

FAREHAM

BOROUGH COUNCIL

AGENDA FOR THE EXECUTIVE

Date: Monday, 4 March 2019

Time: 6.00 pm

Venue: Collingwood Room - Civic Offices

Executive Members:

Councillor S D T Woodward, Policy and Resources (Executive Leader)

Councillor T M Cartwright, MBE, Health and Public Protection (Deputy Executive Leader)

Councillor F Birkett, Housing

Councillor Miss S M Bell, Leisure and Community

Councillor K D Evans, Planning and Development

Councillor S D Martin, Streetscene

1. Apologies for Absence

2. Minutes (Pages 5 - 10)

To confirm as a correct record the minutes of the meeting of the Executive held on 04 February 2019.

3. Executive Leader'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. Petitions

6. Deputations

To receive any deputations, of which notice has been lodged.

7. References from Other Committees

To receive any reference from the committees or panels held.

Matters for Decision in Public

Note: Where an urgent item of business is raised in accordance with Part 3 of the Constitution, it will be considered with the relevant service decisions as appropriate.

8. Health and Public Protection

Key Decision

(1) Dog Control Public Spaces Protection Order (Pages 11 - 48)

A report by the Head of Streetscene.

(2) Parking Enforcement (Pages 49 - 70)

A report by the Director of Planning and Regulation.

Non-Key Decision

(3) Review of the Gambling Act 2005 Statement of Principles (Pages 71 - 118)

A report by the Director of Planning and Regulation.

9. Planning and Development

Key Decision

(1) Local Development Scheme (Pages 119 - 138)

A report by the Director of Planning and Regulation.

10. Policy and Resources

Key Decision

(1) **Business Rates Discretionary Relief** (Pages 139 - 148)

A report by the Director of Finance and Resources.

Non-Key Decision

(2) **D-Day 75 Community Event** (Pages 149 - 154)

A report by the Head of Leisure and Corporate Services.

(3) **Citizen of Honour Nominations** (Pages 155 - 176)

A report by the Head of Leisure and Corporate Services.

11. Exclusion of Public and Press

To consider whether it is in the public interest to exclude the public and representatives of the Press from the remainder of the meeting on the grounds that the matters to be dealt with involve the likely disclosure of exempt information, as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Exempt Matters for Decision

Note: Where urgent items of business are raised in accordance with Part 3 of the Constitution, they will be considered with the relevant service decisions as appropriate.

Key Decision

(1) **Irrecoverable Debts** (Pages 177 - 184)

A report by the Director of Finance and Resources.



P GRIMWOOD
Chief Executive Officer

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FAREHAM

BOROUGH COUNCIL

Minutes of the Executive

(to be confirmed at the next meeting)

Date: Monday, 4 February 2019

Venue: Collingwood Room - Civic Offices

Present:

S D T Woodward, Policy and Resources (Executive Leader)
T M Cartwright, MBE, Health and Public Protection (Deputy
Executive Leader)
F Birkett, Housing
Miss S M Bell, Leisure and Community
K D Evans, Planning and Development
S D Martin, Streetscene

Also in attendance:



1. APOLOGIES FOR ABSENCE

There were no apologies for absence given for this meeting.

2. MINUTES

RESOLVED that the minutes of the meeting of the Executive held on 07 January 2019 be confirmed and signed as a correct record.

3. EXECUTIVE LEADER'S ANNOUNCEMENTS

Daedalus Gate Guardian

The Executive Leader announced that the Executive has previously agreed in principle to erect a large and distinctive piece of art work known as a 'Gate Guardian' at Daedalus. The procurement of a skilled contractor to design, build and install a Gate Guardian at Daedalus will begin this month. Experience of creating large scale art projects and the artistic merit of proposals will form important elements of the initial assessment. A number of preferred designs will be presented for a public vote in the spring, with the winning design installed by summer 2020.

75th Anniversary of D-Day

The Executive Leader announced that, following a successful community event that attracted over 2,500 visitors to commemorate the 100th anniversary of flying at Daedalus, the Council is planning a second event at Daedalus to commemorate the 75th anniversary of D-Day.

The event will take place over two days, Saturday 8th and Sunday 9th June. It will provide an opportunity for people to visit the airfield, see aircraft landing and taking off, view a range of static aircraft and participate in a community event with many attractions and activities.

A further report will be presented to the March Executive with more details.

Local Plan

The Executive Leader announced that further to his announcement at the Executive meeting on 05 November 2018, he would like to provide an update on the progression of the Local Plan. Parties were reminded that at that meeting, the Executive agreed to the Council's response to the Government's 'Technical consultation on updates to national planning policy and guidance' which included proposed changes to local housing need assessment and housing land supply. Unfortunately, the Government has not yet made any announcement in relation to the introduction of these changes, or disregard or not of ONS figures, which means that there remains continued uncertainty as to the housing requirement that the Council should be planning for through the Local Plan. Regardless of these uncertainties, it is considered important the Council has a clear and transparent timetable for the preparation of the Local Plan and officers have therefore been asked to present a report providing an updated Local Development Scheme to the March meeting of the Executive.

4. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

5. PETITIONS

There were no petitions submitted at this meeting.

6. DEPUTATIONS

There were no deputations made at this meeting.

7. MINUTES / REFERENCES FROM OTHER COMMITTEES

Policy and Resources Scrutiny Panel – 17 January 2019

Minute 8 - Finance Strategy, Capital Programme, Revenue Budget and Council Tax 2019-20

The Panel considered a report by the Director of Finance and Resources and received a presentation, (attached as Appendix A to the minutes), from the Head of Finance and Audit and the Finance Manager which focused on the key areas of interest from the report.

The Panel commented on the fees and charges set out in Appendix D to the Executive report. It was noted that in some instances the percentage increase did not seem to be in-line with other similar fees or charges, and that it would be useful for additional information to be provided with each set of figures as to what the actual monetary increase would be for the Council from these increased fees and charges.

RESOLVED that the Panel:-

- (a) thank the Head of Finance and Audit, and the Finance Manager for their informative presentation; and
- (b) supports the resolutions reached by the Executive at its meeting on 07 January 2019.

This item is listed at Agenda item 9(1) for consideration by the Executive.

Policy and Resources Scrutiny Panel – 17 January 2019

Minute 9 – Housing Revenue Account Budget and Capital Plans 2019-20

The Panel considered a report by the Director of Finance and Resources on the Housing Revenue Account Budget and Capital Plans 2019-20.

RESOLVED that the Panel had no proposals or comments to make to the Executive.

This item is listed at Agenda Item 9(2) for consideration by the Executive.

Policy and Resources Scrutiny Panel – 17 January 2019

Minute 10 – Review of the Council’s Vision and Outline Strategy for Daedalus

The Panel considered a report and received a presentation by the Director of Finance and Resources on a review of the Council’s vision and outline strategy for Daedalus.

The presentation (attached as Appendix B to the minutes) outlined the objectives that were originally set out in the strategy, outlined the changes that have taken place since the Vision was adopted in 2015 and the plans for the future.

At the Invitation of the Chairman, Councillor S D T Woodward, Executive Member for Policy and Resources addressed the Panel on this item.

Members congratulated everyone who has been involved with the development of Daedalus and noted the continued success that Daedalus is achieving.

RESOLVED that:-

- (a) the Director of Finance and Resources be thanked for his informative presentation; and
- (b) the Executive be asked to note that the Panel expressed support for the vision for Daedalus and the Priorities for the next 5 years, and hope that this continues to be a success in the future.

This item is listed at Agenda Item 9(3) for consideration by the Executive

8. HOUSING

- (1) Void Property Works and Component Improvement Package Works Contract 2019-2022

During the discussion of this item, the Executive Leader moved that the meeting temporarily go into private session to enable Members to ask questions about the information contained in the confidential Appendix to the report.

RESOLVED that in accordance with the Local Government Act 1972 the public and Press be excluded from this section of the meeting on the grounds that the matters to be dealt with involve the likely disclosure of exempt information, as defined in Paragraph 1 and 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Following discussion of the information contained in the confidential Appendix to the report, the meeting moved back into public session.

RESOLVED that the Executive awards a contract to the contractor achieving the highest scoring tender based on cost/quality/service as detailed in the confidential Appendix to the report.

9. POLICY AND RESOURCES

(1) Finance Strategy, Capital Programme, Revenue Budget and Council Tax 2019/20

A tabled item was presented in respect of this item to clarify that the Council Tax payment of £160.22 per Band D property will apply for the 2019/20 municipal year and not 2018/19 as stated in the Executive Summary section of the report.

A tabled item was also presented to correct paragraph 21 of the report to show that the net rates payable from National Non-Domestic Rates for 2019/20 (after Transitional arrangements and reliefs) is £42,307,239.

RESOLVED that the Executive approves and recommends to the meeting of the Council to be held on 22 February 2019:

- (a) the capital programme and financing of £39,973,000;
- (b) an overall revised revenue budget for 2018/19 of £8,440,500;
- (c) a revenue budget for 2019/20 of £8,666,400;
- (d) the remainder of the surplus in the spending reserve remains in the reserve to cover the anticipated future funding shortfalls as set out in paragraphs 16-19;
- (e) a council tax for Fareham Borough Council for 2019/20 of £160.22 per band D property, which represents a £5.00 increase when compared to the current year and is within referendum limits; and
- (f) an unchanged Council Tax Support scheme for 2019/20.

(2) Housing Revenue Account Budget and Capital Plans 2019/20

RESOLVED that the Executive approves and recommends to the meeting of the Council to be held on 22 February 2019 that:

- (a) rents be approved for Council Dwellings as set out in paragraph 17 with effect from 1 April 2019;
- (b) rents for Council garages be increased by 4.2% with effect from 01 April 2019;
- (c) the revised budget for 2018/19 be approved;
- (d) the base budget for 2019/20 be approved; and

(e) the capital programme and financing for 2018/19 to 2022/23 be approved.

(3) Review of the Council's Vision and Outline Strategy for Daedalus

RESOLVED that the Executive:

(a) considers the progress made in delivering the adopted Vision for Daedalus;

(b) agrees the priorities and action plan for the period 2019-2023; and

(c) requests officers to undertake a range of actions to publicise the Council's plans and encourage feedback.

(4) Treasury Management Strategy & Capital Strategy 2019/20

RESOLVED that the Executive:

(a) endorses the draft Treasury Management Strategy and Capital Strategy for 2019-20, attached as Appendix A and B to the report; and

(b) agrees to submit the report to Council for approval.

(5) Unreasonable Complaint Behaviour Policy

RESOLVED that the Executive adopts the Unreasonable Complaint Behaviour Policy, as set out in Appendix B to the report.

(6) Vanguard Progress Update

RESOLVED that the Executive notes the content of the report.

(The meeting started at 6.00 pm
and ended at 6.34 pm).

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 04 March 2019

Portfolio:	Health and Public Protection
Subject:	Dog Control Public Spaces Protection Order
Report of:	Head of Streetscene
Corporate Priorities:	Protect and enhance the environment

Purpose:

To seek Executive authorisation to make a Public Space Protection Order (PSPO), relating to dog control, in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014.

Executive summary:

On 7 March 2016, the Executive authorised the making of a Public Spaces Protection Order (Dog Fouling) 2016. These can be made for a maximum duration of three years, after which it may be extended. The current PSPO will expire on 31 March 2019 unless extended. However, instead of extending the current order, the proposal is to introduce new order that not only included dog fouling but other restrictions covering dog control as well.

On 5 November 2018, the Executive authorised the commencement of the required consultation on a Public Space Protection Order (PSPO) relating to dog fouling and control in the Borough. An 8-week consultation was undertaken from 19 November 2018 to 14 January 2019, the results of which are summarised in this report and in more detail in Appendix A.

1,168 people and organisations took part in the consultation, 65% of whom were dog owners. Most respondents strongly supported most of proposals. However, there were mixed responses received for both the 'means to pick up' dog waste and the proposed 'extension of the summer dog exclusion zone at Hill Head'. There was also a suggested amendment to the Council's definition of people who rely on assistance dogs.

The draft Public Space Protection Order (Dog Control) has been amended to take account of the response to the public consultation. As a result, the controls relating to 'means of pick up', extending the 'dog exclusion zone' on Hill Head beach and 'dogs on leads' on Cliff Road Promenade' have been removed from the original draft order.

The definition of those people who rely on 'assistance dogs' has also been amended to reflect the definition identified in the Equality Impact Assessment.

Recommendation/Recommended Option:

It is recommended that the Executive agrees:

- (a) that the draft Public Spaces Protection Order presented to the Executive on 5 November 2018 is amended as follows:
 - i. the 'means of pick up' is excluded from the order;
 - ii. the proposed extension of the 'dog exclusion zone' on Hill Head beach is excluded from the order;
 - iii. the proposed 'dogs on lead' on Cliff Road Promenade is excluded from the order;
 - iv. alteration to the definition of people who rely on assistance dogs be included as per paragraph 31;
- (b) the making of the Public Spaces Protection Order (Dog Control) 2019 as contained in Appendix B of the report; and
- (c) that delegated authority be given to the Head of Streetscene to carry out all necessary publicity required by virtue of the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations.

Reason:

To enable enforcement of dog control by way of a Fixed Penalty Notice throughout the Borough.

Cost of proposals:

The cost of proposals can be met from within existing budgets

Appendices:

- A:** PSPO Consultation Responses
- B:** Public Spaces Protection Order (Dog Control)
- C:** Equality Impact Assessment

Background papers:

Report to Executive 5 November 2018, Public Spaces Protection Order (Dog Control) Consultation

Report to Executive 7 March 2016 Dog Fouling Public Spaces Protection Order

Report to Executive 2 November 2015, Dog Fouling Strategy and Public Spaces Protection Order Consultation

Reference papers:

None

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	04 March 2019
Subject:	Dog Control Public Spaces Protection Order
Briefing by:	Head of Streetscene
Portfolio:	Health and Public Protection

INTRODUCTION

1. On 5 November 2018, the Executive authorised the commencement of the required consultation on a Public Space Protection Order (PSPO) relating to dog fouling and control within the Borough. This consultation was carried out in accordance with Section 72 of the Anti-Social Behaviour Crime and Policing Act 2014. The consultation ran from 19 November 2018 to 14 January 2019.
2. The responses and comments from the consultation have been taken into consideration and the draft order has been revised accordingly. Approval is now sought to authorise the PSPO for Dog Fouling and Dog Control and to bring it into force from 1st April 2019.

BACKGROUND

3. At its meeting on the 7 March 2016, the Executive authorised the making of a Public Spaces Protection Order (Dog Fouling) 2016. A PSPO can be made for a maximum duration of three years, after which it may be extended.
4. The current PSPO will expire on 31 March 2019 unless it is extended. However, instead of extending this current order, there was an opportunity to make a new order that not only includes dog fouling but other restrictions covering dog control at the same time.
5. The proposed PSPO included restrictions on the following:
 - Fouling and means of pick up
 - Dogs on lead by direction
 - Maximum number of dogs
 - Dogs on leads and
 - Exclusion of dogs
6. Before introducing a PSPO the Council is required to carry out a consultation. It was proposed that an 8-week consultation be publicised widely through the Council's website and E-panel, Twitter, Facebook, press releases to local media and emails to community groups. Contact was also made with mandatory consultees, such as the police and HCC as well as vets and organisations affected by the restrictions contained

within the order. Consideration was also given to the affect the order will have on people who rely on assistance dogs.

CONSULTATION

7. A consultation on the PSPO proposals was carried out between 19 November 2018 and 14 January 2019. The public, statutory consultees and relevant canine organisations such as dog walking companies, assistance dog charities and the Kennel Club were encouraged to take part.
8. The consultation was promoted using posters, press releases, the E-Panel, social media and the Council's website. There was a static display outlining the proposals in Fareham Shopping Centre throughout the consultation. Promotional banners were also located in the Civic Offices, libraries and the Council's two leisure centres. In addition, an engagement session took place at Hill Head Sailing Club, supported by officers speaking to dog walkers on Hill Head promenade.

Consultation results

9. In total, 1,168 people and organisations took part in the consultation, 65% of whom were dog owners. This level of response means we can be confident that we have a good understanding of the possible impact of the PSPO proposals on the local dog owning community as well as residents in general. As the results below show, there was strong support for the majority of the PSPO proposals.

Oops out of Poops

10. Participants were first asked of their knowledge of the Council's 'Oops out of Poops' campaign and whether they felt dog fouling had improved since it was launched in 2016. A third of respondents overall and just under half of dog walkers were aware of the campaign. The continued prominence of the campaign is also highlighted by the fact that residents still regularly come to the Civic Offices to collect free dog poo bags.
11. Overall, 55% of respondents felt that dog fouling had either stayed the same or improved during the last 3 years, reflecting well on the success of the campaign. This is supported by the fact that 73% of people felt that dog fouling was not a big problem in their local area.

Fouling hot spots

12. Those that felt that dog fouling was a problem identified the following locations as the main hotspots across the Borough:
 - Hill Head Beach
 - Park Lane Recreation Ground
 - Seafield Park
 - Blackbrook Park
 - Portchester Castle
 - Warsash Common
 - Holly Hill Woodland Park
 - Stubbington Recreation Ground
13. This information will help the two Enforcement Officers to direct their time and resources into troublesome areas. The intention is to extend the PSPO Enforcement powers to the three Countryside Rangers, two Streetscene Operations Supervisors and the Animal and Pest Control Officer, to enable them to issue Fixed Penalty Notices.

Dog Fouling

14. 96% of respondents believed the Council should continue to have the power to issue fixed penalty notices for not clearing up after a dog has fouled.

Means of pick up

15. 82% of respondents felt that the Council should have the power to issue fixed penalty notices to people who don't have means to clear up after a dog e.g. carry a litter bag. Several comments focused on the Council providing more bins whereas others questioned how easy the proposal would be to enforce. This last view was shared by the Kennel Club which was '...concerned how easily local authorities could enforce this law when trying to define whether dog owners have 'a means' of picking up after the dogs, without risking the expense of legal challenge.'
16. Reference was also given by the Kennel Club to Cornwall Council, which recently decided against introducing a proposed requirement to pick up as they deemed it to be disproportionate and concluded that the requirement would be 'toothless', as it would be highly unlikely to be enforceable in a magistrates' court.
17. In consideration of this feedback, the requirement to produce a means to pick has been removed from the PSPO.

Dogs on lead by direction

18. 45% of respondents had either seen or had a bad experience with a dog off its lead in the Borough. Out of control dogs harassing or behaving aggressively towards other dogs and people were the most common incidents mentioned. Hill Head Beach and Park Lane Recreation Ground were the two areas where the most incidents occurred. This information will help Enforcement Officers to direct their time and resources into troublesome areas.
19. Overall, 94% of respondents agreed that the Council should have the power to direct people to put their dogs on leads if they are causing a nuisance.

Dogs on leads in certain locations

20. 71% of respondents felt the Council should have the power to issue fixed penalty notices to owners whose dogs are off the lead in sensitive areas such as cemeteries or fragile environments e.g. public gardens. The greatest number of comments focused on the need for good signage.

Maximum number of dogs

21. 34% of respondents had an experience where a person had too many dogs to control well. Warsash Common, Titchfield Canal Path and Hill Head Beach were the most quoted locations. When asked how many dogs this should be, 84% said that it should be 4 dogs or lower.
22. It is interesting to note that of the 17 respondents who represented a dog walking company, 13 agreed that there should be a limit on the number of dogs a person can walk, with 4 being the preferred maximum for most.

Exclusion of dogs on Hill Head Beach

23. 17% of respondents had either experienced or witnessed a bad incident with dogs on the beach at Hill Head. Dog fouling, out of control dogs and people not abiding by the

current exclusions zone were the most common examples given.

24. However, when asked whether the no dogs on beach area at Hill Head should be extended further, only 39% of respondents overall agreed. It is interesting to note that only 14% of dog walkers agreed with the proposal. This reflects comments given by dog owners throughout the survey that focus on the perception that they are losing space to walk their dogs freely within the Borough.
25. The views of dog owners contrast strongly with those of non-dog owners, as 67% of those agreed with the proposed extension.
26. Given that only 39% agreed with extending the dog exclusion zone, the Hill Head ward councillors were consulted about the results and the feedback they had received from residents.
27. After considering the consultation responses and the views of the ward councillors the proposed extension of the summer dog exclusion zone on the beach at Hill Head and the 'dogs on leads' restriction on Cliff Road Promenade has been removed from the proposed PSPO.

Exclusion of dogs from Play Areas

28. 12% of respondents had a bad experience with dogs in play areas. Although the numbers were relatively low Blackbrook Park, Salterns Play Area and Portchester Park Play Area had the most mentioned incidents.
29. 83% of people believed that dogs should be excluded from play areas, with comments also strongly supporting this proposal.

EQUALITY IMPACT ASSESMENT

30. The Council has a public-sector equality duty under the Equalities Act 2010 to have due regard to tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. The Equality Impact Assessment in Appendix C sets out the protected characteristics and responses to the consultation from the public.
31. One mitigation measure that is proposed, is an amendment to the wording that defines those exempt from the order. The current definition would not include a range of disabled people who rely on assistance dogs. A more flexible and inclusive definition is therefore proposed as follows:

Nothing in this Order shall apply to a person who –

- a) Is registered as a blind person on a register compiled under Section 29 of the National Assistance Act 1948; or
- b) Is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
- c) Has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities, in respect of a dog trained by any current or future member of Assistance Dogs UK or any other charity registered in the UK with a purpose of training assistance dogs and upon which he relies for assistance; or.

- d) Has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities and in the reasonable opinion of the Council that person relies upon the assistance of the dog in connection with their disability.

CONCLUSION

- 32. The draft Public Space Protection Order (Dog Control) has been amended to take account of the response to the public consultation.
- 33. Controls relating to 'means of pick up' and extending the 'dog exclusion zone' on Hill Head beach and 'dogs on lead' on Cliff Road Promenade have been removed from the draft order that was presented to the Executive on 5 November 2018.
- 34. The definition of those people who rely on 'assistance dogs' has also been amended to reflect the definition identified in the Equality Impact Assessment.

Enquiries:

For further information on this report please contact Mark Bowler. (Ext 4420)

Taking the Lead on Responsible Dog Ownership

We consulted with residents and businesses on whether to put in place a Public Spaces Protection Order, to enable authorised Council officers to issue a fixed penalty notice to irresponsible dog owners.

The consultation ran from 19 November 2019 to 14 January 2020, with over 1100 taking part in the consultation.

Taking the Oops out of Poops

QUESTION 1

Were you aware of the Council's 'Oops out of poops' Campaign?



QUESTION 2

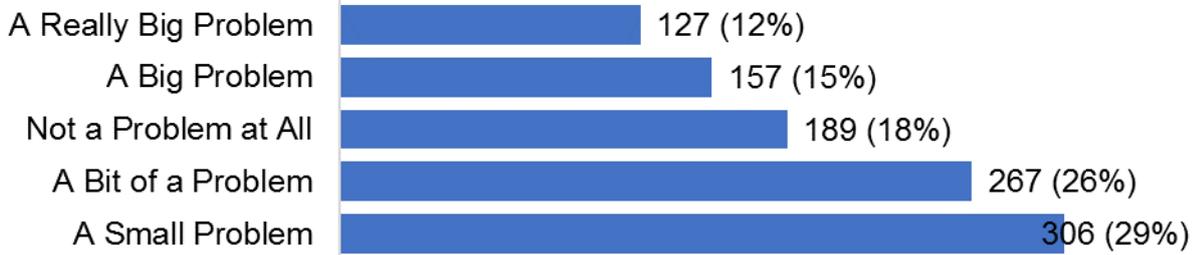
Do you think dog fouling has improved during the last three years?



Tackling Dog Fouling

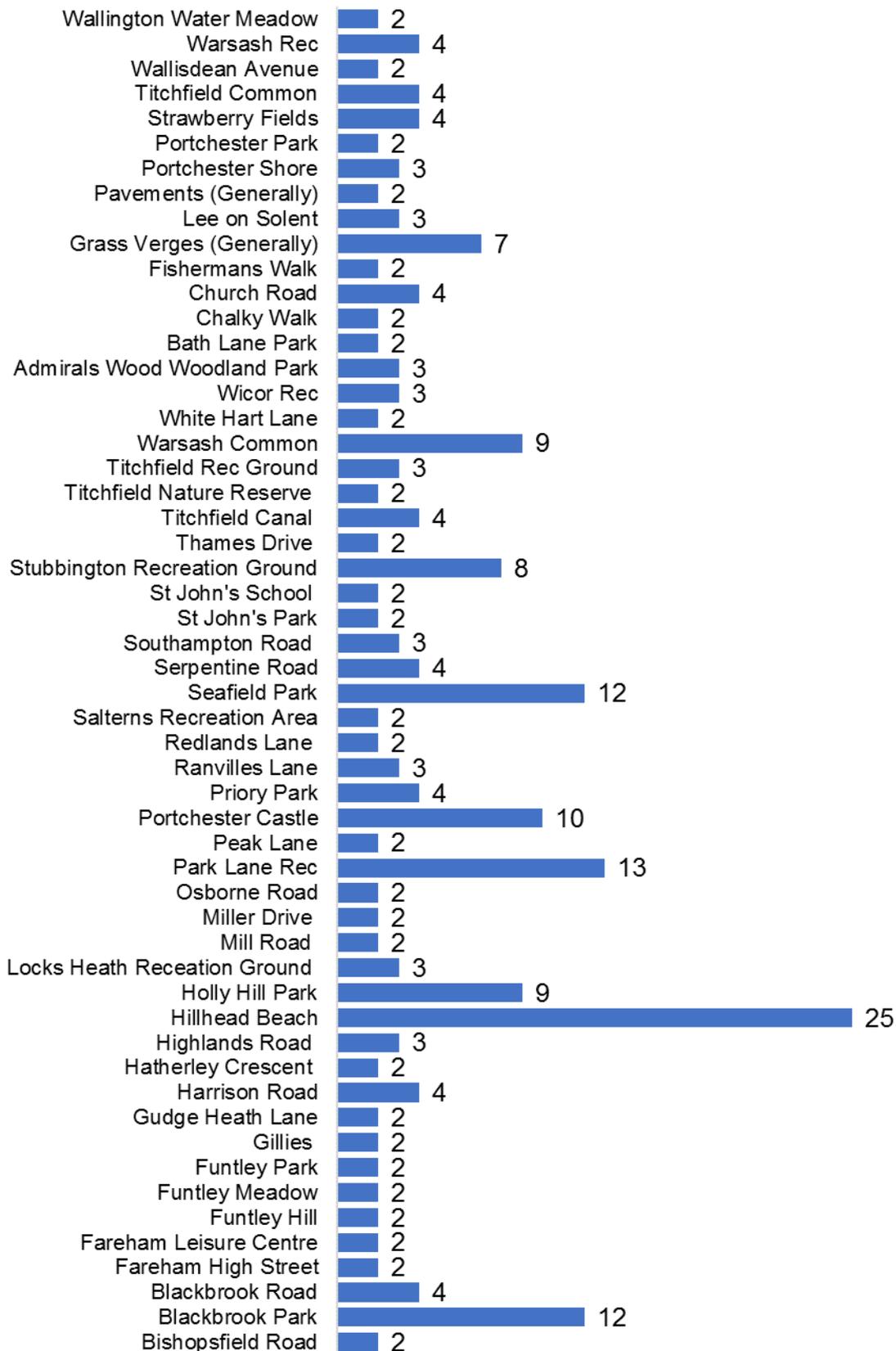
QUESTION 3

How much of a problem is dog fouling in your area?



QUESTION 4

Are there any dog fouling hot spots where you live?



QUESTION 5

Should we continue to have the power to issue fixed penalty notices for not clearing up after a dog has fouled?



Making Sure People Clear Up After Their Dog

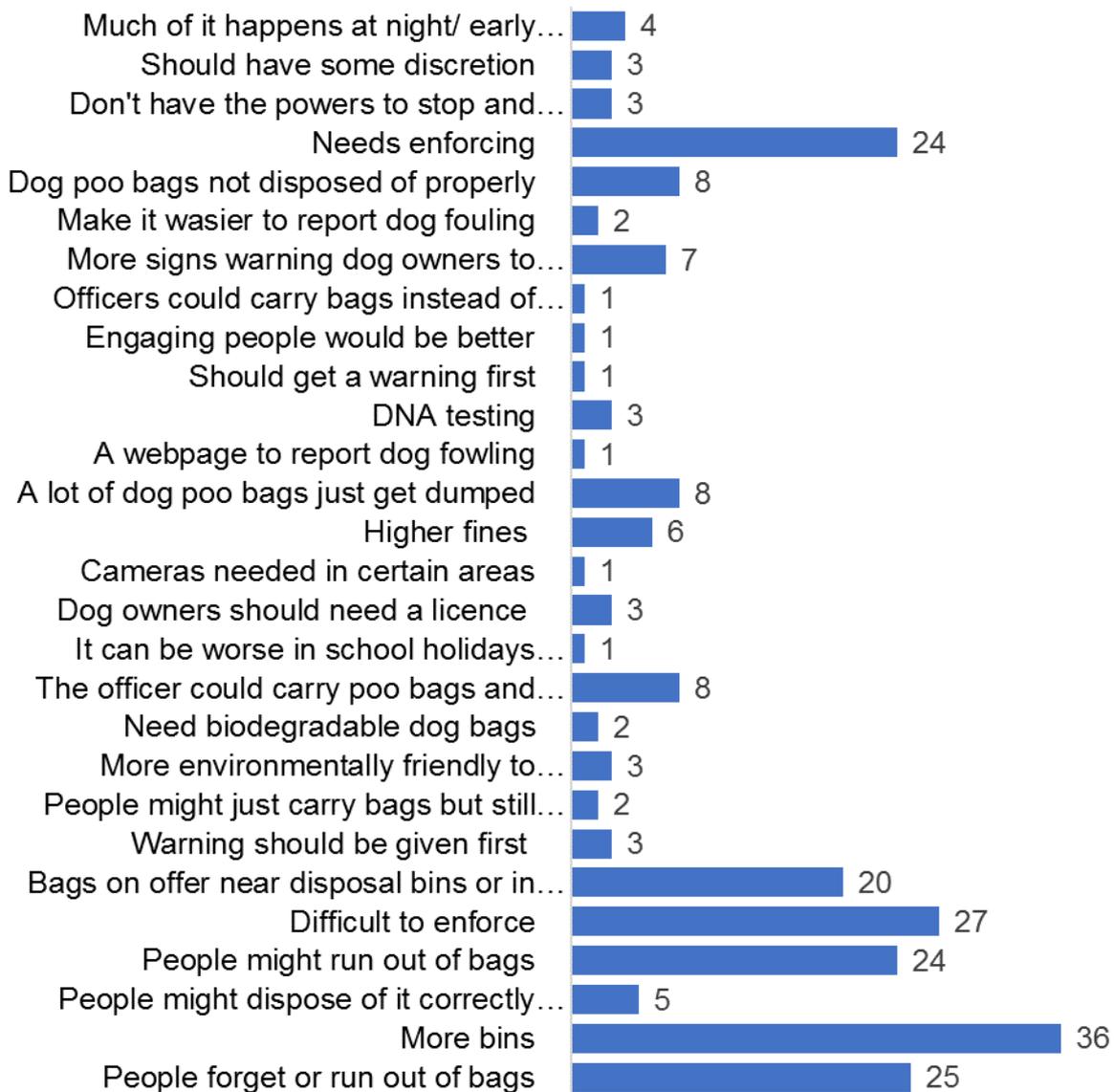
QUESTION 6

Should we have the power to issue fixed penalty notices to people who don't have means to clear up after a dog e.g. carry a litter bag?



QUESTION 7

Do you have any comments about our proposals to tackle dog fouling?



Dogs on Lead by Direction

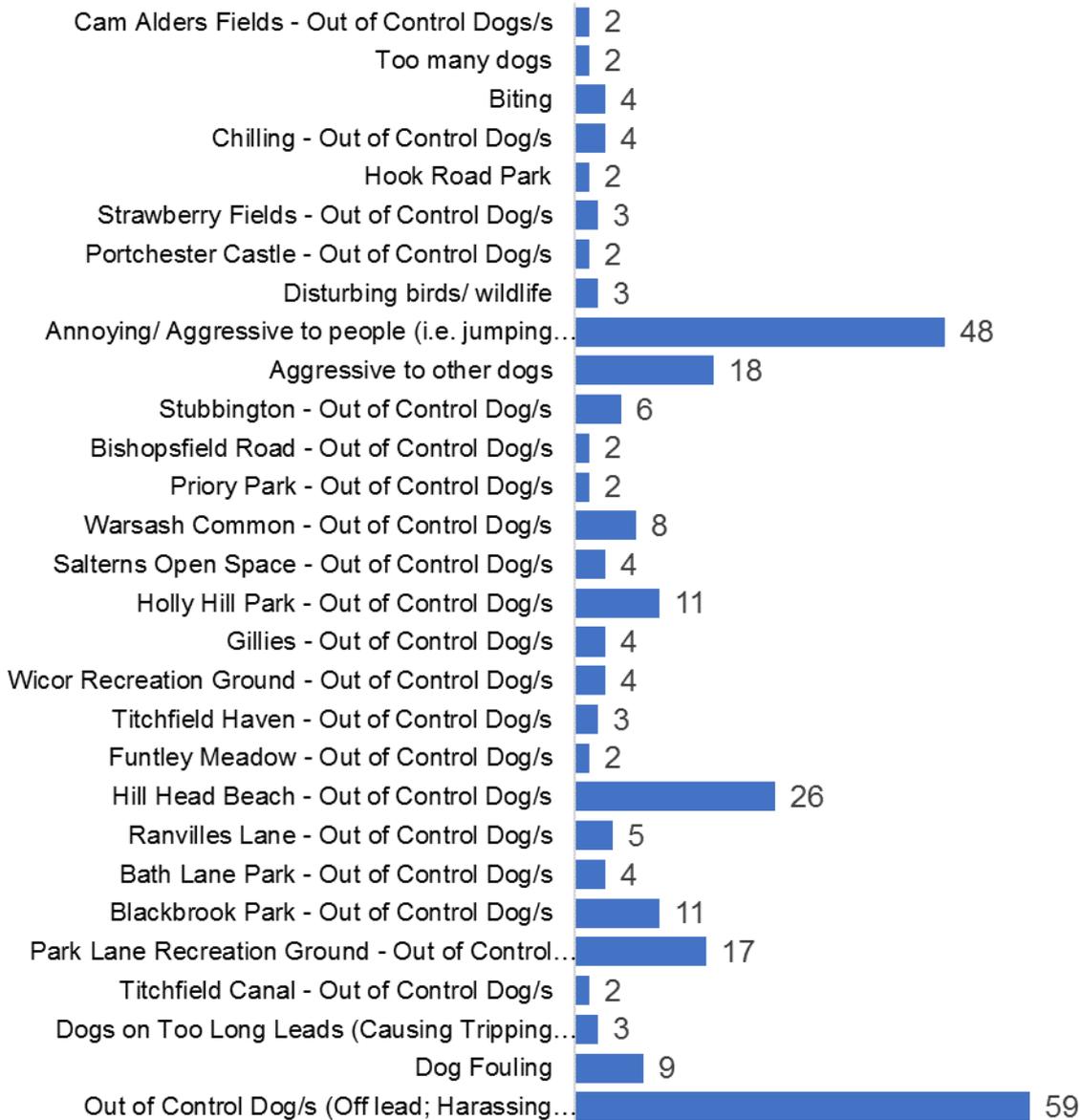
QUESTION 8

Have you had or seen any bad experiences with dogs off their lead in Fareham?



QUESTION 9

If so, what was the bad experience and where?



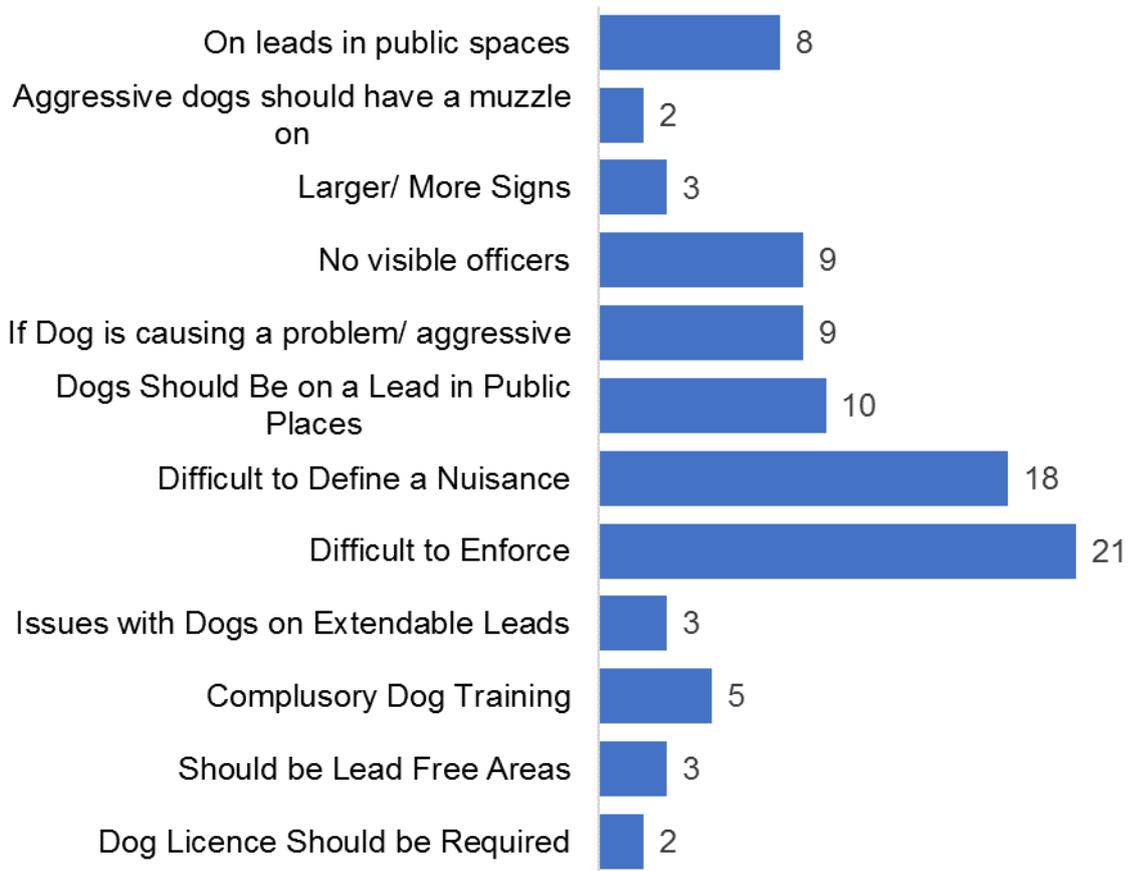
QUESTION 10

Should we have the power to direct people to put their dogs on leads if they are causing a nuisance?



QUESTION 11

Do you have any comments on this proposal?



Dogs on Leads

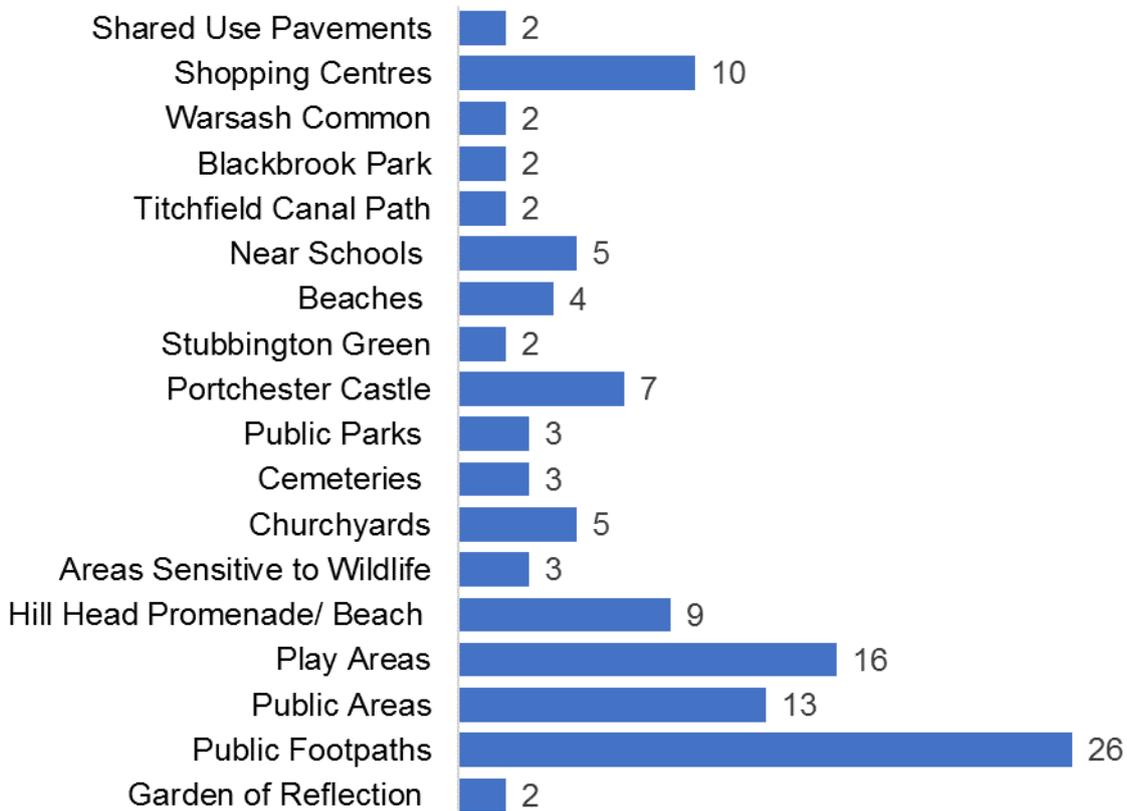
QUESTION 12

Should we have the power to issue fixed penalty notices to owners whose dogs are off the lead in the areas above?



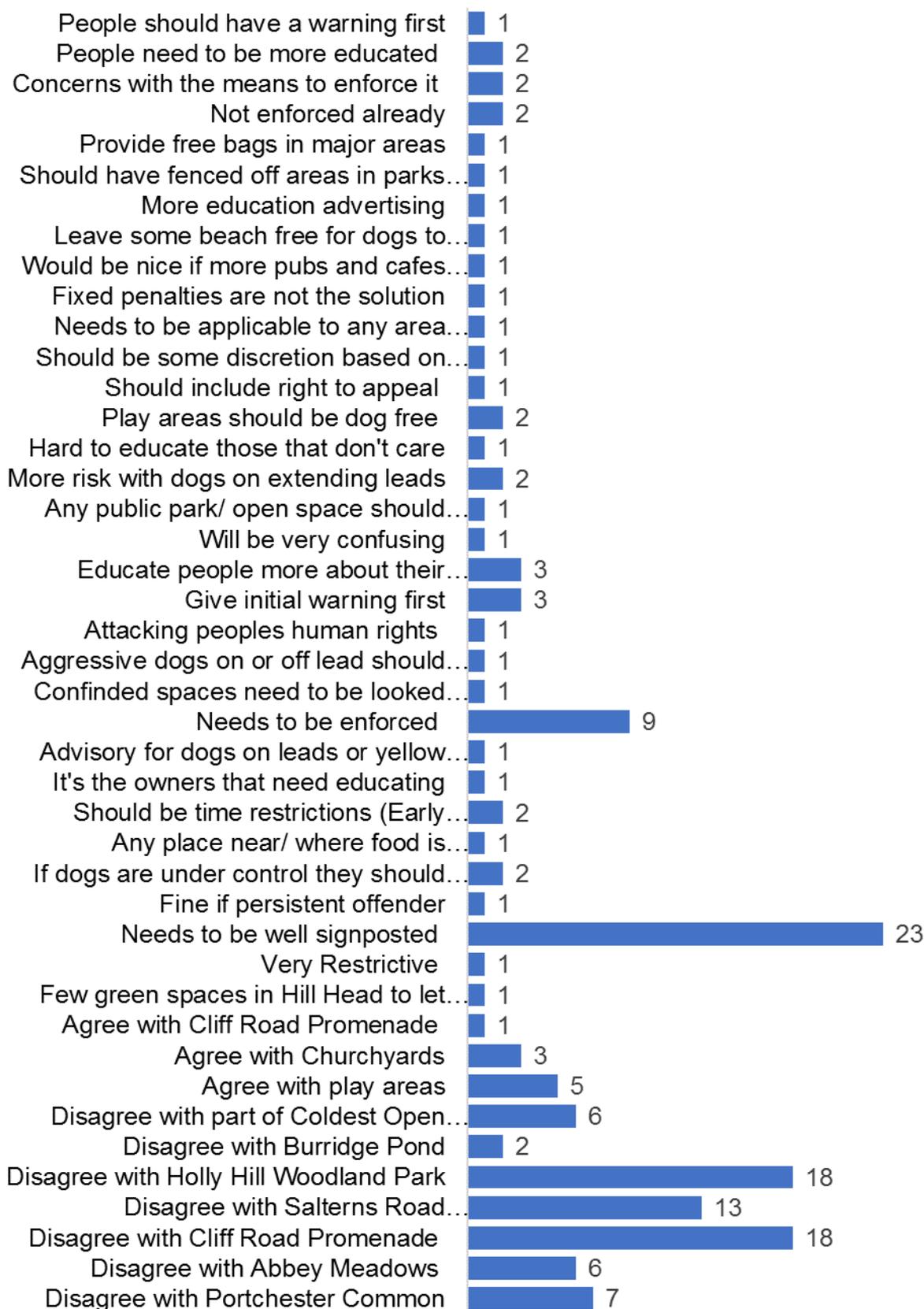
QUESTION 13

Are there other areas where you think dogs should be kept on the lead?



QUESTION 14

Do you have any comments on this proposal?



Maximum Number of Dogs

QUESTION 15

Have you had any experiences where a person had too many dogs for them to control well?



QUESTION 16

If yes, please tell us when and where



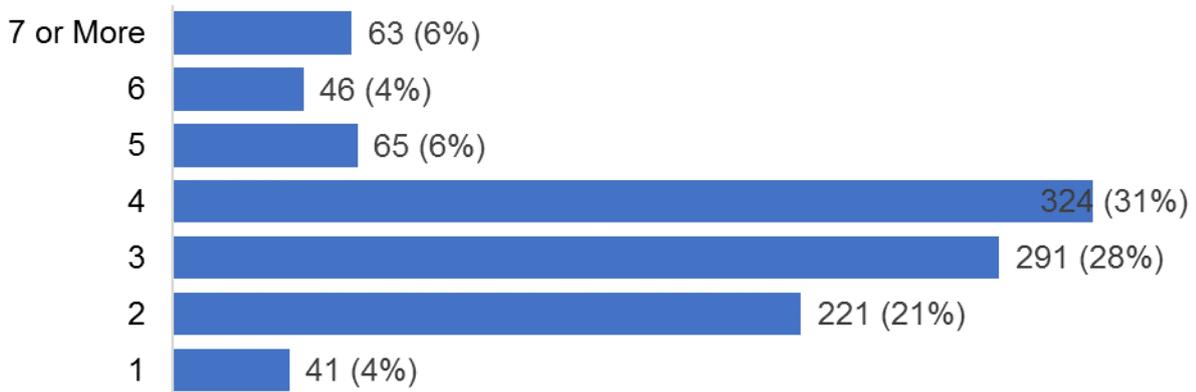
QUESTION 17

Should we have the power to restrict the number of dogs someone can walk in a public place?



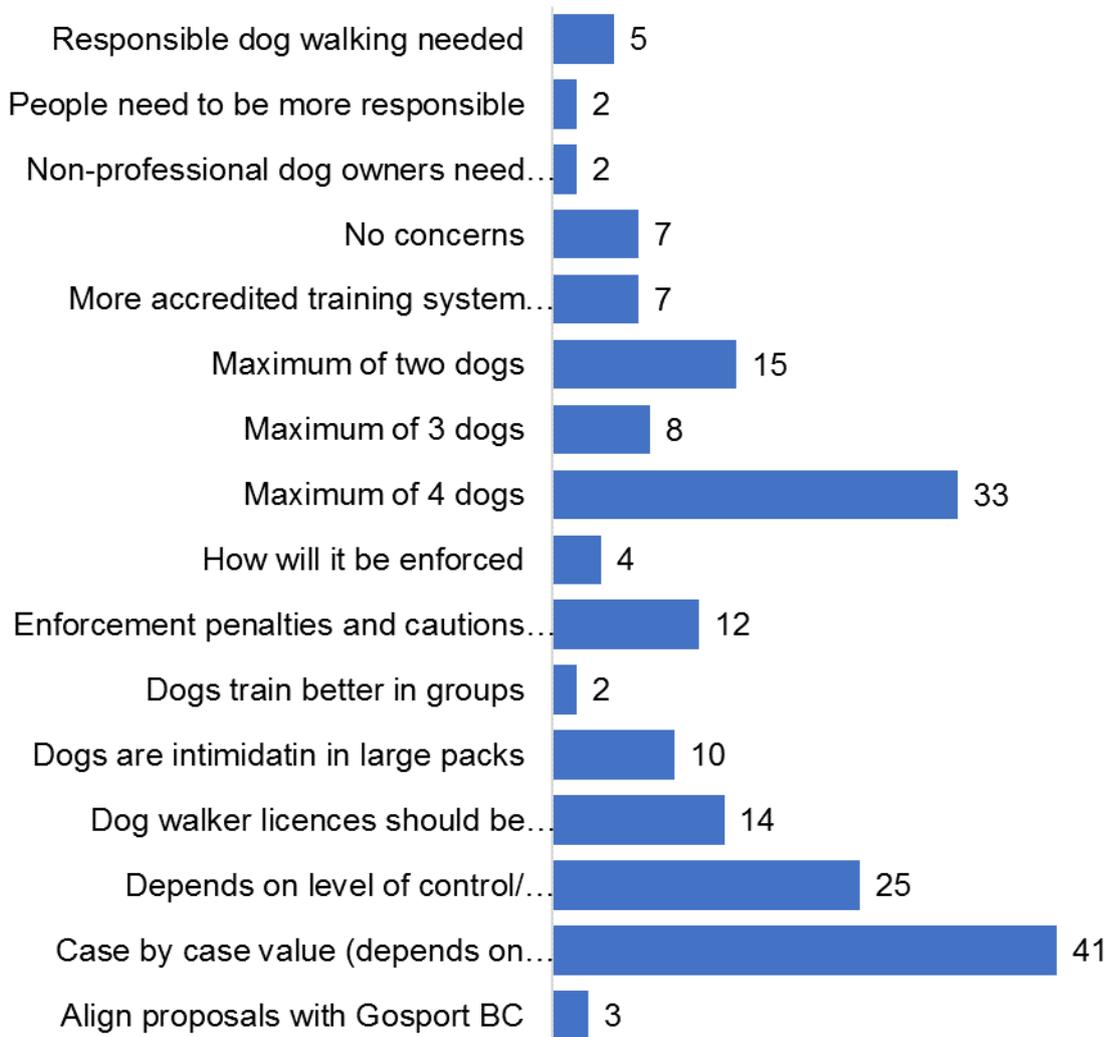
QUESTION 18

How many dogs should someone be allowed to walk?



QUESTION 19

Do you have any comments on this proposal?



Excluding Dogs from Certain Areas

QUESTION 20

Have you had or seen any bad experiences with dogs on the beach at Hill Head?



QUESTION 21

If so, what was the bad experience and where?



QUESTION 22

Do you think the no dogs on beach area should be extended? (They will still be allowed on much of the beach)



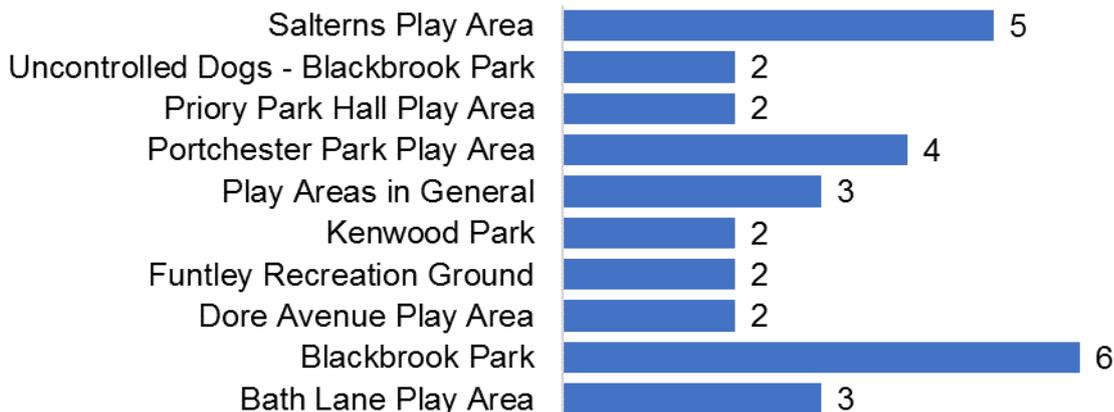
QUESTION 23

Have you had any bad experiences with dogs in play areas?



QUESTION 24

If so, please tell us when and where



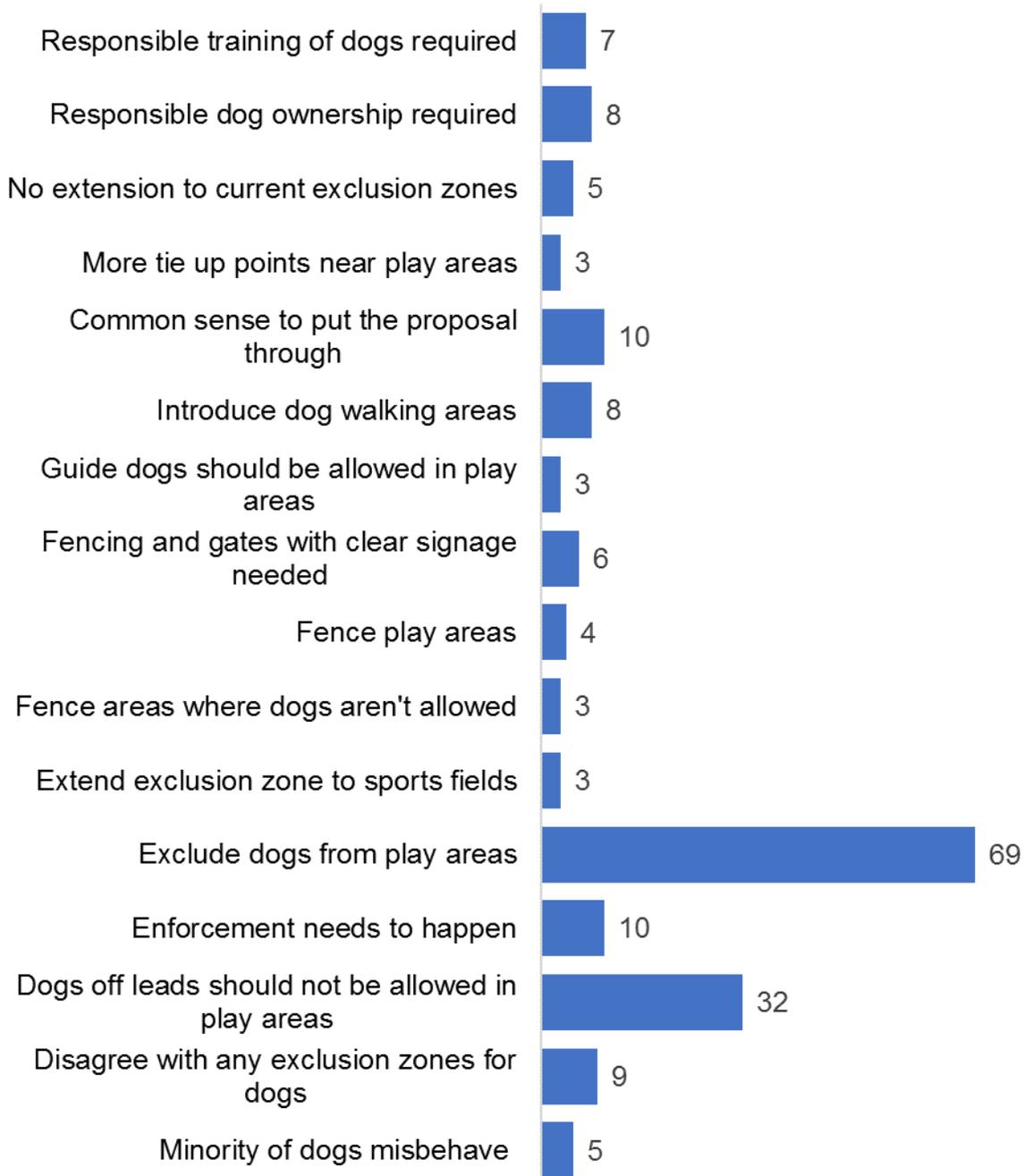
QUESTION 25

Do you think dogs should be excluded from play areas?



QUESTION 26

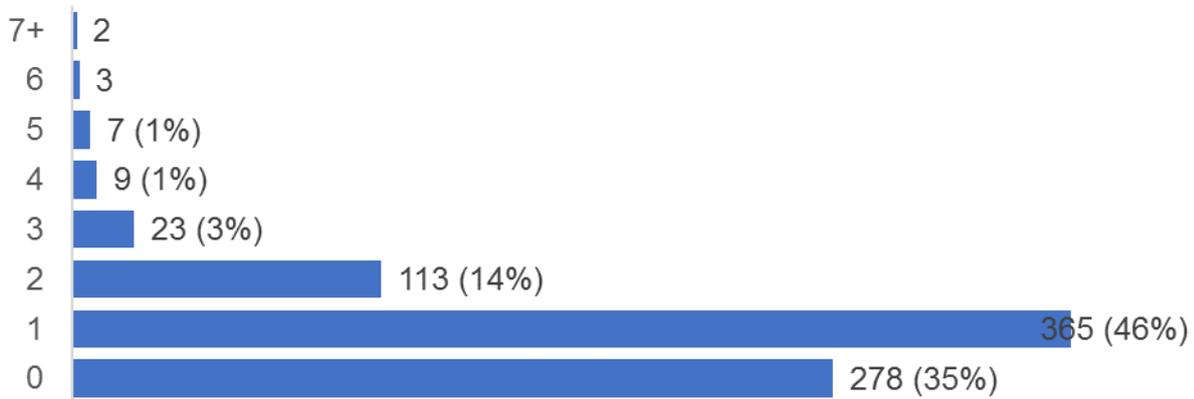
Do you have any further comment on our proposals to exclude dogs from certain areas?



About You

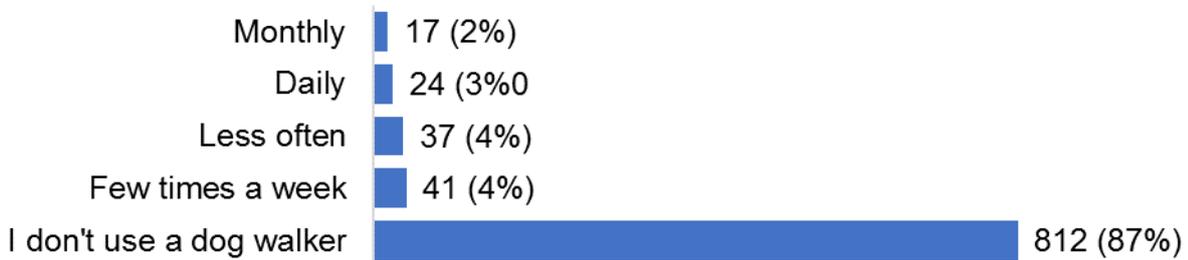
QUESTION 27

How many dogs do you own?



QUESTION 28

How often do you use a dog walking company?



QUESTION 29

Do you have a registered assistance dog or Guide Dog?



QUESTION 30

Do you have any other disability or health condition that restricts your ability to walk your dog?



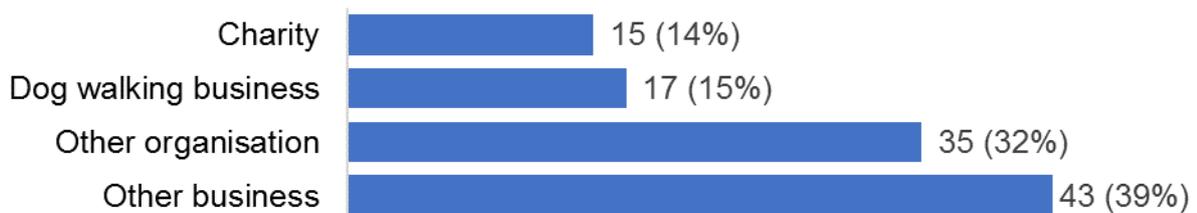
QUESTION 31

Please tell us if any of our proposals impact on your ability to look after your dog?



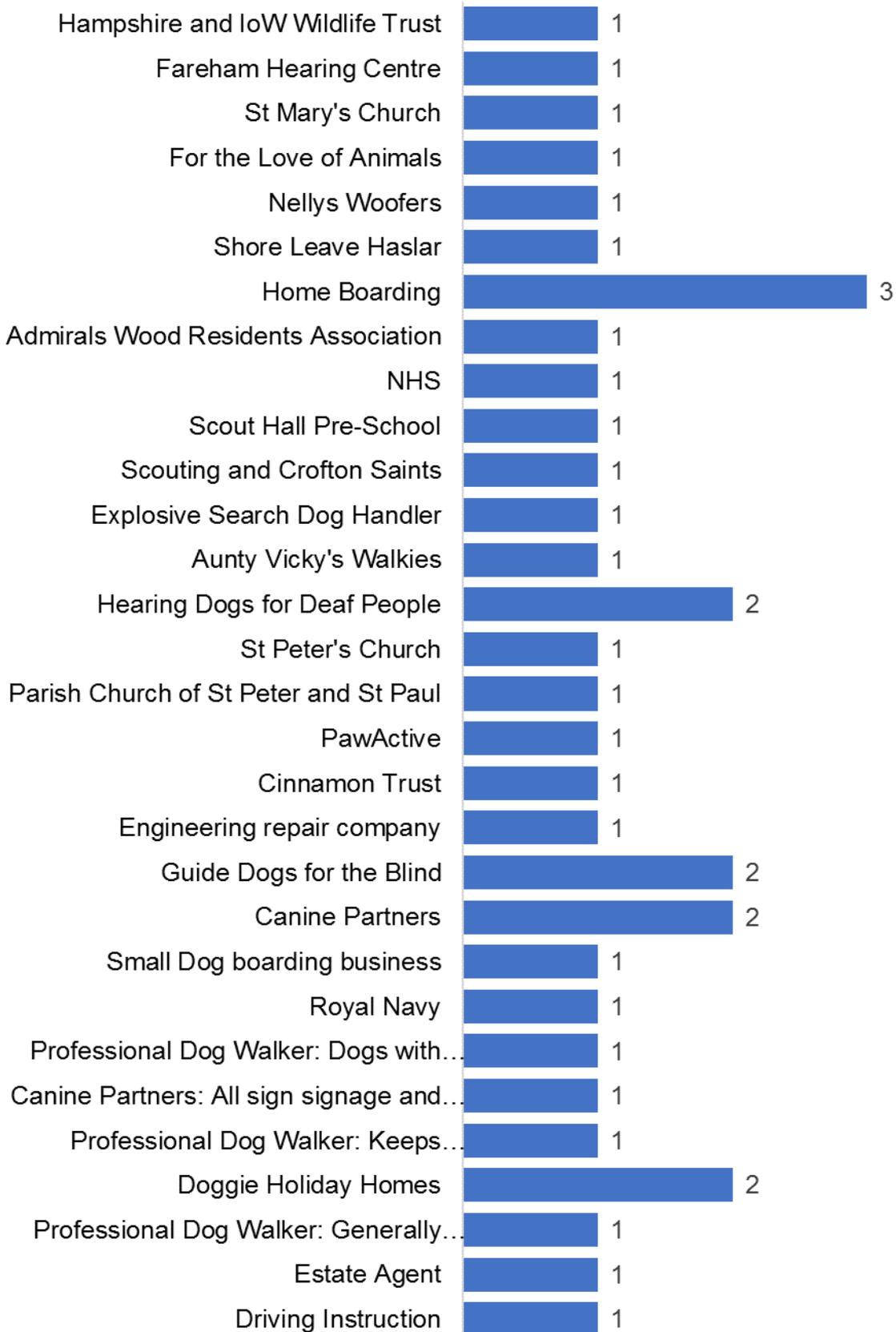
QUESTION 32

Do you represent any of the following?



QUESTION 33

Please give details below:



DRAFT**ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014****PART 4, SECTION 59****PUBLIC SPACES PROTECTION ORDER (DOG CONTROL) 2019**

This Order comes into force on the [] and will remain in force for a period of three (3) years from that date unless extended by further order under the Council's statutory powers.

Fareham Borough Council ("the Council") in exercise of its powers under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") being satisfied that the conditions set out in section 59 of the Act have been met makes the following Order: -

1. General provisions

Definitions

- 1.1 "Authorised Officer" means any officer of the Authority authorised by the Chief Executive of the Authority for the purposes of paragraphs 4 and 5 of the Order.
- 1.2 "Public Place" means any place in the administrative area of the Authority to which the public or a section of the public has access, on payment or otherwise, as of right by virtue of express or implied permission. The administrative area of the Authority is the land edged black in Schedule 1.
- 2.1 "Person in Charge" A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

Offence and Penalty

- 2.2 It is an offence under Section 67 of the Act for a person without reasonable excuse, (i) to do anything that they are prohibited from doing under the Order or (ii) to fail to comply with a requirement which they are subject to under the Order. A person guilty of an offence under section 67 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

3. Fouling

- 3.1 The public health implications of dog fouling are well documented. This part and part 4 of the order are designed to prevent contamination of public spaces by dog faeces.
- 3.2 If a dog defecates at any time on any Public Place the person who is in charge of the dog at the time must remove the faeces forthwith unless;
- (a) they have a reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the Public Place has consented (generally or specifically) to them failing to do so.

- 3.3 Placing the faeces in a receptacle which is provided for that purpose, or for the disposal of waste, shall be sufficient removal from the Public Place
- 3.4 Not being aware of the defecation or not having a device for or suitable means of removing the faeces shall not be a reasonable excuse for failing to remove it.
4. Dogs on Lead by Direction
- 4.1. In public places in the Borough of Fareham where dogs are permitted off leads, a minority of persons in charge of dogs allow them to cause damage to property, and cause problems for pedestrians and other dog owners. This part of the Order is designed to enable authorised Council Officers to direct that such a person put their dog on a lead.
- 4.2 An Authorised Officer may on any Public Place (other than those specified in Schedules 2 and 3 of the Order from which dogs are excluded from or must be kept on a lead in any event) direct a person in charge of a dog to keep the dog on a lead if such restraint is in the opinion of the Authorised Officer necessary to prevent nuisance to other persons or worry to animals.
- 4.3 A person issued with a direction under paragraph 5.1 of the Order must comply unless;
- (a) they have a reasonable excuse for failing to do so; or
 - (b) the owner, occupier or other person or authority having control of the Public Place has consented (generally or specifically) to them failing to do so.
5. Maximum of four dogs
- 5.1 There has been an increase in the number of persons and businesses walking numbers of dogs together, and some of these persons have exercised poor control over these dogs. This has caused problems for other dog owners and has also resulted in dog foul not being picked up. This part of the Order seeks to place limits on the number of dogs which may be walked together to enable greater control.
- 5.2 A person shall not at any time take more than four dogs on to any Public Place (other than those specified in Schedule 3 of the Order from which dogs are excluded in any event)
- 5.3 A person must comply with the requirement in paragraph 6.1 of this Order unless;
- (a) they have a reasonable excuse for failing to do so; or
 - (b) the owner, occupier or other person or authority having control of the Public Place has consented (generally or specifically) to them failing to do so.
6. Dogs on Leads
- 6.1 In some public places within the Borough of Fareham that are sensitive because of their nature or usage, or which are fragile environments, close control of dogs by their being on a lead is necessary to prevent damage or undue disturbance. The restrictions in this Order are designed to facilitate a sharing of these public places, whilst recognising that dogs do need to be exercised off lead.

6.2 A person in charge of a dog on any Public Place specified in Schedule 2 to the Order must keep the dog on a lead unless

- (a) they have a reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the place has consented (generally or specifically) to them failing to do so.

7. Exclusion of dogs

7.1 There are specific public places in the Borough of Fareham from which dogs should be excluded for their safety and that of members of the public, and for public health and aesthetic reasons. This part of the Order states the relatively few places from where dogs will be excluded.

7.2 A person in charge of a dog must not take it into or keep it in any Public Place specified in Schedule 3 to the Order unless

- (a) they have a reasonable excuse for doing so; or
- (b) the owner, occupier or other person or authority having control of the Public Place has consented (generally or specifically) to them failing to do so.

8. Exemptions

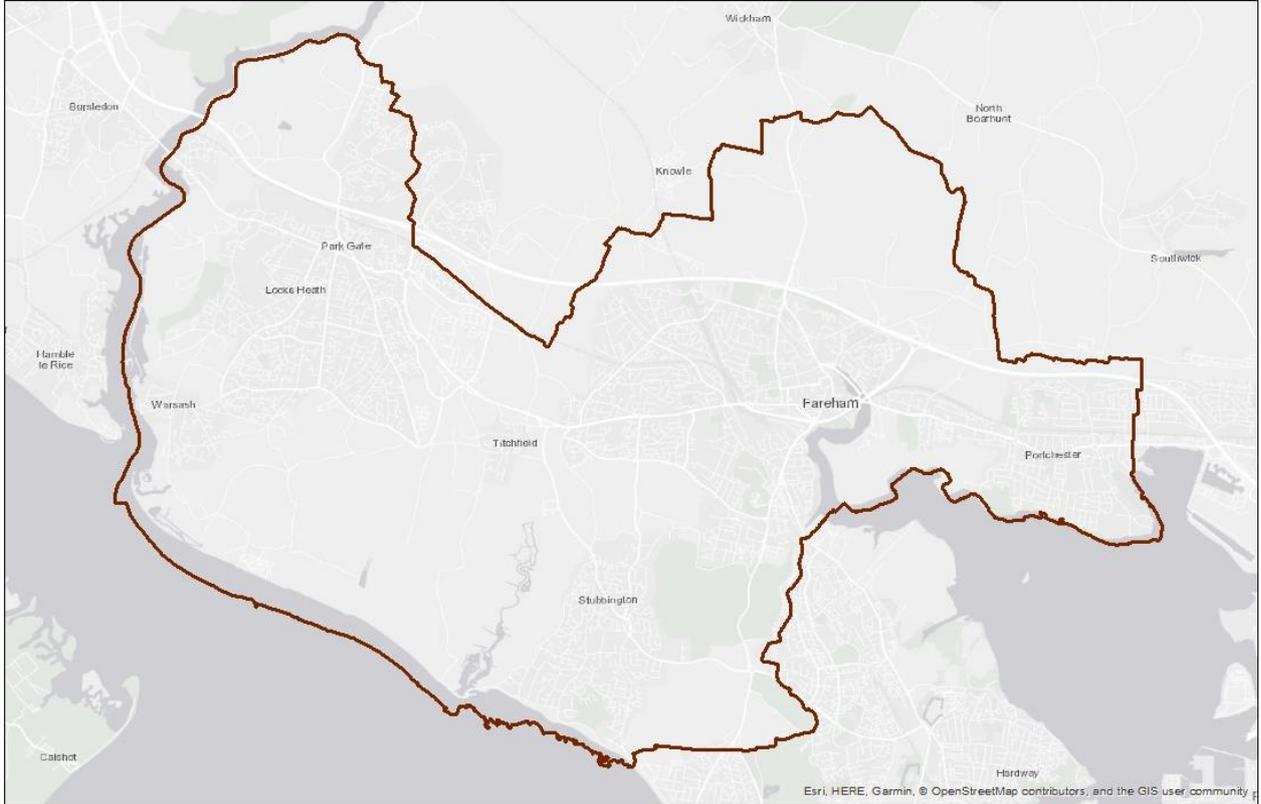
8.1 Nothing in this Order shall apply to a person who: -

- a) Is registered as a blind person on a register compiled under Section 29 of the National Assistance Act 1948; or
- b) Is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
- c) Has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities, in respect of a dog trained by any current or future member of Assistance Dogs UK or any other charity registered in the UK with a purpose of training assistance dogs and upon which he relies for assistance.
- d) Has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities and in the reasonable opinion of the Council that person relies upon the assistance of the dog in connection with their disability.

EXECUTED AS A DEED BY AFFIXING THE COMMON SEAL OF FAREHAM BOROUGH COUNCIL IN THE PRESENCE OF:

SOLICITOR

**-SCHEDULE 1-
Administrative Area of the Borough of Fareham**



FAREHAM
BOROUGH COUNCIL

Administrative Area of Fareham

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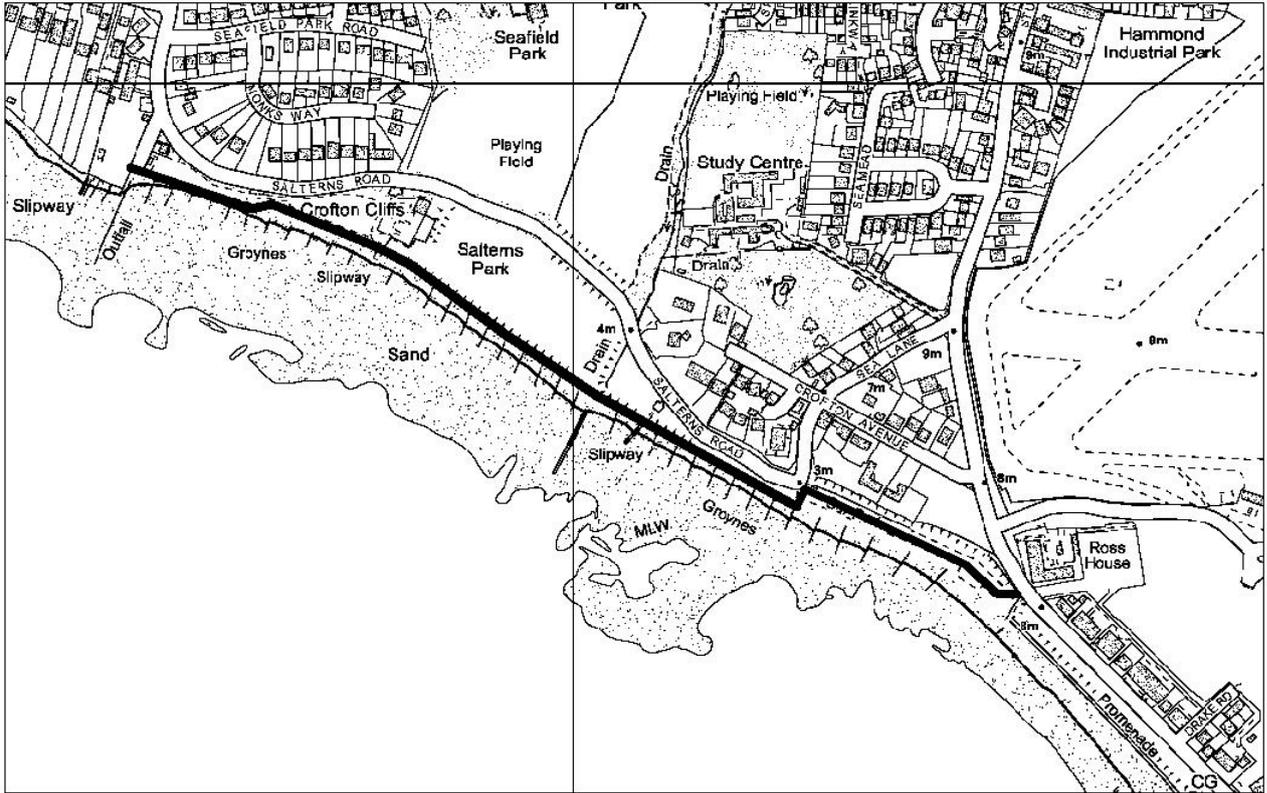
-SCHEDULE 2-

PARAGRAPH 7 "DOGS ON LEADS"

This Order applies to the following Public Places in the Borough of Fareham

1. Any cemetery or churchyard
Crofton Cemetery, Oakcroft Lane, Stubbington
Wickham Road Cemetery, Fareham
St Peter's Cemetery, Church Street, Titchfield
Posbrook Lane Cemetery, Titchfield
Roman Grove Cemetery, Castle View Road, Portchester
St Johns Cemetery, St Johns Road, Locks Heath
St Paul's Cemetery, Barnes Lane, Sarisbury
Holly Hill Cemetery, Barnes Lane, Sarisbury

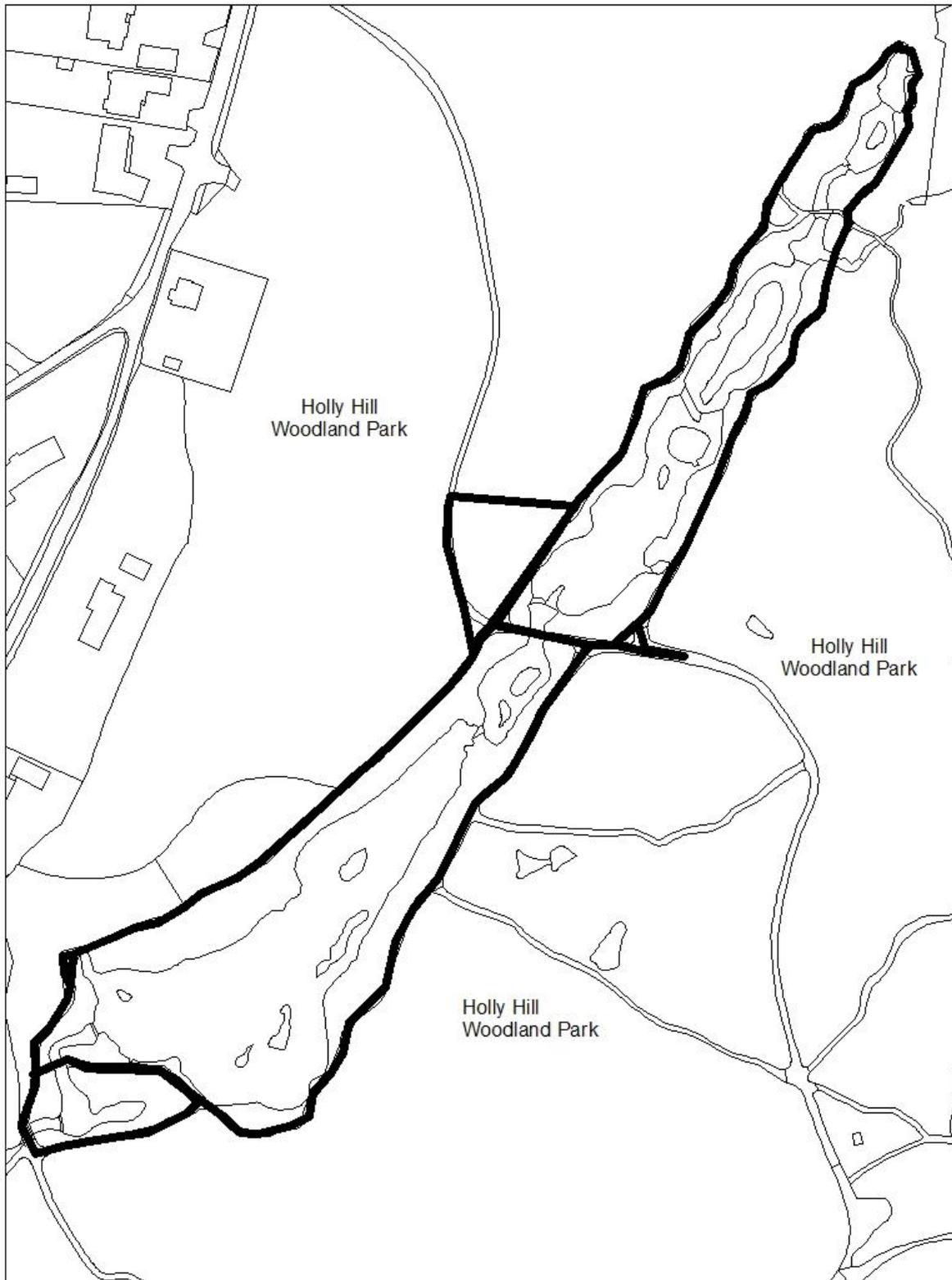
St Peter and St Paul's Churchyard, Osborn Road, Fareham
St Peter's Churchyard, Church Street, Titchfield
Crofton Churchyard, Lychgate Green, Stubbington
St Mary's Churchyard, Castle Street, Portchester
St Paul's Churchyard, Barnes Lane, Sarisbury
2. Westbury Manor Museum Garden, Fareham Town Centre
3. Sensory Garden of Reflection, Osborn Road, Fareham
4. Salterns Road Promenade, Hill Head (*refer to plan*)
5. Holly Hill Woodland Park (*refer to plan*)
6. Holly Hill Play Area (*refer to plan*)
7. Burrige Pond (*refer to plan*)
8. Coldeast Open Space (*refer to plan*)
9. Any area within Fareham that is:
 - i). Designated as a Site for Special Scientific Interest ("SSSI") or; ii), where the Authority keep animals and where signage is present;
 - a) Portchester Common (*refer to plan*)
 - b) Abbey Meadows (*refer to plan*)

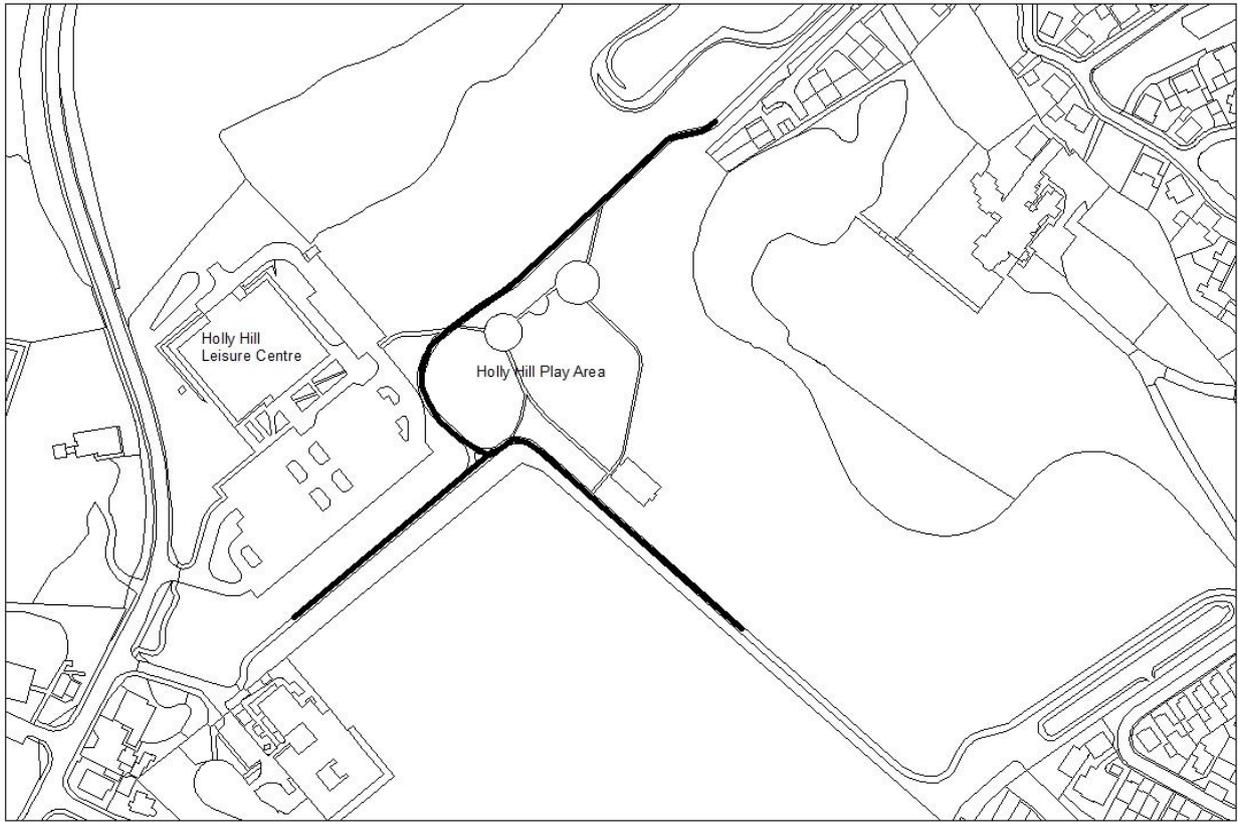


FAREHAM
BOROUGH COUNCIL

Salterns Road Promenade, Hill Head

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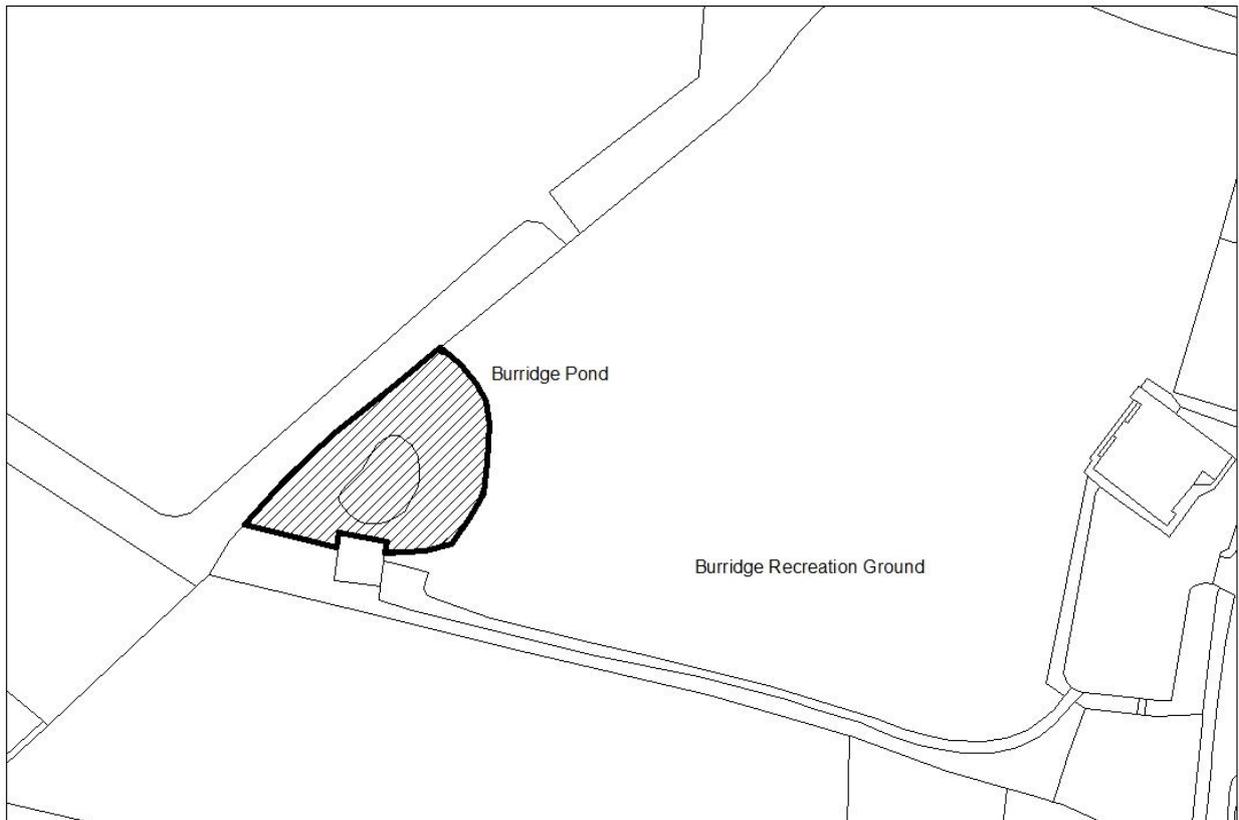




FAREHAM
BOROUGH COUNCIL

Holly Hill Play Area

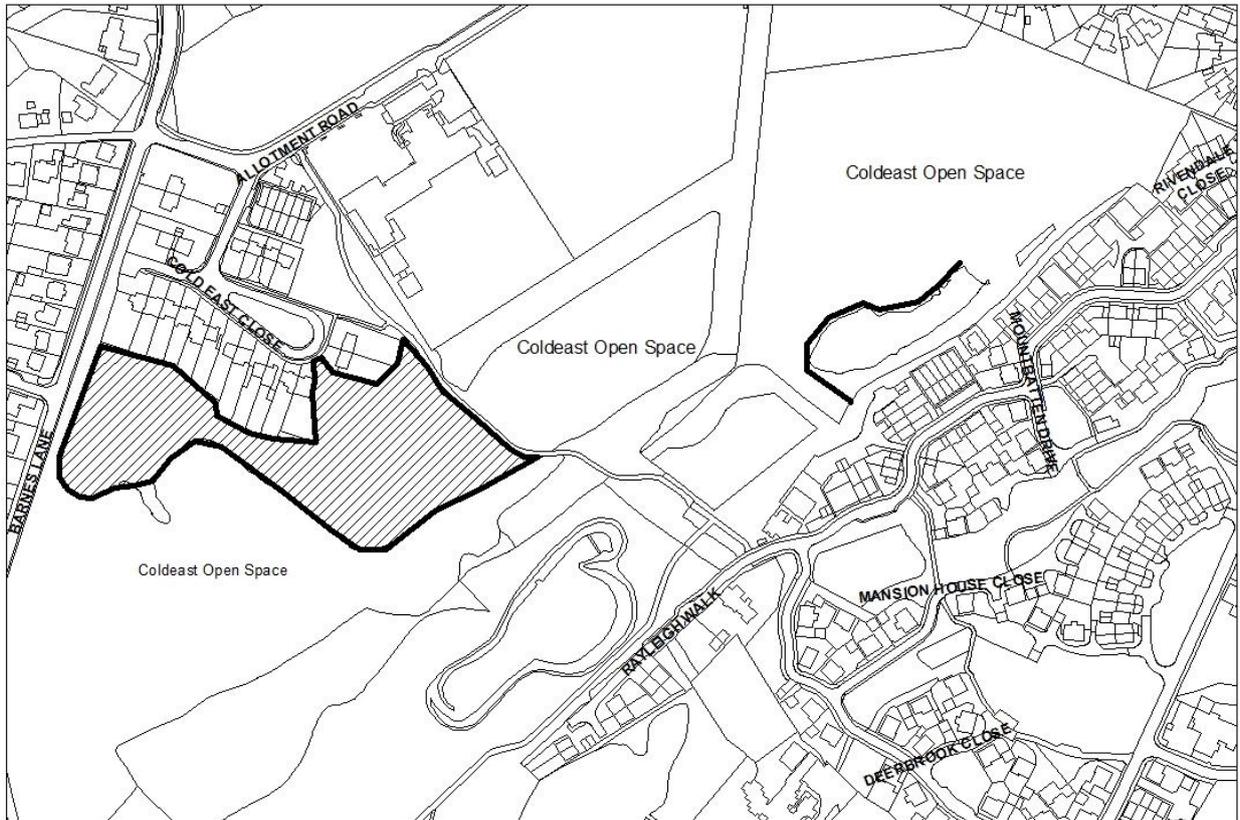
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FAREHAM
BOROUGH COUNCIL

Burridge Pond, Burridge Recreation Ground

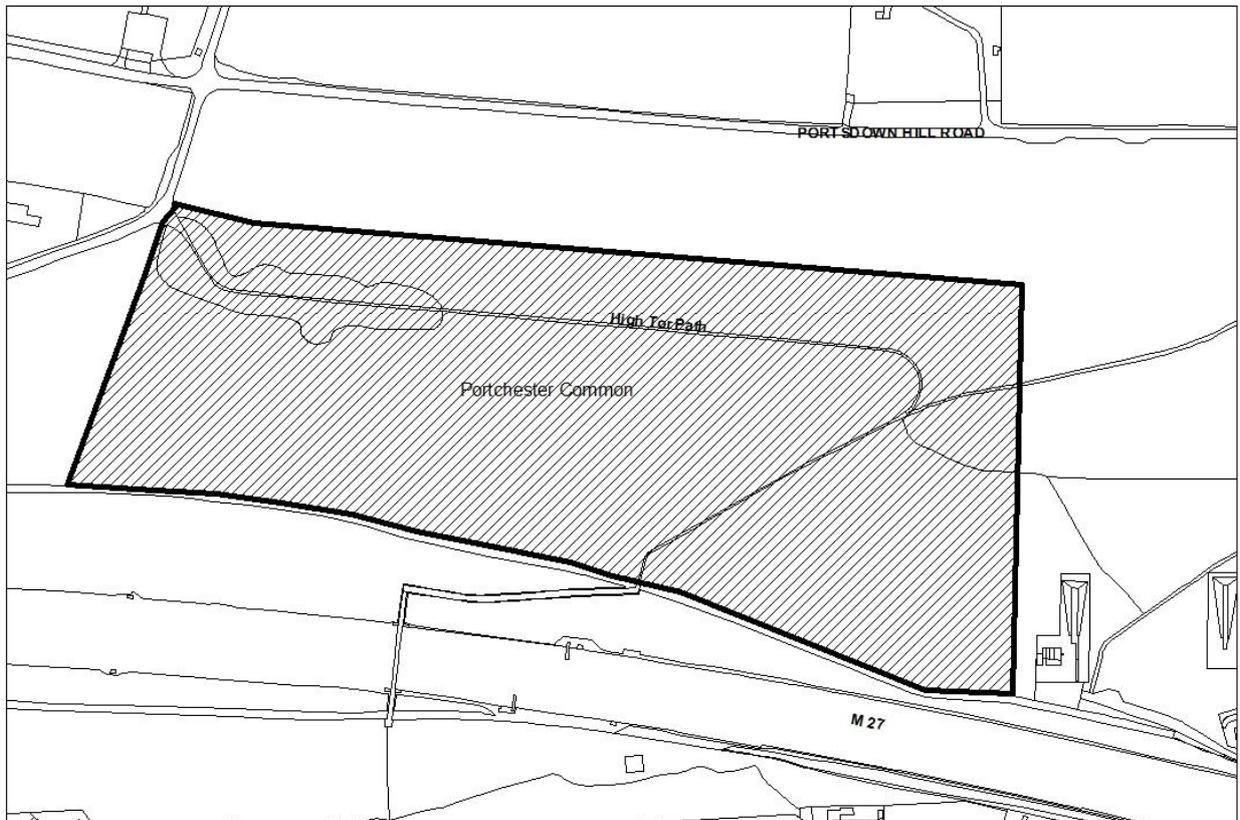
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FAREHAM
BOROUGH COUNCIL

Coldeast Open Space

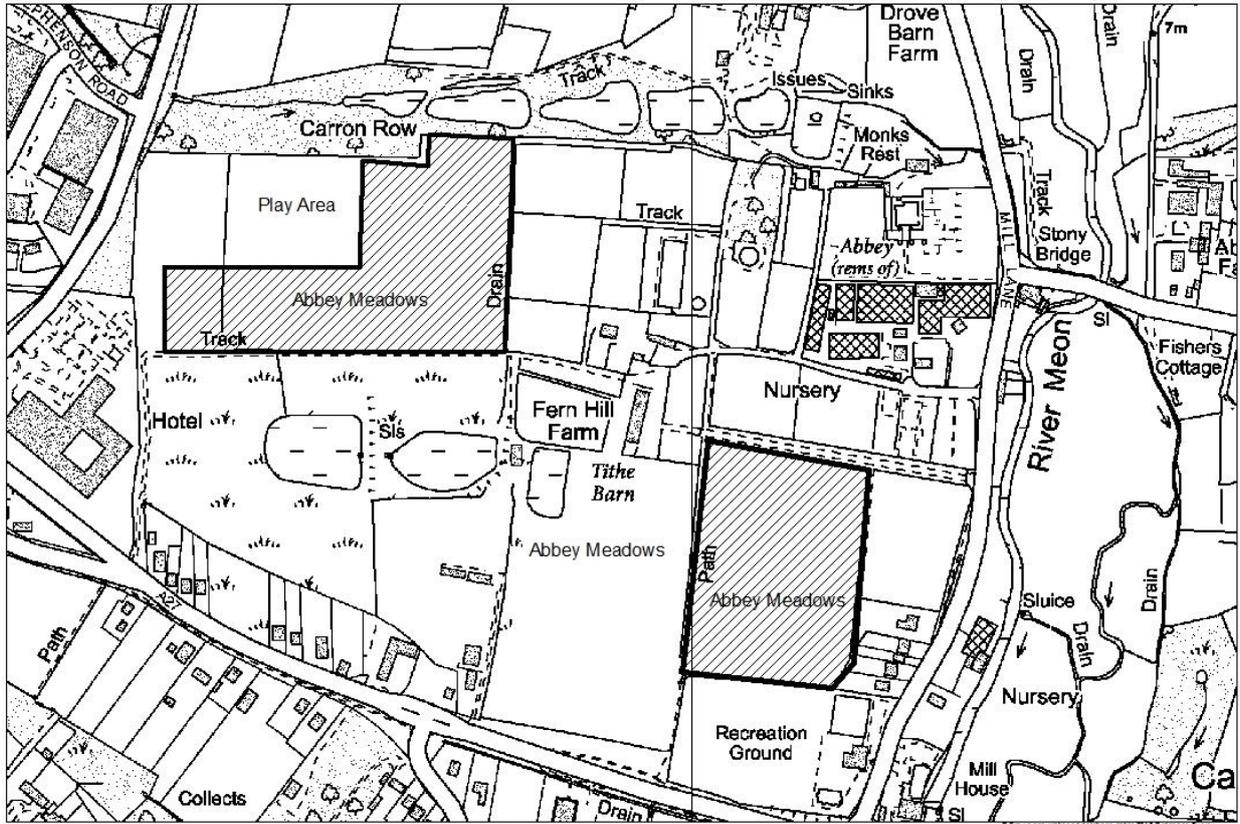
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Portchester Common

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Abbey Meadows, Titchfield

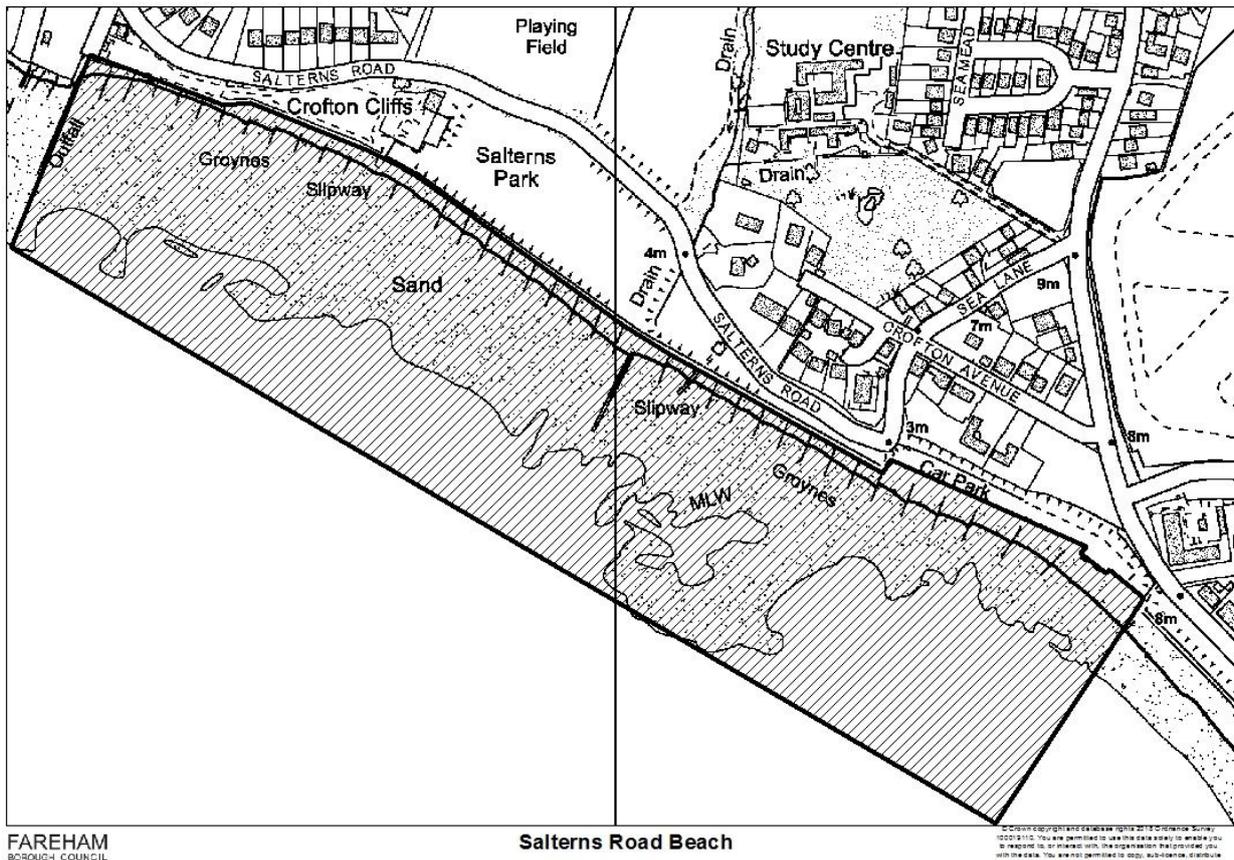
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SCHEDULE 3

PARAGRAPH 8 EXCLUSION OF DOGS

This Order applies to the following Public Places in the Borough of Fareham

1. Between 1 May and 30 September inclusive in any year the following beach area;
 - i. Any area of beach between the promenade and Low Water Mark of Medium Tides and contained between the points enclosed with notional lines extending from the westernmost of Salterns Road car park and the Borough Boundary with Gosport which is shown outlined in black on the accompanying plan.
2. Any enclosed area designated solely for the purpose of children's play on which there is fixed play equipment or apparatus installed and where signage refers.
3. Any unenclosed area designated for the purpose of children's play on which there is fixed play equipment or apparatus installed and where signage refers. *(please refer to the plan(s))*
 - i. Holly Hill Play Area
 - ii. Abbey Meadows Play Area

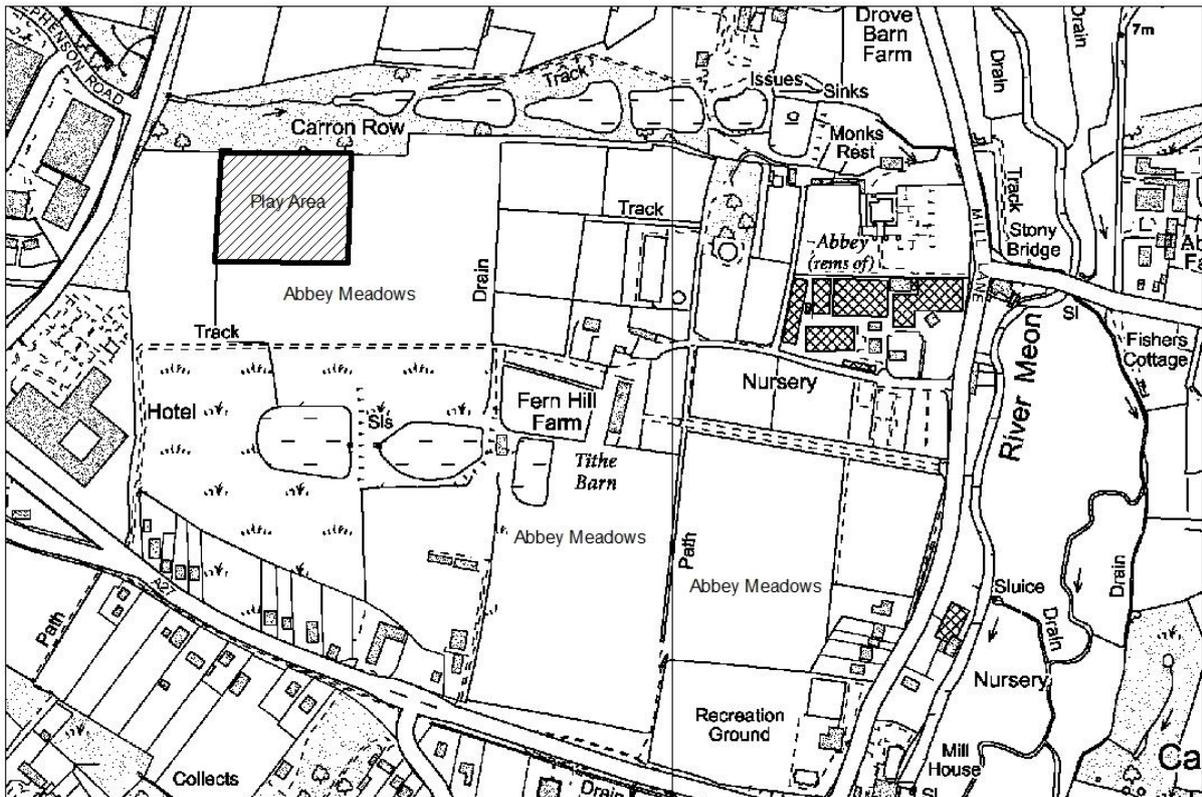




FAREHAM
BOROUGH COUNCIL

Holly Hill Play Area

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Abbey Meadows Play Area, Titchfield

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Equality Impact Assessment

This document is intended to act as a guide and point of reference, rather than be a template. There is no requirement to use this document as part of the policy development or decision making process; although it may help.

When using this form, please feel free to enter as much or as little information as you feel is appropriate.

Name	Roy Brown	Date	29/01/19
Job title	Customer Engagement Manager		
What are you thinking of changing or implementing?			
<p>The Council's current Dog Fouling Public Spaces Protection Order (PSPO) will expire on 31 March 2019 unless extended. Instead of extending this order, the Council is proposing to make a new order that not only includes dog fouling but includes restrictions on the following:</p> <ul style="list-style-type: none"> • Fouling and means of pick up • Dogs on lead by direction • Maximum number of dogs • Dogs on leads and • Exclusion of dogs 			
What is the expected or anticipated impact of this change?			
<p>The proposal will affect all dog owners who walk and exercise their dogs in Fareham. There is no record of the number of dogs in Fareham, but national estimates are that 26% of households have at least one dog.</p> <p>Considerate dog ownership is of concern to residents, who want the Council to take action against irresponsible dog owners and there was strong support for the majority of the proposals during the PSPO consultation.</p>			
Protected characteristic: Age (including children and young people)			
Points to consider:			
<ul style="list-style-type: none"> • How have you considered the potential impact on people with this protected characteristic? • What, if any, is the expected impact on people with this protected characteristic? • What steps or action is planned to mitigate any negative impact? 			
The proposed PSPO may have a positive impact on young people who are more likely to come into contact with dog fouling and are at greater risk of infection.			

<p>Protected characteristic: Disability (including physical and those with mental health conditions)</p> <p>Points to consider:</p> <ul style="list-style-type: none"> • How have you considered the potential impact on people with this protected characteristic? • What, if any, is the expected impact on people with this protected characteristic? • What steps or action is planned to mitigate any negative impact?
<p>Trained assistance dogs will be exempt from the controls. For example, they will be able to support their owner in dog prohibited locations. Following feedback received during the consultation, the definition of assistance dogs in the PSPO has been widened to include dogs that support people with a greater range of disabilities.</p>
<p>Protected characteristic: Gender reassignment</p> <p>Points to consider:</p> <ul style="list-style-type: none"> • How have you considered the potential impact on people with this protected characteristic? • What, if any, is the expected impact on people with this protected characteristic? • What steps or action is planned to mitigate any negative impact?
<p>No impact identified.</p>
<p>Protected characteristic: Marriage and civil partnership</p> <p>Points to consider:</p> <ul style="list-style-type: none"> • How have you considered the potential impact on people with this protected characteristic? • What, if any, is the expected impact on people with this protected characteristic? • What steps or action is planned to mitigate any negative impact?
<p>No impact identified.</p>
<p>Protected characteristic: Pregnancy and maternity</p> <p>Points to consider:</p> <ul style="list-style-type: none"> • How have you considered the potential impact on people with this protected characteristic? • What, if any, is the expected impact on people with this protected characteristic? • What steps or action is planned to mitigate any negative impact?
<p>No impact identified.</p>
<p>Protected characteristic: Race</p> <p>Points to consider:</p> <ul style="list-style-type: none"> • How have you considered the potential impact on people with this protected characteristic? • What, if any, is the expected impact on people with this protected characteristic? • What steps or action is planned to mitigate any negative impact?
<p>No impact identified.</p>

Protected characteristic: Religion or belief

Points to consider:

- How have you considered the potential impact on people with this protected characteristic?
- What, if any, is the expected impact on people with this protected characteristic?
- What steps or action is planned to mitigate any negative impact?

No impact identified.

Protected characteristic: Sex

Points to consider:

- How have you considered the potential impact on people with this protected characteristic?
- What, if any, is the expected impact on people with this protected characteristic?
- What steps or action is planned to mitigate any negative impact?

No impact identified.

Protected characteristic: Sexual orientation

Points to consider:

- How have you considered the potential impact on people with this protected characteristic?
- What, if any, is the expected impact on people with this protected characteristic?
- What steps or action is planned to mitigate any negative impact?

No impact identified.

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 04 March 2019

Portfolio:	Health and Public Protection
Subject:	Parking Enforcement
Report of:	Director of Planning and Regulation
Corporate Priorities:	Dynamic, prudent and progressive Council Protect and enhance the environment

Purpose:

To inform the Executive that Hampshire County Council will be terminating the Agency Agreement for Decriminalised Parking Enforcement from 1st April 2020 in Fareham and to seek approval to undertake a review of the Parking Service.

Executive summary:

On 09 February 2018, Hampshire County Council formally gave Fareham notice that they are terminating the Agency Agreement for Decriminalised Parking Enforcement with Fareham Borough Council. Despite that letter giving notice of termination of the agreement, it also indicated that Hampshire County Council were keen to negotiate a revised agreement with the Council with the aim of developing an agreement that would better reflect Hampshire County Council's current position and to provide a more consistent approach to on street enforcement county wide. Discussions at officer level continued in 2018 with a view to the progression of a revised agreement. However, a further letter was received in early January 2019, from Hampshire County Council which explained that as Fareham had handed back Traffic Management from the Council in 2017, the intention in respect of Fareham was to pass on-street enforcement from Fareham Borough Council to a specialist provider on behalf of Hampshire County Council as the Highway Authority. To understand the implications of Hampshire County Council's plans and how then to best to deliver an off-street parking service only and address the potential financial deficit, a fundamental review of the parking service is considered necessary.

Recommendation:

It is recommended that the Executive:

- (a) notes the intention of Hampshire County Council in respect of the future provision of On-street parking services in Fareham; and
- (b) in view of the potential financial implications for the Council, agrees that a review of off-street parking be undertaken with the scope of the review as detailed in paragraph 13 of the Executive Briefing Paper.

Reason:

To understand the implications of Hampshire County Council's plans and determine how best to deliver the off-street parking service from 1st April 2020.

Cost of proposals:

To maintain the same level of enforcement over the charging period, for the Fareham Borough Council owned off-street car parks, the staffing would reduce by two Civil Enforcement Officers saving around £80,000, however the Council would lose the on-street enforcement revenue, which in 2018/19 year was £250,466. Overall this would leave the Council with a deficit of approximately £170,000.

Appendices:

- A: Notice of termination of Agency Agreement**
- B: Hampshire County Council Report**
- C: Letter from Hampshire County Council to Fareham**
- D: On Street Income and Expenditure**

Background papers: none

Reference papers: none

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	04 March 2019
Subject:	Parking Enforcement
Briefing by:	Director of Planning and Regulation
Portfolio:	Health and Public Protection

INTRODUCTION

1. At present the on and off-street parking enforcement function is carried out by the Parking Services team. The delivery of the Parking Service is the responsibility of the Head of Environmental Health. Operationally there is a Parking Services Manager and 8 Civil Enforcement Officers. There is also a control room function and Penalty Charge Notices and general administration are undertaken by the Licensing and Support team within the Environmental Health Service.
2. There is a distinction between on-street and off-street parking, this is because off-street parking is the responsibility of the council, as the off-street car parks are on council land and therefore owned by Fareham Borough Council. The Council has its own traffic regulation order to regulate the control of these. On-street parking is the responsibility of Hampshire County Council as this is a County function as Highways Authority.
3. In March 2007 Fareham Borough Council entered into an Agency arrangement to undertake on-street parking on behalf of Hampshire County Council, and the Council has been doing this since that time.
4. Under the current Agency agreement, the Council can recover its on-street costs from revenue generated by income from; - Penalty Charge Notices, Residents Permits and Dispensations. In 2017/18 the cost of the service was £233,649 and the income generated was £250,466. In the 10 years the Council has been running the enforcement service there has only been a surplus in 2 years.

AGENCY AGREEMENT TERMINATION

5. On 9th February 2018, Hampshire County Council formally gave Fareham notice that they are terminating the Agency Agreement for Decriminalised Parking Enforcement with Fareham Borough Council, this letter is attached as Appendix A. They also gave notice to all of the other Hampshire Authorities. The Notice stated that the agreement will terminate on 31st March 2020. In the absence of a new agreement this means that on-street parking enforcement will return to Hampshire County Council control from 1st April 2020.

6. Despite that letter giving notice of termination of the agreement with the Council, it also indicated that Hampshire County Council were keen to negotiate a revised agreement with the aim of developing an agreement that would better reflect Hampshire County Council's current position and to provide a more consistent approach to on street enforcement county wide.
7. Discussions at officer level continued in 2018 with a view to the progression of a new agreement up until July, after the July meeting there was no further communication. On 29 October 2018 there was a Hampshire County Council report to their Executive Member for Environment and Transport, broadly setting out Hampshire County Council's plans for the future of on-street parking. This report is attached as Appendix B. In summary:-
 - Districts to be given the choice to continue with on street parking under revised terms
 - Residents parking to be standardised across the County.
 - On-street charging to be introduced
 - On street electric vehicle charging points to be introduced
8. Having become aware of this report officers contacted colleagues at Hampshire County Council to seek a meeting to discuss the implications for Fareham. This meeting was held on 30 November 2018; Hampshire County Council colleagues stated verbally that Fareham would not be given the option to continue with on-street parking or enter back into a traffic management agency agreement, that Hampshire County Council intend to keep traffic management for Fareham and want a third-party specialist provider to carry out on-street parking enforcement in Fareham Borough. A letter dated 31st December 2018 was received in early January 2019, from Hampshire County Council's Director of Economy, Transport and Environment. This explained that as Fareham Borough Council had handed back the Traffic Management Agency Agreement (to HCC) in 2017, Hampshire County Council's intention in respect of Fareham Borough is to pass on-street enforcement to a specialist provider. This letter is attached as Appendix C.

CURRENT ARRANGEMENTS ON & OFF-STREET PARKING

9. Currently, on and off-street parking enforcement is undertaken by the Parking Enforcement team, this team also undertakes off-street enforcement. The service benefits from economies of scale which enable the service to be cost effective as a whole.
10. There are 15 car parks where charging takes place during certain periods, there are another 30 where there is no charging, but other restrictions apply.
11. The enforcement team consists of 8 Civil Enforcement Officers (CEO's) who work in two teams of 4 working a shift pattern, this enables there to be mostly 4 CEO's working at any one time, and with this level of staffing it enables them to be present for the entire charging period over the 7 days.

IMPLICATIONS OF AGENCY AGREEMENT TERMINATING

12. Hampshire County Council propose that the responsibility for On-street Parking returns to the County Council. Once the detail with Hampshire County Council has been

agreed, it is likely that there would be a Transfer of Undertakings (Protection of employment (TUPE) situation in respect of any current staff members that would need to transfer to the new provider to carry out on-street enforcement. To maintain the same level of enforcement over the charging period, for the Fareham Borough Council owned off-street car parks; the staffing would likely reduce by only two CEO's saving around £80,000. However, the Council would lose the on-street enforcement revenue, which in 2018/19 year was £250,466. Overall this would leave the Council with a deficit of approximately £170,000. A summary of the income and expenditure for the last 3 years is shown as Appendix D.

13. To understand the implications of Hampshire County Council's plans and how then to best deliver an off-street parking service only and address the potential financial deficit, a fundamental review of the service is necessary. The review should cover every aspect of off-street parking and should include: -

- Scope of enforcement and resource required – to establish the best arrangements for off-street parking enforcement, establish if there are other enforcement opportunities for CEO's in between off-street car park visits.
- Level and scope of charging – to review the charging periods in the car parks where charging takes place i.e. Fareham town centre and establish if it's feasible to increase the charging periods where appropriate.
- The majority of Fareham Borough Council owned car parks which are outside of the town centre are currently free of charge; this arrangement needs to be reviewed in order to also help address the financial deficit.
- In light of Hampshire County Council's intention to introduce on-street charging (parking meters) where there are currently either free of charge or waiting time restrictions or no restrictions at all, on street, the council may have free car parks nearby and it needs to be established if these car parks should have charging introduced albeit to compete with the new on-street charging.
- Methods of payment - investigate more convenient customer payment methods, currently there is a heavy emphasis on using cash, this creates problems for collection and also encourages town centre begging.
- Operation of the car parks – three of the town centre car parks are barriered, which creates a resource burden for the back office as customers cannot exit if any of the equipment fails although this is balanced against a lesser resource requirement for enforcement within those car parks, the review needs to establish the solution for each car park in terms of barriers versus pay on foot.
- Back office function – with 75% less Penalty Charge Notices to administrate, there will be a knock-on effect for the operation of the back office.

14. A further report would be brought to the Executive later in the year, detailing the findings of the review and to make recommendations regarding the provision of the Parking Service.

Enquiries:

For further information on this report please contact Ian Rickman. (Ext 4773)



Peter Grimwood
Chief Executive
Fareham Borough Council
Civic Offices
Civic Way
Fareham
PO16 7AZ

*Economy, Transport and Environment Department
Elizabeth II Court West, The Castle
Winchester, Hampshire SO23 8UD*

Tel: 0300 555 1375 (General Enquiries)
0300 555 1388 (Roads and Transport)
0300 555 1389 (Recycling Waste & Planning)
Textphone 0300 555 1390
Fax 01962 847055

www.hants.gov.uk

Enquiries to

Marc Samways

My reference

Direct Line

01962 832238

Your reference

Date

9 February 2018

Email

marc.samways@hants.gov.uk

Dear Mr Grimwood

Agency Agreement for Civil Parking Enforcement (On-Street) – Fareham Borough

I know you are aware of our plans to review and change the current Civil Parking Enforcement arrangements in Hampshire, as part of the County Council's Transformation Programme. As the existing Agency Agreements specify a two year notice period, we are taking steps to initiate this process now, although we hope to secure agreement with district colleagues on replacement agreements well within this timescale.

I am therefore writing to advise you that Hampshire County Council is terminating the current Agency Agreement for the Enforcement of Parking Control dated 19th March 2007 (as varied by the Supplemental Agreement dated 5th February 2010) in accordance with clause 7.2. This will result in the current Agency Agreement terminating on 31 March 2020.

The County Council is keen to negotiate a revised agreement with the Borough Council and, as such, officers from my department have recently met with your council's Head of Parking and Enforcement, Kevin Wright, with the aim of developing a new agreement that will better reflect the County Council's current position and will enable a more consistent countywide approach to the way that on-street parking is operated across the County. I understand that initial discussions have been positive but appreciate that any new agreement between the two authorities will also require political support from your council's Members.

Continued/...

*Director of Economy, Transport and Environment
Stuart Jarvis BSc DipTP FCIHT MRTPI*

Discussions will continue over the coming weeks but should you have any queries in the meantime please do not hesitate to contact Marc Samways (marc.samways@hants.gov.uk) who is the officer dealing with this matter.
Yours sincerely



Stuart Jarvis
Director of Economy, Transport and Environment

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Environment and Transport
Date:	29 October 2018
Title:	T19 Modernisation of the On-Street Parking Service
Report From:	Director of Economy, Transport and Environment

Contact name: Marc Samways

Tel: 01962 832238

Email: marc.samways@hants.gov.uk

1. Recommendations

- 1.1. That the Executive Member for Environment and Transport approves the principles as set out in the report of revised, financially robust district agreements for the delivery of on-street Civil Parking Enforcement that reflect the requirement for the County Council and the district partners to operate the on-street parking service on a full cost recovery basis.
- 1.2. That the Executive Member for Environment and Transport delegates authority to the Director of Economy, Transport and Environment in consultation with the Head of Legal Services to finalise negotiations and enter into any necessary contractual arrangements with those district and borough councils who have expressed a desire to continue to operate on-street Civil Parking Enforcement on the County Council's behalf.
- 1.3. That the Executive Member for Environment and Transport approves the principles of a County Council operational policy for Residential Parking Zones aimed at ensuring existing and future schemes operate on a full cost recovery basis.
- 1.4. That the Executive Member for Environment and Transport approves the principle of introducing pilot on-street electric vehicle (EV) charging bays, subject to the availability of funding, suitable areas being identified and the outcome of the Traffic Order process.
- 1.5. That the Executive Member for Environment and Transport approves the principle of future parking controls being implemented on a full cost recovery basis.

2. Executive Summary

- 2.1. This report provides an overview of the County Council's proposals aimed at modernising the on-street parking service across Hampshire as part of the Transformation to 2019 Parking Project. The report seeks approval for a number of changes to the way services are currently provided to ensure on-street parking services are delivered on a full cost recovery basis.

- 2.2. The report seeks approval of the terms of new agreements for those districts and boroughs wishing to continue to deliver on-street Civil Parking Enforcement on the County Council's behalf. It also seeks approval of a new operational policy for residential parking zones to help ensure the costs incurred by the district and borough councils of operating schemes of this type, together with the County Council's associated costs, are fully recovered.
- 2.3. The report also seeks approval for the principle of introducing on-street electrical vehicle charging (EV) charging bays, where suitable, in those areas currently being put forward for 'paid for' on-street parking.

3. Contextual Information

- 3.1. The introduction of on-street parking controls together with civil parking enforcement are, in most cases, currently delivered by the district and borough councils on the County Council's behalf. In the majority of cases these councils report annual losses from their on-street parking accounts meaning that the cost of providing the service is some way above their reported operating costs.
- 3.2. When Civil Parking Enforcement (formally known as Decriminalised Parking Enforcement) was first introduced by the County Council on a district by district basis, financial modelling showed that the service across each district should operate on at least a cost neutral basis.
- 3.3. The County Council also incurs costs associated with the on-street parking service, including funding and management of the district Traffic Management and parking agencies, maintenance of parking related signs and lines, developing policy, and responding to correspondence. The County Council also incurred set up costs when Civil/Decriminalised Parking was first introduced, and these costs have not been recouped.
- 3.4. The County Council, as the Highway Authority, is ultimately responsible for on-street Civil Parking Enforcement. It is important that the services operate on a full cost recovery basis.

District Agreements for Civil Parking Enforcement

- 3.5. Notice has been served to terminate the current district Civil Parking Enforcement agreements with the function due to come under County Council control as of 1st April 2020. However a number of district and borough councils have expressed a willingness to continue to operate on-street Civil Parking Enforcement on the County Council's behalf under revised terms.
- 3.6. In order that the County Council has sufficient time to ensure that there are arrangements in place for civil parking enforcement across the county, those district and borough councils who currently deliver these services through an agency arrangement must confirm their intention to carry on and sign a new agreement before 1st April 2019. Any areas not covered by an agency agreement by this time will revert to direct management by the County Council.
- 3.7. Where district and borough councils decide to continue to deliver the on-street Civil Parking Enforcement function they will be required to operate the service under the terms of revised agreements aimed at ensuring the service operates

on a full cost recovery basis. Full cost recovery includes the County Council's costs associated with the on-street parking service.

3.8. The key terms of the proposed revised district Civil Parking Enforcement Agreements are as follows:

- (i) A requirement for the district/borough to operate on-street parking enforcement in the most efficient way to ensure full cost recovery is achieved (including the County Council's associated costs).
- (ii) Where surplus income is achieved from the enforcement service this will be shared equally between the district and County Council.
- (iii) The district/borough must produce an Annual Parking Report with the financial figures for the on-street fund agreed with the County Council prior to publication.
- (iv) The on-street parking account must show true operational costs of running the service fairly apportioned on a pro-rata basis in relation to the off-street service. The County Council will produce a template to help ensure costs are apportioned using a common methodology. Where costs for the on-street operation appear excessively high, the County Council reserves the right to undertake an audit certification of the annual financial returns relating to the service.
- (v) The district/borough council must be willing to work in partnership with the County Council to deliver pilot on-street electric charging points and targeted areas of 'paid for' parking.
- (vi) The County Council will have overall responsibility for on-street 'paid for' chargeable parking in those areas without such measures in place as of 1st January 2018.
- (vii) Districts that have established on-street chargeable parking as of 1st January 2018 will be required to share surplus income equally with the County Council. This will enable the County Council, as the Highway Authority, to recover its associated costs.
- (viii) Due to the link between the introduction of new parking controls and their enforcement, districts who deliver on-street enforcement will also be required to have a Traffic Management Agency agreement with the County Council.
- (ix) Districts must conform to policies and standards for operation of the service as laid down by the County Council including the newly developed Operational Policy for Residential Parking Schemes (see report section 3.8).

Residential Parking

3.9. A number of the district and borough councils have introduced residential parking zones in areas where dwellings have little or no off-street parking. These schemes are aimed at increasing the likelihood of residents being able to find a convenient place to park near to their home by restricting non-residential parking. Whilst schemes of this type can be highly beneficial to residents they are costly to develop, implement, administer and enforce.

- 3.10. Investigations have shown that the majority of districts run residential parking schemes at a loss as a result of setting permit charges some way below the level where full cost recovery can be achieved resulting in the operational costs being subsidised through the districts' on-street parking account. The County Council also incurs costs associated with the residential parking schemes including maintaining the associated signs and carriageway lining.
- 3.11. National research undertaken in 2016 identified that the average annual residential permit cost across the United Kingdom was £64. Currently the Hampshire district and boroughs make charges of between £15 and £40 for annual residential parking permits. An assessment of the true cost of operating residential parking schemes coupled with regional local authority benchmarking indicates that a minimum annual permit charge of £1 per week (reduced to £50 per annum) would appear appropriate.
- 3.12. Examples of other local council charges for Residential Parking permits in the south and south-east region are shown below:
- Waverley BC in Surrey charges £50 for first permit and £75 for the second;
 - Surrey Heath charges £50 for first permit and £75 for the second;
 - Guildford BC charges £50 for first permit and £80 for the second;
 - Woking BC charges £50 for first permit and £75 for the second;
 - Dorset CC charges £70 for first permits;
 - Bournemouth BC charges between £50 and £200 depending on the area;
 - Salisbury (Wiltshire Council) charges between £50 and £80 for first permits and £70 to £100 for second permits; and
 - Chichester DC charges between £41 and £160 for first permits and between £72 and £200 for second permits.
- 3.13. The permit charging structure for households with multiple cars wishing to apply for more than one residential parking permit varies between districts with some charging a flat nominal rate for each permit and not limiting the number of permits that can be purchased by a single household. This approach can result in oversubscribed schemes whereby significantly more permits are issued in relation to the amount of on-street parking available.
- 3.14. The districts currently rely on the County Council to replace missing or defective signs and worn carriageway lining associated with parking controls to ensure that they are clear to motorists and can be enforced. Where parking controls are unclear this may mean that they cannot be enforced. The County Council has no dedicated budget for the maintenance of parking controls meaning that other types of highway defect, particularly those that compromise safety, are often given priority.
- 3.15. It is therefore recommended that the County Council, as the Highway Authority, introduces an Operational Policy for Residential Parking schemes that the district and borough councils will be required to follow.
- 3.16. The key elements of the proposed Operational Policy are as follows:
- (i) District/borough councils must operate Residential Parking Schemes on a full cost recovery basis. The on-street parking account must not be used to subsidise the operational costs of Residential Parking schemes.

- (ii) Schemes must be self financing with income from permits covering the full cost of scheme operation including permit administration, scheme management, IT costs, enhanced CEO enforcement time and the ongoing revenue costs associated with the maintenance of the associated signs and lines.
 - (iii) It is proposed that a minimum first Permit charge of £1 per week, which will be rounded to an annual minimum payment of £50, will be introduced. Permit charges in smaller zones may need to be higher to cover operating costs. Permit charges must also be subject to inflation and annual charging reviews. However, where a district or borough council decides to keep permit charges below a level where full costs are recovered, they will be required to credit the on-street parking account with a payment equal to the lost income.
 - (iv) Charges for second permits must be set at a level that will help ensure schemes are not oversubscribed with excessive permits issued in relation to the available parking within an area.
 - (v) Charges for subsequent permits (subject to local policy and where sufficient kerb space exists) must also be charged at a level that will discourage an excessive proportion of the available on-street parking being taken by individual properties.
 - (vi) Charges for visitor and trade permits also need to be set at a level to recover costs and manage demand.
 - (vii) Some districts and boroughs do not charge residents who were living in areas before Residential Parking schemes were first introduced. Given the ongoing revenue costs associated with the operation of schemes of this type the districts must ensure all residents within RP areas who request a permit be required to pay for them.
- 3.17. Where the proposed new minimum charge is significantly in excess of the existing arrangements it is further proposed that a transitional arrangement will operate to move towards the adoption of the minimum charge in incremental steps, recognising the potential impact of the increase being introduced in a single year.

Electric Vehicle On-street Charging Points

- 3.18. Recent forecasts have shown that the UK is on course for 1 million electric vehicles by 2022 and for 60% of new cars being electric by 2030. It is therefore important that the County Council begins to look at the opportunities to meet both initial and growing demand for Electric Vehicle (EV) charging points.
- 3.19. Whilst the majority of Hampshire districts and boroughs have been implementing small scale off-street electric charging points in a number of local authority owned car parks there is no current on-street provision across Hampshire.
- 3.20. It is therefore suggested that officers leading on the Transformation to 2019 On-street Parking project work with colleagues within the Culture, Communities and Business Services department to investigate current demand and potential for a

number of pilot on-street EV charging points subject to suitable funding being sourced.

On-Street Parking Controls

- 3.21. At the Decision Day on 5 June 2018 the Executive Member approved the principle for the introduction of chargeable on-street parking with authority delegated to the Director of Economy, Transport and Environment and the Head of Legal Services to take the necessary measures and steps to implement the changes, including the progression and approval of any associated Traffic Regulation Orders and any works necessary to support the introduction of chargeable on-street parking.
- 3.22. Where new parking controls are deemed to be required, they will need to be introduced on the basis that income from parking charges will cover their full costs, including enforcement, maintenance and support activity.
- 3.23. Areas of limited waiting introduced to allow convenient short term parking while preventing overstaying will generally be implemented as chargeable parking, which both generates revenue to support the associated costs, increases parking turnover, and simplifies enforcement. Areas of existing free limited waiting in urban and residential locations are being identified for potential paid for parking as the first step in providing parking controls on a full cost recovery basis, and to avoid continuing to subsidise parking provision and enforcement from limited highway budgets. An initial period of free parking to support local convenience shopping for example, will be provided in appropriate cases, but with each location looked at on its individual merits.

4. Finance

- 4.1. Income from on-street parking is currently held by the district and borough councils in their 'On-Street Parking Account' and this is generated from two areas:
 - (i) Income from chargeable on-street parking (if operated) and other charges (e.g. Residential Parking permits, trade and visitor permits); and
 - (ii) Surplus or Deficit from on-street Civil Parking Enforcement.
- 4.2. Income generated through a modernised on-street parking provision should be used to cover direct service costs incurred by the district and borough councils as well as the associated costs currently funded by the County Council.
- 4.3. Where a district or borough council that already has established on-street chargeable 'paid for' parking wishes to enter into a new Civil Parking Enforcement agreement with the County Council, they will be required to share this income with the County Council on an equal share basis.
- 4.4. Where a district or borough council does not currently have established 'paid for' parking, the County Council shall have direct control for the chargeable parking element with all income coming direct to the County Council.

5. Performance

- 5.1. It is anticipated that some minor variation in the agreements for future operation of on-street Civil Parking Enforcement will be required to reflect the individual

nature of districts and boroughs in Hampshire. It is anticipated that those districts with established on-street parking will be able to continue to run on-street chargeable parking whilst sharing the associated revenue with the County Council. It is intended that any changes introduced in areas where on street parking is managed by the County Council, will respect the local off street parking arrangements, such as whether charges are levied in the evening or on Sundays and Bank Holidays.

6. Consultation and Equalities

- 6.1. Replacing the current Civil Parking Enforcement agreements with revised, financially robust arrangements will not affect the fundamental provision of the services, and therefore no specific public consultation is required.
- 6.2. Where new parking controls are proposed they will be subject to statutory consultation as part of the Traffic Regulation Order process, which provides an opportunity for members of the public to submit representations, including objections to specific proposals on a case by case basis.
- 6.3. Changes to annual charges and the charging structure for Residential Parking schemes will not affect the fundamental provision of the services. It is recognised, however, that there will be a need for the changes to be considered by individual districts and boroughs as part of their decisions over the future of their Civil Parking Enforcement and Traffic Management agency arrangements with the County Council.
- 6.4. Formal consultation will be undertaken for the introduction of pilot on-street Electric Vehicle charging points as part of the Traffic Order process. An equalities impact assessment will be undertaken on individual proposals as appropriate.

CORPORATE OR LEGAL INFORMATION:**Links to the Strategic Plan**

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
T19 Parking Project Update	5 th June 2018
Countywide Civil Parking Enforcement Services	14 th November 2017
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

IMPACT ASSESSMENTS:

1. Equality Duty

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

1.2. Equalities Impact Assessment:

It is considered that the proposal will have a neutral impact on groups with protected characteristics. Measures provided in response to specific needs e.g. disabled parking bays, will continue to be provided where appropriate. An Equalities Impact Assessment will be undertaken for any specific parking proposals progressed as part of the project.

2. Impact on Crime and Disorder:

2.1. Unregulated parking can cause disputes. An effective parking enforcement service will help reduce conflict. Civil Parking Enforcement can help reduce demand for police resources to respond to parking related issues, freeing up those resources for other crime and disorder issues.

3. Climate Change:

(a) How does what is being proposed impact on our carbon footprint / energy consumption?

Proposals involving the introduction of new on-street electrical charging points will have a positive impact on climate change.

- (b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

Proposals involving the introduction of new on-street electrical charging points will have a positive impact on climate change.



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Mr Peter Grimwood
Chief Executive
Fareham Borough Council
By Email

<i>Enquiries to</i>	Marc Samways	<i>My reference</i>	
<i>Direct Line</i>	01962 832238	<i>Your reference</i>	
<i>Date</i>	31 st December 2018	<i>Email</i>	Marc.samways@hants.gov.uk

Dear Peter

On-Street Parking

Further to my letter of 9th February 2018 that set out our intentions with regard to modernising the on-street parking service and served notice to terminate the current district Civil Parking Enforcement agreements, I wanted to update you on the implications for the future of the service in Fareham.

Due to the link between the introduction of new parking controls and their enforcement, districts who deliver on-street enforcement on the County Council's behalf, from 1st April 2020 onwards, will also be required to have a Traffic Management Agency agreement. You will be aware that the Borough Council took the decision to terminate their Traffic Management agency agreement back in 2017 resulting in the County Council being directly responsible for new parking controls in the Borough since this time. There would be little sense in the County Council setting up a new Traffic Management Agency with the Borough Council, particularly given the changes made to the Traffic Team structure to accommodate the additional work when the agency function was returned.

It is the County Council's intention that the on-street parking service will be outsourced to a specialist service provider in those districts that will fall under direct control of the County Council as the Highway Authority and this will include Fareham (and also Gosport once the necessary processes have been completed by Central Government). It is anticipated that the future parking enforcement contract will provide district and borough councils with an opportunity to procure resources for off-street parking enforcement under the terms of the new contract should they wish to do so.

*Director of Economy, Transport and Environment
Stuart Jarvis BSc DipTP FCIHT MRTPI*

I trust that this information clarifies the County Council's intentions but should you require further information I would ask that you contact Marc Samways (marc.samways@hants.gov.uk) who is the lead officer on this project.

Yours sincerely



Stuart Jarvis
Director – Economy, Transport and Environment

Appendix D

On Street Income and Expenditure last three years

	<u>2017/18</u>	<u>2016/17</u>	<u>2015/16</u>
<u>On Street</u>			
Expenditure			
Employees	180,908	154,889	157,580
Transport	6,628	11,136	10,286
Supplies and Services	6,963	12,814	9,963
Third Party Payments	2,717	2,559	2,453
Internal recharges	36,433	38,893	36,424
Total	233,649	220,291	216,706
Income			
Residents Permits	-55,236	-42,490	-46,559
Dispensations	-5,195	-4,967	-4,950
PCN Income	-190,035	-162,798	-194,895
Total	250,466	210,255	246,404

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 04 March 2019

Portfolio:	Health and Public Protection
Subject:	Review of the Gambling Act 2005 Statement of Principles
Report of:	Director of Planning and Regulation
Corporate Priorities:	Strong, safe, inclusive and healthy communities

Purpose:

This report sets out the Gambling Act 2005 Statement of Policy (Gambling Policy) that details the Council's approach to the provision of Gambling in the Borough. The Policy is reviewed every three years and this review has taken account of changes in legislation, regulations and guidance. The revised Policy is attached as Appendix A and is being presented to the Executive for recommendation to Council for adoption.

Executive summary:

The Council has an existing Gambling Policy which, during this review, has been rewritten for ease of understanding. There have not been any substantive policy changes. The local area profile has been reviewed and expanded upon. Local Risk Assessments are now required to be kept on gambling premises. The Policy sets out the standards and criteria for applications received according to the Gambling and how those applications will be determined and the licensing objectives promoted.

Recommendation:

It is recommended that the Executive considers the revised Gambling Policy, as detailed in Appendix A, and recommends it to Council for adoption.

Reason:

Section 349 of the Gambling Act 2005 ('the Act') requires the licensing authority to prepare and publish a Statement of Licensing Policy every three years. This outlines the general approach of the licensing authority when making licensing decisions under the Act and can be reviewed and revised by the authority at any time.

Cost of proposals:

There are no financial implications to the Council arising from consideration of this proposal.

Appendices: A: Revised Statement of Principles

Background papers: None

Reference papers: None

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	04 March 2019
Subject:	Review of the Gambling Act 2005 Statement of Principles
Briefing by:	Director of Planning and Regulation
Portfolio:	Health and Public Protection

INTRODUCTION

1. The Gambling Act 2005 came fully into force on 01 September 2007 and was designed to control all forms of gambling. It transferred authority for licensing gambling from the magistrates' courts to local authorities.
2. The Gambling Policy reflects the requirements of the Gambling Act 2005 and the associated guidance and regulations. Section 349 requires each licensing authority to publish a statement of principles in respect of its licensing functions at the beginning of each three 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 three year period ended in January 2019 and therefore a Gambling Policy for 2019-2022 must be determined and published.
4. Consultation took place during December 2019 and a report was taken to the Licensing and Regulatory Affairs Committee on 6 February 2019 where the Head of Environmental Health reported in more detail on the consultation responses. A response from Public Health England was received that necessitated that the draft revised policy be amended, which was to add more detail under the section 'Fareham Profile'.
5. The Licensing and Regulatory Affairs Committee approved the draft policy on 6 February 2019 for recommendation to the Executive.
6. There are no significant risk considerations in relation to this report.

CONCLUSION

7. Members are invited to consider the information contained in the report and recommend the revised Policy to Council for adoption.

Enquiries: For further information on this report please contact Ian Rickman (Head of Environmental Health) Ext 4773.

FAREHAM

BOROUGH COUNCIL

Gambling Act 2005

Statement of Principles

February 2019 – January 2022

Fareham Borough Council
Gambling Act 2005
Statement of Principles

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DRAFT

1. Introduction

- 1.1 This statement of principles was updated in November 2018. It is a requirement for the Statement of Principles to be approved by the Executive and the Full Council of Fareham Borough Council and be reviewed every three years.
- 1.2 All references to the Gambling Commission's Guidance for local authorities refer to the Guidance published in September 2015 available from www.gamblingcommission.gov.uk.
- 1.3 The Gambling Act 2005 has appointed Fareham Borough Council as a Licensing Authority. The Authority will regulate gambling with integrity in the public interest.
- 1.4 The council is 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.
- 1.5 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.
- 1.6 The council has delegated all functions under the Act to the Licensing Committee, except those functions, which by law must be dealt with by the council, such as the setting of fee levels and the approval of this policy statement.
- 1.7 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.
- 1.8 This statement of Principles will be applied during the 3-year period from when approved in April 2019 until 31st January 2022 and during that time will be kept under review and revised when and if appropriate, during that 3-year period.
- 1.9 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.
- 1.10 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;
 - a) **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
 - b) **Ensuring that gambling is conducted in a fair and open way**

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

1.11 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 “.

1.12 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 above and
- In accordance with this Statement of Principles

1.13 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.

1.14 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 resolution in section 13, and also that unmet demand is not a criterion for a licensing authority.

1.15 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.

PART A -The Gambling Act 2005

2. The Statement of Licensing Principles and Consultation

- 2.1 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 at least 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.
- 2.2 This statement of principles has been published following extensive consultation. A list of the persons we have sent this document to is attached at **Appendix A**.
- 2.3 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 to represent the interests of persons carrying on gambling businesses in the authority’s area
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.
- 2.4 Our consultation took place between November 2018 and December 2018 and we have followed the Guidance to Licensing Authorities (GLA) on consultations available at <http://www.gamblingcommission.gov.uk/Licensing-authorities/Information-for-licensing-authorities/Guidance-to-licensing-authorities.aspx>.
- 2.5 The full schedule of comments and amendments consequential to these comments will be available by request to the Licensing Officer, Fareham Borough Council.
- 2.6 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.

3. The Licensing Framework

- 3.1 The Gambling Act 2005 brought about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.

- 3.2 The Gambling Commission issues operator licences and personal licences. Any operator wishing to provide gambling at a certain premises must have applied for the requisite personal licence and operator's licence before they can approach the council for a premises licence. In this way the Gambling Commission can consider potential applicants and organisations to ensure they have the correct credentials to operate gambling premises.
- 3.3 The council's role is to ensure premises are suitable for providing gambling in line with the three licensing objectives and any codes of practice issued by the Gambling Commission. The council also issues various permits and notices to regulate smaller scale and/or ad hoc gambling in various other locations such as pubs, clubs and hotels.
- 3.4 The council does not licence large society lotteries or remote gambling through websites. These areas fall to the Gambling Commission. The National Lottery is not licensed by the Gambling Act 2005 and from 1st October 2013 the Gambling Commission took over the responsibilities of the National Lottery Commission to regulate the National Lottery Act.

4. Declaration

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 Safeguarding Childrens'Board 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
- Safeguarding Children's Board, 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:
- 6.2 "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)"
- 6.3 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.
- 6.4 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.
- 6.5 We will consider the examples of consideration provided in the Gambling Commission's Guidance to Licensing. We will also consider the Guidance that "has business interests "is given its widest possible interpretation and should include partnerships, charities, faith groups and medical practices.
- 6.6 The Gambling Commission has recommended that we state that interested parties include trade associations, residents and tenants associations. We will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the provisions of the Act.
- 6.7 Interested parties under paragraph 6.2 (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 / MP. etc. represents the ward likely to be affected. Other than this, we will require any other person acting under paragraph 6.2 (c) above to be nominated in writing by the appropriate interested parties at paragraph 6.2 (a) or (b) above.

6.8 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

6.9 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. 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 2018 and the General Data Protection Regulations 2016 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. Licensing Authority Functions

8.1 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

8.2 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.

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

- Refer approval of this three-year licensing policy to Full Council
- Refer any delegated power under forthcoming Regulations to set fees to 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.

9. Fees

- 9.1 Premises Licence fees are set within the prescribed maximum levels in accordance with The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 and will be limited to cost recovery. Fees for Permits and other services are set by the Secretary of State.
- 9.2 In accordance with section 193 of the Act, a premises licence will be revoked if the licence holder fails to pay the relevant annual fee (required under section 184), unless the failure to pay can be explained by an administrative error.
- 9.3 Under schedule 13, section 17 of the Act, the council will also cancel any gambling permit if the holder fails to pay the annual fee, unless the failure to pay can be explained by an administrative error.

PART B - Promotion of the Licensing Objectives

10. Preventing Gambling from being a Source of Crime or Disorder, Being Associated with Crime or Disorder or being used to Support Crime

- 10.1 This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. Their guidance does however envisage that the licensing authority should pay attention to the proposed location of gambling premises in terms of this licensing objective.
- 10.2 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.
- 10.3 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.
- 10.4 In considering licence applications, the council will particularly consider 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.

11. Ensuring that Gambling is Conducted in a Fair and Open Way

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.

12. Protecting Children and other Vulnerable Persons from being Harmed or Exploited by Gambling

12.1 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.

12.2 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.

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

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

12.5 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 are 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."

12.6 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.

13. Other Considerations

The licensing authority will not reject applications for premises licenses where relevant objections can be dealt with through the use of conditions. In determining applications for premises licences and permits, we will request as much information as it requires to be satisfied that all the requirements set out at section 153 of the Act are met.

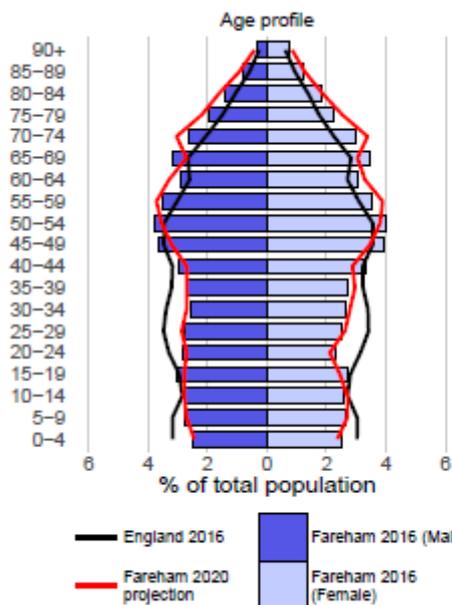
14. Profile of Fareham



- 14.1 Health in Summary – The health of people in Fareham is generally better than the England average. Fareham is one of the 20% least deprived districts/unitary authorities in England, however about 8% (1,400) of children lie in low income families. Life expectancy for both men and women is higher than the England average.
- 14.2 Health Inequalities - Life expectancy is 5.0 years lower for men and 4.9 years lower for women in the most deprived areas of Fareham than in the least deprived areas.
- 14.3 Child Health - In Year 6, 13.0% (137) of children are classified as obese, better than the average for England. The rate of alcohol specific hospital stays among those under 18 is 27*. This represents 6 stays per year. Levels of GCSE attainment and breastfeeding initiation are better than the England average.
- 14.4 Adult Health - The rate of alcohol-related harm hospital stays is 406*, better than the average for England. This represents 486 stays per year. The rate of self-harm hospital stays is 180*. This represents 197 stays per year. Estimated levels of adult smoking and physical activity are better than the England average. The rate of people killed and seriously injured on roads is worse than average. Rates of hip fractures, sexually transmitted infections and TB are better than average. Rates of violent crime, early deaths from cardiovascular diseases, early deaths from cancer and the percentage of people in employment are better than average.

* rate per 100,000 population

14.5 Population



Understanding the sociodemographic profile of an area is important when planning services. Different population groups may have different health and social care needs and are likely to interact with services in different ways.

	Fareham (persons)	England (persons)
Population (2016)*	116	55,268
Projected population (2020)*	118	56,705
% population aged under 18	19.2%	21.3%
% population aged 65+	22.8%	17.9%
% people from an ethnic minority group	2.2%	13.6%

* thousands

Source: Populations: Office for National Statistics licensed under the Open Government Licence
Ethnic minority groups: Annual Population Survey, October 2015 to September 2016

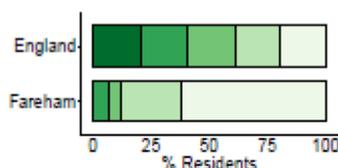
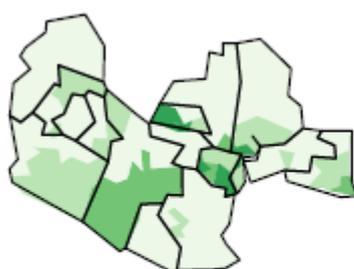
14.5 Deprivation – The level of deprivation in an area can be used to identify those communities who may be in the greatest need of services. These maps and charts show the Index of Multiple Deprivation 2015 (IMD 2015).

14.6 The level of deprivation in an area can be used to identify those communities who may be in the greatest need of services. These maps and charts show the Index of Multiple Deprivation 2015 (IMD 2015)

National

The first of the two maps shows differences in deprivation in this area based on national comparisons, using national quintiles (fifths) of IMD 2015, shown by lower super output area. The darkest coloured areas are some of the most deprived neighbourhoods in England.

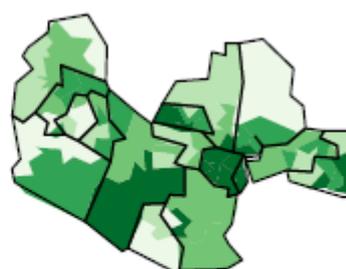
The chart shows the percentage of the population who live in areas at each level of deprivation.



Most deprived quintile Least deprived quintile

Local

The second map shows the differences in deprivation based on local quintiles (fifths) of IMD 2015 for this area.



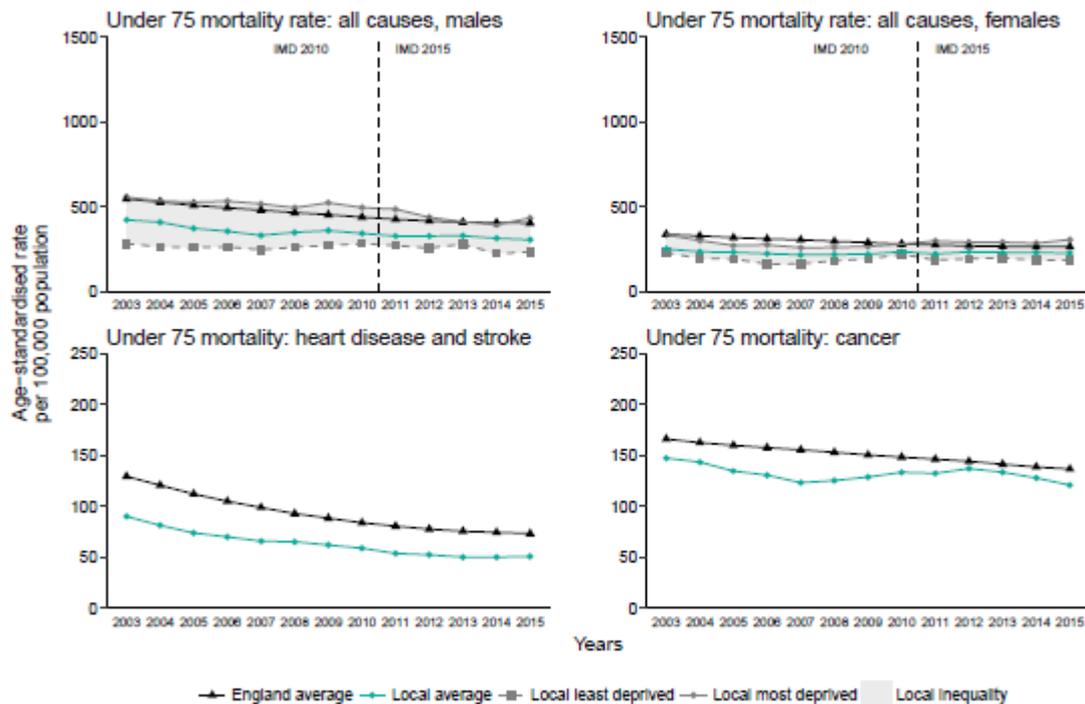
14.7 Health Inequalities : life expectancy

The charts show life expectancy for males and females within this local authority for 2014-16. The local authority is divided into local deciles (tenths) by deprivation (IMD 2015). The life expectancy gap is the difference between the top and bottom of the inequality slope. This represents the range in years of life expectancy from most to least deprived within this area. If there was no inequality in life expectancy the line would be horizontal.



14.8 Trends over time: under 75 Mortality

These charts provide a comparison of the trends in death rates in people under 75 between this area and England. For deaths from all causes, they also show the trends in the most deprived and least deprived local quintiles (fifths) of this area.



Data from 2010-12 onwards have been revised to use IMD 2015 to define local deprivation quintiles (fifths), all prior time points use IMD 2010. In doing this, areas are grouped into deprivation quintiles using the Index of Multiple Deprivation which most closely aligns with the time period of the data. This provides a more accurate way of examining changes over time by deprivation.

Data points are the midpoints of three year averages of annual rates, for example 2005 represents the period 2004 to 2006. Where data are missing for local least or most deprived, the value could not be calculated as the number of cases is too small.

14.9 Health Summary for Fareham

The chart below shows how the health of people in this area compares with the rest of England. This area's value for each indicator is shown as a circle. The England average is shown by the red line, which is always at the centre of the chart. The range of results for all local areas in England is shown as a grey bar. A red circle means that this area is significantly worse than England for that indicator. However, a green circle may still indicate an important public health problem.

- Significantly worse than England average
- Not significantly different from England average
- Significantly better than England average
- Not compared



	Indicator names	Period	Local count	Local value	Eng value	Eng worst	Eng best
Life expectancy and causes of death	1 Life expectancy at birth (Male)	2014 - 16	n/a	81.1	79.5	74.2	83.7
	2 Life expectancy at birth (Female)	2014 - 16	n/a	84.0	83.1	79.4	86.8
	3 Under 75 mortality rate: all causes	2014 - 16	901	267.0	333.8	545.7	215.2
	4 Under 75 mortality rate: cardiovascular	2014 - 16	174	51.1	73.5	141.3	42.3
	5 Under 75 mortality rate: cancer	2014 - 16	413	121.0	136.8	195.3	99.1
	6 Suicide rate	2014 - 16	18	5.9	9.9	18.3	4.6
Injuries and ill health	7 Killed and seriously injured on roads	2014 - 16	173	50.2	39.7	110.4	13.5
	8 Hospital stays for self-harm	2016/17	197	179.9	185.3	578.9	50.6
	9 Hip fractures in older people (aged 65+)	2016/17	105	389.7	575.0	854.2	364.7
	10 Cancer diagnosed at early stage	2016	284	52.2	52.6	39.3	61.9
	11 Diabetes diagnoses (aged 17+)	2017	n/a	77.5	77.1	54.3	96.3
	12 Dementia diagnoses (aged 65+)	2017	1,110	62.7	67.9	45.1	90.8
Behavioural risk factors	13 Alcohol-specific hospital stays (under 18s)	2014/15 - 16/17	18	27.0	34.2	100.0	6.5
	14 Alcohol-related harm hospital stays	2016/17	486	405.6	636.4	1,151.1	388.2
	15 Smoking prevalence in adults (aged 18+)	2017	8,093	8.7	14.9	24.8	4.6
	16 Physically active adults (aged 19+)	2016/17	n/a	71.1	66.0	53.3	78.8
	17 Excess weight in adults (aged 18+)	2016/17	n/a	62.6	61.3	74.9	40.5
Child health	18 Under 18 conceptions	2016	32	16.4	18.8	36.7	3.3
	19 Smoking status at time of delivery	2016/17	112	10.9	10.7	28.1	2.3
	20 Breastfeeding initiation	2016/17	878	82.0	74.5	37.9	96.7
	21 Infant mortality rate	2014 - 16	11	3.5	3.9	7.9	0.0
	22 Obese children (aged 10-11)	2016/17	137	13.0	20.0	29.2	8.8
Inequalities	23 Deprivation score (IMD 2015)	2015	n/a	8.5	21.8	42.0	5.0
	24 Smoking prevalence: routine and manual occupations	2017	n/a	18.2	25.7	48.7	5.1
Wider determinants of health	25 Children in low income families (under 16s)	2015	1,355	7.5	16.8	30.5	5.7
	26 GCSEs achieved	2015/16	708	64.3	57.8	44.8	78.7
	27 Employment rate (aged 16-64)	2016/17	56,300	81.4	74.4	59.8	88.5
	28 Statutory homelessness	2016/17	- ¹	- ¹	0.8		
	29 Violent crime (violence offences)	2016/17	2,023	17.6	20.0	42.2	5.7
Health protection	30 Excess winter deaths	Aug 2013 - Jul 2016	145	13.0	17.9	30.3	6.3
	31 New sexually transmitted infections	2017	324	454.7	793.8	3,215.3	266.6
	32 New cases of tuberculosis	2014 - 16	7	2.0	10.9	69.0	0.0

For full details on each indicator, see the definitions tab of the Health Profiles online tool: www.healthprofiles.info

Indicator value types

1, 2 Life expectancy - Years 3, 4, 5 Directly age-standardised rate per 100,000 population aged under 75 6 Directly age-standardised rate per 100,000 population aged 10 and over 7 Crude rate per 100,000 population 8 Directly age-standardised rate per 100,000 population 9 Directly age-standardised rate per 100,000 population aged 65 and over 10 Proportion - % of cancers diagnosed at stage 1 or 2 11 Proportion - % recorded diagnosis of diabetes as a proportion of the estimated number with diabetes 12 Proportion - % recorded diagnosis of dementia as a proportion of the estimated number with dementia 13 Crude rate per 100,000 population aged under 18 14 Directly age-standardised rate per 100,000 population 15, 16, 17 Proportion - % 18 Crude rate per 1,000 females aged 15 to 17 19, 20 Proportion - % 21 Crude rate per 1,000 live births 22 Proportion - % 23 Index of Multiple Deprivation (IMD) 2015 score 24, 25 Proportion - % 26 Proportion - % 5 A*-C including English & Maths 27 Proportion - % 28 Crude rate per 1,000 households 29 Crude rate per 1,000 population 30 Ratio of excess winter deaths to average of non-winter deaths (%) 31 Crude rate per 100,000 population aged 15 to 64 (excluding Chlamydia) 32 Crude rate per 100,000 population

⁶Regional refers to the former government regions.

¹ Value suppressed for disclosure control due to small count

If 25% or more of areas have no data then the England range is not displayed.

Please send any enquiries to healthprofiles@phe.gov.uk

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15. Money Laundering

15.1 The council requires applicants and licence holders to conduct an assessment of the risks of their business being used for money laundering and terrorist financing. Such risk assessment must be appropriate and must be reviewed as necessary in the light of any changes in circumstances, including the introduction of new technology, new methods of payment by customers, changes in the customer demographic or any other material changes, and in any event reviewed at least annually.

15.2 As a gambling business you have a responsibility to uphold the three licensing objectives set out in the Act. The first of those licensing objectives is to prevent gambling being a source of crime or disorder, being associated with crime and disorder, or being used to support crime.

15.3 Money laundering in the gambling sector takes two main forms:

- exchanging money acquired criminally for money that appears to be legitimate or 'clean' by gambling on low risk outcomes; and
- the use of criminal proceeds to fund gambling as a leisure activity (so called criminal or 'lifestyle' spend).

15.4 You should report money laundering to the National Crime Agency and, where appropriate consent is requested, wait for such consent to deal with a transaction or wait until a set period has elapsed before proceeding.

15.5 Further information on how to meet your money laundering responsibilities can be found on the Gambling Commission website.

16. The Proceeds of Crime Act 2002

16.1 POCA creates several principal offences that apply to everyone and criminalise any involvement in the proceeds of any crime if the person knows or suspects that the property is criminal property. These offences relate to the concealing, disguising, converting, transferring, acquisition, use and possession of criminal property, as well as an arrangement which facilitates the acquisition, retention, use or control of criminal property. For example, in the gambling industry, this may involve taking cash, cheque, or card payments, based on funds which are the proceeds of crime, in the form of a bet or wager or holding money on account for a customer.

16.2 The Gambling Commission has produced guidance for operators on duties under the Proceeds of Crime Act.

PART C – Premises Licences

17. General Principles

17.1 Premises Licences will be subject to the permissions/restrictions set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions that will be detailed in regulations issued by the Secretary of State.

17.2 We, as the licensing authority, will be able to exclude default conditions and also attach other conditions, where we believe it to be appropriate.

17.3 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 and
- in accordance with this statement of licensing policy

17.4 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 resolution and that unmet demand is not a criterion for a licensing authority.

17.5 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.

17.6 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.

17.7 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.

17.8 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.

- Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and the ability to comply with the requirements of the Act. But in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

- 17.9 We also note that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that references to "the premises" are to the premises in which gambling may now take place. Therefore a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling.
- 17.10 Subject to future case law, we agree with this interpretation 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. The Gambling Commission emphasises that requiring the building to be complete ensures that the licensing authority can, if necessary, inspect it fully, as can other responsible authorities, with inspection rights under the Act.
- 17.11 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.
- 17.12 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.
- 17.13 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.
- 17.14 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.

- 17.15 This authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including the statutory planning regime.
- 17.16 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.
- 17.17 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.
- 17.18 The Planning Department are a responsible authority under this Act and can make representations should they desire, otherwise the two regimes will be properly separated.
- 17.19 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:

18. Local Area Risk Assessments

- 18.1 It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.
- 18.2 The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:
- to take account of significant changes in local circumstance, including those identified in this policy.
 - when there are significant changes at a licensee's premises that may affect their mitigation of local risks
 - when applying for a variation of a premises licence; and
 - in any case, undertake a local risk assessment when applying for a new premises licence.
- 18.3 The council will expect the local risk assessment to consider as a minimum:
- whether the premises is in an area of deprivation
 - whether the premises is in an area subject to high levels of crime and/or disorder
 - the ethnic profile of residents in the area
 - the demographics of the area in relation to vulnerable groups
 - the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.

- 18.4 In any case the local risk assessment should show how vulnerable people including people with gambling dependencies, are protected.
- 18.5 A copy of all risk assessments should be available for inspection on the premises.
- 18.5 Other matters that the assessment may include:
- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the staffing of premises affect this.
 - Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
 - The layout of the premises so that staff have an unobstructed view of persons using the premises.
 - The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
 - Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
 - The provision of signage and documents relating to games rules, gambling care providers and other relevant information to be provided in both English and the other prominent first language for that locality.
 - Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for ambling in reliance on the licence.
- 18.6 Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions, or to refuse the application.
- 18.7 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

19. Conditions on Premises Licences

- 19.1 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.

- 19.2 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
- 19.3 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.
- 19.4 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.
- 19.5 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.
- 19.6 These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 19.7 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.
- 19.8 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

19.9 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

20. Door Supervisors

20.1 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.

20.2 Door supervisors at casinos and 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.

20.3 This licensing authority therefore has specific requirements for door supervisors working at casinos or 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.

21 Adult Gaming Centres (AGC)

21.1 Adult gaming centres are a category of premises introduced by the Act that are most closely related to what are commonly known as adult only amusement arcades seen in many town centres.

21.2 Persons operating an AGC must hold a gaming machines general operating licence from the Gambling commission and obtain a premises licence from the council.

21.3 Under the Act a premises holding an adult gaming centre licence will be able to make a number of category B, C and D gaming machines available. No person under 18 will be permitted to enter such premises and no alcohol shall be permitted to be consumed on the premises.

- 21.4 No customer shall be able to access the premises directly from any other (or split) premises in respect of which a licence issued under part 8 of the Act, or a permit issued under schedule 10, 12 or 13 to the Act, has effect.
- 21.5 The council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the council that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.
- 21.6 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commission codes of Practice or by the applicant, the council may consider licence conditions to address such issues.

22. Licensed Family Entertainment Centres (FECs)

- 22.1 Licenced family entertainment centres are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes.
- 22.2 Licenced family entertainment centres will be able to make available unlimited category C and D machines where there is clear segregation in place to children do not access the areas where the category C machines are located.
- 22.3 Where category C or above machines are available in premises to which children are admitted then the council will ensure that :
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than thorough a designated entrance. For this purpose, a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least 1 metre high;
 - only adults are admitted to the area where the machines (category C are located);
 - access to the area where the machines are located is supervised at all times;
 - the area where the machines are located is arranged so that it can be observed by staff; and
 - at the entrance to, and inside any such area there are prominently displayed noticed indicated that access to the area is prohibited to persons under 18.
- 22.4 The council 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.

- 22.5 The council will expect applicants 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.
- 22.6 The efficiency of such policies and procedures will each be considered on their merits; however, they may include:
- appropriate measures and training for staff regarding suspected truant children on the premises; measures and training covering how staff would deal with unsupervised very young children being on the premises;
 - measures and training covering how staff would deal with children causing perceived problems on or around the premises;
 - the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should cover both the interior and the entrance working to latest Home office standards and to the satisfaction of Hampshire police and the council. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.
- 22.7 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Disclosure and Barring Service to determine whether their staff need to be DBS checked.
- 22.8 The council will refer to the Commission's website to familiarise itself with any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The council will also make itself aware of the mandatory or default conditions and any Gambling commission codes of Practice on these premises licences.
- 22.9 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.
- 22.10 This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

23 Casinos

This licensing authority does not have an existing licensed casino within the Borough. We have not submitted a proposal for a premises licence for any new type of casino to the Independent Casinos Advisory Panel. The Authority has passed a No Casino resolution

24. Betting machines

- 24.1 It is desirable that the difference between a gaming machine and betting machine is understood. A machine is not a gaming machine if it is designed or adapted for use to bet on future real events.
- 24.2 Some betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These “betting machines” are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits.
- 24.3 Such betting machines merely automate the process which can be conducted in person and therefore do not require regulation as a gaming machine.
- 24.4 However, where a machine is made available to take bets on virtual races, that machine is a gaming machine and does count towards the maximum permitted number of gaming machines, and must meet the relevant category limitations for the premises.
- 24.5 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 (where betting is permitted in the casino).
- 24.6 In accordance with the Gambling Commission’s Guidance for local authorities, when considering the number / nature / circumstances of betting machines that a casino operator wishes to offer, we will consider;
- the size of the premises
 - the number of counter positions available for person-to-person transactions, and,
 - the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons.”

25. Bingo

- 25.1 This licensing authority notes that 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. Where category C or above

machines are available in premises to which children are admitted licensing authorities should ensure that:

- all such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- Children will not be admitted to bingo premises unless accompanied by an adult.

25.2 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.

25.3 The Gambling Commission has provided Guidance for Licensing Authorities and licence Conditions and Code of Practice which are applied to Operator's Licences. The council will take this into consideration when determining licence applications for bingo premises.

25.4 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues.

26. Betting Premises

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.

27. Tracks

27.1 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.

27.2 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.

27.3 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.

27.4 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.

27.5 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.

27.6 We will expect the premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities.

27.7 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.

27.8 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

28. Condition on Rules being Displayed

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."

29. Applications and Plans

This licensing authority awaits regulations setting-out any specific requirements for applications for premises licences but is in accordance with the Gambling Commission's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to licence they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."

30. Travelling Fairs

- 30.1 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.
- 30.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 30.3 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.

31. Provisional Statements

- 31.1 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”.
- 31.2 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.
- 31.3 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.”

PART D – Permits, Notifications and Lottery Registrations

32. Unlicensed Family Entertainment Centre Gaming Machine Permits

- 32.1 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.
- 32.2 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.
- 32.3 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.
- 32.4 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.

- 32.5 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.
- 32.6 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."
- 32.7 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)
- 32.8 We note that a licensing authority can grant or refuse a licence but cannot attach conditions to this type of permit.
- 32.9 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.
- 32.10 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

33. Gaming Machine Permits in Premises Licensed for the Sale of Alcohol

- 33.1 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.
- 33.2 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.
- 33.3 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.*”
- 33.4 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.
- 33.5 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.
- 33.6 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.
- 33.7 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.
- 33.8 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.

34. Prize Gaming Permits

- 34.1 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”.
- 34.2 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.
- 34.3 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.
- 34.4 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.

35. Club Gaming and Club Machine Permits

- 35.1 Bona Fide Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit.
- 35.2 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.
- 35.3 A Club Gaming machine permit will enable the premises to provide 3 gaming machines of categories B, C or D.
- 35.4 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.

- 35.5 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."
- 35.6 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.
- 35.7 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).
- 35.8 The Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:
- a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

35.9 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.

36. Temporary Use Notices

- 36.1 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.

- 36.2 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.
- 36.3 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. This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises." In our consideration of Temporary Use Notice applications.

37. 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.

38. Small Society Lottery Registrations

- 38.1 A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.
- 38.2 The Act creates two principal classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Other exempted lotteries are:
- (a) incidental lotteries – must be held at an event (either commercial or non-commercial), eg a charity dinner, exhibition, festival, fete.
 - (b) Private lotteries
 - Private society lotteries – only members of the society and those on the society premises can participate in the lottery
 - Work lotteries – only people who work together on the same premises may participate

- Residents lotteries – only people who live at the same premises may participate
- (c) Customer lotteries – only customers at the business premises may participate.

38.3 A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the council for small societies who have a principal office in Fareham district and want to run such a lottery.

38.4 A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.

38.5 To be 'non-commercial' a society must be established and conducted:

- For charitable purposes,
- For the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or
- For any other non-commercial purpose other than that of private gain.

PART E – Enforcement

39.1 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.

39.2 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

39.3 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.

- 39.4 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.
- 39.5 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.
- 39.6 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.
- 39.7 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.
- 39.8 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.

40. Reviews

- 40.1 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.
- 40.2 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.
- 40.3 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.
- 40.4 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 consider 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

APPENDIX 1

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 British Casino Association
- 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 2

SCHEDULE OF RESPONSIBLE AUTHORITIES GAMBLING ACT 2006

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

Email: : Csprotection.admin@hantsfire.gov.uk

Fax: 023 92885175

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

Email: licensing@fareham.gov.uk

Fax:01329 821755

Website: www.fareham.gov.uk

Health & Safety Team

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

Tel: 01329 236100

Email: health@fareham.gov.uk

Fax:01329 821755

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
Website: www.fareham.gov.uk

Fax:01329 821500

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

Tel 01962 833620

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
Email: licensing@fareham.gov.uk

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

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

Tel: 01329 236100

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

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

DRAFT

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 04 March 2019

Portfolio:	Planning and Development
Subject:	Local Development Scheme
Report of:	Director of Planning and Regulation
Corporate Priorities:	Providing Housing Choices Protect and Enhance the Environment Strong, Safe, Inclusive and Healthy Communities Maintain and Extend Prosperity Leisure Opportunities for Health and Fun Dynamic, Prudent and Progressive Council

Purpose:

To approve the Local Development Scheme (2019) for adoption.

Executive summary:

Local Planning Authorities are required by legislation to prepare and maintain a Local Development Scheme (LDS). The purpose of the Fareham Borough LDS is to set out the timetable for producing the Fareham Borough Local Plan Review and the Authority Monitoring Reports (AMR).

An up-to-date LDS ensures that the community and other interested parties are aware of the programme for preparing the Fareham Local Plan 2036 and importantly when there will opportunities to respond to consultations on it.

The timetable set out in the LDS aims for the adoption of the Fareham Local Plan 2036 in early 2021, beginning with a consultation in Spring 2019 focusing on options to address the issue of meeting the additional housing need.

Recommendations:

It is recommended that the Executive agrees:

- (a) to adopt the Fareham Borough Local Development Scheme 2019 as set out in Appendix A to the report; and
- (b) that the Director of Planning and Regulation is authorised to make any necessary minor changes to the Local Development Scheme, providing that these do not change the overall direction, shape or emphasis of the document, prior to the document being published on the Council's website.

Reason:

To meet the Council's statutory responsibility for setting out an up-to-date timetable for the production of the Fareham Local Plan 2036, so that local communities and interested parties can keep track of progress.

Cost of proposals:

There are no direct financial implications arising from this report.

Appendices: **A:** Fareham Borough Local Development Scheme (March 2019)

Background papers: None

Reference papers: None

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	04 March 2019
Subject:	Local Development Scheme
Briefing by:	Director of Planning and Regulation
Portfolio:	Planning and Regulation

INTRODUCTION

1. Local planning authorities are required by legislation to prepare and maintain a Local Development Scheme (LDS). The LDS provides the timetable for the preparation of the Fareham Local Plan 2036 (the new Local Plan), as well as the Authority Monitoring Reports. The purpose of producing a LDS is to ensure that local communities and interested parties are kept up-to-date with the programme for preparing the Local Plan and importantly when there will be opportunities to respond to consultations on it.
2. The existing LDS was adopted in July 2017. Since this LDS was adopted there have been significant changes to national policy and guidance, particularly the 2018 National Planning Policy Framework and the calculation of housing need, therefore a decision was taken to reconsider the Local Plan process. This was announced at the November 2018 Executive.

NEED TO UPDATE CURRENT LOCAL DEVELOPMENT SCHEME

3. The revised timetable demonstrates the Council's intention to deliver an up to date Local Plan which is consistent with the 2018 National Planning Policy Framework and which will be submitted for examination in the summer of 2020. It is considered that this will represent a realistic timetable which, subject to no major changes in Government legislation or requirements, will be achievable.
4. Executive Members will recall the Draft Local Plan which was consulted upon in 2017. This document was the culmination of the analysis of a robust body of evidence which will be built upon to form the new Local Plan to be submitted to and examined by Government.
5. Work is required to address how the borough will meet the need for additional housing identified because of Government changes. Firstly, this will involve re-assessing all previously known sites which have not advanced through the planning system and identifying additional sites to meet the new level of need. The first consultation stage will be on the reasonable options available to meet the additional need. The Council will use the results of this consultation to inform the selection of preferred options to meet the increased housing number which will be subject to a second public consultation

during Winter 2019/2020. Then this preferred option, as amended by the results of the second consultation, will be merged with the contents of the Draft Local Plan 2017 to form the plan that will be published, consulted upon and submitted to Government. It is at this 'publication' stage that the new Draft Local Plan will be subject to Executive and Council approval prior to the final stage of public consultation.

6. The revised timetable for the Fareham Local Plan 2036 is set out as follows:

Autumn 2017	Consultation on Draft Local Plan
Spring 2019	Consultation on 'Issues and Options'
Autumn 2019-Winter 2019/2020	Consultation on Revised Development Strategy and proposed additional allocations
Spring 2020	Consultation on Publication Local Plan
Summer 2020	Submission of Plan to Secretary of State
Estimated – Autumn 2020/Winter 2020/2021	Examination
Early 2021	Adoption

7. The new timetable will mean that the anticipated adoption of the plan is now scheduled to take place in early 2021. However, the Council has little control over the length of the examination phase which is managed by the Planning Inspectorate from submission of the Plan to the Secretary of State. Should this phase be concluded sooner than is estimated in the timetable, then adoption of the Plan would accordingly be undertaken sooner.
8. The Fareham Local Plan 2036 will enable the Council to plan for up-to-date housing, employment and other needs, as well as taking account of proposed changes to the 2018 NPPF and other new planning guidance and legislation. The Local Plan Review will also enable the Council to simplify the current Local Plan by preparing a new Local Plan that is clearer, more concise and more engaging for local communities.
9. It is also the intention to review the CIL Charging Schedule in line with the statement made in the previous Viability Study (2017) that supported the draft local plan. Fareham was an early-adopter of CIL and since adoption, developments have taken place in the manner in which CIL is used to fund infrastructure as a consequence of several government changes to CIL regulations. Proposed changes to the CIL regulations are planned for 2019 and after their publication, a timetable will be provided.

PROGRESS AND CHANGES SINCE THE PREVIOUS LDS

10. In addition to updates to the timetable for the Fareham Local Plan 2036 the revised LDS also includes general updates that ensure the document remains accurate and concise.

AUTHORITY MONITORING REPORT

11. The LDS highlights that an Authority Monitoring Report (AMR) will be published annually and gives a timetable for the expected publication each year showing preparation of the document in the winter with publication in the spring. Each AMR will address the preceding monitoring year period (i.e. 01 April until 31 March each year).

Enquiries:

For further information on this report please contact Claire Burnett, Head of Planning Strategy and Regeneration on extension 4330 or cburnett@fareham.gov.uk

Fareham Borough Local Development Scheme

March 2019

Further Information and Contacts

If you have any questions regarding the Fareham Local Plan or this Local Development Scheme, please contact a member of the Planning Strategy and Regeneration team at Fareham Borough Council.

Telephone: 01329 236100

Email: planningpolicy@fareham.gov.uk

Address: Planning Strategy & Regeneration
Fareham Borough Council
Civic Offices
Civic Way
Fareham
Hampshire
PO16 7AZ

Information including updates on the progress of Fareham's Local Plan and current consultations is available on the Council's website: www.fareham.gov.uk/planning

Please note:

This Local Development Scheme will be considered by the Fareham Borough Executive on 4 March 2019.

If you require this document in large print, or help with translation into other languages, please call 01329 236100 for further information.

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1 Introduction

REQUIREMENT FOR A LOCAL DEVELOPMENT SCHEME

- 1.1 Local Planning Authorities are required by legislation to prepare and maintain a Local Development Scheme (LDS) to provide a timetable for the preparation of a Local Plan and any other Local Development Documents
- 1.2 Legislation¹ states that a Local Development Scheme must specify:
- The Local Development Document which are to be Development Plan Documents;
 - The subject matter and geographical area to which each development plan document relates;
 - Which Development Plan Documents, if any, are to be prepared jointly with one or more other local planning authorities;
 - Any matter or area in respect of which the authority has agreed (or proposes to agree) to the constitution of a joint committee (with other Local Planning Authorities); and
 - The timetable for the preparation and revision of the Development Plan Documents;
 - Such other matters as are prescribed.
- 1.3 The Planning Practice Guidance (PPG) requires the LDS to be kept up-to-date and be made publicly available, so that local communities and interested parties can keep track of Local Plan progress.
- 1.4 This LDS covers the period 2019-2021 and supersedes the Council's previous LDS published in July 2017. This LDS sets out an up-to-date timetable for the stages of the Local Plan 2036. This is set out in Appendix 1.

FAREHAM LOCAL PLAN 2036

- 1.5 A new Fareham Local Plan 2036 is being produced to set the overall strategy for future development and growth in the borough. It will include policies by which to determine planning applications and will allocate sites to meet housing and employment needs. This will cover the period 2011-2036 and, once adopted, replace the existing Core Strategy (Part 1) and Development Sites and Policies Local Plan (Part 2). While the new Local Plan will cover the entire Borough, at this stage it is not the intention to review the Welborne Plan (Part 3). Further information about the emerging Fareham Local Plan 2036 and the timetable for its production is available in Section 3 of this document.

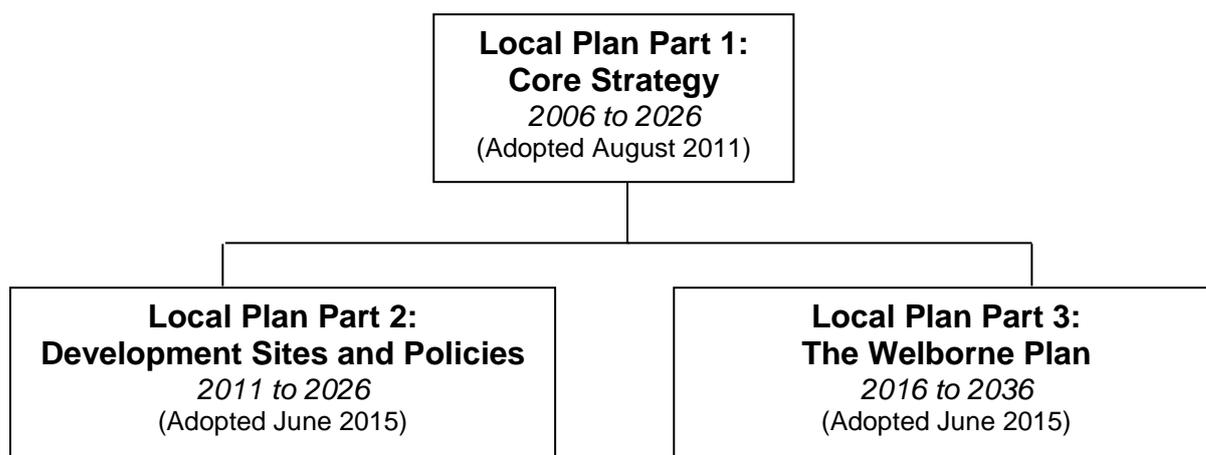
¹ Section 15 of the Planning and Compulsory Purchase Act (2004 (as amended by the Localism Act 2011) with further requirements and guidance set out in the Town and County Planning (Local Planning) (England) Regulations 2012.

For further information please contact planningpolicy@fareham.gov.uk

2 Fareham's Development Plan Documents

ADOPTED LOCAL PLAN

- 2.1 Local Plans set out a Local Planning Authority's planning strategy, policies and proposals and guide development decisions. The current adopted Fareham Borough Local Plan is combined of three parts, all of which have been through an independent public examination conducted by the Planning Inspectorate.
- 2.2 The diagram below illustrates the current hierarchy of the three Local Plan documents that comprise the adopted Fareham Local Plan.



- 2.3 Alongside this the Hampshire Minerals and Waste Plan (2013) also forms part of Fareham's Development Plan². Should any neighbourhood plans be made, they will also form part of the development plan and apply to their relevant designated neighbourhood areas.
- 2.4 The three parts of the existing adopted Local Plan all apply to different geographical areas of the Borough;
- Local Plan Part 1 applies to the whole Borough;
 - Local Plan Part 2 applies to the whole Borough apart from Welborne;
 - Local Plan Part 3 applies only to Welborne.

SUPPLEMENTARY PLANNING DOCUMENTS

- 2.5 Supplementary Planning Documents (SPDs) are typically produced to provide more detailed guidance on how a particular policy (or policies) should be implemented. SPDs are not subject to independent examination and the full timetables for the preparation of SPDs are not required to be included in the LDS.
- 2.6 To date the Council has adopted the following Supplementary Planning Documents:
- **Affordable Housing SPD** (adopted December 2005)

² The Hampshire Minerals and Waste Plan is produced by Hampshire County Council and is available at: <http://documents.hants.gov.uk/mineralsandwaste/HampshireMineralsWastePlanADOPTED.pdf>
For further information please contact planningpolicy@fareham.gov.uk

This SPD provides guidance for developers, house builders and the public about the operation of Policy H10 (Affordable Housing of the Local Plan Review 2000). Although the policy has been replaced by CS18 in the Core Strategy of 2011. An updated SPD is currently in production which, when adopted, will accompany the formal withdrawal of the 2005 SPD.

- **Residential Car and Cycle Parking Standards** (adopted 2009).
This document sets out the standards and key requirements that developers are expected to follow when providing parking for new residential developments.
- **Non-Residential Parking Standards SPD** (adopted September 2015)
This SPD sets out the standards and key requirements for parking provision that developers will be expected to provide for new non-residential developments.
- **Design (Rest of Borough) SPD** (adopted December 2015)
This SPD provides further visual guidance to Policy CS17: High Quality Design of the Core Strategy and sets out Fareham Borough Council's aspirations for high quality design to householders, developers and other interested parties. The guidance is intended to make the planning application and permission process clearer for all interested parties, particularly applicants.
- **Welborne Design Guidance SPD** (adopted January 2016)
This SPD expands on the design principles in the Welborne Plan by explaining and illustrating what the Council expects in the design of Welborne. The Guidance is intended to be used by applicants in the preparation of planning applications for Welborne and by the Council to help assess planning applications at Welborne.
- **Planning Obligations SPD (excluding Welborne)** (adopted April 2016)
This SPD sets out the mechanisms that will be used in mitigating the impacts of development as well as specific guidance on the different types of planning obligations and levels and type/tenure of affordable housing that may be sought.

HAMPSHIRE MINERALS AND WASTE PLAN

- 2.7 The Hampshire Minerals and Waste Plan is the principal document for the management of minerals and waste in the administrative areas of the Hampshire Authorities and sets out the long term spatial vision and strategy for sustainable minerals and waste development in Hampshire up to 2030. The plan was adopted in October 2013 and forms part of the Borough's Development Plan, alongside the adopted Local Plan.

NEIGHBOURHOOD DEVELOPMENT PLANS

- 2.8 Neighbourhood Development Plans (NDPs), once 'made' by the Local Planning Authority, form part of the Development Plan for the Borough. At the time of writing, there are no made NDPs in the borough of Fareham, although Titchfield is at examination so approaching the final stages.

OTHER RELEVANT DOCUMENTS

Authority Monitoring Report

2.9 Authority Monitoring Reports (formerly Annual Monitoring Reports) have been produced by Fareham since 2005. Following the publication of the Localism Act 2011, there was no longer a requirement to send the monitoring report to the Secretary of State. The purpose of the Authority Monitoring Report (AMR) is established in legislation and should provide annual updates on the following:

- the timetable for local plan document preparation as set out in the Local Development Scheme;
- details of any policies in the current local plan which are not being implemented and the reason for this;
- details of any neighbourhood plans;
- information regarding Community Infrastructure Levy;
- information collected for monitoring purposes

Statement of Community Involvement

2.10 The Statement of Community Involvement (SCI) explains the different ways in which the Council will involve the local community in planning. It is intended to 'signpost' the opportunities for anyone wishing to make a contribution to planning for shaping Fareham's future. The SCI sets the standards and approach the Council takes to involve stakeholders and the community in the production of Local Development Documents as well as the handling of planning applications.

2.11 The progress of all documents within the Local Plan will be aided and informed by statutory periods of formal community involvement. As such, any consultation on a Local Plan, Supplementary Planning Document or a Planning Application will be carried out in accordance with an approved SCI.

2.12 The Council adopted a revised SCI in March 2017. This is available on the Council's website.

3 Fareham Local Plan 2036: Process and Preparation

PROPOSED TIMETABLE

- 3.1 During the examinations of Local Plan Part 2 & Local Plan Part 3, the Council made a commitment to commence an early review of the Local Plan, and reached Draft Local Plan stage (Regulation 18) in Autumn 2017.
- 3.2 Since the July 2017 LDS was adopted there have been significant changes to national policy and guidance, particularly the 2018 National Planning Policy Framework and the calculation of housing need, therefore a decision was taken to reconsider the Local Plan process. This was announced at the November 2018 Executive. Importantly, amongst the many implications of the 2018 NPPF, the Council needs to revisit its development strategy and find additional housing allocations. These implications have warranted an amendment to the timetable for the development of the Fareham Local Plan 2036 through this Local Development Scheme.
- 3.3 The new LDS programme for the preparation and delivery of the Fareham Local Plan 2036 is set out in Table 1 below and is detailed in Appendix 1. In order to address how the borough will meet the need for additional housing the Council will develop a preferred option for a Revised Development Strategy including additional site allocations which will then be merged with the contents of the Draft Local Plan 2017 to form the plan that will be published, consulted upon and submitted to Government.
- 3.4 The Fareham Local Plan 2036 is intended to cover the period up to 2036. It is intended to supersede the Core Strategy (Part 1) and the Development Sites and Policies Plan (Part 2). The Welborne Plan already runs until 2036 and as such it is not proposed to review this plan at this time. This will allow resources to focus on addressing the overall borough requirements.
- 3.5 The new programme for the preparation and delivery of the Fareham Local Plan 2036 is set out in Table 1 below and in Appendix 1.

Table 1: Fareham Local Plan 2036 Timetable

<i>Autumn 2017</i>	<i>Consultation on Draft Local Plan</i>
Spring 2019	Consultation on 'Issues and Options'
Autumn/Winter 2019	Consultation on Revised Development Strategy and additional allocations
Spring 2020	Consultation on Publication Local Plan
Summer 2020	Submission of Plan to Secretary of State
Estimated	-Examination
Autumn/Winter 2020	
Early 2021	Adoption

- 3.6 The development of a new Local Plan to replace existing Parts 1 and 2 provides the Council with the opportunity to prepare a new Plan that is clearer, more concise and more engaging for local communities, which is based on up to date social, economic

and environmental evidence, and is conformity with all recent new planning legislation, policy, guidance and relevant case law. It will also address a new time horizon to 2036 which reflects current evidence on housing need and is consistent with the end date of the Welborne Plan.

DUTY TO CO-OPERATE

- 3.7 The Council is legally obliged by section 33A(1) of the Planning & Compulsory Purchase Act 2004, (introduced through the Localism Act 2011) to demonstrate how it has co-operated with other authorities and statutory agencies in relation to cross boundary strategic matters and priorities. The 'Duty' is not a duty to agree, but every effort should be made to secure the necessary co-operation. Local Authorities produce a statement of compliance together with evidence of 'effective working' to present at Local Plan 'Examination', in order to demonstrate how they have complied with the Duty.
- 3.8 The main forum for joint working on strategic planning issues in South Hampshire is the Partnership for Urban South Hampshire (PUSH), of which Fareham Borough Council is a member. The PUSH Spatial Position Statement published in June 2016 was a product of this co-operative working and in line with the requirements in the previous NPPF. Since the 2018 NPPF and associated guidance has been issued, and in response the PUSH Joint Committee agreed to work together under the Duty to Cooperate to produce a Statements of Common Ground in October 2018. It is intended that this statement will cover relevant strategic issues and help facilitate each local planning authority's duty to cooperate when preparing its individual Local Plan.

EVIDENCE BASE

- 3.9 In preparing the Local Plan, a range of 'evidence gathering' is undertaken to ensure a robust and credible evidence base for planning policies and proposals. Generally, this 'evidence' takes the form of research, surveys and technical studies on particular topics that are produced for the principal purpose of informing the Local Plan, in particular policies. A range of evidence studies are underway to inform the emerging Fareham Local Plan 2036 and will be made available at the relevant stages of plan preparation.

SUSTAINABILITY APPRAISAL

- 3.10 All Local Plan documents are subject to on-going Sustainability Appraisal which informs the assessment and selection of options and outcomes. The Sustainability Appraisal must meet the requirements of the European Strategic Environmental Assessments (SEA) Directive (2201/42/EC). As such, the Sustainability Appraisal and Strategic Environmental Assessment (SEA) are an integral part of the Local Plan preparation process. A Scoping Report was published prior to production of the Draft Local Plan and then the Draft Local Plan was supported by a Sustainability Appraisal and Strategic Environmental Assessment in Autumn 2017. An iterative Sustainability Appraisal process will continue alongside local plan preparation and the relevant reports will be made available at the various stages of plan preparation.

HABITAT REGULATIONS ASSESSMENT

- 3.11 Habitat Regulations Assessments (HRA) is a requirement of the Conservation of Habitats and Species Regulations 2010 (as amended 2011 and 2018). The regulations will be addressed through the production of a Habitats Regulations Assessment – Screening Report for the Draft Plan, as undertaken in 2017, and a Habitats Regulations Assessment – Appropriate Assessment for the Publication Plan.
- 3.12 The HRA reports will assess the impacts of the Local Plan policies on sites and species designated under the European Directive (92/43/EEC The Habitats Directive). For the development of the Local Plan, the assessment is carried out in an iterative process as the HRA is, in turn used to inform the development of planning policies.
- 3.13 The sites and species designated under the Habitats Directive are also known as the 'Natura 2000' sites and include:
- Special Areas of Conservation (SAC)
 - Special Protection Areas (SPA)
 - Ramsar sites (which support internationally important wetland habitats listed under Ramsar Convention) are also included in the terminology 'Natura 2000'.

STRATEGIC HOUSING & EMPLOYMENT LAND AVAILABILITY ASSESSMENT (SHELAA)

- 3.14 The NPPF requires Local Planning Authorities to prepare a Strategic Housing and Employment Land Availability Assessment (SHELAA) in support of a Local Plan. The purpose of the SHELAA is to identify developable land to meet the identified need for housing and employment over the Local Plan period. A new SHELAA will be published alongside the Draft Local Plan.
- 3.15 This will be the first-time housing and employment sites will be combined in one document. Previously, there were considered separately. Fareham's most recent Strategic Housing Land Availability Assessment (SHLAA) and Strategic Employment Land Availability Assessment (SELAA) were published in October 2017 in support of Draft Local Plan.

COMMUNITY INFRASTRUCTURE LEVY (CIL) CHARGING SCHEDULE

- 3.16 Fareham has an adopted Community Infrastructure Levy (CIL) charging schedule which came into force on 1st May 2013, following independent examination.
- 3.17 The Council intends to review its charging schedule, in accordance with regulatory requirements as part of the review of the Local Plan. The timetable will be subject to proposed changes to the Regulations when they come in to force and the Council's website will be up-to-dated at the appropriate time.

Appendix 1

Timeline for preparing the Fareham Local Plan 2036 and the Authority Monitoring Reports

	2019					2020				2021
	Winter	Spring		Summer	Autumn	Winter	Spring	Summer	Autumn	Winter
Fareham Local Plan Review 2036	Preparation of Issues and Options	Issues & Options Consultation (Reg 18)	Preparation of Draft Plan	Finalise Draft Plan	Draft Plan Consultation (Reg 18) Preparation of Publication Plan		Publication Plan Consultation (Reg 19)	Submission of Plan to Secretary of State (Reg 22)	Examination (Reg 23, 24, 25)	Adoption (Reg 26)
Authority Monitoring Report	Preparation	Publish				Preparation	Publish			

Glossary

Authority Monitoring Report (AMR) – a report on how the authority is performing with regard to meeting the timetables for the preparation of Local Plan documents and the performance of planning policies, with the identification of any remedial action to be taken if required.

Community Infrastructure Levy (CIL) - a planning charge that local planning authorities can impose on new developments in their area through the Community Infrastructure Levy Regulations 2010 that came into force on 6 April 2010. The money can be used to support development by funding infrastructure that has been identified by the Council and the local community.

Development Plan – the development plan sets out the parameters for all development in the Borough. It currently comprises the Local Plan (Parts 1, 2 and 3), and the Hampshire Minerals and Waste Plan. Following the production and programmed adoption of the new Fareham Local Plan 2036 it will comprise of the Fareham Local Plan 2036, the Welborne Plan (existing Part 3) and the Hampshire Minerals and Waste Plan.

Evidence Base - studies that are informed by the local community, national policies and background information. An evidence base is the evidence that supports planning documents.

Habitat Regulations Assessment (HRA) - is a requirement of the Conservation of Habitats and Species Regulations 2010. It is an assessment of the likely significant effects of the plan on the nature conservation interests of European-protected areas. It seeks to establish whether or not there will be any adverse effects on the ecological integrity of these protected areas as a direct result of the proposals in a plan.

Local Development Document (LDD) – Local Development Documents are defined by the Town and Country Planning (Local Planning) (England) Regulations 2012 and include Local Plans, Supplementary Planning Documents (SPDs), the Statement of Community Involvement (SCI) and the Authority Monitoring Report (AMR).

Local Development Scheme (LDS) (*this document*) - A public statement / timetable of the Borough Council's programme for the production of Local Development Documents such as the Local Plan 2036 and Authority Monitoring Report.

Local Plan – spatial planning documents that have development plan status. They cover a range of policy areas that will undergo a process of consultation and are subject to Sustainability Appraisal and independent examination.

National Planning Policy Framework (NPPF)³ - sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system and provides a framework, within which local people and their councils can produce their own distinctive local and neighbourhood plans.

³ The NPPF is accessed at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Partnership for Urban South Hampshire - PUSH is a voluntary partnership of the unitary authorities of Portsmouth, Southampton and Isle of Wight; Hampshire County Council and district authorities of Eastleigh, East Hampshire, Fareham, Gosport, Havant, New Forest, Test Valley and Winchester. It has been established to deliver sustainable, economic-led growth and regeneration in south Hampshire.

Planning Practice Guidance (PPG)⁴ - produced by the government in March 2014, this replaces technical guidance that accompanied PPGs and PPSs.

Regulations - The regulations set out detailed requirements for the local planning authority to follow in carrying out their duties under the relevant Acts.

Statement of Community Involvement (SCI) – describes how the Council intends to involve the community in the preparation and review of planning documents. It also provides details of how the Council and developers should consult during the preparation and consideration of planning applications.

Strategic Environmental Assessment (SEA) – an internationally used term to describe the environmental assessment to be applied to plans, policies and programs to ensure a high level of protection of the environment. This is derived from European Directive 2001/42/EC.

Supplementary Planning Document (SPD) – Provides additional guidance and detail to development plan policies for a specific area or a specific topic but is not part of the development plan.

Sustainability Appraisal (SA) – An appraisal of the economic, social and environmental impacts of policies and proposals. It incorporates Strategic Environmental Assessment (SEA) – see below. The SA Scoping Report identifies the information needed for the appraisal, and describes the methodology for undertaking sustainability appraisal.

Sustainable Development – development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

Town & Country Planning (Local Planning) (England) Regulations 2012 - Regulations which set out the statutory requirements for preparing local plans.

⁴ Planning Practice Guidance is accessed at: <http://planningguidance.planningportal.gov.uk/>

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision Date 04 March 2019

Portfolio:	Policy and Resources
Subject:	Business Rates Discretionary Relief
Report of:	Director of Finance and Resources
Corporate Priorities:	A dynamic, prudent and progressive Council Maintain and extend prosperity

Purpose:

To consider changes to the Council's Business Rate Discretionary Relief Policy which will allow additional assistance to eligible businesses.

Executive summary:

The Chancellor has introduced several discretionary measures with the aim to assist businesses with the cost of Business Rates.

All these measures fall outside Fareham's existing discretionary rate relief policy, this report seeks to vary that policy to incorporate the following changes:

Revaluation Relief

Agree the continuation of Revaluation Relief which supports businesses who have suffered the largest increases in their Business Rate Bills following the 2017 revaluation. Fareham has a reduced maximum grant of £36,000 to distribute in 2019/2020 and £5,000 in 2020/2021.

Newspaper Relief

Agree the continuation of the Business Rate discount for office space occupied by local newspapers, this relief of up to £1,500, has now been extended until 31 March 2020.

Retail Relief

Agree the new award of Retail Relief for Businesses which could reduce the Business Rates payable for eligible properties by up to one third.

The Government will fully reimburse local authorities for the local share of the discretionary relief granted.

Recommendation/Recommended Option:

It is recommended that the Executive agrees to a variation to the Business Rate Discretionary Relief Policy to allow relief to be granted in the specific circumstances detailed in the report from 01 April 2019.

Reason:

To offer reductions in Business Rates payable which will give financial assistance to businesses in accordance with government requirements.

Cost of proposals:

There are no cost implications. The Government has stated that it will reimburse billing authorities with the local share of the relief given in all the circumstances listed.

Appendices: **A: Discretionary Relief Policy Variation**

Background papers:

Retail Relief Guidance:

<https://www.gov.uk/government/publications/business-rates-retail-discount-guidance>

Revaluation Relief Consultation:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/598261/Discretionary_Business_Rates_Relief_Scheme_consultation.pdf

Reference papers: **none**

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	04 March 2019
Subject:	Business Rate Discretionary Relief
Briefing by:	Director of Finance and Resources
Portfolio:	Policy and Resources

INTRODUCTION

1. The Chancellor has announced measures to assist businesses with the impact of the 2017 Business Rate revaluation of commercial properties and the down turn in retail trade. A further measure was announced in October 2018.
2. Billing Authorities are expected to deliver these measures using their discretionary relief powers under Section 47 of the Local Government Finance Act 1988. The Government will compensate Local Authorities through Section 31 of the Local Government Act 2003.
3. Implementing this scheme places an additional burden on Billing Authorities and in accordance with the New Burdens doctrine, the Ministry of Housing Communities & Local Government is to reimburse expected reasonable costs.

Revaluation Relief

4. Additional funding was made available nationally, for Local Authorities to support businesses who have suffered the largest increases in their Business Rate Bills. Fareham will be awarded £311,000 of this funding, split over a 4-year period, as follows:

Amount of Discretionary Relief Pot Awarded				
58% in year 2017/18	28% in year 2018/19	12% in year 2019/20	2% in year 2020/21	Total
£182,000	£88,000	£36,000	£5,000	£311,000

5. The Government calculated the share of funding for each authority based on the total increase in 2017 bills, excluding the impact of reliefs, for each rateable property:
 - where the Rateable Value is less than £200,000
 - where the increase in the 2017 bill is more than 12.5% (before reliefs).

Government stated that the design and administration of the scheme to distribute these funds, is for each Billing Authority to decide.

6. If Fareham does not distribute the full value of the relief to ratepayers, then only the amount granted will be reimbursed by the Government. No relief allocation can be transferred between years.
7. Of the 3,211 properties in the 2017 Rating List for Fareham, only 690 of these had a Rateable Value below £200,000 and have also had an increase in their rate bill in 2017.
8. Whilst the Government allocated funding based on Rateable Value increases of 12.5% and over, in Fareham there are only 103 properties in this category. This figure includes all types of national and local businesses, and billing and precepting authorities.
9. Of the 103 properties originally selected, only 48 ratepayers accepted relief, the remaining 55 businesses either declined the relief on grounds of excess State Aid or were not entitled to relief as a billing or precepting authority.
10. In 2018/2019 relief was granted to the 48 businesses, paying a percentage of the rate increase in each case, less the first £600. To date £52,801.78 of the relief award has been spent.
11. In addition, the remaining award for 2018/2019 (£30,000) was to be used to assist ratepayers suffering severe hardship due to the revaluation. We were unable to identify any businesses meeting these criteria, so the balance will be used to assist ratepayers where their increase was just below the 12.5% threshold.
12. In 2019/20, Fareham's share of the relief fund has reduced to £36,000, so again it is proposed that this sum will be distributed from 1 April 2019 on the same basis as before, to assist ratepayers where the rate bill has increased by 12.5% or above and where the Rateable Value is below £200,000. The £36,000 will be shared amongst all ratepayers in this category, the share being proportionate to the % rise in each case.
13. In 2020/21, Fareham's share of the relief fund will reduce further, to £5,000, this sum will be used by Officers to assist the hardest hit Ratepayers, distributed on a case by case basis.
14. The full policy covering 2019/2020 and 2020/2021 is attached at Appendix A.

Newspaper Relief

15. The Government introduced a £1,500 Business Rates Discount for office space occupied by local newspapers, up to a maximum of one discount per local newspaper title and per property for 2 years from 1 April 2017. Although there have not been any applications in Fareham, the Government has now extended this relief until 31 March 2020.

Retail Relief

16. From 1 April 2018, assistance is also to be given to retail-type premises via an annual business rate discount amounting to one third of the bill. The relief is payable on all occupied shops, pubs and restaurant type businesses, where the property has a Rateable Value below £51,000 in 2019/2020 and 2020/2021 and must be applied after mandatory reliefs and other discretionary reliefs.

17. The Government has published guidance on the sort of business that would be entitled to relief in these circumstances. Based on these criteria, we estimate that there are 694 retail type properties with a Rateable Value below £51,000. In addition to these, the number of claims could increase as the relief must be based on the actual use made of the property, not the description of the property shown in the Rating List.

Other considerations

18. Some businesses will fit the criteria for relief but will decline assistance because it takes them beyond the amount of State Aid they can claim.
19. Discretionary Rate Relief is only State Aid compliant where it is provided in accordance with the State Aid De Minimis Regulations. These Regulations allow an undertaking to receive up to €200,000 of De Minimis Aid in a three-year period (consisting of the current financial year and the two previous financial years). It will be necessary for Officers to establish that the award of relief will not result in the business having received more than €200,000 of De Minimis Aid.

Enquiries

For further information on this report please contact Adrian Collier. (Ext 4632)

Discretionary Relief Policy Variation 2019/2020**Introduction**

1. In the March 2017 Autumn Statement, the Chancellor announced measures to assist businesses with the impact of the 2017 revaluation of commercial properties.
2. Billing Authorities were expected to deliver these measures using their discretionary relief powers under Section 47 of the Local Government Finance Act 1988. The Government will compensate Local Authorities through Section 31 of the Local Government Act 2003.
3. Fareham will be awarded maximum of £311,000 of this funding which is to be split over a 4-year period, as follows:

Amount of Discretionary Relief Pot Awarded				
58% in year 2017/18	28% in year 2018/19	12% in year 2019/20	2% in year 2020/21	Total
£182,000	£88,000	£36,000	£5,000	£311,000

Conditions to Grant Relief

4. The Government has allocated funding based on the total increase in 2017 bills, excluding the impact of reliefs for every rateable property:
 - where the Rateable Value is less than £200,000
 - where the increase in the 2017 bill is more than 12.5% (before reliefs).
5. Eligibility for relief will be assessed by comparing the 2016 Business Rate liability less any entitlement to reliefs and exemptions and the 2017 rate liability less any entitlement to reliefs and exemptions.
6. Fareham's scheme is easy to administer as it will allow relief to be awarded swiftly to those businesses who are most affected.
7. To qualify for relief:
 - The property must be occupied by the same ratepayer from 31 March 2017 and also on 1 April 2018.
 - Relief will be effective from 1 April 2018 and following years, to occupied business properties meeting the scheme criteria only.
 - Relief will be recalculated if:
 - The occupier vacates the premises
 - If there is a change in the business information which indicates that relief should not have been granted
 - If there was a change of occupier.

- Whilst relief will need to be considered for all cases that meet the designed criteria, every effort will be made to target relief to local businesses and not those that are national or multi-national in type.

Fareham's Scheme

8. The Government has provided funding to assist ratepayers where the rate bill has increased by 12.5% or above and where the Rateable Value is below £200,000.
9. We already know that the numbers of properties in this category who accepted relief is relatively and in addition, Fareham's share of the grant in both 2019/2020 and 2020/2021 has also greatly reduced.
10. So, in 2019/2020 the total award, a maximum of £36,000, will be distributed to the ratepayers that fit the above category, the relief will be shared amongst all ratepayers in this category, the share being proportionate to the % rise in each case. Ratepayers will be required to again pay at least the first £600 of the increase in 2019/2020. Every effort will be made to target relief to local businesses and cases will be considered independently.
11. In 2020/2021 the total award, a maximum of £5,000, will be used by Officers to assist the hardest hit Ratepayers, distributed on a case by case basis.

Applications for relief

12. A simple application form should be completed by the bill payer in each case to ensure that the award is State Aid compliant.

Applicants may also be required to provide any evidence considered necessary to assist the decision making.

A fresh application may be required annually or when considered necessary.

Additional Reliefs:

Newspaper Relief

13. The Government has made provision for the continuation of an additional £1,500 Business Rates Discount for office space occupied by local newspapers, up to a maximum of one discount per local newspaper title and per property. This relief has now been extended until 31 March 2020.

Retail Relief

14. In October 2018 the Government announced further provisions of relief. Assistance will be given to retail-type premises via an annual business rate discount amounting to one third of the bill. The relief is payable on all occupied shops, pubs & restaurant type businesses, where the property has a Rateable Value below £51,000 in 2019/2020 and 2020/2021 and must be applied after mandatory reliefs and other discretionary reliefs.
15. The Government has published guidance on the sort of business that would be entitled to relief in these circumstances. Based on these criteria, we estimate that there are 694 retail type properties with a Rateable Value below £51,000. In addition to these, the number of claims could increase as the relief must be based on the actual use made of the property, not the description of the property shown in the Rating List.

Awarding Relief

16. The ratepayer will be notified of the decision made regarding relief and a revised Business Rate bill will be issued where appropriate.

Appeals

17. Where an appeal is received from a ratepayer, this will at first be considered by the Local Taxation Manager and the ratepayer will be advised of the outcome.

Where the ratepayer continues to be aggrieved by the decision, a further appeal may be made to the Head of Finance and Audit.

In the event of a further dispute, a formal appeal can only be made by Judicial Review

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 04 March 2019

Portfolio:	Policy and Resources
Subject:	D-Day 75 Community Event
Report of:	Head of Leisure and Corporate Services
Corporate Priorities:	Strong and inclusive communities

Purpose:
To outline plans to commemorate the 75th anniversary of D-Day.

Executive summary:

At the December 2016 Executive meeting, two events to commemorate two important anniversaries at Daedalus were approved, the first being the 100th anniversary of flying at Daedalus and the second, the 75th anniversary of D-Day.

Fareham's 75th anniversary of D-Day event is proposed to take place over two days. It will provide a unique opportunity to publicly commemorate the anniversary, raise awareness of the history of the airfield and attract new interest from the flying community.

Recommendation/Recommended Option:

It is recommended that the Executive approves;

- (a) the Council's plan for a two-day community event to commemorate the 75th D-Day Anniversary and;
- (b) an increase in the event budget from £30,000 to £60,000, to enable the event to take place over two days.

Reason:

To provide a fitting two-day community event to commemorate the 75th anniversary of D-Day.

Cost of proposals:

A budget of £30,000 has already been approved by the Executive in December 2016. This report seeks the approval of a further £30,000 for a two-day event providing a total budget of £60,000.

Reference papers: **Daedalus Anniversary Events – December 2016
Executive**

Appendices: **None**

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	04 March 2019
Subject:	D-Day 75 Community Event
Briefing by:	Head of Leisure and Corporate Services
Portfolio:	Policy and Resources

Introduction

1. At the December 2016 meeting of the Executive, two events to commemorate two important anniversaries at Daedalus were approved, the first being the 100th anniversary of flying at Daedalus and the second, the 75th anniversary of D-Day.
2. A successful one-day community event attracting 2,500 visitors to commemorate the 100th anniversary of flying at Daedalus was held on the airfield in September 2017.
3. Fareham's D-Day anniversary event will provide an opportunity for local people to visit Daedalus for a community event, to include the following attractions:
 - aircraft landing and taking off
 - a range of static aircraft
 - aircraft fly past
 - Parachute display
 - fun fair rides
 - children's activities
 - market stalls
 - food and drink
 - music and activities from the D-Day era
 - arena entertainment
 - unveiling of commemorative plaque

Event Plans

4. Due to a considerable amount of interest, and to provide a fitting, accessible community event, it is proposed that the event will take place over two days - Saturday 8 June and Sunday 9 June 2019.
5. An area has been designated in the south-eastern corner of the airfield for the event, that provides good transport links and controlled public access onto the airfield for the community activities, as well as parking.
6. The ticket allocation for each day will be 7,500. The table below sets out the pricing structure for pre-booked and on the day tickets.

Type of Ticket	Advance – one day only	Advance – both days	On the day
Family all-inclusive* (2 Adults, 2 Children)	£25	£40	£29
Child all-inclusive*	£8	£12	£10
Adult entry only	£8	£15	£10
Child entry only	£3	£5	£5
Concession (65+)	£5	£9	£8
Under 2's	Free	Free	Free

* *All-inclusive - entry and unlimited free funfair rides and children's activities*

7. The purchasing of pre-booked tickets will be encouraged. Limited on the day tickets will be available. Tickets will be available to buy in advance from Ferneham Hall, online and at the Control Tower.
8. The event will essentially be divided into two sections on both days – the community activities and the aircraft activities. Aircraft activities will consist of a static display of vintage aircraft, fly past displays over the airfield, a parachute display and aircraft taking off and landing from Daedalus. Following results from an air display assessment, any flying displays would have to take place over the Solent due to safety reasons and the proximity to houses. Such activity is currently being investigated and applications for display aircraft have been submitted.
9. All flying activity will be managed and co-ordinated by a qualified Flying Display Director.
10. Applications have been sent to various flying display teams to display over the Solent. A decision on these applications are due around the beginning of March.
11. Several static aircraft have been confirmed so far, including a Spitfire and a special silver Spitfire from Boulton, a Moth and the Gazelle display team. The Solent Airport operator, RCA, are seeking other relevant aircraft to take part in the static display.

12. Invitations have been sent to all known Spitfire owners in the UK to attend the event, and other relevant D-Day aircraft owners. Attendance is subject to their availability.
13. Community activities will consist of a fun fair, children's activities such as face painting, inflatables and craft activities, a vintage car display, character walkabouts, catering concessions including a picnic and seating area. The event is now fully booked for catering concessions.
14. There will be two marquees, one a craft and gift marquee and the other showcasing local community groups and organisations. Applications for stalls in both marquees are now open and several spaces have been booked already.
15. The event will include an arena, that will include children's motorcycle display teams, historical re-enactments, marching band and children's drills and a stage area that will consist of bands and groups playing songs from the 1940's. The Saturday stage programme is now fully booked.
16. To mark this memorable anniversary, a D-Day memorial plaque will be unveiled on Saturday 8 June by the Mayor. The plaque will then be mounted in the Control Tower reception area.
17. Veterans and their families with links to Daedalus will be invited to attend the event on Saturday as VIPs.
18. Adequate parking areas have been identified that are within walking distance of the event. Parking permits will be free and offered, on a first come first served basis, to people purchasing tickets for the event.

PR and Marketing

19. A Communications plan for the event has been created. Promotion for the event will be via social media, press releases, posters around the Borough and at bus stops along Newgate Lane, notice boards, Council Connect, the Council's website and Fareham Today. A media partner is also being sought. Flyers will be sent to local community groups, businesses, schools, CEMAST, the Innovation Centre, Control Tower and other interested parties.
20. Sponsorship opportunities will also be made available. These will enable the Council to offer a bigger and better event whilst the sponsor's logo will be visible on all event publicity and in any press releases pre, during and post the event. Sponsorship opportunities will include; the arena, stage entertainment and aircraft displays once confirmed.

Finance

21. The original event proposal, approved by the Executive in December 2016, was for a one-day event, with an initial budget of £30,000. Following the success of the Daedalus 100 anniversary event and the significant interest there has been in the D-Day anniversary event, the proposal is to hold this event over two-days.
22. Taking account of the ticket prices and the event capacity for the two-day event, it is estimated that the event has the potential to generate an income of between £50,000 and £75,000 based on projected tickets sales, which would then be offset against the

event expenditure.

23. Costs to the Council could be further reduced if sponsorship opportunities are actively pursued, but conversely if no sponsorship is received the cost to the Council remains the same.
24. Additional income could also be generated by advertising opportunities being offered within the souvenir event programme which will be available to purchase on both days.
25. In the event that the lower amount of £50,000 income is generated, then there will be a total shortfall of £60,000 for the two-day event.
26. The original event budget approved by the Executive was £30,000, based on a one-day event. Therefore, this report is seeking Executive approval for an additional £30,000 given that it is now proposed to hold the event over two days.

Risks

27. Although an amount of £50,000 has been estimated as potential income from ticket sales, it is important to note that this is based on selling 5,000 tickets per day, a total of 10,000 over the two days. If this amount of tickets is not sold, then the shortfall in income would need to be met from Council budgets.
28. Similarly, although the event is not dependent on sponsorship contributions, if no sponsorship is received, then the entire cost of the event needs to be met by the Council.
29. The above plans are subject to approval from the Safety Advisory Group of which the application is due to be submitted in the coming weeks.

Conclusion

30. Fareham's D-Day community event will provide a weekend of activities with music, entertainment and aircraft to commemorate 75 years since the D-Day landings and illustrate the significance of Daedalus at this time.

Enquiries:

For further information please contact Emma Watts (Ext. 4440)

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 04 March 2019

Portfolio:	Policy & Resources
Subject:	Citizen of Honour Nominations
Report of:	Head of Leisure and Corporate Services
Corporate Priority:	Strong, safe, inclusive and healthy communities

Purpose:

This report presents nominations for consideration under the Council's annual Citizen and Young Citizen of Honour Awards 2019.

Executive summary:

The Citizen of Honour Award was introduced in November 1996. Five years later, the scheme was extended to recognise the efforts of younger residents under the age of 18 through the Young Citizen of Honour Award.

Over the last 22 years, the award has honoured 95 residents of the Borough, with nominations being received from all areas of Fareham.

This year, the Council has received 22 nominations overall. There are 16 nominations for the Citizen of Honour Award (18 and over) and 6 nominations for the Young Citizen of Honour Award (under 18).

In order to encourage resident participation in future years, those who put someone forward for nomination this year, will be invited to do so again next year if their candidate does not win the 2019 award. The Executive reserves the right to increase the number of candidates who are honoured in future awards, provided a higher number of nominations are received.

Recommendation/Recommended Option:

It is recommended that the Executive agrees:

- (a) that no more than four candidates are selected from the attached nominations to be formally recognised as Citizens of Honour 2019;
- (b) that no more than four candidates are selected from the attached nominations as Young Citizens of Honour (under 18); and
- (c) subject to (a) and (b) above, which candidates be selected to receive the annual Citizen of Honour and Young Citizen of Honour Awards for 2019.

Reason:

The Citizen of Honour and Young Citizen of Honour Awards are valuable initiatives for rewarding local residents for their community service and for recognising the important contribution and difference that they have made to the lives of others. The Young Citizen of Honour category also recognises young people who have overcome severe personal difficulties or who give up their time to care for family or friends.

Cost of proposals:

All costs will be met through existing resources attached to this initiative.

Appendices:

**Appendix A – Confidential: Citizen of Honour
Nominations 2019
Ages 18 and over**

**Appendix B – Confidential: Young Citizen of Honour
Nominations 2019
Ages under 18**

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	04 March 2019
Subject:	Citizen of Honour Nominations
Briefing by:	Head of Leisure and Corporate Services
Portfolio:	Policy and Resources

INTRODUCTION

1. The Citizen of Honour Award was initially introduced by the former Grants Sub-Committee on 25 November 1996. The Young Citizen of Honour Award was introduced in 2001.
2. The primary reason for the awards is to show the Council's gratitude in recognition of the voluntary, unpaid service to the community made by up to four adult Borough residents. The awards also recognise four young Borough residents aged under 18 who have shown bravery in their lives or have helped other people.
3. To demonstrate the importance and distinction of these awards, they are presented to the winners at the Mayor Making ceremony each year by the outgoing Mayor.
4. The award winners and their guests are then invited to a private reception, held in their honour, in the Mayor's Parlour, on a date after Mayor Making, where the new Mayor presents each person with their Citizen of Honour certificate. The award winners are also asked to sign the Roll of Honour and their names are added to the Citizen of Honour/Young Citizen of Honour awards list displayed in the Customer Service Centre at the Civic Offices
5. In previous years, the winners of the Young Citizen of Honour Awards have been invited to accompany the Mayor at the official switching on of Fareham's Christmas lights in the year of the award.

PUBLICITY AND PROMOTION

6. In order to encourage greater participation in the scheme, a marketing campaign was put in place. A 'superhero' theme was used to promote the awards through a range of different communication channels both online and offline.
7. A letter to explain the scheme and encourage people to nominate others, along with leaflets and posters, was sent to community centres, schools and libraries.

8. The awards were promoted on Council Connect, including posters, and a video was shown on the two screens at various points in the run up to the closing date. The video was also shown on the screens in the reception area of the council.
9. Various 'Tweets' and 'Posts' were placed on Twitter and Facebook. Posts on Facebook were boosted and targeted those who are 'friends' with the Council on the site, as well as those that are 'friends' with them.
10. One Community helped to promote the awards through their newsletters and channels.
11. Posters were displayed on bus shelters along Newgate Lane and in the town centre.
12. The awards were featured at various points in the local press such as The News, Daily Echo, Business South and Forget Me Not magazine.
13. All information about the scheme is on the Council's website and was shown on the main story rotator on the landing page at various points throughout the campaign.

NOMINATIONS FOR THE 2019 AWARDS

14. This year, the Council has received 22 nominations overall. There are 16 nominations for the Citizen of Honour Award (over 18 years old) and 6 nominations for the Young Citizen of Honour Award (under 18 years old).
15. In order to encourage resident participation in future years, those who put someone forward for nomination this year will be invited to do so again next year, if their candidate does not win the 2019 award. The Executive reserves the right to increase the number of candidates who are honoured in future awards, provided a higher number of nominations are received.

OFFICIAL PRESENTATION OF AWARDS

16. In order to retain the profile of the awards, they will continue to be presented during the Annual Council Meeting, before the commencement of the Mayor Making Ceremony in May this year. The winners will also receive invitations to the Mayor Making lunch and to a reception in the Mayor's Parlour, where the Roll of Honour will be signed, and certificates will be presented.

FORMAL DECORATIONS

17. The official award presented to the winners of each of the categories will continue to be an enamelled pin decoration, engraved with the winner's name, and a framed certificate. In addition to the pin and certificate, an engraved shield and £15 in gift vouchers will be awarded to each Young Citizen of Honour. Family pantomime tickets for the Gala Performance at Ferneham Hall will be given to all winners. To retain the status and importance of the scheme, the shield will be kept in the trophy cabinet within the Customer Services Centre at the Civic Offices.

OFFICIAL CITIZEN OF HONOUR DUTIES

18. The winners of each of the awards are invited to a number of civic functions as guests of the Mayor. Currently these are the annual Civic Service, the Remembrance Day service and any special or ad-hoc events that may be arranged in the year of the award.
19. All award winners will also be given family tickets to the Gala Performance of the

pantomime at Ferneham Hall and will be invited to meet the cast or to attend an alternative performance if they wish.

FINANCIAL IMPLICATIONS

20. The funding of this awards scheme will continue to be met from resources allocated within the Civic Events budget.

PROPOSAL

21. The Executive is requested to consider all the nominations as presented and select up to four successful candidates to be formally recognised as Citizens of Honour 2019, and up to four young people aged under 18 to be recognised as Young Citizens of Honour for 2019.

RISK ASSESSMENT

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

CONCLUSION

23. Since their inception, the Citizen of Honour and Young Citizen of Honour Award schemes have recognised the tremendous voluntary work and selfless, courageous acts performed by local residents of Fareham.
24. This report presents the nominations received for the Citizen of Honour and Young Citizen of Honour Awards 2019 and requests that the Executive considers and selects the winning nominees.

Enquiries:

For further information on this report please contact Charlotte Elmer (Ext 4385)

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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