



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 FIFTH DAY** of **NOVEMBER 2009** 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 30 September 2009 (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, 23 NOVEMBER 2009** 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, 23 NOVEMBER 2009**).

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, 24 NOVEMBER 2009**).

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

BOARD

DATE

Policy & Organisation Board

11 November 2009

7. Notice of Motion

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

- (a) Councillor Ms Ballard –

“Motion 1

That the Council suspends Standing Order 4.6 so that this Council Meeting may consider the motion to amend the Constitution set out in Motion 2.”

- (b) Councillor Ms Ballard –

“Motion 2

That the provisions of Standing Order 6.10 apply to the Economic Development Sub-Board and that the Borough Solicitor be authorised to make the necessary changes to the Constitution as set out below.

6.10 Reference to Council (Service Boards and Economic Development Sub-Board only)

6.10.1 Immediately following a vote on a decision taken by a Service Board or Economic Development Sub-Board under delegated powers (and before the next agenda item is called) 2 members of the Service Board or Economic Development Sub-Board present and voting at the meeting may require that the decision be submitted to the Council as a recommendation.

6.10.2 Where a reference has been made pursuant to Standing Order 6.10.1 the decision of the Service Board or Economic Development Sub-Board shall not be implemented before consideration of that recommendation by the Council.”

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

- Policy and Organisation Board: 11 November 2009
- Housing Board: 14 October and 4 November 2009

9. Report on the Conference on Loneliness and Isolation Amongst Gosport's Older People held on 8 October 2009

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

10. Governance Arrangements for the CCTV Partnership

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

11. St Vincent Corporation Governor

To consider nominating a councillor to fill the Governor vacancy on the St Vincent Corporation for a four year term of office.

**TOWN HALL
GOSPORT**

17 November 2009

FIRE PRECAUTIONS

(To be read from the Chair if members of the public are present)

In the event of the fire alarm (single continuous sound) being activated, please leave the Council Chamber and Public Gallery immediately. Proceed downstairs by way of the main stairs or as directed by GBC staff, follow any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.

MEMBERS ARE REQUESTED TO NOTE THAT:

(1) 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

(2) MOBILE PHONES SHOULD BE SWITCHED OFF FOR THE DURATION OF THE MEETING

AGENDA ITEM NO. 6 (i)

REPORT TO: COUNCIL

DATE OF MEETING: 25 NOVEMBER 2009

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

At its meeting on 11 November 2009, the Policy and Organisation Board considered a cross reference from the Licensing Board on the following item and made the following recommendation to Full Council.

**REVISED STATEMENT OF PRINCIPLES ISSUED UNDER THE GAMBLING ACT 2005
(APPENDIX PO1)**

RECOMMENDATION: That Council adopt the reviewed Gambling Act Statement of Principles for the issue of licences under the Gambling Act 2005.

GOSPORT BOROUGH COUNCIL

REFERENCE

TO: POLICY AND ORGANISATION BOARD –
11 NOVEMBER 2009

FROM: LICENSING BOARD –
5 OCTOBER 2009

TITLE: REVISED STATEMENT OF PRINCIPLES ISSUED UNDER
THE GAMBLING ACT 2005

AUTHOR: ENVIRONMENTAL SERVICES MANAGER

Attached is a copy of the report that was considered by the Licensing Board on the 5 October 2009 (Appendix 'B'), together with the Minute extract and Board Resolution (Appendix 'A').

RECOMMENDATION:

RESOLVED: That the Board recommends to Policy and Organisation Board that the Council adopt the reviewed Gambling Act Statement of Principles for the issue of licences under the Gambling Act 2005.

APPENDIX 'A'

EXTRACT FROM THE MINUTES OF THE **LICENSING BOARD MEETING** **5 OCTOBER 2009**

32 REVISED STATEMENT OF PRINCIPLES ISSUED UNDER THE GAMBLING ACT 2005

Consideration was given to a report of the Environmental Services Manager which introduced a reviewed Statement of Principles under the Gambling Act 2005 for use by the Licensing Board in connection with applications received under the Gambling Act 2005.

In answer to a Member's question, it was confirmed that Gosport Borough Council had not adopted a 'no casino' resolution under Section 166 of the Gambling Act 2005. Should Council decide to pass such a resolution, the Statement of Principles would be updated with details of that resolution.

RESOLVED: That the Board recommends to Policy and Organisation Board that the Council adopt the reviewed Gambling Act Statement of Principles for the issue of licences under the Gambling Act 2005.

APPENDIX B

Board/Committee:	LICENSING BOARD
Date of Meeting:	5 TH OCTOBER 2009
Title:	REVISED STATEMENT OF PRINCIPLES ISSUED UNDER THE GAMBLING ACT 2005
Author:	ENVIRONMENTAL SERVICES MANAGER
Status:	FOR DECISION

Purpose

To introduce a reviewed Statement of Principles under the Gambling Act 2005 for use by the Licensing Board in connection with applications received under the Gambling Act 2005.

Recommendation

That the reviewed Gambling Act Statement of Principles which forms part of this report be recommended to the Full Council for adoption for licences issued under the Gambling Act 2005.

1 Background

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

- casinos
- betting offices and race tracks
- adult gaming centres
- Family Entertainment Centres.

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

- Gaming machines in alcohol licensed premises, such as pubs
- Gaming machines for members clubs
- Gaming in members clubs
- Unlicensed Family Entertainment Centres (i.e. those premises that have machines providing the lowest level of stakes and prizes)
- Prize gaming.

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

Statement of Principles.

- 1.4 Applicants for premises licences and permits must also have regard to the Gambling Act Statement of Principles when making their applications.
- 1.5 The Gambling Act Statement of Principles must address the three objectives of the Gambling Act which are:
 - preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - ensuring that gambling is conducted in a fair and open way;
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.6 It is only these objectives stated in the Act that may be addressed by the Gambling Act Statement of Principles.
- 1.7 Local Authorities are required to review their Gambling Act Statement of Principles every three years and publish a reviewed Gambling Act Statement by the 31st January 2010.

2 Report

- 2.1 In accordance with the requirements of the Gambling Act 2005 the first three year review of the Gambling Act Statement of Principles has been undertaken and prepared for adoption by the Council. The Gambling Act Statement of Principles has been prepared in accordance with guidance provided by the Gambling Commission and the Local Authorities Coordinators of Regulatory Services (LACORS).
- 2.2 The Gambling Act Statement of Principles has been subject to a mandatory period of public consultation, has been considered by the statutory consultees and will be considered by this Councils Licensing Forum.
- 2.3 The reviewed Gosport Borough Council Gambling Act Statement of Principles is attached as Appendix 1.

3 Risk Assessment

- 3.1 The Council is required by statute to review and publish every three years a reviewed Gambling Act Statement of Principles under the Gambling Act 2005. In the absence of such a statement it would not be impossible to consider applications for Premises Licences made under the Act.

4 Conclusion

- 4.1 This Council must adopt the three-yearly reviewed Gambling Act Statement of Principles issued under the Gambling Act 2005 by 2nd January 2010 which will become effective on 31st January 2010.
- 4.2 The reviewed Gambling Act Statement of Principles must be adopted by a meeting of the Full Council.
- 4.3 The reviewed Gambling Act Statement of Principles has been prepared for adoption in compliance with guidance issued by the Gambling Commission and LACORS.
- 4.4 The reviewed Gambling Act Statement of Principles has been subject to the necessary consultations prior to the final draft being prepared.

Financial Services comments:	None
Legal Services comments:	Contained in the report
Service Improvement Plan implications:	None
Corporate Plan:	<p>This report has positive outcomes in :</p> <p><i>Participation</i> – the development of the revised Statement of Principles was influenced by a consultation process</p> <p><i>Partnership</i> is central to effective gambling control</p> <p><i>People</i> – effective control helps reduce crime and anti-social behaviour.</p>
Risk Assessment:	Included in the report.
Background papers:	Full Council Minutes 29 November 2006
Appendices/Enclosures:	
Appendix 'A'	The reviewed Gosport Borough Council's Gambling Act Statement of Principles
Report author/ Lead Officer:	Russell Bray, Senior Licensing Officer.

AGENDA ITEM NO. 6 (ii)

REPORT TO: COUNCIL

DATE OF MEETING: 25 NOVEMBER 2009

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

At its meeting on 11 November 2009, the Policy and Organisation Board considered a cross reference from the Licensing Board on the following item and made the following recommendation to Full Council.

AMENDMENTS TO THE LICENSING ACT 2003 (APPENDIX PO2)

RECOMMENDATION: That:

- a) the Chairman of the Board and relevant Ward Councillors be informed of any application for a Minor Variation;
- b) the functions and powers set out in Section 2 and illustrated by Appendix A to the report be delegated to the Environmental Services Manager, following consultation with the Chairman (or in their absence the Vice Chairman) of the Board;
- c) approval be given to the Scheme of Officer Delegation in the Council's Constitution being amended by the Borough Solicitor to reflect Resolutions a) and b) above; and
- d) the Council's Statement of Licensing Policy be amended by the Borough Solicitor to reflect Resolutions a) and b) above.

GOSPORT BOROUGH COUNCIL

REFERENCE

TO: POLICY AND ORGANISATION BOARD –
11 NOVEMBER 2009

FROM: LICENSING BOARD –
5 OCTOBER 2009

TITLE: AMENDMENTS TO THE LICENSING ACT 2003

AUTHOR: BOROUGH SOLICITOR/ ENVIRONMENTAL SERVICES
MANAGER

Attached is a copy of the report that was considered by the Licensing Board on the 5 October 2009 (Appendix 'B'), together with the Minute extract and Board Resolution (Appendix 'A').

RECOMMENDATION:

RESOLVED: That Policy and Organisation Board be requested to recommend to Council that:

- a) The Chairman of the Board and relevant Ward Councillors be informed of any application for a Minor Variation;
- b) the functions and powers set out in Section 2 and

illustrated by Appendix A to this report are delegated to the Environmental Services Manager, following consultation with the Chairman (or in their absence the Vice Chairman) of the Board;

- c) approval be given to the Scheme of Officer Delegation in the Council's Constitution being amended by the Borough Solicitor to reflect Resolutions a) and b) above; and
- d) the Council's Statement of Licensing Policy be amended by the Borough Solicitor to reflect Resolutions a) and b) above.

APPENDIX 'A'

EXTRACT FROM THE MINUTES OF THE **LICENSING BOARD MEETING** **5 OCTOBER 2009**

33 AMENDMENTS TO THE LICENSING ACT 2003

Consideration was given to a joint report of the Borough Solicitor and the Environmental Services Manager which advised the Board of an amendment to the Licensing Act 2003 and sought approval for the delegation of certain functions and powers of the Licensing Board to the Environmental Services Manager.

Clarification was sought on what constituted a 'relevant representation' and whether or not it was left to officers to decide the relevance. The Legal Officer advised that the term 'relevant representation' was defined at paragraph 8.38 in the Guidance issued under Section 182 of the Licensing Act 2003 which came into force in July 2009. An interested party was defined in the Guidance at paragraph 8.5. Representations must relate to the four Licensing Objectives.

Members were advised by the Legal Officer that the Licensing Authority could only either grant or refuse a Minor Variation. It was unable to impose conditions of its own. There was no statutory right of appeal against a decision to grant or refuse a Minor Variation. Members were reminded that a Premises Licence or a Club Premises Certificate could be reviewed upon the application of a Responsible Authority or Interested Party. Upon hearing a review, the Sub-Board may ultimately revoke such a licence.

In answer to a Member's question as to whether the Board could oppose the Guidance and insist that all Minor Variation applications, where relevant representations have been made, come before a Sub Board, the Legal Officer advised that this may constitute a ground for a judicial review, should the application be granted or refused.

It was suggested that the Chairman of the Licensing Board and the relevant Ward Councillors be informed of any application for a Minor Variation. This would ensure that Members had the opportunity to ensure Officers were aware of the views of local residents in considering applications for Minor Variations. It was requested that a copy of the Minutes of this meeting be sent to all Members to draw their attention to this suggestion.

In answer to a Member's question concerning the white notice to be displayed by an applicant for a Minor Variation, the Licensing Officer

advised that the Guidance had been prescriptive concerning its size and content and an example notice for Members' information was circulated.

RESOLVED: That Policy and Organisation Board be requested to recommend to Council that:

- d) The Chairman of the Board and relevant Ward Councillors be informed of any application for a Minor Variation;
- e) the functions and powers set out in Section 2 and illustrated by Appendix A to this report are delegated to the Environmental Services Manager, following consultation with the Chairman (or in their absence the Vice Chairman) of the Board;
- f) approval be given to the Scheme of Officer Delegation in the Council's Constitution being amended by the Borough Solicitor to reflect Resolutions a) and b) above; and
- g) the Council's Statement of Licensing Policy be amended by the Borough Solicitor to reflect Resolutions a) and b) above.

APPENDIX B

Board/Committee:	Licensing Board
Date of Meeting:	5 th October 2009
Title:	Amendments to the Licensing Act 2003
Author:	Borough Solicitor / Environmental Services Manager
Status:	FOR DECISION

Purpose

To advise members of an amendment to the Licensing Act 2003 and seek approval to delegate certain functions and powers of the Licensing Board to the Environmental Services Manager.

Recommendation

1. That the functions and powers set out in Section 2 and illustrated by Appendix A to this report are delegated to the Environmental Services Manager.
2. The Licensing Board recommends to Full Council that the Scheme of Officer Delegation in the Council's Constitution be amended by the Borough Solicitor to reflect paragraph 1.
3. The Licensing Board recommends to Full Council that the Council's Statement of Licensing Policy be amended by the Borough Solicitor to reflect paragraph 1.

1 Background

- 1.1 The Licensing Act 2003 came into force in 2005 making local authorities responsible for the regulation of licensable activities (sale/supply of alcohol, regulated entertainment, and late night refreshment) in their areas. Gosport Borough Council is the relevant licensing authority for its area ("Licensing Authority").

PREMISES LICENCES and CLUB PREMISES CERTIFICATES

- 1.2 Members are familiar with the different authorisations that the Licensing Authority issues to permit licensable activities to take place on premises. The Licensing Authority determines applications for new and variations to existing Premises Licences and Club Premises Certificates ("Licences"). The procedure for making applications to the Licensing Authority is prescribed by the 2003 Act and regulations. The consultation requirements involve the applicant serving copies of the application on the responsible authorities such as the Police, displaying a notice in a conspicuous position on the premises, and publishing a notice in a local newspaper.

- 1.4 Where following the consultation exercise relevant representations to an application are made by responsible authorities and / or interested parties and not withdrawn the application must be determined by a Licensing Sub-Board at a hearing.
- 1.5 Where there are no relevant representations the Licensing Authority must grant the application in full with conditions consistent to the operating schedule. This function is delegated to Officers.
- 1.6 Prior to 29 July 2009 all proposed variations to a Licence, had to be made and determined in accordance with the requirements prescribed by the Act and subordinate legislation.

PREMISES LICENCES and SALE OF ALCOHOL

- 1.7 It has been a mandatory requirement of the 2003 Act that all Premises Licences which authorise sales of alcohol must specify a personal licence holder as the designated premises supervisor ("DPS"). The DPS is normally responsible for the day to day running of the premises and a formal point of contact for the police and other enforcement agencies when problems arise.

2 Report

PREMISES LICENCES and CLUB PREMISES CERTIFICATES

- 2.1 It has been widely acknowledged that in some cases licence holders may decide to risk not applying for variations when making small, low risk changes due to the disproportionate amount of bureaucracy involved. Parliament has recognised that some variations to a licence are relatively small such as small changes to the structure or layout of the premises; small adjustments to licensing hours, the removal of out date, irrelevant or unenforceable conditions or addition of volunteered conditions; and the addition of certain licensable activities ("Minor Variations"). The overall test for a Minor Variation is whether the proposed variation could impact adversely on any four of the licensing objectives.
- 2.2 The Licensing Act 2003 has been amended by the insertion of sections 41A to 41C relating to Minor Variations. These sections came into force on 29 July 2009 and provide a simpler process for making and determining applications for Minor Variations. The Secretary of State has prepared guidance for licensing authorities with respect to applications for Minor Variations to Licences, which the Licensing Authority must have regard to when determining applications for Minor Variations to Licences.
- 2.3 Under the Minor Variation process, the applicant pays a greatly reduced fee to the Licensing Authority and is not required to advertise the variation in a newspaper or circular or copy it to

responsible authorities. However, they must display it on a white notice (to distinguish it from the blue notice used for full variations and new applications). The notice must be displayed for a period of ten working days starting on the working day after the minor variation application was given to the Licensing Authority.

- 2.4 On receipt of an application for a Minor Variation the Licensing Authority must consider whether the variation could impact adversely on the licensing objectives. In considering the application, the Licensing Authority must consult responsible authorities if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice, and take their views into account before reaching decisions. For instance they must consult the Environmental Health Officer on an application with possible public nuisance implications. But there is no requirement to consult all responsible authorities on each application and in many cases the licensing authority may be able to make a decision without consultation.
- 2.5 The Licensing Authority must also consider any relevant representations received from interested parties within 10 working days from the initial day after the application as made to the licensing authority. In the case the Licensing Authority must therefore wait until this period has elapsed before determining the application, but must do so with at the latest within 15 working days, beginning on the first working day after the authority received the application, with effect either that the Minor Variation sought is either granted or minor refused. If the Licensing Authority fails to respond to the applicant within 15 working days the application will be treated as refused and the authority must return the fee to the applicant forthwith.
- 2.6 The Government recommends that all decisions with respect to Minor Variations, irrespective of whether relevant representations are made, be delegated to Licensing officers.
- 2.7 It is unlikely that with just a 15 day period to determine a Minor Variation Application that a Licensing sub-board could be convened to hear such an application. Therefore it is recommended that members delegate all decisions in respect of minor variation applications to Officers.

PREMISES LICENCES and SALE OF ALCOHOL

- 2.8 The Licensing 2003 Act has been amended to permit Licensing Authorities to vary the requirement for a DPS to be specified on Premises Licences authorising the sale of alcohol in respect of premises that are or form part of a church hall, chapel hall or other similar building or a village hall, parish hall or community hall or other similar building ("Community Premises") with an alternative mandatory condition. The effect of the alternative mandatory condition is that the responsibility for authorising sales of alcohol

would fall on the premises licence holder itself, which will be the committee or board of individuals responsible for the management of the Community Premises. These individuals will be required to undertake the responsibilities that would normally be undertaken by a DPS.

- 2.9 A stand alone application to vary the DPS requirement to the alternative mandatory condition must be made to the Licensing Authority on the prescribed form together with the appropriate fee.
- 2.10 On receipt of such an application that is properly made the Licensing Authority must in the first instance determine having regard to the statutory definition and guidance issued by the Secretary of State whether the premises is a Community Premises. The main consideration in most cases will be how the premises are predominately used. If they are genuinely made available for community benefit most of the time, and accessible by a broad range of persons and sectors of the local community for purposes which include purposes beneficial to the community as a whole, the premises will be likely to meet the definition.
- 2.11 If the Licensing Authority is satisfied that the premises are a Community Premises it must then consider whether it is satisfied that the arrangements for the management of the premises by the committee or board are sufficient to ensure the adequate supervision of the supply of alcohol on the premises. The application form requires applicants to set out how the premises is managed, its committee structure and how the supervision of alcohol sales is to be ensured in different situations (e.g. when the hall is hired to private parties) and how responsibility for this is to be determined in individual cases and discussed and reviewed within the committee procedure in the event of any issues arising. An additional safeguard is that in exceptional circumstances the Chief Officer of Police for the area in which the community premises is situated can object to a request for inclusion of the alternative licence condition on the grounds of crime and disorder, and any responsible authority and/or interested party can seek reinstatement of the mandatory conditions through a review of the licence (as provided in section 52A of the 2003 Act).
- 2.12 The Secretary of State also recommends that all decisions with respect to Community Premises and the substitution of the DPS requirement be delegated to Licensing Officers as it amounts to a minor variation.

3 Risk Assessment

- 3.1 The Licensing Authority must comply with the statutory time limits in determining applications under the 2003 Act.

4 Conclusion

- 4.1 The amendments to the Licensing Act 2003 provide a simplified process for Minor Variations to Premises Licences and Club Premises Certificates. Minor Variations are those that do not adversely impact on the Licensing Objectives. The Secretary of State recommends that all decisions with respect to Minor Variations be taken by Licensing Officers.
- 4.2 The Licensing Act 2003 has been amended to permit Licensing Authorities in the case of Premises Licences in respect of Community authorising the sale of alcohol to vary the requirement to have a DPS specified on the licence with an alternative mandatory condition making the Premises licence holder responsible for alcohol sales. The Secretary of State recommends that all decisions with respect to Community Premises and supply of alcohol be taken by Licensing Officers.

Financial Services comments:	Fees for the applications are prescribed in regulations.
Legal Services comments:	Contained in the report
Service Improvement Plan implications:	n/a
Corporate Plan:	n/a
Risk Assessment:	n/a
Background papers:	n/a
Appendices/Enclosures:	Appendix A - Delegations of Functions under the Licensing Act 2003
Report author/ Lead Officer:	Jamie Paterson Litigation Lawyer Russell Bray Senior Licensing Officer

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 for a Minor Variation to Premises Licence /club premises certificate.		All cases
Application to vary to disapply mandatory Section 19 conditions for sales of alcohol at community premises	If a Police objection	All other cases
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

The Licensing Committee shall receive regular reports on decisions made by officers so that they maintain an over view of the general situation.

A MEETING OF THE POLICY AND ORGANISATION BOARD WAS HELD ON 11 NOVEMBER 2009

The Mayor (Councillor Mrs Searle) (ex-officio); Councillors Burgess, Carter, Chegwyn (P), Cully (P), Gill (P), Hicks (P), Hook (Chairman) (P), Langdon (P), Philpott (P) and Wright (P).

It was reported that, in accordance with Standing Orders, Councillors Allen and Murphy had been nominated to replace Councillors Burgess and Carter for this meeting.

PART II

40. APPOINTMENT OF HONORARY ALDERMAN

Consideration was given to a cross reference from the Civic and Commemorative Events Sub-Board held on 17 September 2009 which recommended that former Councillor John Train be appointed an Honorary Alderman.

RESOLVED: That former Councillor John Train be appointed an Honorary Alderman at an extraordinary Council meeting to be held on Wednesday, 25 November 2009.

41. 33 FIELD HOSPITAL, FREEDOM OF THE BOROUGH

Consideration was given to a cross reference from the Civic and Commemorative Events Sub-Board held on 17 September 2009 which recommended that, in accordance with Section 249(5) of the Local Government Act 1972 and in recognition of the provision of outstanding medical support to HM Forces and the local populations of Iraq and Afghanistan, the Policy and Organisation Board be requested to refer to an Extraordinary Council meeting, to be held on a date to be agreed, the award of the Freedom of the Borough to 33 Field Hospital.

Members were advised that the Freedom of the Borough march past by 33 Field Hospital had been provisionally arranged for 23 April 2010.

RESOLVED: That, in accordance with Section 249(5) of the Local Government Act 1972 and in recognition of the provision of outstanding medical support to HM Forces and the local populations of Iraq and Afghanistan, the Board refer to an Extraordinary Council meeting the award of the Freedom of the Borough to 33 Field Hospital.

42. TRANSFER OF PLAY AREAS AT PRIDDY'S HARD FROM BDW TRADING LTD TO GOSPORT BOROUGH COUNCIL

Consideration was given to a report of the Leisure and Cultural Services Manager which sought the Board's approval to the transfer of the play areas within the Priddy's Hard housing development to Gosport Borough Council.

RESOLVED: That:

- a) the transfer of the identified land on the terms set out in the Leisure and Cultural Services Manager's report be approved; and
- b) the Borough Solicitor be authorised to complete the necessary legal documentation to acquire the land as public open space.

43. STOKES BAY CYCLE TRACK

Consideration was given to a report of the Development Services Manager which sought the Board's approval for the provision of a cycle track along Stokes Bay Road and the authority for officers to dedicate Borough Council land for highway purposes and to enter into an agreement with Sustrans to facilitate the works.

RESOLVED: That:

- a) the construction of a cycle track alongside Stokes Bay Road be supported, subject to a confirmation of adequate funding from Sustrans and the submission of a planning application;
- b) the Borough Solicitor be authorised to enter into an agreement with the Highway Authority to dedicate Borough Council land as publicly maintainable highway as necessary to construct the cycle track; and
- c) the Borough Solicitor be authorised to negotiate and agree a Memorandum of Understanding with Sustrans regarding funding and delivery of the scheme.

The meeting ended at 6.08 p.m.

AN EXTRAORDINARY MEETING OF THE HOUSING BOARD WAS HELD ON 14 OCTOBER 2009

The Mayor (Councillor Mrs Searle) (ex-officio), Chairman of Policy and Organisation Board (Councillor Hook) (ex-officio) (P), Councillors Allen (P), Beavis (P), Mrs Cully (P), Edwards (P), Geddes (P), Gill (P), Hylands (P), Mrs Mitchell-Smith (P), Mrs Mudie and Philpott (Chairman) (P).

Also in attendance: Tenant Representative – Mrs Jan Carter

PART II

20 ENVIRONMENTAL IMPROVEMENTS

Consideration was given to a report of the Housing Services Manager which requested the Board to make nominations to an *interim* panel in order to make recommendations to the Housing Services Manager for the allocation of funding towards specific environmental projects.

Members were advised that funding of £30,000 had been identified in the budget for 2009-2010 for environmental improvements.

Members considered the remit of the proposed Panel attached at Appendix A to the report of the Housing Services Manager. Members accepted the proposed remit but wished to draw attention to the fact that, whilst not having as their primary focus matters such as fencing and car parking, schemes carried out in the past had led to improvements in these areas whilst also improving the environment and security for residents.

It was proposed that the views of residents should be sought on a case by case basis as they may put forward good ideas for environmental improvements to their own area. Members considered that the Housing Forum would be a good vehicle for such discussions.

Nominations were sought for membership of the Panel on a 2:1:1 basis and Councillors Beavis, Mrs Cully, Philpott and Mrs Mitchell-Smith were proposed and seconded.

RESOLVED: That:

- a) the Panel comprise Councillors Beavis, Mrs Cully, Philpott and Mrs Mitchell-Smith;
- b) the remit for the Panel as identified in Appendix A to the report of the Housing Services Manager be agreed; and
- c) Officers present a report to a later Housing Board on future options on the re-constitution of the Environmental Improvements Panel.

21 COUNCIL HOUSING FINANCE REFORM

Consideration was given to the report of the Housing Services Manager which considered the Government's consultation paper issued at the end of July 2009 and this Council's response to that paper.

Members were advised of amendments to the outline responses to consultation questions detailed on page 6/10 of the report of the Housing Services Manager:

Response 1) – the paragraph number should read 3.2.8;

Response 4) – this should have two responses:-

4a) – Yes, agree with the direction of travel.

4b) – No other recommendations.

Members were of the opinion that the present Housing Revenue Account subsidy was not beneficial to Gosport Borough Council who currently pay into the national pot. It appeared that the three main political parties in Westminster were in general agreement about the need for change and so if there were to be a change in Government, it was still likely that the current proposals would be implemented.

Officers advised Members of the parameters within which they had calculated the Council's financial commitment to the proposed changes to the way in which Government financial support for Council housing would be made. The proposal would make financial planning easier as, at present, the level of Government subsidy changed from year to year. In principle, Members welcomed these proposed changes. However, they urged caution until more concrete figures were available, particularly the percentage of interest to be charged on outstanding loans.

Officers advised that on the current consultation paper it would appear to be necessary for the rents charged by Gosport Borough Council to match the Government guideline rent level by the time the changes were introduced in order for the Council to meet its financial commitments.

RESOLVED: That:

- a) the contents of the report be noted; and
- b) it be agreed that officers respond to the consultation paper as per the responses to consultation questions, as amended, contained in the report of the Housing Services Manager.

The meeting commenced at 6.00 pm and concluded at 6.46 pm.

A MEETING OF THE HOUSING BOARD WAS HELD ON 4 NOVEMBER 2009

The Mayor (Councillor Mrs Searle) (ex-officio), Chairman of Policy and Organisation Board (Councillor Hook) (ex-officio), Councillors Allen, Beavis (P), Mrs Cully (P), Edwards (P), Geddes (P), Gill, Hylands (P), Mrs Mitchell-Smith (P), Mrs Mudie (P), and Philpott (Chairman) (P).

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

Also in attendance: Tenant Representative – Mrs Annie Barnes

PART II

27 PROPOSED PLANS FOR THE REDEVELOPMENT OF TRINITY GREEN

Consideration was given to a report of the Housing Services Manager which outlined the progress made in developing plans for the future of the Trinity Green site, including the two buildings known as Barclay House. An indicative scheme, including timetable and financial information, was presented. The proposals would be subject to planning approval and the ability to secure funding for the scheme from the Homes and Communities Agency (HCA) which was the successor to the Housing Corporation.

It was confirmed that the land would not be provided free of charge to the Housing Association partner, as indicated in paragraph 2.12 of the report. The land would be transferred for the amount agreed by the District Valuer and this sum would form part of the capital receipt funding put towards the redevelopment scheme. The hostel would continue to be owned and run by the Council and residents would not qualify for security of tenure because the accommodation would not be self contained.

Members were concerned at the high density of dwellings proposed on the Trinity Green site. There were already parking problems and a lack of play space in the area and the additional affordable housing proposed as enabling development for the new hostel would exacerbate the situation. This would add to the problems of vandalism, noise and litter already suffered by residents of the Tower Blocks. Children would be tempted to play in the Time Space area and on the Ramparts which would not be acceptable.

Members questioned whether the necessary capital could be raised in other ways, for instance, through additional prudential borrowing and the use of commuted sums specified for housing purposes. Members were advised that commuted sums could be used for affordable housing but it would be difficult to justify their use for a homeless hostel.

In answer to a Member's question as to whether a homeless hostel could be provided as part of the Rowner Regeneration Scheme, officers advised that this

Scheme was devised to regenerate the community of Rowner and it would not be appropriate to include a homeless hostel and more affordable housing within the Scheme.

Members requested that officers look in more detail at proposals, especially at other sites within the Borough, including existing garage blocks that were earmarked for redevelopment, with a view to relocating the homeless hostel and enabling affordable housing development to a more appropriate site.

Members also requested that additional methods of funding the proposed hostel be given further consideration by officers.

RESOLVED: That the Board agree that the Housing Services Manager, in liaison with Ward Councillors and Housing Spokespersons, continues working on the detailed proposals including financial, management, development and tenure discussions for the redevelopment of a homeless hostel.

28 BLICK UK LIMITED; TV AERIAL MAINTENANCE CONTRACT RENEWAL

Consideration was given to the report of the Housing Services Manager which sought approval for the renewal of a planned maintenance contract for the servicing and updating of the communal TV aerial service.

It was confirmed that the contract would run until 31 December 2015 and not 2016 as stated in Recommendation a. of the report. It was also confirmed that proposal 2.1 (b) as detailed in the report was to be adopted.

Members considered that the service currently given by Blick UK Limited was satisfactory and the proposal being adopted would see costs falling below those of 2003.

RESOLVED: That the Board:

- a. approve entering in to a contract with Blick UK Ltd (also know as Stanley Security Solutions Limited) for a period of five years from 1st January 2011 to December 31st 2015 as detailed in paragraph 2.1 (b) of the report of the Housing Services Manager; and
- b. waive contract standing order under 1.4.1 in respect of Standing order Part 4 Schedule 13 [6.5].

29 INTERIM ARRANGEMENTS FOR THE MANAGEMENT OF FRANKLIN ROAD (NO. 65-151 ODD)

Consideration was given to a report of the Housing Services Manager which informed the Housing Board of an innovative proposal to improve tenancy services to a Registered Social Landlord's tenants using the Council's expertise in the field and to grant the Housing Services Manager authority to develop the proposal.

Members welcomed this report and considered it to be a 'good news' story for the Borough. The proposal would enable a better service to be given to the residents of

Franklin Road, who would now have a local point of contact for repairs and maintenance. Members paid tribute to former Councillor John Train who had initiated negotiations to improve the service given to Franklin Road residents.

RESOLVED: That the Board:

- a. Note the development of joint working between the Council and Housing 21;
- b. Delegate to the Housing Services Manager the authority to enter into an agreement to cover interim arrangements for a trial period; and
- c. Note the intention of officers to explore a long term management arrangement with Housing 21 and that the outcome of that exploration is expected to be brought back to Housing Board in September 2010.

30 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, for the reason set out.

31 REVIEW OF THIS COUNCIL'S HOMELESS ACCOMMODATION BUSINESS PLANS

Consideration was given to an exempt report of the Housing Services Manager which considered the impact of the proposed Housing Benefit subsidy changes on the respective homeless accommodation business plans and the need to review the way Barclay House homeless persons' hostel rent was set.

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 sensitive financial information concerning the Council's costs of provision of temporary accommodation for homeless households. Significant components of those costs were private landlord/owner charges to the Council and some of these costs were recommended for re-negotiation to reduce expenditure by the Council. As such, disclosure of the contents of this report may compromise those negotiations.

RESOLVED: That the Board:

- a. note the report; and
- b. agree that Barclay House rent setting becomes linked to the costs of providing the accommodation rather than being linked to rent restructuring.

The meeting commenced at 6.00 pm and concluded at 6.58 pm.



GAMBLING ACT 2005

STATEMENT OF PRINCIPLES

This Statement of Principles will remain in force from
31 January 2010 until 31 January 2013

GOSPORT BOROUGH COUNCIL

DRAFT STATEMENT OF GAMBLING POLICY GAMBLING ACT 2005

(Draft Version "E" Published September 2009)

Contents

Item	Page
Part A	
1. The licensing objectives	4
2. Introduction	4
3. Declaration	6
4. Responsible Authorities	6
5. Interested parties	7
6. Exchange of information	8
7. Enforcement	8
8. Licensing authority functions	9
Part B - Premises Licences	
1. General Principles	11
2. Adult Gaming Centres	15
3. Licensed Family Entertainment Centres	16
4. Casinos	17
5. Bingo	17
6. Betting premises	18
7. Tracks	18
8. Travelling fairs	20
9. Provisional Statements	20
10. Reviews	21
Part C - Permits / Temporary and Occasional Use Notices	
1. Unlicensed Family Entertainment Centre gaming machine permits	21
2. (Alcohol) Licensed premises gaming machine permits	22

3. Prize Gaming Permits	23
4. Club Gaming and Club Machines Permits	24
5. Temporary Use Notices	25
6. Occasional Use Notices	25
Part D – Other Information	
Rights of appeal and judicial review	25
Other matters	26
ANNEXES	
Map of the district of Gosport Borough Council – ANNEX A	27
Table of Delegations of Licensing Functions - ANNEX B	28
Types of Gaming Machines – ANNEX C	30
Glossary – ANNEX D	31
Responsible Authorities – ANNEX E	33

PART A

1. The Licensing Objectives

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

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

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

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

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

2. Introduction

Gosport Borough Council is situated in the County of Hampshire, which contains two unitary authorities and eleven District Councils. The Council area has a population of 76,415 (2001 Census) making it one of the smallest but most densely populated council areas in the County. It is also one of the smallest, covering 27.56 square kilometres / 10.6 square miles. The Council area is mainly urban serving the communities as shown in the map set out in Annex A.

Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles which they proposed to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and consultation carried out over any proposed any amendments. The revised statement must be then re-published.

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

The Gambling Act requires that Licensing Authorities consult:

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

Gosport Borough Council consulted the following organisations:

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

Our consultation on this policy took place between 16 July 2009 and 16 October 2009 and the Council followed the HM Government Code of Practice on Consultation (published July 2008) which is available at: <http://www.berr.gov.uk/files/file47158.pdf>

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

The Environmental Services Manager, Gosport Borough Council, Environmental Services, Town Hall, High Street, Gosport PO12 1EB E-mail: ehs@gosport.gov.uk

This policy was approved at a meeting of the Full Council on XX November 2009 and was published via the Council's website at: www.gosport.gov.uk/licensing on XX January 2010. Copies were placed in public libraries in the area as well as being available in the Town Hall.

Should you have any comments as regards this policy statement please send them via email or letter to the the Environmental Services Manager at the address shown above.

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

3. Declaration

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

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

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

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

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

The contact details of all the Responsible Authorities under the Gambling Act 2005 (see Annex E – Addresses may be subject to change from time to time and fall outside the approved Statement of Principles 2010 - 2013) are available via the Council's website at: www.gosport.gov.uk

5. Interested parties

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

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

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

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

Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.11 and 8.19.

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

Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor / MP represent the ward likely to be affected. Other than these however, this Authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.

If individuals wish to approach Councillors to ask them to represent their views then care should be taken to ensure that the Councillors are not members of the Licensing Committee dealing with the licence application. If there are any doubts the Council's Borough Solicitor, Town Hall, High Street, Gosport Hampshire PO12 1EB, will advise.

6. Exchange of Information

Licensing Authorities are required to include in their statements the principles to be applied by the authority

in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

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

Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

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

This Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance for local authorities who will endeavour to be:

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

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

This Licensing Authority has adopted a risk-based inspection programme, based on:

- The licensing objectives
- Relevant codes of practice

- Guidance issued by the Gambling Commission, in particular at Part 36
- The Principles set out in this statement of licensing policy

The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission (see Annex C).

This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements are available upon request to The Environmental Services Manager, Environmental Services, Town Hall, High Street, Gosport Hampshire PO12 1EB. E-mail: ehs@gosport.gov.uk. A copy of our enforcement policy is available free on request or can be downloaded from www.gosport.gov.uk/ehenforcement. Our risk methodology is also available upon request.

8. Licensing Authority functions

Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing premises licences;
- Issue provisional statements;
- Regulate members' Clubs and Miners' Welfare Institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs;
- Grant permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell / supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Register Small Society Lotteries below prescribed thresholds;
- Issue Prize Gaming Permits

- Receive and endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of licences issued (see section above on information exchange);
- Maintain registers of the permits and licences that are issued under these functions.

It should be noted that Licensing Authorities are not involved in licensing remote gambling at all. This is regulated by the Gambling Commission via operating licences.

PART B

PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

1. General Principles

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

(i) Decision-making

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

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

The Gambling Commission's Guidance for local authorities states that -

"moral objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for a licensing authority.

(ii) Definition of "premises"

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

The Gambling Commission states in the third edition of its Guidance to Licensing Authorities that:

"In most cases the expectation is that a single building / plot will be the subject of an application for a

licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or movable partitions, can properly be regarded as different premises."

This Licensing Authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that:

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

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence."

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

- Do the premises have a separate registration for business rates
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission's relevant access provisions for each premises type are reproduced below:

Casinos

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

Adult Gaming Centre

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

Betting Shops

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

Tracks

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

Bingo Premises

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

Family Entertainment Centre

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

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

(iii) Premises "ready for gambling"

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

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

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

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

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

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

(iv) Location

This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. As per the Gambling Commission's Guidance for local authorities, this Authority will pay particular attention to

the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

(v) Planning

The Gambling Commission Guidance to Licensing Authorities “:

7.59 – In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.”

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

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

(vi) Duplication with other regulatory regimes

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

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or Health and Safety risks will not be taken into account, as these matters are dealt with under relevant

planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

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

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

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

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

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

As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a

definition but states that :

“it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.”

This Licensing Authority will consider this licensing objective on a case by case basis.

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

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

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

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

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

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the

licence holder; and

- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

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

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

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

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

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

2. Adult Gaming Centres

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons

from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

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

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

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

3. (Licensed) Family Entertainment Centres:

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

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

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

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

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

4. Casinos

No Casinos Resolution - This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

5. Bingo premises

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

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

This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premise into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

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

6. Betting premises

Betting Machines - This Licensing Authority will, as per Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions and

the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

7. Tracks

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

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

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

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

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

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

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

Applications and plans

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, Para 20.28).

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities, Para 20.29).

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, Para 20.31).

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. (See Guidance to Licensing Authorities, Para 20.32).

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, Para 20.33).

8. Travelling Fairs

This licensing authority is responsible for deciding whether, where category D machines and / or equal

chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

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

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

9. Provisional Statements

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

Section 204 of the Gambling Act 2005 provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

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

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

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

The holder of a provisional statement may then apply for a premises licence once the premises are

constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

10. Reviews:

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

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

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

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

Once a valid application for a review has been received by the licensing authority, representations can be

made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

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

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

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

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

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

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

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

PART C

Permits / Temporary & Occasional Use Notice

1. Unlicensed Family Entertainment Centre Gaming Machine Permits

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

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

"In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits....., licensing authorities will want to give weight to child protection issues".

Gambling Commission's Guidance (Section 24.6)

Guidance also states:

".....An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC and if the chief officer of police has been consulted on the application.....Licensing Authorities might wish to consider asking applications to demonstrate:

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

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

2. (Alcohol) Licensed Premises Gaming Machine Permits

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

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

Permit: 3 or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and *"such matters as they think relevant."*

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

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

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

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

3. Prize Gaming Permits

The Gambling Act 2005 states that a Licensing Authority may :

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

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

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

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

(Gambling Act 2005, Schedule 14 paragraph 8(3)).

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

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize) or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines Permits

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

Members Clubs and Miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery

games in their club.

Gambling Commission Guidance states:

"Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

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

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

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states:

"Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced."

and :

"The grounds on which an application under the process may be refused are:

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

been cancelled."

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

5. Temporary Use Notices

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

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

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

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

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

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

6. Occasional Use Notices

The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Licensing Authority will, however, consider

the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

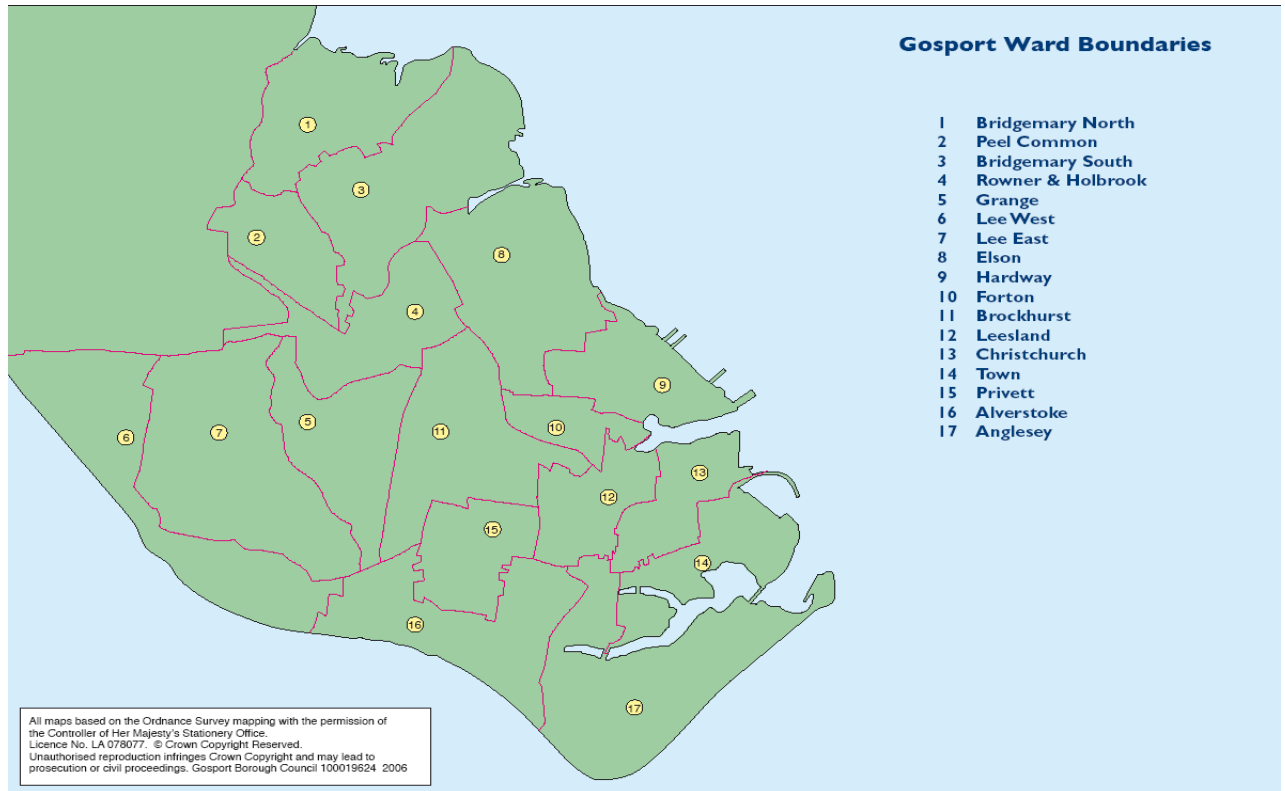
Other matters

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

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

ANNEX A

Map of the district of Gosport Borough Council



ANNEX B

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

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

ANNEX C

Categories of Gaming Machines

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

Machine category	Maximum stake (pre June 2009)	Maximum prize (pre June 2009)	Maximum stake (from June 2009)*	Maximum prize (from June 2009)*
A	Unlimited	Unlimited	Unlimited	Unlimited
B1	£2	£4,000	£2	£4,000
B2	£100 (in multiples of £10)	£500	£100 (in multiples of £10)	£500
B3	£1	£500	£1	£500
B3A	£1	£500	£1	£500
B4	£1	£250	£1	£250
C	50p	£35	£1	£70
D*	10p/30p*	£5/£8*	-	-
D non-money prize (crane grab machine)	-	-	£1	£50
D money prize	-	-	10p	£5
D combined money and non-money prize (other than coin pusher or penny falls machines)	-	-	10p	£8 (of which no more than £5 may be a money prize)
D combined money and non-money prize (coin pusher or penny falls machine)	-	-	10p	£15 (of which no more than £8 may be a money prize)

* Category D machines with a 10p stake are entitled to offer prizes of up to £5 in cash, or up to £5 in cash and £3 in non-monetary prizes. Category D machines with a 30p stake can offer £8 in non-monetary prizes only.

ANNEX D

GLOSSARY

Ancillary amusement

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

Adult Gaming Centre

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

Betting machines

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

Family entertainment centre – FEC (with Commission operating licence)

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

Family entertainment centre – FEC (with gaming machine permit)

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

LACORS

Local Authorities Coordinators of Regulatory Services.

Occasional Use Notice

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

Temporary use notices

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

SIA

The Security Industry Authority

Organisations offering support to Vulnerable Persons -**GamCare**

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

Gamblers Anonymous

Fellowship of men and women who have joined together to do something about their own gambling problem : www.gamblersanonymous.org.uk.

ANNEX E

Responsible Authorities

For the purpose of Section 157 of the Gambling Act 2005 the following are responsible authorities in relation to premises. (Addresses may be subject to change from time to time and fall outside the approved Statement of Principles 2010 – 2013)

a) The Licensing Authority

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

Tel: 023 9254 5505.

Email: ehs@gosport.gov.uk

b) Gambling Commission

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

Tel: 0121 230 6666

Fax: 0121 230 6720

info@gamblingcommission.gov.uk

c) Police

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

Tel: 0845 045 4545

d) Fire

Chief Fire Officer, Hampshire Fire and Rescue Service, Service Delivery (Community Safety Delivery),
Protection Department, Southsea Fire Station, Somers Road, Southsea, PO5 4LU

Tel: 023 926 64656

e) Local Planning Authority

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

Tel: 023 925 45483

Email: planning@gosport.gov.uk

f) Local Agency for Environmental Health

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

Tel: 023 925 45509

g) Matters Relating to the Protection of Children

The Team Manager, Fareham & Gosport R+ A, Kent Road Family Centre, Kent Road, Bridgemary, Gosport, PO13 0SP

Tel: 0845 600 45555

h) HM Revenue and Customs

21 India Street, Glasgow Scotland G2 4PZ

Tel: 0141 555 3629

AGENDA ITEM NO. 9

Board/Committee:	COUNCIL
Date of Meeting:	25 NOVEMBER 2009
Title	REPORT ON THE CONFERENCE ON LONELINESS AND ISOLATION AMONGST GOSPORT'S OLDER PEOPLE HELD ON 8 OCTOBER 2009
Author:	BOROUGH SOLICITOR
Status:	FOR DECISION

Purpose

To advise Council of the outcome of the recent conference on Loneliness and Isolation amongst Gosport's older people and the recommendation of Overview and Scrutiny Committee

Recommendation

Overview and Scrutiny Committee recommend to Council :

1. Setting up a stakeholders working group to progress the matters identified at the conference and work up proposals for the Older Person's Forum.
2. That the Older Person's Stakeholders Working Group comprise 2 Borough Councillors and a representative from each of the following ;-
 - Health
 - County Council
 - Schools
 - Community (2 representatives)
 - Older Person's Organisation
3. Council appoint 2 members to the Older Person's Stakeholders Group.

1.0 Background

- 1.1 On 1 April 2009 Council accepted the recommendation of Overview and Scrutiny Committee to hold the above Conference.

2.0 Report

- 2.1 The Conference was held between 9.30am and 12.30pm and was well attended.
- 2.2 Councillor Bob Forder, Chairman of Overview and Scrutiny Committee, welcomed those attending and explained how the

Conference had come about. He was followed by Jean Legg who gave a presentation on GVA's befriending service.

- 2.3 The Conference then broke into groups to explore the issues that have led to the increase in loneliness and isolation amongst older residents and also what could and might be done to address the issues.
- 2.4 Each group's findings were presented to the Conference along with ideas as to how the work could be taken forward.

CONFERENCE FINDINGS

- 2.5 The groups identified some key areas to help address the issues:-
- A wider support network to include the places elderly people visited most frequently, including G.P.'s surgeries and possibly a market stall
 - The creation of a network of those organisations already providing services to share ideas and maintain contact with one another
 - The creation of an Older Person's Forum
 - The encouragement of intergenerational links, including students and the provision for neighbour days in school
 - More work designed to reduce the occurrence of falls
 - The improvement of transport facilities for those unable to drive, or travel by bus
 - Improved publicity to ensure that those who need support are reached
 - Training opportunities for volunteers
 - Accessing funds, identifying opportunities and ensuring there are worthwhile outcomes
 - A coordinator for Gosport to facilitate the network, the organisation of events and address other conclusions listed here.
- 2.6 The Conference also agreed that it would be worthwhile to form a steering group facilitated by the Council to explore ways in which these objectives could be furthered and fulfilled.

REPORT TO OVERVIEW AND SCRUTINY COMMITTEE

- 2.7 On 12 November 2009 the Committee considered a report on the conference. They noted the success of the conference and agreed to recommend to Council to set up a stakeholders working group to progress the matters identified at the conference and work up proposals for the Older Person's Forum.

Financial Services comments:	
Legal Services comments:	None
Service Improvement Plan implications:	None
Corporate Plan:	None
Risk Assessment:	None
Background papers:	None
Appendices/Enclosures:	None
Report author/ Lead Officer:	Linda Edwards, Borough Solicitor

AGENDA ITEM NO. 10

Board/Committee:	Council
Date of Meeting:	25 November 2009
Title:	Governance Arrangements for the CCTV Partnership
Author:	Deputy Chief Executive
Status:	For Decision

Purpose

The Council has been working in partnership with Fareham Borough Council to provide CCTV in both areas for some time. This report sets out formal arrangements for the corporate management of the partnership.

Recommendation

Council agrees the arrangements for the corporate management of the partnership and nominates one Councillor and a standing deputy to the CCTV Partnership Panel.

1.0 Background

- 1.1 The Council continues to provide a Closed Circuit Television (CCTV) system in partnership with Fareham Borough Council. The operational details of the CCTV system and responsibility for payments is set out in an existing Legal Agreement. The Councils have also entered into legal agreements with contractors for the maintenance of the CCTV system and monitoring of the cameras.

2.0 Report

- 2.1 As with any other partnership arrangement it is important that the Council has in place robust governance arrangements setting out the framework of accountability and responsibility within which the Partnership will take decisions, lead and control their functions to achieve the partnership objectives.
- 2.2 Partnership meetings already take place based on the format for the successful Building Control Partnership. It is now proposed to formalise these existing arrangements.
- 2.3 It is proposed to formally establish the CCTV Partnership Panel which will comprise one elected member from Gosport and one elected member from Fareham and the Community Safety and CCTV managers from each Council. The Police will also be a member and others such as the CCTV control centre operator will also be involved.
- 2.4 The CCTV Partnership Panel has the responsibility for ensuring

- Regular reviews of the procedures, policies and codes to which the system operates
- The identification of improvements to achieve better performance and value for money
- The review of crime incidents and associated evidential value of CCTV
- The identification of service improvements and enhancements that can assist in detection rates.

2.5 The CCTV Partnership Panel will meet on a quarterly basis but there is provision for extra meetings as and when required. The Panel will not have any decision making powers but will assist both Councils and officers and the Police in exercising their decision making powers.

2.6 These formal governance arrangements will not affect the operation of the existing legal agreements referred to above.

3.0 Human Rights

There are no envisaged implications for human rights with the proposal to formalise the governance arrangements for the CCTV Partnership. As and when the Partnership Panel address the matters set out in paragraph 2.4 above the implications for human rights will be considered.

4.0 Race and Equal Opportunities

There are no specific Equal Opportunities matters arising from this proposal but see paragraph 3.0 above.

5.0 Sustainability

There are no envisaged significant implications sustainability with this development.

6.0 Section 17

This reports assists the Council in fulfilling its responsibilities under Section 17 of the Crime and Disorder Act 1998, by way of improving the overall operational effectiveness of our shared CCTV infrastructure.

6.1 Risk Assessment

A Borough Council risk assessment is attached at appendix B.

Financial Services comments:	There are no financial implications.
Legal Services comments:	Full Council must agree to the setting up of this panel and also nominate a member to sit on the panel.
Service Improvement Plan implications:	This matter is not explicitly covered in the SIP.
Corporate Plan:	Community Safety and the reduction of crime and disorder is an identified corporate priority. Upgrade and improvement of the CCTV infrastructure and Partnership will help Gosport Borough Council meet this objective.
Risk Assessment:	As above
Background papers:	
Appendices/Enclosures:	
Appendix 'A'	Proposed Agreement
Appendix 'B'	Risk Assessment
Report author/ Lead Officer:	Jamie O'Reilly Tel: 023 92545501

Fareham and Gosport CCTV Partnership Panel

Terms of Reference

Adopted on

1. The Name

Fareham and Gosport CCTV Partnership Panel.

Scope

The remit of the CCTV Partnership Panel includes the monitoring, control, development and maintenance of the CCTV system including the operation of the systems through the CCTV Control Room.

2. Aims and Objectives

- (i) To discuss and agree the strategic and policy issues relating to the jointly owned, controlled and operated CCTV Control and Maintenance service.
- (ii) The use of the Fareham and Gosport Closed Circuit Television system shall be used for the purposes of:
 - To assist with the reduction of crime and anti social behaviour
 - providing a deterrent to crime and anti social behaviour;
 - increasing public reassurance by reducing the fear of crime;
 - to assist with the gathering of evidence to support the investigation, detection and prosecution of criminal offences and anti social behaviour;
 - traffic monitoring (ROMANSE);
 - to aid the general management of public areas which are of principle importance to the commercial well being of the community;
 - to assist the police with information gathering and more effective deployment of resources;
 - to improve commercial confidence;
 - to assist emergency services;
 - to assist in the management and protection of the Council assets.
- (iii) To deal with all matters defined within the CCTV Contracts and Working Procedure for the operation of the CCTV Control Centre and consider and agree any necessary changes.
- (iv) To consider complaints regarding and breaches of the CCTV Working Procedure.
- (v) To identify opportunities and improvements in the use and application of new technology to deliver a more effective and/or more efficient CCTV System.

- (vi) To develop and put in place arrangements for the effective delivery, maintenance and operation of the CCTV system.
- (vii) To develop both a capital and revenue programme for the operation of the CCTV system.
- (viii) To identify sources of additional funding and other opportunities that could reduce the cost to the respective Councils in providing the CCTV system.

3. Powers

- (i) Representatives that attend the meetings will make decisions in line with their respective Council delegated authorities, Financial Regulations and Standing Orders. Issues relating to the operation and maintenance of the CCTV contracts will be made in accordance with the condition of that contract.

4. Resources

- (i) Both of the respective Councils fund the provision and operation of the CCTV Control Centre and currently Gosport Borough Council takes the lead in paying the revenue costs associated with running, maintaining and operating the control centre. The cost of running the control centre is apportioned between the two Councils dependant upon the number of camera each authority has.
- (ii) Each of the Councils has its own revenue and capital budgets that fund the above contract arrangement.
- (iii) The member authorities provide appropriate administrative support shared between each authority on a rotating basis.

5. Membership

- (i) The CCTV Partnership Panel is jointly represented by both Fareham and Gosport Borough Councils with each Councils duly appointed elected representative and their respective Community Safety and CCTV Managers. Hampshire Constabulary shall also be suitably represented on the Panel. In their absence, a suitable representative shall attend.
- (ii) All members of the group are expected to:
 - commit to regular attendance;
 - represent their organisation and body effectively;
 - make commitments on behalf of the organisation they represent;

- operate in a spirit of co-operation and consensus;
- maximise their influence on other groups in respect of the application and use of CCTV in promoting community safety.

(iii) The Partnership Panel will draw on specific specialist advice and invite others to attend as appropriate and by agreement.

6. Responsibilities

(i) The CCTV Partnership Panel has the responsibility for ensuring:

- regular reviewing of the procedures, policies and codes to which the system operate;
- identifying improvements that can be made to achieve better performance and/or value for money;
- reviewing the crime incidents and evidential value;
- monitoring performance against the contract specification;
- identifying service improvements and enhancements that can assist in evidence gathering;
- considering the scope for finding added value in the service and/or suitable efficiencies.

7. Meetings

Frequency

(i) The Partnership Panel shall meet no less than quarterly and at such other times as are deemed necessary.

Notice

- (i) At least 28 days' notice shall be given to all member organisations' representatives who are entitled to attend and vote at the meeting.
- (ii) The note must specify the date, time and place of the meeting and the general nature of the business to be transacted. If the meeting is to be annual general meeting, the notice must say so.

Special meetings

(iii) The Partnership Panel may call a special meeting at any time provided:

- all partners request such a meeting;
- seven days' notice shall be given to all member organisations' representatives who are entitled to attend and vote at the meeting; and

- the notice states the nature of the business that is to be discussed.

Quorum

(iv) At least one representative from each of the three authorities shall constitute a quorum.

Chairman

(v) The Chairing of the meeting will be arranged by the hosting Council.

Venue

(vi) The meetings shall be held alternatively at the offices of the partner Councils.

Procedural Matters

(vii) The meeting shall follow the normal Standing Orders of the hosting Authority.

Voting

(viii) The Partnership Panel will always try to reach a consensus on issues as they arise and voting will not be necessary as the Panel will not have any separate delegated decision making authority.

8. Delegation

- (i) The Officers attending meetings representing the respective Councils should have the appropriate delegated authority to make decisions as they relate to the operation and maintenance of the CCTV system. Matters that commit the Councils to additional revenue and capital expenditure should be dealt with in accordance with the respective Financial Regulations and Standing Orders and, where appropriate, Member/Committee decision obtained.

9. Minutes

- (i) The Partnership Panel must keep minutes of all proceedings at meetings and any sub-groups including the names of people present, decisions made and, where appropriate, reasons for the decision.

10. Dissolution

- (i) A legal agreement exists for the financing and operating of the CCTV maintenance contract for the Fareham and Gosport CCTV system and this document contains arrangements for disputes and termination, as does the agreement for the other contracts referred to in 5(ii).

11. Amendments

- (i) Any amendments to this Partnership Panel and the agreements that it oversees need to be agreed by the respective members and the necessary departments/committees in each of the Councils.

12. Equality and Diversity

- (i) Members of the Partnership Panel will operate in line with their respective Equalities Schemes' and Policies.

13. Complaints

- (i) Each authority will use its own complaints procedure as appropriate to deal with any complaints that relate to the way the respective Council or Police dealt with a specific issue. Any complaints associated with the operation of the Partnership Panel as a whole shall be raised at Partnership Panel meetings if appropriate, and dealt with in accordance with the existing contractual agreements that are in place.

14. Duration

- (i) The Partnership Panel will review these terms of Reference on an annual basis.

RISK ASSESSMENT

Impact	Description	Potential Risks	Comments	Potential Opportunities	Comments
CORPORATE OBJECTIVES	Implications in relation to: <ul style="list-style-type: none"> • achieving Corporate Objectives and Priorities • Corporate Governance Responsibilities 	No significant risks.		Formalises the informal arrangements of meetings and working that is currently in place	Addresses corporate governance issues and contributes to the safe and healthy place to live and work
PARTNERSHIPS	Implications for any existing partnership arrangements Risks or opportunities for new partnerships	No significant risks.		Formalises partnership working by providing an overarching agreement	Addresses corporate governance issues and contributes to the safe and healthy place to live and work
FINANCE AND RESOURCES	Implications in relation to: <ul style="list-style-type: none"> • Budget Constraints • Funding • Contractual Obligations or Penalties • Use of Land or Assets 	This proposal can be met within existing budget limits.		No significant opportunities.	
LEGAL	Implications in relation to: <ul style="list-style-type: none"> • Statutory or discretionary powers • National Legislation (e.g. Human Rights, Data protection etc) • Failing to comply with legislative requirements of service • Potential litigation action 	No significant risks.		Overarching agreement that makes reference to the formal agreements that are in place between Fareham and Gosport and its contractors in the provision of CCTV	
PERSONNEL	Implications in relation to: <ul style="list-style-type: none"> • Organisational change • Employee policies and conditions • Skill availability • Training and Development 	No significant risks.		No significant opportunities.	

RISK ASSESSMENT

Impact	Description	Potential Risks	Comments	Potential Opportunities	Comments
SERVICE	Implications in relation to: <ul style="list-style-type: none"> • performance targets • the operation of the service • the need for Change Management • Competitive advantage of the service • Technological impacts • Innovation • The needs of residents, businesses or visitors to the Borough 	No significant risks.		No significant opportunities.	
HEALTH & SAFETY	Implications for the Health & Safety of the Public, Employees or Members	No significant risks.		No significant opportunities.	
CRIME & DISORDER	Implications in relation to: <ul style="list-style-type: none"> • Council's Section 17 Obligations • Community Safety • Anti-fraud and corruption 	No significant risks.		The agreement is one that addresses crime and disorder through the delivery of CCTV	
ENVIRONMENTAL	Implications in relation to: <ul style="list-style-type: none"> • Sustainability • Public Health • Physical risks 	No significant risks.		No significant opportunities.	
EQUALITY AND DIVERSITY	Implications in relation to: <ul style="list-style-type: none"> • Inclusion • Equality of access and opportunity • Cohesion • Diversity 	No significant risks.		No significant opportunities.	

