

Please ask for:

Lisa Young

Direct dial:

(023) 9254 5340

Fax:

(023) 9254 5587

E-mail:

lisa.young@gosport.gov.uk

18 January 2016

S U M M O N S

MEETING: Licensing Board
DATE: 26 January 2016
TIME: 6pm
PLACE: Council Chamber, Town Hall, Gosport
Democratic Services contact: Lisa Young

LINDA EDWARDS
BOROUGH SOLICITOR

MEMBERS OF THE BOARD

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

Councillor Allen (Chairman)
Councillor Mrs Morgan (Vice Chairman)

Councillor Ms. Ballard	Councillor Geddes
Councillor Mrs Batty	Councillor Murphy
Councillor Beavis	Councillor Ronayne
Councillor Ms. Diffey	Councillor Scard
Councillor Mrs Forder	Councillor Mrs Searle

FIRE PRECAUTIONS

(To be read by the Chairman 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, follow any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.

This meeting may be filmed or otherwise recorded. By attending this meeting, you are consenting to any broadcast of your image and being recorded.

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 or switched to silent for the duration of the meeting.

AGENDA

RECOMMEN
DED MINUTE
FORMAT

PART A ITEMS

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

All Members are required to disclose, at this point in the meeting or as soon as possible thereafter, any disclosable pecuniary interest or personal interest in any item(s) being considered at this meeting.

3. MINUTES OF THE MEETING OF THE BOARD HELD ON 1 DECEMBER 2015
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, 22 January 2016. 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, 22 January 2016).

6. THE GAMBLING ACT 2005 STATEMENT OF PRINCIPLES 2016-2019 PART I

The purpose of this report is to bring before the Licensing Board Appendix A: The final draft Gambling Act 2005 Statement of Principles 2016-2019 (the "Draft Statement") incorporating comments from consultation, where appropriate, for approval and recommendation to Full Council.

Contact:
Ian
Rickman
Ext:5509

- 7 REVIEW OF THE LICENSING POLICY

The purpose of this report is to inform the Licensing Board of the outcome of the statutory consultation exercise in respect of the draft the Licensing Act 2003 Policy for 2016-2021 appended to this report as Appendix C (the "Draft Licensing Policy")

PART I
Contact:
Ian
Rickman
Ext:5509

8. ANY OTHER ITEMS

which the Chairman determines should be considered, by reason of special circumstances, as a matter of urgency.

9. EXCLUSION OF THE PUBLIC

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 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 cases, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons set out in the report.

**PART B ITEMS
FOLLOWING THE EXCLUSION OF PRESS AND PUBLIC**

Item No.	Item	Paragraph no.1 of Part I of Schedule 12A of the Act	
10.	Application for a Private Hire Drivers Licence	Paragraph 1 The report contains personal data which is identified as sensitive material.	PART II Contact Officer Ian Rickman Ext. 5509

Agenda item no.6

Board/Committee:	Licensing Board
Date of meeting:	26 th January 2016
Title:	The Gambling Act 2005 Statement of Principles 2016-2019
Author:	The Head of Environmental Health
Status:	FOR RECOMMENDATION TO FULL COUNCIL

Purpose

The purpose of this report is to bring before the Licensing Board Appendix A: The final draft Gambling Act 2005 Statement of Principles 2016-2019 (the “Draft Statement”) incorporating comments from consultation, where appropriate, for approval and recommendation to Full Council.

Recommendation

The Licensing Board consider any representations arising from the statutory consultation exercise, and recommend to Full Council that the Draft Statement be adopted with or without amendment.

1. Background

- 1.1 The Gambling Act 2005 (the “Act”) introduced significant changes in the regulation of the Gambling Industry. The majority of these changes fell to 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:
 - casinos
 - betting offices and race tracks
 - bingo premises
 - adult gaming centres
 - family entertainment centres
- 1.2 The Council is required to determine and publish every three years a Statement of Principles in relation to the exercise of its functions under the Act (“Statement of Principles”). The three year period to which the current Statement of Principles relates ends in January 2016.

- 1.3 The present five year period ends in January 2016 and therefore a Licensing Policy for 2016 – 2019 must be determined and published.
- 1.4 The Licensing Board approved a draft statement for consultation at its meeting of 1st December 2015. The Statutory consultation took place during December 2015. The two responses received are detailed as Appendix A and summarised as Appendix B together with the Head of Environmental Health's suggested response in each case.
- 1.5 In addition to the consultation the Council signed up to a Gambling Policy Review service offered by Philip Kolvin QC, the Country's leading Licensing Barrister. He has reviewed the draft document and made only some minor corrections to it, but suggested no substantive changes.
- 1.6 The small number of responses (2) have been considered by the Head of Environmental Health and considered it not necessary to amend the original draft statement, other than to include the minor amendments suggested by Philip Kolvin QC, so the final draft statement can be seen as Appendix C.at Appendix C.

2. Conclusion

- 2.1 This Council must adopt a three-yearly reviewed Gambling Act Statement of Principles issued under the Gambling Act 2005 for March 2016, which will become effective in March 2016.
- 2.2 The reviewed Gambling Act Statement of Principles will be presented to the meeting of the Full Council on 23 March 2016 with the recommendation of this Board.

Financial Services comments:	None
Legal Services comments:	Contained in the report
Crime and Disorder:	Gambling has the potential to be a source of Crime and Disorder, adopting a refreshed policy every 3 years assists applicants in preventing this.
Equality and Diversity:	The most vulnerable in society can be most at risk of getting into difficulties as a result of gambling, adopting a refreshed policy every 3 years assists applicants in preventing this.
Service Improvement Plan implications:	None

Corporate Plan	None
Risk Assessment	Included within report
Background papers:	Gambling Act 2005 and associated regulations and guidance.
Appendices/Enclosures:	Appendix A Comments Received Appendix B Consultation Comments and Suggested Responses Appendix C Final Draft Gambling Act Statement of Principles
Report author/Lead Officer:	Ian Rickman

APPENDIX A

From: Cranmer, David [<mailto:david.cranmer@gosport.gov.uk>]
Sent: 10 December 2015 15:16
To: Environmental Health Enquiries <EHenquiries@gosport.gov.uk>
Cc: Gore, Debbie <debbie.gore@gosport.gov.uk>
Subject: GAMBLING ACT 2005 - GOSPORT BOROUGH COUNCIL - REVISED DRAFT STATEMENT OF PRINCIPLES

Dear Helen,

Thank you for your e-mail. The development management team has no comments to make.

Regards,

David Cranmer
Deputy Head of Development Management
Gosport Borough Council

02392 545328
Town Hall, High Street, Gosport, Hampshire, PO12 1EB
www.twitter.com/GosportCouncil | www.facebook.com/gosportbc | www.gosport.gov.uk



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

29th December 2015

Dear Sir,

Consultation on Gosport Borough Council's Statement of Principles – Gambling Act 2005

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

Coral Racing Limited are supportive of the document. It again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives', additionally noting that it should not take into account of any moral objections to gambling.

Coral Racing Limited recognise the requirement to supply risk assessments with future applications & variations following the consultation completion (requirement is from 6th April 2016) and whilst this detail is not currently included within the Statement, we would be pleased to contribute to a consultation when it is.

Coral's experience is that through all it does, it achieves an exemplary degree of compliance already, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. A number of Council's have created long lists of locations which by inclusion are required to be risk assessed & strict templates to be completed. Coral are of the opinion that as there is no evidence that the proximity of such locations causes harm to the licensing objectives, it is best left to the operators to provide their own risk assessments. For your information, we have recently been working with Westminster City Council in agreeing a suitable format for these risk assessments and are looking to use this across our estate.

If we can provide any further information, we would be pleased to do so.

Yours faithfully,

John Liddle
Director of Development – Coral Retail



Coral Racing Limited
One Stratford Place, Montfichet Road, London E20 1EJ
Registered Office: New Castle House, Castle Boulevard, Nottingham NG7 1FT
Registered in England No. 541600
Tel: 020 3288 7000 Fax: 020 3288 7050



1700+ shops



mobile



coral.co.uk

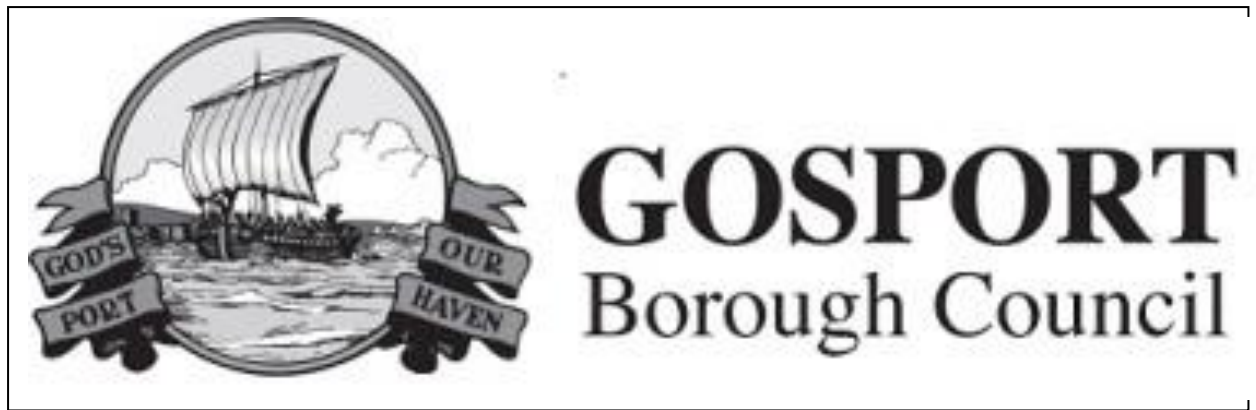


0800 842 232

coral company

APPENDIX B**Consultation Comments and Suggested Responses**

	Comment - GBC Development Management	Agreed/Disagreed
A.	GBC Development Management No comments	N/A
	Comment – Coral Racing Limited	Agreed/Disagreed
B.	Coral Racing Limited Supportive of document	N/A



Gambling Act 2005

Final Draft Statement of Principles

March 2016 – March 2019

Table of Contents

Item

PART A

- 1. Introduction**
- 2. A Profile of Gosport**
- 3. The Statement of Licensing Principals and Consultation**
- 4. Declaration**
- 5. Responsible Authorities**
- 6. Interested parties**
- 7. Exchange of information**
- 8. Enforcement**
- 9. Licensing Authority functions**

PART B

- 10. Premises licences**
- 11. Adult Gaming Centres**
- 12. (Licensed) Family Entertainment Centres**
- 13. Bingo premises**
- 14. Betting premises**
- 15. Tracks**
- 16. Travelling fairs**
- 17. Provisional Statements**
- 18. Reviews**

PART C

- 19. Unlicensed Family Entertainment Centre gaming machine permits**
- 20. Alcohol Licensed premises gaming machine permits**
- 21. Prize Gaming Permits**
- 22. Club Gaming and Club Machines Permits**
- 23. Temporary Use Notices**
- 24. Occasional Use Notices**

APPENDICES

Appendix 1 - CONSULTEES

Appendix 2 - RESPONSIBLE AUTHORITIES

1. Introduction

- 1.1 Gosport Borough Council is the Licensing Authority for the Borough. The Authority will regulate gambling with integrity in the public interest.
- 1.2 We are committed to avoiding duplication with other legislation and regulatory regimes as far as possible, and will not replicate issues in this statement of principles, which are already legal requirements under other legislation such as health and safety and fire precautions.
- 1.3 This statement of principles has been developed after having regard to the statutory guidance from the Gambling Commission and having given appropriate weight to the views of persons and organisations consulted.
- 1.4 Section 349 of the Act requires the Licensing Authority to publish a statement of principles that we will apply in exercising our functions under the Act. This statement fulfils that statutory requirement.
- 1.5 This statement of Principles will be applied during the 3-year period from March 2016 until March 2019 and during that time will be kept under review and revised when and if appropriate, during that 3-year period.
- 1.6 This document should be read in conjunction with the Act, Regulations made under the Act and Guidance issued by the Gambling Commission. This statement is designed to be a strategic gambling policy, not an operational guide to the Act.
- 1.7 In exercising our functions under the Gambling Act 2005, Gosport Borough Council as a licensing authority will have regard to the statutory licensing objectives, which are;
 1. **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
 2. **Ensuring that gambling is conducted in a fair and open way**
 3. **Protecting children and other vulnerable persons from being harmed or exploited by gambling.**
- 1.8 It should be noted that that the Gambling Commission has stated, "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling ".
- 1.9 The Authority is aware that Section 153 of the Act requires it, in making decisions concerning premises licences and temporary use

notices, to aim to permit the use of premises for gambling in so far as we think fit;

- In accordance with any relevant code of practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives (subject to the above) and
- In accordance with this Statement of Principles (subject to the above).

1.10 Nothing in this statement of principles will override the right of any person to make an application under the Act and have that application considered on its individual merits. Equally, nothing in this policy will undermine the right of any person to make representations on an application, or seek a review of a licence where there is a legal power to do so.

1.11 Previous legislation required that the grant of certain gambling permissions should take account of whether there was an unfulfilled demand for gambling facilities. We acknowledge that under this legislation, unmet demand is not a criterion for a Licensing Authority in considering an application.

1.12 We appreciate that gambling can be an emotive subject but acknowledge that, in accordance with Gambling Commission Guidance for Local Authorities, "moral objections to gambling are not a valid reason to reject applications for premises licences".

1.13 We will therefore consider any application in accordance with the Act, on its individual merits without regard to demand or moral objection to gambling in general.

2. Profile of Gosport

2.1 Gosport is situated in the County of Hampshire and has an estimated population of 82,600, making it one of the smallest but most densely populated Council areas in the County. It is also smallest in size (2500 hectares) situated on a peninsular forming the western side of Portsmouth Harbour.

2.2 The population profile is illustrated below:

Population age profile

Age Group	2011 Census
All Ages	82,622
0-4	5,425
5-9	4,725
10-14	4,936
15-19	5,110
20-24	4,979
25-29	5,405
30-34	4,954
35-39	5,430
40-44	5,942
45-49	6,147
50-54	5,688
55-59	4,603
60-64	5,172
65-69	3,948
70-74	3,255
75-79	2,858
80-84	2,054
85-89	1,327
90+	664

Source: **Office for National Statistics**

- 2.3 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.
- 2.4 The town centre of Gosport provides the commercial centre whilst there is another significant local commercial centre situated at Lee on the Solent.
- 2.5 The health of the people in Gosport is varied compared to the England Average and deprivation lower than average (Public Health England Health Profile 2014). Life expectancy for women is lower than the England average. Excess weight and smoking are the two health risks of concern.
- 2.6 The majority of Gambling authorisations in place are for betting shops and the number of these in the Borough has remained fairly constant in recent years, currently there are 9 in the Borough. These are mainly located within defined commercial centres.

3. The Statement of Licensing Principles and Consultation

- 3.1 Gosport Borough Council is required by the Gambling Act 2005 to publish a Statement of the Principles, which we propose to apply when exercising our functions. This statement must be published every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.
- 3.2 This statement of principles has been published following extensive consultation. A list of the persons we have sent this to is attached at Appendix A.
- 3.3 The Gambling Act requires that the following parties be consulted by Licensing Authorities:
- The Chief Officer of Police
 - One or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority’s area
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.
- 3.4 Our consultation will took place during December 2015 and we have followed the Guidance to Licensing Authorities (GLA) on consultations available at
- <http://www.gamblingcommission.gov.uk/Licensing-authorities/Information-for-licensing-authorities/Guidance-to-licensing-authorities.aspx>.
- 3.5 The full schedule of comments and amendments consequential to these comments is available by request to the Licensing Officer, Gosport Borough Council.
- 3.6 This statement of principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

4 Declaration

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

5. Responsible Authorities

- 5.1 Gosport Borough Council is required by regulations to state the principles that we will apply in exercising our 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.
- 5.2 The principles we will use are:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.
- 5.3 In accordance with the Gambling Commission's Guidance for Licensing Authorities, we intend to designate the Hampshire County Council Child Protection Committee, Hampshire County Council for this purpose.
- 5.4 This body has countywide responsibility, is subject to democratic accountability and is currently the body that has become a responsible authority under the Licensing Act 2003.
- 5.5 The Responsible Authorities under the Gambling Act 2005 are:
- Gosport Borough Council Licensing Authority
 - The Gambling Commission;
 - The Chief Constable, Hampshire Constabulary
 - Hampshire Fire and Rescue Service
 - Gosport Borough Council Planning and Environmental Services Unit
 - Hampshire Child Protection Committee, Hampshire County Council Social Services Section
 - H.M. Revenue & Customs
- 5.6 Subject to any other person being prescribed in Regulations made by the Secretary of State. The contact addresses for these authorities are attached at Appendix 2.

6. Interested Parties

- 6.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:
- “For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person :

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

- 6.2 We are required by regulations to state the principles we will apply in exercising our powers under the Gambling Act 2005 to determine whether a person is an interested party.
- 6.3 Our principles will be that we will adopt the principles of natural justice and decide each case on its merits. We will not apply a rigid rule to our decision making but will apply local knowledge and integrity to each decision.
- 6.4 The Licensing Authority takes note of the Gambling Commission’s Guidance that interested parties may include trade associations, trade unions, residents’ and tenants’ associations, and that the types of organisations that may be considered to have business interests will be interpreted broadly to include, for example, partnerships, charities, faith groups and medical practices.
- 6.5 The licensing authority will not however generally view membership bodies as interested parties unless they have a member who can be classed as an interested person under the provisions of the Act.
- 6.6 Interested parties under Paragraph 6.1 (c) above can be persons who are democratically elected such as a ward Councillor, M.P. Etc. No specific evidence of being asked to represent an interested party will be required as long as the Councillor / M.P. Etc. represents the ward likely to be affected. Other than this, we will require any other person acting under Paragraph 6.1 (c) above to be nominated in writing by the appropriate interested parties at Paragraph 6.1 (a) or (b) above.
- 6.7 When considering whether persons are interested parties in relation to any individual application we will consider:
- 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 is not the personal characteristics of the complainant, but the interests of the complainant, which may be relevant to the distance from the premises. For example, it could be reasonable for us to conclude that “sufficiently close to be likely to be affected”

could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults

- persons with business interests that could be affected

6.8 If individuals 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 Board dealing with the licence application. Those making representations should contact the Head of Environmental Health, Gosport Borough Council in the first instance rather than approach their Councillor directly.

7. Exchange of Information

7.1 We are required to include the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between ourselves 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.

7.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened.

7.3 We will also have regard to the Guidance issued by the Gambling Commission to Licensing Authorities, as well as any future relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

7.4 Should any protocol on information exchange be established in the future, such protocols will be publicly available.

8. Enforcement

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

8.2 This licensing authority's principles are that we will be guided by the Gambling Commission's Guidance for Local Authorities and our policy will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;

- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects

8.3 This licensing authority will also, as recommended by the Gambling Commission's Guidance for Local Authorities, adopt a risk-based approach. Generally given the profile of the local area this will be a light touch approach, however the Authority will investigate any complaints or issues brought to its notice as necessary given the circumstances in each case.

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

8.5 The Gambling Commission will be the enforcement body for Operator and Personal Licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission for investigation.

8.6 This licensing authority will also keep itself informed of developments regarding the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

8.7 Any prosecution will only be commenced in accordance with the sufficiency of evidence and public interest criteria referred to in the Code for Crown Prosecutors issued in accordance with the Prosecution of Offences Act 1985.

8.8 Any such prosecution will be commenced and conducted by the Head of Environmental Health in accordance with the powers delegated to him by the Council.

9. Licensing Authority Functions

9.1 Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements

- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) 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 7 above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

9.2 We as the licensing authority will not be involved in licensing remote gambling. Regulation of such activity will be the responsibility of the Gambling Commission via Operator Licences.

9.3 In accordance with the Act and Guidance, this authority will:

- Refer the decision whether to make a resolution not to issue casino licences within the Borough to full Council.
- Refer approval of this three-year licensing policy to Full Council.
- Refer the power to set fees to the appropriate decision making body as directed by the Borough Solicitor.
- Delegate all decisions relating to premises licences to the licensing Board.
- Invite the Licensing Board to further delegate decision making to a Sub-Board or officers in accordance with the law and guidance.

PART B

10 Premises Licences

- 10.1 Premises Licences are subject to the permissions/restrictions set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State.
- 10.2 We, as the licensing authority, will be able to exclude default conditions and also attach other conditions, where we believe it to be appropriate.
- 10.3 This licensing authority is aware that in making decisions about premises licences we should aim to permit the use of premises for gambling in so far as we think it is:
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives (subject to the above) and
 - in accordance with this statement of licensing policy (subject to the above).
- 10.4 We appreciate that gambling can be an emotive subject but acknowledge that, in accordance with Gambling Commission Guidance for Local Authorities, “moral or ethical objections to gambling are not a valid reason to reject applications for premises licences “.Nor is unmet demand a criterion for a Licensing Authority.
- 10.5 Premises are defined in the Act as “any place”. Different premises licences cannot apply in respect of single premises at different times. It is however possible for a single building to be subject to more than one premises licence, providing that each licence is for a different part of the building and such different parts can reasonably be regarded as different premises.
- 10.6 We will judge each case on its individual merits to decide as a matter of fact, whether different parts of a building can be properly regarded as being separate premises.
- 10.7 We note that the Gambling Commission, in their guidance, do not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises. We support this view.

- 10.8 This licensing authority takes particular note of the Gambling Commission's Guidance for Local Authorities which states that:
- Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.
 - This Licensing Authority also notes that there are different rules regarding access to licensed premises through other premises (which themselves may be licensed or unlicensed).
 - The Licensing Authority will pay particular attention to whether the proposed access is lawful and also whether it poses any risk to the licensing objectives, and in particular regarding access of children to gambling premises.
- 10.9 Where an application is made for premises licence which have not yet been constructed, the Licensing Authority will consider the application in two stages. First, we will decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application we will consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place..
- 10.10 This licensing authority is aware that demand issues cannot be considered in relation to the location of premises but that considerations made in terms of the licensing objectives can be considered.
- 10.11 We will, in accordance with the Gambling Commission's Guidance for local authorities, pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 10.12 This authority has not adopted any specific policy in relation to areas where gambling premises should not be located. Should any such policy be decided upon, as a result of this consultation or otherwise, regarding such areas where gambling premises should not be located, this policy statement will be updated.
- 10.13 It should be noted that any such future policy will not preclude any application being made and each application will be decided

on its merits, with the onus upon the applicant to show how any potential concerns can be overcome.

- 10.14 This authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including the statutory planning regime.
- 10.15 This Council acting as a licensing authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval in its consideration of an application for a Premises Licence.
- 10.16 We will though, carefully consider any concerns about licensing conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 10.17 The Planning Department is a responsible authority under this Act and have the opportunity to make representations should they desire, otherwise the two regimes will be properly separated.
- 10.18 This authority will however listen to, and consider carefully, any concerns about conditions that are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 10.19 Premises licences granted must be reasonably consistent with the licensing objectives. In promoting these objectives, we have considered the Gambling Commission's Guidance to local authorities and make the following observations:

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

- 10.20 The Gambling Commission's guidance envisages that the licensing authority should pay attention to the proposed location of gambling premises in terms of this licensing objective.
- 10.21 Therefore, where an area has known high levels of organised crime, we will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable, such as the provision of door supervisors. Responsible authorities would however have the right to make representations with regard to such premises.
- 10.22 We are aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. It should be noted that nuisance is not a Gambling Act licensing objective.

10.23 In considering licence applications, the Council will particularly take into account the following:

- The design and layout of the premises;
- The training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
- Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem if the licence is granted.

Ensuring that gambling is conducted in a fair and open way

10.24 This licensing authority is aware 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 by the operator and personal licensing system. It is acknowledged that there is a greater role for the Licensing Authority in track gambling which is explained in Section 16 below.

Protecting children and other vulnerable persons from being harmed or exploited by gambling

10.25 We note the Gambling Commission Guidance to Local Authority's states that this objective relates to preventing children from taking part in gambling as well as restriction of advertising so that gambling products are not aimed at, or are particularly attractive, to children.

10.26 We will therefore consider, as suggested by the Gambling Commission's Guidance, whether specific measures are required at individual premises to promote the licensing objectives.

10.27 Appropriate measures may include supervision of access points, segregation of areas etc.

10.28 We will also take account of the Codes of Practice regarding this objective in relation to specific types of premises.

10.29 In reference to the term "vulnerable persons" we note that the Gambling Commission or statute law is not seeking to offer a definition but the Commission states that "it will for regulatory purposes assume that this group includes:

- people who gamble more than they want to;
- people who gambling beyond their means;
- and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.”

10.30 This licensing authority will consider promotion of this licensing objective on a common sense, case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

Conditions on Premises Licences

10.31 Any conditions we attach to licences will be proportionate and will be:

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

10.32 The authority is aware that the mandatory and default conditions imposed by the Gambling Commission will normally be sufficient to regulate gambling premises. In exceptional cases where there are specific risks or problems associated with a particular locality, specific premises or class of premises, the authority may consider attaching individual conditions related to the licensing objectives

10.33 There are specific observations made in this regard under each of the licence types below. This licensing authority will also expect the licence applicant to offer their own suggestions as to way in which the licensing objectives can be met effectively.

10.34 We will, where considered necessary, also consider specific measures for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances, segregation of gambling and non-gambling areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises to promote the licensing objectives, in accordance with Gambling Commission Guidance.

10.35 We will also ensure that where Category A to C gaming machines are on offer in premises to which children are admitted, other than premises licensed for the supply of alcohol under the Licensing Act 2003;

- 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 these 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 years of age.

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

10.37 We are aware that tracks may be subject to one or more than one premises licence, provided that each licence relates to a specified area of the track.

10.38 We will, in accordance with the Gambling Commission's Guidance, consider the impact upon the third licensing objective and the need to ensure that the entrances to each type of premises are distinct from each other and that children are excluded from gambling areas where they are not permitted by law or condition, to enter

10.39 It is noted that there are conditions which the licensing authority cannot by law attach to premises licences which are:

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

10.40 The Gambling Commission advises in its Guidance that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.

- 10.41 Door supervisors at bingo premises who are contract staff are required to be licensed by the Security Industry Authority; however, in house supervisors are exempt from this requirement.
- 10.42 This licensing authority therefore has specific requirements for door supervisors working at bingo premises which are that a book is maintained in which is recorded;
- the identity of the door staff deployed
 - the time they commenced duty and left duty, and
 - any incidents that they dealt with each day, and such a book shall be maintained and available for inspection for a period of 3 months from the date of the record entry.

11 Adult Gaming Centres

- 11.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that persons under 18 years of age do not have access to the premises.

12 (Licensed) Family Entertainment Centres

- 12.1 We 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 ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 12.2 We will expect applicants as part of their application to initially offer their own measures to promote 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 support organisations such as GamCare

- Measures / training for staff on how to deal with suspected truant school children on the premises
- 12.3 We will, in accordance with the Gambling Commission's guidance, refer to the Commission, and be aware of any conditions that apply to operating licences covering the way in which the area containing the Category C or higher machines, should be delineated.

13 Bingo Premises

- 13.1 This licensing authority notes that that the Gambling Commission Guidance states; "For bingo and FEC premises, it is a mandatory condition that under-18s should not have access to areas where category B and C gaming machines are located and this is achieved through further mandatory conditions that require the area to be:
- separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for that purpose
 - supervised at all times to ensure that under-18s do not enter the area, and supervised by either:
 - one or more persons whose responsibilities include ensuring that under-18s do not enter the areas
 - CCTV monitored by one or more persons whose responsibilities include ensuring that under-18s do not enter the areas
 - arranged in a way that ensures that all parts of the area can be observed.

A notice must be displayed in a prominent place at the entrance to the area stating that no person under the age of 18 is permitted to enter the area."

- 13.2 We note that under the Act, children and young persons (anyone up to the age of 18) cannot be employed in providing any facilities for gambling on bingo premises, and children (under 16) cannot be employed, in any capacity, at a time when facilities for playing bingo are being offered. However, young persons, aged 16 and 17, may be employed in bingo premises (while bingo is being played), provided the activities on which they are employed are not connected with the gaming or gaming machines.
- 13.3 We will consider restrictions that apply to such premises in the Gambling Commission codes of practice.

14 Betting Premises

- 14.1 We note that the Act contains a single class of licence for betting premises. However, within this single class of licence, there will be different types of premises which require licensing. This Section of our policy discusses off-course betting, that is betting that takes place other than at a track in what is currently known as a licensed betting office. Tracks are discussed in the following Section. It should be noted that there are also betting offices on tracks, that have a separate premises licence from the track licence.
- 14.2 It is noted that the Gambling Commission's Guidance for local authorities states "Section 181 contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence."
- 14.3 We will, in accordance with the Gambling Commission guidance, when considering whether to impose a condition to restrict the number of betting machines in particular premises, amongst other things, 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 vulnerable persons."
- 14.4 This licensing authority will give sympathetic consideration to re-sites within the same locality and extensions in order to enhance the quality of the facility provided for the benefit of the betting public

15 Tracks

- 15.1 Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the "totalisator" or "tote"), and also general betting, often known as "fixed-odds" betting.
- 15.2 There is no special class of betting premises licence for a track, but the Act does contain rules which apply specifically to premises licences granted in respect of a track.
- 15.3 Special rules apply to applicants for a premises licence in relation to a track. Most importantly, as noted above, the applicant need not hold an operating licence. That is because, unless the occupier of the track wishes to offer pool betting (or general betting) facilities himself (for which he will need a licence), the betting that is provided upon the track will not be provided by him, but will be provided by other operators who

come on-course. Since those people will require the necessary operating licences, the Act allows the track operator to obtain a premises licence without also having to hold an operating licence.

This track premises licences then authorises anyone upon the premises with an operating licence to offer betting facilities.

- 15.4 We are aware that tracks are different from other premises in that there may be more than one premises licence in effect, each covering a specified area of the track. In accordance with the Gambling Commission guidance, this authority will especially consider the impact of the third licensing objective.
- 15.5 There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and the need to ensure entrances to each type of premises are distinct and that children are excluded from gambling or betting areas where they are not permitted to enter.
- 15.6 We will expect the premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities.
- 15.7 Children and young persons will by law be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 15.8 Appropriate licence conditions may include:
 - Proof of age schemes
 - CCTV
 - Door supervisors
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - The location of gaming machines
 - Self barring Schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare

Gaming Machines on Tracks

- 15.9 We still await further guidance from the Gambling Commission addressing where such machines may be located on tracks and

any special considerations that should apply to promote for example, the third licensing objective.

- 15.10 We note the Commissions guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applicants for licences at tracks will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use the entitlement to 4 gaming machines, these machines will be located in areas from which children are excluded. Children and young persons will not however be excluded from playing Category D gaming machines on a track.

Betting machines

- 15.11 Licensing authorities have a power under the Gambling Act 2005, to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence.
- 15.12 The Gambling Commission's Guidance will be noted in that it states: "When considering whether to impose a condition to restrict the number of SSBTs in particular premises, the licensing authority, amongst other things, should take into account the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people".
- 15.13 Similar considerations may apply in relation to tracks, where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machine.

Condition on Rules Being Displayed

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

16. Travelling Fairs

- 16.1 We note that we as the licensing authority are required 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.
- 16.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 16.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with other departments of the Council and its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

17. Provisional Statements

- 17.1 This licensing authority notes the Guidance for the Gambling Commission which states that "It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence" and that "Requiring the building to be complete ensures that the authority could, if necessary, inspect it fully".
- 17.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
 - a) which could not have been raised by objectors at the provisional licence stage; or
 - b) which is in the authority's opinion reflect a change in the operator's circumstances.
- 17.3 This authority has noted the Gambling Commission's Guidance that "A licensing authority should not take into account irrelevant matters.... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

18. Reviews

- 18.1 A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application for a review, which is essentially a request by a third party to the licensing authority to review a particular licence.
- 18.2 Section 200 of the Act provides that licensing authorities may initiate a review in relation to a particular class of premises licence or in relation to particular premises. Officers may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution techniques prior to a full-scale review being conducted, but the review itself, if necessary will be heard by elected members.
- 18.3 Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the licensing authority to decide whether the review is to be carried-out.
- 18.4 An application for a review may be (but need not be) rejected if the licensing authority thinks that the grounds on which the review is sought:
- a) are not relevant to the principles that must be applied by the licensing authority in accordance with section 153. If the application raises issues that are not relevant to the Commission guidance/codes of practice, this policy statement, or the licensing objectives, then we may reject it. In addition, if the application raises general objections to gambling as an activity, that is likely to be irrelevant to the principles in section 153, given that we are required to permit the use of premises for gambling in so far we think that permission is in accordance with the matters set out in that section. Examples that are likely to be irrelevant include demand for gambling premises, issues relating to planning, public safety, and traffic congestion;
 - b) the grounds are frivolous;
 - c) the grounds are vexatious;
 - d) the grounds “will certainly not” cause the authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
 - e) are substantially the same as the grounds cited in a previous application for review relating to the same premises. In these circumstances we 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

- f) are substantially the same as representations made at the time the application for a premises licence was considered. In these circumstances we will take into account the period of time that has passed since the representations were made, but the underlying requirement is that we should not review the licence on the basis of the same arguments considered on the grant of the premises licence.

PART C

19 Unlicensed Family Entertainment Centre Gaming Machine Permits

- 19.1 Family entertainment centres (FECs) will perhaps be most commonly located at seaside resorts, in airports and at motorway service centres, and will cater for families, including unaccompanied children and young persons.
- 19.2 Unlicensed FECs will be able to offer only category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with such a permit. Permits cannot be issued to vessels or vehicles.
- 19.3 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use as required by Section 238.
- 19.4 The application for a permit can only be made by a person who occupies or plans to occupy the premises to be used as an unlicensed FEC and, if the applicant is an individual, he must be aged 18 or over. Applications for a permit cannot be made if a premises licence is in effect for the same premises.
- 19.5 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25.
- 19.6 The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues."

- 19.7 The Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applications to demonstrate: a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
 - that staff are trained to have a full understanding of the maximum stakes and prizes.
- 19.8 We note that a licensing authority can grant or refuse a licence but cannot attach conditions to this type of permit.
- 19.9 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.
- 19.10 The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises

20. (Alcohol) Licensed Premises Gaming Machine Permits

- 20.1 There is provision in the Act for premises licensed under the Licensing Act 2003 for the sale of alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. Licence holders merely need to notify the licensing authority.
- 20.2 The licensing authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with); the premises are mainly used for gaming; or

- an offence under the Gambling Act has been committed on the premises.
- 20.3 If a premises licence holder wishes to have more than 2 machines, then they need to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under Section 25 of the Gambling Act 2005, and *“such matters as they think relevant.”*
- 20.4 This licensing authority considers that “such matters” will be decided on a case by case individual basis, but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult-only gaming machines.
- 20.5 Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage on the machines or in the premises 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.
- 20.6 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would normally need to be applied for, and dealt with, as an Adult Gaming Centre premises licence.
- 20.7 It should be noted that we as the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached to a permit.
- 20.8 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.

21. Prize Gaming Permits

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

- 21.2 This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- a) that they understand the limits to stakes and prizes that are set out in Regulations;
 - b) and that the gaming offered is within the law.
- 21.3 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 21.4 It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- The limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

22. Club Gaming and Club Machines Permits

- 22.1 Bona Fide Members Clubs and miners' welfare institutes may apply for a Club Gaming Permit and such clubs and institutes and commercial clubs may apply for a Club Gaming machine permit.
- 22.2 The Club Gaming Permit will enable the premises to provide 3 gaming machines of categories B, C or D, equal chance gaming and games of chance as set-out in regulations still to be published.
- 22.3 A Club Gaming machine permit will enable the premises to provide 3 gaming machines of categories B, C or D.
- 22.4 Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the

gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968.

- 22.5 A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."
- 22.6 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:
- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
 - b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - d) a permit held by the applicant has been cancelled in the previous ten years; or
 - e) an objection has been lodged by the Commission or the police.
- 22.7 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10).
- 22.8 The Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:
- a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."
- 22.9 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

23. Temporary Use Notices

- 23.1 Part 9 of the Act sets out the position in relation to temporary use notices. These allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice would include hotels, conference centres, and sporting venues.
- 23.2 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given.
- 23.3 We will apply the Gambling Commission Guidance which states: "In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises. A large exhibition centre, for example, would be likely to come within the definition as it is properly one premises, and should not be granted a temporary use notice for 21 days in respect of each of its exhibition halls. But in relation to other covered areas, such as shopping centres, the licensing authority will need to consider whether different units are in fact different "sets of premises", given that they may be occupied and controlled by different people.

24. Occasional Use Notices:

We 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. This licensing authority will, however, consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

APPENDIX 1

SCHEDULE OF CONSULTEES TO THIS POLICY STATEMENT

- All Elected Councillors, Gosport Borough Council
- Head of Development Management, Gosport Borough Council
- Legal Section Gosport Borough Council
- The Head of Environmental Health, Gosport Borough Council
- The Gambling Commission Headquarters Policy Section
- The Gambling Commission Regional Inspector (Hampshire)
- The Chief Constable, Hampshire Police
- Hampshire Fire and Rescue Service Authority
- Head of Child Protection, Hampshire County Council
- H.M. Revenue & Customs
- Neighbouring Authorities
- The National Casino Industry Forum.
- Casino Operators' Association of the UK
- Business In Sport & Leisure
- Racecourse Association Limited
- British Amusement Catering Trade Association
- British Holiday & Home Parks Association
- Community Trade Union
- Association of British Bookmakers
- All persons who hold Betting Office and Bookmakers Permits in Gosport Borough
- Representatives of persons who hold Society Lottery Registrations in Gosport Borough
- Clubs and Institute Union
- Gaming Machine Suppliers who regularly apply for Gaming Permits in Gosport Borough
- Society of Independent Brewers
- Representatives of Premises Licence Holders in Gosport
- Representatives of Club Premises Certificate holders in Gosport
- Hampshire County Council Trading Standards
- GamCare
- Responsibility in Gambling Trust

- Gam – Anon
- Residents Associations and Tenant Groups.
- Philip Kolvin QC
- General advertisement on the Council's website.

APPENDIX 2

SCHEDULE OF RESPONSIBLE AUTHORITIES GAMBLING ACT 2005

Hampshire Constabulary

Chief Officer of Police
Town Hall
Gosport
Tel: 0845 045 45 45 (central number)

Hampshire Fire & Rescue Service

Service Delivery (Community Safety Delivery)
Protection Department
Southsea Fire Station
Somers Road
Southsea
PO5 4LU

Tel: 023 92855180
Email: : Csprotection.admin@hantsfire.gov.uk

Fax: 023 92885175
Website: www.hantsfire.gov.uk

Pollution & Environmental Protection Team

Pollution & Environmental Protection Team
Gosport Borough Council
Town Hall
High Street
Gosport
Tel: 02392584242
Email: licensing@fareham.gov.uk

Website: www.gosport.gov.uk

Health & Safety Team

Health & Safety Team
Gosport Borough Council
Town Hall
High Street
Gosport
Tel: 02392584242
Email: health@fareham.gov.uk

Website: www.gosport.gov.uk

Planning Authority
Department of Strategic Planning and Environment
Fareham Borough Council
Civic Offices
Civic Way
Fareham
PO16 7AZ

Tel: 01329 236100
Website: www.fareham.gov.uk

Fax: 01329 821500

The Local Weights and Measures Authority
Head of Safety & Standards
The Trading Standards Service
Montgomery House
Monarch Way
Winchester
SO22 5PW

Tel 01962 833620
liquor.licensing@hants.gov.uk

Email:

Website: www.hants.gov.uk

Safeguarding Unit Children's' Services
HCC CSD Safeguarding Unit
Falcon House
Monarch Way
Winchester
SO22 5PL

Tel: 01962 876222
child.protection@hants.gov.uk

Email:

Website: www.hants.gov.uk

The Licensing Team
Fareham Borough Council
Civic Offices
Civic Way
Fareham
PO16 7AZ

Tel: 01329 236100
Email: licensing@fareham.gov.uk

Fax: 01329 821755
Website: www.fareham.gov.uk

Public Health Licensing Manager
Public Health Department
1st Floor, Room 153
Elizabeth II Court, South
Hampshire County Council
Winchester
SO23 8TG

Tel: 01329 236100

Use Fax no. 01962 847644 and
address fax exactly as follows
(including email address):

Email: publichealth.licensing@hants.gov.uk

Agenda item no.7

Board/Committee:	Licensing Board
Date of meeting:	26 th January 2016
Title:	Review of the Draft Licensing Act 2003 Policy - Outcomes of Consultation
Author:	The Head of Environmental Health
Status:	FOR RECOMMENDATION TO FULL COUNCIL

Purpose

The purpose of this report is to inform the Licensing Board of the outcome of the statutory consultation exercise in respect of the draft the Licensing Act 2003 Policy for 2016-2021 appended to this report as Appendix C (the “Draft Licensing Policy”)

Recommendation

The Licensing Board having considered the responses arising from the statutory consultation exercise recommends to Full Council at its meeting on 26th March 2016 that The Draft Licensing Policy be adopted without amendment.

1. Background

- 1.1 The Licensing Act 2003 took effect on 25 November 2005 and provided a unified system of regulation for the sale of alcohol, the provision of regulated entertainment and late night refreshment. Most significantly it transferred to the local authority, as part of these new provisions, liquor licensing, which was previously carried out by the Magistrates’ Court. The Council is the licensing authority in its area for the discharge of licensing functions under the Licensing Act 2003.
- 1.2 Section 5 of the Licensing Act 2003 requires each licensing authority to publish a statement of policy in respect of its licensing functions at the beginning of each five year period following a statutory consultation exercise (the “Licensing Policy”).

- 1.3 The present five year period ends in January 2016 and therefore a Licensing Policy for 2016 - 2021 must adopted by the Council. And Published.
- 1.4 The Licensing Board approved the Draft Licensing Policy for the purposes of statutory consultation at its meeting of 20th October 2015. The statutory consultation exercise has been completed. The responses are detailed as Appendix A and summarised as Appendix B.
- 1.5 The responses (3) have been considered by the Head of Environmental Health and it is considered not necessary to amend the Draft Licensing Policy as no comments have been made in respect of the substance of the Draft Licensing Policy.

2. Conclusion

- 2.1 This Council must adopt a Licensing Policy at the beginning of each five year period.
- 2.2 Statutory consultation has been undertaken in respect of the Draft Licensing Policy and no comments were received in respect of the substance of the policy.
- 2.3 The Full Council is required to adopt a Licensing Policy for the period 2016-2021.

Financial Services comments:	None
Legal Services comments:	Contained in the report.
Crime and Disorder:	Alcohol has the potential to be a source of Crime and Disorder, adopting a refreshed policy every 5 years assists applicants in preventing this.
Equality and Diversity:	The most vulnerable in society can be most at risk of getting into difficulties as a result of alcohol, adopting a refreshed policy every 5 years assists applicants in preventing this.
Service Improvement Plan implications:	None

Corporate Plan	None
Risk Assessment	Included within report
Background papers:	Licensing Act 2003 and associated regulations and guidance.
Appendices/Enclosures:	Appendix A Comments Received Appendix B Consultation Comments and Suggested Responses Appendix C Final Draft Licensing Policy
Report author/Lead Officer:	Ian Rickman

APPENDIX A

From: Bryan Gurling [<mailto:bryan@gurling.co.uk>]
Sent: 26 November 2015 15:36
To: Environmental Health <ehs@gosport.gov.uk>
Cc: Paul@adamspaul.co.uk
Subject: Consultation of draft Policy - Licensing Act 2003

I have read the document which is most comprehensive and I have no comments.
We comply with the requirements stated.

Bryan Gurling
Director
Gosport Masonic Hall
Clarence Road

From: Cranmer, David [<mailto:david.cranmer@gosport.gov.uk>]
Sent: 18 November 2015 12:35
To: Environmental Health Enquiries <EHenquiries@gosport.gov.uk>
Subject: Statement of Licensing Policy

Dear Sir/Madam,

Thank you for your consultation on the proposed Statement of Licensing Policy. I can confirm that the Development Management team has no comments.

Regards,

David Cranmer
Deputy Head of Development Management
Gosport Borough Council

From: Louise Clarke [<mailto:152.smops@waitrose.co.uk>]
Sent: 06 November 2015 12:48
To: Environmental Health <ehs@gosport.gov.uk>
Cc: Liam Mooney <209.branchmanager@waitrose.co.uk>
Subject: Gosport Waitrose Licensing Act 2003

Hello,

We have received a document of a consultation of draft policy.

In reference to this, no changes have been made to our licence, we do offer hot drinks but not between the hours of 11pm-5am

If you require any further assistance please contact either myself or Liam Mooney on the telephone number below.

Regards

Louise Clarke

--

Louise Clarke
Section Manager Operations
Waitrose Gosport
02392511266

APPENDIX B

Consultation Comments and Suggested Responses

	Comment - Bryan Gurling GBC Masonic Hall	Agreed/Disagreed
A.	Bryan Gurling GBC Masonic Hall No comments	N/A
	Comment - GBC Development Management	Agreed/Disagreed
	David Cranmer - GBC Development Management No comments	N/A
	Comment – Waitrose, Gosport	Agreed/Disagreed
	Waitrose Gosport No comments	N/A
	Comment -	Agreed/Disagreed



GOSPORT
Borough Council

Licensing Act 2003

Draft Statement of Licensing Policy

March 2016 – March 2021

1. Introduction

- 1.1 The Licensing Act 2003 requires licensing authorities to publish a "statement of licensing policy" every five years, which sets out how they intend to exercise their functions. The policy sets out a general approach to making licensing decisions. Each application will be considered on its own individual merits. The discretion of the licensing authority in relation to applications is only used if relevant representations are made
- 1.2 The Policy relates to all those licensing activities identified as falling within the provisions of the Act (Part 1 Section 1) namely:
- Retail sale of alcohol;
 - Supply of alcohol to club members;
 - The supply of hot food and/or drink from any premises between 11 p.m. and 5 a.m.;
 - Provision of "Regulated Entertainment" – to the public, to club members or with a view to profit. "Regulated Entertainment" is defined as:
 - A performance of a play
 - An exhibition of a film;
 - An indoor sporting event;
 - Boxing or wrestling entertainment;
 - A performance of live music;
 - Any playing of recorded music;
 - A performance of dance;
 - Provision of facilities for making music;
 - Provision of facilities for dancing.
- 1.3 The Legislative Reform (Entertainment Licensing) Order 2014 and the Deregulation Act 2015 provide significant exemptions to some of the activities. These include licensed premises music exemptions.
- 1.4 The licensing authority has a duty under the Act to carry out its functions with a view to promoting the four licensing objectives, which are:
- Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm

- 1.5 The Authority must also have regard to this Statement of Licensing Policy and any statutory guidance issued by the Secretary of State. That does not mean that it has to follow the policy and guidance slavishly. It can depart from it if, having properly taken it into account, it has to have good reason to do so and where it is appropriate to do so to promote one or more of the licensing objectives.
- 1.6 In promoting the licensing objectives the licensing authority has a number of key aims and purposes which should be principal aims for everyone involved in licensing work and are therefore integral to the Policy. They include:
1. Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
 2. Giving the police, licensing officers and responsible authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
 3. Recognising the important role which licensed premises play in our local communities and economy by minimizing the regulatory burden on business, encouraging innovation and supporting responsible premises;
 4. Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
 5. Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them.

Consultation

- 1.7 In accordance with section 5 of the Act and prior to the publication of this Policy the licensing authority consulted with:
- Chief Officer of Police for the area (Hampshire Police)
 - Hampshire Fire and Rescue Authority
 - Persons/bodies representative of local holders of premises licences;
 - Persons/bodies representative of local holders of club premises certificates;
 - Persons/bodies representative of local holders of personal licences;

- 1.8 This Policy will come into effect on 9 February 2016 and remain in force for a period of five years. During this time the policy will be subject to regular review.

2. Profile

- 2.1 Gosport Borough is located in South Hampshire on the western side of Portsmouth Harbour opposite the city of Portsmouth. The Borough is a peninsula of 2,750 hectares surrounded on three sides by The Solent and Portsmouth Harbour with almost 39 kilometres of coastline. It is predominately urban in character and contains two principal settlements, Gosport and Lee-on-the-Solent, separated by the Alver Valley.
- 2.2 The population of the Borough in 2011 was 82,600 persons. The Borough is also one of the most densely populated areas in the South East Region, with an urban density of 32.6 people per hectare. There are approximately 35,400 households.

3. The Impact of Alcohol on Gosport

- 3.1 Figures from Public Health England do not show Gosport as a separate entity. Hampshire figures are significantly lower than those for Portsmouth, Southampton and the England average in all the groups measured in the Local Alcohol profile.
- 3.2 Public Health England state “Alcohol consumption is a contributing factor to hospital admissions and deaths from a diverse range of conditions. Alcohol misuse is estimated to cost the NHS about £3.5 billion per year and society as a whole £21 billion annually.

4. Licensing Process

- 4.1 Applicants are strongly encouraged to seek advice at the earliest possible stage from the licensing authority and other responsible authorities before making an application.
- 4.2 Applicants will need to comply with the statutory requirements or risk their application being invalid.
- 4.3 The licensing authority will expect individual applicants to address the licensing objectives in their operating schedule, having regard to the type of premises (which includes a vessel i.e. ship or boat), the licensable activities to be provided, the operational procedures, the nature of the location and needs of the local community.

- 4.4 It is recommended that applicants obtain planning permission and building regulation approval along with all other necessary permissions and licences for the premises prior to an application being submitted.
- 4.5 When formulating their operating schedule applicants will be expected to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account where appropriate.
- 4.6 When determining applications the licensing authority will have regard to any guidance issued by the Government. In particular, account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the licensing authority's consideration of those representations will be balanced against the wider benefits to the community.
- 4.7 When determining applications the only conditions which should be imposed on a premises licence or club premises licence are those that are appropriate and proportionate for the promotion of the licensing objectives. In particular, regard will be had to any local crime prevention strategies.

Operating Schedules

- 4.8 The operating schedule must form part of the completed application form for a premises licence. It should include information, which is necessary to enable a responsible authority or other person to assess whether and what steps have been taken or are proposed in order to promote the licensing objectives.
- 4.9 As and when appropriate the applicant should provide in the operating schedule such further relevant additional information/evidence where there is an apparent departure from the promotion of the licensing objectives.
- 4.10 It is strongly recommended that applicants and/or their legal advisors discuss with Council officers and representatives of responsible authorities the draft operating schedule before it is formally submitted. This will help ensure it properly addresses all relevant issues that might give rise for concern. This may avoid the necessity for a hearing if the application otherwise passes without representation.

Representations

- 4.11 There is a prescribed period during which the licensing authority can receive a written representation to an application. This is usually 28 days from the date the licensing authority receives the application but varies depending on the type of application under consideration.
- 4.12 “Relevant representations” can include positive, supportive representations as well as objections.

Decision Making Process

- 4.13 It will be the licensing authority’s policy to provide an efficient and cost effective service to all parties involved in the licensing process. With the exception of the approval and review of this Policy, decisions on licensing matters will be taken in accordance with an approved scheme of delegation.
- 4.14 In accordance with DCMS Guidance the licensing authority has delegated licensing functions to sub-committees or in appropriate cases, to officials supporting the licensing authority as follows:

Matter to be dealt with	Board	Officers
Application for personal licence	If a police objection	If no objection made
Application for person licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases
Decision on whether a complaint is irrelevant frivolous vexatious etc.		All cases
Decision to object when local authority is a consultee and not		All cases

Matter to be dealt with	Board	Officers
the relevant authority considering the application		
Determination of a police objection to a temporary event notice		All cases
Determination of application to vary premises licence at a community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases

- 4.15 If no relevant representations are received then the authorisation will be issued automatically with, in the case of a premises licence or club premises certificate, such conditions attached as are mandatory or are consistent with the operating schedule accompanying the application. The licensing authority will have no conditions attached to the licence.
- 4.16 Where relevant representations are made and not withdrawn, the licensing authority must hold a hearing before the Licensing Board who will take such of the following steps as it considers appropriate for the promotion of the licensing objectives.
- 4.17 The steps are:
- grant the licence subject to the operating schedule modified to such extent as the Board considers appropriate for the promotion of the licensing objectives, and subject to the relevant mandatory conditions;
 - exclude from the scope of the licence any of the licensable activities to which the application relates;
 - to refuse to specify a person in the licence as the premises supervisor;
 - reject the application.

Applications for Large Events

- 4.18 Events that the Council believe may require a co-ordinated approach to manage may be subject to a Safety Advisory Group (SAG) process. This will be at the discretion of the Council. Applicants will need to demonstrate to the members of the SAG they are supporting the licensing objectives.
- 4.19 An Event Management Plan needs to be submitted at least 6 months prior to the event to allow for the SAG process to be undertaken before any required licensing process.

Shops Selling Alcohol (Off Licences)

- 4.20 In 2013 the British Beer and Pub Association estimated that twice as much alcohol is bought in off-licensed premises as from pubs or other licensed premises. This was after years of seeing a steady increase in the amount of alcohol sold in off licences. Pre-loading with alcohol before a night out is much more frequent. This change in habit has the potential to negatively impact on the licensing objectives with on-licensed premises most at risk of the consequences. There are additional increased potential risks such as easier access to alcohol by children (given that consumption is not monitored / regulated), theft, increased street drinking and an increase in crime and disorder.
- 4.21 To address theft and access by children to alcohol the layout of premises, CCTV, where alcohol will be displayed and what steps will be undertaken to support the licensing objectives will be considered.

Temporary Event Notices (TENS)

- 4.22 The Licensing Act 2003 enables certain organised events for fewer than 500 people to take place following notification to the licensing authority, the Police and Environmental Health.
- 4.23 Guidance on giving Notice can be found in the Home Office Fact Sheet. www.gov.uk/government/publications/temporary-events-notices-factsheet.
- 4.24 Although the statutory legal minimum time required for the notification of a temporary event to the licensing authority, Police and Environmental Health is ten working days, or five working days for a late temporary event, it is essential that proper consideration of the proposed event is given. Statutory guidance allows the licensing authority to publicise its preferred timescale for notification.

- 4.25 The licensing authority will encourage bona fide community events. Giving TENs for existing licensed premises will not be encouraged where the proposal is simply to regularly extend the existing hours of operation.
- 4.26 The licensing authority expects those who have given notice of a temporary event to have identified any particular issues having regard to their type of premises and/or activities, and to have in place written policies for addressing issues such as drunkenness, crime/disorder and drugs on their premises and for ensuring staff are trained on these policies.

5. Management of Premises

Designated Premises Supervisor

- 5.1 Any premises where alcohol is sold under a premises licence must have a designated premises supervisor (DPS). The DPS will be named in the premises licence, a summary of which must be displayed on the premises. A DPS must be a personal licence holder. Every sale of alcohol must be made or authorised by a person who holds a personal licence (or must be made or authorised by the management committee in the case of community premises).
- 5.2 The Licensing Act 2003 does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and the premises licence holder remain responsible for the premises at all times.
- 5.3 The licensing authority will normally expect the DPS to have been given the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis. The Authority expects that this will be in excess of 50% of a seven-day week.
- 5.4 The premises licence holder will be expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.
- 5.5 Within all licensed premises, whether or not alcohol is to be sold, the licensing authority will expect there to be proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained/instructed persons at the premises to ensure the proper management of the premises and of the activities taking place, as well as adherence to all statutory duties and the terms and conditions of the premises licence.

Door Supervisors

- 5.6 The premises licence holder and DPS should ensure that their premises do not increase the fear of crime as well as actual crime in their locality. To this end they should ensure, so far as is possible, that customers do not cause nuisance or disorder outside the premises and that measures to ensure the safety of customers and prevention of nuisance are in place. Door supervisors have an important role in managing customers, not only on the doors but also in the immediate area of premises.

Dispersal Policies

- 5.7 The licensing authority accepts that licensed premises can have a diffuse impact. People can cause disturbance when returning to residential areas from later-opening premises elsewhere and people who use off-licences may locate to a remote spot to drink. These problems may not be within the direct control of any particular licensed premises. However, premises licence holders are generally expected to take measures to encourage people to leave their premises quietly and considerately. The Licensing Authority would encourage premises to adopt a dispersal policy where appropriate.

Risk Assessment

- 5.8 The licensing authority will expect that appropriate and satisfactory general and technical risk assessments, management procedures and documentation have been made available to the relevant responsible authorities and to the licensing authority, that demonstrate that the public will be safe within and in the vicinity of the premises.
- 5.9 As a minimum the following matters must be taken into consideration:
- Whether the premises already have a licence which specifies the maximum number of people that can be present and, whether a risk assessment has been undertaken as to the maximum number of people who can be present in various parts of the premises, so that they can be operated safely and can be evacuated safely in the event of an emergency.
 - Whether there are procedures in place to record and limit the number of people on the premises with opportunities for “pass outs” and readmission.
 - Whether patrons can arrive at and depart from the premises safely.

- Whether there may be overcrowding in particular parts of the premises;
- Whether music and dance venues and performance venues will use equipment or special effects that may affect public safety (e.g. moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines).
- Whether there are defined responsibilities and procedures for medical and other emergencies and for calling the emergency services.

Promoters

- 5.10 The premises licence holder, DPS and personal licence holders remain responsible for activities taking place on premises when promotions take place. In addition the licensing authority will expect premises licence holders to have in place written agreements to ensure that when hiring out venues to promoters, the responsibility for the management of the premises is clear. The Promoter and its employees or agents, shall comply in all respects with all conditions, requirements and regulations of the local authority, licensing authority, police authority and fire authority and have regard to good practice for licensed premises.

Takeaway Premises (Late Night Refreshment Houses)

- 5.11 The Licensing Authority considers that it will normally be inappropriate to grant a premises licence permitting the sale of alcohol at premises which are principally used for selling hot food for consumption off the premises ("takeaway" premises).
- 5.12 It is recognised that takeaway premises open late at night can be associated with disorder as persons under the influence of alcohol having left, or in some cases being ejected from, late night venues congregate there. Applicants are recommended to have clear written policies for dealing with disorder and nuisance.
- 5.13 Operators of takeaway premises (including mobile units) must have suitable arrangements in place for the containment and disposal of their waste in accordance with the Environmental Protection Act 1990 and subsidiary regulations. Operators of premises where food or drink is provided in disposable containers for consumption elsewhere than on the premises are expected to consider the potential for litter near their premises and take steps to actively reduce the amount of litter generated from their premises. Applicants are also asked to consider the type of packaging container, whether it is always necessary and whether it can be sourced from sustainable materials.

- 5.14 Where the Licensing Authority considers it appropriate, it may impose conditions on a premises licence to require the operator of premises serving customers with hot food or drink to provide litter bins in the vicinity of the premises in order to prevent the accumulation of litter from its customers. It may require the proprietor to service those litter bins as part of their own waste management arrangements.

External Areas

- 5.15 The introduction of the requirement for smoke free public places under the Health Act 2006 has led to an increase in the number of people outside licensed premises. The provision of tables and chairs outside premises can enhance the attractiveness of a venue, but regard should be had to the need to ensure that the use of such areas will not cause nuisance to the occupiers of other premises in the vicinity. In particular, those with authorisations are expected to manage persons smoking in the vicinity of premises so they do not impede access to the premises and do not cause disturbance. In addition they are expected to provide secure ash trays or wall mounted cigarette bins for patrons so as to minimise litter.
- 5.16 Licensees should also be aware of the possibility of breakages of drinking glasses and glass bottles in outside areas. Consideration should therefore be given to the use of toughened or “plastic” drinking vessels and other management controls to avoid or lessen the likelihood of broken glass in these areas.
- 5.17 The licensing authority has a number of concerns with respect to the development of external areas to licensed premises, and will consider imposing conditions to improve the management of the outside area or prohibiting or restricting the use of these areas in order to promote the public nuisance objective.

Vehicles

- 5.18 Under the Act, alcohol may not be sold on or from a moving vehicle and therefore any application for such will be refused. However, applications for Premises Licences will be considered for the sale of alcohol from parked or stationary vehicles relating solely to the place where the vehicle is parked and the sale of alcohol will take place.

6. Cumulative Impact/Special Saturation Policy

- 6.1 The licensing authority will not take the “need” for an establishment into account when considering an application, as this is a matter for the market. The licensing authority however recognises that the cumulative impact of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder in the vicinity of the premises.
- 6.2 If representations are received from a responsible authority or other persons suggesting that an area has become saturated with licensed premises, such degree of concentration making it a focal point for large groups of people to gather in surrounding areas, possibly away from the premises themselves, the licensing authority will consider on an evidential basis if this impact has an adverse effect on the promotion of the licensing objectives in addition to that created by the individual premises.
- 6.3 In these circumstances, the licensing authority will assess whether the imposition of conditions can address these problems or if the adoption of a special policy of refusing applications for new Premises Licences or Club Premises Certificates is needed because the area is saturated with licensed premises and that granting of any more would undermine at least one of the licensing objectives.
- 6.4 When considering whether to adopt a special saturation policy the Licensing Authority will consider a range of issues including the following:
- Evidence of identification of concern about crime and disorder or public nuisance;
 - Where it can be demonstrated that nuisance and/or disorder is arising as a result of customers from licensed premises, identifying the area from which problems are arising and the boundaries of that area;
 - Following consultation and subject to that consultation, inclusion of a special policy about future Premises Licence or Club Premises Certificate applications from that area; and
 - Publication of the special policy.
- 6.5 If a special policy is adopted it creates a rebuttable presumption that licence and certificate applications or material variations will normally be refused if relevant representations are received. Accordingly applicants will need to address the special policy issues in their operating schedules in seeking to rebut the presumption. Applicants would need to demonstrate that the operation of the premises involved would not add to the cumulative impact already being experienced.

- 6.6 If implemented, the licensing authority would regularly review any special saturation policies to see whether they have had the intended effect and are still required.
- 6.7 The licensing authority will not normally use special saturation policies solely;
- As grounds for removing a licence when representations are received about problems with existing licensed premises, or;
 - To refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits.
- 6.8 The licensing authority also recognises that, within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application having regard to the licensing objectives.
- 6.9 The licensing authority, having regard to the evidence currently available, considers that at present there is no particular part of the district where a cumulative impact exists, leading to an adverse impact upon the fulfilment of the licensing objectives. However, the cumulative impact of licensed premises will be kept under review.
- 6.10 Other mechanisms, both within and outside the licensing regime that are available for controlling cumulative effect are:
- Planning controls;
 - Positive measures to create a safe and clean environment in partnership with local businesses, transport operators and other Local Authority services;
 - Application of the powers of the Council to designate parts of the area as places where alcohol may not be consumed publicly;
 - Police enforcement of the normal law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices;
 - The prosecution of any holder of a Personal Licence or member of staff at such premises who is selling alcohol to people who are drunk;
 - The confiscation of alcohol from adults and children in designated areas;
 - Application of Police powers to close for up to 24 hours, any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder, or excessive noise emanating from the premises; and
 - Application of Police powers, other Responsible Authorities, local residents or businesses to seek a formal review of a licence/certificate.

7. Children

- 7.1 A child is anyone under the age of 18 years unless otherwise stated.
- 7.2 This statement of licensing policy does not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm.
- 7.3 When considering applications for premises licences, the licensing authority will take into account the history of a particular premises and the nature of the activities proposed to be provided when considering any options appropriate to prevent harm to children. The relevant matters include premises:
- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
 - with a known association with drug taking or dealing;
 - where there is a strong element of gambling on the premises;
 - where entertainment of an adult or sexual nature is commonly provided;
 - where the supply of alcohol is the exclusive or primary purpose of the service at the premises.
 - in these circumstances, conditions may be attached to any licence to:
 - limit the hours when children may be present;
 - restrict the age of persons on premises;
 - exclude children from all or part of the premises when certain activities may take place;
 - require an adult to accompany a child;
 - set out a requirement for the presence of adult staff according to a set adult/child ratio where children are attending regulated entertainment;
 - exclude people under 18 from the premises when any licensable activities are taking place.
- 7.4 Where no licensing restriction is considered necessary, however, it is at the discretion of the premises licence holder or club to decide whether or not to admit children; however the licensing authority strongly supports the use of Challenge 25 policies, the recording of all refusals and training on all age restricted activity.
- 7.5 Where premises give film exhibitions, licensees must ensure that children are prevented from viewing age-restricted films classified according to the British Board of Film Classification.

- 7.6 Except as in 7.2 above the authority will not impose conditions restricting the admission of children to any premises believing this should remain a matter of discretion of the licence holder. The licensing authority encourages family friendly policies. It will take strong measures to protect children where any licence holder is convicted of serving alcohol to children, where premises have or acquire a known association with drug taking or dealing, where gambling takes place on the premises or where entertainment of an adult or sexual nature is commonly provided. In such circumstances while it may sometimes be necessary to impose a complete ban on the admission of children this would be rarely imposed, it would be more likely to require conditions as referred to above.
- 7.7 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, then conditions will be imposed requiring the presence of an appropriate number of adult staff to ensure public safety and their protection from harm including control of access and egress and consideration may be given to include conditions concerning child/adult ratios
- 7.8 The licensing authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Access by children to all types of premises will not be limited in any way unless it is considered appropriate to do so in order to protect them from harm
- 7.9 In the case of premises which are used for film exhibitions conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in a specific case where there are very good local reasons a certificate given to the film by the licensing authority itself.
- 7.10 Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licensee or club.
- 7.11 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.
- 7.12 The Act details a number of offences designed to protect children in licensed premises and the licensing authority will work closely with the police and other appropriate agencies to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

8. Enforcement

- 8.1 It is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the approved operating schedule, the specific requirements of the 2003 Act and any licence conditions imposed. The licensing authority, in partnership with the responsible authorities, will make arrangements to monitor premises.
- 8.2 The licensing authority will work closely with the police, trading Standards and the other responsible authorities, liaising on a regular basis to establish enforcement protocols and concordats to ensure an efficient deployment of resources engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that resources are targeted at problem and high-risk premises.
- 8.3 The Act details a number of offences designed to protect children in licensed premises and the licensing authority will work closely with the police, Trading Standards and other appropriate agencies to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol and tobacco products to children.
- 8.4 The premises licence holder is responsible to ensure the four licensing objectives are upheld:
- Prevention of crime and disorder
 - Public Safety
 - Prevention of public nuisance
 - Protection of children from harm
- 8.5 Where there is evidence to suggest the licensing objectives are being undermined, enforcement action will be taken in accordance with the principles of better regulation and the Regulator's Compliance Code. The aim is to have well run premises operating in our borough. Problems at premises will be identified by the relevant authorities and the licence holder will have responsibility to resolve the problem. Failure to address or respond to problems or isolated serious failures will normally result in a review application.