

FAREHAM

BOROUGH COUNCIL

AGENDA

LICENSING AND REGULATORY AFFAIRS COMMITTEE

Date: Tuesday, 25 January 2022

Time: 6.00 pm

Venue: Council Chamber - Civic Offices

Members:

Councillor M J Ford, JP (Chairman)

Councillor T M Cartwright, MBE (Vice-Chairman)

Councillors I Bastable
Mrs S M Bayford
Mrs P M Bryant
T Davies
J M Englefield
Mrs P Hayre
L Keeble
Mrs J Kelly
Ms S Pankhurst
R H Price, JP
Mrs K K Trott
Mrs S M Walker



Deputies: G Fazackarley
J S Forrest
Mrs K Mandry

**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 23 November 2021.

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 2020/21 (Pages 9 - 14)

To consider a report by the Deputy Chief Executive Officer which provides details of actual expenditure for 2020/21 in respect of the services for which the Committee is responsible.

7. Spending Plans 2022/23 (Pages 15 - 22)

To consider a report by the Deputy Chief Executive Officer which outlines the Committee's Spending Plans for 2022/23.

8. Fees and Charges 2022/23 (Pages 23 - 36)

To consider a report by the Deputy Chief Executive Officer which sets out the proposed level of Fees and Charges for 2022/23.

9. Gambling - Review of Statement of Principles (Pages 37 - 80)

To consider a report by the Head of Environmental Health which presents the Council's Statement of Principles under the Gambling Act 2005 for review.

10. Preliminary Review of Committee Work Programme 2021/22 and Draft Work Programme 2022/23 (Pages 81 - 88)

To consider a report by the Head of Environmental Health on the Committee's Work Programme for 2021/22 and a draft Work Programme for 2022/23.



P GRIMWOOD
Chief Executive Officer

Civic Offices
www.fareham.gov.uk
17 January 2022

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

FAREHAM

BOROUGH COUNCIL

Minutes of the Licensing and Regulatory Affairs Committee

(to be confirmed at the next meeting)

Date: Tuesday, 23 November 2021

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor M J Ford, JP (Chairman)

Councillor T M Cartwright, MBE (Vice-Chairman)

Councillors: I Bastable, Mrs S M Bayford, Mrs P Hayre, Mrs J Kelly, Ms S Pankhurst, Mrs K K Trott, Mrs S M Walker, J S Forrest (deputising for R H Price, JP) and Mrs K Mandry (deputising for Mrs P M Bryant)

**Also
Present:**



1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs P M Bryant, T Davies and R H Price, JP.

2. MINUTES

(1) Minutes of meeting of the Licensing & Regulatory Affairs Committee

RESOLVED that the minutes of the Licensing and Regulatory Affairs Committee meeting held on 28 September 2021 be confirmed and signed as a correct record.

(2) Minutes of meeting of the Licensing Panel - 28 September 2021

RESOLVED that the minutes of the meeting of the Licensing Panel held on 28 September 2021 be confirmed and signed as a correct record.

(3) Minutes of meeting of the Licensing Panel - 09 November 2021

RESOLVED that the minutes of the meeting of the Licensing Panel held on 09 November 2021 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that Licensing training took place on 22 October 2021. He was very disappointed to report that only 5 members of the Committee had attended the training and that 6 members had not even bothered to send apologies. The Chairman commented that it is very important that training is undertaken to ensure that members who sit on panel hearings are kept up to date with any changes in legislation and understand their responsibilities in meeting the Licensing objectives. The Chairman asked that in future, if members are unable to undertake training that is arranged, apologies be given well in advance so that if numbers are low, the training can be rescheduled to a more convenient time.

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. LOCAL GOVERNMENT BOUNDARY COMMISSION REVIEW

The Committee considered a report by the Head of Democratic Services which presented the working draft of the Council Size Submission to the Local Government Boundary Commission for comment by the Committee prior to submission to full Council for approval.

The Head of Democratic Services explained that the report provided the background to the review and described how this first part of the review requires the Council to submit a Council Size Proposal to the Local Government Boundary Commission which puts forward the total number of Councillors needed for Fareham Borough Council to run effectively over the next 15 – 20 years. Whilst the Commission has the final say in what that appropriate number is, the Council has the opportunity to present the case for how many Elected Members it wants to have.

The Head of Democratic Services advised members that the working draft of the Council Size Submission was provided at Appendix A to the report and explained that it is currently a work in progress. The final draft of the document will be presented to the Council meeting on 16 December 2021 for approval.

The Committee was invited to contribute to the working draft document by suggesting amendments or additional material they would like to see within the submission. Specifically, members were asked to consider the questions set out in paragraph 10 of the report.

Members discussed the changes that resulted from the 2002 review and commented that, on its current size, the Council has become a very high achieving Council delivering many large and exciting projects. It was noted however that since the 2002 review, there has been significant, ongoing development across the Borough and if the number of councillors were to be reduced it could have an impact on the Council's ability to continue delivering high achieving projects whilst still providing help and support to residents. It was also noted during discussion that a large increase in the number of Councillors would bring a cost implication to the budget.

Following discussion on whether population, demographic and BAME data was relevant for inclusion in the submission, it was felt that it should be included but that the term 'BAME' should be changed to 'ethnically diverse'.

Several members expressed frustration that the ongoing development across the Borough and the increase in population it will bring cannot be taken into account in determining the proposed size of the Council.

Following discussion of the working draft, it was agreed that there was a consensus that whilst the Committee could understand why an increase in the number of councillors to 32 was being proposed it was difficult to see how the data and methodology of the submission correlates to the proposal. It was felt that a summary at the end of each section would help to strengthen and support the proposal.

As the submission is still a working document, members were invited to submit any suggested narrative for inclusion in the submission to the Head of Democratic Services. It was agreed that further drafts would be shared with Committee members as it progresses.

RESOLVED that the Licensing and Regulatory Affairs Committee reviewed the draft Size Submission as set out in Appendix A to the report and:

- (a) considered options for what the appropriate Council Size should be which will come into effect from 2024 and be for the next 15 to 20 years;
- (b) considered reasons for and against a future Council Size of 32 Councillors; and
- (c) recommended amendments to the wording contained in the Council Size Submission before it is presented to Council for approval at its meeting on 10 December 2021 as the final submission to the Local Government boundary Commission for England.

7. LICENSING AND REGULATORY AFFAIRS COMMITTEE WORK PROGRAMME

The Committee considered a report by the Head of Environmental Health which provided an opportunity for Members to review the Work Programme for 2021/22.

During the discussion of this item, it was agreed that in order to enable consultation with the Trade to take place on the use of CCTV in private hire and hackney carriage vehicles, the item scheduled for the January meeting entitled Review of Taxi and Private Hire Licensing requirements be moved to the meeting scheduled to take place in March. At the request of the Committee, it was agreed that this item should cover disability requirements of taxi licensing and that the training video shown to the trade be provided for Committee members to view.

RESOLVED that, subject to the amendment outlined above, the Licensing and Regulatory Affairs Committee:

- (a) notes the progress on actions arising from the meeting of the Committee held on 28 September 2021, as shown at Appendix A to the report; and
- (b) agrees the updated Work Programme for 2021/22, as attached at Appendix B to the report.

(The meeting started at 6.00 pm
and ended at 7.25 pm).

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **25 January 2022**

Report of: **Deputy Chief Executive Officer**

Subject: **ACTUAL REVENUE EXPENDITURE 2020/21**

SUMMARY

This report sets out for the information of Members details of the actual revenue expenditure for 2020/21 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 2020/21 for this Committee show that the actual expenditure of £418,155 represented an underspend of £14,445 compared with the revised budget of £432,600 that was approved by this Committee on 14 January 2021. The actual totals of gross expenditure and income are set out in the table below:

	Revised Estimate 2020/21	Actual 2020/21	Variance
	£	£	£
EMPLOYEES RELATED EXPENDITURE	167,000	182,258	15,258
PREMISES RELATED EXPENDITURE	0	-1,522	-1,522
TRANSPORT RELATED EXPENDITURE	900	2,215	1,315
SUPPLIES & SERVICES	124,500	121,324	-3,176
THIRD PARTY PAYMENTS	252,800	242,284	-10,516
INTERNAL RECHARGES	60,500	55,619	-4,881
GROSS EXPENDITURE	605,700	602,178	-3,522
GOVERNMENT GRANTS	0	597	597
OTHER GRANTS	-8,500	-45,359	-36,859
SALES	-1,700	-2,438	-738
FEES AND CHARGES	-162,900	-136,822	26,078
GROSS INCOME	-173,100	-184,022	-10,922
NET EXPENDITURE	432,600	418,155	-14,445

2. The main variations reflect a total increased spending of £15,258 on employees as a result of a pension adjustment. This has been partly offset by lower expenditure against budget from supplies and services, third party payments and internal recharges. Third party payments reflect the cost of the Environmental Health Partnership that is charged to this committee. The income generated through sales, fees and charges and Grants was showing as £10,922 over the budget for the year.
3. The actual revenue expenditure for the year analysed over the main service headings is shown in the following table:

	Revised Estimate 2020/21	Actual 2020/21	Variance
	£	£	£
HACKNEY CARRIAGE LICENSES	7,500	13,948	6,448
LICENSING	-31,600	-26,062	5,538
HEALTH AND SAFETY	140,600	138,563	-2,047
ELECTIONS	316,100	291,716	-24,384
GROSS INCOME	432,600	418,165	-14,445

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 over £997,400 for the 2020/21 financial year.

ENVIRONMENTAL HEALTH PARTNERSHIP

6. One of the main areas of spend for this committee comes as a recharge from the Environmental Health Partnership. The partnership was £33,500 underspent which is mainly as a result of staff vacancies and this is reflected in the charges to the services provided by this committee.

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

7. This service was overspent by just under £6,000 for the financial year, this was due to a reduction in income specifically to vehicle licenses as a result of the COVID-19 pandemic.
8. The expenditure against supplies and services and the Environmental Health Partnership were lower than the budget by £12,000 and £3,000 respectively.

LICENSING

9. This service was underspent by just over £5,500 for the financial year. The income from fees and charges was £7,000 lower than the revised budget. Charges from the Environmental Health Partnership were below budget by £2,400

HEALTH AND SAFETY

10. This service was underspend by £2,000 for the financial year. The expenditure against supplies and services was higher than the budget mainly due to additional purchases of equipment. The charges from the Environmental Health Partnership were lower than the budget by £5,000.

ELECTION SERVICES

11. This service was underspend by £24,000 for the financial year. The underspend relates income received from the settlement of the European elections held in 2019.
12. During this year there was just one election, being the local election held in May 2020.
13. The additional spend just over £8,000 relating to register of electors was due to higher expenditure of just over £7,000 on employees and £4,000 on supplies and services expenditure. Some of this was overset by internal recharge expenditure being underbudget by £2,000.

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 £14,445 lower than anticipated when the revised budgets were prepared and the reasons for this are set out in this report.

Appendices: APPENDIX A - Actual Cost of Individual Services 2020/21

Background Papers:

Reference Papers:

Enquiries:

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

	Revised Estimate 2020/21	Actual 2020/21	Variance
	£	£	£
HACKNEY CARRIAGE LICENSES			
TRANSPORT RELATED EXPENDITURE	0	2,050	2,050
SUPPLIES & SERVICES	12,000	-243	-12,243
THIRD PARTY PAYMENTS	71,500	68,485	-3,015
GROSS EXPENDITURE	83,500	70,292	-13,208
OTHER GRANTS	0	597	597
SALES	-200	-440	-240
FEES AND CHARGES	-75,800	-56,501	19,299
GROSS INCOME	-76,000	-56,344	19,656
NET EXPENDITURE	7,500	13,948	6,448

	Revised Estimate 2020/21	Actual 2020/21	Variance
	£	£	£
LICENSING			
SUPPLIES & SERVICES	0	874	874
THIRD PARTY PAYMENTS	55,500	53,065	-2,435
GROSS EXPENDITURE	55,500	53,939	-1,561
FEES AND CHARGES	-87,100	-80,000	7,100
GROSS INCOME	-87,100	-80,000	7,100
NET EXPENDITURE	-31,600	-26,062	5,538

	Revised		
	Estimate	Actual	Variance
	2020/21	2020/21	
	£	£	£
HEALTH AND SAFETY			
EMPLOYEES RELATED EXPENDITURE	2,800	1,434	-1,366
TRANSPORT RELATED EXPENDITURE	0	873	873
SUPPLIES & SERVICES	12,000	15,832	3,832
THIRD PARTY PAYMENTS	125,800	120,734	-5,066
GROSS EXPENDITURE	140,600	138,873	-1,727
FEES AND CHARGES	0	-320	-320
GROSS INCOME	0	-320	-320
NET EXPENDITURE	140,600	138,553	-2,047

	Revised		
	Estimate	Actual	Variance
	2020/21	2020/21	
	£	£	£
ELECTIONS			
EMPLOYEES RELATED EXPENDITURE	164,200	180,824	16,624
PREMISES RELATED EXPENDITURE	0	-2,395	-2,395
TRANSPORT RELATED EXPENDITURE	900	165	-735
SUPPLIES & SERVICES	100,500	104,860	4,360
INTERNAL RECHARGES	60,500	55,619	-4,881
GROSS EXPENDITURE	326,100	339,073	12,973
OTHER GRANTS	-8,500	-45,359	-36,859
SALES	-1,500	-1,999	-499
GROSS INCOME	-10,000	-47,358	-37,358
NET EXPENDITURE	316,100	291,715	-24,385

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **25 January 2022**

Report of: **Deputy Chief Executive Officer**

Subject: **SPENDING PLANS 2022/23**

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 2021/22 and the base budget for 2022/23 before being recommended to Council for approval.

RECOMMENDATION

It is recommended that the Committee:-

- (a) reviews and agrees the revised budget for 2021/22;
- (b) reviews and agrees the base budgets for 2022/23; 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 will be presented to the Executive on 10 January 2022 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 2021/22

5. The base budgets for 2021/22 were considered by this Committee in January 2021 and were confirmed by the Full Council on 26 February 2021.
6. The base budget for 2021/22 amounted to £552,700.

Revised Budget 2021/22

7. The overall revised budget for 2021/22 is £479,800 a decrease of £72,900 or 13.19% from the base budget which is mainly due to the receipt of funding from the Contain Outbreak Management Fund in response to the COVID-19 pandemic.

Base Budget 2022/23

8. The overall base budget for 2022/23 is £574,400, an increase of £21,700 or 3.78% from the base budget for 2021/22.

Revenue Budget Comparisons

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

	Revised Budget 2021/22	Base Budget 2022/23
	£	£
Base Budget 2021/22	552,700	552,700
Hackney Carriage & Private Hire Vehicles	-20,800	2,600
Licensing	-3,400	10,400
Health and Safety Enforcement	-16,100	-4,000
Election Services	-32,600	12,700
TOTAL	479,800	574,400

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 2021/22 and the base budget for 2022/23.
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 over £1.1 million a year.

SERVICES 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. Internal Recharges 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.
15. The overall budget for 2022/23 for the EHP has increased by £53,600 in comparison the previous year, this increase is in relation to a Contain Outbreak Management Funding which will not be received in 2022/23.

Hackney Carriage Licences

16. There has been an increase in the budget for this service of £2,600, this is due to an increase in partnership costs.

Licensing

There has been an increase in the budget for this service of £10,400, this increase is as a result a review of the partnership cost allocations.

Health & Safety

17. There has been a decrease of £4,000 to this budget mainly in which is reflective of small changes to budgets within this service.

Election Services

18. There has been an increase in the budget for this service of £12,700 which is reflective of small changes to budgets within this service including an increase in ICT costs.

RISK ASSESSMENT

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

CONCLUSION

20. A number of Licensing and Regulatory Affairs Committee 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 2022/23 are considered.

APPENDICES Appendix A: Revised budgets for 2021/22 and Base Budgets for 2022/23

Background Papers:

Reference Papers:

Enquiries:

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

ESTIMATE OF EXPENDITURE AND INCOME FOR THE COUNCIL TAX 2022/23**LICENSING AND REGULATORY AFFAIRS COMMITTEE**

	Base Budget 2021/22	Revised Budget 2021/22	Base Budget 2022/23
	£	£	£
Hackney Carriage and Private Hire Vehicles	9,400	-11,400	12,000
Licensing	-6,700	-10,100	3,700
Health and Safety	144,200	128,100	140,200
Election Services	405,800	373,200	418,500
	552,700	479,800	574,400

SUBJECTIVE ANALYSIS

	Base Budget 2021/22	Revised Budget 2021/22	Base Budget 2022/23
	£	£	£
EMPLOYEES RELATED EXPENDITURE	167,800	165,400	169,900
PREMISES RELATED EXPENDITURE	12,000	12,000	12,000
TRANSPORT RELATED EXPENDITURE	2,900	3,900	3,900
SUPPLIES & SERVICES	310,200	321,700	190,000
THIRD PARTY PAYMENTS	292,300	251,800	300,300
INTERNAL RECHARGES	61,200	61,700	64,500
Gross Expenditure	846,400	816,500	740,600
GOVERNMENT GRANTS	0	-1,200	-600
OTHER GRANTS	-120,000	-158,000	0
SALES	-1,700	-2,500	-2,000
FEES AND CHARGES	-172,000	-175,000	-163,600
GROSS INCOME	-293,700	-336,700	-166,200
NET EXPENDITURE	552,700	479,800	574,400

	Base Estimate	Revised Estimate	Base Estimate
	2021/22	2021/22	2022/23
	£	£	£
<u>HACKNEY CARRIAGE LICENSES</u>			
TRANSPORT RELATED EXPENDITURE	0	2,000	2,000
SUPPLIES & SERVICES	12,000	11,800	12,000
THIRD PARTY PAYMENTS	73,400	67,500	80,600
GROSS EXPENDITURE	85,400	81,300	94,600
OTHER GRANTS	0	-1,200	-600
SALES	-200	-1,000	-500
FEES AND CHARGES	-75,800	-90,500	-81,500
GROSS INCOME	-76,000	-92,700	-82,600
NET EXPENDITURE	9,400	-11,400	12,000

	Base Estimate	Revised Estimate	Base Estimate
	2021/22	2021/22	2022/23
	£	£	£
<u>LICENSING</u>			
SUPPLIES & SERVICES	0	300	300
THIRD PARTY PAYMENTS	89,500	71,700	85,500
GROSS EXPENDITURE	89,500	72,000	85,800
FEES AND CHARGES	-96,200	-82,100	-82,100
GROSS INCOME	-96,200	-82,100	-82,100
NET EXPENDITURE	-6,700	-10,100	3,700

	Base Estimate	Revised Estimate	Base Estimate
	2021/22	2021/22	2022/23
	£	£	£
<u>HEALTH AND SAFETY</u>			
EMPLOYEES RELATED EXPENDITURE	2,800	2,000	2,000
SUPPLIES & SERVICES	12,000	15,900	4,000
THIRD PARTY PAYMENTS	129,400	112,600	134,200
GROSS EXPENDITURE	144,200	130,500	139,500
FEES AND CHARGES	0	-2,400	0
GROSS INCOME	0	-2,400	0
NET EXPENDITURE	144,200	128,100	139,500

	Base Estimate 2021/22 £	Revised Estimate 2021/22 £	Base Estimate 2022/23 £
ELECTIONS			
EMPLOYEES RELATED EXPENDITURE	165,000	163,400	167,900
PREMISES RELATED EXPENDITURE	12,000	12,000	12,000
TRANSPORT RELATED EXPENDITURE	2,900	1,900	1,900
SUPPLIES & SERVICES	286,200	293,700	173,700
INTERNAL RECHARGES	61,200	61,700	64,500
GROSS EXPENDITURE	527,300	532,700	420,000
OTHER GRANTS	-120,000	-158,000	0
SALES	-1,5000	-1,5000	-1,500
GROSS INCOME	-121,500	-159,500	-1,500
NET EXPENDITURE	405,800	373,200	418,500

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **25 January 2022**

Report of: **Deputy Chief Executive Officer**

Subject: **FEES AND CHARGES 2022/23**

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 2022/23; and
- (b) recommends the fees and charges to Full 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 10 January 2022 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. It is proposed due to COVID-19, the majority of charges remain the same as the prior year to support the economic recovery following the pandemic.
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 2022/23.
7. The current fees and charges, reflecting the changes approved on 14 January 2021, for Licensing and Regulatory Affairs Committee services and the proposed charges for 2022/23 are set out in Appendix A. The comparison with neighbouring Authorities is shown at Appendix B.
8. 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

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

CONCLUSION

10. 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.
11. The Committee is asked to:-
 - (a) review and agree the fees and charges for 2022/23; and

(b) recommend the fees and charges to Council for approval

Appendices

Appendix A-Fees and Charges 2022/23

Appendix B-Fees and Charges Comparison

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 2021/22 £	Fee 2022/23 £	% Increase
Lotteries				
Registration	Statutory Charge	40.00	40.00	NIL
Renewal	Statutory Charge	20.00	20.00	NIL

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

Premises Licences /Club Applications

The Fees for premises and personal licences are set by the Government (published in April 2012) and are detailed below:

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 2022/23 £
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 2021/22 £	Fee 2022/23 £	% Increase
Discretionary – Other Licences and Fees				
Skin Piercers	Premises	95.00	95.00	NIL
Skin Piercers	Persons	80.00	80.00	NIL
Street Trading Consent	12 months	1,900.00	1,900.00	NIL
Street Trading Consent	6 months	1,050.00	1,050.00	NIL
Street Trading Consent	3 months	560.00	560.00	NIL
Street Trading - Tables and Chairs	New	300.00	300.00	NIL
Street Trading - Tables and Chairs	Renewal	185.00	185.00	NIL
Dangerous Wild Animal Licences	All initial applications and subsequent renewals where appropriate will also include vets' fees in addition to the charges listed	150.00	150.00	NIL
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	44.00	44.00	NIL
Animal Boarding Establishment Licences	All initial applications and subsequent renewals where appropriate will also include vets' fees in addition to the charges listed	170.00	170.00	NIL
Home (Domestic) Animal Boarding Establishment Licences		130.00	130.00	NIL
Home Boarding Fee Franchise (including Day Care for Dogs)	Dog Boarding Franchise	160.00	160.00	NIL
	Additional Dog Boarding Franchise property applied for	53.00	53.00	NIL
Pet Shop Licences	All initial applications and renewals where appropriate will also include vets' fees in addition to the charges listed	130.00	130.00	NIL
Dog Breeders Licence	All initial applications and renewals where appropriate will also include vets' fees in addition to the charges listed	190.00	190.00	NIL
Zoo: Initial Application (valid for 4 years)	All initial applications and renewals where appropriate will also include vets' fees in addition to the charges listed	2,000.00	2,000.00	NIL
Zoo: Renewal (valid for 6 years)	All initial applications and renewals where appropriate will also include vets' fees in addition to the charges listed	2,000.00	2,000.00	NIL
Sex Shops/Establishments	Initial Fee	2,000.00	2,000.00	NIL
Sex Shop/Establishment	Renewal Fee	2,000.00	2,000.00	NIL
Scrap Metal Dealer	New Application	260.00	260.00	NIL
Scrap Metal Dealer	Application Renewal	145.00	145.00	NIL
Mobile Collector	New Application	145.00	145.00	NIL
Mobile Collector	Application Renewal	105.00	105.00	NIL
Variation of Licence		138.00	138.00	NIL
Replacement Licence		23.00	23.00	NIL
Advice to commercial premises	Charge per hour or part thereof	47.00	47.00	NIL

	Notes	Fee 2021/22 £	Fee 2022/23 £	% Increase
Discretionary – Hackney Carriage and Private Hire Licences				
Vehicle Licence				
Hackney Carriage		185.00	185.00	NIL
Private Hire		185.00	185.00	NIL
Transfer of Licence	(Note 1)	185.00	185.00	NIL
Temporary Transfer	(Note 2,3)	185.00	185.00	NIL
Operator's Licence				
Private Hire Operators Licence	1 year	185.00	185.00	NIL
Private Hire Operators Licence	3 years	455.00	455.00	NIL
Private Hire Operators Licence	5 years	825.00	825.00	NIL
Driver's Licence				
Hackney Carriage Drivers Licence	1 Year	60.00	60.00	NIL
Hackney Carriage Drivers Licence	3 Years	155.00	155.00	NIL
Private Hire Drivers Licence	1 Year	60.00	60.00	NIL
Private Hire Drivers Licence	3 Years	155.00	155.00	NIL
Dual Drivers Licence	1 Year	85.00	85.00	NIL
Dual Drivers Licence	3 Years	200.00	200.00	NIL
Dual Upgrade		45.00	45.00	NIL
DVLA Drivers' Licence check	Free on-line			
Failure to attend appointment		34.00	34.00	NIL
Replacement Licence		10.50	10.50	NIL
Transfer of Ownership	(Note 1)	25.00	25.00	NIL
Knowledge Test				
Per Test		60.00	60.00	NIL
Driver's Badge				
Issue and Replacement	Inclusive of VAT	18.00	18.00	NIL
Vehicles				
Replacement plates and fixings	Inclusive of VAT	22.00	22.00	NIL
Replacement brackets		15.00	15.00	NIL
Interior windscreen plate		23.00	23.00	NIL

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

Other Licences and Fees	FBC £	GBC £	WCC £	HBC £	EBC £	PCC £
Skin Piercers: Premises	95.00	90.00	129.00	117.30	145.00	140.00
Skin Piercers: Persons	80.00	75.00	41.20	N/A	36.00	70.00
Street Trading Consent: 12 months	1,900.00	1210.00	N/A	Variable	N/A	1,736.00
Street Trading Consent: 6 months	1,050.00	630.00	N/A	Variable	N/A	N/A
Street Trading Consent: 3 months	580.00	N/A	N/A	N/A	N/A	N/A
Street Trading - Tables and Chairs New	300.00	290.00	N/A	N/A	N/A	127.00
Renewal	185.00	180.00	N/A	N/A	N/A	N/A
Dangerous Wild Animal Licences	150.00 plus vet fees	140.00 plus vet fees	62 plus vet fees	210.80 plus vet fees	300.00	N/A
Riding Establishment Licences: Initial registration / renewal/variation –per horse	44.00 plus vet fees	210.00 plus vet fees	247.00 plus vet fees	306.00 plus vet fees	305.00	N/A
Animal Boarding Establishment Licences	170.00 plus vet fees	200.00 plus vet fees	258.00	194.90	270.00	N/A
Home (Domestic) Animal Boarding Establishment Licences	130.00	75.00 plus vet fees	N/A	N/A	155.00	N/A
Home Boarding Fee Franchise (including Day Care for Dogs)	160.00	120.00 plus vet fees	214.00	197.90	122.50	N/A
Pet Shop Licences	130.00 plus	160.00 plus	216.00	212.20	410.00	N/A

Dog Breeders Licence	vet fees	vet fees	273.00 plus vet fees	214.20 plus vet fees	275.00	N/A
Zoo: Initial Application (valid for 4 years)	190.00 plus vet fees	180.00 plus vet fees	N/A	Hourly Rate	N/A	N/A
Zoo: Renewal (valid for 6 years)	2,000.00 plus vet fees	On Request	N/A	Hourly Rate	N/A	N/A
	2,000.00 plus vet fees	On Request				N/A
Sex Shops/Establishments: Initial Fee	2,000.00	3,000.00	N/A	4,400.00	N/A	5,000.00
Sex Shop/Establishments: Renewal Fee	2,000.00	2,000.00	N/A	N/A	N/A	3,000.00
Scrap Metal Dealer: New Application	260.00	250.00	425.00	260.00	372.30	450.00
Scrap Metal Dealer: Application Renewal	145.00	140.00	N/A	N/A	N/A	450.00
Mobile Collector: New Application	145.00	140.00	218.00	110.00	285.60	300.00
Mobile Collector: Application Renewal	105.00	100.00	N/A	N/A	N/A	300.00
Variation of Licence	138.00	140.00	35.00	180.00	100.00	100.00
Replacement Licence	23.00	22.00	N/A	N/A	25.00	25.00
Advice to commercial premises	47.00	N/A	N/A	N/A	N/A	N/A
Hackney Carriage and Private Hire Licences –						
Vehicle Licence						
Hackney Carriage	185.00	275.00	173.00	219.00	180.00	310.00
Private Hire	185.00	275.00	173.00	157.00	180.00	192.00
Transfer of Licence	185.00	N/A	N/A	39.00	60.00	132.00
Temporary Transfer	185.00	N/A	N/A	68.00	90.00	100.00
Operator's Licence						
Private Hire Operators Licence 1 Year	185.00	270.00	227.00	143.00	N/A	760.00

Private Hire Operators Licence 3 Year	455.00	650.00	N/A	N/A	N/A	N/A
Private Hire Operators Licence 5 Year	825.00	1,100.00	514.00	347.00	365.00	3,500.00
Driver's Licence						
Hackney Carriage Drivers Licence 1 Year	60.00	100.00	116.00	210.00	N/A	162.00
Hackney Carriage Drivers Licence 3 Year	155.00	240.00	245.00	150.00	182.00	380.00
Private Hire Drivers Licence 1 Year	60.00	100.00	117.00	210.00	N/A	110.00
Private Hire Drivers Licence 3 Year	155.00	240.00	245.00	150.00	182.00	290.00
Dual Drivers Licence 1 Year	85.00	140.00	N/A	N/A	N/A	N/A
Dual Drivers Licence 3 Year	200.00	350.00	N/A	N/A	N/A	N/A
DVLA Drivers' Licence check	Actual Cost	6.00	N/A	N/A	5.00	11.00
Failure to attend appointment	34.00	N/A	N/A	N/A	N/A	N/A
Replacement Licence	10.50	37.00	13.00	14.00	5.00	14.00
Transfer of Ownership	25.00	N/A	39.00	29.00	N/A	N/A
Knowledge Test						
Per test	60.00	23.00	30.00	43.00	15.00	50.00
Driver's Badge						
Issue and Replacement	18.00	18.00	N/A	19.00	6.00	14.00
Vehicles						
Replacement plates and fixings	22.00	23.00	30.00	N/A	10.00	10.00
Replacement brackets	15.00	N/A	N/A	12.00	N/A	N/A
Interior windscreen plate	23.00	23.00	N/A	N/A	N/A	N/A

Other	Actual Cost	44.00	N/A	N/A	40.00	11.00
DBS Fee	Actual Cost	N/A	N/A	N/A	N/A	N/A
Medical Consultation						

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date 25 January 2022

Report of: Head of Environmental Health

Subject: GAMBLING – REVIEW OF STATEMENT OF PRINCIPLES

SUMMARY

The Council is required to review its Gambling Statement of Principles every three years, the current three-year period ends in January 2022. 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. The statutory consultation exercise in respect of this Statement has been completed.

RECOMMENDATION

It is recommended that the 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 2022-2025, 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. Most of these changes fell to the Gambling Commission to implement. Local Authorities are required to act as the licensing authority in relation to the licensing of premises and the issuing of permits for certain activities:
 - casinos
 - betting offices and racetracks
 - 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 ends in January 2022.

CONSULTATION

3. The draft revised Statement of Policy can be seen at Appendix A to this report.
4. There have been no major changes in the guidance or legislation during the last three-year period and therefore the policy has had no significant amendments since it was published last time.
5. Consultation with the bodies as per Appendix 1 of the revised draft Statement of Principles was undertaken in November 2021. There were no consultation responses received.
6. Since the Gambling Act was introduced in 2005, there have been licensing Panels held in respect of gambling premises matters.

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 effectively and each decision would be at risk of appeal.

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 2022 – 2025.
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 7 March 2022 and can then be recommended by the Executive (subject to comment /amendment) for adoption by the Council at its meeting of 21 April 2022.

Appendices

Appendix A: [Draft Statement of Principles](#)

Background Papers:

None

Reference Papers:

None

Enquiries:

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

FAREHAM

BOROUGH COUNCIL

Gambling Act 2005

Statement of Principles

February 2022 – January 2025

Table of Contents

Item

1. Introduction

Part A The Gambling Act 2005

2. The Statement of Licensing Principles and Consultation
3. Licensing Framework
4. Declaration
5. Responsible Authorities
6. Interested Parties
7. Exchange of Information
8. Licensing Authority Functions
9. Fees

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.
11. Ensuring that gambling is conducted in a fair and open way.
12. Protecting children and other vulnerable persons from being harmed or exploited by gambling
13. Other Considerations
14. Local Area Profile
15. Money Laundering
16. Proceeds of Crime

Part C Premises Licences

17. General Principles
18. Local Area Risk Assessments
19. Conditions on Premises Licences
20. Door Supervisors
21. Adult Gaming Centres (AGC)
22. Licensed Family Entertainment Centres (FEC)
23. Casinos
24. Betting Machines
25. Bingo
26. Betting Premises
27. Tracks
28. Condition on Rules being Displayed
29. Application and Plans
30. Travelling Fairs
31. Provisional Statements

PART D Permits, Notices and Lottery Registrations

32. Unlicensed Family entertainment Centre – Gaming Machine Permits

- 33. Gaming Machine Permits in Premises Licensed for the Sale of Alcohol
- 34. Prize Gaming Permits
- 35. Club Gaming and Club Machine Permits
- 36. Temporary Use Notices
- 37. Occasional Use Notices (for Tracks)
- 38. Small Society Lottery Registrations

Part E Enforcement

- 39. Enforcement Principles
- 40. Reviews

APPENDICES

Appendix A - CONSULTEES

Appendix B - RESPONSIBLE AUTHORITIES

DRAFT

1. Introduction

- 1.1 This statement of principles was reviewed and updated in September 2021. 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 updated in May 2021 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 February 2021 until 31st January 2025 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 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 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 October 2021 and December 2021 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 premise 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 are 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 about 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, 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 Fareham is located in an area of some 30 square miles along the south coast of Hampshire between Portsmouth and Southampton. It is well connected to the M27 motorway, has good rail links to London and other major centres and easy access to the ferry ports and Southampton international airport.

14.2 The population of 116,338 is expected to grow by 5.4%, between 2021 and 2031, with a growing number in the population aged 45 or more.

14.3 Within Fareham's boundaries there are 6 nationally important sites of special scientific interest, 92 sites of importance for nature conservation and 4 nature reserves. The Borough has many historic buildings, 13 conservation areas, nearly 600 listed buildings plus 7 historic parks and gardens of regional or local importance.

14.4 Fareham is a thriving business area with low unemployment. Many of Fareham's businesses are of local origin with a high survival rate from start-up. The growth in jobs at Whiteley, Segensworth and the Solent Business Park has reduced the number of residents commuting to work elsewhere. The proportion of Fareham's working age population that are in work is higher than both the regional and national rates and the average annual salary for a full-time worker living in Fareham is significantly higher than national average earnings.

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

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

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

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

14.9 The majority of Gambling permits in place are for Betting shops and the number of these in the Borough has remained constant in recent years, currently there are 6 in the Borough. These are mainly located within defined commercial centres.

15. Money Laundering

15.1 The council requires applicants and licence holders to assess 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 are in an area of deprivation
- whether the premises are 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 underage 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 premise 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 in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. 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 notices indicating 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.

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 can 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 about 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 considered 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 consider 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 premise 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 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 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), e.g., 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 be 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

DRAFT

APPENDIX A

SCHEDULE OF CONSULTEES TO THIS DRAFT POLICY STATEMENT

- All Elected Councillors, Fareham Borough Council
- Director of Planning & Regeneration, 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
- Racecourse Association Limited
- British Amusement Catering Trade Association
- British Holiday & Home Parks Association
- Community Trade Union
- Association of British Bookmakers
- All persons who hold Betting Office and Bookmakers Permits in Fareham Borough
- Representatives of persons who hold Society Lottery Registrations in Fareham Borough
- Clubs and Institute Union
- Gaming Machine Suppliers who regularly apply for Gaming Permits in Fareham Borough
- Society of Independent Brewers
- Representatives of Premises Licence Holders in Fareham
- Representatives of Club Premises Certificate holders in Fareham
- Hampshire County Council Trading Standards
- GamCare
- Responsibility in Gambling Trust
- Gam – Anon
- Residents Associations and Tenant Groups.
- General advertisement on the Council's website.

APPENDIX B

SCHEDULE OF RESPONSIBLE AUTHORITIES GAMBLING ACT 2006

Hampshire Constabulary

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

Tel: 0845 045 45 45 (central number)

Hampshire Fire & Rescue Service

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

Tel: 023 92855180

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

Fax: 023 92885175

Website: www.hantsfire.gov.uk

Pollution & Environmental Protection Team

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

Tel: 01329 236100

Email: licensing@fareham.gov.uk

Fax:01329 821755

Website: www.fareham.gov.uk

Health & Safety Team

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

Tel: 01329 236100

Email: health@fareham.gov.uk

Fax:01329 821755

Website: www.fareham.gov.uk

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

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

Fax:01329 821500

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

Tel 01962 833620

Email: liquor.licensing@hants.gov.uk
Website: www.hants.gov.uk

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

Tel: 01962 876222

Email: child.protection@hants.gov.uk
Website: www.hants.gov.uk

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

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

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

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

Tel: 01329 236100

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

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

Email: publichealth.licensing@hants.gov.uk

DRAFT

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **25 January 2022**

Report of: **Head of Environmental Health**

Subject: **PRELIMINARY REVIEW OF WORK PROGRAMME 2021/22 AND
DRAFT WORK PROGRAMME 2022/23**

SUMMARY

At the Committee meeting on 29 March 2022, members will be asked to review the outcome of the Work Programme for the current municipal year. Also, at that meeting the Panel will need to finalise the draft Work Programme for the 2022/23 municipal year.

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 2022/23.

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 23 November 2021, attached as Appendix A to this report;
- (b) reviews the Work Programme for 2021/22, attached as Appendix B to this report; and
- (c) gives initial consideration to the draft Work Programme for 2022/23, attached as Appendix C to this report

INTRODUCTION

1. At the committee meeting on 23 November 2021, the Work Programme for 2021/22 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 THE 2021/22 MUNICIPAL YEAR

3. The Work Programme for 2021/22 agreed at the last meeting is attached as Appendix B to this report.
4. Members are asked to note that, as agreed at the last meeting, the item entitled 'Review of Taxi and Private Hire Licensing Requirements' has been moved to the meeting scheduled to take place on 29 March 2022

WORK PROGRAMME – NEXT YEAR 2022/23

5. Members are now invited to consider items for the draft Work Programme for 2022/23. It has previously been suggested that a few items of major significance be chosen
6. At this stage, particular items which are known to be coming before the Committee during the next year are attached as Appendix C.
7. Other general items may arise during the year, such as responding to consultation requests by central Government.

RISK ASSESSMENT

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

CONCLUSION

9. The Licensing and Regulatory Affairs Committee is invited to note the progress on actions arising from the meeting of the Committee held on 23 November 2021, review the Work Programme for the 2021/22 municipal year and give initial consideration to the draft Work Programme for 2022/23 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 2021/22

APPENDIX C – Draft Licensing and Regulatory Affairs Work Programme for the 2022/23.

Background Papers: None

Reference Papers: None

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

LICENSING AND REGULATORY AFFAIRS COMMITTEE

PROGRESS ON ACTIONS FROM LAST MEETING – 23 November 2021

Subject	Local Government Boundary Commission Review
Type of Item	Report
Action by Committee	<p>The Committee considered a report by the Head of Democratic Services which presented the working draft of the Council Size Submission to the Local Government Boundary Commission for comment by the Committee prior to submission to full Council for approval.</p> <p>The Head of Democratic Services explained that the report provided the background to the review and described how this first part of the review requires the Council to submit a Council Size Proposal to the Local Government Boundary Commission which puts forward the total number of Councillors needed for Fareham Borough Council to run effectively over the next 15 – 20 years. Whilst the Commission has the final say in what that appropriate number is, the Council has the opportunity to present the case for how many Elected Members it wants to have.</p> <p>The Head of Democratic Services advised members that the working draft of the Council Size Submission was provided at Appendix A to the report and explained that it is currently a work in progress. The final draft of the document will be presented to the Council meeting on 16 December 2021 for approval.</p> <p>The Committee was invited to contribute to the working draft document by suggesting amendments or additional material they would like to see within the submission. Specifically, members were asked to consider the questions set out in paragraph 10 of the report.</p> <p>Members discussed the changes that resulted from the 2002 review and commented that, on its current size, the Council has become a very high achieving Council delivering many large and exciting projects. It was noted however that since the 2002 review, there has been significant, ongoing development across the Borough and if the number of councillors were to be reduced it could have an impact on the Council's ability to continue delivering high achieving projects whilst still providing help and support to residents. It was also noted during discussion that a large increase in the number of Councillors would bring a cost implication to the budget.</p>

	<p>Following discussion on whether population, demographic and BAME data was relevant for inclusion in the submission, it was felt that it should be included but that the term 'BAME' should be changed to 'ethnically diverse'.</p> <p>Several members expressed frustration that the ongoing development across the Borough and the increase in population it will bring cannot be taken into account in determining the proposed size of the Council.</p> <p>Following discussion of the working draft, it was agreed that there was a consensus that whilst the Committee could understand why an increase in the number of councillors to 32 was being proposed it was difficult to see how the data and methodology of the submission correlates to the proposal. It was felt that a summary at the end of each section would help to strengthen and support the proposal.</p> <p>As the submission is still a working document, members were invited to submit any suggested narrative for inclusion in the submission to the Head of Democratic Services. It was agreed that further drafts would be shared with Committee members as it progresses.</p> <p>RESOLVED that the Licensing and Regulatory Affairs Committee reviewed the draft Size Submission as set out in Appendix A to the report and:</p> <ul style="list-style-type: none"> (a) considered options for what the appropriate Council Size should be which will come into effect from 2024 and be for the next 15 to 20 years; (b) considered reasons for and against a future Council Size of 32 Councillors; and (c) recommended amendments to the wording contained in the Council Size Submission before it is presented to Council for approval at its meeting on 10 December 2021 as the final submission to the Local Government boundary Commission for England.
Outcome	Fareham Borough Council's Council Size Submission approved by Full Council on 16 December 2021 for submission to the Boundary Commission.
Link Officer	Leigh Usher

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 which provided an opportunity for Members to review the Work Programme for 2021/22.</p> <p>During the discussion of this item, it was agreed that in order to enable consultation with the Trade to take place on the use of CCTV in private hire and hackney carriage vehicles, the item scheduled for the January meeting entitled Review of Taxi and Private Hire Licensing requirements be moved to the meeting scheduled to take place in March. At the request of the Committee, it was agreed that this item should cover disability requirements of taxi licensing and that the training video shown to the trade be provided for Committee members to view.</p> <p>RESOLVED that, subject to the amendment outlined above, the Licensing and Regulatory Affairs Committee:</p> <p>(a) notes the progress on actions arising from the meeting of the Committee held on 28 September 2021, as shown at Appendix A to the report; and</p> <p>(b) agrees the updated Work Programme for 2021/22, as attached at Appendix B to the report.</p>
Outcome	Complete
Link Officer	Ian Rickman

LICENSING AND REGULATORY AFFAIRS COMMITTEE – WORK PROGRAMME 2021/22

<u>DATE</u>	<u>SUBJECT</u>	<u>TRAINING SESSION/WORKSHOP</u>
08 June 2021 MEETING CANCELLED		
20 JULY 2021	Presentation on the Responsibilities of the Licensing and Regulatory Affairs Committee 2023 Boundary Commission for England Review of Parliamentary Constituencies Review of Work Programme 2021/22	
28 SEPTEMBER 2021	Update on the Local Government Boundary Commission Review Street Trading Consent Conditions Review of Work Programme 2021/22	
22 OCTOBER 2021		Licensing Training
23 NOVEMBER 2021	Local Government Boundary Commission Review Review of Work Programme 2021/22	
25 JANUARY 2022	Actual Revenue Expenditure 2020/21 Spending Plans 2022/23 Fees and Charges 2022/23 Gambling Policy Review Preliminary Review of Work Programme 2021/22 and Draft Work Programme 2022/23	
29 MARCH 2022	Update on Fareham & Gosport Environmental Health Partnership – Presentation Update on Police Licensing Matters Review of Taxi and Private Hire Licensing Requirements Final Review of Work Programme 2021/22 and Draft Work Programme 2022/23	

**LICENSING AND REGULATORY AFFAIRS COMMITTEE – DRAFT WORK PROGRAMME
2022/23**

<u>DATE</u>	<u>SUBJECT</u>	<u>TRAINING SESSION/ WORKSHOP</u>
13 June 2022	Review of current Work Programme Presentation on the Responsibilities of the Licensing and Regulatory Affairs Committee	
25 July 2022	Review of current Work Programme	
04 October 2022	Review of current Work Programme	
TBC		Licensing Training
29 November 2022	Review of current Work Programme	
31 January 2023	Actual Revenue Expenditure 2021/22 Spending Plans 2023/24 Fees and Charges 2023/24 Preliminary Review of current Work Programme and Draft Work Programme 2023/24	
14 March 2023	Police Update on Licensing Matters Update on Fareham & Gosport Environmental Health Partnership – Presentation Final Review of current Work Programme and Draft Work Programme 2023/24	

