AGENDA
LICENSED AND REGULATORY AFFAIRS
COMMITTEE

Date: Wednesday, 3 February 2016
Time: 6.00 pm
Venue: Collingwood Room - Civic Offices

Members:
Councillor Mrs P M Bryant (Chairman)
Councillor T M Cartwright, MBE (Vice-Chairman)
Councillors Mrs S M Bayford
Miss S M Bell
Mrs M E Ellerton
M J Ford, JP
N R Gregory
T J Howard
L Keeble
A Mandry
Mrs K Mandry
D J Norris
Mrs S Pankhurst
R H Price, JP
Deputies:  
  K D Evans  
  Mrs K K Trott

For further information please contact:  
Democratic Services, Civic Offices, Fareham, PO16 7AZ  
Tel: 01329 236100  
democraticservices@fareham.gov.uk
1. **Apologies for Absence**

2. **Minutes** (Pages 1 - 6)

   To confirm as a correct record the minutes of the meeting of the Licensing and Regulatory Affairs Committee held on 17 November 2015.

3. **Chairman's Announcements**

4. **Declarations of Interest**

   To receive any declarations of interest from members in accordance with Standing Orders and the Council’s Code of Conduct.

5. **Deputations**

   To receive any deputations of which notice has been lodged.

6. **Spending Plans - Fees and Charges** (Pages 7 - 24)

   To consider a report by the Director of Finance and Resources on the Committee’s fees and charges for 2016/17.

7. **A Review of The Hackney and Private Hire Licensing Conditions - Outcome of Consultation** (Pages 25 - 54)

   To consider a report by the Head of Environmental Health on The Hackney and Private Hire Licensing Conditions and Outcome of Consultation.

8. **Review of Licensing Policy - Outcome of Consultation** (Pages 55 - 74)

   To consider a report by the Head of Environmental Health on the Review of Licensing Policy and the Outcome of Consultation.

9. **Gambling - Statement of Principles - Outcome of Consultation** (Pages 75 - 122)

   To consider a report by the Head of Environmental Health on the Gambling Statement of Principles and Outcome of Consultation.


    To consider a report by the Head of Environmental Health, which gives a preliminary review of the Panel’s work programme for 2015/16 and draft work programme for 2016/17.

P GRIMWOOD
Chief Executive Officer

Civic Offices
www.fareham.gov.uk
26 January 2016
For further information please contact:
Democratic Services, Civic Offices, Fareham, PO16 7AZ
Tel:01329 236100
democratservices@fareham.gov.uk
Minutes of the Licensing and Regulatory Affairs Committee
(to be confirmed at the next meeting)

Date: Tuesday, 17 November 2015
Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor Mrs P M Bryant (Chairman)
Councillor T M Cartwright, MBE (Vice-Chairman)

Councillors: Mrs S M Bayford, Miss S M Bell, Mrs M E Ellerton, M J Ford, JP, T J Howard, L Keeble, Mrs K Mandry, D J Norris, Mrs S Pankhurst and R H Price, JP

Also Present:
1. **APOLOGIES FOR ABSENCE**

   Apologies of absence were received from Councillor’s N R Gregory and A Mandry.

2. **MINUTES**

   RESOLVED that the minutes of the Licensing and Regulatory Affairs Committee held on 22 September 2015 be confirmed and signed as a correct record.

3. **CHAIRMAN’S ANNOUNCEMENTS**

   There were no Chairman’s announcements.

4. **DECLARATIONS OF INTEREST**

   There were no declarations of interest made at this meeting.

5. **DEPUTATIONS**

   There were no deputations made at this meeting.

6. **UPDATE ON POLICE CHANGES - LICENSING ARRANGEMENTS**

   The Committee received a verbal presentation from Jason Pearce on the changes to Licensing Arrangements for the Police that have occurred over the past 12 months.

   He explained to the Committee that he has previously had the privilege to be the police licensing officer for just Fareham which has allowed him to be able to engage with all new premises licence holders, giving him the opportunity to build a good working relationship with them. He also stated that being responsible for just Fareham allowed him the time to be able to follow up on any incidents that occur.

   He then went on to explain that there have been significant changes and challenges put upon the Police this year, and it has resulted in a change to his responsibilities in that he now covers a wider area of Hampshire, with the impact of this being that with his time being stretched, his main focus is on dealing with the high risk premises. In addition to this he is now the lead licensing officer for all festivals in the area, including the Victorious festival in Portsmouth and the Isle of Wight Festival.

   He finished his presentation by assuring the Committee that whilst there are challenging times ahead things still remain positive as they are now looking at new ways of working in order to continue to achieve a high standard of service.

   RESOLVED that the Committee thanked Jason Pearce for his informative presentation.
7. **SPENDING PLANS 2016/17**

The Committee considered a report by the Director of Finance and Resources on the Committee’s Spending Plans for 2016/17.

Members discussed at length the proposal not to increase the discretionary fees despite the Medium Term Finance Strategy policy that the Executive approved, which stated that there would be a 5% increase on all fees and charges. The Management and Financial Accounting Manager addressed the Committee to confirm that whilst the Medium Term Finance Strategy does indicate that a 5% increase should be applied to fees and charges the wording in the policy states that it will be applied ‘wherever possible’.

The Head of Environmental Health addressed the Committee and explained that the reason why there has been no increase to the fees and charges is to do with the partnership with Gosport, as they have a different approach to fees and charges. He explained that the aim is, through the Partnership working, to bring the fees for Fareham and Gosport Borough Council in line with each other. This however is going to take some time with lots of discussions between Fareham and Gosport.

Councillor Price suggested that the recommendation be approved, except for the fees and charges for 2016/17, which will be brought back to the Committee at the January meeting.

RESOLVED that the Licensing and Regulatory Affairs Committee agreed:

(a) the revised budget for 2015/16;

(b) the base budget for 2016/17; and

(c) to recommend the budget to Full Council for approval, with the exception of the fees and charges which will be brought back to the Committee in January.

8. **AMENDMENT TO PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING DURATION AND FEES - OUTCOME OF CONSULTATION**

The Committee considered a report by the Head of Environmental Health on the amendment to private hire and hackney carriage licensing duration and fees following the outcome of consultation.

RESOLVED that the Committee agreed:

(a) that the Private Hire and Hackney Carriage Drivers’ Licenses fees be set as detailed in Appendix A to this report; and

(b) that the fees be retrospectively applied to the 1 October 2015.
9. REVIEW OF THE LICENSING POLICY

The Committee considered a report by the Head of Environmental Health on a review of the Licensing Policy.

The Chairman passed her thanks onto the Licensing and Support Manager for her work in reducing the size of the document and for making it easier to read.

RESOLVED that the Committee agreed to:

(a) members’ views and comments be taken into account in considering the current Licensing Policy Consultation Document, attached as Appendix A to the report;

(b) the consultation exercise on the Licensing Policy commence at this meeting and continue until 31 December 2015;

(c) a further report on the Licensing Policy, which details outcomes from the consultation process, be presented to the Scrutiny Board on 14 January 2016 for further consultation;

(d) that the policy then be presented to the Licensing and Regulatory Affairs Committee for final drafting at its meeting on 26 January 2016; and then subsequently sent to the Executive at its meeting on 1 February 2016 to make its recommendation to Council; and

(e) the approved Licensing Policy be recommended to the Council for adoption at the scheduled Council meeting on 19 February 2016.

10. LICENSING AND REGULATORY AFFAIRS COMMITTEE WORK PROGRAMME

The Committee considered a report by the Head of Environmental Health on the Committee’s work programme for 2015/16.

Councillor Norris addressed the Committee on this item and requested that a report on Uber be brought to the Committee explaining how they operate and how they differ from normal taxi companies. The Head of Environmental Health suggested that it be included into the Work Programme for the March 2016 meeting.

He also reminded members that an additional item is to be included onto the work programme for the January 2016 meeting on the Committee’s Spending Plans in relation to Fees and Charges, as previously agreed at minute 7 above.

RESOLVED that the Committee:-

(a) note the progress on actions arising from the meeting of the Committee held on 22 September 2015, as shown in Appendix A of the report;
(b) subject to the addition of a report on Fees and Charges to the January meeting and a report on Uber to the March meeting, the Work Programme for 2015/16 be approved.

11. GAMBLING - STATEMENT OF PRINCIPLES

The Committee considered a report by the Head of Environmental Health on the draft revised statement of principles under the Gambling Act 2005.

The Head of Environmental Health addressed the Committee and explained that the document has been significantly shortened in the hope that it will be more user friendly. He also informed the Committee that the contents page currently does not match the rest of the document but this will be revised prior to the document being put out for consultation.

RESOLVED that:-

(a) the draft revised statement of principles be approved for the purposes of statutory consultations; and

(b) that a further report setting out the feedback and responses from the consultation be presented to the Committee at its meeting on 26 January 2016 prior to the revised Statement of Principles being recommended to Council for adoption at its meeting on 19 February 2016.

(The meeting started at 6.00 pm and ended at 6.59 pm).
SUMMARY

This report sets out the fees and charges under the control of this Committee and seeks agreement for the level of charges 2016/17 before being recommended to Full Council for approval.

RECOMMENDATION

That the Licensing and Regulatory Affairs Committee agrees the fees and charges for 2016/17 and recommends the charges to Full Council for approval.
INTRODUCTION

1. In November 2015 the committee received a report on the Spending Plans for 2016/17 which included the annual review of fees and charges.

2. This report updates members on the fees and charges under the control of this committee following the discussions that took place at the meeting held in November.

MEDIUM TERM FINANCE STRATEGY

3. The Medium Term Finance Strategy was approved by the Executive in October 2015 and as part of that strategy there are a number of guidelines that were adopted in order that a balance budget could be set. One of the guidelines referred to fees and charges and is shown below:

   - Fees and charges to be increased to achieve a realistic increase in income wherever possible and every effort to be made to identify new sources of income. The proposed charges should be considered alongside those for similar services in neighbouring authorities and, where appropriate, the charges levied by private sector providers.

FEES AND CHARGES

4. The fees and charges under the control of this committee are shown at Appendix A. Where possible a comparison with charges set by Gosport Borough Council is shown. It is worth noting that GBC increase their charges on 1 January each year so the charges shown are already being applied.

5. There are a number of fees that are statutory charges and are therefore outside the control of this committee. These include lotteries, fees under the Gambling Act 2005, some fees under the Licensing Act 2003 and fees for registration of electors.

6. Other Licences and Fees (Discretionary) – this discretionary element of the fees and charges are under the control of this committee. The detail on these fees shows that the charges currently in operation at Fareham and Gosport are the same except for sex shops/establishments where the fees set by Gosport are 64% higher than Fareham.

7. Private Hire and Hackney Carriage Drivers - The requirement to introduce 3 year licences for Private Hire and Hackney Carriage Drivers and 5 year licences for Private Hire Operators along with fee setting recommendations was reported to this Committee on 22 September 2015.

8. The current fees and charges, reflecting the changes approved on 22 September 2015, for Licensing and Regulatory Affairs services and the proposed charges for 2016/17 are set out in Appendix A. A comparison with neighbouring authorities is shown at Appendix B.

9. The proposed discretionary licensing charges have been reviewed to achieve an increase in income wherever possible and desirable. It is proposed to maintain the majority of fees at the same level for 2016/17 for review once any reduction in the costs relating to the Environmental Health Partnership that are charged to this area are recognised.
Members may also wish to consider whether, for certain services, there could be scope to generate additional income to pay for service improvements.

SERVICE ISSUES

Environmental Health Partnership

From 1 April 2014 the Environmental Health service has been provided by way of a Partnership between Fareham and Gosport Councils in order to provide a more resilient service and to bring savings to both Councils under the control of the Environmental Health Panel.

As part of this partnership members and officers have been looking at the best ways to run the services and the best structure to provide these services.

As part of the partnership arrangements it has been suggested that fees and charges could be aligned. However, to date there has been little discussion regarding the detail at the Panel meetings and more discussion and work in this area is needed. Members will see from the information provided within this report that a lot of the charges are similar however, some charges have a large gap between the 2 authorities and closing this gap could cause either authority some financial issues should charges drop or be raised significantly.

It should be remembered that the two Councils have completely different cost bases and democratic arrangements, therefore it may not follow that fees and charges could be the same.

The matter will continue to be discussed at panel meetings and findings reported back to this committee in the future.

RISK ASSESSMENT

There are no significant risk considerations in relation to this report.

CONCLUSION

The Committee is asked to review the fees and charges for 2016/17 and consider whether it wishes to submit and changes to Full Council for approval.

APPENDIX A – Proposed Fees and Charges 2016/17

APPENDIX B – Fees and Charges Comparison

Background Papers:

Enquiries:
For further information on this report please contact Neil Wood. (Ext 4506)
LICENSING AND REGULATORY AFFAIRS COMMITTEE

LICENCES AND FEES

<table>
<thead>
<tr>
<th>Statutory Charges</th>
<th>Current Fee £</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lotteries</td>
<td></td>
</tr>
<tr>
<td>- Registration</td>
<td>40.00</td>
</tr>
<tr>
<td>- Renewal</td>
<td>20.00</td>
</tr>
</tbody>
</table>

**Gambling Act 2005**

Charges available on application to the Head of Environmental Health.

**LICENSING ACT 2003**

The service is provided to ensure public safety through the licensing of regulated activities and to ensure that they are undertaken in accordance with the relevant licence conditions.

In addition the Council are the Licensing Authority under the Licensing Act 2003. The Act replaced existing licensing regimes concerning the sale of alcohol, public entertainment, theatres, cinemas and late night refreshment with a unified system of regulation. From February 2005 the Council has dealt with applications for premises and personal licences which took effect in November 2005. From this date the Council took over all the licensing functions some of which such as liquor licensing were previously undertaken by the Magistrates Court.

The Act requires that the Council carries out its various licensing functions so as to promote the following four licensing objectives:-

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

The Fees have been set by the Government and are detailed below:
**Premises/Club Applications/Conversions**

The Fees are based on rateable values of properties:

<table>
<thead>
<tr>
<th>Rateable Value</th>
<th>Band</th>
<th>Initial License Fee £</th>
<th>Annual Fee £</th>
</tr>
</thead>
<tbody>
<tr>
<td>£0 - £4,300</td>
<td>A</td>
<td>100.00</td>
<td>70.00</td>
</tr>
<tr>
<td>£4,301 - £33,000</td>
<td>B</td>
<td>190.00</td>
<td>180.00</td>
</tr>
<tr>
<td>£33,001 - £87,000</td>
<td>C</td>
<td>315.00</td>
<td>295.00</td>
</tr>
<tr>
<td>£87,001 - £125,000</td>
<td>D</td>
<td>450.00</td>
<td>320.00</td>
</tr>
<tr>
<td>£125,001 and over</td>
<td>E</td>
<td>635.00</td>
<td>350.00</td>
</tr>
</tbody>
</table>

A multiplier applied to premises in Bands D and E where they are exclusively or primarily in the business of selling alcohol (mainly large town and city centre pubs) as follows:

<table>
<thead>
<tr>
<th>Rateable Value</th>
<th>Band</th>
<th>City/Town Centre Pub Application Fee £</th>
<th>City/Town Centre Pub Annual Charge £</th>
</tr>
</thead>
<tbody>
<tr>
<td>£87,001 - £125,000</td>
<td>D</td>
<td>900.00</td>
<td>640.00</td>
</tr>
<tr>
<td>£125,001 and over</td>
<td>E</td>
<td>1,905.00</td>
<td>1,050.00</td>
</tr>
</tbody>
</table>
If in addition to the conversion application the conditions in respect of alcohol are to be varied then an addition Fee to those set out above becomes payable as follows:

<table>
<thead>
<tr>
<th>Rateable Value</th>
<th>Band</th>
<th>Variation Fee £</th>
</tr>
</thead>
<tbody>
<tr>
<td>£0 - £4,300</td>
<td>A</td>
<td>20.00</td>
</tr>
<tr>
<td>£4,301 - £33,000</td>
<td>B</td>
<td>60.00</td>
</tr>
<tr>
<td>£33,001 - £87,000</td>
<td>C</td>
<td>80.00</td>
</tr>
<tr>
<td>£87,001 - £125,000</td>
<td>D</td>
<td>100.00</td>
</tr>
<tr>
<td>£125,001 and over</td>
<td>E</td>
<td>120.00</td>
</tr>
</tbody>
</table>

**Exceptionally large events**

A fee structure also exists for exceptionally large events starting at capacity of 5,000 people. Please contact the Licensing Authority for details of these.
Personal Licences, Temporary Events and other Fees (Statutory)

Additional Fees are as follows:

<table>
<thead>
<tr>
<th>Occasion on which Fee payable</th>
<th>Current Fee £</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Licence</td>
<td>37.00</td>
</tr>
<tr>
<td>Minor Variations</td>
<td>89.00</td>
</tr>
<tr>
<td>Temporary Event Notice</td>
<td>21.00</td>
</tr>
<tr>
<td>Application for copy of Licence or summary on theft, loss etc. of Premises Licence or summary</td>
<td>10.50</td>
</tr>
<tr>
<td>Notification of change of name or address</td>
<td>10.50</td>
</tr>
<tr>
<td>Applications to vary – to specify Individuals as premises supervisor</td>
<td>23.00</td>
</tr>
<tr>
<td>Application to transfer Premises Licence</td>
<td>23.00</td>
</tr>
<tr>
<td>The removal of conditions for community premises</td>
<td>23.00</td>
</tr>
<tr>
<td>Interim Authority Notice</td>
<td>23.00</td>
</tr>
<tr>
<td>Application for making a Provisional Statement</td>
<td>195.00</td>
</tr>
<tr>
<td>Application for copy of certificate or summary on theft, loss etc. of certificate or summary</td>
<td>10.50</td>
</tr>
<tr>
<td>Notification of change of name or alteration of club rules</td>
<td>10.50</td>
</tr>
<tr>
<td>Change of relevant registered address of club</td>
<td>10.50</td>
</tr>
<tr>
<td>Application for copy of licence on theft, loss etc. of temporary event notices</td>
<td>10.50</td>
</tr>
<tr>
<td>Application for copy of licence on theft, loss etc. of personal licence</td>
<td>10.50</td>
</tr>
<tr>
<td>Right of freeholder etc. to be notified of licensing matters</td>
<td>21.00</td>
</tr>
</tbody>
</table>

Exemptions

Applications for premises licences or club certificates which relate to the provision of regulated entertainment only and the application is from the following then NO FEES are payable, but applications must still be made:
An educational institution which is a school or college and the entertainment is carried on by the educational institution for and on behalf of the purposes of the educational institution.

OR

That the application is in respect of premises that are or form part of a church hall, chapel hall, or similar building or village hall, parish hall or community hall or other similar building.
### OTHER LICENCES AND FEES - Discretionary

All Fees and Licences are exclusive of VAT unless stated.

<table>
<thead>
<tr>
<th>Other Licences and Fees</th>
<th>GBC Fee £</th>
<th>Current Fee £</th>
<th>Proposed Fee £</th>
<th>Increase %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Skin Piercers : Premises</td>
<td>79.00</td>
<td>79.00</td>
<td>79.00</td>
<td>NIL</td>
</tr>
<tr>
<td>Skin Piercers : Persons</td>
<td>68.00</td>
<td>68.00</td>
<td>68.00</td>
<td>NIL</td>
</tr>
<tr>
<td>Street Trading Consent : 12 months</td>
<td>1,150.00</td>
<td>1,680.00</td>
<td>1,760.00</td>
<td>4.8</td>
</tr>
<tr>
<td>Street Trading Consent : 6 months</td>
<td>600.00</td>
<td>945.00</td>
<td>990.00</td>
<td>4.8</td>
</tr>
<tr>
<td>Street Trading Consent : 3 months</td>
<td>N/A</td>
<td>525.00</td>
<td>550.00</td>
<td>4.8</td>
</tr>
<tr>
<td>Street Trading - Tables and Chairs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New</td>
<td>290.00</td>
<td>290.00</td>
<td>290.00</td>
<td>NIL</td>
</tr>
<tr>
<td>Renewal</td>
<td>180.00</td>
<td>180.00</td>
<td>180.00</td>
<td>NIL</td>
</tr>
<tr>
<td>Dangerous Wild Animal Licences (note 1) :</td>
<td>128.00</td>
<td>128.00</td>
<td>128.00</td>
<td>NIL</td>
</tr>
<tr>
<td>Riding Establishment Licences (note 1) : Initial registration /</td>
<td>128.00</td>
<td>38.00</td>
<td>38.00</td>
<td>NIL</td>
</tr>
<tr>
<td>renewal/variation –per horse</td>
<td>Flat fee</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Boarding Establishment Licences - (note 1)</td>
<td>128.00</td>
<td>165.00</td>
<td>165.00</td>
<td>NIL</td>
</tr>
<tr>
<td>Home (Domestic) Animal Boarding Establishment Licences</td>
<td>128.00</td>
<td>115.00</td>
<td>115.00</td>
<td>NIL</td>
</tr>
<tr>
<td>Pet Shop Licences - (note 1)</td>
<td>128.00</td>
<td>115.50</td>
<td>115.50</td>
<td>NIL</td>
</tr>
<tr>
<td>Dog Breeders Licence - (note 1)</td>
<td>128.00</td>
<td>173.25</td>
<td>173.25</td>
<td>NIL</td>
</tr>
<tr>
<td>Zoo : Initial Application (valid for 4 years) - (Note 1)</td>
<td>Available on request</td>
<td>1,800.00</td>
<td>1,800.00</td>
<td>NIL</td>
</tr>
<tr>
<td>Zoo : Renewal (valid for 6 years) - (Note 1)</td>
<td>Available on request</td>
<td>1,800.00</td>
<td>1,800.00</td>
<td>NIL</td>
</tr>
<tr>
<td>Sex Shops/Establishments: Initial Fee</td>
<td>2,950.00</td>
<td>1,800.00</td>
<td>1,800.00</td>
<td>NIL</td>
</tr>
<tr>
<td>Services</td>
<td>Fee 1,950.00</td>
<td>Fee 1,800.00</td>
<td>Fee 1,800.00</td>
<td>Fee NIL</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>--------------</td>
<td>--------------</td>
<td>--------------</td>
<td>---------</td>
</tr>
<tr>
<td>Sex Shop/Establishments: Renewal Fee</td>
<td>1,950.00</td>
<td>1,800.00</td>
<td>1,800.00</td>
<td>NIL</td>
</tr>
<tr>
<td>Scrap Metal Dealer: New Application</td>
<td>237.00</td>
<td>237.00</td>
<td>237.00</td>
<td>NIL</td>
</tr>
<tr>
<td>Scrap Metal Dealer: Application Renewal</td>
<td>131.50</td>
<td>131.50</td>
<td>131.50</td>
<td>NIL</td>
</tr>
<tr>
<td>Mobile Collector: New Application</td>
<td>131.50</td>
<td>131.50</td>
<td>131.50</td>
<td>NIL</td>
</tr>
<tr>
<td>Mobile Collector: Application Renewal</td>
<td>94.50</td>
<td>94.50</td>
<td>94.50</td>
<td>NIL</td>
</tr>
<tr>
<td>Variation of Licence</td>
<td>131.50</td>
<td>131.50</td>
<td>131.50</td>
<td>NIL</td>
</tr>
<tr>
<td>Replacement Licence</td>
<td>21.00</td>
<td>21.00</td>
<td>21.00</td>
<td>NIL</td>
</tr>
<tr>
<td>Advice to commercial premises - charge per hour or part thereof</td>
<td>N/A</td>
<td>45.00</td>
<td>45.00</td>
<td>NIL</td>
</tr>
</tbody>
</table>

**Note 1.** All initial applications and subsequent renewals where appropriate will also include vets' Fees in addition to the charges above.
## HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES – Discretionary –
No increase proposed

<table>
<thead>
<tr>
<th>Hackney Carriage and Private Hire Licences -</th>
<th>GBC Fee £</th>
<th>Current Fee £</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Vehicle Licence</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hackney Carriage</td>
<td>260.00</td>
<td>185.00</td>
</tr>
<tr>
<td>Private Hire</td>
<td>260.00</td>
<td>185.00</td>
</tr>
<tr>
<td>Transfer of Licence (Note 2)</td>
<td>260.00</td>
<td>185.00</td>
</tr>
<tr>
<td>Temporary Transfer (Note 3,4)</td>
<td>260.00</td>
<td>185.00</td>
</tr>
<tr>
<td><strong>Operator's Licence</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private Hire Operators Licence 1 Year</td>
<td>260.00</td>
<td>185.00</td>
</tr>
<tr>
<td>Private Hire Operators Licence 3 Year</td>
<td>620.00</td>
<td>455.00</td>
</tr>
<tr>
<td>Private Hire Operators Licence 5 Year</td>
<td>1,050.00</td>
<td>825.00</td>
</tr>
<tr>
<td><strong>Driver's Licence</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hackney Carriage Drivers Licence 1 Year</td>
<td>95.00</td>
<td>60.00</td>
</tr>
<tr>
<td>Hackney Carriage Drivers Licence 3 Year</td>
<td>230.00</td>
<td>155.00</td>
</tr>
<tr>
<td>Private Hire Drivers Licence 1 Year</td>
<td>95.00</td>
<td>60.00</td>
</tr>
<tr>
<td>Private Hire Drivers Licence 3 Year</td>
<td>230.00</td>
<td>155.00</td>
</tr>
<tr>
<td>Dual Drivers Licence 1 Year</td>
<td>130.00</td>
<td>60.00</td>
</tr>
<tr>
<td>Dual Drivers Licence 3 Year</td>
<td>330.00</td>
<td>155.00</td>
</tr>
<tr>
<td>DVLA Drivers' Licence check (Note 5)</td>
<td>5.75</td>
<td>Actual Cost</td>
</tr>
<tr>
<td>Failure to attend appointment</td>
<td>N/A</td>
<td>34.00</td>
</tr>
<tr>
<td>Replacement Licence</td>
<td>17</td>
<td>10.50</td>
</tr>
<tr>
<td>Transfer of Ownership (Note 2)</td>
<td>N/A</td>
<td>25.00</td>
</tr>
<tr>
<td><strong>Knowledge Test</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Per test</td>
<td>21.00</td>
<td>21.00</td>
</tr>
<tr>
<td><strong>Driver’s Badge</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Issue and Replacement (Note 1)</td>
<td>17.00</td>
<td>5.00</td>
</tr>
</tbody>
</table>
### Vehicles

<table>
<thead>
<tr>
<th></th>
<th>22.00</th>
<th>22.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Replacement plates and fixings (Note 1)</td>
<td>22.00</td>
<td>22.00</td>
</tr>
<tr>
<td>Replacement brackets</td>
<td>N/A</td>
<td>15.00</td>
</tr>
<tr>
<td>Interior windscreen plate</td>
<td>22.00</td>
<td>22.00</td>
</tr>
</tbody>
</table>

### Other

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
<th>Actual Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>DBS Fee</td>
<td>44.00</td>
<td>Actual Cost</td>
</tr>
<tr>
<td>Medical Consultation</td>
<td></td>
<td>Included in Licence fee</td>
</tr>
</tbody>
</table>

### Notes:

1. Fee inclusive of VAT at the prevailing rate.
2. This charge has been set at a level to cover the cost of administering transfers. Transfers will only be permitted in March and April in exceptional circumstances. Transfers, in months other than March and April, will be charged at 50%.
3. This charge covers the cost of temporary transfers due to the use of loan cars for insurance purposes.
4. This charge has been set at a level to cover the cost of administering transfers.
5. This is the actual cost to the council.
**ELECTION SERVICES**

1. Returning Officer's Fees and disbursements: as determined by Hampshire Election Fees Working Party; available on request to Head of Democratic Services.

**REGISTRATION OF ELECTORS (Statutory)**

<table>
<thead>
<tr>
<th>Item</th>
<th>Data</th>
<th>Printed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sale of Edited Register</td>
<td>£20 plus £1.50 per thousand entries (or part)</td>
<td>£10 plus £5.00 per thousand entries (or part)</td>
</tr>
<tr>
<td>Sale of Full Register *</td>
<td>£20 plus £1.50 per thousand entries (or part)</td>
<td>£10 plus £5.00 per thousand entries (or part)</td>
</tr>
<tr>
<td>Sale of monthly update notices *</td>
<td>£20 plus £1.50 per thousand entries (or part)</td>
<td>£10 plus £5.00 per thousand entries (or part)</td>
</tr>
<tr>
<td>Sale of list of Overseas Electors</td>
<td>£20 plus £1.50 per hundred entries (or part)</td>
<td>£10 plus £5.00 per hundred entries (or part)</td>
</tr>
<tr>
<td>Sale of Marked Register *</td>
<td>Where available</td>
<td>£10 plus £2.00 per thousand entries (or part)</td>
</tr>
</tbody>
</table>

*Notes:*
1. Supply of the Full Register, monthly update notices and the marked register is restricted by the Representation of the People Regulations.
2. Packing and carriage costs will also apply where relevant.
3. A request for the same part of the register in both printed and data form will be treated as two separate requests.
# Fees and charges Comparison

<table>
<thead>
<tr>
<th>Other Licences and Fees</th>
<th>FBC £</th>
<th>GBC £</th>
<th>WCC £</th>
<th>HBC £</th>
<th>EBC £</th>
<th>PCC £</th>
</tr>
</thead>
<tbody>
<tr>
<td>Skin Piercers : Premises</td>
<td>79.00</td>
<td>79.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Skin Piercers : Persons</td>
<td>68.00</td>
<td>68.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Trading Consent : 12 months</td>
<td>1,680.00</td>
<td>1,150.00</td>
<td>900.00</td>
<td></td>
<td>1,736.00</td>
<td></td>
</tr>
<tr>
<td>Street Trading Consent : 6 months</td>
<td>945.00</td>
<td>600.00</td>
<td>550.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Trading Consent : 3 months</td>
<td>525.00</td>
<td></td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Trading - Tables and Chairs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New</td>
<td>290.00</td>
<td>290.00</td>
<td></td>
<td>150.00</td>
<td>127.00</td>
<td></td>
</tr>
<tr>
<td>Renewal</td>
<td>180.00</td>
<td>180.00</td>
<td></td>
<td>150.00</td>
<td>From 244.00</td>
<td></td>
</tr>
<tr>
<td>Dangerous Wild Animal Licences (note 1) :</td>
<td>128.00</td>
<td>128.00</td>
<td>55.00</td>
<td>82.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Riding Establishment Licences (note 1) : Initial registration / renewal/variation –per horse</td>
<td>38.00</td>
<td>128.00</td>
<td>From 55.00</td>
<td>163.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Boarding Establishment Licences - (note 1)</td>
<td>165.00</td>
<td>128.00</td>
<td>180.00</td>
<td>112.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home (Domestic) Animal Boarding Establishment Licences</td>
<td>115.00</td>
<td>128.00</td>
<td>100.00</td>
<td>112.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pet Shop Licences - (note 1)</td>
<td>115.50</td>
<td>128.00</td>
<td>180.00</td>
<td>95.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dog Breeders Licence - (note 1)</td>
<td>173.25</td>
<td>128.00</td>
<td>155.00</td>
<td>112.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zoo : Initial Application (valid for 4 years) - (Note 1)</td>
<td>1,800.00</td>
<td>On Request</td>
<td>Actual cost</td>
<td>265.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zoo : Renewal (valid for 6 years) - (Note 1)</td>
<td>1,800.00</td>
<td>On Request</td>
<td>Actual cost</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Service</td>
<td>Initial Fee</td>
<td>Renewal Fee</td>
<td>Initial Fee</td>
<td>Renewal Fee</td>
<td>Initial Fee</td>
<td>Renewal Fee</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>-------------</td>
<td>-------------</td>
<td>-------------</td>
<td>-------------</td>
<td>-------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Sex Shops/Establishments</td>
<td>1,800.00</td>
<td>1,800.00</td>
<td>2,950.00</td>
<td>1,950.00</td>
<td>4,400.00</td>
<td>4,400.00</td>
</tr>
<tr>
<td>Scrap Metal Dealer: New App</td>
<td>237.00</td>
<td>131.50</td>
<td>370.00</td>
<td>131.50</td>
<td>260.00</td>
<td>190.00</td>
</tr>
<tr>
<td>Scrap Metal Dealer: Renewal</td>
<td>131.50</td>
<td>94.50</td>
<td>372.30</td>
<td>94.50</td>
<td>100.00</td>
<td>100.00</td>
</tr>
<tr>
<td>Mobile Collector: New App</td>
<td>131.50</td>
<td>131.50</td>
<td>285.60</td>
<td>131.50</td>
<td>300.00</td>
<td>300.00</td>
</tr>
<tr>
<td>Mobile Collector: Renewal</td>
<td>94.50</td>
<td>94.50</td>
<td>180.00</td>
<td>94.50</td>
<td>100.00</td>
<td>100.00</td>
</tr>
<tr>
<td>Variation of Licence</td>
<td>131.50</td>
<td>21.00</td>
<td>21.00</td>
<td>21.00</td>
<td>25.00</td>
<td>25.00</td>
</tr>
<tr>
<td>Replacement Licence</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advice to commercial premises</td>
<td>45.00</td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Hackney Carriage and Private Hire Licences</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Vehicle Licence</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hackney Carriage</td>
<td>185.00</td>
<td>185.00</td>
<td>260.00</td>
<td>185.00</td>
<td>167.00</td>
<td>260.00</td>
</tr>
<tr>
<td>Private Hire</td>
<td>185.00</td>
<td>185.00</td>
<td>260.00</td>
<td>185.00</td>
<td>167.00</td>
<td>260.00</td>
</tr>
<tr>
<td>Transfer of Licence (Note 2)</td>
<td>185.00</td>
<td>185.00</td>
<td>37.00</td>
<td>185.00</td>
<td>As Above</td>
<td>132.00</td>
</tr>
<tr>
<td>Temporary Transfer (Note 3,4)</td>
<td>185.00</td>
<td>185.00</td>
<td>100.00</td>
<td>185.00</td>
<td>21.00</td>
<td>66.00</td>
</tr>
<tr>
<td><strong>Operator's Licence</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private Hire Operators Licence 1 Year</td>
<td>185.00</td>
<td>185.00</td>
<td>260.00</td>
<td>185.00</td>
<td>220.00</td>
<td>185.00</td>
</tr>
<tr>
<td>Private Hire Operators Licence 3 Year</td>
<td>455.00</td>
<td>455.00</td>
<td>620.00</td>
<td>455.00</td>
<td>620.00</td>
<td>455.00</td>
</tr>
<tr>
<td>Private Hire Operators Licence 5 Year</td>
<td>825.00</td>
<td>825.00</td>
<td>1,050.00</td>
<td>825.00</td>
<td>1,050.00</td>
<td>825.00</td>
</tr>
<tr>
<td><strong>Driver's Licence</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hackney Carriage Drivers Licence 1 Year</td>
<td>60.00</td>
<td>60.00</td>
<td>95.00</td>
<td>60.00</td>
<td>95.00</td>
<td>60.00</td>
</tr>
<tr>
<td>Hackney Carriage Drivers Licence 3 Year</td>
<td>155.00</td>
<td>155.00</td>
<td>230.00</td>
<td>155.00</td>
<td>230.00</td>
<td>155.00</td>
</tr>
<tr>
<td>Private Hire Drivers Licence 1 Year</td>
<td>60.00</td>
<td>60.00</td>
<td>95.00</td>
<td>60.00</td>
<td>95.00</td>
<td>60.00</td>
</tr>
<tr>
<td>Private Hire Drivers Licence 3 Year</td>
<td>155.00</td>
<td>155.00</td>
<td>230.00</td>
<td>155.00</td>
<td>230.00</td>
<td>155.00</td>
</tr>
<tr>
<td>Dual Drivers Licence 1 Year</td>
<td>60.00</td>
<td>60.00</td>
<td>130.00</td>
<td>60.00</td>
<td>130.00</td>
<td>60.00</td>
</tr>
<tr>
<td>Dual Drivers Licence 3 Year</td>
<td>155.00</td>
<td>155.00</td>
<td>330.00</td>
<td>155.00</td>
<td>330.00</td>
<td>155.00</td>
</tr>
<tr>
<td>DVLA Drivers' Licence check (Note 5)</td>
<td>Actual Cost</td>
<td>Actual Cost</td>
<td>5.75</td>
<td>Actual Cost</td>
<td>5.75</td>
<td>Actual Cost</td>
</tr>
<tr>
<td>Service</td>
<td>Actual Cost</td>
<td>Included in Licence Fee</td>
<td>DBS Fee</td>
<td>Medical Consultation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>-------------</td>
<td>-------------------------</td>
<td>---------</td>
<td>----------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Failure to attend appointment</td>
<td>34.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replacement Licence</td>
<td>10.50</td>
<td>17.00</td>
<td>12.00</td>
<td>19.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfer of Ownership (Note 2)</td>
<td>25.00</td>
<td>N/A</td>
<td>37.00</td>
<td>60.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Knowledge Test</td>
<td>21.00</td>
<td>21.00</td>
<td>29.00</td>
<td>40.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Driver's Badge</td>
<td>5.00</td>
<td>17.00</td>
<td>19.00</td>
<td>6.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicles</td>
<td>22.00</td>
<td>22.00</td>
<td>27.00</td>
<td>23.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replacement plates and fixings (Note 1)</td>
<td>15.00</td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interior windscreen plate</td>
<td>22.00</td>
<td>22.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>Actual Cost</td>
<td>44.00</td>
<td>44.00</td>
<td>44.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DBS Fee</td>
<td>Actual Cost</td>
<td></td>
<td></td>
<td>11.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical Consultation</td>
<td>Actual Cost</td>
<td>Included in Licence Fee</td>
<td></td>
<td>44.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Report to Licensing and Regulatory Affairs Committee

Date 3 February 2016
Report of: Head of Environmental Health and Community Safety
Subject: A REVIEW OF THE HACKNEY AND PRIVATE HIRE LICENSING CONDITIONS – OUTCOMES OF CONSULTATION

SUMMARY

1. New draft conditions were presented to the LRAC at its on 22\textsuperscript{nd} September 2015 meeting. At that meeting it was resolved that the Private Hire and Hackney Taxi Trade should be consulted on the draft conditions, subject to some amendments.

2. Consultation has now taken place. Three representations were made and can be seen at Appendix A. A summary of comments and suggested outcomes can be seen at Appendix B. The revised Conditions can be seen at Appendix C.

RECOMMENDATION

1. To adopt the revised Conditions as set out in Appendix C with any amendments agreed at the meeting.

2. That the revised Conditions take effect from 1\textsuperscript{st} March 2016
INTRODUCTION

1. As the licensing authority for Hackney Carriage and Private Hire drivers, vehicles and operators, this Council is able to apply reasonable conditions to the licences that it grants (not HC drivers). The current Conditions were last revised in 2008.

2. The Licensing and Regulatory Affairs committee considered at the meeting on 22\textsuperscript{nd} September 2015 a report from the Head of Environmental Health proposing a number of amendments be made to the current Conditions. The proposed amendments were summarised in Appendix B of the report (for the meeting of 22\textsuperscript{nd} September 2015).

3. At this meeting it was resolved that:

   (a) the proposed changes to the Conditions for Hackney Carriage and Private Hire vehicles and operators, as summarised in Appendix B to the report, be sent to all licensed taxi operators/plate holders in the area (the “Trade”), inviting any representations to be made to the Head of Environmental Health within 6 weeks;

   (b) the Head of Environmental Health be authorised to draft Conditions and Requirements, as amended, after the consultation process; and

   (c) the revised conditions be submitted to the Committee at its meeting on 26 January 2016 for adoption.

CONSULTATION

4. Consultation with the taxi trade on the proposed amendments to the Conditions, has since been undertaken.

5. Representations were received from the following parties and can be seen at Appendix A:

   (a) Acacia Taxis
   (b) Mazhar Munir
   (c) Fareham Hackney Carriage and Private Hire Association.

6. Consultation comments and suggested responses can be seen as Appendix B.

7. The amended Conditions document can be seen as Appendix C.

RISK ASSESSMENT

8. The aim of local authority licensing regime in respect of taxis and Private Hire vehicles/operators/drivers is to protect public safety.

9. It is important that the Councils Hackney Carriage and Private Hire Conditions are kept up to date to accurately reflect the legislative and policy changes effecting local Taxi and Private Hire services. Failure to review the Hackney Carriage and Private Hire Conditions and revise the same where necessary and proportionate may provide grounds for a judicial review and could affect the protection of the safety of the travelling public in the Borough.
Appendices:
Appendix A Responses to Consultation
Appendix B Consultation Comments and Suggested Responses
Appendix C Amended Conditions and Requirements

Background Papers:
None

Reference Papers:
None

Enquiries:
For further information on this report please contact Helen Spires Ext 4411
IAN RICKMAN / HELEN SPIRES
ENVIROMENTAL HEALTH SECTION
FAREHAM BOROUGH COUNCIL
CIVIC OFFICES, CIVIC WAY
FAREHAM, HANTS PO16 7AZ

DEAR IAN AND HELEN,

WITH REFERENCE TO YOUR DRAFT REVISION OF HACKNEY AND PRIVATE HIRE CONDITIONS DATED 5TH OCTOBER 2015. THE SECTION ON 'VEHICLES IX' – ON INITIAL APPLICATION VEHICLES MAY BE NO OLDER THAN 5 YEARS SINCE THE DATE OF FIRST REGISTRATION HAS CAUSED US CONSIDERABLE CONCERN. WHILST WE ARE OPERATING PRIVATE HIRE VEHICLES AS WELL AS HACKNEY CARRIAGES' WE FEEL THIS PROPOSED RULING FOR PRIVATE HIRE AGE REDUCTION HAS CONSIDERABLE FINANCIAL IMPACT ON DRIVERS AND COMPANIES. ALL OUR PRIVATE HIRE VEHICLES HAVE BEEN INSPECTED, MOT'D AND HAVE HAD ENGINEERS CHECKS CARRIED OUT THEREFORE THE AGE OF THE VEHICLE SHOULD NOT BE IN QUESTION. IF THE LICENSING TEAM HAVE INSPECTED A PRIVATE HIRE VEHICLE AND FOUND IT TO BE UNFIT AS HEThETICALY, EVEN THOUGH THE OWNER HAS CARRIED OUT ALL NECESSARY REQUIREMENTS, WE FEEL IT SHOULD BE THEIR JUDGEMENT AS TO WHETHER A LICENCE SHOULD BE GRANTED OR NOT. THIS IS HOW IT STANDS CURRENTLY AND FURTHERMORE HAS NOT PRODUCED ISSUES UP TO NOW.

MAY WE ALSO COMMENT THAT THE FINANCIAL IMPACT ON DRIVERS IS ALSO A CONCERN. THERE ARE A NUMBER OF DRIVERS WHO WISH NOT TO FREQUENT THE TAXI RANKS AND THEREFORE HAVE A PRIVATE HIRE VEHICLE AND BADGE. THERE ARE INSTANCES WHERE A DRIVER CAN ONLY AFFORD AN OLDER VEHICLE AND NEED TO KEEP THEIR COSTINGS DOWN. BUYING A VEHICLE 5 YEARS OLD OR NEWER CAN RESULT IN THOUSANDS OF POUNDS MORE. DRIVERS WHO ARE AFFECTED BY THIS PROPOSAL COULD RESORT TO FINDING WORK IN ANOTHER TRADE AS THEY SIMPLY MAY NOT BE ABLE TO AFFORD IT. IN TURN A LOSS OF DRIVERS HAS AN EFFECT ON TAXI COMPANIES OVERALL. GIVEN THE LOSS OF TRADE DURING DIFFICULT CLIMATES E.G CLOSURES OF PUBS,CLUBS ETC. THIS JUST ADDS TO THE ONGOING BATTLE TO SIMPLY EARN A LIVING! WE URGE YOU TO RECONSIDER THIS PROPOSAL AND STRONGLY DISAGREE WITH IT AND CONSEQUENCES IT MAY BRING IF ENFORCED.

Acacia Taxis (Fareham) Ltd
, Unit 5 Quayside Commerce Centre, Lower Quay
Fareham, Hants. PO16 0XR
Call On: 01329 283 283 – 01489 455 455
CONTINUED-

AS AN EXAMPLE OF FINANCIAL IMPLICATIONS WE WOULD LIKE TO MENTION THAT AS COMPANY OWNERS WE HAVE LICENSED 2005 PLATE VW TRANSPORTERS WHICH ARE WHEELCHAIR ACCESSIBLE VEHICLES IN HIGH DEMAND. THEY COST US £6K EACH TO BUY. IF UNDER THE NEW PROPOSAL WE WERE TO LOOK AT PURCHASING 5 YEAR OLD OR NEWER VEHICLES THE COST WOULD RISE DRAMATICALLY TO APPROXIMATELY £15-20K. WE WOULD IN NO WAY BE ABLE TO CONSIDER PURCHASING THEM AND SUBSEQUENTLY CUSTOMER DEMANDS WOULD NOT BE MET.

WE ARE ALSO AGAINST THE NEW PROPOSAL OF ENFORCING 6 MONTHLY INSPECTIONS ON VEHICLES WHICH ARE 6 YEARS OR OLDER. THERE IS NO SUGGESTION THAT AN OLDER VEHICLE IF MAINTAINED ADEQUATELY POSES GREATER RISK THAN ONE WHICH IS 2 YEARS OLD FOR EXAMPLE. A 2 YEAR OLD VEHICLE STILL COVERS THE SAME AMOUNT OF MILEAGE, ON AVERAGE 50K PER YEAR AS A 10 YEAR OLD VEHICLE. THE SAME WEAR AND TEAR APPLIES, THIS BEING, TYRES, BRAKE PADS, SERVICING AND SUSPENSION. A 10 YEAR OLD VEHICLE IS RELATIVELY MODERN AND BUILT TO LAST. THEREFORE PLEASE EXPLAIN YOUR FINDINGS IN SUPPORT TO JUSTIFY YOUR REASONING FOR THIS PROPOSAL?

YOURS SINCERELY

[Redacted]

MR RICHARD & MRS BEVERLEY HUGHES (DIRECTORS)
IAN RICKMAN / HELEN SPIRES
ENVIROMENTAL HEALTH SECTION
FAREHAM BOROUGH COUNCIL
CIVIC OFFICES, CIVIC WAY
FAREHAM, HANTS PO16 7AZ

DEAR IAN AND HELEN,

PLEASE FIND BELOW A LIST OF NAMES OF DIRECTORS AND DRIVERS WITHIN OUR COMPANY WHO
ARE PETITIONING AGAINST THE REDUCTION OF PRIVATE HIRE VEHICLE AGE-

MRS BEVERLEY HUGHES
MR RICHARD HUGHES
MRS ADELE ANSELL-HAKIN
MR IULIAN CLAPON
MR LESLIE HARDY
MR MARK GRANTHAM
MR RAY MACKAY
MR ALEX RACLIU
MR FRANK THORNILY
MR FLORIAN MIRICA
MR CATALIN DANAILA
MR IONUT FLOREA
MR IULIAN FLOREA
IAN RICKMAN / HELEN SPIRES
ENVIRONMENTAL HEALTH SECTION
FAREHAM BOROUGH COUNCIL
CIVIC OFFICES, CIVIC WAY
FAREHAM, HANTS PO16 7AZ

CONTINUED-
MR FRANK ANSELL-HAKIN
MR KEN FOWLER
MR PAUL GILCHRIST
MR CIPRIAN FAUR
MR ADRIAN NEAG
MR GAVIN FALL

YOURS SINCERELY

MR RICHARD HUGHES & MRS B HUGHES (DIRECTORS)

Acacia Taxis ( Fareham ) Ltd
Unit 3 Quayside Commerce Centre, Lower Quay
Fareham, Hants. PO16 0XR
Call On: 01329 283 283 – 01489 455 455

FYI
Dear Mr Spires

Your Ref: HSP/Consultation

I would like to object on proposed condition 4 of the fitness:

4. Vehicles over 6 years old will required to undertake and engineer's report at 6 monthly intervals.

Rather than introducing 2\textsuperscript{nd} inspection, I suggest moving the engineering report 6 months apart from the normal MOT. The engineering report is no different from a normal MOT. By doing this, will ensure that the vehicle is checked 6 months interval.

This will not only save time and money to Council's resources but also to driver.

Many thanks

Mazhar Munir

This email may contain information which is confidential and is intended only for use of the recipient/s named above. If you are not an intended recipient, you are hereby notified that any copying, distribution, disclosure, reliance upon or other use of the contents of this email is strictly prohibited. If you have received this email in error, please notify the sender and destroy it.

Warning: Although the company has taken reasonable precautions to ensure no viruses or other malware are present in this email, the company cannot accept responsibility for any loss or damage arising from the use of this email or attachments.
This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit http://www.symanteccloud.com
Fareham Hackney Carriage and Private Hire Association
Recommendations on the Draft Fareham Hackney Carriage and Private Hire Conditions

1. Once the conditions have been finalised and the Handbook has been revised we request that it be available on the FBC Web Site for all to view – Agreed by Ian Rickman

2. FITNESS, 3, - Every vehicle upon initial application or annual renewal shall be presented with an engineer’s report. The engineers report form must be completed by a Department of Transport approved vehicle examiner, who is completely independent of the vendor, owner, driver or operator of the vehicle. The date of the engineers report must be within 3 months prior to the expiry of any existing licence – Wording to returned to original instruction namely – The engineers report is to be completed and signed by an independent fitter who has carried out the inspection and his signature and qualifications are to be authenticated by the addition of the name and address of the garage by means of a rubber business stamp – Ian Rickman agreed.

3. FITNESS, 4, - Vehicles over 6 years old will be required to undertake an engineer’s report at 6 monthly periods – The Association strongly feel this is not a good policy. The engineers report deals almost wholly and solely with the mechanical ability of the Hackney Carriage or Private Hire Vehicle. The fair, wear and tear of each and every vehicle is relevant to the mileage it has driven and not to the age of the vehicle. Requiring an engineer’s report every six months could highlight someone who does not look after their vehicle, but that same individual who fails to look after their vehicle could just as easily be caught with a two year old car. Of all the spot checks or any other checks carried out by yourselves or the Police have you found an unacceptable level of the types of defects that would have been found in an engineer’s report? If the answer is no then it shows that cars are being maintained to a high standard of repair. If the answer is yes then was there an unacceptable level of defects in the second six month licensing period of cars over 6 years of age? Someone with a bulb gone, or a defective exhaust, or noisy wheel bearings could easily be driving a two, three or four year old car. Whatever rule you install on the trade regarding an engineer’s report should be identical for all regardless of the age of the vehicle.

4. FITNESS, 8, - The Legal requirement is that all licensed hackney vehicles should be subject to an MOT test once a year, For Private Hire vehicles the requirement is for an annual MOT test after the vehicle is four years old – Revert back to the original wording being ‘All Hackney vehicles over one year old to be covered by a current Department of Transport Certificate (Para 18), (Note on page 4) Item 18 does not apply to Private Hire Vehicles which are treated the same as privately owned vehicles which are not taxis, i.e. vehicles are three years old before needing MOT.
5. There is no specific difference between FITNESS, 7 and FITNESS, 10 and therefore one will be removed – Agreed by Ian Rickman

6. HACKNEY CARRIAGES, 11, - A sign shall be displayed on the roof of each licensed hackney carriage bearing the word ‘taxi’ and must shine red to the rear, such sign to be approved by the Council – At some point the statement ‘the topsign needs to be illuminated’ needs to be added – Ian Rickman agreed.

7. HACKNEY CARRIAGES, 14, - All proprietors of Hackney Carriage Vehicles must advise their drivers that they are required to take travel tokens in lieu of cash – To be removed because it is optional whether owners/drivers take Travel Vouchers which are now issued by HCC.

8. DRIVERS REQUIREMENTS, 20 – A Certificate of ‘Good Conduct’ will be required from applicants who from the age of 10 have spent any period of 3 months or more outside of the UK prior to the application. (Excluding time spent with the HM Forces). Applicants should obtain the certificate of Good Conduct from the appropriate Embassy. A certified translation will be required if the original document has not been written in English – The Association feels that all applicants should try to prove that they have no criminal convictions and that a DBS check in the country they originated from should be carried out, either instead of or as well as a Certificate of ‘Good Conduct’ from their Embassy.

These DBS Certificates can often be acquired with the help of the publication below, which was sent to the Association by Annie Kirby-Singh, who is the ACPO Senior Service Development Officer at the ACPO Criminal Records Office. ACPO stands for the Association of Chief Police Officers.


9. The ‘Code of Practice for Hackney Carriages’, licensed by Fareham Borough Council and the Handbook and the PH/Taxi Vehicle Requirements & Specification Booklet, etc will be updated after the Conditions are agreed.

The updated Code of Practice should include, ‘The driver shall not tout or solicit any person to hire or be carried for hire in any Hackney Carriage’.

10. The draft conditions do not mentioned a ‘For Hire’ sign so needs to be added.

11. The Association request changes to the areas the trade can advertise on their Hackney Carriage Vehicles, namely –

The Fareham Hackney and Private Hire Association request permission to increase the areas covered by advertising on our Hackney Carriage Vehicles and to continue being able to advertise either for the relevant Hackney Carriage Company or for a third party, but only with permission of the Licensing Officers.
In Fareham we have Hackney Carriages able to carry 4 passengers and the driver and we have Hackney Carriages able to carry 5 passengers and above, plus the driver. For the purpose of this request we are treating each group as different as the multi-seater Hackney’s do not generally have full size advertising roof signs. The Association are asking the committee to consider options in each group in the hope that an acceptable option can be found. The Association hope the Committee will choose:-

One from Options 1, 2 or 3.
One from Options 4 or 5.
One from Options 6 or 7.
One from Options 8 or 9.

**Ordinary four seater, plus the driver Hackney Carriage Vehicles:**

**Outside of the Vehicle**

1. **Option 1** - All four doors from the window down wards.
2. **Option 2** - All four doors and the vertical area at the rear of the vehicle, all below the windows.
3. **Option 3** - All four doors and the vertical area at the rear of the vehicle, and the rear wings, all below the windows.

**Inside of the vehicle**

1. **Option 4** - A strip (not illuminated) on the rear window showing the name or trade name and the telephone number and/or web address of the firm operating the vehicle. The lettering of which must not exceed 67.5mm in height. (As allowed by Private Hire Vehicles)
2. **Option 5** - An area no larger than 0.03M anywhere inside the vehicle but not obstructing the front windscreen or the front side windows plus a strip (not illuminated) on the rear window showing the name or trade name and the telephone number and/or web address of the firm operating the vehicle. The lettering of which must not exceed 67.5mm in height.

**Five or more seater, plus the driver Hackney Carriage Vehicles:**

**Outside of the vehicle**

1. **Option 6** - All doors and the bonnet from the windows down.
2. **Option 7** - Anywhere on the vehicle but not on the Front Windscreen, nor the front side windows and not a full body wrap.

**Inside of the vehicle**

1. **Option 8** - A strip (not illuminated) on the rear window showing the name or trade name and the telephone number and/or web address of the firm operating the vehicle. The lettering of which must not exceed 67.5mm in height.
2. **Option 9** - An area no larger than 0.03Sq M anywhere inside the vehicle but not obstructing the front windscreen or the front side windows plus a strip (not illuminated) on the rear window showing the name or trade name and the telephone number and/or web address of the firm operating the vehicle. The lettering of which must not exceed 67.5mm in height.
12. The Association is unhappy with the arrangement that following a very expensive medical, the applicant has to pay another doctor for their opinion after already paying for their own doctor to carry out a medical. We understand that Fareham Council's Medical Referee is supposed to try and maintain continuity and fairness, so when two applicants both have the same conditions the same conclusion should be reached for both candidates. Unfortunately this does not always happen. Some borough's only send forward to their Medical referee the medical form that might have a problem.
## Consultation Comments and Suggested Responses

<table>
<thead>
<tr>
<th>Comment - Acacia</th>
<th>Agreed/Disagreed</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Acacia Letter Paras 1 &amp; 2 ref number 2 ix</td>
<td></td>
</tr>
<tr>
<td>On initial application vehicles may be no older than 5 years since the date of first registration.</td>
<td>Agree - current conditions do not have an age limit for Private Hire vehicles but they must be in excellent condition. On initial application Hackney Carriage vehicles may be no older than 5 years since the date of first registration. Private Hire vehicles can be any age but must be in excellent condition.</td>
</tr>
<tr>
<td>B. Acacia Letter Para 3 ref number 4</td>
<td></td>
</tr>
<tr>
<td>Vehicles over 6 years old will be required to undertake and engineer's report at 6 monthly intervals.</td>
<td>Agree - there have been no problems in the past.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Comment - Mazhar Munir</th>
<th>Agreed/Disagreed</th>
</tr>
</thead>
<tbody>
<tr>
<td>C. Mazhar Munir Email</td>
<td></td>
</tr>
</tbody>
</table>
| Vehicles over 6 years old will be required to undertake and engineer's report at 6 monthly intervals. | Disagree  
This is a good idea but would mean an extra 314 visits to the Civic Offices by drivers bringing in one item of paperwork. The current system has not caused any problems in the past and older vehicles will have to bring in six monthly engineers reports.  
Condition removed as per B above. |

<table>
<thead>
<tr>
<th>Comment - FHCPHA Letter</th>
<th>Agreed/Disagreed</th>
</tr>
</thead>
<tbody>
<tr>
<td>D. FHCPHA Letter Para 2 ref number 3</td>
<td></td>
</tr>
</tbody>
</table>
| Every vehicle upon initial application or annual renewal shall be presented with an engineer's report. The engineer's report form must be completed by a Department for Transport approved vehicle examiner, who is completely independent of the vendor, owner, | Agree - wording returned to:  
The engineers report is to be completed and signed by an independent fitter who has carried out the inspection and his signature and qualifications are to be authenticated by the addition of the name and address of the garage by means of a rubber business stamp. |
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>E.</strong></td>
<td><strong>FHC&amp;PHA Letter Para 3 ref number 4</strong></td>
</tr>
<tr>
<td></td>
<td>Vehicles over 6 years old will be required to undertake and engineer's report at 6 monthly intervals.</td>
</tr>
<tr>
<td><strong>F.</strong></td>
<td><strong>FHC&amp;PHA Letter Para 4 ref number 8</strong></td>
</tr>
<tr>
<td></td>
<td>The legal requirement is that all licensed hackney vehicles should be subject to an MOT test once a year. For private hire vehicles the requirement is for an annual MOT test after the vehicle is four years old.</td>
</tr>
<tr>
<td></td>
<td>We asked what other authorities do at the Hampshire and Isle of Wight Licensing Officers meeting. The majority of those present said that all vehicles required an MOT when first plated regardless of age. Indeed some mechanical failures had been found on new vehicles.</td>
</tr>
<tr>
<td></td>
<td>Possible amended wording:</td>
</tr>
<tr>
<td></td>
<td>All licensed hackney vehicles to be subject to an annual MOT test after the age of one year. Private hire vehicles the requirement is the same as for private vehicles.</td>
</tr>
<tr>
<td><strong>G</strong></td>
<td><strong>FHC&amp;PHA Letter Para 5 ref numbers 7 and 10.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>7.</strong> If a proprietor transfers a licensed vehicle to another person, they shall within fourteen days give notice in writing to the Council specifying the name and address of the person to whom the vehicle has been transferred.</td>
</tr>
<tr>
<td></td>
<td><strong>10.</strong> The proprietor of a vehicle, in the event that he/she transfers his/her interest in that vehicle to a person other than those named on the licence, should within fourteen days of the transfer taking place, give notice in writing to the Council specifying the **</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>H</td>
<td>FHC&amp;PHA Letter Para 6 ref number 11</td>
</tr>
<tr>
<td></td>
<td>A sign shall be displayed on the roof of each licensed hackney carriage bearing the word “taxi” and must shine red to the rear, such sign to be approved by the Council.</td>
</tr>
<tr>
<td>I</td>
<td>FHC&amp;PHA Letter Para 7 ref number 14</td>
</tr>
<tr>
<td></td>
<td>All proprietors of Hackney Carriage vehicles must advise their drivers that they are required to take travel tokens in lieu of cash.</td>
</tr>
<tr>
<td>J</td>
<td>FHC&amp;PHA Letter Para 8 ref number 20</td>
</tr>
<tr>
<td></td>
<td>A certificate of “Good Conduct” will be required from applicants who from the age of 10 have spent any period of 3 months or more outside of the UK prior to the application, (excluding time spent in HM forces). Applicants should obtain the certificate of good conduct from the appropriate Embassy. A certified translation will be required if the original document has not been written in English</td>
</tr>
<tr>
<td>K</td>
<td>FHC&amp;PHA Letter Para 9 - additional</td>
</tr>
<tr>
<td></td>
<td>The updated Code of Practice should include: The driver shall not tout or solicit any person to hire or be carried for hire in any Hackney Carriage.</td>
</tr>
<tr>
<td>L</td>
<td>FHC&amp;PHA Letter Para 10 - additional</td>
</tr>
</tbody>
</table>
The draft conditions do not mention a 'For Hire' sign so needs to be added.

<table>
<thead>
<tr>
<th>M.</th>
<th>FHC&amp;PBA Letter Para 11 - additional</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The Association request changes to the areas the trade can advertise on their Hackney Carriage Vehicles, namely –</td>
</tr>
<tr>
<td></td>
<td>The Fareham Hackney and Private Hire Association request permission to increase the areas covered by advertising on our Hackney Carriage Vehicles and to continue being able to advertise either for the relevant Hackney Carriage Company or for a third party, but only with permission of the Licensing Officers.</td>
</tr>
<tr>
<td></td>
<td>In Fareham we have Hackney Carriages able to carry 4 passengers and the driver and we have Hackney Carriages able to carry 5 passengers and above, plus the driver. For the purpose of this request we are treating each group as different as the multi-seater Hackney’s do not generally have full size advertising roof signs.</td>
</tr>
<tr>
<td></td>
<td>The Association are asking the committee to consider options in each group in the hope that an acceptable option can be found.</td>
</tr>
<tr>
<td></td>
<td>The Association hope the Committee will choose:-</td>
</tr>
<tr>
<td></td>
<td>One from Options 1, 2 or 3.</td>
</tr>
<tr>
<td></td>
<td>One from Options 4 or 5.</td>
</tr>
<tr>
<td></td>
<td>One from Options 6 or 7.</td>
</tr>
<tr>
<td></td>
<td>One from Options 8 or 9.</td>
</tr>
<tr>
<td></td>
<td><strong>Ordinary four seater, plus the driver Hackney</strong></td>
</tr>
<tr>
<td></td>
<td>Disagree.</td>
</tr>
<tr>
<td></td>
<td>Current wording should be amended but the meaning kept:</td>
</tr>
<tr>
<td></td>
<td>Advertising may be placed on the front lower driver and passenger doors of a hackney carriage or private hire vehicle. This may contain the name and telephone number of the company and for private hire companies the words “pre-booked only”. All advertising must be approved by the Licensing Officer prior to it being placed on the vehicle.</td>
</tr>
<tr>
<td></td>
<td>There shall not, on any private hire vehicle licensed as such in the Borough of Fareham, be displayed on or from that vehicle any sign, notice or mark which consists of or includes:</td>
</tr>
<tr>
<td></td>
<td>(a) The word “taxi” or “cab”, whether in the singular or plural, or “hire” or any other word similar meaning or appearance to any of those words, whether alone or as part of another word, or</td>
</tr>
<tr>
<td></td>
<td>(b) Any illumination or other feature which, having regard to the time and place at which it is displayed and to any other circumstances, may suggest to a person seeking to hire a private hire vehicle or a taxi-cab that the vehicle is used for the purpose of carrying passengers for hire or reward, ie roof sign.</td>
</tr>
</tbody>
</table>
|    | The above refers to advertising in all media.
Carriage Vehicles:

Outside of the Vehicle

Option 1 - All four doors from the window downwards.
Option 2 - All four doors and the vertical area at the rear of the vehicle, all below the windows.
Option 3 - All four doors and the vertical area at the rear of the vehicle, and the rear wings, all below the windows.

Inside of the vehicle

Option 4 - A strip (not illuminated) on the rear window showing the name or trade name and the telephone number and/or web address of the firm operating the vehicle. The lettering of which must not exceed 67.5mm in height. (As allowed by Private Hire Vehicles)
Option 5 - An area no larger than 0.03M anywhere inside the vehicle but not obstructing the front windscreen or the front side windows plus a strip (not illuminated) on the rear window showing the name or trade name and the telephone number and/or web address of the firm operating the vehicle. The lettering of which must not exceed 67.5mm in height.

Five or more seater, plus the driver Hackney Carriage Vehicles:-
Outside of the vehicle

**Option 6** - All doors and the bonnet from the windows down.

**Option 7** - Anywhere on the vehicle but not on the Front Windscreen, nor the front side windows and not a full body wrap.

Inside of the vehicle

**Option 8** - A strip (not illuminated) on the rear window showing the name or trade name and the telephone number and/or web address of the firm operating the vehicle. The lettering of which must not exceed 67.5mm in height.

**Option 9** - An area no larger than 0.03Sq M anywhere inside the vehicle but not obstructing the front windscreen or the front side windows plus a strip (not illuminated) on the rear window showing the name or trade name and the telephone number and/or web address of the firm operating the vehicle. The lettering of which must not exceed 67.5mm in height.

N. FHC&PHA Letter Para 12 - additional

The Association is unhappy with the arrangement that following a very expensive medical, the applicant has to pay another doctor for their opinion after already paying for their own doctor to carry out a medical. We understand that Fareham Councils Medical Referee is supposed to try and maintain continuity and fairness, so when two applicants both have the same conditions the same conclusion should be reached for both candidates. Unfortunately this does not always happen. Some borough’s only send forward to their Medical referee the medical form that might have a problem.

Disagree.

Medical professionals undergo additional training regarding DVLA Group II medical standards to enable them to make informed decisions. The licensing team does not have any medical training.
Introduction

The operation of a successful Hackney Carriage and Private Hire vehicle service is essential to the economic well-being of the Borough. It is equally important that the service provided by the Trade be properly regulated in order to instil confidence in the travelling public who wish to use the service. Whilst the Council no longer limits the number of vehicles that it licences, it does continue to regulate the condition of those vehicles to ensure the safety of the public.

The Council therefore has a responsibility to ensure that all drivers, owners and operators of vehicles adhere to basic minimum standards and to do this in a consistent and transparent manner. These standards are defined by the Hackney Carriage and Private Hire Vehicle Conditions adopted by the Council. These conditions clearly identify what is required of the trade and ensure that council officers take a consistent approach in their application.
VEHICLES

1. The proprietor of any vehicle licensed by the Council shall, at the request of any authorised officer of the Council, produce for inspection the vehicle licence and any other documentation as required.

2. The vehicle must comply with the following requirements (stretched limousines or novelty vehicles may be subject to amended or additional conditions, see sections 47 and 44):
   
   i. suitable in type and design for use as a licensed vehicle and capable of carrying not less than four and no more than eight passengers;
   
   ii. in a suitable mechanical and physical condition;
   
   iii. All vehicles must have at least 4 wheels and must carry a spare wheel to the same specification as the road wheels, or a space saver wheel or any approved manufacturer’s device including an inflation kit.
   
   iv. safe;
   
   v. seats are of adequate comfort
   
   vi. must be right hand drive
   
   vii. only a vehicle with at least four doors will be considered for a licence. The doors must be of sufficient size to allow easy access and egress to seats for passengers, passengers must have clear access to the exit doors without the need to move or to climb over seating. This should not require the passenger to use a static tip-up seat mechanism (see section on “Exceptional Vehicles”).
   
   viii. where necessary there must be satisfactory provision of a suitable luggage gate or similar structure to ensure passenger safety.
   
   ix. on initial application Hackney Carriage vehicles may be no older than 5 years since the date of first registration. Private Hire vehicles can be any age but must be in excellent condition.
   
   x. where a vehicle is already licenced this plate can be transferred onto a new vehicle, replacing the old vehicle. The new vehicle must be newer than the vehicle it is being transferred from (this is calculated by the vehicle date of registration), but must still be less than 5 years old from first date of registration.
   
   xi. the vehicle wheelbase measured from the centre of front and rear wheels must be minimum distance is 2540 mm (100ins).
Measurements of seats in vehicle:

i. Single seats should measure minimum of 16 ins (401mm)
ii. Rear bench seat should measure across from the widest point a minimum of 48 ins (1220mm)
iii. Distinct seats across the rear of the vehicle should also measure minimum of 16 in (401mm) equalling minimum 48 ins (1220mm)

If you have any uncertainty regarding your vehicles ability to meet any of the requirements please contact the licensing section of the council for clarification.

Fitness

3. The engineers report is to be completed and signed by an independent fitter who has carried out the inspection and his signature and qualifications are to be authenticated by the addition of the name and address of the garage by means of a rubber business stamp

4. The proprietor of a licensed vehicle shall report as soon as is reasonably practicable to the Council, and in any case within seventy two hours, the occurrence of any accident to such vehicle causing material damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of the passengers.

5. No person shall use a licensed vehicle on taxi/private hire business unless the plate issued by the Council is affixed to the outside rear of the vehicle in such a manner as to be plainly and distinctly visible (except where a vehicle plate dispensation has been granted in respect of the vehicle). Window plates where issued must be displayed at all times.

6. If a proprietor transfers a licensed vehicle to another person, they shall within fourteen days give notice in writing to the Council specifying the name and address of the person to whom the vehicle has been transferred.

7. The legal requirement is that all licensed hackney vehicles should be subject to an MOT test once a year. For private hire vehicles the requirement is for an annual MOT test after the vehicle is four years old.

8. Licence plates remain the property of the Council and, on revocation, expiry or suspension of the licence, must be returned within seven days or after the service on the proprietor by the Council of a notice requiring its return.

Specific Conditions for:

Hackney Carriages
9. A sign shall be displayed on the roof of each licensed hackney carriage bearing the word “taxi”. This sign is to be illuminated when switched on and must shine red to the rear. Roof signs to be approved by the Council.

10. Licensed Hackney vehicles will be required under S.37 of the Disability Discrimination Act 1995 to carry guide, hearing and certain other assistance dogs accompanying disables people, and to do so without additional charge, the dog must be allowed to remain with the passenger. Drivers who have a medical condition preventing them from carrying dogs, must obtain a medical exemption certificate from the Licensing Officer to display in their licensed vehicle.

11. The vehicle must be of sufficient seating capacity to carry not less than four nor more than eight passengers in comfort in addition to the luggage of the passengers and the driver. (The seating capacity to be determined in accordance with Reg 42 of the Road Vehicle (Registration and Licensing) Regulations 1871.

**Taximeters**

12. All Hackney Carriage vehicles and those Private Hire vehicles fitted with a taximeter must use a meter approved by the Public Carriage Office. These vehicles must display the council’s current tariff card at all times.

**Advertising**

13. Advertising may be placed on the front lower driver and passenger doors of a hackney carriage or private hire vehicle. This may contain the name and telephone number of the company and for private hire companies the words “pre-booked only”. All advertising must be approved by the Licensing Officer prior to it being placed on the vehicle.

14. There shall not, on any private hire vehicle licensed as such in the Borough of Fareham, be displayed on or from that vehicle any sign, notice or mark which consists of or includes:

   (c) The word “taxi” or “cab”, whether in the singular or plural, or “hire” or any other word similar meaning or appearance to any of those words, whether alone or as part of another word, or

   (d) Any illumination or other feature which, having regard to the time and place at which it is displayed and to any other circumstances, may suggest to a person seeking to hire a private hire vehicle or a taxi-cab that the vehicle is used for the purpose of carrying passengers for hire or reward, ie roof sign.

The above refers to advertising in all media.

**Private Hire Vehicles**

15. Private Hire vehicles must not display on or above the roof of any sign, notice, mark illumination or other feature, which may suggest that the vehicle is a taxi (HCV).

16. The vehicle should not be of such a design and appearance as to lead any person to believe that the vehicle is a taxi (HCV).
17. If a taximeter is installed in a private vehicle it must be calibrated to the current Licensing Authority Taxi Tariff.

DRIVERS REQUIREMENTS

18. Applicants for Private Hire/Hackney Carriage or dual driver licences must submit a Disclosure and Barring Service check at the enhanced level via the Disclosure and Barring Service with their initial application, and thereafter, every three years. The applicant must present their DBS Certificate to the Licensing Authority.

19. A certificate of “Good Conduct” will be required from applicants who from the age of 10 have spent any period of 3 months or more outside of the UK prior to the application, (excluding time spent in HM forces). Applicants should obtain the certificate of good conduct from the appropriate Embassy. A certified translation will be required if the original document has not been written in English.

20. Applicants must be able to demonstrate they have an entitlement to work in the UK that will be verified during the application process. Details may be checked or shared with the Home Office for verification.

21. Each person making an initial application for a driver’s licence shall be required to complete and pass a Hackney Carriage/Private Hire driving assessment through Fareham Borough Council’s approved accredited providers, at the applicant’s own expense. A candidate will only be allowed three consecutive attempts in any 12 month period in connection with the application.

22. All new driver applicants will be required to undertake and pass the current knowledge test. Should drivers wish to change the type of licence they hold at any time, they may be required to undertake a further knowledge test. All new driver candidates will be required to demonstrate during the licensing process that they have an acceptable command of English.

23. An applicant must have held a full current UK or European Community driving licence for at least two years. A UK driving licence must be obtained within one year of their Hackney Carriage or Private Hire licence being granted.

24. All applicants are required to undertake a DVLA driving record check annually.
26. Where the Council revoke or refuse to renew any licence under section 61 of the Local Government (Miscellaneous Provisions) Act 1976 they shall give to the driver within twenty-one days, notice of the grounds on which the licence has been revoked, or on which they have refused to renew such licence. The driver shall on demand return to the Borough Council the driver's badge issued to him/her in accordance with the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976.

26. If it appears that for public safety reasons we are required to revoke the licence with immediate effect, notice will be given to the driver under section 61(2), (a) which includes a statement that this is so, along with an explanation why the revocation takes effect, when the notice is given to the driver.

27. Every driver must wear the badge provided by the Council in such a position and manner as to be plainly and distinctly visible.

28. A medical certificate to DVLA Group 2 standards shall be produced on making the initial application. Additional group 2 medical certificates will be required in accordance with the Group II medical standard. The medical certificate must be completed and signed by the applicant’s registered GP’s surgery. The medical certificate must be provided at the applicant’s own expense. The Council’s medical referee will independently assess the medical certificate.

29. Drivers must inform the Council if they are suffering from a serious illness. In the event of a driver suffering a serious illness, the Local Authority may require a medical certificate of fitness to return to work, all certification must comply with DVLA group 2 medical standards.

**Drivers Appearance**

30. The personal appearance and hygiene of all drivers is important to the comfort of the passengers and is in the best interests of the Trade in general. The authorised officer must be satisfied that an acceptable standard is maintained by all drivers in as much as a driver shall at all times be clean and respectable in their appearance and behave in a civil and orderly manner.

31. All drivers shall at all times whilst operating a vehicle licensed as a hackney carriage or private hire vehicle, conduct themselves in an orderly manner and with civility and propriety towards every person, and shall comply with every reasonable requirement of the person hiring the vehicle.

**Found Property**

32. All drivers shall immediately having finished a hiring, or as soon as possible afterwards, carefully search the vehicle for any property that has been left inside. If you find any property, or any property is handed to you, you must take it to the nearest Police reception facility to deposit as found property at the earliest opportunity.

33. All drivers should be fully aware of the current seat belt regulations and adhere to them.
For more information about the law relating to seat belts for children, visit www.childcarereats.org.uk

Specific Requirements for:

Hackney Carriage Drivers

34. In no circumstances must Hackney Carriages be left unattended while the driver carries out activities away from the rank except for short comfort breaks.

PRIVATE HIRE OPERATORS

35. Applicants for private hire operators licences must submit a DBS to an enhanced level in accordance with condition 14 above.

36. A record shall be kept of all journeys undertaken by each vehicle operated by the licence holder, such record to include the name and address of the client.

37. The words “taxi” or “cab” or similar words likely to mislead members of the public must not be included in the title describing the operator’s undertakings and from any advertising material, unless the proprietor of the vehicle is also the proprietor of a Hackney Carriage company licensed by Fareham Borough Council and registered as such.

38. Upon initial enquiry the client should be properly informed of what charges will be incurred and the fact that the booking is in respect of a private hire vehicle.

39. If for any reason a surcharge is to be imposed on the normal fare, the hirer will be informed of the intent at the time of booking.

GENERAL INFORMATION

40. Applications for renewal of licences must be made to the Council at least 6 weeks before the expiration of the existing licence, where the renewal process involves the attainment of a DBS Certificate.

41. Drivers and where appropriate operators must notify the licensing officer within 28 days of any criminal convictions or cautions received during the period of the current licence.

42. All licence holders must notify the Council within 2 weeks of any a change of address.
NOVELTY VEHICLES

43. In order to widen the licensing regime without compromising public safety, a system to licence Novelty Vehicles under the Private Hire provisions has been adopted. A Novelty Vehicle is a vehicle that cannot meet one or more of the existing licensing conditions. The vehicle will be subject to those existing licensing conditions that can reasonably be applied together with any additional conditions identified by the Licensing Board to address the exceptional nature of the vehicle. A complete application must be made for the vehicle prior to the Licensing Board including MOT certificate, log book/V5c document, insurance certificate, engineers report etc.) to provide a degree of confidence in the condition of the vehicle on initial application.

Interpretation Novelty Vehicle

44. For the purposes of this policy and license conditions a novelty vehicle is defined as follows:-

a) any vehicle that has been specially constructed adapted or converted by a low volume specialist vehicle manufacture or modifier;
b) any vehicle that has been specially modified from it’s original design or specification
c) any vehicle that, in the opinion of the Head of Environmental Health because of its specialist design/styling or origin requires to be classed as a Novelty Vehicle;
d) any vehicle granted a licence under the Novelty Vehicle provision, will only be able to be operated in accordance with the business model submitted to and approved by the Board.

EXECUTIVE VEHICLES

45. There is no legal definition of Executive vehicle; however, there is common acceptance that an Executive vehicle would be a relatively expensive vehicle that includes additional features designed to increase the comfort of the driver and passengers, which exhibits the qualities of luxury, prestige, and refinement. Vehicles qualifying for executive status must be of a high-end vehicle specification, and must still meet the private hire vehicle criteria. The Head of Environmental Health shall decide in their absolute discretion whether a vehicle is an Executive vehicle. Those vehicles classed as Executive will qualify for a plate dispensation.

46. Where a vehicle is classified as an Executive Vehicle, Novelty Vehicle or Stretched Limousine, an application for a dispensation may be made to the Licensing Officer to allow for the rear plate to be kept in the boot of the vehicle. This will apply to specific contract work only and will be at the discretion of the Licensing Officer. Window plates will be issued once an application for dispensation has been granted and must be displayed in the front windscreen at all times.
STRETCHED LIMOUSINES

47. Where practicable the existing Hackney Carriage and Private Hire conditions of this Council will apply to Stretched Limousines. The following additional or alternative conditions will also apply.

SL1. The vehicle must not be over 5 years old on first application for licensing. Vehicles over 8 years old will be subject to the licensing regime adopted for Exceptional Vehicles in addition to the special conditions for Stretched Limousines.

SL2. DVLA V5 or equivalent shall be produced to authenticate registration.

SL3. A Department for Transport (DfT), Single Vehicle Approval (SVA) documentation shall be produced to prove vehicle compliance with EC Type Approval Standards.

SL4. The VIN plate shall display ‘1L1’ to confirm conversion completed by an authorised dealer.

SL5. The applicant shall confirm, by a badge or other appropriate documentation the conversion dealer.

SL6. The vehicle must have a minimum of 4 doors. They must be of sufficient size to allow easy access and egress to seats for passengers. This should not require the passenger to use a static tip up seat mechanism.

SL7. Where the vehicle is fitted with continuous seats, one person shall be counted for each complete length of 41 centimetres (16 inches).

SL8. Every seat shall have fitted a suitable seat belt or restraint for each passenger.

SL9. The interior and exterior of the vehicle must be maintained in a clean and proper manner to the reasonable satisfaction of the Council.

SL10. There shall be no passengers carried in the front compartment.

SL11. A plate on the door pillar shall confirm the total weight of the vehicle.

SL12. No intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply of the same.

SL13. A stretched limousine vehicle will be subject to twice-yearly mechanical examination, at an authorised testing station. Vehicles licensed under the Exceptional scheme will be subject to mechanical inspection at 4 monthly intervals.

SL14. Tinted glass shall conform to the legal requirements as laid down by the Vehicle and Operators Services Agency (VOSA).

SL15. The vehicle shall display the licence plate issued by the Council on the rear of the vehicle. Unless a dispensation has been granted by the Head of
Environmental Health, in this case only a window plate will be required to be on display. The requirement to display “Pre Booking Only” stickers will not be applied to such vehicles.

SL16. The driver of the vehicle must display in a prominent position a Private Hire Drivers Licence badge issued by this Council when operating the vehicle.
SUMMARY

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. The present five year period ends in January 2016 and therefore a Licensing Policy for 2016 - 2021 must be determined and published. This Committee approved a revised policy for consultation at its meeting of 17 November 2015. The draft policy consultation has now taken place and a final draft policy is presented to this Committee for recommendation for approval to the Executive at its March meeting and adoption by Full Council on 19 February 2016.

RECOMMENDATION

That this Committee consider any representations arising from the statutory consultation exercise, and to recommend to the Executive that the draft Licensing Policy be recommended to Full council with or without amendment.
INTRODUCTION

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.

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. This policy must be kept under review and such revisions must be made at such times as it considers appropriate.

3. The present five year period ends in January 2016 and therefore a Licensing Policy for 2016-2021 must be determined and published.

CONSULTATION

4. This Committee approved a revised policy for consultation at its meeting of 17 November 2015. The Statutory consultation took place during December 2015, there were no responses received.

5. The final draft policy is now presented to this Committee and can be seen as Appendix A

RISK ASSESSMENT

6. The Council is required by statute to review and publish every five years a reviewed Licensing Policy under the Licensing Act 2003. In the absence of such a policy it would be difficult to lawfully consider applications made under the Act.

CONCLUSION

7. This Council must adopt a five-yearly reviewed Licensing Policy issued under the Licensing Act 2003 from 2016, which will become effective in April 2016.

8. The draft policy consultation has now taken place and a final draft policy is presented to this Committee for recommendation by this Committee to the Executive at its meeting on 7 March 2016 meeting and adoption by Full Council on 28 April 2016.

Background Papers:
None

Reference Papers:
None

Enquiries: For further information on this report please contact Ian Rickman (Ext 4773)
FAREHAM
BOROUGH COUNCIL

Licensing Act 2003

Statement of Licensing Policy

April 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 Licensing 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, it has properly taken it into account, it has 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 Policy will come into effect on in April 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 Fareham is located in an area of some 30 square miles along the south coast of Hampshire between Portsmouth and Southampton. It is well connected to the M27 motorway, has good rail links to London and other major centres and easy access to the ferry ports and Southampton international airport.

2.2 The population of 112,800 is expected to grow by 5.4%, between 2011 and 2031, with a growing number in the population aged 45 or more. Black and minority ethnic groups make up a small proportion of the population in comparison to the rest of the south east region.

2.3 Within Fareham’s boundaries there are 6 nationally important sites of special scientific interest, 92 sites of importance for nature conservation and 4 nature reserves. The Borough has many historic buildings, 13 conservation areas, nearly 600 listed buildings plus 7 historic parks and gardens of regional or local importance.
2.4 Fareham is a thriving business area with low unemployment. Many of Fareham’s businesses are of local origin with a high survival rate from start-up. The growth in jobs at Whiteley, Segensworth and the Solent Business Park has reduced the number of residents commuting to work elsewhere. The proportion of Fareham’s working age population that are in work is higher than both the regional and national rates and the average annual salary for a full time worker living in Fareham is significantly higher than national average earnings.

2.5 Fareham is a safe and healthy place compared to many other parts of the country. The total number of recorded crimes in Fareham has been falling in recent years. Based upon the number of crimes recorded, Fareham’s Community Safety Partnership is in the top quartile when compared to other similar authorities.

2.6 The health of people living in Fareham is generally good when compared to other areas. Life expectancy is higher than the national average for men and women and over the last 10 years, the rate of death from all causes, and early death rates from cancer and from heart disease and stroke, have all fallen and remain lower than the national average.

2.7 Deprivation levels across the Borough are generally very low, but there are pockets of deprivation where unemployment is much higher and educational achievement is much lower when compared to other parts of the Borough.

2.8 Development at Welborne, a new community to the north of Fareham, is planned to start in 2016 comprising of around 6,000 homes, commercial buildings and community facilities.

3.0 The Impact of Alcohol on Fareham

3.1 The priorities for Public Health England in Fareham include alcohol and related disease.

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 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 Guidance the licensing authority has delegated licensing functions to sub-committees or in appropriate cases, to officials supporting the licensing authority as follows:

<table>
<thead>
<tr>
<th>Matter to be dealt with</th>
<th>Sub Committee / Panel</th>
<th>Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for personal licence</td>
<td>If a police objection</td>
<td>If no objection made</td>
</tr>
<tr>
<td>Application for person licence with unspent convictions</td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Application for premises licence/club premises certificate</td>
<td>If a relevant representation made</td>
<td>If no relevant representation made</td>
</tr>
<tr>
<td>Application for provisional statement</td>
<td>If a relevant representation made</td>
<td>If no relevant representation made</td>
</tr>
<tr>
<td>Application to vary premises licence/club premises certificate</td>
<td>If a relevant representation made</td>
<td>If no relevant representation made</td>
</tr>
<tr>
<td>Application to vary designated premises supervisor</td>
<td>If a police objection</td>
<td>All other cases</td>
</tr>
<tr>
<td>Request to be removed as designated premises supervisor</td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Application for transfer of premises licence</td>
<td>If a police objection</td>
<td>All other cases</td>
</tr>
<tr>
<td>Applications for interim authorities</td>
<td>If a police objection</td>
<td>All other cases</td>
</tr>
<tr>
<td>Application to review premises licence/club premises certificate</td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Decision on whether a complaint is irrelevant frivolous vexatious etc.</td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Decision to object when local authority is a consultee and not the relevant authority considering the application</td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Determination of a police objection to a temporary event</td>
<td>All cases</td>
<td></td>
</tr>
</tbody>
</table>
### Matter to be dealt with

<table>
<thead>
<tr>
<th>Matter to be dealt with</th>
<th>Sub Committee / Panel</th>
<th>Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>notice</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Determination of application to vary premises licence at a community premises to include alternative licence condition</td>
<td>If a police objection</td>
<td>All other cases</td>
</tr>
<tr>
<td>Decision whether to consult other responsible authorities on minor variation application</td>
<td></td>
<td>All cases</td>
</tr>
<tr>
<td>Determination of minor variation application</td>
<td></td>
<td>All cases</td>
</tr>
</tbody>
</table>

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 Panel 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 Panel 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.


4.24 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 5.3 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
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.
Summary

At its meeting of 17th November 2015 the Licensing and Regulatory Affairs Committee agreed that the statutory consultation could be undertaken on the draft revised Statement of Principles 2016-2019 that was presented at that meeting: The statutory consultation exercise in respect of this Statement has now been completed. The purpose of this report is to bring the final draft statement of Principles, together with the consultation responses, to this Committee for approval for recommendation to the Executive so that it can be adopted at Full Council.

Recommendation

The Licensing & Regulatory Affairs Committee, having considered the representations arising from the statutory consultation exercise in respect of the draft Gambling Act 2005 Statement of Principles 2016-2019 and that no substantive amendments being required, recommends to the Executive at its meeting of 7 March that the final draft Gambling Act 2005 Statement of Principles 2016-2019 (Appendix C to this report) be recommended by them for adoption by Full Council at its meeting of 28 April 2016.
INTRODUCTION

1. The Gambling Act 2005 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.

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 Gambling Act 2005. The three year period to which the current Statement of Policy relates ended in January 2016.

3. The Licensing & Regulatory Affairs Committee approved a draft Statement of Principles at its meeting of 17th November 2015 for the statutory consultation.

CONSULTATION

4. Consultation with the bodies as per Appendix A to the revised draft Statement of Principles was undertaken in December 2015.

5. There were three responses received and are detailed as Appendix A and summarised as Appendix B together with the Head of Environmental Health’s suggested response in each case.

6. In addition to the consultation the Council signed up to a Gambling Statement of Principles 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.

7. The small number of responses (3) 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 Councillor Knight and those suggested by Philip Kolvin QC, the final draft statement can be seen as Appendix C.

RISK ASSESSMENT

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


10. The reviewed Gambling Act Statement of Principles has been prepared for adoption in compliance with guidance issued by the Gambling Commission. The draft Gambling Act 2005 Statement of Principles 2016-2019 has had no substantive amendments from the earlier draft. Therefore subject to any further comment/amendment by this Committee the draft can be recommended to the Executive at its meeting of 7 March and then can be recommended by the Executive (subject to comment/amendment) at its meeting of 7 March 2016 for adoption by Full Council at its meeting of 28 April 2016.

Background Papers:
None

Reference Papers:
None

Enquiries:
For further information on this report please contact Helen Spires. (Ext 4411)
Email from Councillor Tim Knight

Helen, thank you for your email. I do have a few comments.

1.15 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” except in respect of a Casino - (quotes need reversing?)

10.18 The Planning Department are a responsible authority (You need to check a number of sentences when the plural has been used instead of the singular).

14.1 This licensing authority notes that the Gambling Commission Guidance states; “It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. (It is difficult to work out where this quote finishes – para 15.3?)

24.3 In our consideration of Temporary Use Notice applications. (This is incomplete and not a sentence and therefore one has no idea what is intended?)

I hope the comments above are helpful.

Kind regards,
Tim Knight
Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council’s review of its gambling policy statement.

The ABB represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

This response will explain the ABB approach to partnership working with local authorities, it will detail its views on the implementation of the new LCCP requirements, from April 2016, relating to operators’ local area risk assessments and their impact on the licensing regime and will then make specific comment with regard to any statement(s) of concern/that are welcomed in your draft policy.

The ABB is concerned to ensure that any changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the “aim to permit” principle contained within s153 Gambling Act 2005.

The current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.

It is important that any consideration of the draft policy and its implementation at a local level is put into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling rates. This is factually incorrect.

Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015
were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

As far as problem gambling is concerned, successive prevalence surveys and health surveys reveal that problem gambling rates in the UK are stable (0.6%) and possibly falling.

**Working in partnership with local authorities**

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and we welcome the opportunity to respond to this consultation.

There are a number of examples of the ABB working closely and successfully in partnership with local authorities.

**LGA – ABB Betting Partnership Framework**

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA). This was developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms and established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the “...desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be.”

The framework built on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.

In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.

Lessons learnt from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of
Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council’s Portfolio Holder for Planning, Economic Growth & Regulation, said:

“The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme.”

Describing the project, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said:

“This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator.”

**Primary Authority Partnerships in place between the ABB and local authorities**

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.

By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

**Local area risk assessments**

With effect from 6th April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.

Licensees must take into account relevant matters identified in the licensing authority’s statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.

The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB’s view this should be where evidence can be provided to demonstrate that the change could impact the premises’ ability to uphold the three licensing objectives.
Although ABB members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to their own operational processes informed by Statements of Principles and the local area profile.

The ABB supports the requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

Local Area Profiles – Need for an evidence based approach

It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.

This would distort the “aim to permit” principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

Concerns around increases in the regulatory burden on operators

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.

Employing additional licence conditions
The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.

This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

**Specific Policy Comments**

Paragraph 10.4 indicates that the Licensing Authority is aware that the subject of gambling can be emotive but acknowledges the Gambling Commission Guidance that moral objections to gambling are not reasons to reject applications for premises licences. This effectively reproduces part of paragraph 5.34 of the Gambling Commission Guidance to Licensing Authorities – Fifth Edition.

We respectfully submit that paragraph 10.4 should be expanded to include the statement that “an Authority’s decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area.”

The ABB welcomes the light touch and clear approach to the licensing policy and has no further specific comments to make.

**Conclusion**

The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.

Yours faithfully,

GOSSCHALKS
<table>
<thead>
<tr>
<th>Comment</th>
<th>Councillor Knight</th>
<th>Agreed/Disagreed</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>Councillor Knight</td>
<td>Agreed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Grammar checked and amended.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comment</td>
<td>Gosschalks</td>
<td>Agreed/Disagreed</td>
</tr>
<tr>
<td>B.</td>
<td>Gosschalks</td>
<td>No amendment necessary.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Statement of Principles as drafted does not conflict with the Gosschalks viewpoint, so no amendment necessary.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comment</td>
<td>Coral Racing Ltd</td>
<td>Agreed/Disagreed</td>
</tr>
<tr>
<td>C.</td>
<td>Coral Racing Ltd</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Supportive of document</td>
</tr>
</tbody>
</table>
Gambling Act 2005
Final Draft Statement of Principles
April 2016 – March 2019
<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Introduction</td>
<td></td>
</tr>
<tr>
<td>2. A Profile of Fareham</td>
<td></td>
</tr>
<tr>
<td>3. The Statement of Licensing Principals and Consultation</td>
<td></td>
</tr>
<tr>
<td>4. Declaration</td>
<td></td>
</tr>
<tr>
<td>5. Responsible Authorities</td>
<td></td>
</tr>
<tr>
<td>6. Interested Parties</td>
<td></td>
</tr>
<tr>
<td>7. Exchange of Information</td>
<td></td>
</tr>
<tr>
<td>8. Enforcement</td>
<td></td>
</tr>
<tr>
<td>9. Licensing Authority Functions</td>
<td></td>
</tr>
<tr>
<td>10. Premises Licences</td>
<td></td>
</tr>
<tr>
<td>• General Principles</td>
<td></td>
</tr>
<tr>
<td>• Preventing Gambling from Being a Source of Crime or Disorder, Being Associated With Crime or Disorder or Being Used to Support Crime</td>
<td></td>
</tr>
<tr>
<td>• Ensuring that Gambling is Conducted in a Fair and Open Way</td>
<td></td>
</tr>
<tr>
<td>• Protecting Children and Other Vulnerable Persons from Being Harmed or Exploited by Gambling</td>
<td></td>
</tr>
<tr>
<td>• Conditions on Premises Licences</td>
<td></td>
</tr>
<tr>
<td>11. Adult Gaming Centres</td>
<td></td>
</tr>
<tr>
<td>12. (Licensed) Family Entertainment Centres</td>
<td></td>
</tr>
<tr>
<td>13. Bingo Premises</td>
<td></td>
</tr>
<tr>
<td>14. Betting Premises</td>
<td></td>
</tr>
<tr>
<td>15. Tracks</td>
<td></td>
</tr>
<tr>
<td>• Gaming Machines on Tracks</td>
<td></td>
</tr>
<tr>
<td>• Betting Machines</td>
<td></td>
</tr>
<tr>
<td>• Condition on Rules Being Displayed</td>
<td></td>
</tr>
<tr>
<td>• Applications and Plans</td>
<td></td>
</tr>
<tr>
<td>16. Travelling fairs</td>
<td></td>
</tr>
<tr>
<td>17. Provisional Statements</td>
<td></td>
</tr>
<tr>
<td>18. Reviews</td>
<td></td>
</tr>
</tbody>
</table>
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 A - CONSULTEES
Appendix B - RESPONSIBLE AUTHORITIES
1. **Introduction**

1.1 Fareham Borough Council is the Licensing Authority for the borough under the Gambling Act 2005. 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 1\textsuperscript{st} February 2016 until 31\textsuperscript{st} January 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, Fareham 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 is 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 Fareham**

2.1 Fareham is situated in the County of Hampshire and has an estimated population of 111,600, the population has increased by 3,600 since 2001, approximately 3.3%.

2.2 It is located in an area of some 30 square miles along the south coast of England between Portsmouth and Southampton.

2.3 The population profile is illustrated below:

![Age Groups Graph](image)

*Most growth since 2001 has been in the oldest age groups, the 65 and over's increased by 21.2%. There was also a small decline in children aged 0-4 years (5.0%).*  
Source – Hampshire county Council Published by Research and Intelligence – January 2013.

2.4 Between 2001 and 2011 there has been a decline in the percentage of the working age population from 63.0% to 62.2%. There has been a particularly large decline amongst young adults aged 25-39 (from 20.2% to 16.0%).  
(Information from Census 2011).

2.5 Fareham is a thriving business area with low unemployment. Many of Fareham’s businesses are of local origin with a high survival rate from start-up. The growth in jobs at Whiteley, Segensworth and the Solent Business Park has reduced the number of residents commuting to work elsewhere. The proportion of Fareham’s working age population that are in work is higher than both the regional and national rates and the average annual salary for a full time worker living in Fareham is significantly higher than national average earnings.
2.6 The health of the people in Fareham is generally better than the England Average and deprivation lower than average (Public Health England Health Profile 2014).

2.7 Fareham is not a tourist town. It has no seaside resort or built up frontage. There have been no applications for bingo halls or amusement arcades. Its night time economy consists mainly of restaurants and public houses.

2.8 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 Fareham 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 document to is attached as 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 took place between November 2015 and December 2015 and we have followed the Guidance to Licensing Authorities (GLA) on consultations available at


3.5 The full schedule of comments and amendments consequential to these comments will be available by request to the Licensing Officer, Fareham 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 Fareham 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:

- Fareham Borough Council Licensing Authority
- The Gambling Commission;
- The Chief Constable, Hampshire Constabulary
- Hampshire Fire and Rescue Service
- Fareham Borough Council Planning and Environmental Services Unit
- Hampshire Child Protection Committee, Hampshire County Council Social Services Section
- H.M. Revenue & Customs

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 B.
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 Committee dealing with the licence application. Those making representations Applicants should contact the Head of Environmental Health, Fareham 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 Executive.
- Delegate all decisions relating to premises licences to the licensing committee.
- Invite the Licensing Committee to further delegate decision making to a Sub-Committee or officers in accordance with the law and guidance and delegated authority, attached at Appendix D.
10 Premises Licences

General Principles

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 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 guidance does however 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 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 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 or to a casino 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 Commission’s 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.
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. (24.7)

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 or a Clubs Gaming machines permit and such clubs and institutes’ and commercial clubs may apply for a Club Gaming Machines 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 grounds 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 A

SCHEDULE OF CONSULTEES TO THIS DRAFT POLICY STATEMENT

- All Elected Councillors, Fareham Borough Council
- Director of Planning & Development, Fareham Borough Council
- The Head of Legal Services, Southampton City Council
- The Head of Environmental Health, Fareham 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 Fareham Borough
- Representatives of persons who hold Society Lottery Registrations in Fareham Borough
- Clubs and Institute Union
- Gaming Machine Suppliers who regularly apply for Gaming Permits in Fareham Borough
- Society of Independent Brewers
- Representatives of Premises Licence Holders in Fareham
- Representatives of Club Premises Certificate holders in Fareham
- Hampshire County Council Trading Standards
- GamCare
- Responsibility in Gambling Trust
- Gam – Anon
- Residents Associations and Tenant Groups.
- General advertisement on the Council’s website.
APPENDIX B

SCHEDULE OF RESPONSIBLE AUTHORITIES GAMBLING ACT 2005

**Hampshire Constabulary**

Chief Officer of Police  
Fareham Police Station  
Quay Street  
Fareham  
PO16 0NA

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  
Fax: 023 92885175  
Email: Csprotection.admin@hantsfire.gov.uk  
Website: www.hantsfire.gov.uk

**Pollution & Environmental Protection Team**

Pollution & Environmental Protection Team  
Fareham Borough Council  
Civic Offices  
Civic Way  
Fareham  
PO16 7AZ

Tel: 01329 236100  
Fax:01329 821755  
Email: licensing@fareham.gov.uk  
Website: www.fareham.gov.uk

**Health & Safety Team**

Health & Safety Team  
Fareham Borough Council  
Civic Offices  
Civic Way  
Fareham  
PO16 7AZ

Tel: 01329 236100  
Fax:01329 821755  
Email: health@fareham.gov.uk  
Website: www.fareham.gov.uk
Planning Authority
Department of Strategic Planning and Environment
Fareham Borough Council
Civic Offices
Civic Way
Fareham
PO16 7AZ

Tel: 01329 236100 Fax: 01329 821500
Website: www.fareham.gov.uk

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

Tel 01962 833620 Email: liquor.licensing@hants.gov.uk
Website: www.hants.gov.uk

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

Tel: 01962 876222 Email: child.protection@hants.gov.uk
Website: www.hants.gov.uk

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

Tel: 01329 236100 Fax: 01329 821755
Email: licensing@fareham.gov.uk 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):

For the attention of publichealth.licensing@hants.gov.uk
Licensing
Public Health Manager
Public Health Department
1st Floor, Room 153
Elizabeth II Court, South
Hampshire County Council
Winchester
SO23 8TG

Email: publichealth.licensing@hants.gov.uk
Date  3 February 2016
Report of:  Head of Environmental Health
Subject:  REVIEW OF WORK PROGRAMME 2015/16

SUMMARY
At the Committee meeting in November, the Work Programme for 2015/16 was reviewed. Members are now invited to note the actions from the last meeting and to further review the Work Programme for 2015/16.

RECOMMENDATION
The Committee is asked to:

(a) note the progress on actions arising from the meeting of the Committee held on 17 November 2015, attached as Appendix A to the report; and

(b) review the Work Programme for 2015/16, attached as Appendix B to the report.
INTRODUCTION

1. At the Committee meeting on 17 November 2015, the Work Programme for 2015/16 was reviewed.

2. Details of progress on actions arising from matters considered at that meeting are shown in Appendix A for members’ information.

WORK PROGRAMME FOR 2015/16

3. The work programme for 2015/16 agreed at the last meeting is attached as Appendix B.

REVISIONS TO THE WORK PROGRAMME

4. Members are asked to note the following revisions to the work programme for 2015/16:

   (i). the meeting scheduled for 26 January 2016 has been moved to 3 February 2016;

   (ii). a report titled ‘Spending Plans – Fees and Charges’ has been added to the work programme for this meeting; and

   (iii). An item titled ‘Presentation by Fred Jones on Uber’ has been added to the work programme for the 22 March 2016 meeting.

RISK ASSESSMENT

5. There are no significant risk considerations in relation to this report.

CONCLUSION

6. The Committee is invited to:-

   (i) note progress on matters considered by the Committee at its last meeting, as shown in Appendix A; and

   (ii) review the Licensing and Regulatory Affairs Committee Work Programme for 2015/16, as set out in Appendix B.

APPENDICES:

APPENDIX A – Progress on Actions since last meeting

APPENDIX B – Licensing and Regulatory Affairs Committee Work Programme 2015/16

Background Papers:

Reference Papers:

Enquiries:
For further information on this report please contact Ian Rickman. (Ext 4773)
## Progress on Actions from last meeting

<table>
<thead>
<tr>
<th>Date of Meeting</th>
<th>17 November 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject</td>
<td>Update on Police Changes – Licensing Arrangements</td>
</tr>
<tr>
<td>Type of Item</td>
<td>Update</td>
</tr>
<tr>
<td>Action by Committee</td>
<td>The Committee received a verbal presentation from Jason Pearce on the changes to Licensing Arrangements for the Police that have occurred over the past 12 months.</td>
</tr>
</tbody>
</table>

He explained to the Panel that he has previously had the privilege to be the police licensing officer for just Fareham which has allowed him to be able to engage with all new premises licence holders, giving him the opportunity to build a good working relationship with them. He also stated that being responsible for Fareham allowed him the time to be able to follow up on any incidents that occur.

He then went on to explain that there have been significant changes and challenges put upon the Police this year, and it has resulted in a change to his responsibilities in that he now covers a wider area of Hampshire, with the impact of this being that with his time being stretched, his main focus is on dealing with the high risk premises. In addition to this he is now the lead licensing officer for all festivals in the area, including the Victorious festival in Portsmouth and the Isle of Wight Festival.

He finished his presentation by assuring the Committee that whilst there are challenging times ahead things still remain positive as they are now looking at new ways of working in order to continue to achieve a high standard of service.

RESOLVED that the Committee thanked Jason Pearce for his informative presentation.

<table>
<thead>
<tr>
<th>Outcome</th>
<th>Verbal Presentation NOTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Link Officer</td>
<td>Ian Rickman</td>
</tr>
</tbody>
</table>

## Subject
- **Spending Plans 2016/17**

<table>
<thead>
<tr>
<th>Type of Item</th>
<th>Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Action by Committee</td>
<td>The Committee considered a report by the Director of Finance and Resources on the Committee’s Spending Plans for</td>
</tr>
</tbody>
</table>
Members discussed at length the proposal not to increase the discretionary fees despite the Medium Term Finance Strategy policy that the Executive approved, which stated that there would be a 5% increase on all fees and charges. The Management and Financial Accounting Manager addressed the Committee to confirm that whilst the Medium Term Finance Strategy does indicate that a 5% increase should be applied to fees and charges the wording in the policy states that it will be applied ‘wherever possible’.

The Head of Environmental Health addressed the Committee and explained that the reason why there has been no increase to the fees and charges is to do with the partnership with Gosport, as they have a different approach to fees and charges. He explained that the aim is, through the Partnership working, to bring the fees for Fareham and Gosport Borough Council in line with each other. This however is going to take some time with lots of discussions between Fareham and Gosport.

Councillor Prices suggested that the recommendation be approved, except for the fees and charges for 2016/17, which will be brought back to the Committee at the January meeting.

RESOLVED that the Licensing and Regulatory Affairs Committee agreed:-

(a) the revised budget for 2015/16;

(b) the base budget for 2016/17;

(c) to recommend the budget to Full Council for approval, with the exception of the fees and charges which will be brought back to the Committee in January.
(b) that the fees be retrospectively applied to the 1 October 2015.

<table>
<thead>
<tr>
<th>Outcome</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Link Officer</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subject</th>
<th>Review of the Licensing Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Item</td>
<td>Programming</td>
</tr>
<tr>
<td>Action by Committee</td>
<td>The Committee considered a report by the Head of Environmental Health on a review of the Licensing Policy. The Chairman passed her thanks onto the Licensing and Support Manager for her work in reducing the size of the document and for making it easier to read. RESOLVED that the Committee agreed to:-</td>
</tr>
<tr>
<td></td>
<td>(a) members' views and comment be taken into account in considering the current Licensing Policy Consultation Document, attached as Appendix A to the report;</td>
</tr>
<tr>
<td></td>
<td>(b) the consultation exercise on the Licensing Policy commence at this meeting and continue until 31 December 2015;</td>
</tr>
<tr>
<td></td>
<td>(c) a report on the Licensing Policy, which details outcomes from the consultation process, be presented to the Scrutiny Board on 14 January 2016 for further consultation;</td>
</tr>
<tr>
<td></td>
<td>(d) that the policy then be presented to the Licensing and Regulatory Affairs Committee for final drafting at its meeting on 26 January 2016; and then subsequently sent to the Executive at its meeting on 1 February 2016 to make its recommendation to Council; and</td>
</tr>
<tr>
<td></td>
<td>(e) the approved Licensing Policy be recommended to the Council for adoption at the scheduled Council meeting on 19 February 2016.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Outcome</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Link Officer</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subject</th>
<th>Licensing and Regulatory Affairs Committee Work Programme</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Item</td>
<td>Programming</td>
</tr>
<tr>
<td>Action by</td>
<td>The Committee considered a report by the Head of Environmental Health on the Committee’s work programme for 2015/16.</td>
</tr>
</tbody>
</table>

Councillor Norris addressed the Committee on this item and requested that a report on Uber be brought to the Committee explaining how they operate and how they differ from normal taxi companies. The Head of Environmental Health suggested that it be included into the Work Programme for the March 2016 meeting.

He also reminded members that an additional item is to be included onto the work programme for the January 2016 meeting on the Committee’s Spending Plans in relation to Fees and Charges, as previously agreed at minute 7 above.

RESOLVED that the Committee:-

(a) note the progress on actions arising from the meeting of the Committee held on 22 September 2015, as shown in Appendix A of the report;

(b) subject to the addition of a report on Fees and Charges to the January meeting and a report Uber to the March meeting, the Work Programme for 2015/16 be approved.

Outcome

<table>
<thead>
<tr>
<th>Link Officer</th>
<th>Ian Rickman</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject</td>
<td>Gambling – Statement of Principles</td>
</tr>
<tr>
<td>Type of Item</td>
<td>Review</td>
</tr>
<tr>
<td>Action by Committee</td>
<td>The Committee considered a report by the Head of Environmental Health on the draft revised statement of principles under the Gambling Act 2005. The Head of Environmental Health addressed the Committee and explained that the document has been significantly shortened in the hope that it will be more user friendly. He also informed the Committee that the contents page currently does not match the rest of the document but this will be revised prior to the document being put out for consultation.</td>
</tr>
</tbody>
</table>

RESOLVED that:-

(a) the draft revised statement of principles be approved for the purposes of statutory consultations; and

(b) that a further report setting out the feedback and responses from the consultation be presented to the Committee at its meeting on 26 January 2016 prior to the revised Statement of Principles being recommended to Council for adoption at its meeting on 19 February 2016.
<p>| Link Officer | Ian Rickman |</p>
<table>
<thead>
<tr>
<th>DATE</th>
<th>SUBJECT</th>
<th>TRAINING SESSION/WORKSHOP</th>
</tr>
</thead>
</table>
| 2 JUNE 2015         | Presentation on the Responsibilities of the Licensing and Regulatory Affairs Committee  
                      Committee work programme 2015/16  
                      Annual Monitoring Report on Applications Received |                           |
| 7 JULY 2015         | Committee work programme 2015/16  
                      Actual Revenue Expenditure 2014/15  
                      Licensed Premises and Community Safety  
                      Hampshire County Council Electoral Review |                           |
| 22 SEPTEMBER 2015   | Committee work programme 2015/16  
                      Taxi Tariff  
                      Advertising on Hackney Carriage Vehicles  
                      Amendment to Private Hire and Hackney Carriage Licensing Duration and Fees |                           |
| 17 NOVEMBER 2015    | Spending Plans 2016/17  
                      Committee work programme 2015/16  
                      Update on Police Changes – Licensing Arrangements  
                      Review of Licensing Policy  
                      Gambling – Statement of Principles  
                      Amendment to Private Hire and Hackney Carriage Licensing Duration and Fees – Outcome of Consultation |                           |
| 3 FEBRUARY 2016      | Committee work programme 2015/16 |                           |
| A Review of the Hackney Carriage and Private Hire Licensing Conditions – Outcome of Consultation |
| A Review of Licensing Policy – Outcome of Consultation |
| Gambling – Statement of Principles – Outcome of Consultation |
| Spending Plans - Fees and Charges |
| **22 MARCH 2016** | Committee work programme 2015/16 and draft for 2016/17 |
| | Update on Fareham & Gosport Environmental Health Partnership |
| | Presentation by Fred Jones on Uber |

To be assigned:

In-house Licensing Training Sessions (2) – (one held on 22 September 2015)