise the Council of the balance of the seats on the Council and the position with regard to Political Groups and to undertake a review in accordance with the "Proportionality Rules" of the balance of seats on the Boards, Sub-Boards and Committees of the Council.

RECOMMENDATIONS

That the Council approve:

1. The allocation of seats on the Boards and Committees as set out in paragraph 3.1
2. The allocation of seats on the Sub-Boards as set out in paragraph 4.2.
3. The allocation of seats on the Standards & Governance Committee as set out in paragraph 5.2.

1.0 REVIEW OF COUNCIL BOARDS AND SUB-BOARDS

1.1 The Council previously reviewed the allocation of seats and made a determination as to the allocation between the political groups on the Council in May this year. However notice has been given by one member that he is no longer a member of the labour group on the Council and therefore a further review is now proposed.

2.0 PROPORTIONALITY RULES

2.1 Following the local election notices were received from 3 political groups.

2.2 Section 15 of the Local Government and Housing Act 1989 requires the Council to review the allocation of seats and when making allocation of seats to Political Groups allocations are made to give effect so far as reasonably practicable to the following principles:

1. That not all the seats are allocated to the same Political Group;
2. That the majority of seats are allocated to the Political Group having a majority of seats on the Council;
3. That subject to 1 and 2 above the number of seats on the total of all Boards and Committees of the Council allocated to each Political Group bears the same proportion to the proportion on the Council;
4. That subject to all the above the number of seats on each Board and Committee allocated to each Political Group bears the same proportion to the proportion on the Council

As no party has a majority of seats on the Council principle 2 above does not apply.

2.3 The council has five Boards and on the basis that the recommendation to appoint only one Overview and Scrutiny Committee is approved at this meeting there are 64 seats to be allocated as set out in paragraph 2.2 above. However, it is not possible to allocate 64 seats in exact proportion as each Political Group has on the Council, as can be seen from the table below.

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRATS	TOTAL
Seats	17	7	9	34
Proportion	50%	20.59%	26.47%	97.06%

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRATS
Seats	32	13.18	16.94

3.0 PROPOSED ALLOCATION – BOARDS, OVERVIEW & SCRUTINY COMMITTEE

3.1 It is proposed that the allocation of seats on Boards and Overview & Scrutiny Committee is as follows:

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRATS
Number of seats	32	14	18
Percentages	50%	21.88%	28.12%
Differences between percentage of seats on Council and seats on Boards & Committees		+1.29%	+1.65%

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRATS
Policy & Organisation	5	2	3
Community & Environment Board	5	2	3
Housing Board	5	2	3
Regulatory Board	5	2	3
Licensing Board	6	3	3
Overview & Scrutiny Committee	6	3	3
Total	32	14	18

3.2 This proposed allocation gives effect to the principles set out in paragraph 2.2 above

4.0 PROPOSED ALLOCATION – SUB-BOARDS

4.1 In allocating seats on the Sub-Boards of the council, again, the proportions cannot be matched. Furthermore, any “ex-officio” Members of the Sub-Boards without voting rights is disregarded under the Proportionality Rules. The Council has previously approved the Proportionality Rules being applied to all Working Groups and Steering Groups.

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRATS
Seats	24	9.88	12.71
48	50%	20.59%	26.48%

- 4.2** It is proposed that the Council does not change the present allocation of seats as this is the allocation closest to the proportion of seats the political groups have on the Council.

	CONSERVATIVE	LABOUR	LIBERAL DEMS.
Number of seats	24	11	13
Percentages	50%	22.92%	27.08%

5.0 STANDARDS AND GOVERNANCE COMMITTEE

- 5.1** The proportionality rules do not apply to the Standards and Governance Committee. However, the Council had previously agreed that in addition to the two independent members, each Political Group should have two seats. The Standards Board for England believes that Standards Committees should include appropriate political representation with the support of all political parties and that they should be constituted to ensure that no one political group dominates. They also believe that only one chairman of a Board (including the Leaders) should sit on the Standards & Governance Committee which is consistent with the regulations governing authorities operating executive arrangements.

- 5.2** It is proposed that the 8 seats should be allocated as follows.

	INDEPENDENT MEMBERS	CONSERVATIVE	LABOUR	LIBERAL DEMOCRATS
Seats	2	2	2	2

SUPPORTING INFORMATION

Financial Services Comments:	Nil
Legal Services Comments:	As indicated in Section 2
Service Improvement Plan implications:	Nil
Corporate Plan:	Nil
Risk Assessment:	Nil
Background Papers:	Adjourned Annual Council Meeting May 2006
Appendices/Enclosures:	None
Report Author/Lead Officer:	Linda Edwards, Borough Solicitor

GOSPORT BOROUGH COUNCIL

BOARD/COMMITTEE:	COUNCIL
DATE OF MEETING:	29 NOVEMBER 2006
TITLE:	NEW OVERVIEW AND SCRUTINY COMMITTEE
AUTHOR:	BOROUGH SOLICITOR
STATUS:	FOR DECISION

PURPOSE

To consider the recommendation from the Services Overview and Scrutiny Committee (15 November 2006) for a new Overview and Scrutiny Committee.

RECOMMENDATION

That the Council:

1. Appoints one Overview and Scrutiny Committee to replace the existing committees with Terms of Reference as outlined in Section 2 of the report; and
2. Authorise the Borough Solicitor to make all necessary and consequential amendments to the Constitution to give effect to the Council's decision.

1.0 OVERVIEW & SCRUTINY COMMITTEES' WORKLOADS

- 1.1** At its meeting on 10 August 2006 the Policy Overview and Scrutiny Committee gave consideration to a review of its Terms of Reference. During the debate a proposal was put forward that the Policy and Services Overview and Scrutiny Committees be amalgamated. I was asked to provide, at the next meeting of the Committee, details of scrutiny matters undertaken by the two committees, together with the number of meetings held, since July 2003.
- 1.2** On 11 October 2006, the Policy Overview and Scrutiny Committee considered the information provided by me and took the view that the combined workload of the individual overview and scrutiny committees was of a volume that could be undertaken by a single committee. It was felt that this arrangement would also address the problem of unclear demarcation lines regarding the responsibilities of the existing two committees.
- 1.3** However, it was felt that the Services Overview and Scrutiny Committee should be given the opportunity to consider this proposal before requesting that any changes be made to the Council's constitution.
- 1.4** The Services Overview and Scrutiny Committee at its meeting on 15 November considered Briefing Notes on this matter. The Committee subsequently recommended that scrutiny matters be undertaken by only one overview and scrutiny committee and that a report be submitted to Council at its meeting arranged for 29 November 2006.

2.0 ONE OVERVIEW AND SCRUTINY COMMITTEE – TERMS OF REFERENCE & COMPOSITION

- 2.1** The Terms of Reference of the one Overview and Scrutiny Committee will be an amalgamation of the existing ones. The Constitution will still require the Policy Framework to be considered by Overview and Scrutiny before it is adopted by full Council.
- 2.2** It is suggested that the one Overview and Scrutiny Committee comprises 12 members to ensure that the one committee is properly resourced.

SUPPORTING INFORMATION

Financial Services comments:	Nil
Legal Services comments:	As indicated in Section 2
Service Improvement Plan implications:	Nil
Corporate Plan:	In pursuit of Strategic Priority 'Pursuit of Excellence'
Risk Assessment:	Nil
Background Papers:	Briefing Note and enclosures to Policy O & S Committee (11

	October 2006)
Appendices/Enclosures:	None
Report Author/Lead Officer	Linda Edwards, Borough Solicitor

Appendix 'PO1'

Board/Committee:	Policy & Organisation
Date of meeting:	9 November 2006
Title:	Adoption of a Gambling Policy for Gosport Borough Council
Author:	Head of Environmental Health
Status:	For recommendation to the Full Council

Purpose

To introduce a Gambling Policy for use by the Licensing Board in connection with applications received under the Gambling Act 2005 and to establish a fee structure for such applications based on Regulations issued by the Department of Culture, Media and Sport.

Recommendation

That the Gambling Policy which forms part of this report be recommended to the Full Council for adoption. The Environmental Services Manager in consultation with the Chairman of P&O Board be given delegated authority to adopt the most appropriate suitable fee structure for licences issued under the Gambling Act 2005 having regard to the DCMS Regulations.

1. Background

The Gambling Act 2005 introduces significant changes in the regulation of the Gambling Industry. Whilst the majority of these changes fall to a new regulator, the Gambling Commission to implement, Local Authorities are required to act as the licensing authority in relation to the licensing of premises and the issuing of permits for certain activities.

Premises licences will cover the following activities:

- Casinos
- Betting offices and race tracks
- Bingo clubs
- Adult gaming centres
- Family entertainment centres

The licensing authority will also be responsible for issuing permits for the following activities:

- Gaming machines in alcohol-licensed premises, such as pubs
- Gaming machines for members clubs
- Gaming in members clubs

- Unlicensed family entertainment centres (i.e. those premises that have machines providing the lowest level of stakes and prizes)
- Prize gaming

The Gambling Act 2005 requires licensing authorities, when considering applications, to licence premises for gambling activities or when issuing permits to have regard to their gambling policy.

Applicants for premises licences and permits must also have regard to the Gambling Policy when making their applications.

The policy must address the three objectives of the Gambling Act which are:

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

It is only these objectives, stated in the Act that may be addressed by the gambling policy.

Licensing of premises under the Act does not come into force until September 2007. However in order to facilitate applications made in advance of this date local authorities are required to have adopted a Gambling Policy by 31 January 2007. Applications for premises licences may be considered from 30 April 2007.

The Act provides for fees, to be set by the licensing authority for licences and permits, the fee structure must be adopted by Full Council.

2. Report

In accordance with the requirements of the Gambling Act 2005 a Gambling Policy has been prepared for adoption by the Council. The statement has been prepared in accordance with guidance provided by the Gambling Commission and the Local Authorities Coordinating Body on Regulatory Services (LACORS).

The statement has been subject to a mandatory period of public consultation and has been considered by this Councils Licensing Forum and the statutory consultees.

“Statement of Principals”, Gosport Borough Council’s Gambling Policy is attached as Appendix 1.

The Gambling Policy may be subject to further amendment as guidance from the Gambling Commission is still outstanding on some matters. Where such amendments are necessary they will be identified to the Board at their meeting.

The Act provides for Licensing Authorities to set the fees for licensing activities relating to the Gambling Act 2005. The fees will be within bands set by the Department of Culture Media and Sport (DCMS) by regulation. At the time of preparing this report the DCMS has yet to publish these bands. It is therefore suggested that this Council adopts the highest banding permitted under the regulations once they are received.

3. Risk Assessment

The Council is required by statute to prepare a Gambling Policy under the Gambling Act 2005. In the absence of such a statement it would be impossible to consider applications for Premises Licences made the Act.

4. Conclusion

This Council must have adopted a Gambling Policy relating to the provision of Premises Licences issued under the Gambling Act 2005 by 2 January 2007.

The policy must be adopted by a meeting of the Full Council.

A Gambling Policy has been prepared for adoption in compliance with guidance issued by the Gambling Commission and LACORS.

The policy has been subject to the necessary consultations prior to the final draft being prepared.

A fee structure for premises licences must be adopted by the Full Council. Fees should reflect the appropriate banding permitted under regulations issued by DCMS.

Financial Services comments:	There will be cost implications in maintaining a scheme of premises registrations. These costs must be met from fees which should provide a neutral cost centre.
Legal Services comments:	The Council must have a policy in order to comply with the requirements of the Act in relations to the granting of premises licences or permits. Procedures adopted by the Council in similar matters have been deemed to meet the requirements of the Human Rights Act 1998.
Service Improvement Plan implications:	Adoption of a Gambling Policy for the Borough is part of the Departmental Service Improvement Plan.
Corporate Plan	Not applicable.
Risk Assessment	This is covered in the body of the report.
Background papers:	None.
Appendices/Enclosures:	Appendix 1 - "Statement of Principles" Gosport Borough Council's Gambling Policy.
Report author/Lead Officer:	T Dagens Principal Environmental Health Officer Tel: 023 9254 5516 dageth01@gosport.gov.uk



GAMBLING ACT 2005

STATEMENT OF PRINCIPLES

This Statement of Principles will remain in force from
31 January 2007 until 31 January 2010

GOSPORT BOROUGH COUNCIL

DRAFT STATEMENT OF GAMBLING POLICY

GAMBLING ACT 2005

(Final Version Published October 2006)

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STATEMENT OF GAMBLING POLICY

This Statement has been drafted at a time when a number of Regulations, Operating/Personal conditions, Codes of Practice and Guidance are not yet published. The impact of these documents upon the content of this Policy will need to be addressed at a later stage, bearing in mind resource implications for the Council. All references to the Gambling Commission's Guidance for local authorities refer to the Guidance published on 28th April 2006.

PART A

1. The Licensing Objectives

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

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

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

This Licensing Authority is aware that, as required by Section 153 of The Gambling Act 2005, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks is:

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

2. Introduction

Gosport Borough Council is situated in the County of Hampshire. The Council area has a population of 76,415 (2001 Census) making it one of the smallest but most densely populated council areas in the County. It is also one of the smallest, covering 25.29 square kilometres / 9.76 square miles. The Council area is mainly urban serving the communities as shown in the map set out in Annex A.

Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles which

they proposed to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and consultation carried out over any proposed any amendments. The revised statement must be then be published.

Gosport Borough Council consulted widely upon this statement before finalising and publishing it. A list of those persons consulted is provided below. It should be noted that unsolicited comments were received from other persons but are not all listed.

The Gambling Act requires that Licensing Authorities consult :

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

Gosport Borough Council consulted the following organisations:

- Hampshire Constabulary
- Social Services
- Representatives of persons currently carrying on gambling businesses in Gosport
- Representatives of local businesses
- Representatives of local residents
- Gosport Licensing Forum
- Departments (including Responsible Authorities) within the Council with an interest in the licensing of gambling.
- Hampshire Social Services
- Local bodies representing consumers, the disabled, children's charities, promotion of tourism and neighboring Licensing Authorities.
- Gambling Commission
- HM Revenue & Customs

Consultation on this policy took place between 10 July 2006 and 2 October 2006 and the Council followed the Revised Code of Practice (April 2004) and the Cabinet Office Guidance on consultations by the Public Sector.

The full list of comments made and the consideration by the Council of those comments is available by request to:

Name: The Senior Licensing Officer

Address: Gosport Borough Council, Environmental Health Services, Town Hall, High Street, Gosport PO12

1EB E-mail: ehs@gosport.gov.uk

This policy was approved at a meeting of the Full Council on 29th November 2006 and was published via the Council's website at: www.gosport.gov.uk on 1st January 2007. Copies were placed in public libraries in the area as well as being available in the Town Hall.

It should be noted that 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, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

In producing the final 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 statement.

4. Responsible Authorities – Special provision for protection of children and other vulnerable persons.

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

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

In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Hampshire County Council Social Services for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 (see Annex E) are available via the Council's website at: www.gosport.gov.uk

5. Interested parties

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

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

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

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

Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.14 and 8.15.

It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

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

Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward likely to be affected. Other than these however, this Authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient. If individuals wish to approach Councillors to ask them to represent their views then care should be taken to ensure that the Councillors are not members of the Licensing Committee dealing with the licence application. If there are any doubts the Council's Head of Democratic Services will advise.

Admissible and relevant representations should be made in writing to the Head of Environmental Health, Environmental Services, Town Hall, High Street, Gosport Hampshire PO12 1EB

6. Exchange of Information

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

The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information so long as this does not contravene the Data Protection Act 1998 or any other relevant legislation. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter as it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

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

7. Enforcement

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

This Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance for local authorities who 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, keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem and minimise side effects.

As per the Gambling Commission's Guidance for local authorities, this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This Licensing Authority will also, as recommended by the Gambling Commission's Guidance for local authorities, adopt a risk-based inspection programme. This programme will be in compliance with the Gambling Commission's risk criteria, regulations governing mandatory/default conditions and the Codes of Practice.

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 operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission (see Annex C).

This Licensing Authority will take due account of the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements will be available upon request to The Head of Environmental Health, Environmental Services, Town Hall, High Street, Gosport Hampshire PO12 1EB

E-mail: ehs@gosport.gov.uk

8. Licensing Authority functions

Licensing Authorities are required under the Act to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing premises licences;
- issue provisional statements;
- regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- issue club machine permits to commercial clubs;
- grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- issue licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- register small society lotteries below prescribed thresholds;
- issue prize gaming permits;

- receive and endorse temporary use notices;
- receive occasional use notices;
- provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange');
- maintain registers of the permits and licences that are issued under these functions.

It should be noted that Licensing Authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

The levels of delegated Licensing Authority decision making permitted under Sections 154 and 155 are set out in Annex B.

The Gambling Commission has recommended that Licensing Authorities include a list of licensable activities in their policy statements. The activities licensed by the Licensing Authority are:

- casino premises;
- bingo premises;
- betting premises, including tracks;
- adult gaming centres; and
- family entertainment centres.

Except in the case of tracks (where the occupier of the track who gets the premises licence may not be the person who actually offers the gambling) premises licences may only be issued to people with a relevant gambling operating licence: for example, to obtain a bingo premises licence the applicant must hold a bingo operating licence. Premises licences are transferable to someone else holding a valid operating licence. The Act provides that Licensing Authorities may attach conditions to premises licences.

In addition to licences, there are other forms of authorisation that a Licensing Authority may grant, for example, authorisations for the temporary use of premises, occasional use notices and five different sorts of permit for unlicensed family entertainment centres, prize gaming, gaming machines on alcohol-licensed premises and club gaming and club gaming machines, respectively.

PART B

PREMISES LICENCES

1. General Principles

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

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 is:

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

The Gambling Commission's Guidance for local authorities states that "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below – page 16) and also that unmet demand is not a criterion for a licensing authority.

Definition of "premises" - Premises is defined in the Act as "any place". Different premises licences cannot apply in respect of a single premise at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not 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 Guidance for local authorities which states that Licensing Authorities:

- should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that 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;
- 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.

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.

It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to "the premises" are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This Authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to the extent that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensure that the Authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

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

Duplication with other regulatory regimes - This Licensing Authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This Authority will not consider whether a licence application is likely to be awarded planning permission or building regulation approval, in its consideration of it. It will, however, 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.

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

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. However, the

Gambling Commission's Guidance does envisage that Licensing Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be appropriate such as the provision of door supervisors. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

Ensuring that gambling is conducted in a fair and open way - This Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below - page 18.

Protecting children and other vulnerable persons from being harmed or exploited by gambling - This Licensing Authority has noted the Gambling Commission's Guidance for local authorities which states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at, or are particularly attractive to children). This Licensing Authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas, etc.

This Licensing Authority will take note of the Codes of Practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.

As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This Licensing Authority will consider this licensing objective on a case by case basis.

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

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

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

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

This Authority will also ensure that where category C (see Annex C) or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

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

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

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

Door Supervisors - The Gambling Commission advises in its Guidance for local authorities that Licensing Authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the door supervisors at casinos or bingo premises need not be licensed by the Security Industry Authority (SIA). This Licensing Authority therefore has specific requirements for door supervisors working at casinos or bingo premises to have completed a training course in door supervision techniques. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

For premises other than casinos and bingo premises, operators and the Licensing Authority may decide that supervision of entrances/machines is appropriate on a case by case basis and whether these supervisors need to be SIA licensed or not. It will not be automatically assumed that they need to be so licensed.

2. Adult Gaming Centres

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

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

- proof of age schemes
- 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.

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

3. Licensed Family Entertainment Centres:

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

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

- CCTV
- supervision of entrances/machine areas
- physical separation of areas
- 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 on how to deal with suspected truant school children on the premises

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

This Licensing Authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines (see Annex C) 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.

If the operator of a family entertainment centre wants to make category C machines available in addition to category D machines, the operator will need to apply for an operating licence from the Commission and a premises licence from the licensing authority (see Schedule 10 of the Act sets out the application process and regulatory regime for FEC gaming machine permits).

4. Casinos

No Casinos Resolution - This Licensing Authority has not passed a 'no casino' resolution under Section 166

of the Gambling Act 2005 but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

Casinos and Competitive Bidding - This Licensing Authority is aware that where it's area is enabled to grant a premises licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the Licensing Authority will run a 'competition' under Schedule 9 of the Gambling Act 2005 in line with any regulations / codes of practice issued under the Gambling Act 2005.

Licence Considerations/Conditions - The Gambling Commission has stated that "further guidance will be issued in due course about the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises" (Gambling Commission Guidance for local authorities - 17.30) This guidance will be considered by this Licensing Authority when it is made available.

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

5. Bingo premises

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

(Section 18.4) – "It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted Licensing Authorities should ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

This Licensing Authority is also aware that the Gambling Commission is going to issue further guidance about the particular issues that Authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered once it is made available.

6. Betting premises

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

7. Tracks

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

This Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

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

- proof of age schemes
- 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.

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

Gaming Machines - Further guidance from the Gambling Commission is awaited as regards where such

machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This Licensing Authority notes the Commission's Guidance that Authorities need to consider the location of gaming machines at tracks and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

Betting Machines - This Licensing Authority will, in accordance with the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that Licensing Authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

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

Applications and Plans - This Licensing Authority awaits regulations setting out any specific requirements for applications for premises licences but is in accordance with the Gambling Commission's suggestion that "To ensure that Licensing Authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."

This Licensing Authority also notes that, in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the

off-course betting operator running a self-contained unit on the premises.

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

9. Provisional Statements

This Licensing Authority notes the Guidance for the Gambling Commission which states that "It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence" and that "Requiring the building to be complete ensures that the authority could, if necessary, inspect it fully".

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

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

This Authority has noted the Gambling Commission's Guidance at (Section 7.48) "The licensing authority should not take into account irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal".

10. Reviews:

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

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

The Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate. Consideration as to whether the request is frivolous or vexatious will not necessarily cause this Authority to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

PART C

Permits / Temporary & Occasional Use Notice

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

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

The Gambling Act 2005 states that a Licensing Authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may 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 from the applicant, licensing authorities will want to give weight to child protection issues. Gambling Commission's Guidance at (Section 24.6)"

Guidance also states: "An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC and if the chief officer of police has been consulted on

the application....Licensing Authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes". (24.7)

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

Statement of Principles : This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits; however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises. This Licensing Authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs, that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act) and that staff are trained to have a full understanding of the maximum stakes and prizes.

2. (Alcohol) Licensed Premises Gaming Machine Permits - (Schedule 13 paragraph 4(1))

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

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

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 generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Authority that there will be no access may include the adult machines being in sight of the bar or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/helpline numbers for organisations e.g. GamCare and Gamblers Anonymous.

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

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

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

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

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

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

- that they understand the limits to stakes and prizes that are set out in Regulations;
- 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 with which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is

taking place and on one day; the game must be played and completed on the day the chances are allocated and the result of the game must be made public in the premises on the day that it is played;

- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize) or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a 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 forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). (see Annex C)

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

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

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

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the 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 B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5. Temporary Use Notices

There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is that "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises...This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."

6. 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. This Licensing Authority will, however, consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

Part D – Other Information

Rights of appeal and judicial review

The Licensing Authority is aware that its decisions may be subject to an appeal in accordance with the provisions of the Act and judicial review. It also recognises that failure to give reasons for a decision may compel a person to appeal. The Licensing Authority will:

- give clear and comprehensive reasons for a rejection of an application where there is a requirement in the Act to do so; and
- wherever practicable, as best practice, give clear and comprehensive reasons for all decisions connected to its functions under the Act, regardless of whether there is a requirement under the Act to do so.

An appeal has to be commenced by the giving of a notice of appeal by the appellant to the local magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision to be appealed against.

Any person who wishes to pursue an appeal is strongly advised to seek independent professional legal advice from a legal advisor who specialises in the law on gambling.

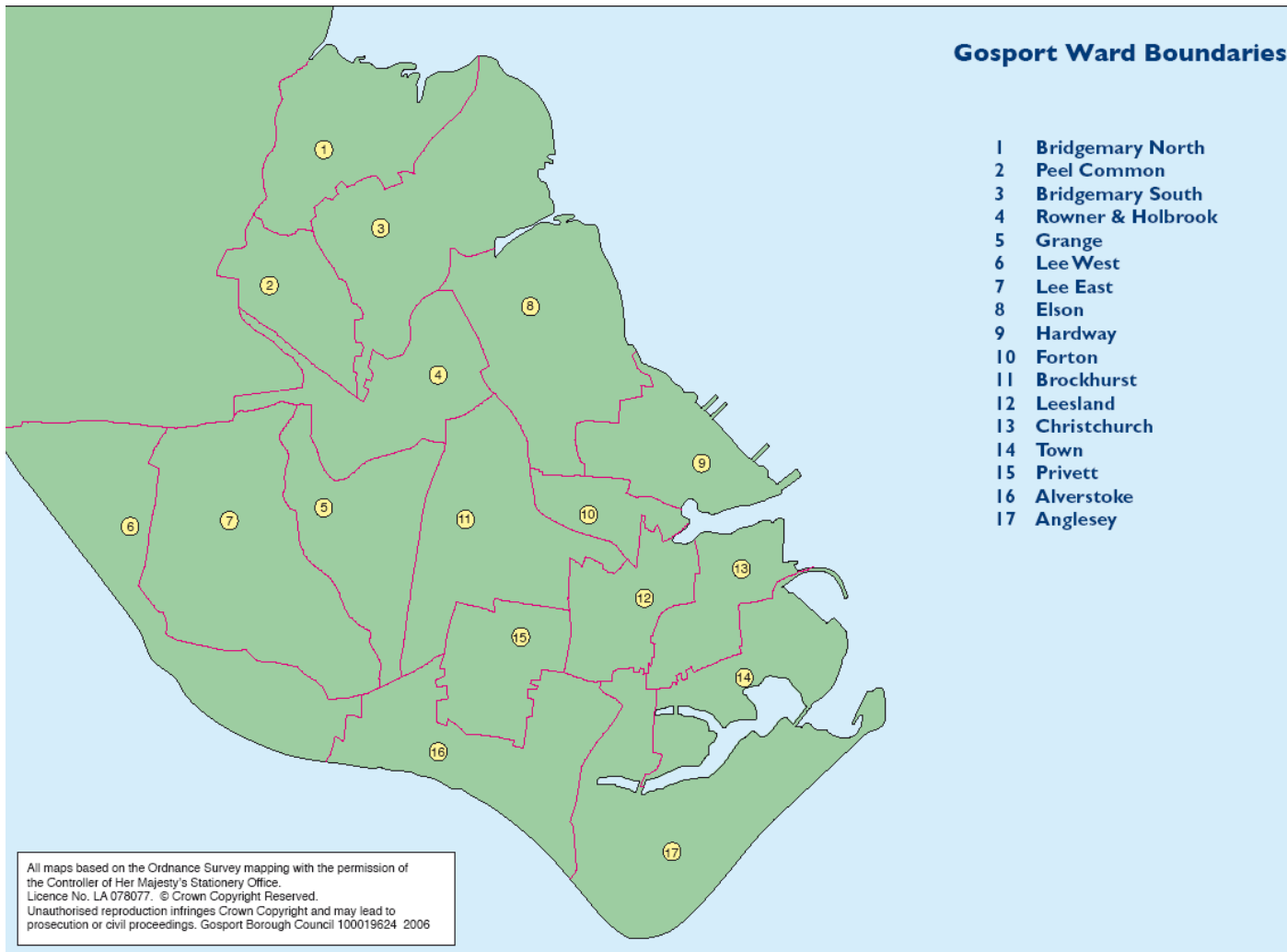
Other matters

In order to ensure that applicants and persons who make representations have the necessary information to be able to do so, the information below will be available on the Council's web site at www.gosport.gov.uk or by contacting the Licensing Section at Gosport Borough Council:

- Register of premises licences issued by The Licensing Authority
- Fees
- Guidance on how to make an application
- List of responsible authorities and contact details
- Application forms, where appropriate
- Making representations
- Applying for a review of a licence

ANNEX A

Map of the district of Gosport Borough Council



ANNEX B

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate	X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/ club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

ANNEX C

Categories of Gaming Machines

The below table sets the current proposals for the different categories of gaming machines along with the maximum stakes and prizes that apply to each category of machine. These could be subject to change and will be updated in due course.

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£2	£4000
B2	£100	£500
B3	£1	£500
B4	£1	£250
C	50p	£25
D	10p or 30p when non-monetary prize	£5 cash or £8 non-monetary prize

ANNEX D

GLOSSARY

Ancillary amusement

A term used in connection with travelling fairs where the provision of any number of category D machines may be made available for use.

Adult Gaming Centre

Provides that the holder of an adult gaming centre premises licence may make available for use up to four category B machines; any number of category C machines; and any number of category D machines. In regulations, the Secretary of State will specify that the category B machines should be restricted to sub-category B3 and B4 machines.

Betting machines

Means a machine designed or adapted for use to bet on future real events.

Family entertainment centre – FEC (with Commission operating licence)

Provides that the holder of a family entertainment centre premises licence may make available for use any number of category C machines; and any number of category D machines.

Family entertainment centre – FEC (with gaming machine permit)

Provides that the holder of a family entertainment centre gaming machine permit may make available for use any number of category D machines. As with the position on licences, there is no power for the licensing authority to set a limit on the number of machines under the permit.

LACORS

Local Authorities Coordinators of Regulatory Services.

Occasional Use Notice

Provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Licensing Authorities and track operators and occupiers should note that the processes set out in the Act for applying for an occasional use notices are different to those for temporary use notices.

Temporary use notices

These allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice would include hotels, conference centres, and sporting venues.

SIA

The Security Industry Authority

Organisations offering support to Vulnerable Persons -

GamCare

This organization addresses gambling problem issues in the United Kingdom.
www.gamcare.org.uk

Gamblers Anonymous

Fellowship of men and women who have joined together to do something about their own gambling problem.

www.gamblersanonymous.org.uk

ANNEX E

Responsible Authorities

For the purpose of Section 157 of the Gambling Act 2005 the following are responsible authorities in relation to premises.

a) The Licensing Authority

The Head of Environmental Health, Environmental Services,
Town Hall, High Street, Gosport Hampshire PO12 1EB
Tel: 023 9254 5505.
Email: ehs@gosport.gov.uk

b) Gambling Commission

The Gambling Commission
Victoria Square House, Victoria Square, Birmingham B2 4BP
Tel: 0121 230 6500
info@gamblingcommission.gov.uk

c) Police

Chief Officer of Police, Central OCU Headquarters, Fareham Police Station, Quay Street,
Fareham, PO16 0NA.
Tel: 0845 045 4545
Email: central.licensing@hampshire.pnn.police.uk

d) Fire

Chief Fire Officer, Hampshire Fire and Rescue Service, Technical Fire Safety Group (East),
Copnor Fire Station, Copnor Road, Portsmouth, Hampshire PO3 5AE
Tel: 023 926 64656
Email: dfs.admineast@hantsfire.gov.uk

e) Local Planning Authority

Head of Development Control Town Hall, High Street, Gosport,
Hampshire, PO12 1EB

Tel: 023 925 45483

Email: planning@gosport.gov.uk

f) Local Agency for Environmental Health

Head of Environmental Health, Environmental Services, Town Hall, High Street, Gosport,
Hampshire, PO12 1EB

Tel: 023 925 45506

Email: ehs@gosport.gov.uk

g) Matters Relating to the Protection of Children

The Team Manager, Hampshire County Council Social Services,
133 Stoke Road, Gosport, PO12 1SD

Tel: 0845 600 45555

Email: SSFG0201@hants.gov.uk

h) HM Revenue and Customs

21 India Street, Glasgow Scotland G2 4PZ

Tel: 0141 555 3629

Appendix 'CE1'

Board/Committee:	COMMUNITY AND ENVIRONMENT BOARD
Date of meeting:	MONDAY 30 OCTOBER 2006
Title:	ANN'S HILL CEMETERY – MEMORIAL TESTING RESULTS
Author:	LEISURE & CULTURAL SERVICES MANAGER
Status:	FOR DECISION

Purpose

To inform Members of the outcome of the testing procedure that was conducted at Ann's Hill Cemetery earlier this year and allows consideration of the options available to the Council.

Recommendation

The Board is requested to consider the report and advise the officers of their recommendation for action.

1. Background

- 1.1 The Board received a report to the meeting held in September 2005 alerting the Council to the need to address health and safety concerns over the stability of memorials in cemeteries.
- 1.2 The report advised that a thorough survey of all memorials within Ann's Hill Cemetery was essential, together with a report identifying actions taken and those proposed for future maintenance. This was achieved through the appointment of an Independent Inspection.
- 1.3 The appointed Surveyor undertook a risk assessment in accordance with a method statement that has been approved by the Diocese through the Faculty (a permission granted by the Diocese). Where necessary, any memorial considered unsafe would be made safe by staking or laying down in an appropriate manner.
- 1.4 To minimise any distress to relatives and visitors to the cemetery, the Council implemented a comprehensive communication procedure providing information on the work being undertaken during the inspection period.
- 1.5 The work was undertaken to the approved standard as described to Members at that meeting and all stages of the process were recorded.

2. Report

- 2.1 A total of 8801 memorials were surveyed and tested to meet the required standard. Of all memorials tested, 1089 were deemed to have failed to meet that standard; this represented approximately 12% of the total. Of the memorials that failed, 758 were supported in a vertical position by stakes and a further 331 were laid down carefully to prevent damage.
- 2.2 An extensive process was then undertaken by Cemetery staff to trace and notify as many memorial owners as possible. It was anticipated at the outset that, the older the memorial, the lower the likelihood would be of such contact being successful. To date, records have been traced back to 1964 resulting in a total of 626 memorial owners being accounted for and informed of the condition of their memorial.
- 2.3 As was also anticipated, there was the possibility of memorial owners not being aware of the testing process being undertaken and, understandably being upset if they were to discover their memorial in a staked or laid down position. There have been a small number of complaints received in this regard and officers have dealt with those as effectively as possible in seeking to reassure them and explaining the reasons behind the work.
- 2.4 The earlier report indicated a budget of £30,000 being included within the capital programme for this work. The Board was advised that this may need to be reviewed in the light of the completion of the survey and the level of failures identified. Costs have exceeded that initial estimate and the Financial Services Manager will report this to the Policy & Organisation Board in the periodic monitoring report.

Current Situation

- 2.5. Officers are aware that, of the memorials that failed to meet the standard, 135 have been repaired by their owners; some have also taken the opportunity to refurbish their memorial at the same time. A reasonably large number (954) of memorials still remain in a temporary position of being staked or laid down; this action has addressed the health and safety risks.
- 2.6. When applying for consent to erect a memorial the Owner agrees that they are responsible for the safety of the memorial and that the Council may remove it if it becomes unsafe. Therefore, whilst the Council, as owner of the Cemetery, must take steps to eliminate as far as reasonably practicable the health and safety risks, this may mean that steps other than a repair to the memorial itself would be sufficient.
- 2.7 The works set out in paragraph 2.1 have addressed the health and safety risks in the short term and the Council now has to decide how these will be addressed on a more permanent basis.

- 2.8 The Council will of course need to ensure a regular schedule of visual inspections and testing as described in Section 1. Budget provision will need to be made and the costs are likely to be in the range of £5000 every 5 years.
- 2.9 Further steps will need to be taken in relation to the memorials referred to in paragraph 2.5. There are a number of options which could be taken such as a more permanent design of support stake, repositioning of memorials in a secure prone position, or the removal of memorial. The costs of such options are estimated as follows:

Permanent staking (758 originally x £50)	£37,900*
Lay down permanently (331 originally x £37)	£12,250*
Removal of memorial (assuming 954 laid down)	£11,450*
Removal of memorial (assuming 331 laid down)	£3,970*

*Figures rounded to nearest £10

3. Legal Considerations

- 3.1 The Council as the owner of the Cemetery is responsible for the health and safety of its employees and visitors to the Cemetery. As the Council is aware that a number of memorials pose a health and safety risk, they now have to take all reasonably practicable steps to eliminate these risks.
- 3.2 The Council cannot carry out these works and recharge the owner. However, each owner should be aware of their responsibilities from the application form, for the erection of a memorial, that they have signed. Where an owner does not make their memorial safe then the Council will need to take action, but that is limited to action sufficient to eliminate the health and safety risk.
- 3.3 This is a sensitive area and where Councils have not recognised this there have been complaints to the Ombudsman and court cases dealing with objections to the grant of consents needed to carry out work. These cases have accepted that the Council has the power at its own expense to carry out works to memorials to overcome health and safety risks and this could simply be by laying memorials down and leaving it to the memorial owner to undertake the repairs themselves. However, the cases have come to this conclusion on the basis that the Council firstly undertakes an assessment of each memorial and make stable on a temporary basis, then take proper steps to give due warning to the owners and only then if no action is taken by the owners lay down the memorials.
- 3.4 The Council has carried out the assessment and taken temporary measures and have also contacted the owners of the memorials. The Council is now in a position to take steps to make the memorials safe

on a more permanent basis and, as this cost would be borne by the Council tax payer, it is important that any money incurred on such works is prudent and no more than is required to address the health and safety risks.

- 3.5 The Council should recognise that some owners may not be able to effect these repairs immediately but any time period for such works should be set with regard to the health and safety risks.

4. Financial Implications

- 4.1 Officers have made enquiries with local stone masons and have obtained estimates for an 'average repair' of £100 per memorial. This would involve re-fixing the headstone (the vertical part of the memorial) onto the plinth (the base) with more robust dowel fixings. In line with the new National Association of Memorial Masons (NAMM) standards, all work must be guaranteed for a period of 10 years
- 4.2 In calculating the impact of this cost for all memorials (assuming each only required an 'average repair'), this would result in a total cost of £108,900. There is no provision in any Council budgets for this cost.
- 4.3 If the Council were to undertake any of the options identified in paragraph 2.9, the associated costs could amount to £50,000 approximately.
- 4.4 There is a requirement for future revenue funding to meet the costs of inspections at five yearly intervals, currently estimated at £5000.

5. Risk Assessment

- 5.1 The Council has discharged its initial responsibility in addressing the concerns raised about health and safety in cemeteries. It must now consider the future options for dealing with the temporary situation following the completion of the survey.
- 5.2 The new NAMM standards for fixing of memorials are already in place and will ensure that the new level of risk is addressed satisfactorily
- 5.3 Future work to place memorials on graves is covered by a more stringent set of regulations and standards and further surveys will be undertaken at periodic intervals to maintain confidence that the risks associated with stability of memorials are addressed.
- 5.4 The original capital budget for the survey and temporary response work has been exceeded. There is currently no further provision for future works.

6. Conclusions

- 6.1 The Council has conducted a survey to assess the stability of all memorials in Ann's Hill Cemetery. The results are outlined in this report.
- 6.2 This work has addressed the health and safety concerns and the risk assessment has identified the issues that the Council will need to consider.
- 6.3 The report has identified the key issues for consideration together with the implications that these might have for the Council.
- 6.4 The costs of the initial survey and interim works have exceeded the original estimated budget. This will be addressed in the appropriate budget monitoring report to the Council in due course.
- 6.5 There is no capital or revenue budget provision for any future works.

Financial implications	<p>The capital programme includes a budget of £30,000 in respect of this item against which £59,000 has been spent to date (para. 2.4 refers).</p> <p>The remedial cost options outlined in the report - at paras. 4.2 (£108,900), 4.3 (£50,000) and 4.4 (£5,000) are all unbudgeted and if approved will impact on both the Council's diminishing capital resources and revenue budget.</p>
Legal implications	<p>See section 3 of report.</p> <p>Under the Local Authorities Cemeteries Order 1977, the Council as Local Burial Authority has a number of powers including the removal of danger due to the conditions of tombstones and memorials, and the destruction of tombstones and memorials where the inscriptions are illegible or if they are neglected, subject to displaying and advertising their intention so to do.</p>
Service Improvement Plan Implications	<p>The proposed action is in the current Plan.</p>

Corporate Plan	In line with the Council's duties as a local authority to deliver good quality services in a safe and secure manner.
Risk Assessment	As outlined in Section 5.
Background papers	Report to Community & Environment Board 5 September 2005
Appendices / Enclosures	N/a
Report Author / Lead Officer:	David Martin