

Please ask for:

Lisa Young

Direct dial:

(023) 9254 5651

Fax:

(023) 9254 5587

E-mail:

lisa.young@gosport.gov.uk

24 August 2012

S U M M O N S

MEETING: Licensing Board
DATE: 4 September 2012
TIME: 6.00pm
PLACE: Council Chamber, Town Hall, Gosport
Democratic Services contact: Lisa Young

Please note: Confidential Documents referred to in the Private Hire Driver Application Reports in advance of the meeting by arrangement with Russell Bray, Senior Licensing Officer, Ext 5553 during office hours

Linda Edwards

LINDA EDWARDS
BOROUGH SOLICITOR

MEMBERS OF THE BOARD

The Mayor (Councillor Dickson) (ex officio)
Chairman of P & O Board (Councillor Hook) (ex officio)

Councillor Beavis (Chairman)
Councillor Allen (Vice Chairman)

Councillor Ms Ballard	Councillor Jacobs
Councillor Carter C K	Councillor Mrs Morgan
Councillor Mrs Cully	Councillor Murphy
Councillor Ms Diffey	Councillor Scard
Councillor Hazel	Councillor Mrs Wright

FIRE PRECAUTIONS

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

In the event of the fire alarm sounding, please leave the room immediately. Proceed downstairs by way of the main stairs or as directed by GBC staff, following 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.

IMPORTANT NOTICE:

- If you are in a wheelchair or have difficulty in walking and require access to the Committee Room on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request

If you require any of the services detailed above please ring the Direct Line for the Democratic Services Officer listed on the Summons (first page).

NOTE:

- i. Councillors are requested to note that, if any Councillor who is not a Member of the Board wishes to speak at the Board meeting then the Borough Solicitor is required to receive not less than 24 hours prior notice in writing or electronically and such notice shall indicate the agenda item or items on which the member wishes to speak.
- ii. Please note that mobile phones should be switched off for the duration of the meeting.

AGENDA

RECOMMENDED
MINUTE
FORMAT

PART A ITEMS

1. APOLOGIES FOR NON-ATTENDANCE
2. DECLARATIONS OF INTEREST

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter, any personal or personal and prejudicial interest in any item(s) being considered at this meeting.

3. MINUTES OF THE MEETING OF THE BOARD HELD ON 17 JULY 2012 (copy herewith)
4. DEPUTATIONS – STANDING ORDER 3.5

(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Friday 31 August 2012. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).

5. PUBLIC QUESTIONS – STANDING ORDER 3.6

(NOTE: The Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Friday 31 August 2012).

6. REVISED FAREHAM AND GOSPORT STATEMENT OF PRINCIPLES ISSUED UNDER THE GAMBLING ACT 2005
To consider the Revised Fareham and Gosport Statement of Principles issued under the Gambling Act 2005, which the Council is required to be published every three years, for use in connection with applications/reviews under the Gambling Act 2005 ("Statement of Principles").

PART II
Contact
Officer
R Bray
Ext. 5553

7. ANY OTHER BUSINESS
8. EXCLUSION OF PUBLIC
To consider the following motion:

That in relation to the following items 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

Licensing Board
4 September 2012

if members of the public were present during these items there would be disclosure to them of exempt information within Paragraph 1 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 reasons set out in the reports.

PART B ITEM
FOLLOWING THE EXCLUSION OF PRESS AND PUBLIC

Item No.	Item	Paragraph no.1 of Part I of Schedule 12A of the Act	
9.	Application for the grant of a Private Hire Drivers Licence.	Paragraph 1 The report contains personal data which is identified as sensitive material.	PART II Contact Officer CTizard Ext. 5609
10.	Application for the grant of a Private Hire Drivers Licence.	Paragraph 1 The report contains personal data which is identified as sensitive material.	PART II Contact Officer CTizard Ext. 5609

A MEETING OF THE LICENSING BOARD

WAS HELD ON 17 JULY 2012

The Mayor (Councillor Dickson), Chairman of the Policy and Organisation Board (Councillor Hook) (P), Councillors Allen, Ms Ballard (P), Beavis (Chairman) (P), Carter CK, Mrs Cully (P), Ms Diffey (P), Hazel, Jacobs (P), Mrs Morgan (P) Murphy, Scard (P) and Mrs Wright (P).

15. APOLOGIES

Apologies for inability to attend the meeting were submitted on behalf of the Mayor and Councillors Allen, Hazel and Murphy for whom Councillors Hook, Mrs Hook and Langdon were substitutes.

16. DECLARATIONS OF INTEREST

There were none.

17. MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing Board held on 6 June 2012 be approved and signed by the Chairman as a true and correct record.

18. DEPUTATIONS

There were none.

19. PUBLIC QUESTIONS

There were none.

PART II

20 APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE VEHICLE LICENSE UNDER EXCEPTIONAL CIRCUMSTANCES

Consideration was given to a report of the Community and Customer Services Manager advising the Licensing Board of an application to renew and extend an existing Private Hire Vehicle license for a vehicle that will be more than 8 years old at the time of the renewal and will not meet the standard conditions.

It was confirmed to Mr Gibson that the two copies of the report he had received were identical and that they were the same report that had been issued to the Licensing Board Members.

The Board was advised that Mr Gibson had taken his vehicle to the Fareham Borough Council's vehicle testing depot where it had been independently assessed by mechanics as being in a satisfactory condition.

The Licensing Officer advised the Board that the system of licensing exceptional vehicles was introduced by the Council in 2008 to allow it to consider applications to licence unconventional PHV's such as stretched limousines and novelty vehicles which would otherwise be precluded because of their age. The Board was advised that these vehicles typically had lower mileages because they were not in constant daily use as a conventional public hire vehicle would be.

Condition 74 was read to the Board as follows; In order to widen the licensing regime without compromising public safety, a system to licence vehicles under the private hire provisions has been adopted. An Exceptional Vehicle is a vehicle that cannot meet one or more of the existing licensing conditions; any licence issued will be subject to an initial application to the Licensing Board for consideration. Any vehicle licensed as Exceptional will be subject to mechanical inspection at intervals of 4 months. The vehicle will be subject to those existing licensing conditions that can reasonably be applied together with any additional conditions identified by the Licensing Board to address the exceptional nature of the vehicle. A significant mechanical history for the vehicle will be required (evidenced by a series of MoT certificates, service history, log books/V5c document etc) to provide a degree of confidence in the condition of the vehicle on initial application.

The Board was advised that the vehicle was registered on 9 September 2003 and that the previous licence had been granted on 7 September 2011 when the vehicle was two days short of being 8 years old. The Board was advised that Mr Gibson was applying to licence the vehicle for an additional year.

Mr Gibson was invited to address the Board. He advised that he was applying for the renewal of a Private Hire Vehicle Licence under exceptional circumstances as his vehicle would not meet conditions 74 and 75 of the Taxi and Private Hire conditions. He advised that his vehicle was more than 8 years old and that the spare wheel carried was made of steel and not aluminium like the rest of the wheels on the vehicle.

Mr Gibson advised the Board that the vehicle had been serviced and MOT'd in line with the requirements of the taxi conditions and that the vehicle had passed inspections and did not present a risk to public safety.

In answer to a Member's question, Mr Gibson advised that the MOT had expired on 6 August 2011 and a subsequent one not issued until 6 September 2011 as the vehicle was off the road having a replacement fuel pump fitted.

Mr Gibson advised the Board that services at every 10000 miles were carried out at his own workshop.

Members queried as to why there appeared to be a 16 month gap between services and what activity the vehicle had undertaken in this period. Mr Gibson advised that this discrepancy was an error with the incorrect year being recorded.

In addition, the Board queried why there were discrepancies between the recorded mileage at a 10000 mile service and at a subsequent MOT test. Mr Gibson advised that the discrepancy must have been an error by the MOT testing company.

In answer to a Member's question, Mr Gibson advised that he undertook contracts for the Ministry of Defence and Hampshire County Council.

The meeting was adjourned at 18.37 to allow Members of the Licensing Board to view the interior and the exterior of the vehicle. The meeting reconvened at 18.49.

It was confirmed to Members that no other Private Hire Vehicle had been given exemption under the exceptional conditions rule.

Members expressed concern at the discrepancies in the vehicle log book and did not believe that there was sufficient justification to extend the Private Hire Vehicle Licence and reminded Mr Gibson that he had the right to appeal the decision at the Magistrates Court.

RESOLVED: That the application for the renewal of a Private Hire Vehicle License under Exceptional Circumstances be refused.

21 REVIEW OF HACKNEY CARRIAGE FARE TARIFF

Consideration was given to a report of the Community and Customer Services Manager advising the Licensing Board of the role of the licensing authority in controlling the Hackney Carriage tariff and of a potential increase to the Hackney Carriage tariff currently in operation and related fees.

The Board was informed of a proposed increase in the maximum level that could be charged and that should it be approved it would be subject to a public consultation, and subject to the results, would come into force on 1st September 2012.

As the 1st September 2012 fell on a Saturday it was suggested that any change in the maximum tariff should come into force from Friday, 31st August 2012.

The Board was advised that as part of the process, the Licensing department had written to the Hackney Carriage plate holders providing them with the opportunity to state their preference as to whether a 3.6% increase to the maximum chargeable tariff should be applied or whether no increase was preferred. 13 letters had been received in favour of the increase and 6 objecting to the increase. The Board was advised that 58 letters had been sent with pre-paid envelopes included for ease of reply. In addition, any comments on the returned forms from supporters and objectors would be read to the Board.

The Board was advised that the return rate was 32.7% and that of those, 68.42% were in favour of an increase.

Mr Cox, the proprietor of Hardway Cabs, was present at the meeting and advised that he was the owner of seven plates and that he had only received one questionnaire. He also informed the Board that he was aware that a number of other drivers were against the increase.

The Board was advised that those plate owners that owned multiple plates were only sent one questionnaire and that the proposed increase was for the maximum fare that could be charged.

Members discussed whether the proposed increase was acceptable given the current financial climate; it was acknowledged that the taxi drivers, as well as the residents of Gosport, had suffered as a result of the current financial climate.

The Board was disappointed with the return rate of the questionnaires. They were advised that the last increase had been in 2010.

Members debated the proposed increase and acknowledged that the formulae used was the fairest and non-political method of calculating any potential increase. The cost of meter recalibration of the 2010 increase was in the order of £25. In addition, vehicles would need to be recalibrated at some point in the near future as Public Holidays needed to be entered into the vehicles' computer systems.

Mr Cox advised the Board that although the proposal was for the maximum fare it was difficult for drivers to charge less as they were required to display tariff cards and that Gosport Hackney Carriages were the most expensive. He advised that work was available for those that were prepared to look for it and that those in favour of the increase generally spent their time queued at the taxi rank.

The Board thanked Mr Cox for his observations.

RESOLVED: That model 1, a 3.6% increase to the Hackney Carriage Fare Tariff be implemented, subject to public consultation, from 31 August 2012.

22. 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 1 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 exemptions outweighs the public interest in disclosing the information, for the reasons set out in the report.

23. APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE DRIVER'S LICENCE.

Consideration was given to an exempt report of the Community and Customer Services Manager advising the Board of an application for the granting of a Private Hire Vehicle Driver's Licence.

RESOLVED: That the application for a Private Hire Vehicle Driver's Licence be refused.

24. ANY OTHER BUSINESS

The Chairman reminded Board Members that training on licensing matters would be available to all Members of the Council on 31st July at 5pm.

The meeting ended at 7.48 p.m.

CHAIRMAN

AGENDA ITEM NO. 6

Board/Committee:	LICENSING BOARD
Date of Meeting:	4 th September 2012
Title:	REVISED FAREHAM AND GOSPORT STATEMENT OF PRINCIPLES ISSUED UNDER THE GAMBLING ACT 2005
Author:	COMMUNITY AND CUSTOMER SERVICES MANAGER
Status:	FOR DECISION

Purpose

To consider the Revised Fareham and Gosport Statement of Principles issued under the Gambling Act 2005, which the Council is required to be published every three years, for use in connection with applications/reviews under the Gambling Act 2005 ("Statement of Principles").

Recommendation

That the Revised Fareham and Gosport Statement of Principles issued under the Gambling Act 2005, which forms part of this report be recommended to the Full Council for adoption for licences and permits 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
 - bingo premises
 - 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. The current 3 year period ends on 31st January 2013 and therefore it must be reviewed and re-published before that date.

2 Report

- 2.1 In January 2010, Fareham and Gosport Council's agreed to develop a partnership arrangement in respect of their Environmental Health Sections. Since then work has been carried out to align the services of both Council's where possible and make the best use of the shared resource. In 2013 both Council's Gambling Act Statement of Principles are due for renewal so a Joint Statement of Principles has been prepared to both develop the partnership and promote consistency of approach to enforcement between both of the Council's. However in producing a Joint Statement of Principles each Local Authority's local needs have been recognised.
- 2.2 In accordance with the requirements of the Gambling Act 2005 the second three year review of the Gambling Act Statement of Principles has been completed and the Revised Fareham and Gosport Statement of Principles issued under the Gambling Act 2005 has been prepared in accordance with guidance provided by the Gambling Commission.

- 2.3 The Reviewed Draft Fareham and Gosport Gambling Act 2005 Statement of Principles was presented to the Licensing and Regulatory Affairs committee at Fareham for consultation prior to a single wider consultation exercise as required by the Act. It has been subject to a mandatory period of public consultation and has been considered by the statutory consultees. The Revised Fareham and Gosport Statement of Principles issued under the Gambling Act 2005, has been amended to incorporate the outcome of the consultations which are shown in shaded text on pages, 7, 8 and 37 together with updated Appendices A and B at the end of the document. The Revised Fareham and Gosport Statement of Principles issued under the Gambling Act 2005 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 possible to consider applications for premises licences and permits 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 2013 which will become effective on 31st January 2013.
- 4.2 The reviewed Gambling Act Statement of Principles must be adopted by a meeting of the Full Council.
- 4.3 The Revised Fareham and Gosport Statement of Principles issued under the Gambling Act 2005 has been prepared for adoption in compliance with guidance issued by the Gambling Commission.
- 4.4 The Revised Fareham and Gosport Statement of Principles issued under the Gambling Act 2005 final draft has been prepared and is being presented back to both Councils.

Financial Services comments:	None
Legal Services comments:	Contained in the report.
Crime and Disorder:	Addressed by having regard to the first Licensing Objective as set out in Part A Licensing Objectives page 6 paragraph 1 of The Revised Fareham and Gosport Statement of Principles issued under the Gambling Act 2005
Equality and Diversity:	As part of the review procedure the Reviewed Draft Fareham and Gosport Gambling Act 2005 Statement of Principles

	was published for 12 weeks public consultation inviting comments, suggestions, and recommendations from all groups in the community.
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 25 November 2009 Licensing Board Minutes 6 th June 2012
Appendices/Enclosures:	
Appendix 'A'	The Revised Fareham and Gosport Statement of Principles issued under the Gambling Act 2005
Report author/ Lead Officer:	Russell Bray, Senior Licensing Officer.



FAREHAM BOROUGH
COUNCIL
www.fareham.gov.uk



Appendix A

Working in partnership

Fareham and Gosport Environmental Health Partnership

Gambling Act 2005

Statement of Principles

This Statement of Principles will remain
in force from 31st January 2013 until to 30th January 2016

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THE BOROUGH COUNCILS

Introduction

Fareham and Gosport Councils have a Corporate Strategy / Plan in place which details each Council's ambition for its area. In order to achieve this there are a number of Corporate Priorities for each Council. In Fareham Environmental Health contributes to the Corporate Priority of ensuring Fareham remains "A Safe and Healthy place to live and work" and also contributes toward "Protecting and enhancing the Environment". In Gosport it contributes toward the Strategic Priority of "Promoting Health and Well Being"

The Environmental Health contribution is made by delivering a range regulatory services which include the administration and issue of licences and permits under the Gambling Act 2005

In January 2010, Fareham and Gosport Council's agreed to develop a partnership arrangement in respect of their Environmental Health Sections. Since then work has been carried out to align the services of both Council's where possible and make the best use of the shared resource. In 2013 both Council's Gambling Act Statement of Principles are due for renewal so a Joint Statement of Principles has been prepared to both develop the partnership and promote consistency of approach to enforcement between both of The Council's. In producing a joint statement, local arrangements have been reflected where necessary

At Fareham Borough Council the Environmental Health Section is within the Regulatory and Democratic Services Department and at Gosport Borough Council is within the Community and Customer Services Unit. The Service is lead by a Shared Head of Environmental Health, the staff at each Council have been authorised to undertake environmental health duties within both Fareham and Gosport's areas.

The aim of this Statement of Principles is to provide clarity as to how the Environmental Health Service intends to help the Council carry out its statutory function and achieve its ambition and priorities by setting out the methods of achieving compliance with the Gambling Act and the criteria that will be considered in exercising those functions.

Throughout this Statement of Principles the term "The Borough Councils" should be read as jointly applying to both Councils Licensing Authority functions i.e. Fareham and Gosport. Where the Statement applies to only one of the Councils, it will be stated which one.

GAMBLING ACT 2005

SECTION 349

Statement of Principles

The contents of this document are provided as information on the policy and principles of The Borough Councils in carrying out their functions in relation to the regulation of gambling. The document is not a full and authoritative statement of the law or statutory guidance and does not constitute professional or legal advice.

The Statement of Principles as determined by The Borough Councils in respect of their licensing functions in relation to the Gambling Act 2005 for the three year period commencing 31st January 2013 is set out in this document. During the three year period, the document will be kept under regular review and, following a full consultation process, the Borough Councils will make such revisions to it, at such times, as it considers appropriate. Further statements of principles will be published in accordance with legislative requirements, currently every three years thereafter.

Advertising

Before publishing a statement or revision, The Borough Councils will publish a notice of its intention to do so, no less than four weeks before the statement or revision is to be published. The notice will:

- a) specify the date on which the statement or revision is to be published;
- b) specify the date on which the statement or revision will come into effect;
- c) specify the internet address where the statement or revision will be published and the address of the premises at which it may be inspected; and
- d) be published on the Borough Councils websites and in/on one or more of the following places:
 - A local newspaper circulating in the areas covered by the statement;
 - A local newsletter, circular, or similar document circulating in the areas covered by the statement;
 - A public notice board on or near the principal office of each authority;
 - A public notice board on the premises of public libraries in the areas covered by the statement.

Publication

This statement or any subsequent revision of the statement will be published on The Borough Councils websites (www.fareham.gov.uk) and (www.gosport.gov.uk). The statement or any subsequent revision of the statement is also available for inspection at the following locations:

- Fareham Borough Council, Civic Offices, Civic Way Fareham, Hants. PO16 7AZ
- Gosport Borough Council, Town Hall, High Street, Gosport, Hants PO12 1EB

Declaration

In publishing this document, The Borough Councils have had regard to the licensing objectives of the Gambling Act 2005 (the Act), the guidance issued by the Gambling Commission and any responses from those consulted on the policy statement.

The Act introduced a new regulator for commercial gambling, the Gambling Commission, which replaced the Gaming Board of Great Britain. Operators' licences and personal licences are issued and regulated by the Gambling Commission, whilst local authorities are responsible for the issue and regulation of premises licences, and other permits.

The Act places responsibilities on licensing authorities in ways similar to the Licensing Act 2003. There are some interdependencies between the Licensing Act 2003 and the Gambling Act 2005 in terms of the framework for decision making and the procedures that must be followed. However The Borough Councils will take care to ensure that in dealing with applications under the Gambling Act it follows the procedures that the Gambling Act 2005 requires and only take into account issues that are relevant to that Act. Care will be taken not to confuse Gambling Act considerations with those relevant to alcohol licensing or planning.

When using this document, reference should also be made to the Gambling Act 2005, any associated regulations and any guidance and advice issued by the Gambling Commission or the Department of Culture, Media and Sport and information contained on The Borough Councils web sites (www.fareham.gov.uk) and (www.gosport.gov.uk)

PART A

Licensing Objectives

1. In exercising most of the functions under the Gambling Act 2005, The Borough Councils must have regard to the licensing objectives contained in that Act. In particular it must have regard to the licensing objectives when exercising its functions in relation to premises licences, temporary use notices and some permits. 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; and
 - protecting children and other vulnerable persons from being harmed or exploited by gambling
2. It should be noted that in considering gambling applications, these objectives are not the same as those in the Licensing Act 2003. In particular, they do not include considerations in relation to public safety or prevention of public nuisance.
3. The Gambling Commission will play a leading role in preventing gambling from being a source of crime. The Borough Councils will also need to consider the location of premises in the context of preventing gambling from being a source of crime or disorder. In this context, disorder means activity that is more serious and disruptive than mere nuisance. In addition, The Borough Councils will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

In ensuring that gambling is conducted in a fair and open way, The Borough Councils have noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section of this document. Also, where appropriate, the Borough Councils will pay attention to the information that is made available to customers using gambling facilities that are regulated by permits.

4. The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling. The Borough Councils will therefore consider 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. The Borough Councils will also need to consider the location of premises in the context of protecting children and vulnerable persons.

Introduction to Fareham area

5. The Borough of Fareham has a population of 111,600 (Source Office for National Statistics 2011 Census: Population and household estimates for England and Wales).
6. The Borough covers almost thirty square miles of southern Hampshire between Portsmouth and Southampton. With the town of Fareham at its centre, the Borough extends from Portchester in the east, which borders the northern side of Portsmouth harbour, to the River Hamble in the west. From south to north, it reaches from the Solent coastline at Hill Head and extends northwards into rural Hampshire towards Wickham.
7. The Borough has grown rapidly in recent years, with the development of extensive areas of housing, shops and industry.
8. The town centre redevelopment is completed, which consists of shops, leisure facilities, bars and restaurants.
9. The town centre of Fareham is now a flourishing commercial centre and is the Borough's largest single community. However, there are several other important local centres based on former villages. Portchester lies to the east of Fareham town with Stubbington and Hill Head to the south. To the west are Titchfield, Warsash, Park Gate, Locks Heath and Sarisbury, together with the new settlement at Whiteley.

The Borough has a number of premises conducting gambling activities as issued on 9th August 2012 which are set out in the below table:

8 betting offices
1 entertainment centre
239 alcohol licensed premises
30 members' clubs
1 bingo hall

At the time of publication there are no tracks or casinos within the Fareham Borough Council area.

Introduction to Gosport area

10. The Borough of Gosport has a population of 82,600 (Source Office for National Statistics 2011 Census: Population and household estimates for England and Wales) making it one of the smallest but most densely populated council areas in the County. It is also one of the smallest in size situated on a peninsular forming the western side of Portsmouth Harbour and covering approximately 10.6 square miles.
11. The Borough has changed in recent years, with the contraction of military establishments and accommodation and the development of the waterfront areas and industry in the borough.

12. The town centre of Gosport provides the commercial centre whilst there is another significant local commercial centre situated at Lee on the Solent.

The Borough has a number of premises conducting gambling activities as issued on 9th August 2012 which are set out in the below table:

9 betting offices

4 entertainment centres

156 alcohol licensed premises

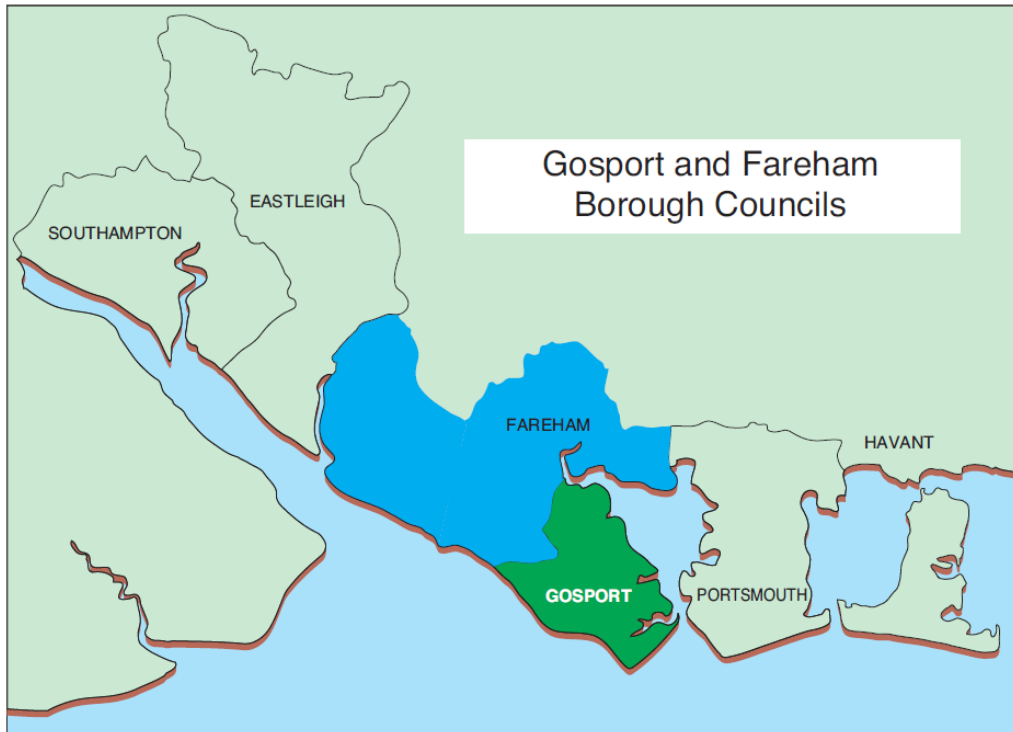
32 members' clubs

1 bingo hall

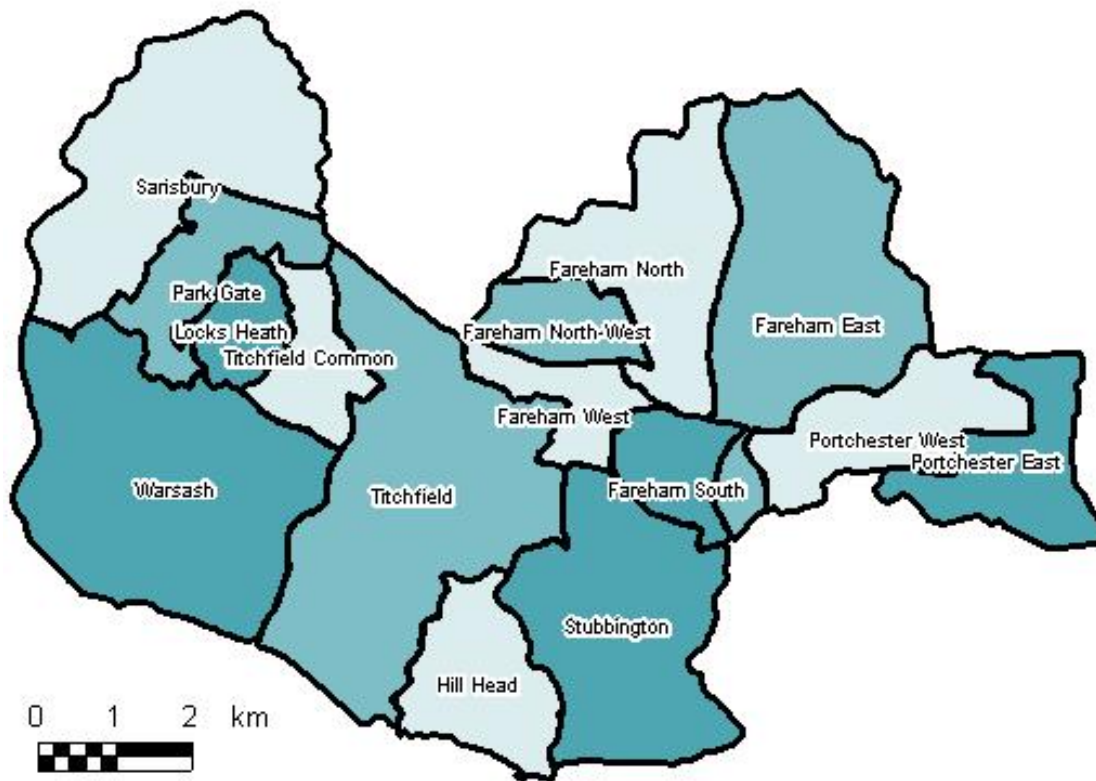
At the time of publication there are no tracks or casinos within the Gosport Borough Council area.

13. The Councils recognise that legal gambling in a fair and open way, with suitable protection for vulnerable persons, is an important part of the districts and contributes to the local economy and attention is drawn to the section 'Fundamental Principles' regarding demand, objections and locations for any application for gambling premises
14. Maps showing the location of Fareham and Gosport Boroughs in relation to the South of England and of the wards within Fareham and Gosport are shown overleaf.

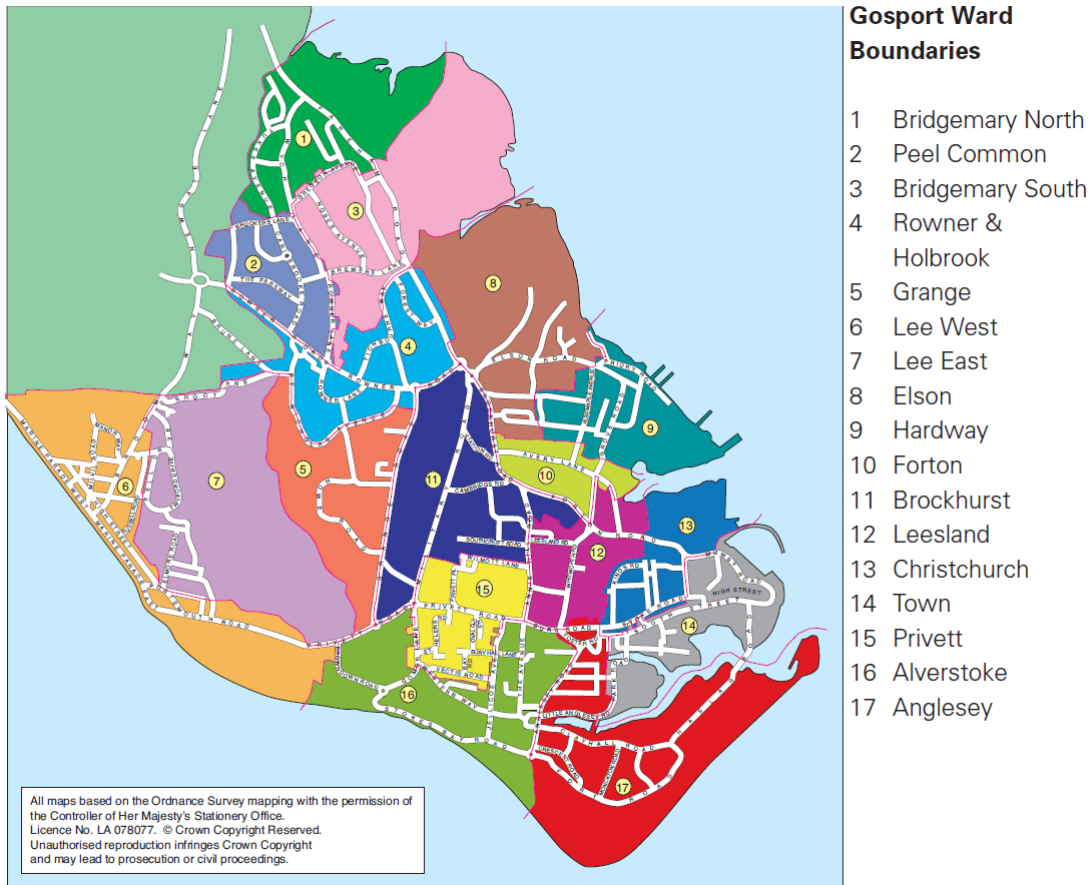
Fareham and Gosport Borough Council Areas



Fareham Borough Council Area



Gosport Borough Council Area



Consultation on the Statement of Principles

15. The Borough Councils consulted the following on this statement:

- The Chief Officer of Police for Hampshire;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the Fareham and Gosport area, namely :-
 - Licensed Premises
 - FBC / GBC website
 - Gaming Machine permit holders
 - Betting Shops
 - Local Solicitors firms
 - Pub Companies
- 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 Act, namely :-
 - Trading Standards
 - HM Customs
 - Social Services
 - Hants Child Protection Committee
 - Gamblers Anonymous
 - FBC /GBC website
 - Local Church leaders
 - Local Solicitors firms
 - Gambling Anonymous

16. The Borough Councils will also consult the above for any subsequent revision of the statement

17. In determining its policy, The Borough Councils will always:

- Have regard to the Gambling Commission Guidance to Licensing Authorities
- Give appropriate weight to the views of those it has consulted

18. In determining what weight to give to particular representations on its statement, the factors taken into account will always include:

- Who is making the representation in terms of their expertise or interest;
- What their motivation may be for their views;
- How many other people have expressed the same or similar views;
- How far the representations relate to matters that The Borough Councils should be including in its policy statement

19. It will be for The Borough Councils to ensure they look at the views of consultees and considers carefully whether they should be taken into account, and to what extent (having regard to the above factors). The Borough Council will always give reasons for the decisions it has made following consultation, details of which can be viewed on:-
- The Fareham Borough Council web-site or by contacting the Licensing Section at Fareham Borough Council Civic Way Fareham PO16 7AZ
 - The Gosport Borough Council web-site or by contacting the Licensing Section at Gosport Borough Council The Town Hall High Street Gosport PO12 1EB
20. Any comments as regards this policy in respect of both Fareham and Gosport's District should be sent to:

Licensing Officer
Environmental Health Section
Gosport Borough Council
Town Hall,
High Street
Gosport
PO12 1EB

Tel: (023)9258 4242
Fax: (023)9254 5360
Email: ehs@gosport.gov.uk

Fundamental Principles

21. In carrying out their functions, the Borough Councils will regulate gambling in the public interest and will have regard to the guidance issued under section 25 of the Act. With the exception of premises licensing and temporary use notices, The Borough Councils may use their discretion where there are strong and defensible reasons for departing from the guidance, and the Borough Councils considers it right to do so. In any such case the Borough Councils will clearly express and explain their reasons for doing so.
22. This statement of principles does not override the right of any person to make an application under the Act and to have that application considered on its merits. Additionally, this statement of principles does not undermine the right of any person to make representations on an application or to seek a review of a licence where provision has been made for them to do so.
23. The statement of principles will not comment on the need for gambling premises. Unmet demand is not a criterion in considering an application for a premises licence, and each application will be considered on its merits without regard to demand.

24. The location of premises will only be commented on in so far as the location relates to the licensing objectives. The Borough Councils will consider very carefully applications for premises licences, permits and other authorities in respect of certain gambling premises that are located close to:

- Schools and young persons establishments and places where meeting facilities are provided for you people, on a regular basis, e.g. halls, Church halls.
- Young offenders premises
- Centres established for assisting persons with a gambling addiction
- Vulnerable adult centres and places where meeting facilities are provided for vulnerable adults, on a regular basis, e.g. halls, Church halls
- Residential areas where there are an average or higher concentration of families with children

Each application will be considered on its merits, and will depend to a large extent on the type of gambling that it is proposed will be offered on the premises. If an applicant for a premises licence can show how licensing objective concerns can be overcome, that will be taken into account when reaching a decision on whether or not to grant a licence.

25. Moral objections to gambling will not be a reason to reject an application for premises licences. In rejecting an application, the Borough Councils will rely on reasons that demonstrate that the licensing objectives are not being met.

Responsible Authorities and Interested Parties

26. When dealing with applications for and reviews of premises licences, The Borough Councils are obliged to consider representations from two categories of persons, referred to as “**responsible authorities**” and “**interested parties.**” (It should be noted that these are defined differently to those defined in the Licensing Act 2003). Representations made by persons other than responsible authorities or interested parties will be inadmissible.

27. The Borough Councils will only consider representations that are relevant, which are likely to be those that relate to the licensing objectives, or that raise issues under this statement of principles, or the Commission's guidance or codes of practice (i.e. those matters mentioned in section 153 of the Act).

28. The Borough Councils will examine closely all representations to ensure that they are not frivolous or vexatious, which will include:

- Who is making the representation, and whether there is a history of making representations that are not relevant;
- Whether it raises a ‘relevant’ issue; or

- Whether it raises issues specifically to do with the premises that are the subject of the application.
29. **“Responsible authorities”** are public bodies that must be notified of applications by the applicant. The full list and contact details are contained on the Borough Council's web sites.
30. ***The Borough Councils are 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 Borough Council’s area; and***
 - ***the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.***
31. The Borough Councils have designated the Local Safeguarding Childrens Board as the body that is competent to advise the authority about the protection of children, as the Board leads and co-ordinates arrangements for responsive work to protect children via a multi agency approach.
32. The Borough Councils will take care to ensure that the concerns that responsible authorities may have in relation to their own functions are not taken into account if they are not relevant to the application for a premises licence under the Act. The following are examples of representations not likely to be considered relevant:
- that there are already too many gambling premises in the locality (although may be relevant if it points to rising problems in crime, underage gambling or problem gambling);
 - that the proposed premises is a fire risk;
 - that the location of the premises is likely to lead to traffic congestion;
 - that the premises will cause crowds of people to congregate in one area, which will be noisy and a nuisance;
- This list is not exhaustive and each case will be decided in the facts.
33. The Borough Councils will be unlikely to turn down an application for a premises licence where relevant objections can be dealt with through the use of conditions attached to the licence.
34. **“Interested parties”** are persons who may make representations. The Borough Councils must be able to take the view that the “interested party”:
- lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
 - has business interests that might be affected by the authorised activities; or
 - represents persons in either of those two groups.

35. Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/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.
36. If interested parties wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Democratic Services of:-
- Fareham Borough Council at Fareham Borough Council Civic Offices Civic Way Fareham. 01329 236100
 - Gosport Borough Council at Gosport Borough Council Town Hall High Street Gosport. 02392 584242
37. ***The address details of Interested Parties making representations will be released to the applicant / licence holder and will also be made public at any hearing. This is necessary to enable the applicant / licence holder to have a fair hearing, particularly in relation to the "sufficiently close to the premises" test.***
38. The Borough Councils will take the following factors into account when determining what is "*sufficiently close to the premises*":
- the size of the premises;
 - the nature of the premises;
 - the distance of the premises from the location of the person making the representation;
 - the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and
 - the nature of the complainant. This will not include the personal character of the complainant, but the interests of the complainant that may be relevant to the distance from the premises.
39. The Borough Councils will take the following factors into account when determining who are "*persons with business interests that could be affected*"
- the size of the premises;
 - the catchment area of the premises i.e. how far persons travel to visit; and

- whether the person making the representation has business interests in that catchment area that might be affected.
40. The Borough Councils are unlikely to consider arguments from one gambling business making representations that they could be affected by another gambling business expanding into any part of the country. The Borough Councils must be satisfied that the relevant business is likely to be affected by considering the above factors.
41. The Borough Councils considers the following to be “*persons representing those*” in the above categories:
- Residents and tenants associations,
 - Elected Members acting at the express and unsolicited request of interested parties,
 - Trade unions and trade associations.
42. The above considerations are not exhaustive, and the Borough Councils will have regard to anything an interested party, or persons representing them, say about his or her status to make representations.
43. Admissible and relevant representations should be made in writing to the Council where the premises is situated:-

For the Borough of Fareham

Licensing Officer
Regulatory Services
Fareham Borough Council
Civic Offices
Civic Way
Fareham
PO16 7AZ

For the Borough of Gosport

Licensing Officer
Environmental Health Section
Gosport Borough Council
Town Hall,
High Street
Gosport
PO12 1EB

Exchange of Information

44. The Borough Councils will act in accordance with the relevant legislation and guidance from the Commission and will adopt the principles of better regulation in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
45. The Borough Councils will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Borough Councils will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
46. Should any protocols be established as regards information exchange with other bodies then they will be made available on The Borough Councils web-sites www.fareham.gov.uk or www.gosport.gov.uk
47. Arrangements are in place with the Gambling Commission and the Borough Councils as regards information exchange between the Commission and local authorities.

Compliance and Enforcement

48. The main enforcement and compliance role for the Borough Councils will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences it issues, and also the manufacture, supply or repair of gaming machines.
49. The Borough Councils will act in accordance with relevant legislation and guidance from the Commission and adopt the principles of better regulation.
50. The Borough Councils will adopt a risk-based inspection programme, which includes the targeting of high-risk premises which require greater attention, whilst operating a lighter touch in respect of low-risk premises.
51. In determining the level of risk in respect of premises, The Borough Councils will use the following criteria:

All regulatory inspections and enforcement will be in line with the Joint Enforcement Policy, principally:

- proportionate: intervention only when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;

- accountable: decisions must be justified, and subject to public scrutiny;
 - consistent: rules and standards must be joined up and implemented fairly;
 - transparent: regulators should be open, and keep regulations simple and user friendly; and
 - targeted: focused on the problem, and minimise side effects.
52. The Borough Councils will endeavour to avoid duplication with other regulatory regimes so far as possible.

The Borough Councils Functions

53. The Borough Councils will:
- 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) of the use of two or fewer gaming machines
 - Grant *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
 - 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
54. The Borough Councils will not be involved in licensing remote gambling. This will fall to the Gambling Commission via Operator Licences.
55. Applications can be made at either the Civic Offices Fareham or the Town Hall Gosport irrespective of which Authority, the premises are situated in.
56. Where there are relevant representations in respect of applications or Review requests, the Hearing will be held at the Authority in whose area the premises to which the application relates is situated, at Fareham Borough Council, this will be the Licensing Panel and at Gosport Borough Council, the Licensing Board.

PART B

Premises licences

Consideration of Applications

57. The Borough Councils will aim to permit the use of premises for gambling in so far as it thinks it:
- in accordance with any relevant code of practice under section 34 of the Gambling Act 2005;
 - in accordance with any relevant guidance issued by the Commission under section 25 of the gambling Act 2005;
 - reasonably consistent with the licensing objectives; and
 - in accordance with this statement of licensing policy.
58. The Borough Councils will have no discretion to grant a premises licence in circumstances where that would mean departing from the above.
59. Also see the 'Fundamental Principles' section of this policy.

Conditions on Premises Licences

60. The Borough Councils will not attach conditions that limit the use of premises for gambling except where that is necessary as a result of the requirement to act:
- in accordance with the Gambling Commission guidance, the Gambling Commission codes of practice or this policy statement; or
 - in a way that is reasonably consistent with the licensing objectives
61. The Borough Councils cannot issue conditions on premises licences which:
- make it impossible to comply with an operating licence condition;
 - relate to gaming machine categories, numbers, or methods of operation;
 - require membership of a club or body; and
 - impose conditions in relation to stakes, fees, winnings or prizes.
62. The Borough Councils will take decisions on individual conditions on a case-by-case basis, but against the background of any policy set out in this document or Gambling Commission guidance.

63. The Borough Councils will ensure that any conditions imposed are proportionate to the circumstances which it is seeking to address, and will ensure that any premises licence conditions:
- are relevant to the need to make the proposed building suitable as a gambling facility;
 - are directly related to the premises and the type of licence applied for;
 - are fairly and reasonably related to the scale and type of premises; and
 - are reasonable in all other respects.
64. Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures The Borough Councils 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. The Borough Councils will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.
65. The Borough Councils will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where these machines are located;
 - access to the area where the machines are located is supervised;
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
66. These considerations will apply to premises including buildings where multiple premises licences are applicable.
67. The Borough Councils will carefully consider the configuration of buildings in relation to the protection of children, particularly in multi-purpose developments. The Borough Councils will look for measures that:
- prevent children from participating in gambling, or being invited to gamble where this is not permitted by law;
 - prevent children from having accidental access to, or to closely observe, gambling; and

- ensure entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised.
68. The Borough Councils may require persons operating gambling premises to:
- supervise entrances;
 - segregate gambling areas from non-gambling areas frequented by children;
 - supervise gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives

Planning Permission and Building Regulations

69. The Borough Councils recognise that there should be a clear separation of the planning and licensing systems and licensing applications will be viewed independently of planning applications. To achieve this, close liaison will be maintained at Fareham Borough Council, between the Licensing & Regulatory Affairs Committee, Licensing Panel and Development Control Committee and at Gosport Borough Council, between the Licensing Board and the Regulatory Board.
70. Licensing applications are not a re-run of the planning application and should not cut across decisions taken by, Fareham Borough Council's Development Control Committee, or Gosport Borough Council's Regulatory Board, or following appeals against decisions by that respective Committee or Board.
71. Fareham Borough Council's Licensing & Regulatory Affairs Committee and Licensing Panel where appropriate, will provide reports to Fareham Borough Council's Development Control Committee; and Gosport Borough Council's Licensing Board where appropriate, will provide reports to Gosport Borough Council's Regulatory Board. Reports will be similarly provided to and any appropriate review panels on the situation regarding licensed premises in their respective areas including the general impact of gambling on the licensing objectives.
72. The Borough Councils will not take into account matters not related to gambling and the licensing objectives, such as the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal. However, an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed, but may apply for a provisional statement if the building is not yet complete.
73. It will be a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence.

Other Legislation

74. The Borough Councils will not take into account matters not related to gambling and the licensing objectives when considering an application for a premises licence. However, it is for the operator to ensure that premises comply with all other relevant legislation, such as fire safety, food safety and health & safety. It should be noted that the list is not exhaustive, and applicants must ensure that they comply with all other regulatory regimes in respect of their employees and the public.
75. So far as is possible, this statement of principles will avoid duplicating those other regulatory regimes.

Reviews of premises licences

76. The purpose of a review will be to determine whether The Borough Councils should take any action in relation to a licence. If action is justified, The Borough Councils will have the following options:
- revoke the licence;
 - suspend the premises licence for a period not exceeding three months;
 - exclude a default condition imposed by the Secretary of State, or remove or amend such an exclusion; and
 - add, remove or amend a licence condition imposed by The Borough Councils.
77. In determining what action, if any, should be taken following a review, The Borough Councils must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.
78. A responsible authority, an interested party or the authority itself may make an application for a review. Generally, The Borough Councils must grant the application for a review, but may refuse it if it thinks that the grounds on which the review is sought:
- a. are not relevant to the principles that must be applied by the Borough Councils in accordance with the Commission guidance/codes of practice, this statement of principles or the licensing objectives;
 - b. raise general objections to gambling as an activity, that are likely to be irrelevant to the principles contained in a) above;
 - c. are frivolous;
 - d. are vexatious;
 - e. will certainly not cause The Borough Councils to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
 - f. are substantially the same grounds cited in a previous representation of request for review relating to the same premises. The Borough Councils will take into account how much time has passed since the earlier application in reaching a judgement about whether it is reasonable to rely on this as a reason not to review the licence; or
 - g. are substantially the same as representations made at the time the application for a premises licence was considered. As with (f) above, The Borough Councils will take into account how much time has passed since the earlier application in reaching a judgement about whether it is reasonable to rely on this as a reason not to review the licence, but the underlying requirement will be that the licence should not be reviewed on the basis of the same arguments considered on the grant of the premises licence. The Borough Councils will process applications for review without delay, so that both the applicant for a

review and the premises operator know where they stand.

79. The Borough Councils will hold a hearing unless the applicant and any person who has made relevant representations consent to the review being conducted without one.

80. The Borough Councils will, 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.

Provisional Statements

81. The Borough Councils will consider provisional statement applications from persons in respect of premises that:
 - are expected to be constructed;
 - are expected to be altered; or
 - are expected to be acquired as a right to occupy.
82. Responsible authorities and interested parties may make representations on applications for provisional statements
83. Once the premises have been constructed, altered or acquired, the holder of a provisional statement can return to the Borough Councils and put in an application for the necessary premises licence.
84. If a provisional statement has been granted, the Borough Councils is constrained in the matters it can consider when an application for a premises licence is made subsequently in relation to the same premises:
 - no further representations from relevant authorities or interested parties will 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.
85. The Borough Councils may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
 - a) which could not have been raised by objectors at the provisional licence stage; or
 - b) which in The Borough Council's opinion reflect a change in the operator's circumstances.
 - c) 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 The Borough Councils shall discuss any concerns they have with the applicant before making a decision.

Adult Gaming Centres

86. The Borough Councils 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.
87. The Borough Councils will expect applicants to offer their own measures to meet the licensing objectives; however, appropriate measures / licence conditions may cover issues such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes
 - ***Provision of information leaflets / helpline numbers for gambling addiction organisations such as GamCare and debt advice organizations such as CAB, Credit Action***
88. This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Licensed Family Entertainment Centres

89. The Borough Councils 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.
90. The Borough Councils will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes
 - ***Provision of information leaflets / helpline numbers for gambling addiction organisations such as GamCare and debt advice organizations such as CAB, Credit Action***
 - Measures / training for staff on how to deal with suspected truant schoolchildren on the premises.
91. This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
92. The Borough Councils will 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 should be delineated. The Borough Councils will also make themselves aware of any mandatory or default conditions on these premises licences when published.

Tracks

93. Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity at tracks.
94. There are no tracks within either Fareham or Gosport Borough Council's area. However, the following are issues that would need to be considered should an application be received.
95. The Borough Councils are 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. The Borough Councils 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.
96. The Borough Councils 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.
97. The Borough Councils will expect applicants to offer their own measures to meet the licensing objectives; however, appropriate measures / licence conditions may cover issues such as:
 - Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes
 - ***Provision of information leaflets / helpline numbers for gambling addiction organisations such as GamCare and debt advice organizations such as CAB, Credit Action***
98. This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
99. **Gaming machines** - Guidance from the Gambling Commission will be followed as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. The Borough Councils will consider the location of gaming machines at tracks, and applications for track premises licences will need to

demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track but are not allowed to play other categories of machines.

- 100. Betting machines** – The Borough Councils will 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 vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. They will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.
- 101. Condition on rules being displayed** - The Gambling Commission has advised in its Guidance for local authorities, "...rules should be made available at suitable central locations. The track premises licence holder should make the necessary arrangements to ensure that betting rules are accessible to all customers, regardless of which track they are in. If certain areas are restricted to certain customers (such as different stands within a football ground) then rules could be displayed at various parts of the track. Other measures could be taken to ensure they are made available to the public, such as printing them in the race card or programme. The requirement could also be met by making a copy of the rules available in leaflet form from the main track office, and customers could be given a copy if they request one"
- 102. Applications and plans** – The Borough Councils recognise the requirements of the Act for applications for premises. In accordance with the Gambling Commission's guidance to ensure that licensing authorities gain a proper understanding of what they are being asked to license. The Borough Councils will require the application to provide information that includes detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities. The Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."
- 103.** The Borough Councils also note that in the Gambling Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

Casinos

104. Fareham Borough Council has passed a 'no casino' resolution on the basis the factors required to be assessed by the independent Casino Advisory Panel appointed by the Secretary of State were not favourable:
- Type of area
 - Social Impact
 - Need for regeneration
 - Willingness to licence
 - Probability of implementation
 - Regional and local context
 - Community Benefits
 - Unique Characteristics
105. This resolution will be reviewed at three yearly intervals or sooner should the criteria warrant a revision of the resolution.
106. Gosport Borough Council has not passed a 'no casino' resolution on the basis that the above factors required to be assessed by the independent Casino Advisory Panel appointed by the Secretary of State could be considered not to be unfavourable. This resolution will be reviewed at three yearly intervals or sooner should the criteria warrant a revision of the resolution.
107. **Casinos and competitive bidding** – The Borough Councils are aware that where The Borough Councils area is enabled to grant a Premises Licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. The Borough Councils will run such a competition in line with any regulations issued under the Gambling Act 2005.
108. **Licence considerations / conditions** - The Gambling Commission has stated that "further guidance will be issued in due course about the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises" (Gambling Commission Guidance for local authorities - 17.30) This guidance will be considered by The Borough Councils when it is made available.
109. **Betting machines** - The Borough Councils will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

Bingo Premises

110. The Borough Councils note that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted The Borough Councils will ensure that:

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

111. The Borough Councils are aware that the Gambling Commission has issued guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. The Borough Councils will take this guidance into consideration.

Betting premises

112. **Betting machines** – The Borough Councils will 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.

Travelling Fairs

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

- The Borough Councils will also consider whether the applicant falls within the statutory definition of a travelling fair.

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

Part C

Permits

Unlicensed Family Entertainment Centre gaming machine permits

115. Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to The Borough Councils 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).
116. The Borough Councils 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.
117. The Borough Councils cannot attach conditions to this type of permit.

Statement of Principles

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

(Alcohol) Licensed premises gaming machine

120. 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 (See Appendices A and B). The premises merely need to notify The Borough Councils. The Borough Councils 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 Borough Councils, 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

121. If a premises wishes to have more than 2 machines, then it needs to apply for a permit and The Borough Councils 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.*” The Borough Councils consider 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 being harmed or being exploited by gambling and will expect the applicant to satisfy The Borough Councils that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures that will satisfy The Borough Councils 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.
122. 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.
123. It should be noted that the Borough Councils could decide to grant the application with a smaller number of machines and/or a different category of machines than was applied for. Conditions (other than these) cannot be attached.
124. 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.

Prize Gaming Permits

125. In making its decision on an application for this permit The Borough Councils do not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

Statement of Principles

126. The applicant should set out the types of gaming that he or she is intending to offer and 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.

127. It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but The Borough Councils 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.

Club Gaming and Club Machines Permits

128. 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 the regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D) (See Appendices A and B).

129. Before granting the permit, The Borough Councils will need to satisfy themselves that the premises meet the requirements of a members' club and may grant the permit if the majority of members are over 18.

130. 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. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally.
131. The Borough Councils 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.
132. There is a 'fast-track' procedure available for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling 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."

Temporary Use Notices

133. There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the Borough Councils to decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building / site.

Occasional Use Notices

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

Small Society Lotteries

135. The Borough Councils will adopt a risk based approach towards their enforcement responsibilities for small society lotteries. The Councils consider that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact their Council for further advice.

MISCELLANEOUS

Rights of appeal and judicial review

136. The Borough Councils are aware that its decisions may be subject to an appeal in accordance with the provisions of the Act and judicial review. It also recognises that failure to give reasons for a decision may compel a person to appeal. The Borough Councils will:
- give clear and comprehensive reasons for a rejection of an application where there is a requirement in the Act to do so; and
 - wherever practicable, as best practice, give clear and comprehensive reasons for all decisions connected to its functions under the Act, regardless of whether there is a requirement under the Act to do so.
137. An appeal has to be commenced by the giving of a notice of appeal by the appellant to the local magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by The Borough Councils of the decision to be appealed against.
138. Any person who wishes to pursue an appeal is strongly advised to seek independent professional legal advice from a legal advisor who specialises in the law on gambling.

THE BOROUGH COUNCIL DELEGATIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE (Gosport Borough Council) LICENSING PANEL (Fareham Borough Council)	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

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE (Gosport Borough Council) LICENSING PANEL (Fareham Borough Council)	OFFICERS
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		✓	

Appendix A: Summary of machine provisions by premises

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

* It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

** Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. But not B3A machines.

Appendix B: Summary of gaming machine categories and entitlements

Category of machine			Maximum stake (from July 2011)	Maximum prize (from July 2011)
A	No category A gaming machines are currently permitted			
B1			£2	£4,000
B2			£100 (in multiples of £10)	£500
B3A			£1	£500
B3			£2	£500
B4			£1	£250
C			£1	£70
D - non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)			30p	£8
D – non-money prize (crane grab machine)			£1	£50
D -money prize (other than a coin pusher or penny falls machine)			10p	£5
D - combined money and non-money prize (other than a coin pusher or penny falls machine)			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)