

FAREHAM

BOROUGH COUNCIL

AGENDA

LICENSING AND REGULATORY AFFAIRS COMMITTEE

Date: Wednesday, 6 February 2019

Time: 6.00 pm

Venue: Collingwood Room - Civic Offices

Members:

Councillor Mrs P M Bryant (Chairman)

Councillor T M Cartwright, MBE (Vice-Chairman)

Councillors I Bastable
Mrs S M Bayford
Miss S M Bell
F Birkett
T Davies
M J Ford, JP
J S Forrest
Mrs C Heneghan
L Keeble
Mrs K Mandry
Ms S Pankhurst
R H Price, JP



Deputies: K D Evans
S Cunningham

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

1. Apologies for Absence

2. Minutes (Pages 5 - 8)

To confirm as a correct record the minutes of the meeting of the Committee held on 27 November 2018.

3. Chairman's Announcements

4. Declarations of Interest

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

5. Deputations

To receive any deputations of which notice has been lodged.

6. Actual Revenue Expenditure 2017/18 (Pages 9 - 14)

To consider a report by the Director of Finance and Resources on the Actual Revenue Expenditure for 2017/18.

7. Fees and Charges 2019/20 (Pages 15 - 28)

To consider a report by the Director of Finance and Resources on Fees and Charges for 2019/20.

8. Spending Plans 2019/20 (Pages 29 - 36)

To consider a report by the Director of Finance and Resources on Spending Plans for 2019/20.

9. Gambling - Review of Statement of Principles (Pages 37 - 86)

To consider a report by the Head of Environmental Health in respect of the Gambling Statement of Principles.

10. Preliminary Review of Work Programme 2018/19 and Draft Work Programme 2019/20 (Pages 87 - 94)

To consider a report by the Head of Environmental Health which gives a preliminary review of the Panel's work programme for 2018/19 and draft work programme for 2019/20.



P GRIMWOOD
Chief Executive Officer

Civic Offices
www.fareham.gov.uk
28 January 2019

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FAREHAM

BOROUGH COUNCIL

Minutes of the Licensing and Regulatory Affairs Committee

(to be confirmed at the next meeting)

Date: Tuesday, 27 November 2018

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor Mrs P M Bryant (Chairman)

Councillor T M Cartwright, MBE (Vice-Chairman)

Councillors: Miss S M Bell, F Birkett, T Davies, M J Ford, JP, J S Forrest,
Mrs C Heneghan, Mrs K Mandry, Ms S Pankhurst,
R H Price, JP and K D Evans (deputising for I Bastable)

**Also
Present:**



1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors I Bastable, Mrs S M Bayford and L Keeble.

2. MINUTES

RESOLVED that the minutes of the meeting of the Licensing and Regulatory Affairs Committee held on 18 September 2018 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

4. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

5. DEPUTATIONS

There were no deputations made at this meeting.

6. POLICE UPDATE

The Committee received a verbal update on Police licensing arrangements from PC Jason Pearce from Hampshire Constabulary.

The update included the showing of a short video that is being rolled out to staff in licensed premises, universities and naval bases to recognise and deal with situations where people might be vulnerable after drinking alcohol and to raise awareness of how interventions can lead to better outcomes.

The Panel heard how, within the context of Fareham, the level of late night crime is much lower than in many of the surrounding areas. All town centre premises are closed by 1am and since the closure of Chicago Rock 5 years ago, there has been a 75% decrease in the level of violent crime. Businesses making enquiries of the Police regarding the possibility of extending opening hours past 1am are advised that any extension of hours must include provision to ensure that people are safe when they leave the licenced premises and that the immediate vicinity is cleared without incident. Dedicated Welfare staff will also need to be available inside the premises during late-night opening hours to ensure the safety and welfare of customers.

The Panel also received a summary of events that were held over the last year that involved licenced activities. Premises were generally well managed throughout the Football World Cup period over the summer with the few incidents that occurred providing useful experience to draw upon to plan for next summer's European Cup. There are a couple of low-key festivals that are held in Fareham each year and generally these pass without any serious related incidents, however a serious incident occurred after the Jerk Jam

Festival this year which has resulted in a case of stabbing and serious assault being investigated and an offender being taken into custody.

Members were advised of a number of initiatives that have been taking place to help prevent crime and disorder and protect children from harm. These included working with higher risk licenced premises to raise awareness of knife crime, educating premises on tools that are available to help avoid knives being brought into premises, showing staff how to spot fake driving licences that can be bought very easily and cheaply on the internet and explaining to staff how ID checks can be carried out and dealt with more effectively.

The Panel discussed the disappointing results of the recent test purchases that were carried out on licenced premises across the Borough and heard how the failures, which tended to be larger premises rather than the smaller ones, were as a result of staff multi-tasking and not having sufficient time to concentrate on personal engagement with customers. This has been highlighted to the premises involved to ensure that staff are properly trained and are able to take more time in carrying out the relevant checks.

RESOLVED that PC Pearce be thanked for providing a very interesting and informative update.

7. LICENSING AND REGULATORY AFFAIRS COMMITTEE WORK PROGRAMME

The Committee considered a report by the Head of Environmental Health on the Committee's Work Programme for 2018/19.

RESOLVED that the Licensing and Regulatory Affairs Committee:

- (a) notes the progress on actions arising from the meeting of the Committee held on 18 September 2018, as shown in Appendix A to the report; and
- (b) approves the updated Work Programme for 2018/19

(The meeting started at 6.00 pm
and ended at 6.50 pm).

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **06 February 2019**

Report of: **Director of Finance and Resources**

Subject: **ACTUAL REVENUE EXPENDITURE 2017/18**

SUMMARY

This report sets out for the information of Members details of the actual revenue expenditure for 2017/18 in respect of the services for which this Committee is responsible.

RECOMMENDATION

It is recommended that the Licensing and Regulatory Affairs Committee notes the content of the report.

INTRODUCTION

1. The final accounts for the financial year 2017/18 for this Committee show that the actual expenditure of £396,516 represented an underspend of £59,484 compared with the revised budget of £456,000 that was approved by this Committee on 23 January 2018. The actual totals of gross expenditure and income are set out in the table below:

	Revised Estimate 2017/18	Actual 2017/18	Variance
	£	£	£
Employee Related Expenditure	167,000	171,006	4,006
Premises Related Expenditure	25,000	24,160	-840
Transport Related Expenditure	2,500	3,604	1,104
Supplies and Services	352,900	349,801	-3,099
Third Party Payments	264,500	243,308	-21,192
Internal Recharges	56,300	55,173	-1,127
GROSS EXPENDITURE	868,200	847,052	-21,148
Government Grants	-228,500	-264,213	-35,713
Sales	-1,700	-2,774	-1,074
Fees and Charges	-182,000	-183,549	-1,549
GROSS INCOME	-412,200	-450,536	-38,336
NET EXPENDITURE	456,000	396,516	-59,484

2. The main variations reflect increased spending of £5,110 on employees and transport. The expenditure against supplies and services, third party payments and internal recharges reflect lower than budgeted recharges and costs, including those originally recorded in the Environmental Health Partnership. Additional income of £38,336 was generated through fees and charges, and Grants and Reimbursements.
3. The actual revenue expenditure for the year analysed over the main service headings is shown in the following table:

	Revised Estimate 2017/18	Actual 2017/18	Variance
	£	£	£
Hackney Carriage and Private Hire Vehicles	-2,400	2,074	4,474
Licensing	-35,100	-41,003	-5,903
Health & Safety Enforcement	147,600	136,713	-10,887
Election Services	345,900	298,732	-47,168
	456,000	396,516	-59,484

4. A detailed breakdown of the actual cost of the individual services is shown in Appendix A. The main variations from the approved budgets are examined in the following paragraphs.

5. Although this committee shows an underspend for the financial year it does not reflect the cost of providing member support to the committee. This cost is shown within the Executive's Policy and Resources Portfolio and has a cost for the whole council of just under £959,000 for the 2017/18 financial year.

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

6. This service was overspent by over £4,000 for the financial year, largely as a result of income from fees and charges being lower than the revised budget.
7. The expenditure against supplies and services, third party payments and internal recharges reflect lower than budgeted recharges and costs, including those originally recorded in the Environmental Health Partnership.

LICENSING

8. This service was underspent by almost £6,000 for the financial year. The expenditure against supplies and services, third party payments and internal recharges reflect lower than budgeted recharges and costs, including those originally recorded in the Environmental Health Partnership, and income from fees and charges were slightly higher than the revised budget.

HEALTH AND SAFETY ENFORCEMENT

9. This service was underspend by just under £11,000 for the financial year. The expenditure against supplies and services, third party payments and internal recharges reflect lower than budgeted recharges and costs, including those originally recorded in the Environmental Health Partnership.
10. One off income from recovery of costs was recognised, meaning fees and charges were slightly higher than the revised budget.

ELECTION SERVICES

11. The underspend of just over £47,000 reflects a saving against the budget for conducting elections of £46,000 and just over £1,000 lower than anticipated for register of electors
12. During this year there were three elections, the County Council elections in May, the UK Parliamentary General Election in June and a local by-election in November. We received just over £35,500 more funding than anticipated and in addition expenditure was also just over £10,400 less, this was largely down to lower than anticipated spending on supplies and services.
13. The savings of just over £1,000 relating to register of electors were due higher expenditure of just over £5,000 but this was matched by an increase in income of just over £6,000 due to a successful bid to the Cabinet Office for additional funding.

RISK ASSESSMENT

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

CONCLUSION

15. The cost of the services provided by this Committee was £59,484 lower than anticipated when the revised budgets were prepared and the reasons for this are set out in this report.

APPENDIX A - Actual Cost of Individual Services 2017/18

Background Papers:

None.

Reference Papers:

Report of the Director of Finance and Resources to this Committee on 24 January 2017
- Spending Plans 2017/18.

Enquiries:

For further information on this report please contact Neil Wood (Ext 4506).

APPENDIX A

<u>HACKNEY CARRIAGE LICENCES</u>	Revised Estimate 2017/18	Actual 2017/18	Variance
	£	£	£
Supplies and Services	12,000	12,682	682
Third Party Payments	74,800	68,820	-5,980
GROSS EXPENDITURE	86,800	81,502	-5,298
Sales	-200	-76	124
Fees and Charges	-89,000	-79,352	9,648
GROSS INCOME	-89,200	-79,428	9,772
NET EXPENDITURE	-2,400	2,074	4,474

<u>LICENSING</u>	Revised Estimate 2017/18	Actual 2017/18	Variance
	£	£	£
Supplies and Services	0	1,177	1,177
Third Party Payments	57,900	53,194	-4,706
GROSS EXPENDITURE	57,900	54,371	-3,529
Fees and Charges	-93,000	-95,374	-2,374
GROSS INCOME	-93,000	-95,374	-2,374
NET EXPENDITURE	-35,100	-41,003	-5,903

<u>HEALTH & SAFETY</u>	Revised Estimate 2017/18	Actual 2017/18	Variance
	£	£	£
Employee Related Expenditure	2,800	3,271	471
Supplies and Services	13,000	15,955	2,955
Third Party Payments	131,800	121,294	-10,506
GROSS EXPENDITURE	147,600	140,520	-7,080
Fees and Charges	0	-3,807	-3,807
GROSS INCOME	0	-3,807	-3,807
NET EXPENDITURE	147,600	136,713	-10,887

<u>ELECTION SERVICES</u>	Revised Estimate 2017/18	Actual 2017/18	Variance
	£	£	£
Employee Related Expenditure	164,200	167,735	3,535
Premises Related Expenditure	25,000	24,160	-840
Transport Related Expenditure	2,500	3,604	1,104
Supplies and Services	327,900	319,987	-7,913
Internal Recharges	56,300	55,173	-1,127
GROSS EXPENDITURE	575,900	570,659	-5,241
Government Grants	-228,500	-264,213	-35,713
Sales	-1,500	-2,698	-1,198
Fees and Charges	0	-5,016	-5,016
GROSS INCOME	-230,000	-271,927	-41,927
NET EXPENDITURE	345,900	298,732	-47,168

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **6 February 2019**

Report of: **Director of Finance & Resources**

Subject: **FEES AND CHARGES 2019/20**

SUMMARY

This report sets out the level of fees and charges for this Committee's services and seeks agreement for them before being recommended to Council for approval.

RECOMMENDATION

It is recommended that the Licensing and Regulatory Affairs Committee:-

- (a) agrees the fees and charges for 2019/20; and
- (b) recommends the fees and charges to Council for approval.

INTRODUCTION

1. The Council has a co-ordinated strategic, service and financial planning process and this report allows the Committee to consider in detail these plans for the provision of Licensing and Regulatory Affairs services during the next financial year.
2. This report and the revenue budgets have been prepared in accordance with the Medium Term Finance Strategy that will be presented to the Executive on 7 January 2019 and will cover the fees and charges for this Committee.

FEES AND CHARGES

3. The fees and charges under the control of this Committee are shown at Appendix A. Where possible a comparison with charges set by Gosport Borough Council is shown. It is worth noting that Gosport Borough Council increases its charges on 1 January each year so the charges shown are already being applied.
4. There are a number of fees that are statutory charges and are therefore outside the control of this Committee. These include lotteries, fees under the Gambling Act 2005, some fees under the Licensing Act 2003 and fees for registration of electors.
5. Other Licences and Fees (Discretionary) – this discretionary element of the fees and charges are under the control of this Committee. Proposed increases to these fees and charges are set out at Appendix A for this Committee's approval.
6. Private Hire and Hackney Carriage Drivers - the requirement to introduce 3 year licences for Private Hire and Hackney Carriage Drivers and 5 year licences for Private Hire Operators along with fee setting recommendations was reported to this Committee on 22 September 2015. Income has remained stable under this phasing, and no increases are proposed for 2019/20.
7. It is proposed that the charge for the Knowledge Test is increased from £23 to £50. This large increase is required to fully meet the resource implications of facilitating the test itself and the suitable environment, as well as officer involvement in executing the test, results and potential subsequent re-tests.
8. The current fees and charges, reflecting the changes approved on 23 January 2018, for Licensing and Regulatory Affairs services and the proposed charges for 2019/20 are set out in Appendix A. The comparison with neighbouring Authorities is shown at Appendix B.
9. Members may also wish to consider whether, for certain services, there could be scope to generate additional income to pay for service improvements.

RISK ASSESSMENT

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

CONCLUSION

11. A number of Licensing and Regulatory Affairs services are partly funded from fees and charges and other types of income. It is important that a balance is kept between raising income and affordability of charges for the users of the services.

12. The Committee is asked to:-

- (a) review and agree the fees and charges for 2019/20; and
- (b) recommend the fees and charges to Council for approval.

Appendices:

Appendix A – Fees and Charges

Background Papers:

Reference Papers:

Enquiries:

For further information on this report please contact Neil Wood. (Ext 4506)



LICENSING AND FEES

The charges shown are currently not subject to VAT, except where indicated.

	Notes	Fee 2018/19 £	Fee 2019/20 £	% Increase
Lotteries				
Registration	Statutory Charge	40.00	40.00	0.00
Renewal	Statutory Charge	20.00	20.00	0.00

Gambling Act 2005

Charges available on application to Head of Environmental Health.

Licensing Act 2003

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

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

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

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

The Fees have been set by the Government and are detailed below:

Premises/Club Applications/Conversions

The Fees are based on rateable values of properties:

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

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

Rateable Value	Band	City/Town Centre Pub Application Fee £	City/Town Centre Pub Annual Charge £
£87,001 - £125,000	D	900.00	640.00
£125,001 and over	E	1,905.00	1,050.00

If in addition to the conversion application the conditions in respect of alcohol are to be varied then an additional fee to those set out above becomes payable as follows:

Rateable Value	Band	Variation Fee £
£0 - £4,300	A	20.00
£4,301 - £33,000	B	60.00
£33,001 - £87,000	C	80.00
£87,001 - £125,000	D	100.00
£125,001 and over	E	120.00

Exceptionally Large Events

A fee structure also exists for exceptionally large events starting at a capacity of 5,000 people. Please contact the Licensing Authority for details of these.

Personal Licences, Temporary Events and Other Fees

	Fee 2019/20 £
Statutory – Additional Fees are as follows :	
Occasion on which Fee payable	
Personal Licence	37.00
Minor Variations	89.00
Temporary Event Notice	21.00
Application for copy of Licence or summary on theft, loss etc. of Premises Licence or summary	10.50
Notification of change of name or address	10.50
Applications to vary – to specify Individuals as premises supervisor	23.00
Application to transfer Premises Licence	23.00
The removal of conditions for community premises	23.00
Interim Authority Notice	23.00
Application for making a Provisional Statement	195.00
Application for copy of certificate or summary on theft, loss etc. of certificate or summary	10.50
Notification of change of name or alteration of club rules	10.50
Change of relevant registered address of club	10.50
Application for copy of licence on theft, loss etc. of temporary event notices	10.50
Application for copy of licence on theft, loss etc. of personal licence	10.50
Right of freeholder etc. to be notified of licensing matters	21.00

Exemptions

Applications for premises licences or club certificates which relate to the provision of regulated entertainment only and the application is from the following then NO FEES are payable, but applications must still be made:

An educational institution which is a school or college and the entertainment is carried on by the educational institution for and on behalf of the purposes of the educational institution.

OR

That the application is in respect of premises that are or form part of a church hall, chapel hall, or similar building or village hall, parish hall or community hall or other similar building.

	Notes	Fee 2018/19 £	Fee 2019/20 £	% Increase
Discretionary – Other Licences and Fees				
Advice to commercial premises	Charge per hour or part thereof	47.00	47.00	0.00
Scrap Metal Dealer	New Application	260.00	260.00	0.00
Scrap Metal Dealer	Application Renewal	145.00	145.00	0.00
Mobile Collector	New Application	145.00	145.00	0.00
Mobile Collector	Application Renewal	105.00	105.00	0.00
Sex Shops/Establishments	Initial Fee	1,850.00	1,900.00	2.70
Sex Shop/Establishment	Renewal Fee	1,850.00	1,900.00	2.70
Skin Piercers	Premises	80.00	90.00	12.50
Skin Piercers	Persons	70.00	75.00	7.14
Street Trading Consent	12 months	1,800.00	1,850.00	2.78
Street Trading Consent	6 months	1,000.00	1,020.00	2.00
Street Trading Consent	3 months	550.00	560.00	1.82
Street Trading - Tables and Chairs	New	300.00	300.00	0.00
Street Trading - Tables and Chairs	Renewal	185.00	185.00	0.00
Variation of Licence		138.00	138.00	0.00
Replacement Licence		23.00	23.00	0.00
Discretionary – Animal Licences and Fees				
Dangerous Wild Animal Licences	All initial applications and subsequent renewals where appropriate will also include vets' fees in addition to the charges listed	130.00	140.00	7.69
Riding Establishment Licences Initial registration/ renewal/variation –per horse	All initial applications and subsequent renewals where appropriate will also include vets' fees in addition to the charges listed	40.00	42.00	5.00
Hiring Out Horses - New Application Grant	All initial applications and subsequent renewals where appropriate will also include vets' fees in addition to the charges listed		£210.00 £50.00	NEW NEW
Hiring Out Horses - Renewal Application Grant	All initial applications and subsequent renewals where appropriate will also include vets' fees in addition to the charges listed		£160.00 £25.00	NEW NEW
Hiring Out Horses Variation Application Grant	All initial applications and subsequent renewals where appropriate will also include vets' fees in addition to the charges listed		£80.00 £25.00	NEW NEW
Hiring Out Horses Re-inspection	All initial applications and subsequent renewals where appropriate will also include vets' fees in addition to the charges listed		£160.00	NEW
Animal Boarding – New Application Grant			£210.00 £50.00	NEW NEW

Animal Boarding – Renewal Application Grant			£180.00 £25.00	NEW NEW
Home Boarding - New Application Grant			£150.00 £50.00	NEW NEW
Home Boarding - Renewal Application Grant			£120.00 £25.00	NEW NEW
Home Boarding Fee Franchise (including Day Care for Dogs)	Dog Boarding Franchise		150.00	NEW
	Additional Dog Boarding Franchise property applied for		50.00	NEW
Selling Animals as Pets - New Application Grant			£160.00 £50.00	NEW NEW
Selling Animals as Pets - Renewal Application Grant			£120.00 £30.00	NEW NEW
Keeping or training animals for exhibition - New Application Grant			£160.00 £50.00	NEW NEW
Keeping or training animals for exhibition - Renewal Application Grant			£100.00 £50.00	NEW NEW
Dog Breeders Licence	All initial applications and subsequent renewals where appropriate will also include vets' fees in addition to the charges listed	180.00	180.00	0.00
Zoo: Initial Application (valid for 4 years)	All initial applications and subsequent renewals where appropriate will also include vets' fees in addition to the charges listed	1,850.00	1,900.00	2.70
Zoo: Renewal (valid for 6 years)	All initial applications and subsequent renewals where appropriate will also include vets' fees in addition to the charges listed	1,850.00	1,900.00	2.70

	Notes	Fee 2018/19 £	Fee 2019/20 £	% Increase
Discretionary – Hackney Carriage and Private Hire Licences				
Vehicle Licence				
Hackney Carriage		185.00	185.00	0.00
Private Hire		185.00	185.00	0.00
Transfer of Licence	(Note 1)	185.00	185.00	0.00
Temporary Transfer	(Note 2,3)	185.00	185.00	0.00
Operator's Licence				
Private Hire Operators Licence	1 year	185.00	185.00	0.00
Private Hire Operators Licence	3 years	455.00	455.00	0.00
Private Hire Operators Licence	5 years	825.00	825.00	0.00
Driver's Licence				
Hackney Carriage Drivers Licence	1 Year	60.00	60.00	0.00
Hackney Carriage Drivers Licence	3 Years	155.00	155.00	0.00
Private Hire Drivers Licence	1 Year	60.00	60.00	0.00
Private Hire Drivers Licence	3 Years	155.00	155.00	0.00
Dual Drivers Licence	1 Year	85.00	85.00	0.00
Dual Drivers Licence	3 Years	200.00	200.00	0.00
DVLA Drivers' Licence check	Free on-line			
Failure to attend appointment		34.00	34.00	0.00
Replacement Licence		10.50	10.50	0.00
Transfer of Ownership	(Note 1)	25.00	25.00	0.00
Knowledge Test				
Per Test		23.00	50.00	117.39
Driver's Badge				
Issue and Replacement	Inclusive of VAT	18.00	18.00	0.00
Vehicles				
Replacement plates and fixings	Inclusive of VAT	22.00	22.00	0.00
Replacement brackets		15.00	15.00	0.00
Interior windscreen plate		23.00	23.00	0.00

Other	
Disclosure and Barring Service Fee	Actual Cost
Medical Consultation	Actual Cost
<p>Notes</p> <ol style="list-style-type: none"> 1. This charge has been set at a level to cover the cost of administering transfers. Transfers will only be permitted in March and April in exceptional circumstances. Transfers, in months other than March and April, will be charged at 50%. 2. This charge covers the cost of temporary transfers due to the use of loan cars for insurance purposes. 3. This charge has been set at a level to cover the cost of administering transfers. 	

APPENDIX B

Fees and charges Comparison

Other Licences and Fees	FBC £	GBC £	WCC £	HBC £	EBC £	PCC £
Skin Piercers : Premises	80.00	90.00				
Skin Piercers : Persons	70.00	75.00				
Street Trading Consent : 12 months	1,800.00	1,210.00	£40 per day	Min £1,000		1,736.00
Street Trading Consent : 6 months	1,000.00	630.00		Min £600		
Street Trading Consent : 3 months	550.00	N/A				
Street Trading - Tables and Chairs New	300.00	290.00	N/A			127.00
Renewal	185.00	180.00	N/A			From 244.00
Dangerous Wild Animal Licences :	130.00	140.00	58.00 plus cost of vets inspection	96.00		
Riding Establishment Licences : Initial registration / renewal/variation –per horse	40.00	140.00 Plus Vet Fees	From 58.00 to £221 plus vet fees	167.00		245.00 + vets fees
Animal Boarding Establishment Licences	170.00	140.00 plus vet fees	190.00	115.00		175.00 + vets fees
Home (Domestic) Animal Boarding Establishment Licences	120.00	140.00	105.00	115.00		175.00 + vets fees
Pet Shop Licences	120.00	140.00	190.00	100.00		67.00 + vets fees
Dog Breeders Licence	180.00	140.00	163.00	115.00		

Zoo : Initial Application (valid for 4 years)	1,850.00	plus vet fees On Request	Actual cost	272.00		280.00 + vets fees
Zoo : Renewal (valid for 6 years)	1,850.00	On Request	Actual cost			280.00 + vets fees
Sex Shops/Establishments: Initial Fee	1,850.00	3,000.00		4,400.00		5,000.00
Sex Shop/Establishments: Renewal Fee	1,850.00	2,000.00		4,400.00		3,000.00
Scrap Metal Dealer: New Application	260.00	250.00	389.00	260.00	372.30	450.00
Scrap Metal Dealer: Application Renewal	145.00	140.00				100.00
Mobile Collector: New Application	145.00	140.00	200.00	110.00	285.60	300.00
Mobile Collector: Application Renewal	105.00	100.00				100.00
Variation of Licence	138.00	140.00		180.00	100.00	
Replacement Licence	23.00	22.00		30.00	25.00	25.00
Hackney Carriage and Private Hire Licences -						
Vehicle Licence						
Hackney Carriage	185.00	275.00	167.00	170.00	180.00	285.00
Private Hire	185.00	275.00	167.00	150.00	180.00	180.00
Transfer of Licence	185.00	N/A	37.00		60.00	132.00 + 27.00
Temporary Transfer	185.00	N/A	N/A	N/A	N/A	66.00
Operator's Licence						
Private Hire Operators Licence 1 Year	185.00	270.00	220.00	137.00		616.00
Private Hire Operators Licence 3 Year	455.00	650.00				N/A
Private Hire Operators Licence 5 Year	825.00	1,100.00		448.00	365.00	3,080.00
Driver's Licence						
Hackney Carriage Drivers Licence 1 Year	60.00	100.00	112.00			123.00
Hackney Carriage Drivers Licence 3 Year	155.00	240.00		107.00	182.00	289.00

Private Hire Drivers Licence 1 Year	60.00	100.00	112.00			95.00
Private Hire Drivers Licence 3 Year	155.00	240.00		107.00	182.00	257.00
Dual Drivers Licence 1 Year	85.00	140.00				
Dual Drivers Licence 3 Year	200.00	350.00				
DVLA Drivers' Licence check	Actual Cost	6.00			5.00	
Failure to attend appointment	34.00	N/A		45.00	20.00	
Replacement Licence	10.50	18.00	12.00	18.00	5.00	
Transfer of Ownership	25.00	N/A	37.00		60.00	
Knowledge Test						
Per test	23.00	23.00	29.00	45.00	15.00	12.00
Driver's Badge						
Issue and Replacement	18.00	18.00		15.00	6.00	13.00
Vehicles						
Replacement plates and fixings	22.00	23.00	27.00	18.00	10.00	
Replacement brackets	15.00	N/A				
Interior windscreen plate	23.00	23.00				
Other						
DBS Fee	Actual Cost	44.00	44.00		44.00	11.00
Medical Consultation	Actual Cost	Included in Licence fee				50.00 (Drugs Test)

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **6 February 2019**

Report of: **Director of Finance & Resources**

Subject: **SPENDING PLANS 2019/20**

SUMMARY

This report sets out the overall level of revenue spending on this Committee's services and seeks agreement for the revised revenue budget for 2018/19 and the base budget for 2019/20 before being recommended to Council for approval.

RECOMMENDATION

It is recommended that the Licensing and Regulatory Affairs Committee:-

- (a) reviews and agrees the revised budget for 2018/19;
- (b) reviews and agrees the base budgets for 2019/20; and
- (c) recommends the budget to Council for approval.

INTRODUCTION

1. The Council has a co-ordinated strategic, service and financial planning process and this report allows the Committee to consider in detail these plans for the provision of Licensing and Regulatory Affairs services during the next financial year.
2. This report and the revenue budgets have been prepared in accordance with the Medium Term Finance Strategy that was presented to the Executive on 7 January 2019 and will cover the capital programme and the revenue budget.

CAPITAL PROGRAMME

3. For this Committee there are no capital projects planned.

REVENUE BUDGET

4. Appendix A analyses the overall budget total over the individual Licensing and Regulatory Affairs Committee services and by the different types of expenditure and income.

Base Budget 2018/19

5. The base budgets for 2018/19 were considered by this Committee in January 2018 and were confirmed by the Full Council on 23 February 2018.
6. The base budget for 2018/19 amounted to £501,000.

Revised Budget 2018/19

7. The overall revised budget for 2018/19 is £522,500 an increase of £21,000 or 4.2% from the base budget.

Base Budget 2019/20

8. The overall base budget for 2019/20 is £516,800, an increase of £15,300 or 3.1% from the base budget for 2018/19.

Revenue Budget Comparisons

9. The major variations in the individual service budgets are summarised in the following table:

	Revised Budget 2018/19	Base Budget 2019/20
	£	£
Base Budget 2018/19	501,500	501,500
Hackney Carriage & Private Hire Vehicles	4,500	5,600
Licensing	-5,400	-4,500
Health and Safety Enforcement	-900	1,100
Election Services	22,800	13,100
TOTAL	522,500	516,800

10. Appendix A of this report shows the analysis of expenditure and income for individual services and the following paragraphs of this report set out issues affecting individual services that have arisen in the current year in order to explain the variations between the base and revised budgets for 2018/19 and the base budget for 2019/20.

11. The budgets for this committee do not reflect the cost of providing members services support to this committee and to the panels that are held during the year. This overall cost to the council is shown within the Executive Portfolio for Policy and Resources. The cost to the council for this function is just under £1 million a year.

SERVICE ISSUES

Environmental Health Partnership

12. From 1 April 2014 the Environmental Health service has been provided by way of a Partnership between Fareham and Gosport Councils in order to provide a more resilient service and to bring savings to both Councils under the control of the Environmental Health Panel.
13. Under this arrangement, the direct costs for the service have been combined into a single Trading Account. This is where expenditure under the headings of employees, premises, supplies and services and third party payments incurred by the Partnership are recorded, and recharged to both Fareham and Gosport Councils on the basis of a 50 : 50 split.
14. Support services and income attributable to Fareham and Gosport Councils are recorded directly in the respective service areas of the two local authorities, along with the cost of DVLA Licence checks under supplies and services.

Hackney Carriage Licences

15. There has been an increase in the budget for this service of £5,600. The main reason for the change is that overall budgeted income from taxi licensing has decreased by £5,000.

Licensing

16. There has been an increase in the income budget for this service of £5,000 in respect of Licensing of Houses in Multiple Occupancy that have been introduced during the current financial year.

Health & Safety

17. There has been a small increase of £1,100 to this budget in respect of Environmental Health Partnership costs.

Election Services

18. There has been an overall increase in the budget for this service of £13,100 which is as a result of anticipated increases in supplies and services associated with this service, specifically the budgets for equipment purchases and postal charges have been increased in line with anticipated expenditure in the forthcoming year.

RISK ASSESSMENT

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

CONCLUSION

20. A number of Licensing and Regulatory Affairs services are partly funded from fees and charges and other types of income. After taking service income into account, the following sources of income reduce the overall cost of services to be met by council tax payers:
- Investment income; and
 - The Council's share of business rate income
21. These sources of income are generally outside the Council's control and do not reflect changes in the overall level of spending on local services. With these sources of income effectively "fixed", Members need to be aware that, unless it can be matched by increased service income, additional spending on services has to be fully funded by council tax payers.
22. It follows that members must give full weight to the Council's overall position and future council tax levels when the revenue budgets for 2019/20 are considered.
23. The Committee is asked to:
- (a) review and agree the revised budgets for 2018/19;
 - (b) review and agree the base budgets for 2019/20; and
 - (c) recommend the budget to Council for approval.

Appendices:

Appendix A: Overall Budget Total

Background Papers:

None

Reference Papers:

None

Enquiries:

For further information on this report please contact Neil Wood. (Ext 4506)

LICENSING AND REGULATORY AFFAIRS COMMITTEE**ESTIMATE OF EXPENDITURE AND INCOME FOR THE COUNCIL TAX 2019/20**

	Base Estimate 2018/19	Revised Estimate 2018/19	Base Estimate 2019/20
	£	£	£
HACKNEY CARRIAGE LICENCES	-2,900	1,600	2,700
LICENSING	-35,400	-40,800	-39,900
HEALTH & SAFETY ENFORCEMENT	145,600	144,700	146,700
ELECTION SERVICES	394,200	417,000	407,300
	501,500	522,500	516,800

SUBJECTIVE ANALYSIS

	Base Estimate 2018/19	Revised Estimate 2018/19	Base Estimate 2019/20
	£	£	£
EMPLOYEE RELATED EXPENDITURE	182,900	157,300	170,000
PREMISES RELATED EXPENDITURE	15,000	15,000	15,000
TRANSPORT RELATED EXPENDITURE	1,500	1,500	1,500
SUPPLIES AND SERVICES	165,300	228,700	190,900
CONTRACT PAYMENTS	262,700	260,900	264,900
INTERNAL RECHARGES	57,800	58,600	58,200
GROSS EXPENDITURE	685,200	722,000	700,500
OTHER GRANTS AND REIMBURSEMENTS	0	-15,800	0
SALES	-1,700	-1,700	-1,700
FEEES AND CHARGES	-182,000	-182,000	-182,000
GROSS INCOME	-183,700	-199,500	-183,700
NET EXPENDITURE	501,500	522,500	516,800

<u>HACKNEY CARRIAGE LICENCES</u>	Base Estimate 2018/19	Revised Estimate 2018/19	Base Estimate 2019/20
	£	£	£
SUPPLIES AND SERVICES	12,000	12,000	12,000
THIRD PARTY PAYMENTS	74,300	73,800	74,900
GROSS EXPENDITURE	86,300	85,800	86,900
SALES	-200	-200	-200
FEEES AND CHARGES	-89,000	-84,000	-84,000
GROSS INCOME	-89,200	-84,200	-84,200
NET EXPENDITURE	-2,900	1,600	2,700

<u>LICENSING</u>	Base Estimate 2018/19	Revised Estimate 2018/19	Base Estimate 2019/20
	£	£	£
THIRD PARTY PAYMENTS	57,600	57,200	58,100
GROSS EXPENDITURE	57,600	57,200	58,100
FEEES AND CHARGES	-93,000	-98,000	-98,000
GROSS INCOME	-93,000	-98,000	-98,000
NET EXPENDITURE	-35,400	-40,800	-39,900

<u>HEALTH & SAFETY</u>	Base Estimate 2018/19	Revised Estimate 2018/19	Base Estimate 2019/20
	£	£	£
EMPLOYEE RELATED EXPENDITURE	2,800	2,800	2,800
SUPPLIES AND SERVICES	12,000	12,000	12,000
CONTRACT PAYMENTS	130,800	129,900	131,900
GROSS EXPENDITURE	145,600	144,700	146,700
NET EXPENDITURE	145,600	144,700	146,700

	Base Estimate 2018/19	Revised Estimate 2018/19	Base Estimate 2019/20
<u>ELECTION SERVICES</u>			
	£	£	£
EMPLOYEE RELATED EXPENDITURE	180,100	154,500	167,200
PREMISES RELATED EXPENDITURE	15,000	15,000	15,000
TRANSPORT RELATED EXPENDITURE	1,500	1,500	1,500
SUPPLIES AND SERVICES	141,300	204,700	166,900
INTERNAL RECHARGES	57,800	58,600	58,200
GROSS EXPENDITURE	395,700	434,300	408,800
OTHER GRANTS	0	-15,800	0
SALES	-1,500	-1,500	-1,500
GROSS INCOME	-1,500	-17,300	-1,500
NET EXPENDITURE	394,200	417,000	407,300

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **06 February 2019**

Report of: **Head of Environmental Health**

Subject: **GAMBLING – REVIEW OF STATEMENT OF PRINCIPLES**

SUMMARY

To consider the draft Statement of Principles under the Gambling Act 2005, which the Council is required to review and publish every three years, for use in connection with applications/reviews under the Gambling Act 2005. The statutory consultation exercise in respect of this Statement has been completed.

The purpose of this report is to bring the draft statement of Principles, together with the consultation responses, to this Committee for approval for recommendation to the Executive so that it can be adopted at Full Council.

RECOMMENDATION

It is recommended that the Licensing and Regulatory Affairs Committee:

- (a) considers the draft document, any amendments resulting from the statutory consultation exercise and whether any substantive amendments are required; and
- (b) recommends to the Executive that the final draft Gambling Act 2005 Statement of Principles 2019-2022, as attached as Appendix A to this report, be recommended for adoption by the Council.

INTRODUCTION

1. The Gambling Act 2005 introduced significant changes in the regulation of the Gambling Industry. The majority of these changes fell to the Gambling Commission to implement. Local Authorities were required to act as the licensing authority in relation to the licensing of premises and the issuing of permits for certain activities:
 - casinos
 - betting offices and race tracks
 - bingo premises
 - adult gaming centres
 - family entertainment centres.
2. The Council is required to determine and publish, every three years, a Statement of Principles in relation to the exercise of its functions under the Gambling Act 2005. The three-year period to which the current Statement of Policy relates ended in January 2019.

CONSULTATION

3. The draft revised Statement of Policy can be seen at Appendix A to this report.
4. The Policy has been re-written due to changes in Guidance, so it is not possible to produce a summary of changes.
5. Consultation with the bodies as per Appendix 1 of the revised draft Statement of Principles was undertaken in December 2018.
6. There were two responses received. One was from Gamcare a national provider of information, advice, support and free treatment for anyone affected by problem gambling. It consists of a list of the general issues or factors that they suggest should be considered. A copy of this response is attached as Appendix B to this report. The second consultation was from Public Health England and gave information on the Local Authority Health Profile which has been incorporated into the report.

RISK ASSESSMENT

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

CONCLUSION

8. This Council must adopt a three-yearly reviewed Gambling Act Statement of Principles issued under the Gambling Act 2005. The reviewed Gambling Act Statement of Principles must be adopted by the Council for the period 2019 – 2022.
9. The reviewed Gambling Act Statement of Principles has been prepared for adoption in compliance with guidance issued by the Gambling Commission. Unless the draft has substantive amendments required by the Committee, the draft can be recommended to the Executive for consideration at its meeting of 4 March and can then be recommended by the Executive (subject to comment /amendment) for adoption by the

Council.

Appendices **Appendix A:** Draft Statement of Principles
 Appendix B Consultation Response Received

Background Papers:

None

Reference Papers:

None

Enquiries:

For further information on this report please contact Helen Spires. (Ext 4411)

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.

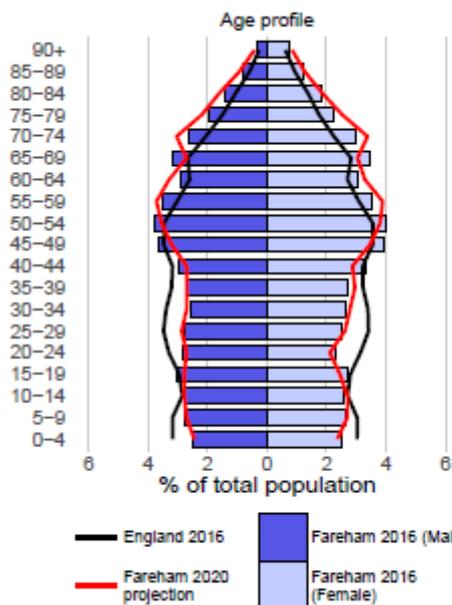
14. Profile of Fareham



- 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

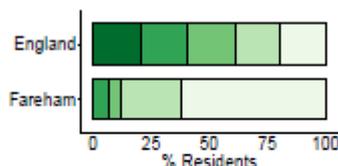
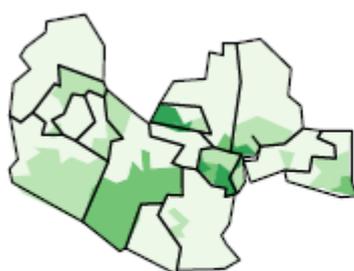
14.5 Deprivation – The level of deprivation in an area can be used to identify those communities who may be in the greatest need of services. These maps and charts show the Index of Multiple Deprivation 2015 (IMD 2015).

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.

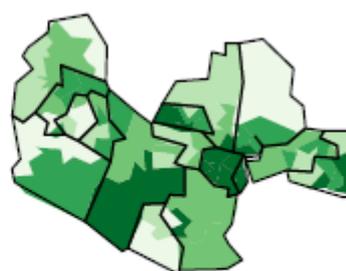
The chart shows the percentage of the population who live in areas at each level of deprivation.



Most deprived quintile Least deprived quintile

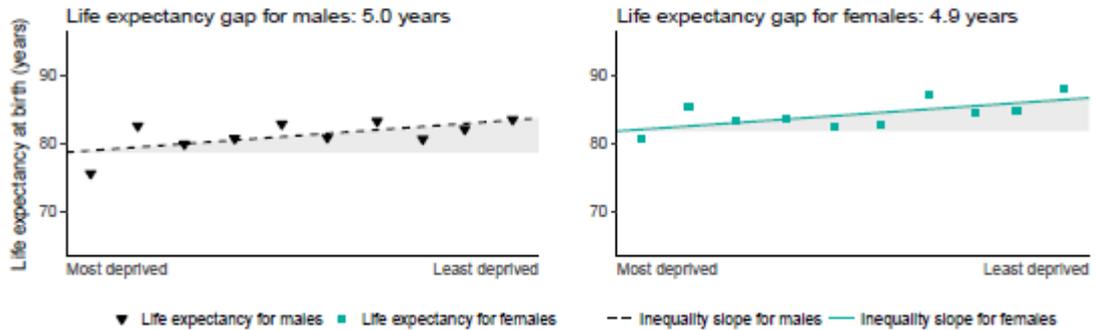
Local

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



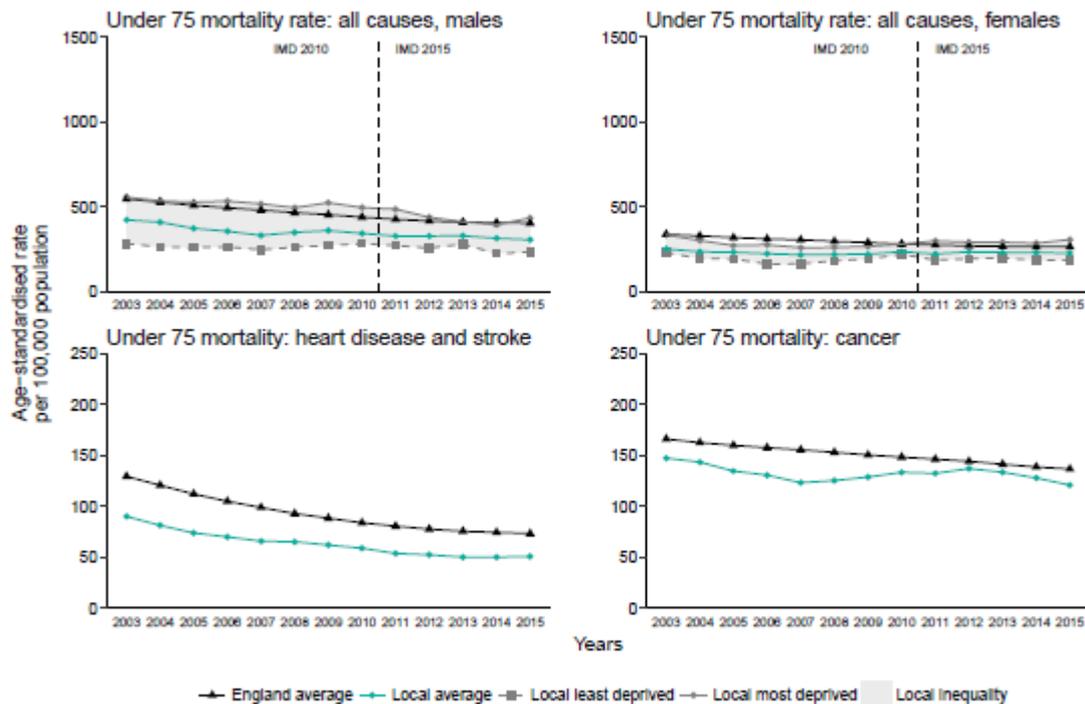
14.7 Health Inequalities : life expectancy

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
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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

Hello,

Thank you for your letter regarding the above consultation, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from [GamCare Certified operators](#). GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact mike.kenward@gamcare.org.uk

For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.

If there is anything else we can assist with please do let us know.

Kind regards,
Catherine

Head of Marketing and Communications



FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **06 February 2019**

Report of: **Head of Environmental Health**

Subject: **PRELIMINARY REVIEW OF WORK PROGRAMME 2018/19 AND
DRAFT WORK PROGRAMME 2019/20**

SUMMARY

At the Committee meeting on 26 March 2019, members will be asked to review the outcome of the Work Programme for the current year, 2018/19. Also at that meeting, the Panel will need to finalise the draft Work Programme for next year, 2019/20.

This report contains details of the position of the Committee's existing Work Programme for the current year, in order to allow an early assessment of progress. It also gives some background information to assist members in drawing up the Work Programme for 2019/20.

RECOMMENDATION

It is recommended that the Licensing and Regulatory Affairs Committee:-

- (a) notes the progress on actions arising from the meeting of the Committee held on 27 November 2018, attached as Appendix A to the report;
- (b) reviews the Work Programme for 2018/19, attached as Appendix B to the report; and
- (c) gives initial consideration to the draft Work Programme for 2019/20 attached as Appendix C of the report.

INTRODUCTION

1. At the Committee meeting on 27 November 2018, the Work Programme for 2018/19 was reviewed.
2. Details of progress on actions arising from matters considered at that meeting are shown in Appendix A to this report.

WORK PROGRAMME FOR 2018/19

3. The Work Programme for 2018/19 agreed at the last meeting is attached as Appendix B to this report.

WORK PROGRAMME – NEXT YEAR 2019/20

4. Members are invited to consider items for the draft Work Programme for 2019/20. It has been previously suggested that a few items of major significance be chosen.
5. At this stage, particular items which are known to be coming before the Committee during the next year are attached as Appendix C.
6. Other general items may arise during the year, such as responding to consultation requests by the Government.

RISK ASSESSMENT

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

CONCLUSION

8. The Licensing and Regulatory Affairs Committee is invited to:-
 - (i) note the progress on actions arising from the meeting of the Committee held on 27 November 2018, attached as Appendix A to the report;
 - (ii) review the Work Programme for 2018/19, attached as Appendix B to the report; and
 - (iii) give initial consideration to the draft Work Programme for 2019/20 attached as Appendix C to the report.

APPENDICES:

APPENDIX A – Progress on Actions since the last meeting.

APPENDIX B – Licensing and Regulatory Affairs Committee Work Programme 2018/19

APPENDIX C – Draft Licensing and Regulatory Affairs Draft Work Programme 2019/20

Background Papers:

None

Reference Papers:

None

Enquiries:

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

LICENSING AND REGULATORY AFFAIRS COMMITTEE – 27 November 2018

Progress on Actions from last meeting

Date of Meeting	27 November 2018
Subject	Police Update
Type of Item	Verbal Update
Action by Committee	<p>The Committee received a verbal update on Police licensing arrangements from PC Jason Pearce from Hampshire Constabulary.</p> <p>The update included the showing of a short video that is being rolled out to staff in licensed premises, universities and naval bases to recognise and deal with situations where people might be vulnerable after drinking alcohol and to raise awareness of how interventions can lead to better outcomes.</p> <p>The Panel heard how, within the context of Fareham, the level of late night crime is much lower than in many of the surrounding areas. All town centre premises are closed by 1am and since the closure of Chicago Rock 5 years ago, there has been a 75% decrease in the level of violent crime. Businesses making enquiries of the Police regarding the possibility of extending opening hours past 1am are advised that any extension of hours must include provision to ensure that people are safe when they leave the licenced premises and that the immediate vicinity is cleared without incident. Dedicated Welfare staff will also need to be available inside the premises during late-night opening hours to ensure the safety and welfare of customers.</p> <p>The Panel also received a summary of events that were held over the last year that involved licenced activities. Premises were generally well managed throughout the Football World Cup period over the summer with the few incidents that occurred providing useful experience to draw upon to plan for next summer's European Cup. There are a couple of low-key festivals that are held in Fareham each year and generally these pass without any serious related incidents, however a serious incident occurred after the Jerk Jam Festival this year which has resulted in a case of stabbing and serious assault being investigated and an offender being taken into custody.</p>

	<p>Members were advised of a number of initiatives that have been taking place to help prevent crime and disorder and protect children from harm. These included working with higher risk licenced premises to raise awareness of knife crime, educating premises on tools that are available to help avoid knives being brought into premises, showing staff how to spot fake driving licences that can be bought very easily and cheaply on the internet and explaining to staff how ID checks can be carried out and dealt with more effectively.</p> <p>The Panel discussed the disappointing results of the recent test purchases that were carried out on licenced premises across the Borough and heard how the failures, which tended to be larger premises rather than the smaller ones, were as a result of staff multi-tasking and not having sufficient time to concentrate on personal engagement with customers. This has been highlighted to the premises involved to ensure that staff are properly trained and are able to take more time in carrying out the relevant checks.</p> <p>RESOLVED that PC Pearce be thanked for providing a very interesting and informative update.</p>
Outcome	Complete
Link Officer	N/A
Subject	LICENSING AND REGULATORY AFFAIRS COMMITTEE WORK PROGRAMME
Type of Item	Report
Action by Committee	<p>The Committee considered a report by the Head of Environmental Health on the Committee's Work Programme for 2018/19.</p> <p>RESOLVED that the Licensing and Regulatory Affairs Committee:</p> <p>(a) notes the progress on actions arising from the meeting of the Committee held on 18 September 2018, as shown in Appendix A to the report; and</p> <p>(b) approves the updated Work Programme for 2018/19</p>
Outcome	Complete
Link Officer	Ian Rickman

LICENSING AND REGULATORY AFFAIRS COMMITTEE – WORK PROGRAMME 2018/19

<u>DATE</u>	<u>SUBJECT</u>	<u>TRAINING SESSION/WORKSHOP</u>
19 JUNE 2018	Presentation on the Responsibilities of the Licensing and Regulatory Affairs Committee Taxis and Wheelchair Accessibility Report Taxi Replacement Incentive Scheme Licensing Conditions Update Review of Work Programme 2018/19	
31 JULY 2018	MEETING CANCELLED	
18 SEPTEMBER 2018	Setting of Taxi Tariff Review of Work Programme 2018/19	Training
27 NOVEMBER 2018	Police Licensing Officer Update Review of Work Programme 2018/19	
06 FEBRUARY 2019	Actual Revenue Expenditure 2017/18 Spending Plans 2019/20 Fees and Charges 2019/20 Gambling – Review of Statement of Principles Preliminary Review of Work Programme 2018/19 and Draft Work Programme 2019/20	
26 MARCH 2019	Update on Fareham & Gosport Environmental Health Partnership – Presentation Update on Air Quality and the Taxi Incentive Scheme Update on Taxis and Wheelchair Accessibility Final Review of Work Programme 2018/19 and Draft Work Programme 2019/20	

APPENDIX C

**LICENSING AND REGULATORY AFFAIRS COMMITTEE – DRAFT WORK PROGRAMME
2019/20**

<u>DATE</u>	<u>SUBJECT</u>	<u>TRAINING SESSION/WORKSHOP</u>
18 June 2019	Presentation on the Responsibilities of the Licensing and Regulatory Affairs Committee Review of Work Programme 2019/20	
30 July 2019	Review of Work Programme 2019/20	
24 September 2019	Setting of Taxi Tariff Police Update Review of Work Programme 2019/20	Training
19 November 2019	Review of Work Programme 2019/20	
28 January 2020	Actual Revenue Expenditure 2018/19 Spending Plans 2020/21 Fees and Charges 2020/21 Preliminary Review of Work Programme 2019/20 and Draft Work Programme 2020/21	
31 March 2020	Update on Fareham & Gosport Environmental Health Partnership – Presentation Final Review of Work Programme 2019/20 and Draft Work Programme 2020/21	

