

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 EIGHTH DAY of NOVEMBER 2007** 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 3 October 2007 (copy herewith).
3. To consider any Mayor's Communications.
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 26 NOVEMBER 2007 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, 26 NOVEMBER 2007).

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, 27 NOVEMBER 2007).

6. Consideration of recommendations by the Boards of the Council:-

BOARD	DATE
(i) Policy and Organisation Board	14 November 2007
(ii) Community & Environment Board	5 November 2007

7. To receive the following Part II minutes of the Boards of the Council:

- Policy and Organisation Board: 14 November 2007
- Community and Environment Board: 5 November 2007
- Housing Board: 7 November 2007

8. Gosport's Sustainable Community Strategy

To consider the report of the Chief Executive (copy herewith).

9. Working Group - Procurement.

To consider the report of the Environmental Services Manager (copy herewith).

**IAN LYCETT
CHIEF EXECUTIVE**

**TOWN HALL
GOSPORT**

20 November 2007

**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.**

MINUTES OF THE MEETING OF THE COUNCIL HELD ON 03 OCTOBER 2007

Attendance:

The Mayor (Councillor Gill) (P) (in the Chair);

The Deputy Mayor (Councillor Kimber) (P);

Councillors Allen (P), Ms Ballard (P), Burgess (P), Carr (P), Carter (P), Mrs Champion, Champion, Chegwyn (P), Clinton (P), Mrs Cully (P), Cully (P), Davis (P), Dickson, Edgar (P), Farr (P), Foster, Foster-Reed, Hicks (P), Hook (P), Jacobs, Langdon (P), Mrs Mudie (P), Philpott (P), Rigg (P), Mrs Salter (P), Mrs Searle (P), Smith (P), Taylor (P), Train (P), Ward (P), Mrs Wright (P) and Wright (P).

Also in attendance: Honorary Freeman Ashby and Honorary Aldermen Mrs Bailey, Hayward, O'Neill and Mrs Snaith.

INTRODUCTION OF NEWLY ELECTED COUNCILLOR

The Mayor welcomed Councillor Mrs Searle, the newly elected Councillor for the Town Ward, to the meeting.

Councillor Mrs Searle replied briefly.

APOLOGIES

Apologies for inability to attend the meeting were submitted on behalf of Councillors Mrs Champion, Champion, Dickson, Foster, Foster-Reed and Jacobs and Honorary Aldermen Flory, Hewitt and Rushton.

MINUTES

RESOLVED: That the Minutes of the Ordinary meeting of the Council held on 11 July 2007 be confirmed and signed.

MAYOR'S COMMUNICATIONS

(A) MRS CATHERINE MCDONALD, DEMOCRATIC SERVICES OFFICER

The Mayor reported that Mrs McDonald's son, currently working in Iraq with a private security company, had received shrapnel injuries from a bomb explosion recently. The Mayor understood thankfully that the injuries were not life threatening and that he was being cared for in an American Military Hospital in Germany.

Members accordingly requested the Mayor to write to Mrs McDonald in order to convey their sympathies to her at this time and wish her son a speedy recovery to full health from his injuries.

(B) FAIRTRADE

The Mayor was pleased to report that the Council had achieved success in being awarded the Fairtrade Runner-Up Award for 'The Best Contribution by a Local Council'. He wished to extend his thanks to Councillor Mrs June Cully who had enthusiastically supported Fairtrade in her period of office as Mayor and who had picked up the Award on his behalf at the ceremony in London with Sarah Hirom, Caryn Vaux and Carly Pringle of Gosport Fairtrade Action Group on Saturday, 29 September 2007.

Councillor Mrs Cully accordingly presented the Mayor with the Award and thanked everyone who had been involved with the local Fairtrade campaign.

(C) PHOTOGRAPH TAKING MOBILE PHONE IN GOSPORT SCHOOLS

Note: Councillor Clinton declared a personal and prejudicial interest in this item and withdrew from the Council meeting for the duration of its discussion.

The Mayor brought to Members' attention an item related to school children using photograph taking mobile phones in and around school. In this context he requested Councillor Smith to address the Council meeting.

Councillor Smith introduced this item and concluded with a request to move the following Motion in accordance with Standing Order 4.5.1(d), which was duly seconded by Councillor Chegwyn.

"Gosport Borough Council wishes to request Hampshire County Council as the Local Education Authority to ban imaging equipment in schools in a bid to stop images of fights and 'happy slapping' attacks from being filmed on mobiles in or around school."

Council accordingly agreed to Councillor Smith moving the above Motion in accordance with Standing Order 4.5.1 (d).

AMENDMENT: That the Motion be approved and adopted subject to the addition of the words "that"..... "write to the Governors of all Gosport Schools, requesting them to ban photograph taking mobile phones"..... "telephones on their school premises."

The amended Motion would therefore read as follows:

"Gosport Borough Council wishes to request that Hampshire County Council as the Local Education Authority, write to the Governors of all Gosport

Schools, requesting them to ban photograph taking mobile phones in a bid to stop images of fights and ‘happy slapping’ attacks from being filmed on mobile telephones on their school premises.”

The Mayor informed Council that Councillors Smith and Chegwyn were happy for the Amended Motion to replace their Original Motion.

COUNCIL UNANIMOUSLY RESOLVED: That the Substantive Motion as amended be approved and adopted.

Prior to the Deputation being heard the Mayor moved in accordance with Standing Order 4.5.1 (j) that item 10 on the agenda (Regeneration of Rowner) be taken after the Deputation on the same subject.

COUNCIL RESOLVED: That in accordance with Standing Order 4.5.1(j) item 10 (Regeneration of Rowner) on the agenda be taken after the Deputation.

STANDING ORDER 4.15.1

The Mayor reported that notice had been received requesting that Standing Order 4.15.1 be moved to enable the Chief Executive, Deputy Chief-Executive and Borough Treasurer and Borough Solicitor to introduce their respective reports related to:

- **Chief Executive**
Items 10 (Regeneration of Rowner) and 13 (Holbrook Recreation Centre)
- **Deputy Chief Executive and Borough Treasurer**
Item 11 (Designated Public Places Order (DPPO))
- **Borough Solicitor**
Items 9 (Review of Council Boards, Sub-Boards and Committees and Determination of Allocation of Seats), 12 (Local Government Act 1972 – Section 85) and 14 (Review of Polling Districts and Polling Places For the Parliamentary Constituency).

COUNCIL RESOLVED: That Standing Order 4.15.1 be moved to enable the Chief Executive, Deputy Chief Executive and Borough Treasurer and Borough Solicitor to introduce their respective reports as detailed above.

DEPUTATION

Mr M Latham had requested permission to address the Council on behalf of the Village Residents Association concerning the Regeneration of Rowner.

Mr Mark Latham, as Vice Chairman, spoke on behalf of the Village Residents Association (VRA), a democratically elected group acting in the interests of all the people living in Rowner village and explained that he was an ex-resident and ex-leaseholder of Rowner Village. He spoke in response to the Chief Executive's report 'Regeneration of Rowner' and thanked the Councillors for allowing him to speak.

Mr Latham felt that the standard of the Rowner housing stock should be improved; his group was making improvements to a value of £3M and felt that the Council's proposal was expensive, disruptive and risky with a political risk to the Council. Mr Latham considered that the VRA and the Council were seeking the same objective which was to achieve a thriving and prosperous Rowner village with housing stock reflecting well on the Borough of Gosport.

Mr Latham explained that the VRA were a group of capitalists who had been actively involved in Rowner village for the last 18 months, had acquired and refurbished in excess of 30 flats on the estate which they considered had contributed, without public funds, to their security, quality and value. Copies of photographs of alleged improvements to flat roofs had previously been distributed to Members of the Council.

Mr Latham gave an account of a Rowner family who had transferred from mortgage to rental and were subsequently forced into debt. This had resulted in the family being split up with the father transferred to a hostel and the mother and two young children housed in single women's accommodation. The family were both surprised and angry at this decision and Mr Latham commented that it was not necessarily the case that people would be given a new property if their circumstances deteriorated.

In response to Members' questions Mr Latham stated that there was no guarantee for the flat roof repairs carried out although a surveyor had made an inspection; that the VRA held regular minuted meetings and that he had purchased a Rowner flat in mid 2006, renovated it and moved on to another project in Bridgemary in February 2007. Members quoted facts and figures from

the Johnson report together with local youth workers' opinions of there being major issues at Rowner. Mr Latham did not recall that the cost of refurbishment could be as much as £50M, as quoted in the report, and felt that the work required would be less radical as the properties were sturdily built and capable of refurbishment.

The VRA were in the process of taking on the freehold and were intent on continuing to substantially improve the estate's physical condition including lifts, asbestos removal, paintwork and installing security cameras and doors. He requested that the Council give his group the time and breathing space to continue their programme at no cost to the Council.

The Mayor thanked Mr Latham for his presentation.

REGENERATION OF ROWNER

The Chief Executive introduced his report on the above.

The Chief Executive reported that the Rowner Renewal Consortium was officially launched on 20 March 2007. The launch brought together publicly the five key

agents for the change in Rowner; Gosport Borough Council, Hampshire County Council, English Partnership, Taylor Wimpey Developments Limited and Portsmouth Housing Association.

The partners in the Rowner Regeneration Consortium had pledged millions of pounds of investment to make the redevelopment of the Rowner Estate a possibility. If the Project is to proceed, a full and extensive consultation with local residents would be undertaken. This process would identify the exact numbers and tenure of those who are resident in the Village and their requirements for future housing. It would also allow the local residents to comment upon and shape the regeneration.

To cost the Project it was necessary to make some assumptions and these are outlined below. However, these remain assumptions and are subject to the results of the public consultation.

Number of residential units proposed – maximum 845

Number of residential units to be demolished – 501

Affordable homes – 30% (rent and shared ownership) 252

It was proposed to include a retail provision within the scheme. A community square was envisaged around the schools, Nimrod Centre and SureStart, with a suitable space so that the carnival, for example, and other existing community events may continue and also provide new opportunities for community activities.

The residential units would all be built to English Partnership construction standards. These exceed those usually asked for under Building Regulations or for affordable homes by the Housing Corporation/Registered Social Landlords.

The value of the whole Regeneration Project was estimated to be in the region of £140M.

Hampshire County Council had provided finance for the employment of a Project Officer, Mr Michael Lane; the Chief Executive extended his personal thanks to Mr Lane for his support and hard work over the last two years. Success had been achieved in bringing to visit the site and securing subsequent support for the regeneration proposals of Ministers, Senior Civil Servants and Chief Executives and Senior Officers of all the relevant Government Agencies.

In conclusion the Chief Executive stated that if the proposals were approved tonight Portsmouth Housing Association would be delivering to residents tomorrow morning letters initiating the consultation process. He would also ensure that Councillors received copies of such letters.

MOTION: That the Council resolve to:

- a) **enter into agreements with Taylor Wimpey Development Limited (formerly Taylor Woodrow Development Limited), English Partnership, Portsmouth Housing Association and Hampshire County Council to secure the regeneration of Rowner as outlined in the Chief Executive's report;**

- b) agree to the sale of Gosport Borough Council land shown on the plan (Appendix A) at an undervalue and delegate authority to the Chief Executive in consultation with the Borough Solicitor and Borough Treasurer to conclude negotiations with Portsmouth Housing Association subject to the relevant statutory procedures and consents;
- c) agree in order to secure the comprehensive redevelopment and regeneration of the Rowner area to the principle of exercising their power to compulsory acquire land and interests in land;
- d) authorise the Borough Solicitor to enter into agreements to facilitate the Rowner Regeneration Project and to undertake preparatory work for the making of a Compulsory Purchase Order;
- e) approve the use of Home Heath as a cemetery; and
- f) agree to any “further profit” as defined under Clause 4.12 of the Chief Executive’s report to be retained for future regeneration projects within Gosport.

Upon the Motion being put to the meeting, in accordance with Standing Order 4.12.4, it was requisitioned that the voting on the Motion be recorded. A recorded vote was thereupon taken and the names of the Members voting for the Motion were read to the Council as follows:

FOR THE MOTION: The Mayor, Deputy Mayor and Councillors Allen, Ms Ballard, Burgess, Carr, Carter, Chegwyn, Clinton, Mrs Cully, Cully, Davis, Edgar, Farr, Hicks, Hook, Langdon, Philpott, Rigg, Mrs Salter, Mrs Searle, Smith, Taylor, Train, Ward, Mrs Wright and Wright (27)

(NOTE: Councillor Mrs Mudie was not present when the recorded vote was taken).

The Motion was accordingly declared CARRIED.

COUNCIL UNANIMOUSLY RESOLVED: That the Motion be approved and adopted.

ADJOURNMENT

The Council adjourned from 7.43 – 7.50pm.

QUESTION PURSUANT TO STANDING ORDER 3.4

- (A) Question No 1 standing in the name of Councillor Edgar on the fitting of a new lock for a council property resident at St Vincent Road was answered by the Chairman of the Housing Board.

CONSIDERATION OF RECOMMENDATION FROM COUNCIL BOARD

PARTNERSHIP FOR URBAN SOUTH HAMPSHIRE – ESTABLISHMENT OF A JOINT COMMITTEE AND JOINT OVERVIEW AND SCRUTINY COMMITTEE

At its meeting on 19 September 2007, the Policy and Organisation Board recommended that Council be advised that the Board gives approval for:

- a) the establishment of a formal joint committee (Partnership for Urban South Hampshire (PUSH)) to replace the existing voluntary informal arrangements, based on the terms of reference and broad structure described in the Chief Executive's report, with approval of the detailed Memorandum of Understanding and other documents to be delegated to the Chief Executive in consultation with the Leader of the Council; and
- b) the establishment of a joint overview and scrutiny committee to scrutinise the activities of the PUSH joint committee.

COUNCIL RESOLVED: That the recommendations be approved and adopted together with an additional recommendation c) that Councillor Hook be the Council's representative on the joint overview and scrutiny committee with a standing deputy being drawn from any member of the opposition.

PART II MINUTES

COUNCIL RESOLVED: That the following Part II Minutes be received:

Policy and Organisation Board: 19 September 2007 (Minute Nos 29 – 35)

Community and Environment Board: 10 September 2007 (Minute Nos 20 – 24)

Housing Board: 12 September 2007 (Minute Nos 19 – 24)

REPORT OF RETURNING OFFICER ON THE BY-ELECTION HELD ON 2 AUGUST 2007

The following report of the Returning Officer on the By-Election held on 2 August 2007 was received:

GOSPORT BOROUGH COUNCIL

RETURNING OFFICER'S REPORT ON THE BOROUGH COUNCIL

BY-ELECTION IN THE TOWN WARD HELD ON

2 AUGUST 2007

1. I have to report that a vacancy arose in the office of Councillor for the Town Ward of the Borough by reason of the resignation of Councillor Redrup.
2. Six candidates were validly nominated in the election of a Councillor for the Town Ward to fill the resulting vacancy. A Poll was taken on 2 August 2007 and the votes cast for the respective candidates were as follows:

<u>Names of Candidates</u>	<u>Votes Given for Each Candidate</u>
Adam Dickson Ewens BURNS	320
Heather Gillian CARR	200
Brian HART	71
Diane SEARLE	480
Robert Henry SHAW	50
Jane STAFFIERI	31

3. The under-mentioned candidate who received the greatest number of votes was therefore elected Councillor for the Town Ward.

Diane SEARLE

REVIEW OF COUNCIL BOARDS, SUB-BOARDS AND COMMITTEES AND DETERMINATION OF ALLOCATION OF SEATS

Consideration was given to a report of the Borough Solicitor on the above.

It was reported that the Council had previously reviewed the allocation of seats and made a determination as to the allocation between the political groups on the Council in November last year. Following the recent by-election a further review had been undertaken by the Borough Solicitor and her recommendations were now before the Council for approval.

COUNCIL RESOLVED: That the following recommendations in the Borough Solicitor's report be approved and adopted:

- a) the allocation of seats on the Boards and Committees be as set out in paragraph 3.1;
- b) Councillor Farr be the Labour Group's member on the Regulatory Board with his name being deleted from the Regulatory Board Nominated Deputies list for 2007/08;

- c) the allocation of seats on the Sub-Boards remain unchanged as set out in paragraph 4.2; and
- d) the allocation of seats on the Standards and Governance Committee remain unchanged as set out in paragraph 5.2.

COUNCIL ALSO RESOLVED: That Councillor Mrs Searle be added to the membership of the Overview and Scrutiny Committee with Councillor Farr being deleted from the Committee's membership for the remainder of the 2007/08 Municipal Year.

DESIGNATED PUBLIC PLACES ORDER (DPPO)

The Deputy Chief Executive and Borough Treasurer introduced his report on the Designated Public Places Order (DPPO).

He recommended Councillors to consider the results of the statutory consultation and agree to the making of a Designated Public Places Order (DPPO).

COUNCIL RESOLVED: That the following recommendations in the Deputy Chief Executive and Borough Treasurer's report be approved and adopted:

- a) note the results of consultation;
- b) make the Designated Public Places Order (DPPO) as set out in Appendix 1; and
- c) undertake the necessary statutory advertisement with the start date for the DPPO as 1 November 2007 and that the signage referred to in Appendix 1 is placed around the Borough informing residents of the implications of the DPPO.

LOCAL GOVERNMENT ACT 1972 – SECTION 85

The Borough Solicitor introduced her report on the above.

She outlined in her report the reasons provided by Councillor Mrs Champion for her inability to attend meetings of the Council and the provisions of Section 85 of the 1972 Act.

The Mayor informed the Council that the Leader of the Conservative Group wished to put forward the reasons in paragraph 2.2 of the report as the Motion in pursuance of Section 85 of the 1972 Act in order to keep Councillor Mrs Champion in office as a Councillor.

COUNCIL RESOLVED: That the reasons outlined in paragraph 2.2 of the Borough Solicitor's report be approved and adopted in pursuance of Section 85 of the 1972 Act in order to keep Councillor Mrs Champion in office as a Councillor.

HOLBROOK RECREATION CENTRE

Consideration was given to a report of the Chief Executive on the Holbrook Recreation Centre.

The report requested the Council to consider the appointment of a Consultant in respect of the proposed redevelopment of Holbrook Recreation Centre.

MOTION: That Council is recommended to approve the appointment of Strategic Leisure Limited to assist the Council with the redevelopment of the Holbrook Recreation Centre.

AMENDMENT: That the Motion be approved and adopted subject to the addition of the words ".... and that the football pitches be retained on the site."

The Amendment was accordingly put to the Council meeting and declared **CARRIED.**

COUNCIL RESOLVED: That the Substantive Motion as amended be approved and adopted.

REVIEW OF POLLING DISTRICTS AND POLLING PLACES FOR THE PARLIAMENTARY CONSTITUENCY

Consideration was given to a report of the Borough Solicitor on the above.

It was reported that the Council is required by statute to divide its area into polling districts and polling places for the purpose of Parliamentary elections and to keep them under review. The Council has to complete a review by 31 December 2007 and thereafter on a four year basis.

COUNCIL RESOLVED: That the Council sets up a Sub-Board of 3 members on a 1:1:1 basis to prepare proposals for consultation only; the three members to be Councillors Carter and Chegwyn, with one Labour Group vacancy.

HCC TRANSPORT FOR SOUTH HAMPSHIRE JOINT COMMITTEE

COUNCIL RESOLVED: That Councillor Langdon be appointed to attend and observe at the County Council Transport for South Hampshire Joint Committee meetings along with the Development Services Manager for the remainder of the Municipal Year.

The meeting ended at 8.51pm

AGENDA ITEM NO. 6 (i)

REPORT TO: COUNCIL

DATE OF MEETING: 28 NOVEMBER 2007

REPORT BY: COUNCILLOR CULLY (CHAIRMAN OF THE POLICY AND ORGANISATION BOARD)

At its meeting on 14 November 2007, the Policy and Organisation Board considered a report on the following item and made the following recommendation to Full Council.

i) ADOPTION OF A REVISED STATEMENT OF LICENSING POLICY UNDER THE LICENSING ACT 2003 (Appendix PO1)

RECOMMENDATION: That:

- a) the revised Statement of Licensing Policy, as set out in Appendix A to the report, be adopted; and
- b) the scheme of delegation set out in the original Statement of Licensing Policy, and repeated in the revised policy at Appendix A of the report, continue to be incorporated into the Council's Constitution and authority be delegated to the Borough Solicitor to make any necessary and any consequential amendments to the Constitution.

APPENDIX PO1

Board/Committee:	POLICY AND ORGANISATION
Date of Meeting:	14 NOVEMBER 2007
Title:	ADOPTION OF A REVISED STATEMENT OF LICENSING POLICY UNDER THE LICENSING ACT 2003
Author:	ENVIRONMENTAL SERVICES MANAGER
Status:	FOR RECOMMENDATION TO FULL COUNCIL

Purpose

To approve adoption of a revised Gosport Borough Council Statement of Licensing Policy.

Recommendation

That the Policy and Organisation Board recommend to Full Council

1. That the revised Statement of Licensing Policy, as set out in Appendix A to this report, is adopted.
2. That the scheme of delegation set out in the original Statement of Licensing Policy, and repeated in the revised policy at Appendix A, continues to be incorporated into the Council's Constitution and authority be delegated to the Borough Solicitor to make any necessary and any consequential amendments to the Constitution.

1 Background

- 1.1 The Licensing Act 2003 ('the Act'), transferred responsibility for the licensing of all premises that sell alcohol and or provide licensable activities to local authorities. The Act requires local authorities when carrying out their functions, known as the Licensing Functions, to have regard to their own Statement of Licensing Policy and any guidance issued by the Secretary of State under the Act. The Licensing Authority is required to review their Statement of Licensing Policy every three years.

2 Report

- 2.1 A revised Statement of Licensing Policy has been prepared incorporating changes in the statutory guidance issued by the Secretary of State. The changes reflect the maturing nature of the licensing regime. Matters relating to the transfer of licences issued under previous legislation (Licensing Act 1964, Local Government (Miscellaneous Provisions) Act 1982) are no longer appropriate. The opportunity has been taken to incorporate matters relating to the Health Act 2006, specifically the Smokefree requirements in public places which include licensed premises, and revised requirements under the Violent Crime Reduction Act 2006.

- 2.2 The original Statement of Licensing Policy ('the Licensing Statement') for the Council was developed in conjunction with other local authorities in Hampshire. The revised policy incorporates this document with appropriate updates. This policy is attached as Appendix A.
- 2.3 The Statement of Licensing Policy provides guidance for officers and members when carrying out licensing functions including determining applications that are subject to representations or reviews by relevant authorities or the public.

The Act provides for 4 types of licence:-

- a) Premises licences
- b) Club Premises Certificates
- c) Temporary Event Notices
- d) Personal licences.

- 2.4 The Act and the Secretary of State's subsequent guidance make it clear that the Council must carry out its licensing functions with a view to promoting the Licensing Objectives contained within the Act.

These are :-

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance
- d) The protection of children from harm.

- 2.5 The Statement of Licensing Policy has to be applied in a manner which promotes the Licensing Objectives and must not ignore or be inconsistent with the provisions of the Act.
- 2.6 As part of the process of revising the Statement of Licensing Policy the Authority has consulted with a number of stakeholders. Details of the consultation process are attached as Appendix B.
- 2.7 The Statement of Licensing Policy sets out the delegation of functions to the Licensing Sub Committees and officers in accordance with the statute and the guidance issued by the Secretary of State. These delegations will need to continue to be incorporated into the Council's Constitution.

3 Risk Assessment

- 3.1 The Council must have a Statement of Licensing Policy. The statement must be reviewed every 3 years once adopted to comply with Central Government requirements.

4 Conclusion

- 4.1 The revised Statement of Licensing Policy attached as Appendix A has been subject to consultation.
- 4.2 The Statement of Licensing Policy is subject to review on a triennial basis, this allows for further modification to the policy as experience

in matters relating to the Act develops.

- 4.3 The revised Statement of Licensing Policy has been updated to incorporate revisions to the guidance issued by the Secretary of State under section 182 of the Act, the Health Act 2006 and the Violent Crime Reduction Act 2006. There have only been minor local amendments to the remainder of the original document which is still seen as fit for purpose.

Financial Services comments:	None
Legal Services comments:	Set out in the report and the Licensing Statement.
Service Improvement Plan implications:	The implementation of the policy will be incorporated in the Environmental Health (Commercial) service plan.
Corporate Plan:	Adoption of the Statement of Licensing Policy is fully consistent with and will make a significant contribution to the corporate plan for safer communities.
Risk Assessment:	The Council is required to have a Licensing Policy. The policy is subject to triennial review from the date of original adoption, i.e. 7 January 2005.
Background papers:	Statement of Licensing Policy published 7 January 2005
Appendices/Enclosures:	Appendix A, Gosport Borough Council's Revised Statement of Licensing Policy
	Appendix B, Details of the consultation process for the review of the Statement of Licensing Policy.
Report author/ Lead Officer:	D Jago, Environmental Services Manager



LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

2008 to 2011

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**GOSPORT BOROUGH COUNCIL
LICENSING ACT 2003
SECTION 5**

**Statement of Licensing Policy
2008 - 2011**

A licensing policy as determined by the Council in respect of its licensing functions for the three year period commencing 7 January 2008 is set out in this Statement of Licensing Policy. During the three year period the Policy will be kept under review and the Council will make such revisions to it, at such times, as it considers appropriate. Further Statements will be published every three years thereafter.

PART 1: BACKGROUND

- 1.1 Gosport is situated in the County of Hampshire and has a large number of licensed premises. The Council recognises that licensed premises are an important part of the Borough and are major contributors to the local economy, attracting tourists and visitors, and making for vibrant towns and communities, whilst at the same time providing employment.
- 1.2 There are currently 217 premises in the borough that require licensing under the Act. These premises include:
- public houses and nightclubs
 - off licences
 - hot food take aways operating between 23:00 and 05:00
 - hotels, guest houses, restaurants and other places that sell alcohol
 - private members clubs and social clubs
 - theatres and amateur dramatic groups
 - premises where indoor sporting events take place
- 1.3 In addition, any provision of entertainment by way of a cinema will also fall under the licensing requirements.

Other Legislation

- 1.4 Prior to submitting an application to the Licensing Authority the applicant should ensure that there is appropriate current planning permission for the hours and activities for which application is being made.
- 1.5 The Licensing Authority recognises that there should be a clear separation of the planning and licensing systems and licensing applications will be viewed independently of planning applications. Licensing applications are

not a re-run of the planning application and should not cut across decisions taken by the Regulatory Board or following appeals against decisions by that Board. The granting Licensing Board, where appropriate, will provide reports to the Regulatory Board on the situation regarding licensed premises in the area including the general impact of alcohol-related crime and disorder.

1.6 Furthermore premises must comply with all other relevant legislation, e.g.

- Food Safety Act 1990
- Health & Safety at Work etc Act 1974
- Disability Discrimination Act 1995
- Building Regulations 2000
- The Anti-Social Behaviour Order 2003
- The Regulatory Reform (Fire Safety) Order 2005
- The Violent Crime Reduction Act 2006
- The Health Act 2006

1.7 The Licensing Authority will seek to avoid duplication with other regulatory regimes as far as possible. However, if other statutes do not cover the unique circumstances that arise in connection with, for example, entertainment at specified premises then additional controls may be imposed

1.8 The Licensing Authority will work with other Local authorities, particularly those with whom boundaries are shared, to ensure a consistent approach is taken to licensing issues whilst respecting the differing needs of the individual communities.

PART 2: INTRODUCTION

2.1 Gosport Borough Council ("the Council") is the Licensing Authority pursuant to the Licensing Act 2003 ("the Act") and is responsible for considering all applications for licensable activities, as defined in Part 1 of the Act. The purpose of licensing is to regulate licensable activities on licensed premises, by qualifying clubs and at temporary events. Licensable activities, identified by the Act are:

- The sale by retail of alcohol,
- Supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
- Provision of regulated entertainment, and
- The provision of late night refreshment

The following licensable activities are also qualifying club activities:

- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
- The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place, and
- The provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests

In the Act, references to the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club do not include a reference to any supply which is a sale by retail of alcohol.

The descriptions of entertainment are:

- a) A performance of a play,
- b) An exhibition of a film,
- c) An indoor sporting event,
- d) A boxing or wrestling entertainment,
- e) A performance of live music,
- f) Any playing of recorded music,
- g) A performance of dance,
- h) Entertainment of a similar description to that falling within paragraph (e), (f) or (g),

where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience.

- 2.2 There are a number of exceptions and details of these are set out in Sections 173 to 175 of the Act.
- 2.3 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Act and having regard to the Guidance issued under Section 182 of the Act. Where revisions to the Guidance issued under Section 182 of the Act are issued by the Secretary of State there may be a period of time when this Policy is inconsistent with the Guidance. In these circumstances the Licensing Authority should have regard and give appropriate weight to the Guidance and its own licensing policy statement.
- 2.4 The Policy will be kept under review and where any amendments are considered necessary these will only be made after consultation has taken place in accordance with Section 5(3) of the Act. Appropriate weight shall be given to the views of all those consulted. Those to be consulted will include:

- The Chief Officer of Police for Hampshire

- The Chief Officer of Hampshire Fire & Rescue Service
- Bodies representing local holders of premises licences
- Bodies representing local holders of club premises certificates
- Bodies representing local holders of personal licences
- Hampshire Social Services, Area Child Protection Team
- Bodies representing businesses and residents in the Licensing Authority's area
- The Crime and Disorder Reduction Partnership (CDRP)
- Any other bodies the Licensing Authority deems appropriate

The Licensing Authority may hold open meetings a necessary, well publicised amongst the community, at which the community can express how well it feels the licensing objectives are being met.

The Licensing Authority consults widely and follows the Consultation Guidance published by the Cabinet Office to allow all persons sufficient opportunity to comment on and influence local policy. A full list of those consulted is available from the Environmental Health Section, Environmental Services Unit.

- 2.5 The Licensing Authority recognises that the best means of promoting the Licensing Objectives (see 2.6 below) is through the co-operation and partnership of local authorities, the police, local business, performers, local people and those involved in child protection. As such, we will establish a local forum which will include these partners.

Licensing Objectives

- 2.6 When dealing with licensing matters the Licensing Authority will promote and have regard to the four licensing objectives set out in the Act. These are:

The prevention of crime and disorder,
Public safety,
The prevention of public nuisance and
The protection of children from harm.

- 2.7 The Licensing Authority's primary focus is the direct impact of activities taking place at licensed premises on members of the public who are living, working or engaged in normal activity in the vicinity of the premises/place concerned. Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises/place and, therefore, beyond the direct control of the individual, business or club holding the licence or certificate concerned.

- 2.8 Accordingly, any conditions attached to the licence/certificate will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. Whether or not an instance can be regarded as being in the vicinity of licensed premises or places is a question of fact and will depend on the particular circumstances of the case.

Integration of Strategies

- 2.9 The Licensing Authority will take into consideration the following in so far as they are relevant to the licensing objectives. The Licensing Board will receive, when appropriate, reports on:
- The needs of the local tourist economy
 - The cultural strategy for the district and the Licensing Authority's wish to encourage and promote live music, dancing and theatre to the wider cultural benefit of its community
 - The employment situation in the district and the need for investment and employment where appropriate.
- 2.10 There are many stakeholders in the leisure industry. Many are involved, directly or indirectly, in the promotion of the Licensing Objectives, particularly those relating to the prevention of crime and disorder and public nuisance.
- 2.11 The Licensing Authority will ensure at all times that it takes into account the views of these stakeholders and ensures proper integration of local crime prevention, planning, transport, tourism and cultural strategies. The Licensing Authority will work closely with the police and Hampshire County Council Trading Standards Service on issues of enforcement. Where appropriate, neighbouring authorities and their parish councils will also be consulted.
- 2.12 Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies.

Cumulative Impact of a Number of Licensed Premises in One Area

- 2.13 The Licensing Authority will not take 'need' into account when considering an application, as this is a matter for planning development control and the market. However, it recognises that the cumulative impact of the number, type and density of licensed premises in a given area may lead to serious problems of nuisance and disorder both in the vicinity of and at some distance from the premises.
- 2.14 Representations may be received from a responsible authority/interested party that an area has become saturated with premises making it a focal point for large groups of people to gather and circulate away from the licensed premises themselves. This concentration of premises may be

creating exceptional problems of disorder and nuisance over and above the impact from the individual premises.

- 2.15 In these circumstances, the Licensing Authority may consider that the imposition of conditions is unlikely to address these problems and may consider the adoption of a special policy of refusing new premises licences or club premises certificates if it believes that there is a cumulative impact in the area from existing premises and the granting of any more would undermine one of the licensing objectives.
- 2.16 The Licensing Authority does not consider there to be any particular concentrations of licensed premises in any parts of its area considered to be already causing a cumulative impact on one or more of the licensing objectives.

Other Controls on Anti-social Behaviour

- 2.17 Other mechanisms exist to control the anti-social behaviour of a minority of consumers who behave badly and unlawfully after leaving licensed premises etc. These controls include:
- Planning controls
 - Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Local Authority.
 - The provision of CCTV surveillance in town centres, ample taxi ranks, provisions of public conveniences open late at night, street cleaning and litter patrols.
 - Powers of local authorities to designate parts of their area as places where alcohol may not to be consumed publicly.
 - Police enforcement of the general law concerning disorder and anti-social behaviour including the issuing of fixed penalty notices.
 - The prosecution of any personal licence holder or member of staff at licensed premises who is selling alcohol to people who are drunk.
 - The confiscations of alcohol from adults and children in designated areas.
 - Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises causing a nuisance.

- The power of the Police and other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

Drinking on the Streets

- 2.18 Local authorities are empowered under section 13 of the Criminal Justice and Police Act 2001 to make Designated Public Place Orders (DPPOs) to control the consumption of alcohol in a public place outside of licensed premises. Orders made by the Council under the Criminal Justice and Police Act 2001 to control the drinking of alcohol in the streets will be regularly reviewed as part of the licensing policy review. Gosport Borough Council has implemented a Designated Public Place Orders (DPPO) to encompass the entire Borough of Gosport.
- 2.19 The Violent Crime Reduction Act 2006 provides for powers for Local authorities and police to designate Alcohol Disorder Zones (ADZs) as a last resort to tackle alcohol related crime and disorder

Licensing Hours

- 2.20 Consideration will be given to the individual merits of an application when determining licensing hours. Flexible licensing hours relating to the sale of alcohol are important to ensure that concentrations of customers leaving premises simultaneously are avoided. It is hoped that longer hours will also result in a reduction in binge drinking at the end of an evening. This is necessary to reduce friction leading to problems of disorder and disturbance at late night food outlets, taxi ranks and other sources of transport.

Conditions

- 2.21 Where the responsible authorities and interested parties do not raise any representations about the application made to the Licensing Authority it is the duty of the Licensing Authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed in the 2003 Act itself.
- 2.22 A key concept of the Act is that conditions attached to licences and certificates should be tailored to the individual style and characteristics of the premises and events concerned. Accordingly, conditions will only be imposed to the extent that the Licensing Authority considers them necessary to promote the Licensing Objectives arising out of consideration of representations received. They will focus on matters that are within the control of individual licensees or others in control of relevant activities. The conditions imposed will be drawn from a pool of conditions amended

where necessary. These will be based on those matters contained in the Guidance issued under Section 182 of the Act - Appendix D.

Live Music, Dancing and Theatre

- 2.23 The Licensing Authority recognises that as part of implementing any cultural strategy as may from time to time apply, proper account will need to be taken to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community. Conditions to be imposed on relevant licences will not discourage the promotion of such entertainment but will relate solely to the promotion of the licensing objectives.
- 2.24 To ensure that cultural diversity thrives, the Council has been issued a number of premises licences by the Licensing Authority for public spaces in the community in their own name.

Enforcement

- 2.25 The Licensing Authority has established protocols with the local Police, Trading Standards Service and Fire and Rescue Authority on enforcement issues. This will enable the more efficient deployment of local authority staff, Police Officers, Trading Standards Officers and Fire Officers who are commonly engaged in enforcing licensing law and the inspection of licensed premises. The aim of the protocol will be to target agreed problem and high risk premises which require greater attention while providing a lighter touch in respect of low risk premises which are well run.

Closure

- 2.26 The provisions of Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. Guidance to the police powers to close premises can be found on the DCMS website at www.culture.gov.uk.
- 2.27 The Violent Crime Reduction Act 2006 allows a closure notice to be offered as an alternative to prosecution under Section 147A of the 2003 Act for persistently selling alcohol to children. That offence may be committed by the holder of a premises licence if on 3 or more occasions within 3 consecutive months alcohol is sold unlawfully to an individual aged under 18 on the premises to which the licence relates. If he considers on the evidence that there is a realistic prospect of conviction of the licence holder for such an offence a police officer of the rank of Superintendent or an Inspector of Weights and Measures may give a closure notice under the Act proposing that the premises concerned be "closed" (that is alcohol sales be prohibited) for a period of up to 48 hours beginning not less than 14 days after the date of the closure notice is served.

- 2.28 The Anti-Social Behaviour Act 2003 provides that if noise from any licensed premises is causing a public nuisance, an authorised officer will have the power to issue a closure order in respect of the premises effective for up to 24 hours. Under this provision, it is for the Chief Executive of the local authority to delegate their power to Environmental Health Officers within their authority.
- 2.29 The Fire Safety Order 2005 covers general fire precautions and other fire safety duties which are needed to protect relevant persons in case of fire in and around most premises. The local fire and rescue authority will enforce the Order in most premises and have the power to check the responsible person is complying with their duties under the Order. If the enforcing authority is dissatisfied with the outcome of a fire risk assessment or the action taken they may issue, in extreme cases, a prohibition notice that restricts the use of all or part of the premises until improvements are made. Further information and guidance on the Order and fire safety legislation is available from the Communities and Local Government website www.communities.gov.uk/fire.

Objections/Review Hearings

- 2.30 Responsible authorities or interested parties may make representations to the Licensing Authority on any application for grant, variation or for the review of a Premises Licence. Interested parties are defined as a:

- person living in the vicinity of the premises in question
- body representing persons living in the vicinity
- person involved in a business in the vicinity of the premises
- body representing persons involved in such a business

The Licensing Authority expects that where possible such representations will be made in writing.

- 2.31 The Licensing Authority can only review a licence where it is alleged that the Licensing Objectives are not being kept. The Licensing Authority will hold a review hearing to consider the merits of an application or licence where the representation is considered relevant. In order to be relevant it must relate to the likely effect of the grant of the licence on the promotion of at least one of the Licensing Objectives. Review hearings will be heard by a panel of elected members. Applicants and objectors will be informed of the hearing protocol and invited to attend such hearings to present their arguments.
- 2.32 The Licensing Authority will, however, make every effort to consult with the applicant and objector to resolve any issues as appropriate.
- 2.33 An aggrieved interested party whose representation is not regarded as relevant may challenge the Licensing Authority by way of a judicial review.

2.34 Following a review hearing the Licensing Authority may:

- modify the conditions of the licence
- exclude a licensable activity from the scope of the licence
- remove the designated premises supervisor
- suspend the licence for a period (not exceeding three months)
- revoke the licence
- take no action

Offences

2.35 The Act sets out a number of offences, proceedings for which may be instigated by:

- The Licensing Authority
- The Director of Public Prosecutions
- In the case of an offence under section 146, 147 or 147A (sale of alcohol to children and persistently selling alcohol to children) by a local Weights and Measures Authority (within the meaning of section 69 of the Weights and Measures Act 1985 (c.72)).

2.36 Any action instigated by the Licensing Authority will be undertaken having regard to the Enforcement Policy of the council.

Appeals

2.37 Within the Licensing Act 2003 there is provision for appeals for aggrieved parties in connection with decisions made by the Licensing Authority. Other than in the case of personal licences, an appeal has to be made to the Magistrates Court.

2.38 The Licensing Authority will provide all parties concerned with any licensing decision, with the reason for that decision(s) and details of the rights of appeal under the Act. Any reasons given will address the extent to which the decision was made with regard to the Licensing Authority's statement of licensing policy, statutory guidance, regulations and the Act itself.

2.39 The Licensing Authority reserves the right to make comprehensive records of any hearing held in connection with its licensing functions under the Act. This extends to the recording of hearings.

Equal Opportunities & Race Equality

2.40 Subject to the general requirements of the Act, the Licensing Authority will promote equality of opportunity. In such respects, nothing within this Statement of Licensing Policy shall undermine the right of any individual to

apply for any of the licences and/or authorisations provided for under the terms of the Act.

- 2.41 No applicant and/or licence holder shall receive less or more favourable treatment on the grounds of sex, sexual orientation, age, disability, marital status, colour, religion, race or ethnic origin. No applicant and/or licence holder shall be disadvantaged by conditions or requirements which are not relevant to their application and/or their licence, the promotion of the four Licensing Objectives and this Statement of Licensing Policy.

Disability Discrimination & Human Rights

- 2.42 It is the policy of the Licensing Authority that facilities for people and performers with disabilities should be provided at places for entertainment under the duties imposed by the Disability Discrimination Act 1995.
- 2.43 The Licensing Authority will have particular regard to the following relevant provisions of the European Convention on Human Rights:
- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
 - Article 8 that everyone has the right to respect for his home and private life.
 - Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions.
- 2.44 Subject to the general requirements of the Act, nothing within this Statement of Licensing Policy shall undermine the right of any person to make representation(s) on an application, or seek a review of an existing licence or certificate, where provision has been made for them to do so under the Act.

Data Protection

- 2.45 The Licensing Authority may use the information submitted on any application form for any licence(s) and/or permission(s) provided for under the terms of the Act for the purpose of its statutory function(s) in its capacity as the relevant Licensing Authority.
- 2.46 The Licensing Authority may disclose all such information to its agents or service providers. The Licensing Authority may also share this information with other Council Services (departments).
- 2.47 All applicants have the right to ask for a copy of the information that the Licensing Authority holds about them (for which we may charge a fee) and to correct any inaccuracies held.

2.48 By making application to the Licensing Authority for any licence and/or permission under the terms of the Act all applicants consent to our processing sensitive personal data about them where this is necessary.

2.49 The act requires the Licensing Authority however to keep a register of:

- A record of each Premises Licence, Club Premises Certificate, and Personal Licence issued by it
- A record of each temporary event Notice received by it
- The matters mentioned in Schedule 3 and
- Such other information as may be prescribed.

Any person is permitted to obtain a copy of this information from the Licensing Authority.

Delegation of Functions

2.50 In the interests of speed and efficiency the Licensing Authority will, where possible, delegate licensing decisions and functions to officers. However, if the matter to be decided is controversial in any way or the determination of the matter under delegated powers is precluded by law then it will be decided by the Licensing Board or a Sub-Committee of that Board.

See Appendix A for Schedule of Delegation

PART 3: TYPES OF LICENCES, CERTIFICATES AND NOTICES

Personal Licences

- 3.1 A personal licence will be granted to any applicant, aged 18 or over, who possesses a relevant qualification or is a person of a prescribed description as determined by the DCMS. A licence will not be granted to any applicant who has forfeited a personal licence in the five year period ending with the date of the application.
- 3.2 Where an applicant has an unspent conviction for a relevant or foreign offence, the police can object to the application.
- 3.3 Applicants who meet the statutory criteria in terms of age, qualifications and non-forfeiture, as mentioned above, will be granted a licence (subject to any police objections being received). Applications that do not meet those criteria will be rejected.
- 3.4 Where the police have issued an objection notice, refusal of the application should be the normal course unless there are, in the opinion of the Licensing Authority, exceptional and compelling circumstances that justify granting the application. Such circumstances could be that the applicant is able to demonstrate that the offence in question took place so long ago and that there is no longer any likelihood of re-offending. The Licensing Authority may consider that the individual circumstance of the case is so exceptional and compelling that any risk to the community has diminished that it is right to grant the application.
- 3.5 There will be no need for a hearing if the applicant, Licensing Authority and Chief Officer of Police agree that a hearing is not necessary.
- 3.6 The Licensing Authority requires every application for a personal licence to be accompanied with a criminal conviction certificate or a criminal record certificate or the results of a subject access search of the police national computer by the National Identification Service to the Licensing Authority. This will assist the Licensing Authority in determining whether the applicant has any relevant unspent convictions.
- 3.7 Applicants who originate from, or who have lived under, foreign jurisdiction will be required to provide a document from that jurisdiction, equivalent to the criminal records disclosure form, or swear a statutory declaration

confirming that they have not been convicted outside of England and Wales of a relevant offence or equivalent offence. Applicants should be warned that the making of a false declaration for the purpose of obtaining a licence is a criminal offence for which they will be prosecuted.

Temporary Event Notices (TEN)

- 3.8 The Temporary Events procedure involves notification of an event to the Licensing Authority and the police, subject to fulfilling certain conditions prescribed in the legislation and regulations. In general only the police may intervene to prevent such an event taking place or to agree a modification of the arrangements for such an event. The most important aspect of the procedure of permitted temporary activities is that no authorisations as such are required for these events from the Licensing Authority. The Licensing Authority encourages persons organising such events to have due regard for the concerns of local residents and to seek advice from the Local Authority regarding other legislative requirements that event organisers should consider.
- 3.9 When a temporary event is proposed, notice of the event, along with the relevant fee, must be served on the Licensing Authority at least 10 working days before the event (although the Licensing Authority hopes that in most cases the premises user will serve notice on the Licensing Authority as far as possible ahead of the proposed event).
- 3.10 Section 193 of the Act defines “working day” as any day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales. “Ten working days notice” means ten working days exclusive of the day on which the event is to start, and exclusive of the day on which the notice is given.
- 3.11 On receipt of a Temporary Event Notice the Licensing Authority will issue an acknowledgement notice in accordance with the requirements of the Act, unless a counter notice has been served under Section 107 of the Act. Counter notices under this Section relate to circumstances where the limits permitted under the Act for the service of temporary events notices are exceeded. The premises user must also serve a copy of the notice on the local Chief Officer of Police no later than 10 days before the day on which the event specified in the temporary event notice begins.
- 3.12 If the Chief Officer of Police is satisfied that allowing the premises to be used in accordance with the notice will undermine the crime prevention objective he/she must serve an objection notice, stating his/her reasons,

on both the Licensing Authority and the premises user within 48 hours of receiving the temporary event notice.

- 3.13 If the Licensing Authority receives an objection notice it will hold a hearing to consider the objections (unless the Licensing Authority, police and premises user agree that a hearing is unnecessary) and will give the premises user a counter notice under Section 105 of the Act if it considers it necessary for the promotion of the crime prevention objective to do so.
- 3.14 The Fire and Rescue Service is not a statutory consultee in the TEN process. However, when a TEN is received by the Licensing Authority it may, where considered necessary, for information purposes only, notify the Fire and Rescue Service at the earliest possible opportunity.

Club Premises Certificates

- 3.15 The Licensing Authority acknowledges that private premises to which public access is restricted and where alcohol is supplied, other than for profit, give rise to different issues for licensing law than those presented by commercial enterprises selling direct to the public. The Licensing Authority encourages clubs to take advantage of the benefits offered to such premises such as the absence of a requirement for a Personal Licence Holder (PLH) or Designated Premises Supervisor (DPS).
- 3.16 The Licensing Authority will consider applications for premises licences if the Club decides that it wishes to offer its facilities commercially for use by the general public but the Applicant should remember that the appropriate planning consent should be sought prior to the application for a premises licence being submitted.
- 3.17 When a premise has the benefit of a Club Premises Certificate, an application may be made to allow those running the premises to supply alcohol for consumption off the premises. Such supply will only be allowed during the hours that the premises are open for supply of alcohol to its members on the premises. Any such permission that is granted will be subject to conditions that any alcohol supplied will be in a sealed container and will only be supplied to members.

Premises Licences

- 3.18 A premises licence is required for any premises which are used for one or more licensable activity as defined in 2.1 above. Those who may apply for licences are defined in Section 16 of the Act.
- 3.19 The requirements in relation to applications for premises licences are set out in Section 17 of the Act and the Licensing Authority will not be able to consider applications which do not comply with those requirements. This Section requires that applications must be accompanied by:

- a) an operating schedule that demonstrates that the licensed premises can comply with the Licensing Authority's licensing policy and promotes the 4 Licensing Objectives. The operating schedule must set out the following details:
- the relevant licensable activities to be conducted on the premises
 - the times during which it is proposed that the relevant licensable activities are to take place, including the times during each day of the week, during particular holiday periods and during particular seasons if it is likely that the times would be different during different parts of the year
 - any other times when the premises will be open to the public
 - where the licence activities include the supply of alcohol, the name and address of the individual to be specified as the Designated Premises Supervisor
 - where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both
 - the steps which the applicant proposes to take to promote the licensing objectives
- b) a plan of the premises to which the application relates in the prescribed form
- c) an appropriate consent form completed by the relevant Designated Premises Supervisor
- d) the appropriate fee.
- 3.20 Applicants for variations to an existing licence or club registration certificate need only include in their operating schedule those additional steps necessary to promote the Licensing Objectives in respect of the variation applied for.
- 3.21 The Licensing Authority requires that applicants shall provide evidence that they have complied with all relevant statutory procedures. The Licensing Authority requires applicants to submit, with their application, certificates of service and certificates of display of notice on the Licensing Authority's standard forms. The Licensing Authority also requires applicants to submit a copy of the newspaper in which notices of application have been published within 5 working days of the date of publication.

Note: fee levels and prescribed forms may be viewed on the websites of the DCMS and the Council, or can be obtained from the Licensing Authority's licensing team.

PART 4: LICENSING POLICIES & MATTERS FOR CONSIDERATION BY APPLICANTS

Section A: Prevention of Crime and Disorder

Matters to be considered by Applicants.

- 4.1 Applicants should have regard to the following matters when writing their operating schedules and are advised to consult Hampshire Police before submitting their application. If the Licensing Authority receives a representation, additional conditions may be imposed at the hearing that determines the application.
- 4.2 It should be noted in particular that it is unlawful under the 2003 Act:
- To sell or supply alcohol to a person who is drunk
 - To knowingly allow disorderly conduct on licensed premises
 - For the holder of a premises licence or a Designated Premises Supervisor to knowingly keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
 - To allow the presence of children under 16 who are not accompanied by an adult between midnight and 05:00 hours at any premises licensed for the sale of alcohol for consumption on the premises and at any time in premises used exclusively or primarily for the sale and consumption of alcohol
 - To supply alcohol to those under 18.

Conditions enforcing these arrangements are therefore unnecessary.

- 4.3 When addressing crime and disorder the applicants should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule. The measures laid down in **Appendix B** should be considered as practices, which if necessary, may promote the prevention of crime and disorder.
- 4.4 Any adoption of the measures outlined in **Appendix B** will depend on a range of factors including:
- The nature and style of the venue
 - The activities being conducted there
 - The location of the premises
 - The anticipated clientele of the business involved.

It should also be borne in mind that club premises operate under their own codes of discipline to ensure the good order and behaviour of members.

- 4.5 Whether it is necessary to impose conditions on the licence or certificate will also depend on local knowledge of the premises.
- 4.6 Under no circumstances should the following measures be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of conditions drawn from experience relating to differing situations and to offer guidance.
- 4.7 Any individual preparing an operating schedule is at liberty to volunteer any measure, as a step he or she intends to take to promote the Licensing Objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Summary

4.8 The Licensing Authority will expect operating schedules for:

- a) Premises open between 23:00 and 08:00
- b) Other premises where appropriate to have considered measures such as -
 - Use of CCTV both within and outside the premises in accordance with the code of practice issued by the Information Commissioner from time to time, e.g. warning signs
 - Metal detection and search facilities
 - Procedures for risk assessing promotions and events such as "happy hours" including the potential to cause crime and disorder and plans for minimising such risks
 - Measures to prevent the use or supply of illegal drugs
 - Employment of door supervisors licensed by the Security Industry Authority and other appropriately trained staff
 - Participation in an appropriate Watch Scheme or other body designed to ensure effective liaison with the local community
 - Prevention of fire setting
 - Proof of Age schemes
 - Controls on bottles, glasses and containers
 - Capacity limits
 - Notices and signage, including a prominent sign giving the name of the personal licence holder in charge of the premises.
 - No admissions after a specified time
 - A personal licence holder to be on duty at the premises during opening hours
 - Consideration of design, character and layout

Further guidance is included in **APPENDIX B**

Reason

- 4.9 Prevention of crime and disorder is one of the four licensing objectives of the Licensing Act 2003. It is important that applicants identify measures taken to address this objective in their operating schedule.

Drugs/Alcohol Abuse

Drugs and Drunkenness on Premises.

- 4.10 The Licensing Authority will expect licensees to have adequate management practices in place as well as suitable training for staff to ensure that sales are not made to persons under the age of 18, or to persons who may supply to persons under that age. These practices also need to be in place to ensure that sales are not made to persons who are drunk, or to whom it is believed the sale of alcohol may result in crime and disorder.
- 4.11 The Government has published its updated Alcohol Harm Reduction Strategy document "*Safe. Sensible. Social. The next steps in the National Alcohol Strategy*" in June 2007. It complements local authorities' licensing strategies and may help to promote one or more of the Licensing Objectives.
- 4.12 The Licensing Authority will also expect licensees to be aware of the potential for the misuse of drugs on their premises. Where such a potential exists they should:
- take all reasonable steps to prevent the entry of drugs into licensed premises
 - take appropriate steps to prevent drugs being supplied within the premises
 - take practical measures to prevent tragedies as a result of drug misuse
- 4.13 In particular, the Licensing Authority will expect licensees of venues likely to be affected by alcohol or drug abuse to be familiar with the contents of Chapter 4 (drug awareness) of the BIIAB Level 2 National Certificate for Entertainment Licensees and to be following the recommendations of that handbook.
- 4.14 The Licensing Authority will also expect the relevant licensees to be following the recommendations of the book "*Safer Clubbing*" issued by the Home Office (ISBN 1840827807).
- 4.15 The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks is recommended by the Licensing Authority to all relevant licensees.

- 4.16 The Drinkaware Trust is an independent UK-wide, public-facing body with the objective of positively changing public behavior and the national drinking culture to help reduce alcohol misuse and minimise alcohol-related harm. The Trust is recommended to all relevant licensees. Further information can be found on the Trust's website www.drinkawaretrust.org.uk.
- 4.17 Drug and alcohol abuse are problems associated with licensable premises. Conditions are required to assist operators of such premises to meet both the crime and disorder objective and the prevention of public nuisance.

Shops Stores and Supermarkets.

- 4.18 The Licensing Authority will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping. Shops must have adequate management practices to ensure that sales are not made to under 18 year olds and persons where there are grounds to believe that the sale will result in crime and disorder. Reference should be made to the *"Responsible Retailing of Alcohol: Guidance for the Off-Trade"* produced by the Association of Convenience Stores, the British Retail Consortium and the Wine & Spirit Association.
- 4.19 However, if there are good reasons for restricting those hours, for example, where police representations made in respect of shops known to be the focus of disorder and disturbance, then restriction of hours will be considered.
- 4.20 Procedures must be in place to ensure that only persons eighteen years or older sell alcohol directly to consumers of eighteen or over. Where sales persons are under eighteen they must be adequately supervised for alcohol sales. Staff training, good procedures and management, a "No ID No Sale" Policy combined with "Challenge/Think 21" Policy and some in store signage, and sensible siting of drinks can all reduce the likelihood of illegal sales.

Reason

- 4.21 The sale of alcohol from premises other than pubs or clubs throughout the day is integral to the Act. It is, however, necessary to ensure that suitable regimes are in place to prevent the sale of alcohol to persons under 18 years of age. Controls will meet the need to address the potential for crime and disorder problems that underage sales represent. In addition, the controls required will also address the requirement under the Act to protect children from harm.

Section B: Public Safety

Matters to be considered by Applicants

- 5.1 The Act covers a wide range of premises that require licensing, including cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways. Each of these types of premises presents a mixture of risks with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.
- 5.2 The Licensing Authority will not impose standard conditions but will consider attaching conditions to licences and permissions to promote public safety (including fire safety) where appropriate and necessary which may be based on the Pool of Conditions contained within the Guidance issued under Section 182 of the Act - Appendix D.

Reason

- 5.3 The safety of the public at licensed premise is paramount and is one of the four Licensing Objectives.
- 5.4 Licensed premises that provide regulated entertainment for large numbers of people create additional safety hazards that need to be controlled. Operating Schedules must demonstrate how effective fire safety management is being provided and maintained.

Section C: The Prevention of Public Nuisance

Matters to be considered by Applicants

- 6.1 It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions of Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly, for up to 24 hours, licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. Further provisions are available to local authorities under the Anti- Social Behaviour Act 2003 that if the noise from any licensed premises is causing a public nuisance an authorised officer has the power to issue a closure order effective up to 24 hours. Under this provision, it is for the Chief Executive of the local authority to delegate their power to Environmental Health Officers within their authority.

These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance as defined in guidance issued under Section 182 of the Licensing Act 2003.

- 6.2 Licensing law is not the primary mechanism for the general control of individuals once they are away from a licensed premises and therefore beyond the direct control of individual licensees or certificate holders. However, licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden, or in a smoking shelter, where and to the extent that these matters are within their control.
- 6.3 Public nuisance is given a statutory meaning in many pieces of legislation. It is, however, not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined in the 2003 Act) in the vicinity of licensed premises.
- 6.4 The 2003 Act requires licensing authorities (following receipt of relevant representations) and responsible authorities, through representations, to make judgements about what constitutes public nuisance and what is necessary to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on impacts of the licensable activities at

the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

- 6.5 As with all conditions, it will be clear that conditions relating to noise nuisance may not be necessary in certain circumstances where the provisions of the Environmental Protection Act 1990 or the Noise Act 1996 adequately protect those living in the vicinity of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and, when their powers are engaged, the Licensing Authority will be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be necessary.
- 6.6 Applicants should have regard to the following matters when writing their operating schedules and are advised to consult the Environmental Health Officers at the Council before submitting their application. Additional matters that may be considered are contained in **Appendix D**. If the Licensing Authority receives a representation at the hearing that determines the application, additional conditions may be imposed.
- 6.7 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 6.8 When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule.

Noise from Patrons

- 6.9 The Licensing Authority will expect popular venues (including take-aways), that attract queues, to formulate a system to avoid disturbance to residents.
- 6.10 However, excessive noise and/or disorder require more rigorous action. It is important that queues formed later in the evening are supervised to keep noise to a minimum. Door supervisors will generally carry out this role, but they must be given clear instructions as to their duties and responsibilities and where necessary they should be adequately supervised.
- 6.11 In terms of patrons leaving the premises, particularly late at night (after 23:00 hours) or early in the morning, the Licensing Authority will expect

the applicant to have included in the operating schedule such practical steps as necessary to avoid noise nuisance to local premises.

- 6.12 It is self evident that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning.
- 6.13 The policy of the Licensing Authority is to strike a fair balance between the benefits to a community of a licensed venue and the risk of disturbance to local residents. Consequently, in sensitive areas the Licensing Authority may restrict the hours of operation as an alternative to extensive sound insulation and noise control measures.

Street Furniture

- 6.14 The beer gardens and smoking shelters of public houses are an asset to the premises. Similarly, the provision of tables and chairs outside the premises, either on the highway or on private land, can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture. However, late at night these same tables and chairs and in some cases smoking shelters can contribute to noise problems and in the case of tables and chairs can be used as weapons.
- 6.15 The positioning of tables and chairs on the public highway requires the consent of the Highway Authority. On private land consent may not be required, but the operating schedule must adequately address public nuisance. However, if not volunteered by the applicant in their operating schedule and following relevant representations, conditions may be applied to address the public nuisance.

Reason

- 6.16 A policy is required to balance between providing refreshment and facilities in the open air and avoiding nuisance to others. The need to control street furniture also impacts on the public safety and the crime and disorder requirements as the abuse of street furniture must be considered.

Exterior Lighting

- 6.17 Exterior lighting and security lighting must be positioned to avoid disturbing neighbouring residential property.

Reason

- 6.18 Prevent the potential for nuisance due to bright lights shining into neighbouring properties.

Section D: Protection of Children

Matters to be considered by Applicants

- 7.1 Applicants should have regard to the following matters when writing their operating schedules and are advised to consult the Hampshire County Council, Area Child Protection Team. If the Licensing Authority receives a representation at the hearing, that determines the application, additional conditions may be imposed.
- 7.2 When addressing the protection of children, the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to cause concern in relation to children. Such steps as are required to deal with these identified concerns should be included within the applicant's operating schedule.
- 7.3 It should be noted that it is unlawful under the Licensing Act 2003 to permit children under the age of 16 unaccompanied by an individual aged 18 or over to be present on premises:
- a) exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there; or
 - b) between midnight and 05:00 hours at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice.

Conditions duplicating these provisions are therefore unnecessary. However, this does not mean that children should automatically be admitted to such premises.

Adult Entertainment

- 7.4 Where the activities proposed under the licence include those of a sex-related nature (e.g. topless waitresses, striptease, table dancing, etc.) the Licensing Authority would take into account the increased risk to the Licensing Objectives.

Note: For the sake of convenience the term "striptease" in this part of the policy should be taken to refer to any entertainment or service involving nudity or the sexual stimulation of patrons.

- 7.5 Where such entertainment is provided the operating schedule must include controls designed to ensure that children are not admitted to the activity and cannot witness the activity. The area proposed for striptease shall:

- (a) be in a position where the performance cannot be seen from the street
 - (b) be in a designated area of the premises with segregation from the audience and
 - (c) be in a position where the performers will have direct access to the dressing room without passing through or in close proximity to the audience.
- 7.6 Whilst striptease entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice shall be displayed at each entrance to the premises in a prominent position, so that it can be easily read by persons entering the premises, in the following terms:

“NO PERSON UNDER 18 WILL BE ADMITTED”

- 7.7 Where a part of the premises can be effectively screened from persons under the age of 18 the requirements of paragraph 7.5 can be applied to that part of the building.
- 7.8 To prevent the possibility of children seeing unsuitable advertisements, unless the advert has been previously agreed by the Licensing Authority, the policy of the Licensing Authority will be to attach a condition to the effect that “Except with the consent of the Licensing Authority there shall be no external advertising of the striptease entertainment either at the premises or in its immediate vicinity.”

Reason

- 7.9 These policies are designed to further the Licensing Objective of protecting children by preventing them being exposed to unsuitable material or acts. They are also designed to further the crime prevention and prevention of nuisance objectives by recognising the increased risk of nuisance or illegal activities such as performers offering “extras” to customers or the plying for trade by prostitutes.

Additional Controls

- 7.10 The Licensing Authority will take strong measures to protect children from harm. Examples of premises where the introduction of additional controls are likely to be necessary are:
- Where there have been convictions for serving alcohol to a minor or with a reputation for under-age drinking
 - With a known association with drug taking or dealing
 - Where there is a strong element of gambling on the premises

- Where entertainment of an adult or sexual nature is provided
- 7.11 In such circumstances while it may sometimes be necessary to impose a complete prohibition this would be only rarely imposed. The Licensing Authority would normally require:
- Limitations on the hours when children may be present
 - Age limitations below 18
 - Limitations or exclusions when certain activities are taking place
 - Requirements for accompanying adults
 - Full exclusion of people under 18 from the premises when any licensable activities are taking place
- 7.12 Where there is provision of entertainment specifically for children (e.g. a children's disco) the Licensing Authority will require the presence of sufficient adults to control the access and egress of the children and ensure their safety.

Reason

- 7.13 These policies are designed to allow flexibility for the licensee, to ensure that where appropriate licensed premises are "user friendly" for children but to ensure they are adequately protected.

Children & Cinemas

- 7.14 The Licensing Authority expects licensees to include in their operating schedule arrangements for restricting children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification.
- 7.15 Where the exhibition of films is permitted the Licensing Authority will expect the age restrictions of the British Board of Film Classification (BBFC) in respect of the films to be exhibited to be complied with. Only in exceptional cases will variations of this general rule be granted by the Licensing Authority and then only with appropriate safeguards.
- 7.16 In relation to specialist Film Festivals where it is desired to show films not classified by the BBFC the Licensing Authority will, provided adequate notice has been given, classify the films concerned. To achieve consistency and the protection of children the Licensing Authority will use the guidelines published by the BBFC.

Reason

- 7.17 To prevent children from viewing unsuitable films.

Children and Regulated Entertainment

- 7.18 It is expected that adult staff will be at places of public entertainment to control the access and egress of children and to protect them from harm. This requirement also applies to children present at an event as performers, in which case, for every ten children there must be one supervising adult present at all times.

Additional matters which should be considered by applicants are shown in Appendix E of this Policy

APPENDIX A

SCHEDULE OF DELEGATIONS

Matter to be dealt with	Licensing Sub-Committee	Officers
Application for personal licence	If a representation made	If no representation made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a Police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a Police objection	All other cases
Applications for interim Authorities	If a Police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc		All cases
Decision to object when Local Authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a Police objection to a temporary event notice	All cases	

In cases where the Magistrates Court has determined the licence on appeal		All cases
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The Licensing Committee shall receive regular reports on decisions made by officers so that they maintain an overview of the general situation.

Prevention of Crime and Disorder

Measures Which Should Be Considered

Vacating Premises.

- Erecting prominent notices at the exits from premises asking customers to leave quietly and not to slam car doors
- At appropriate times making loudspeaker announcements within the premises to the same effect
- Instructing door staff to ask customers leaving the premises to leave the area quietly
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down
- Giving free lollipops to customers as they leave
- Where appropriate, considering car jockey schemes
- Availability of licensed taxis or private hire vehicles to take patrons from the premises.

Electronic Communication Devices

Electronic communication devices such as text and radio pagers connecting premises licence holders, Designated Premises Supervisors, and managers of premises and clubs to the local Police can provide for rapid response by the Police to situations of disorder which may be endangering the customers or staff on the premises.

Pagers provide two-way communication, allowing licence holders, managers, designated premises supervisors and clubs to report incidents to the Police, and the Police to warn a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

Door Supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- Preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder
- Keeping out excluded individuals excluded by court bans or the licence holder

- Searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons
- Maintaining orderly queuing outside of venues.

Whenever security operatives are employed at licensed premises to carry out any security function they must be licensed by the Security Industry Authority (SIA).

Competent and professional door supervisors are key to public safety at licensed premises and the provision of door supervisors is an action point for the leisure industry to consider in the Home Office Alcohol Harm Reduction Strategy.

Bottle Bans

Bottles may be used as weapons to inflict serious harm during incidents of disorder. A condition can prevent sales of drinks in their bottles for consumption on the premises. However, many women consider that drinking from bottles to be safer as it is easier for them to prevent the spiking of drinks with drugs in bottles the openings of which may be readily covered. These issues, therefore, need to be carefully balanced.

Plastic Containers and Toughened Glass

Glasses containing drinks may be used as weapons and in untoughened form can cause very serious injuries. Where necessary consideration should therefore be given to conditions requiring the use of safer alternatives which inflict less severe injuries. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of outdoor sports grounds may obviously be of concern and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when there may be high states of excitement and emotion fuelled by alcohol.

The use of plastic or paper drinks containers and toughened glass may also be relevant as measures to promote public safety.

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Operating schedules should state the precise siting of each camera, the requirement to maintain cameras in working order and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

Open Containers not to be taken From the Premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. This is lawful where premises are licensed for the sale of alcohol for consumption off the premises. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles) for example, by requiring the use of bottle bins on the premises. This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on taking open containers from the premises may also be a relevant necessary measure to prevent public nuisance.

Restrictions of Drinking Areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Conditions should not only specify these areas but indicate the circumstances in which the ban would apply and times at which it should be enforced.

Restrictions on drinking areas may also be relevant necessary measures to prevent public nuisance

Capacity Limits

Capacity limits are most commonly made a condition of a licence on public safety grounds, but should also be considered for licensed premises or clubs where overcrowding may lead to disorder and violence. If such a condition is considered necessary, door supervisors may be needed to ensure that the numbers are appropriately controlled.

Proof of Age

It is unlawful for children under 18 to attempt to buy alcohol, just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary for certain licensed premises to require the production of "proof of age" before such sales are made. While conditions may refer directly to PASS accredited proof of age cards, they should also allow for the production of other proof, such as photo driving licences, student cards and passports.

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the "Challenge 21" or other similar initiatives. Under the "Challenge 21" initiative those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 21 and who is attempting to buy alcohol. Making this a licensing condition would ensure that

most minors – even those looking older – would need to produce appropriate proof of age before making a purchase.

Proof of age may also be relevant and necessary to protect children from harm.

Crime Prevention Notices

It may be necessary at some premises for notices to be displayed warning customers of the prevalence of crime that may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the display of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

Signage

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear when breaches of the terms of the licence or certificate are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

Design, Character and Layout

The design, character and lay out of licensed premises will influence how easily a premise is able to meet the four Licensing Objectives.

- **Character.** Applications that include provision for amplified music, dance floors, pool tables, amusement machines indicate a certain character and target audience with consequences for the licensing objectives. A small scale, traditional style, well run community public house with a mixed or older age customer base is likely to fulfil the Licensing Objectives with ease.
- **Design.** Good aspects of traditional pub design including room divisions can help attract a more mixed age and varied range of customers who are unlikely to pose any risk to the licensing objectives.

- **Layout.** The provision of adequate seating and tables is important in encouraging a mixed age customer base and avoiding overcrowding. The absence of seating and tables may also lead to the faster consumption of alcohol. The position of toilets and bars is also important in seeking to avoid congestion that could lead to frayed tempers

Reference: Home office guide – *Design out crime*

Public Safety

The attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999, and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments.

Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control them. Conditions enforcing these requirements are therefore unnecessary.

From 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. Under article 43 of the Regulatory Reform (Fire Safety) Order 2005 any conditions imposed by the Licensing Authority that relate to any requirements or prohibitions that are or could be imposed by the Order have no effect. Additional assistance on fire safety related matters can be found by visiting Hampshire Fire and Rescue Service web site: www.hantsfire.gov.uk and <http://www.communities.gov.uk/fire/firesafety/firesafetylaw/aboutguides/>

- *Fire Safety Risk Assessment - Small and Medium Places of Assembly.* ISBN 978 1 85112 820 4
- *Fire Safety Risk Assessment - Large Places of Assembly.* ISBN 978 1 85112 821 1
- *Fire Safety Risk Assessment - Theatres, Cinemas and Similar Premises.* ISBN 978 1 85112 822 8
- *Fire Safety Risk Assessment - Open Air Events and Venues.* ISBN 978 1 85112 823 5

General

Additional matters relating to cinemas and theatres are considered in Appendix E.

It should also be recognised that special issues may arise in connection with outdoor and large scale events. In addition, to considering the points made in this Appendix, those preparing operating schedules or club operating schedules should consider:

- *Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance.* ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)
- *The Event Safety Guide – A guide to health, safety and welfare at music and similar events.* (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 9
- *Managing Crowds Safely.* (HSE 2000) ISBN 0 7176 1834 7
- *Steps to Risk Assessment: Case Studies.* (HSE 1998) ISBN 07176 15804

- *The Guide to Safety at Sports Grounds*. (The Stationery Office, 1997) ("The Green Guide") ISBN 0 11 300095 2
- *Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances* published by the Independent Street Arts Network, copies of which may be obtained through: www.streetartsnetwork.org.uk/pages/publications.htm
- The London District Surveyors Association's "*Technical Standards for Places of Public Entertainment*" ISBN 0 9531229 2 1

The following British Standards should also be considered:

- BS 5588 Part 6 (regarding places of assembly)
- BS 5588 Part 9 (regarding ventilation and air conditioning systems)
- BS 5588 Part 8 (regarding means of escape for disabled people)
- BS 5839 (fire detection, fire alarm systems and buildings)
- BS 5266 (emergency lighting systems)

In most premises existing legislation will provide adequately for the safety of the public or club members and guests. However, where this is not the case, further consideration might be given to the further conditions outlined in the Guidance issued under Section 182 of the Act - Appendix D - Part 2. Conditions Relating to Public Safety.

THE PREVENTION OF PUBLIC NUISANCE

Additional matters to be considered

Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance if there is sufficient evidence. But this must be balanced by the potential impact on disorder which may result from artificially early fixed closing times. However, there is no general presumption in favour of lengthening licensing hours and the four Licensing Objectives should be paramount considerations at all times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue. Another example, the playing of recorded music might only be permitted after a certain time where conditions have been attached to the licence or certificate to ensure that any potential nuisance is satisfactorily prevented.

Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises are open to the public or members and their guests, regulated entertainment might not be permitted in a garden area of the premises after a certain time.

Noise and vibration

In certain premises where legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to the occupants of nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises.
- Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

- Prohibiting certain rooms from being used for purposes that create noise.
- Restricting the use of explosives, pyrotechnics and fireworks of a similar nature, which could cause disturbance in the surrounding area.
- Requiring the placing of refuse - such as bottles - into receptacles outside the premises at times that will minimise the disturbance to nearby properties.
- Regular monitoring for excessive noise emanating from the premises and its boundaries.

Noise from Regulated Entertainment

In all cases where regulated entertainment is provided within a building the Licensing Authority will expect the applicant to identify any areas of sound leakage from the premises and include in the operating schedule measures for addressing any areas so identified, such as:

- A simple requirement to keep doors and windows at the premises closed
- Limiting live music to a particular area of the building
- Moving the location and direction of speakers away from external walls or walls that abut private premises
- Installation of acoustic curtains
- Fitting of rubber seals to doorways
- Isolation of speaker mountings
- Requiring the licensee to take measure to ensure that music will not be audible above background level at the nearest noise sensitive location
- Requiring the licensee to undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary;
- Fitting noise limiters on amplification equipment used at the premises (if other measures have been unsuccessful).

In all cases the Licensing Authority will expect the applicant to propose practical steps to demonstrate how disturbance to local residents will be prevented. The following general issues should be covered in the operating schedule:

- The establishment of an appropriate noise assessment procedure
- The establishment of monitoring systems to demonstrate compliance with noise policies and with any specific noise restrictions

- The establishment of an internal communications procedure for dealing with noise issues
- The establishment of methods for logging and responding to noise complaints within appropriate time limits
- The provision of general advice and training on noise control to employees.

Plant and Machinery

Fixed plant and machinery, such as refrigeration equipment, air conditioning plant and cooking extraction systems, if not properly located designed, constructed and maintained can cause noise disturbance. The noise produced may not be a problem during the early evening but may cause disturbance to local residents later at night when they are trying to sleep, i.e. after 23:00. The total noise energy (L_{Aeq}), background noise (L_{A90}) and tonal content of the noise are important. Where such noise is identified as a potential nuisance, applicants should demonstrate in their operating schedules that airborne and structure-borne noise produced will not cause a nuisance to local residents.

Noxious smells

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution

Flashing or particularly bright lights on or outside licensed premises should not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

Other measures

Other measures previously mentioned in relation to the Prevention of Crime and Disorder may also be relevant as necessary to prevent public nuisance. These might include the provision of door supervisors, open containers not to be taken from the premises, and restrictions on drinking areas.

THE PROTECTION OF CHILDREN

Additional Matters to be Considered

An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely. This would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

Access for children to licensed premises – in general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for individual licensing authorities.

The Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- for any premises with known associations (having been presented with evidence) with or likely to give rise to:
 - heavy or binge or underage drinking;
 - drugs;
 - significant gambling; or
 - any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature,

there should be a strong presumption against permitting any access at all for children under 18 years.

- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 23:00 hours in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time.

Applicants wishing to allow access under the above circumstances should when preparing new operating schedules or club operating schedules or variations of those schedules:

- explain their reasons; and
- outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case the Secretary of State recommends that, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act

Age Restrictions – specific

Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities will need to consider:

- the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 20:00 hours does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
- types of event or activity that are unlikely to require age restrictions, for example:
 - family entertainment; or
 - non-alcohol events for young age groups, such as under 18s dances,
- types of event or activity which give rise to a more acute need for age restrictions than normal, for example:
 - during “Happy Hours” or on drinks promotion nights;
 - during activities outlined in the first bullet point in the first paragraph above.

Age Restrictions – Cinemas

The British Board of Film Classification classifies films in accordance with its published Guidelines which are based on extensive research into public opinion and professional advice. The Secretary of State therefore recommends that licensing authorities should not duplicate this effort by choosing to classify films themselves. The classifications recommended by the Board should be those normally applied unless there are very good local reasons for a Licensing Authority to adopt this role. Licensing authorities should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film.

Licensing authorities should be aware that the BBFC currently classifies films in the following way:

- U Universal – suitable for audiences aged four years and over
- PG – Parental Guidance. Some scenes may be unsuitable for young children.
- 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
- 15 – Passed only for viewing by persons aged 15 years and over.
- 18 – Passed only for viewing by persons aged 18 years and over.

Licensing Authorities should note that these classifications may be subject to occasional change and consult the BBFC's website at www.bbfc.co.uk before applying relevant conditions.

The Secretary of State considers that, in addition to the mandatory condition imposed by section 20, conditions restricting the admission of children to film exhibitions should include that:

- where the Licensing Authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the Licensing Authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the Licensing Authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film;
- when a Licensing Authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

“Where a programme includes a film recommended by the Licensing Authority as falling into an age restrictive category no person appearing to be under the age specified shall be admitted to any part of the programme; where a programme includes a film recommended by the Licensing Authority as falling into a category requiring any persons under a specified age to be accompanied by an adult no person appearing to be under the age specified shall be admitted to any part of the programme unaccompanied by an adult, and the licence holder shall display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. For example:

**PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE]
CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME**

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person's parent or legal guardian has first been obtained.”

Theatres

The admission of children to theatres, as with other licensed premises, is not expected to be restricted normally unless it is necessary to promote the

protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play should normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

Licensing authorities are also expected to consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children during any emergency.

See the Guidance issued under Section 182 of the Act - Appendix D Part 3. Theatres, Cinemas, Concert Halls and Similar Places (Promotion of Public Safety).

Performances Especially for Children

Where performances are presented especially for unaccompanied children in theatres and cinemas, licensing authorities will also wish to consider conditions to specify that:

- an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Licensing authorities should also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in Performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show. Licensing authorities should familiarise themselves with these Regulations and not duplicate any of these requirements. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the Licensing Authority should consider the matters outlined below.

- **Venue** – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.

- **Special effects** – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- **Care of children** – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors.

Consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletins.

Proof of Age Cards

Proof of age cards are discussed under Appendix B in connection with the prevention of crime and disorder. However, a requirement for the production of proof of age cards before any sale or supply of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm.

Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the "Challenge 21" or other similar initiatives. Under the "Challenge 21" initiative those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 21 and who

is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making such a purchase.

Responsible Authorities

The Responsible Authorities that must be fully notified of applications and that are entitled to make representations to the Licensing Authority in relation to the application for the grant, variation or review of a premises licence.

For all premises these include:

Police

Chief Officer of Police,
Central OCU Headquarters, Fareham Police Station, Quay Street, Fareham
PO16 0NA.

Fire

Correspondence Address:

Chief Fire Officer,
Hampshire Fire and Rescue Service, Technical Fire Safety Group (East), Copnor
Fire Station, Copnor Road, Portsmouth PO3 5AE

County Chief Officer H.Q. Address:

Hampshire Fire and Rescue Service Headquarters, Leigh Road, Eastleigh SO50
9JS

Local Agency for Health & Safety at Work etc. Act 1974

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

Local Agency for Environmental Health

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

Local Planning Authority

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

Local Weights and Measures Authority

Hampshire County Council
Trading Standards Service Manager, Montgomery House, Monarch Way,
Winchester SO22 5PW

Matters Relating to the Protection of Children

The Team Manager, Children's Services, 133 Stoke Road, Gosport PO12 1SD

Matters Relating to Vessels

The Surveyor in Charge, The Maritime and Coastguard Agency
Spring Place, 105 Commercial Road, Southampton SO15 1EG



CERTIFICATE OF DISPLAY OF NOTICE

I

of,

hereby certify that on theday of,20... the Notice required to be displayed in accordance with the regulations made under, and in accordance with the Licensing Act 2003 was prominently displayed at..... [*state where displayed*], on or near the site of the premises..... [*state where displayed*] to which the application relates where it can conveniently be read by the public on the site of the premises [*state the dates of the period the notice was placed on display*]
from the day of, 20 ,

to the day of, 20 .

Dated the day of, 20 ,

Signature.....

Consultation process undertaken in the formulation of the Gosport Borough Council Revised Statement of Licensing Policy 2008 – 2011

1. Gosport Borough Council's Licensing Forum has been established with representative members from the Borough's commercial licensing trade, local social clubs in the Borough, the taxi trade, local Councillors and Council officers from Environmental Health, Community Safety, Legal and Democratic Services.
2. The Licensing Forum met on 19 May 2006, 12 June 2007 and 13 August 2007. The Forum deliberated on how effective the current Statement of Licensing Policy has been in fulfilling the purpose of presenting to the public how the Licensing Authority exercises its licensing functions under the Licensing Act 2003.
3. The consensus of opinion of the Licensing Forum was that the current Statement of Licensing Policy adequately fulfilled the purpose it was produced for. However, due to the evolutionary changes in the legislation and the revision of the Secretary of State's Guidance under section 182 of the Licensing Act 2003, the Statement of Licensing Policy needed to be updated to reflect those changes. The Licensing Forum concluded that no wider changes were necessary.
4. For the purpose of determining the licensing policy for a three year period the Licensing Act 2003 names two statutory consultees as the Chief Officer of Police and the Fire Authority. Both have been consulted and their recommendations have been incorporated into the draft revised Statement of Licensing Policy.
5. The draft revised Statement of Licensing Policy which was approved by the Licensing Forum has been published on the Gosport Borough Council website for a three months public consultation period ending on 1st November 2007.
6. An information article has been published in the September 2007 copy of the Gosport Borough Council "Coastline" advising householders and the public that the draft revised Statement of Licensing Policy was available to view on the Council's website and inviting comments to be sent to the Head of Environmental Health.
7. Copies of the draft revised Statement of Licensing Policy have been sent to the British Beer and Pub Association and the Southern Chairman of the British Institute of Inn Keeping for consultation purposes at a national level.

REPORT TO: COUNCIL

DATE OF MEETING: 28 NOVEMBER 2007

REPORT BY: COUNCILLOR WRIGHT (CHAIRMAN OF THE COMMUNITY AND ENVIRONMENT BOARD)

At its meeting on 5 November 2007, the Community and Environment Board considered a report on the following item and made the following recommendation to Full Council.

i) ANIMAL WELFARE ACT 2006 (Appendix CE1)

RECOMMENDATION: That:

- a) the proposed delegation of the enforcement of the Animal Welfare Act 2006 to the Environmental Services Manager be recommended to Council for approval; and
- b) the Borough Solicitor be authorised to make all necessary amendments to the Council's Constitution to give effect to the above.

APPENDIX CE1

Board/Committee:	Community and Environment Board
Date of Meeting:	5 November 2007
Title:	Animal Welfare Act 2006
Author:	Environmental Services Manager
Status:	FOR RECOMMENDATION TO POLICY AND ORGANISATION BOARD

Purpose

To inform Members that the Animal Welfare Act received Royal Assent on 8th November 2006.

To prepare for the introduction of the Animal Welfare Act.

To recommend that delegated authority to enforce the provisions of the Act be given to the Environmental Services Manager.

Recommendation

- That the proposed delegation of the enforcement of the Animal Welfare Act 2006 to the Environmental Services Manager be recommended to the Policy and Organisation Board and Council for approval.
- That the Borough Solicitor be authorised to make all necessary amendments to the Council's Constitution to give effect to the above.

1 Background

1.1 The Animal Welfare Act received Royal Assent on 8th November 2006 and came into effect from 6th April 2007.

1.2 This legislation draws together and updates more than twenty pieces of animal welfare legislation relating to farmed and non-farmed animals. It provides for a number of offences associated with the keeping of protected animals, namely, commonly domesticated species, animals under the control of man or animals not living in a wild state.

1.3 The Act:

- introduces a duty of care on people to ensure the needs of

- any animal for which they are responsible are met
 - creates a new offence of failing to provide for the needs of animals in the owners care
 - allows action to protect animals to be taken much earlier than had previously been authorised (in the past the animal had to show signs of suffering before action could be taken – intervention can now be taken prior to this)
 - places more emphasis on owners and keepers who will need to understand their responsibilities and take all reasonable steps to provide for the needs of their animals
- 1.4 The legislation seeks to reduce animal suffering by enabling preventative action to be taken before such suffering occurs.
- 1.5 Section 51 of the Act permits a Local Authority to appoint inspectors to enforce the Act. Such Inspectors can be appointed/empowered by the Environmental Services Manager if he is authorised to enforce the Act.

2 Report

- 2.1 These are new provisions and will undoubtedly put additional demands on the Environmental Services Unit; in particular Streetscene Enforcement Officers and Environmental Health Licensing staff.
- 2.2 In addition to these new provisions, the Act will extend the existing power to make secondary legislation (i.e. Regulations) to promote animal welfare for farmed and non-farmed animals, bringing legislation for non-farmed animals (i.e. pets and wildlife) in line with farmed animals.
- 2.3 The Government has identified a range of secondary legislation with associated codes of practice that it intends to introduce. By introducing these changes through secondary legislation it will ensure that the law can be easily modernised in line with future advances in scientific knowledge and animal welfare practice. The proposed codes of practice include:
- Dog and Cat Boarding Establishments

These should continue to be licensed but will be subject to a risk managed inspection framework extending the licence period in some circumstances to three years as opposed to the existing annual inspection regime.
 - Livery Yards

Introduce a new requirement for the licensing of Livery Yards. This will require additional inspections by a veterinarian.
 - Riding Schools

The licensing scheme should continue on an annual basis

- Pet Shops

These should continue to be licensed but will be subject to a risk managed inspection framework extending the licence period in some circumstances to three years as opposed to the existing annual inspection regime.

- Circuses

Travelling circuses will be subject to regulation of non-domesticated species

- Dog Breeding

Proposals for change will be considered following a review and evaluation of the Kennel Club Accredited Breeders Scheme. It is not envisaged at this time that Dog Breeding will be deregulated and so the ongoing requirement for local authority regulation will continue

- 2.4 The introduction of the new welfare provisions is likely to increase demand from residents to intervene in cases of animal welfare concern. The majority of animal welfare complaints are currently reported to the RSPCA for investigation. The RSPCA do not have (and have not sought) any additional powers under the new legislation. One major point of impact is that when access to property is sought by the RSPCA they will have to be accompanied by a Local Authority Inspector. It is therefore important to note that there may be significant additional demands on Streetscene staff to comply.

3 **Offences**

The Act creates a number of offences including

- Causing unnecessary suffering to any protected animal
- Carrying out a prohibited procedure on any protected animal
- Docking of a dog's tail other than for the purposes of medical treatment
- Administering a poison to a protected animal
- Causing an animal fight to take place or being present at an animal fight
- Failing to ensure the needs of an animal for which there is responsibility are met to the extent required by good practice
- Selling or offering an animal as a prize to someone under the age of 16
- Carrying out certain activities involving animals without the appropriate licence e.g. Breeding of Dogs, Operating a pet shop, etc

It is recommended that enforcement of all offences under the Act are delegated to the Environmental Services Manager.

4. Authorised Inspectors

- 4.1 Authorised inspectors have a number of powers
- Power to serve improvement notices designed to improve animal welfare
 - Power of entry at any reasonable time including powers to take other persons and appropriate equipment
 - Power to take whatever steps are necessary to alleviate animal suffering including taking an animal into their possession or in certain circumstances ordering its destruction without a veterinary surgeon being present.
- 4.2 The Act provides for a police constable to exercise many of the powers either alone or in conjunction with a local authority Authorised Inspector.
- 4.3 The Act provides that officers have to be specifically authorised as inspectors in order to carry out enforcement of the legislation. It is proposed that the function of authorising inspectors be delegated to the Environmental Services Manager.

5 Risk Assessment

- 5.1 At this stage it is difficult to know what resources are necessary to enforce the Act. Current indications are that this work can be absorbed within the existing Streetscene enforcement team and the Licensing Officers.
- 5.2 If the Council does not effectively enforce the Act there is a risk to the Council's reputation.

Financial Services comments:	There are no financial implications to the report
Legal Services comments:	Contained within the Report.
Service Improvement Plan implications:	Item to be included in Service Improvement Plan
Corporate Plan Implications:	There are no implications for the Corporate Plan
Risk Assessment:	Refer to Section 7
Background papers:	None
Appendices/Enclosures:	None
Report author/ Lead Officer:	Environmental Services Manager

**PART II MINUTES OF THE POLICY AND ORGANISATION BOARD
HELD ON 14 NOVEMBER 2007**

**42 CROSS REFERENCE FROM HOUSING BOARD HELD ON 7 NOVEMBER
2007: REDEVELOPMENT PROPOSALS FOR THE LEISURE**

Consideration was given to a cross reference from the meeting of the Housing Board held on 7 November 2007 in connection with progress that had been made in relation to the redevelopment of The Leisure at Cunningham Drive, Bridgemary.

RESOLVED: That:

- a) the land at the Leisure, excluding that occupied by the bungalows, be transferred to Hermitage Housing Association for no financial consideration, and authority be delegated to the Housing Services Manager in consultation with the Borough Solicitor to finalise the terms of the transfer;
- b) the Housing Services Manager, in liaison with Ward Councillors and Group Housing Spokespersons, continue working on the detailed proposals, including financial, management and development discussions, for the redevelopment of The Leisure Sheltered Housing Scheme; and
- c) future management arrangements for the new scheme be as follows:
 - the establishment of a local management panel to monitor and review performance of both the management and care at the new scheme. The management panel would consist of representatives of all partners to the scheme including local residents' representatives, a local ward councillor and representatives from the voluntary sector.
 - the establishment of a nominations panel to assess applications for the scheme and to ensure that both the housing and care needs are assessed jointly. This would consist of representatives from GBC, HCC and Hermitage Housing Association. Vacancies to the scheme would be advertised through the Gosport CBL scheme with agreed housing and care criteria attached.
 - access in perpetuity for residents of 26-45 Cunningham Drive to the new facilities at the redeveloped Leisure scheme, with costs pegged to GBC prices for guest rooms etc for a period of five years from the opening of the new scheme.

43 OWNER NEIGHBOURHOOD MANAGEMENT SCHEME

Consideration was given to a report of the Head of Economic Prosperity which sought support for a proposal to pilot a Neighbourhood Management Scheme in the Rowner area (including Grange Ward) for a period of two years, commencing 1st April 2008, and agreement that monies allocated for neighbourhood management in Rowner be invested in delivery of the proposal.

Members were advised that positive responses had been received with regard to the financing of the core costs of the project.

RESOLVED: That:

- a) the proposal to pilot a Neighbourhood Management Scheme in the Rowner area (including Grange Ward) for a period of two years, commencing 1st April 2008 be supported; and
- b) Funds allocated for neighbourhood management in Rowner be used to support delivery of this Neighbourhood Management Proposal.

44. FERRY LANDING STAGE – DESIGN OF REPLACEMENT FACILITY

Consideration was given to a report of the Leisure and Cultural Services Manager which sought approval to proceed with the detailed design and tender stages leading to construction and installation of the new landing stage and authorisation for officers to obtain specific permissions.

Members were advised that consideration was being given to providing public information boards by the ferry containing details of the history of the site and the proposed new design. Members felt that this proposal should be reconsidered once the estimated costs of the project were known.

The proposed design included a considerable amount of toughened glazing which would help to reduce potential vandalism. The proposed roofing would be of aluminium to facilitate easier maintenance.

RESOLVED: That:

- a) the outline design for the replacement landing stage and shore based accommodation be approved;
- b) officers be uthorized to proceed with the detailed design work and tender leading to construction and installation of the new structures; and
- c) the Borough Solicitor be uthorized to apply for a Harbour Empowerment Order and to complete the legal documentation required for the exchange with the Crown.

45. TREASURY MANAGEMENT ANNUAL REVIEW 2006/07, PROGRESS REPORT 2007/08, & PRUDENTIAL INDICATORS

Consideration was given to a report of the Borough Treasurer. Members were advised that the annual treasury report was a requirement of the Council's reporting procedures and covered the treasury activity for 2006/07 together with a review of 2007/08 to date. The report also covered the actual Prudential Indicators for 2006/07 in accordance with the requirements of the Prudential Code.

RESOLVED: That:

- a) the Treasury Management report for 2006/07 be noted; and
- b) the 2006/07 Prudential Indicators be approved.

46. NATIONAL BUS SCHEME 2008 ONWARDS

Members were reminded that a report on the above matter had been taken to the meeting of the Policy & Organisation Board on 19 September 2007. Members had subsequently requested a further report to be submitted to the Board when more financial information could be provided regarding the enhanced scheme option allowing travel before 9.30 a.m. The new statutory scheme specified that, as a minimum, free travel should be provided from 9.30 a.m. The report also provided a general update to Members on the current position concerning this key service area.

The Financial Services Manager reported that the Council's consultants had advised that the estimated cost of an all day travel scheme would amount to £26,378 during the financial year 2008/09. Members therefore decided that the Council should adopt a scheme which would represent an enhancement of the new statutory provisions and would allow free travel before 9.30 a.m. for eligible persons.

RESOLVED: That the Council adopt an extended National Bus Scheme to allow free travel before 9.30 a.m. for eligible persons.

47. BANKING ARRANGEMENTS

Consideration was given to a report of the Financial Services Manager which considered and made recommendations on the future of the Council's banking services. The current contract was due to expire on 31st March 2008.

RESOLVED: That the Council enter into a 5 year contract with the National Westminster Bank plc for the supply of banking services and the requirements of Contract Standing Order 8 be waived.

48. CAPITAL PROGRAMME 2007/08 to 2012/13

Consideration was given to a report of the Financial Services Manager which considered the Council's draft capital programme for the period 2007/08 to 2012/13 and sought approval of it in principle for further consideration by the Housing and Community & Environment Boards during the January cycle.

Members agreed that the Capital Programme should be considered by individual Boards and therefore the report was for noting only.

RESOLVED: That the Capital Programme be noted for detailed consideration by the Housing and Community and Environment Boards during the January cycle.

49. FEES AND CHARGES

Consideration was given to a report of the Financial Services Manager which outlined the Council's draft Fees and Charges 2008/09 for approval in principle for further consideration by Housing and Community & Environment Boards during the January cycle.

Members were advised of a correction to the list of proposed 2008/09 charges in that the figure for LAPC/IPPC Register enquiries (authorised industrial processes) should be £33 as opposed to £16.

Members agreed that Fees and Charges should be considered by individual Boards and therefore the report was for noting only.

RESOLVED: That the Fees and Charges, as detailed in Appendix A of the Financial Services Manager's report, be noted for detailed consideration by the Housing and Community & Environment Boards during the January cycle.

50. EXCLUSION OF THE PUBLIC

RESOLVED: That in relation to the following item the public be excluded from the meeting, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during this item there would be disclosure to them of exempt information within Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, and further that in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

51. BUS STATION

The report was exempt from publication as the public interest in maintaining the exemption outweighed the public interest in disclosing the information by reason that it contained personal and financial information that was not considered appropriate to be released to the public.

Consideration was given to an exempt report of the Chief Executive.

RESOLVED: That the recommendations contained in the Chief Executive's report be approved, including the additional cost of works notified at the meeting.

The meeting ended at 6.35 p.m.

**PART II MINUTES OF THE COMMUNITY AND ENVIRONMENT BOARD
HELD ON 5 NOVEMBER 2007**

**31. CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005
DOG CONTROL ORDER**

Consideration was given to a report of the Environmental Services Manager which sought approval to commence the consultation process and initiate the introduction of a Gosport Borough Council Dog Control Order.

Members were advised that the Clean Neighbourhoods and Environment Act 2005 (Dog Control Orders) replaced the previous system of byelaws for the control of dogs and also the Dogs (Fouling of Land) Act 1996 which had been repealed.

Members emphasised the importance of clear, simple signage which, it was felt, would assist in the enforcement of the Order. Officers advised that the cost of providing signage would be included in the revenue budgets for the next financial year.

An enquiry was made regarding the Order covering private estates. Members were advised that private estates could be included in the Order provided a preference for their inclusion was indicated in the consultation exercise.

Members requested that Brookers Field be included in Appendix A to the Environmental Services Manager's report. This listed areas where there were designated areas where dogs did not have to be kept on a lead.

RESOLVED: That:

- a) the proposed Dog Control Order Summary as set out in Appendix A of the Environmental Services Manager's report be sent out for consultation;
- b) Brookers Field be included in Appendix A as a designated area where dogs do not have to be kept on a lead; and
- c) the Borough Solicitor be authorised:
 - to draft the relevant Dog Control Order after the consultation process as may be necessary to comply with any legal requirements
 - if no representations are received, to proceed to make the appropriate Order at the earliest possible date and to give notice of the making of the Order and the date upon which it is to come into operation in accordance with The Dog Control Order (Procedures) Regulations 2006; and
 - if representations are received, to bring these to the attention of

the Board for its consideration.

32. CHAIRMAN'S URGENT ITEMS

There were no urgent items.

The meeting commenced at 6.00 pm and concluded at 6.28 pm

**PART II MINUTES OF THE HOUSING BOARD
HELD ON 7 NOVEMBER 2007**

30 REDEVELOPMENT PROPOSALS FOR THE LEISURE

The Board considered the report of the Housing Services Manager giving an outline of progress that had been made in relation to the redevelopment of The Leisure at Cunningham Drive, Bridgemary. The report included consultations that had taken place with a number of parties in relation to the realisation of a new scheme for the site. Details of the proposed management options, as requested by Members at the previous meeting of the Housing Board, were in the report. The report sought a decision to transfer the land to Hermitage Housing Association who would carry out the redevelopment of The Leisure.

It was requested by a Member that, with a scheme of this magnitude, Group Housing Spokespersons should be involved in the work on the detailed proposals for the redevelopment of the Leisure Sheltered Housing Scheme and this was accepted.

RESOLVED: That the Housing Board recommends the following to the Policy and Organisation Board:

- (a) the land at The Leisure, excluding that occupied by the bungalows, be transferred to Hermitage Housing Association for no financial consideration, and authority be delegated to the Housing Services Manager in consultation with the Borough Solicitor to finalise the terms of the transfer;
- (b) the Housing Services Manager, in liaison with Ward Councillors and Group Housing Spokespersons continue to work on the detailed proposals, including financial, management and development discussions, for the redevelopment of the Leisure Sheltered Housing Scheme; and
- (c) future management arrangements for the new scheme will be as follows:
 - the establishment of a local management panel to monitor and review performance of both the management and care of the new scheme. The management panel would consist of representatives of all partners to the scheme including local residents' representatives, a local Ward Councillor and representatives from the voluntary sector.
 - the establishment of a nominations panel to assess applications for the scheme and to ensure that both the housing and care needs are assessed jointly. This would consist of representatives from Gosport Borough Council (GBC), Hampshire County Council and Hermitage Housing Association. Vacancies to the scheme would be advertised through the Gosport Choice Based Lettings Scheme with agreed

housing and care criteria attached.

- access in perpetuity for residents of 26-45 Cunningham Drive to the new facilities at the redeveloped Leisure scheme, with costs pegged to GBC prices for guest rooms etc, for a period of five years from the opening of the new scheme.

31 HOUSING REVENUE ACCOUNT – PLAN TO RESTORE BALANCES

The Board considered a joint report of the Housing Services Manager and the Financial Services Manager, the purpose of which was to provide information to Members explaining the significant reduction in the Housing Revenue Account (HRA) balances during 2006/07 and the actions being taken to restore the balances to a level required by the Medium Term Financial Strategy.

It was explained to Members that the report set out the variances from expenditure to budget in the financial year from 1st April 2006 to 31 March 2007. Variances were normally expected but in this instance they had been downward variances but despite this, plans had been put in place to restore balances.

Members were advised that further repairs' expenditure for the financial year 2006/2007 had been identified by officers several weeks after the year-end. These expenses had to be included in the previous financial year thus bringing the balance of reserves to a low level; this was at the time when officers were developing a monthly monitoring system. However, Members were assured that measures had since been put in place to closely monitor and control expenditure on a monthly basis in conjunction with Connaught.

Members expressed their disappointment at this set of accounts but welcomed officers' efforts to restore balances in 2007/2008 and requested that the HRA account 2008/2009 be brought up to a good working balance. The Financial Services Manager confirmed that the 2008/2009 budget was currently being prepared and would include further proposals to help restore the balances to the target level indicated within the Council's Medium Term Strategy by 31 March 2009. In addition, assurances had been given by Connaught that expenditure was reducing and this had been borne out by recent monthly monitoring figures.

It was confirmed by officers that a further report(s) would be submitted to the Housing Board regarding any budget difficulties so that any remedial action could be considered by Members at an early stage.

RESOLVED: That the following actions to restore the Housing Revenue Account balances in 2007/08 be approved:

- (i) a reduction is made in the 2007/08 Capital Programme, enabling a reduction of £300,000 in the Revenue Contribution to Capital within the Housing Revenue Account 2007/08;
- (ii) to support the principle that the HRA Budget 2008/09 is prepared with a view to further restoring the HRA balance to the minimum acceptable as

detailed in the Medium Term Financial Strategy;

- (iii) the improved monitoring and management procedures be noted in relation to the Connaught partnering arrangement.

32 VOID PROPERTIES

By reason of special circumstances, the Chairman determined that this item be considered at this meeting notwithstanding the fact that it had not been available for public inspection in accordance with the provisions of Section 100B(4)(a) of the Local Government Act 1985.

The special circumstances were created by the need to urgently discuss a plan for dealing with high cost void properties in the Borough.

Members expressed concern about the length of time three properties in the housing stock were to be left vacant in the Borough, one of these properties had proceedings issued against it so Members concentrated on the two remaining void properties. Officers explained that approximately four void properties a year on average in the last couple of years required substantial investment estimated at between £20,000 and £25,000 each and included major structural repairs and rising damp.

Officers were concerned about the current budget position and suggested postponing a decision on these particular void properties until the commitments for the year were fully realised. Officers were also mindful of unexpected expenditure, for example, the possibility of storm damage to housing stock and the budget implications of any such event. It was noted that 'void turnaround' performance had improved in the previous 18 months.

Members were concerned that they had not previously been made aware that these properties were vacant for extended periods. They considered that this could be damaging to the Council and that a long term solution should be found as soon as possible to reduce the length of time these two properties were vacant, to re-house those living in cramped conditions and to avoid any piecemeal solutions as many properties of a similar age were likely to have similar defects.

Members then discussed the options that might be available to prevent any need for any void properties to remain empty for a prolonged period while finding alternative funding; these included investigating disposal of a small number of properties, replacement with prefabricated properties and borrowing under the Prudential Code.

It was suggested that it might be advantageous for Members and Officers to work together to formulate a plan for dealing with high cost void properties and to delegate authority to a Void Properties Sub-Board consisting of the three Group Housing Spokespersons. It was noted that disposal of any property would need to be referred to the higher Board. It was recognised that following production of the plan any decision to, for example, sell any property would require approval by

Housing Board and other Boards/Council.

RESOLVED: To establish a Voids Sub-Board comprising the Group Housing Spokespersons with delegated authority to produce a plan for dealing with vacant properties with large scale structural works.

The meeting commenced at 6pm and concluded at 6.40pm.

AGENDA ITEM NO. 8

Board/Committee:	Council
Date of Meeting:	28 th November 2007
Title:	Gosport's Sustainable Community Strategy
Author:	Chief Executive
Status:	FOR ADOPTION

Purpose

The purpose of this report is to seek Council adoption of Gosport's Sustainable Community Strategy (which is a policy framework document).

Recommendation

The Council adopts Gosport's Sustainable Community Strategy.

1 Background

- 1.1 Gosport Borough Council has a statutory duty to prepare a Community Strategy (Local Government Act 2000) and in accordance with these regulations its adoption is a function of Council. The first Community Strategy was produced in 2003.
- 1.2 The Local Strategic Partnership (LSP) has reviewed and revised the original Community Strategy and has now produced Gosport's Sustainable Community Strategy (See Appendix A).
- 1.3 Gosport Borough Council is a key partner in the Local Strategic Partnership known as the Gosport Partnership Board. This Board also includes representatives from Churches Together, Gosport Voluntary Action, Government Offices for the South East, Groundwork Solent, Hampshire Constabulary, Hampshire County Council, Hampshire Primary Care Trust, Ministry of Defence, Portsmouth Housing Association, South East England Development Agency and St Vincent College.

2 Report

- 2.1 The Community Strategy is a policy framework document therefore subject to Scrutiny.
- 2.2 Overview and Scrutiny Committee scrutinised the approach and process for reviewing and revising the Community Strategy in October 2006.
- 2.3 The LSP has reviewed and revised Gosport's Sustainable Community Strategy using the approach approved by Overview and Scrutiny Committee, by:

- Using an extensive and solid evidence base (the Local Development Framework baseline)
- Carrying out consultation (with service providers and the Community through Vision Fair events)
- Linking with the Local Development Framework process (by using common data sets and consultation mechanisms).

- 2.4 The outcome of the review is a concise Community Strategy which reflects the latest Government Guidance and sets out:
- The role of the LSP and its sub-groups
 - The purpose of the Sustainable Community Strategy and how it has been produced
 - Gosport's 2026 Vision (the long term Vision for the Borough)
 - How Gosport's 2026 Vision will be achieved.

Gosport's Sustainable Community Strategy and the findings from the review process are being used by the LSP Board to develop an accompanying Action Plan.

- 2.5 The Overview and Scrutiny Committee concluded its Scrutiny of Gosport's Sustainable Community Strategy at its meeting on 27th September 2007.

The following amendments were requested:

- Page 8 - Members requested that the wording "disabled people" be amended to read "people with disabilities".
- Page 9 - Members questioned the use of the wording "growing population" and officers were requested to check the projected population statistics and reword to "population" if necessary.

Both wording amendments have been made to the Strategy.

Members also requested that progress on the Action Plan be presented to Overview and Scrutiny Committee twice a year and this has been included in the work programme.

3 Risk Assessment

- 3.1 Failure to adopt Gosport's Sustainable Community Strategy would create a risk to compliance with legislation, partnership working, and reputation management.

4 Conclusion

- 4.1 Overview and Scrutiny Committee has concluded its scrutiny of the Gosport's Sustainable Community Strategy, which is now recommended to Council for adoption.

Financial Services comments:	
Legal Services comments:	Contained in the report.
Service Improvement Plan implications:	This helps achieve an action in the Corporate Policy and Performance SIP.
Corporate Plan:	Gosport's Sustainable Community Strategy provides strategic direction for the Council's Corporate Plan (due to be revised in 2008).
Risk Assessment:	Failure to adopt Gosport's Sustainable Community Strategy would create a risk to partnership working and reputation management.
Background papers:	Reports to Overview and Scrutiny Committee 27 th September 2007 and 11 th October 2006.
Appendices/Enclosures:	
Appendix 'A'	Gosport's Sustainable Community Strategy
Report author/ Lead Officer:	Julie Petty, Head of Corporate Policy and Performance, 02392 545381, juliep@gosport.gov.uk

GOSPORT'S 2026 VISION



GOSPORT'S SUSTAINABLE COMMUNITY STRATEGY



The Gosport Partnership
" Working Together For The Gosport Community "

Gosport's Sustainable Community Strategy

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Front page picture: Aerial photograph of Gosport

Back page picture: Falkland Gardens, Gosport Ferry



Gosport Business Centre, Frater Gate Business Park, Aerodrome Road

Foreword

By David Miles, Chairman of the Gosport Partnership

As the Chairman of the Gosport Partnership, I would like to welcome you to Gosport's Sustainable Community Strategy and share with you some of my personal thoughts about Gosport's past and future.

Like many people in Gosport I first visited the town whilst serving in the forces over forty years ago. Also, like many of my service colleagues I married locally, raised a family and made Gosport my home. Since then there have been many changes but Gosport has retained its unique identity and would easily be recognised by anyone who had been away for many years. It is a town with the feel of a village where everyone seems to know each other. It is not a typical southern town, with a population having roots from all corners of the country through its links with the military. It has been said that Gosport, together with Portsmouth, more resemble northern towns placed on the South Coast! Gosport people are friendly and have a well-developed community spirit which supports a wide range of community and voluntary activities across the town.



A handwritten signature in black ink, reading 'David Miles' in a cursive script, followed by a period.

Gosport's economic development has been dominated by its links to the Ministry of Defence (MOD). It has a proud record, from Trafalgar to the Falklands, for the provision of services and support for the military, especially the Royal Navy. With the MOD having had ownership of up to a third of the peninsula's land area, its growth was restricted up to the boundaries of the military establishments. Whilst these constraints may have limited the town's economic diversity it has also preserved much of its historical heritage.

Whilst many improvements have been made over time some of the earlier problems that were around when I arrived still exist to this day. The heavy reliance on the MOD for jobs and transport issues still dominate. However they have also ensured that the town has not been overdeveloped, creating a unique peninsular environment with Portsmouth Harbour to the east and the Solent to the west. These coastal amenities, which many local people enjoy, are the envy of those who discover them when visiting the town. Visitors always point out our many assets which sometimes we residents forget in the bustle of our busy lives. The 'Make Your Mark' community consultation recently carried out clearly shows that many of you, like me, think Gosport is a special place to live. The results of the consultation have been incorporated into Gosport's Vision and Sustainable Community Strategy which will guide the Borough's future development.

Like most other areas of the country Gosport has its problems with areas of deprivation, social exclusion and the need to ensure that all our children have the skills to compete in a changing world.

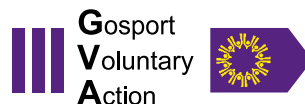
Gosport has clearly shown in the past that it has the ability to meet the challenges that have arisen. The challenge for the future will be to ensure the opportunities presented

by the restructuring of the armed forces and release of MOD land are fully realised. But they must be realised in a way that ensures the best of Gosport is retained, together with making certain that all areas of the community can benefit.

Gosport's 2026 Vision outlines the sort of town we all would like to see and be proud of. I am sure most of us are already very proud of our town today but what we are not very good at is telling others about its good points. To ensure we have a successful future we must all promote Gosport as a great place to live, work and to visit.

We must grasp these opportunities and working in partnership I am sure we will be able to assure the vision for Gosport's future.

David Miles, Chairman of the Gosport Partnership



The Local Strategic Partnership

The Local Strategic Partnership (LSP) is a system of partnerships which aims to improve the quality of life in a geographical area. In Gosport, this is called the Gosport Partnership and it is the overarching 'partnership of partnerships' for the Borough.

The main objective of the Gosport Partnership is to set a common vision for Gosport and coordinate and drive delivery of local services, ensuring that by working together, it improves the quality of life for the residents of Gosport.

The Gosport Partnership is set up as follows:

The **Gosport Partnership Board** exists to bring together key service providers from the public, private, community and voluntary sectors in Gosport and takes a strategic overview and lead. Its key role is to:

- Place shape
- Develop and facilitate a Sustainable Community Strategy
- Set priorities for improvement
- Coordinate service delivery
- Strengthen partnership working
- Secure the best possible outcomes
- Influence at a local, regional and national level.

Membership includes:

- Churches Together in Gosport
- Gosport Borough Council
- Gosport Voluntary Action
- Government Office for the South East
- Groundwork Solent
- Hampshire Constabulary
- Hampshire County Council
- Hampshire Primary Care Trust
- Ministry of Defence
- Portsmouth Housing Association
- South East England Development Agency
- St Vincent College.

The Board has a subgroup called the **Coordinating Group** which takes a proactive approach to the operation of the Sustainable Community Strategy thereby allowing the Board to focus on strategic issues.

In addition there are multiagency **thematic subgroups** which work towards achieving their relevant outcomes for the Sustainable Community Strategy and inform and influence the Board and Coordinating Group from their particular area of expertise:

- Community Safety Partnership
- Fareham and Gosport Debt and Money Advice Group
- Gosport Business Forum
- Gosport Children and Young People's Locality Partnership

- Gosport Community Learning Forum
- Gosport and Fareham Sports and Physical Activity Alliance
- Gosport Regeneration Action Forum
- Healthy Alliance.

Task and finish groups may also be established to deliver specific projects which contribute to achieving the Sustainable Community Strategy.

The Sustainable Community Strategy

A Sustainable Community Strategy describes a shared vision for a more sustainable future in a geographical area.

In Hampshire there are 11 LSPs developing Community Strategies at a district level and one that spans the county, the Hampshire Strategic Partnership (HSP).

Portsmouth and Southampton, as unitary authorities, also have a LSP and a Community Strategy that covers their area. Each Community Strategy is unique to the area it covers. The Hampshire Community Strategy will be different from those at the district level, as it will look to respond to issues that cannot be addressed by district LSPs individually. Local issues and local implementation will be dealt with by district community strategies and the countywide strategy can consider where working together on a larger scale can provide a better solution. The delivery plan for the County Community Strategy is the Local Area Agreement.

The Gosport approach

The Sustainable Community Strategy sets out Gosport's 2026 Vision which has been developed in parallel with the Local Development Framework (which sets out future land use in the Borough).

The first stage in developing the Vision involved extensive data collection on a range of quality of life issues which provided a statistical picture of the Borough. The second stage involved a large-scale community consultation, 'Make Your Mark', which allowed residents, businesses and visitors to comment and prioritise the key issues. Over 1200 people took part in this highly successful participation event.

In addition to this key service providers were consulted and other consultation findings and local and regional plans and strategies were assessed.

Drawing on the information obtained from the research and consultations Gosport's 2026 Vision was produced.

The Sustainable Community Strategy will be refreshed annually and fully reviewed every three to five years.

Gosport's 2026 Vision

This Vision describes an aspirational picture of Gosport in the future. It sets out a sustainable future for Gosport, meeting the needs of existing and future generations whilst respecting the needs of other communities in the wider region.

This Vision provides a common goal to work towards.

Our Vision for Gosport

Gosport's local economy will be thriving and diverse with increased investment. There will be a good choice of jobs on the peninsula and people will have the opportunity to work close to home. The economy will build on its strengths in the tourism and marine sectors whilst maximising its high-tech manufacturing base. Business start-ups will have increased and released Ministry of Defence land will provide opportunity for maximising business development and growth.

Local people will have improved skills and qualifications. Schools and colleges will, by working with pupils and parents, have increased numbers of children and young people in school and improved qualification levels. There will be more educational opportunities including vocational courses (especially for those aged 16-19 years old) and greater participation in tutored life-long learning. Literacy skills and numeracy skills amongst adults will be improved.

The town's waterfront will be re-developed, taking advantage of the fantastic harbour location. There will be a mix of shops, pubs, restaurants, homes and leisure facilities. Priddy's Hard will be linked to the Town Centre by the popular Millennium Promenade. Gosport will be a place that tourists want to visit. Heritage facilities will be celebrated with historical sites providing unique and popular attractions.

There will be plenty of high quality and affordable leisure and recreational opportunities in the Borough. The proportion of adults taking part in organised competitive sport (especially athletic, running and aquatic activities) will remain high. Open space for recreational and amenity purposes will be retained and sport pitches and play areas improved. The coastline and waterfront will be accessible and enjoyed by many. Leisure facilities will be of a high standard and will provide activities for all age groups. The Alver Valley Country Park will offer a countryside haven providing green open space and lakes with opportunities for nature walks, fishing, picnicking, horse riding and walking.

Gosport will have a good community spirit which will be supported by an active community and voluntary sector. People will continue to see that community activities are improving and there will be plenty of opportunities to participate in voluntary work and projects. The Borough will be a fair and tolerant place and its residents will have a strong sense of pride in where they live. People from different cultures, backgrounds and beliefs will be respected and diversity will be valued. The needs of the ageing population will be taken into account. People with disabilities will have full opportunities and choices to improve their quality of life and will be respected and included as equal members of society.

Children and young people's aspirations and expectations will be raised and their health and wellbeing improved. Poverty and social exclusion will be reduced – especially in the three most deprived areas of the Borough. As at December 2006, the three most deprived areas of the Borough are Town, Grange and Leesland.

There will be a variety of housing types that meet the needs of the local community, taking into account Gosport's population and its changing population structure. There will be a range of affordable housing on offer, people will have more opportunity to access housing and there will be less homelessness. Housing will be of a high quality and new dwellings will be well designed and built to eco-friendly standards with good access to public transport and services. Some of the housing areas in need of improvement will be regenerated. Sustainable communities will be promoted and people will have a sense of belonging to a local neighbourhood as positively contributing citizens.

There will be a good range of high quality, easily accessible health services. Local health providers, working with the community and agencies, will improve health through preventative measures. Life expectancy will have increased and there will be a reduction in heart and respiratory disease, strokes, cancer and infant mortality. There will be a reduction in low birth weights, obesity (for children and adults), smoking, teenage pregnancies and improvements in dental health (in particular amongst five year olds).

People will feel safer as levels of crime and anti-social behaviour will have decreased. Theft, arson, criminal damage and domestic violence will be reduced. Drug related crime will no longer be a problem and there will be much less anti-social behaviour (such as vandalism, graffiti, large groups gathering and noisy neighbours). Community safety will improve by positively involving local people, good partnership working and targeting of resources.

Traffic congestion (especially that related to out-commuting) will be reduced. There will be increased use of public and community transport, people will be appreciating the benefits of local goods and services and reducing their reliance on the private car. Cycling will continue to be a significant form of transport and the number of people walking to work will remain high.

Gosport's environment will be clean, well maintained and attractive. Nature conservation sites will be protected and biodiversity encouraged, in particular along the coast. The attractive character of the coast, parks and open spaces will be protected.

The community will be taking positive action to reduce its use of natural resources and minimise climate change. Local people, services and businesses will be reducing their carbon footprint.

**In 2026, people will be proud of Gosport
– a fantastic place to live, work and visit.**



Vision Event, December 2006

Achieving Gosport's 2026 Vision

To achieve the Vision, the Gosport Partnership, businesses, schools and everyone who lives and works in the Borough need to play their part.

Please look at Gosport's 2026 Vision to see what action you can take, no matter how small, and start to make the Vision a reality.

The LSP will have a focused action plan to improve the key issues and this will be monitored and reviewed. The action plan will set out not only what the Gosport Partnership will do but provide suggestions on what you can do.

The vision will also be achieved by other strategies and plans such as the Local Development Framework, Children and Young People's Plan and Community Safety Strategy.

To achieve the Vision, the Gosport Partnership will also be working across borough boundaries and will exert influence at a county, regional and national level.

Contact us

To find out more about the Gosport Partnership please visit www.gosportpartnership.co.uk
You can contact the LSP Coordinator at
johanna.hamilton@ports.nhs.uk or telephone 02392 545280.



Lee-on-the-Solent Seafront



Falkland Gardens, Gosport Ferry

If you need this document in large print, on tape, in Braille or in other languages, please ask.

Published: Summer 2007



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AGENDA ITEM NO. 9

Board/Committee:	Council
Date of Meeting:	28 November 2007
Title:	Working Group - Procurement
Author:	Environmental Services Manager
Status:	FOR DECISION

Purpose

To consider the setting up of a Working Group to advise Community and Environment Board on options for the provision and procurement of grounds maintenance, street cleansing and refuse collection.

Recommendation

- To set up a Working Group reporting to Community and Environment Board to consider the Council's Waste Management Strategy, the services to be provided and the appropriate procurement vehicle for the delivery of these services.
- The Working Group comprises 6 members on a 2:2:2 bases.

1.0 Background

- 1.1 The contracts for the provision of grounds maintenance, street cleansing and refuse collection all end in March 2009.

2.0 Report

- 2.1 As these contracts will be subject to the full public procurement regime the Council needs to begin work on identifying both the extent of the services to be delivered and the procurement options for delivery.
- 2.2 In respect of the refuse collection service these discussions will be informed by the Council's Waste Management Strategy which is yet to be considered by Members.
- 2.3 It is suggested that in order to meet the timetable for public procurement that a Working Group is set up to advise Community and Environment Board on these matters. It is also suggested that they firstly consider the Waste Management Strategy and then go on to consider the extent of the services to be delivered and the appropriate procurement option.

3.0 Risk Assessment

- 3.1 The procurement of these contracts represents a significant financial risk to the Council for the years 2009 onwards. The grounds maintenance and cleansing services contract was previously procured at a highly competitive price which is unlikely to be repeated. Members will also be aware that performance of this contract has been a cause for concern. It is likely therefore that some difficult decisions will be necessary in order to ensure the contract specification is capable of being delivered within an acceptable budget envelope.

4.0 Conclusion

- 4.1 The contracts represent an annual budget of £3.1million. The services involved are highly visible and have a significant influence on the public's opinion of the Council as a whole. It is essential therefore that the Council begins the process of preparing the appropriate tender documents at the earliest opportunity. The formation of this Member working group provides the best method of engaging Members in this process.

Financial Services comments:	These contracts form a fundamental part of the Council's budgetary requirement. An affordable service cost that meets corporate objectives is essential
Legal Services comments:	None for the purposes of this Report
Service Improvement Plan implications:	The procurement of these contracts will form part of the Environmental Services Service Improvement Plan
Corporate Plan:	Both contracts impact on the Corporate Plan in relation to <ul style="list-style-type: none"> • Improved recycling with less waste created • The provision of quality public areas and green spaces
Risk Assessment:	Contained in body of the report
Background papers:	None
Appendices/Enclosures:	None
Report author/ Lead Officer:	Environmental Services Manager