



Agenda & minutes

Full Council meeting of
Tuesday, 11 July 2017

Portsmouth City Council

A MEETING OF THE COUNCIL will be held at the Guildhall, Portsmouth on Tuesday 11 July 2017, commencing at 2.05pm (or immediately following the conclusion of the Extraordinary Council meeting if later) and all Members of the Council are hereby summoned to attend to consider and resolve upon the following business:-

Agenda

- 1 Members' Interests**
- 2 To approve as a correct record the Minutes of (Pages 9 - 26)**
 - the Annual Council meeting held on 16 May 2017;
 - the Adjourned Council meeting held on 16 May 2017.
- 3 To receive such communications as the Lord Mayor may desire to lay before the Council, including apologies for absence.**
- 4 Deputations from the Public under Standing Order No 24.**
- 5 Questions from the Public under Standing Order 25.**
- 6 Appointments (Pages 27 - 28)**
Temporary Deputy Member for the Hampshire Fire and Rescue Authority

To nominate one member to act as a temporary deputy member of the HFRA as requested in the attached letter.
- 7 Urgent Business - To receive and consider any urgent and important business from Members of the Cabinet in accordance with Standing Order No 26.**
- 8 LED Street Lighting Replacement Programme (Pages 29 - 36)**

To receive and consider the attached report and recommendations of the Cabinet held on 29 June (minute 21 refers).
- 9 The Gambling Act 2005 - Adoption of Statement of Licensing Policy (Pages 37 - 100)**

To receive and consider the attached report and policy statement and recommendations of the Licensing Committee held on 23 June (minute 13 refers).

For appendices relating to this item please see link to the Licensing Committee of 23 June - [Licensing Committee, 23 June](#).

10 Licensing Act 2003 - Adoption of Statement of Licensing Policy (Pages 101 - 166)

To receive and consider the attached report and policy statement and recommendations of the Licensing Committee held on 23 June (minute 14 refers).

For appendices relating to this item please see link to the Licensing Committee of 23 June - [Licensing Committee, 23 June](#)

11 Proposed amendments to the Complaint Form submitted in relation to the Councillor Code of Conduct (Pages 167 - 174)

To receive and consider the report (attached) and recommendations (to follow) of the Governance & Audit & Standards Committee held on 30 June 2017.

12 Review of the political balance on committees and panels (Pages 175 - 178)

To consider the Chief Executive's attached report.

Notices of Motion: Process information

Standing Order (32(d)) requires a vote by members before each motion to determine whether or not the motion is to be debated at the meeting or stand referred to the Cabinet or relevant Committee (including Scrutiny) to report back to a future meeting.

13 Notices of Motion

(a) The Committee System

Proposed by Councillor Colin Galloway

Seconded by Councillor Stuart Potter

"The current system of governance within our council, that of a portfolio holder selected by the Leader of the Administration to lead a small group of councillors in decision making in the various Cabinets. This system has its merits insofar as decisions can be made quickly and the overall responsibility for the final decision rests with the portfolio holder. The merits, however, tend to be overshadowed by the flaws, the main one being that the portfolio holder can simply overrule any suggestion that is not advantageous to the administration. Although opposition members are encouraged to attend Cabinet meetings they do not have a voice at these meetings which will sway any decision made by the portfolio holder.

The idea of having truly open and transparent committee meetings has already been put to this chamber previously but no vote was elected as a report had suggested that such a system would be expensive. I believe that it is now time to take that vote and begin the process to change to a committee system of governance in the interest of fairness and as a duty to our residents to show how their councillors support them and to work together to bring our city back

to a safe, vibrant and prosperous place to live.

We therefore request this Council to ask the Governance and Audit and Standards Committee (which has responsibility under the Constitution for such matters) to consider this issue and report back to Council as they consider appropriate".

(b) **Homelessness**

Proposed by Councillor Colin Galloway
Seconded by Councillor Stuart Potter

Sometimes it is not necessary to read the national newspapers to discover the truth. Sometimes it is right under our very noses. To say that homelessness has increased fivefold since two years ago is patently obvious with a cursory walk around our own city. I have sat on a Homeless Committee for a year now and nothing has happened. There is a lot of talk and a lot of good intentions but virtually no action. I believe that we have been going about this the wrong way, but now we need help. Every day there are at least four or five beggars - yes beggars, note I didn't say homeless, who position themselves in shop doorways in Commercial Road precinct. Walk down that same precinct at night and you will see a lot more taking up temporary residence in their preferred doorways. Portsmouth City is no longer a welcoming city to either business or tourist because it seems we prefer to have vagrants.

It is time to get our Police and Crime Commissioner to put pressure on his police force to help us clean up this unwelcome detritus. These beggars, vagrants, rough sleepers, homeless, troubled folks or whatever label you want to put on them must be removed from our city and placed in specific care whether they want to or not. We have tried the soft approach and have found it wanting. It's time for some serious tough love. We need to save our city and we need to save these lost souls.

This Chamber asks the Leader of the Council to write to the Police and Crime Commissioner to instruct the local police force to be more vigilant and to help the Council to remove the ever increasing beggars and rough sleepers that are beginning to dominate the city.

(c) **Congratulations to Land Rover BAR**

Proposed by Councillor Alicia Denny
Seconded by Councillor Steve Hastings

The city council congratulates Sir Ben Ainslie and all of his Land Rover BAR team on reaching the semi-finals of the 2017 Louis Vuitton America's Cup in Bermuda and, in particular, the BAR Academy for winning the Red Bull Youth America's Cup. Thanks are due to them for representing the country and the city so admirably and promoting Portsmouth as a centre of maritime excellence to a worldwide audience. While appreciating the disappointment of not being able to bring the cup home this time, we hope the unique offer of sailing in Southsea is repeated in future years supported by BAR in their future endeavours.

To ensure we maximise on the unique and strong offer we have in Southsea with one of the best sailing locations in the world, the Council requests the Executive consider options of other sailing events to develop the city's economy to support jobs in the city through tourism.

(d) **Children and Social Work Act**

Proposed by Councillor Ryan Brent
Seconded by Councillor Hannah Hockaday

The Children and Social Work Act provides the legal framework to support a programme of reform in children's social care set out in the Government's July 2016 policy paper 'Putting Children First'. This Act is only the first legislative step, and places a duty on the Secretary of State to make a variety of Regulations, including provisions such as:

- Local Authorities must publish information about their 'local offer for care leavers'
- Personal advisers must be provided for care leavers up to the age of 25
- Extending the existing duties of local authorities and schools to children who have been adopted or placed in other long-term arrangements within their geography

Portsmouth City Council and the Conservative administration commends the government's action to strengthen support for young people leaving care; in particular extending the personal adviser service from age 21 to age 25, which will support young people make this important transition.

In Portsmouth there has been an annual average of 34 children who 'leave' the care of the city council and receive statutory support as care leavers. This costs an average of £13,194 per care leaver per year. However, due to the increase in Unaccompanied Minors entering the locality this number is set to increase by a predicted average of 8 in the coming years. In addition to this, the statutory extension from the age of 21 to 25 for Care Leavers' will add a further £383,000 pressure in year 1. This would see an additional demand pressure of £1,385,000 upon the Children, Families and Education directorate at the council by year 5.

This council requests the Chief Executive to write to the Secretary of State for Education, the Minister for Children and Families, the Chairman of the LGA as well as both Portsmouth constituency MPs, to ask the government to highlight their resourcing intentions, to ensure that the increase in demand pressure that this Act will place on Children's Social Care across all Local Authorities does not impact upon the quality of service delivered to vulnerable children and families.

(e) **Tackling delayed discharge**

Proposed by Councillor Darren Sanders

Seconded by Councillor Ben Dowling

Council regrets the significant number of patients at QA who are medically fit to be discharged from an acute care hospital but for varying reasons cannot return home immediately.

Portsmouth Hospital NHS Trust believes this group to be about 240 people at any one time, about a third of whom live in Portsmouth. Each one costs the NHS £500 for every day they remain in QA.

Such patients would be better served by short-term convalescent care. As such, Council welcomes the suggestion by the NHS Trust that a convalescent care home will significantly reduce the capacity and financial pressures this situation raises for the NHS, the people concerned and the Council.

Council also notes that discussions have taken place between it and the NHS on this matter and recognises there is already spare land the NHS is vacating at St James' Hospital where this could go.

As a result, Council asks the Cabinet Member for Health and Adult Social Care to work with the City's MPs, the NHS, officers within Adult Social Care and opposition spokespeople to produce a business plan for such a facility at St James' by the end of 2017.

14 Questions from Members under Standing Order No 17. (Pages 179 - 182)

David Williams
Chief Executive

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

Full Council meetings are digitally recorded.

If any member of the public wishing to attend the meeting has access requirements, please notify the contact, the Local Democracy Manager at Stewart.Aglan@portsmouthcc.gov.uk. Please also use this email address for any deputation requests.

Civic Offices
Guildhall Square
PORTSMOUTH
3 July 2017

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MINUTES OF A MEETING OF THE COUNCIL held at the Guildhall
Portsmouth on Tuesday, 16 May 2017 at 10.00 am

Council Members Present

The Right Worshipful The Lord Mayor
Councillor David Fuller (in the Chair)

Councillors

Dave Ashmore	Lee Mason
Simon Boshier	Stephen Morgan
Jennie Brent	Gemma New
Ryan Brent	Robert New
Yahiya Chowdhury	Steve Pitt
Alicia Denny	Stuart Potter
Ben Dowling	Will Purvis
Ken Ellcome	Darren Sanders
John Ferrett	Lynne Stagg
Colin Galloway	Luke Stubbs
Paul Godier	Julie Bird
Scott Harris	Linda Symes
Steve Hastings	David Tompkins
Hannah Hockaday	Gerald Vernon-Jackson CBE
Suzy Horton	Steve Wemyss
Frank Jonas	Matthew Winnington
Donna Jones	Neill Young
Ian Lyon	Rob Wood
Leo Madden	Tom Wood

The Lord Mayor welcomed everyone to the meeting.

25. Vote of Thanks to Retiring Lord Mayor and Lady Mayoress

It was

Proposed by Councillor Donna Jones

Seconded by Councillor Gerald Vernon-Jackson

That a vote of thanks be given to the retiring Lord Mayor and Lady Mayoress.

It was RESOLVED unanimously

That the Council places on record its sincere thanks to Councillor David Fuller and Mrs Leza Tremorin for their outstanding service to the City as Lord Mayor and Lady Mayoress during their year of office.

That the Council expresses its great appreciation of the fine qualities which Councillor David Fuller has brought to the conduct of the business of this Council, his devotion to duty, and the distinction and

goodwill with which he carried out the many and various duties of the office of Lord Mayor.

That the Council also places on record its gratitude to Mrs Leza Tremorin who also gave her untiring support and help as Lady Mayoress to the Lord Mayor.

That this resolution be engrossed and be presented to Councillor David Fuller and Mrs Leza Tremorin at this ceremony

The retiring Lord Mayor was presented with the Council's gift of an engrossed scroll which signifies the Council's appreciation of his time in office.

26. Election of the Lord Mayor for the Ensuing Municipal Year

Councillor Simon Boshier nominated Councillor Ken Ellcome for election to the office of Lord Mayor for the ensuing municipal year. The nomination was seconded by Councillor Donna Jones.

There being no other nominations, the Lord Mayor put the proposal which was CARRIED unanimously and he declared Councillor Ken Ellcome duly elected Lord Mayor.

Councillor Ken Ellcome then left the chamber with the retiring Lord Mayor to don the Lord Mayor's robes and the chain of office.

27. New Lord Mayor takes the Chair

Councillor Ken Ellcome took the chair and thereupon made and subscribed the Declaration of Acceptance of Office witnessed by the Deputy City Solicitor.

28. Investiture of the new Lady Mayoress

Mrs Leza Tremorin, the retiring Lady Mayoress, invested Mrs Jo Ellcome, the new Lady Mayoress with the chain of office, after which the new Lady Mayoress signed a document of office witnessed by the Deputy City Solicitor.

29. Presentation of the Keys of the City

The Lord Mayor received the Keys of the Fortress of Portsmouth presented to him by Major Robert Mather.

30. Presentation of the Portsmouth Sword

The Lord Mayor received the Portsmouth Sword presented to him by Sub-Lieutenant Jason Slattery.

31. The Lord Mayor returns thanks to the Council

The Lord Mayor took this opportunity to thank members of the Council for his election and gave a short speech.

32. Appointment of the Deputy Lord Mayor for the ensuing Municipal Year

Councillor Donna Jones nominated Councillor Lee Mason as the Deputy Lord Mayor for the ensuing municipal year. This nomination was seconded by Councillor Hannah Hockaday.

There being no other nominations, the Lord Mayor put the proposal, which was CARRIED unanimously and he declared Councillor Lee Mason duly elected as the Deputy Lord Mayor and he made and subscribed the Declaration of Acceptance of Office. This was witnessed by the Deputy City Solicitor. The Chief Executive said that Councillor Lee Mason would be supported by his Deputy Lady Mayoress, Mrs Sylvia Mason. The Deputy Lady Mayoress then made and subscribed the Declaration of Acceptance of Office. This was witnessed by the Deputy City Solicitor.

33. Appointment of Chaplain to the City Council

The Dean of Portsmouth, the Very Reverend David Brindley was appointed as Chaplain to the City Council.

34. Appointment of the New Lord Mayor Cadets

To support the Lord Mayor in his year in office, a team of cadets will be on hand. The Lord Mayor wished to show his appreciation by presenting each of them with a certificate.

The following cadets received their certificates at the meeting:-

- **Corporal Jack Metcalfe, Air Training Corps**
- **Finley Bacon, Combined Cadet Force**
- **Ordinary Cadet Ashleigh Kendell, Sea Cadet Corps**
- **Able Cadet Joshua Collett, Sea Cadet Corps**
- **Georgina James, St John Ambulance**
- **Bryony Rawcliffe, Volunteer Police Cadets**
- **Lucie-May Gudgeon, Volunteer Police Cadets**

The Lord Mayor advised that Sergeant Joshua Reynolds, Hampshire and Isle of Wight Army Cadet Force and Cadet Warrant Officer 2 Charlie Roberts, Royal Marine Voluntary Cadet Corps were unable to attend today and would each be presented with a certificate by the Lord Mayor at a later date.

35. Presentation of Civic Awards

A representative from the cadets brought forward the civic award badges for presentation. The Lord Mayor presented civic awards to members of the community who had been nominated for their outstanding contribution to the life of the city. The awards were presented to The Tom Prince Trust, Charles Burns and jointly to Shelagh Strange, Constance Turner, Kay Boshier and David Underhay.

4 16 May 2017

36. Young Person's Civic Award

A representative from the cadets brought forward the young person's civic award. This year the winner was Mr Keiran O'Toole who collected his award.

The meeting adjourned at 12.45pm, to be reconvened no earlier than 2.30 pm.

.....
Lord Mayor

MINUTES OF THE ADJOURNED MEETING OF THE COUNCIL held at the Guildhall Portsmouth on Tuesday, 16 May 2017 at 2.30 pm

Council Members Present

The Right Worshipful The Lord Mayor
Councillor Ken Ellcome (in the Chair)

Councillors

Dave Ashmore	Stephen Morgan
Simon Boshier	Gemma New
Jennie Brent	Robert New
Ryan Brent	Steve Pitt
Yahiya Chowdhury	Stuart Potter
Alicia Denny	Will Purvis
Ben Dowling	Darren Sanders
John Ferrett	Lynne Stagg
Colin Galloway	Luke Stubbs
Paul Godier	Julie Bird
Scott Harris	Linda Symes
Steve Hastings	David Tompkins
Hannah Hockaday	Gerald Vernon-Jackson CBE
Suzy Horton	Steve Wemyss
Frank Jonas	Matthew Winnington
Donna Jones	Neill Young
Ian Lyon	Rob Wood
Leo Madden	Tom Wood
Lee Mason	

The Lord Mayor welcomed everyone to the second part of today's meeting.

The Lord Mayor read out in full the rules relating to filming council proceedings.

The Lord Mayor then gave detailed information on the evacuation procedures.

37. Members' Interests

There were no declarations of members' interests.

38. Minutes of the Ordinary Council Meeting held on 21 March 2017

It was

Proposed by Councillor Donna Jones
Seconded by Councillor Gerald Vernon-Jackson

That the minutes of the meeting of the ordinary Council meeting held on 21 March 2017 be confirmed and signed as a correct record.

RESOLVED that the minutes of the ordinary Council meeting held on 21 March 2017 be confirmed and signed as a correct record.

39. Communications from the Lord Mayor including apologies for absence

Apologies for absence were given on behalf of Councillors David Fuller, Hugh Mason, Lee Hunt and Jim Fleming.

The Lord Mayor advised that Councillor Denny has joined the Conservative Group and drew members' attention to the revised seating plan which had been circulated in the chamber which reflects this change and is effective from this meeting.

40. Written Deputations

There were no deputations.

41. Office of Leader of the Council

It was noted that under the Local Government and Public Involvement in Health Act 2007, the current Leader of the City Council. Councillor Donna Jones will remain in office until May 2020 unless she

- (a) resigns from the office
- (b) is no longer a councillor
- (c) is removed from office by resolution of the council.

42. In accordance with the Local Government and Public Involvement in Health Act 2007, to receive details from the Leader of the Council regarding Cabinet members and portfolios for the ensuing Municipal Year

The Lord Mayor explained that the Council Leader is empowered to determine the number of councillors on the Cabinet and decide portfolios and portfolio remits and to select one of the appointed members to the position of Deputy Leader. The Leader then announced her Cabinet. The names of the Cabinet and opposition spokespersons together with membership of the Health & Wellbeing Board which is in the gift of the Leader was circulated (attached to these minutes as Appendix1).

The Leader advised that her Deputy Leader, Councillor Luke Stubbs would continue in this role and thanked him for the outstanding job he was doing. The Leader also thanked those members leaving the Cabinet for all the work they had done over the last year. The Leader also read out the appointments to the Health & Wellbeing Board, being Councillors Donna Jones, Luke Stubbs, Ryan Brent and Gerald Vernon-Jackson.

The Leader also said that over the past few years there had also been a co-optee on the Board and recommended that the Health and Wellbeing Board at its first meeting consider co-opting Councillor Jennie Brent. Councillor Vernon-Jackson said that although he had no objection to Councillor Jennie

Brent being co-opted as he thought she would do a good job, he thought it would be logical also to put forward Councillor Leo Madden* to be the co-optee as he is to be the new Chair of HOSP.

It was agreed that a decision would be taken by consensus outside the meeting on the member to be put forward as the co-optee.

RESOLVED

- (1) that Council noted that there will be ten portfolios (including the Leader) for the ensuing municipal year as set out in Appendix 1 attached to these minutes;**
- (2) that Council noted the membership of the Health & Wellbeing Board for the ensuing municipal year also as set out in Appendix 1 attached to these minutes**

The Lord Mayor proposed and the Council agreed to take agenda items 9, 10, 11, 12, 13, and 14 together namely proportional representation on committees and panels and consequent appointments of members and standing deputies, chairs and vice-chairs and other appointments.

It was

Proposed by Councillor Donna Jones
Seconded by Councillor Linda Symes

To adopt the overall political balance and allocation of seats schedule circulated in the chamber and to agree the membership of the committees and panels, standing deputies, chairs and vice-chairs of committees and panels, including appointments and other appointments.

The Lord Mayor advised that there was one contested position and that was on the Hampshire Fire and Rescue Authority, on which the Council would need to take a separate vote.

It was

Proposed by Councillor Donna Jones
Seconded by Councillor Linda Symes

That Councillor Luke Stubbs is elected as the Council's representative on the Hampshire Fire and Rescue Authority.

The Lord Mayor then opened the debate upon the contested position on the Hampshire Fire and Rescue Authority.

The Leader of the Council spoke in favour of Councillor Luke Stubbs being the Council's representative

Councillor Matthew Winnington advised Council that he was putting himself forward to be appointed as the Council's representative on the Hampshire Fire and Rescue Authority and gave his reasons.

Upon being put to the vote, Councillor Luke Stubbs was elected as the Council's representative.

Upon being put to the vote the Council agreed all the appointments, incorporating the appointment of Councillor Luke Stubbs to the Hampshire Fire and Rescue Authority.

<i>Groups</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>
	<i>No of Cllrs</i>	<i>Total No of Cttee Seats</i>	<i>Licensing Committee (15 Members)</i>	<i>Planning Committee (10 Members)</i>	<i>7 committees and panels (6 Members each)</i>	<i>Scrutiny Management Panel (9 Members)</i>
<i>Conservative</i>	20(19)	36 (34)	7	5 (4)	20 (19)	4
<i>Liberal Democrat</i>	15	27	5	4	15	3
<i>UKIP</i>	3(4)	5 (7)	1	1	2 (4)	1
<i>Labour</i>	2	4	1	0 (1)	2 (1)	1
<i>Non-Aligned Independents</i>	2	4	1	0	3	0
	42	76	15	10	42	9

RESOLVED (1) that the total number of seats on committees and panels be divided among the political groups and individual members as applicable in accordance with Table 1 above.

RESOLVED (2) that any other bodies subject to the political proportionality rules be appointed in accordance with the proportions shown in Table 1.

RESOLVED (3) that the following committees and panels be appointed with the membership as shown together with the standing deputies and chairs and vice-chairs where appropriate as indicated.

Licensing Committee

Group	Position for 2017-18	Nomination for 2017-18
Conservative	Vice-Chair	Hannah Hockaday
Conservative	Chair	Lee Mason
Conservative		Gemma New
Conservative		Scott Harris
Conservative		Steve Hastings

Conservative		Ian Lyon
Conservative		David Tompkins
Liberal Democrat		David Fuller
Liberal Democrat		Dave Ashmore
Liberal Democrat		Steve Pitt
Liberal Democrat		Leo Madden
Liberal Democrat		Gerald Vernon-Jackson CBE
UKIP		Colin Galloway
Labour		Stephen Morgan
Independent. (NA)		Paul Godier
Conservative	Standing Deputy	Ryan Brent
Conservative	Standing Deputy	Alicia Denny
Conservative	Standing Deputy	Vacancy
Liberal Democrat	Standing Deputy	Hugh Mason
Liberal Democrat	Standing Deputy	Darren Sanders
Liberal Democrat	Standing Deputy	Rob Wood
UKIP	Standing Deputy	Vacancy
UKIP	Standing Deputy	Vacancy
UKIP	Standing Deputy	N/A
Labour	Standing Deputy	Vacancy
Labour	Standing Deputy	N/A
Labour	Standing Deputy	N/A

Planning Committee

Group	Position for 2017-18	Nomination for 2017-18
Conservative	Vice-Chair	Frank Jonas
Conservative		Robert New
Conservative		Jennie Brent
Conservative	Chair	Jim Fleming
Conservative		Steve Hastings
Liberal Democrat		David Fuller
Liberal Democrat		Lee Hunt
Liberal Democrat		Hugh Mason
Liberal Democrat		Steve Pitt
UKIP		Colin Galloway
Conservative	Standing Deputy	Steve Wemyss
Conservative	Standing Deputy	Gemma New
Conservative	Standing Deputy	David Tompkins
Conservative	Standing Deputy	Vacancy
Conservative	Standing Deputy	Vacancy
Liberal Democrat	Standing Deputy	Darren Sanders
Liberal Democrat	Standing Deputy	Lynne Stagg
Liberal Democrat	Standing Deputy	Suzy Horton
Liberal Democrat	Standing Deputy	Tom Wood
Liberal Democrat	Standing Deputy	Rob Wood
UKIP	Standing Deputy	Vacancy
UKIP	Standing Deputy	Vacancy
UKIP	Standing Deputy	N/A

UKIP	Standing Deputy	N/A
UKIP	Standing Deputy	N/A
Labour	Standing Deputy	N/A
Labour	Standing Deputy	N/A
Labour	Standing Deputy	N/A
Labour	Standing Deputy	N/A
Labour	Standing Deputy	N/A

Scrutiny Management Panel

Group	Position for 2017-18	Nomination for 2017-18
Conservative		Gemma New
Conservative	Vice-Chair	Ian Lyon
Conservative	Chair	Scott Harris
Conservative		Steve Hastings
Liberal Democrat		Ben Dowling
Liberal Democrat		Darren Sanders
Liberal Democrat		Tom Wood
UKIP		Colin Galloway
Labour		Stephen Morgan
Conservative	Standing Deputy	Alicia Denny
Conservative	Standing Deputy	David Tompkins
Conservative	Standing Deputy	Vacancy
Liberal Democrat	Standing Deputy	Leo Madden
Liberal Democrat	Standing Deputy	Matthew Winnington
Liberal Democrat	Standing Deputy	Rob Wood
UKIP	Standing Deputy	Vacancy
UKIP	Standing Deputy	Vacancy
UKIP	Standing Deputy	N/A
Labour	Standing Deputy	Yahiya Chowdhury
Labour	Standing Deputy	N/A
Labour	Standing Deputy	N/A

Governance & Audit & Standards Committee

Group	Position for 2017-18	Nomination for 2017-18
Conservative		Steve Hastings
Conservative	Vice-Chair	Scott Harris
Conservative		Neill Young
Liberal Democrat		Leo Madden
Liberal Democrat		Hugh Mason
Independent. (NA)	Chair	John Ferrett
Conservative	Standing Deputy	Alicia Denny
Conservative	Standing Deputy	David Tompkins
Conservative	Standing Deputy	Vacancy
Liberal Democrat	Standing Deputy	Darren Sanders
Liberal Democrat	Standing Deputy	Matthew Winnington
Liberal Democrat	Standing Deputy	Rob Wood
UKIP	Standing Deputy	N/A
UKIP	Standing Deputy	N/A

UKIP	Standing Deputy	N/A
Labour	Standing Deputy	N/A
Labour	Standing Deputy	N/A
Labour	Standing Deputy	N/A
Ind. (NA)	Standing Deputy	Paul Godier

Employment Committee

Group	Position for 2017-18	Nomination for 2017-18
Conservative	Chair	Donna Jones
Conservative	Vice-Chair	Luke Stubbs
Conservative		Jim Fleming
Liberal Democrat		Darren Sanders
Liberal Democrat		Gerald Vernon-Jackson CBE
Independent. (NA)		John Ferrett
Conservative	Standing Deputy	Simon Bosher
Conservative	Standing Deputy	Ryan Brent
Conservative	Standing Deputy	Linda Symes
Liberal Democrat	Standing Deputy	Leo Madden
Liberal Democrat	Standing Deputy	Lynne Stagg
Liberal Democrat	Standing Deputy	Matthew Winnington
UKIP	Standing Deputy	N/A
UKIP	Standing Deputy	N/A
UKIP	Standing Deputy	N/A
Labour	Standing Deputy	N/A
Labour	Standing Deputy	N/A
Labour	Standing Deputy	N/A

Health Overview & Scrutiny Panel

Group	Position for 2017-18	Nomination for 2017-18
Conservative	Vice-Chair	Steve Wemyss
Conservative		Alicia Denny
Conservative		Gemma New
Liberal Democrat	Chair	Leo Madden
Liberal Democrat		Lynne Stagg
Labour		Yahiya Chowdhury
Conservative	Standing Deputy	Steve Hastings
Conservative	Standing Deputy	Ian Lyon
Conservative	Standing Deputy	Vacancy
Liberal Democrat	Standing Deputy	Ben Dowling
Liberal Democrat	Standing Deputy	Lee Hunt
Liberal Democrat	Standing Deputy	Dave Ashmore
UKIP	Standing Deputy	N/A
UKIP	Standing Deputy	N/A
UKIP	Standing Deputy	N/A
Labour	Standing Deputy	Vacancy
Labour	Standing Deputy	N/A
Labour	Standing Deputy	N/A

Economic Development, Culture & Leisure Scrutiny Panel

Group	Position for 2017-18	Nomination for 2017-18
Conservative	Vice-Chair	Scott Harris
Conservative	Chair	Steve Hastings
Conservative		Alicia Denny
Liberal Democrat		Matthew Winnington
Liberal Democrat		Lee Hunt
Labour		Yahiya Chowdhury
Conservative	Standing Deputy	Steve Wemyss
Conservative	Standing Deputy	Ian Lyon
Conservative	Standing Deputy	Gemma New
Liberal Democrat	Standing Deputy	Ben Dowling
Liberal Democrat	Standing Deputy	Suzy Horton
Liberal Democrat	Standing Deputy	Steve Pitt
UKIP	Standing Deputy	N/A
UKIP	Standing Deputy	N/A
UKIP	Standing Deputy	N/A
Labour	Standing Deputy	Vacancy
Labour	Standing Deputy	N/A
Labour	Standing Deputy	N/A

Education, Children & Young People Scrutiny Panel

Group	Position for 2017-18	Nomination for 2017-18
Conservative	Vice-Chair	David Tompkins
Conservative	Chair	Neill Young
Liberal Democrat		Will Purvis
Liberal Democrat		Ben Dowling
Liberal Democrat		Suzy Horton
Independent. (NA)		Paul Godier
Conservative	Standing Deputy	Gemma New
Conservative	Standing Deputy	Alicia Denny
Conservative	Standing Deputy	Vacancy
Liberal Democrat	Standing Deputy	Dave Ashmore
Liberal Democrat	Standing Deputy	Matthew Winnington
Liberal Democrat	Standing Deputy	Rob Wood
UKIP	Standing Deputy	N/A
UKIP	Standing Deputy	N/A
UKIP	Standing Deputy	N/A
Labour	Standing Deputy	N/A
Labour	Standing Deputy	N/A
Labour	Standing Deputy	N/A
Ind. NA	Standing Deputy	

Housing and Social Care Scrutiny Panel

Group	Position for 2017-18	Nomination for 2017-18
Conservative	Vice-Chair	Gemma New
Conservative		Steve Wemyss

Conservative		Alicia Denny
Liberal Democrat	Chair	Darren Sanders
Liberal Democrat		Leo Madden
UKIP		Colin Galloway
Conservative	Standing Deputy	David Tompkins
Conservative	Standing Deputy	Vacancy
Conservative	Standing Deputy	Vacancy
Liberal Democrat	Standing Deputy	Matthew Winnington
Liberal Democrat	Standing Deputy	Lee Hunt
Liberal Democrat	Standing Deputy	Hugh Mason
UKIP	Standing Deputy	Vacancy
UKIP	Standing Deputy	Vacancy
UKIP	Standing Deputy	N/A
Labour	Standing Deputy	N/A
Labour	Standing Deputy	N/A
Labour	Standing Deputy	N/A

Traffic, Environment & Community Safety Scrutiny

Group	Position for 2017-18	Nomination for 2017-18
Conservative	Vice-Chair	Steve Hastings
Conservative		Jim Fleming
Conservative		Ian Lyon
Liberal Democrat		Lee Hunt
Liberal Democrat		Tom Wood
UKIP	Chair	Stuart Potter
Conservative	Standing Deputy	Neill Young
Conservative	Standing Deputy	David Tompkins
Conservative	Standing Deputy	Vacancy
Liberal Democrat	Standing Deputy	Suzy Horton
Liberal Democrat	Standing Deputy	Steve Pitt
Liberal Democrat	Standing Deputy	Darren Sanders
UKIP	Standing Deputy	Vacancy
UKIP	Standing Deputy	Vacancy
UKIP	Standing Deputy	N/A
Labour	Standing Deputy	N/A
Labour	Standing Deputy	N/A
Labour	Standing Deputy	N/A

RESOLVED (4) that the following appointments be made for 2017/18 municipal year:

Hampshire Fire & Rescue Authority (1 member)
1 Conservative - **Luke Stubbs**

Police and Crime Panel (1 Member)

Membership: **Ryan Brent**

Local Government Association General Assembly (4 Members)

Membership: **Councillor Donna Jones; Councillor Lee Mason; Councillor Ryan Brent, Councillor Gerald Vernon-Jackson CBE;**

Portsmouth City Council has up to 4 votes on the LGA, which are usually exercised by the party forming the City Council's political administration.

Langstone Harbour Board (6 Members)

Applying political proportionality rules would equate to;

2 Liberal Democrat - **Councillor Darren Sanders and Matthew Winnington**

3 Conservative - **Councillors Steve Hastings; Ian Lyon; Lee Mason**

1 (gifted from UKIP) **Councillor Alicia Denny (Conservative)**

RESOLVED (5) that the following appointments be made to the Twinning Advisory Group for the 2017/18 municipal year

To be chaired by the Resources Portfolio holder, with the Lord Mayor performing the deputy Chair role.

6 Members (not proportional)

Councillor Frank Jonas (Chair) Resources portfolio holder; Councillor Ken Ellcome (Vice-Chair, ex officio Lord Mayor); Councillor Yahiya Chowdhury; Councillor Colin Galloway; Councillor Hugh Mason; Councillor Lynne Stagg

- 43. To receive and consider any urgent and important business in accordance with Standing Order No 26.**

There was no urgent and important business.

- 44. To approve the following dates for meetings of the Council during the 2017/18 Municipal Year as required under Standing Order 6 and 10(k), to commence at 2.00 pm unless otherwise indicated**

It was

Proposed by Councillor Donna Jones

Seconded by Councillor Linda Symes

That the dates and times for the Council meetings for the next municipal year (2017/18) as set out in agenda item 16, be approved and that the provisional dates for 2018/19 Council meetings also set out in agenda item 16, be agreed in principle subject to later ratification.

Upon being put to the vote this was CARRIED.

RESOLVED

- (1) that the meetings of the Council be held on the following dates in the 2017/18 municipal year to commence at 2.00 pm unless otherwise indicated.

11 July 2017	16 January 2018 (provisional)
17 October 2017	13 February 2018
14 November 2017	20 March 2018
12 December 2017	15 May 2018 (Annual) (10:00am)

- (2) that the following provisional Council meeting dates for 2018/19 be agreed in principle subject to later ratification

10 July 2018	15 January 2019 (provisional)
16 October 2018	12 February 2019
13 November 2018	19 March 2019
11 December 2018	14 May 2019 (Annual) (10:00am)

The meeting concluded at 2.50 pm.

.....
Lord Mayor

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Minute Item 42

Cabinet & Opposition Spokespersons for 2017/18

Portfolio	Cabinet Member (Councillor)	Group Spokespersons (Councillor)	
The Leader	Donna Jones (Leader) (Conservative)	Gerald Vernon-Jackson Colin Galloway Stephen Morgan MP	(Liberal Democrat) (UKIP) (Labour)
Planning, Regeneration & Economic Development	Donna Jones (Conservative)	Ben Dowling Colin Galloway Yahiya Chowdhury	(Liberal Democrat) (UKIP) (Labour)
Environment & Community Safety	Robert New (Conservative)	Dave Ashmore Vacancy Stephen Morgan MP	(Liberal Democrat) (UKIP) (Labour)
Culture, Leisure and Sport	Linda Symes (Conservative)	Steve Pitt Vacancy Stephen Morgan MP	(Liberal Democrat) (UKIP) (Labour)
Traffic and Transportation	Simon Boshier (Conservative)	Lynne Stagg Stuart Potter Yahiya Chowdhury	(Liberal Democrat) (UKIP) (Labour)
Health & Social Care	Luke Stubbs (Deputy Leader) (Conservative)	Gerald Vernon-Jackson Vacancy Vacancy	(Liberal Democrat) (UKIP) (Labour)
Housing	Jennie Brent (Conservative)	Tom Wood Stuart Potter Stephen Morgan MP	(Liberal Democrat) (UKIP) (Labour)
Resources	Frank Jonas (Conservative)	Hugh Mason Colin Galloway Yahiya Chowdhury	(Liberal Democrat) (UKIP) (Labour)
Children & Families	Ryan Brent (Conservative)	Rob Wood Vacancy Vacancy	(Liberal Democrat) (UKIP) (Labour)
Education	Hannah Hockaday (Conservative)	Suzy Horton Vacancy Vacancy	(Liberal Democrat) (UKIP) (Labour)

Health & Wellbeing Board *

*The Leader of the Council subsequently ratified the membership as being

Councillor Donna Jones

Leader of the Council

Councillor Luke Stubbs

Portfolio holder for Adult Social Care & Public Health

Councillor Ryan Brent

Portfolio holder for Children's Social Care

Councillor Gerald Vernon-Jackson

Leader of the largest opposition group

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CHIEF EXECUTIVES DEPARTMENT
RECEIVED
21 JUN 2017



HAMPSHIRE
FIRE AND
RESCUE
AUTHORITY

Fao: David Williams (Chief Executive),
Portsmouth City Council,
Civic Offices,
Guildhall Square,
Portsmouth.
PO1 2BG.

Clerk to the Hampshire Fire and
Rescue Authority

John Coughlan CBE, Chief Executive,
Hampshire County Council
The Castle
Winchester
Hampshire
SO23 8UJ

<i>Enquiries to</i>	Paul Hodgson	<i>My reference</i>	PH/VW
<i>Direct Line</i>	(01962) 832428	<i>Your reference</i>	
<i>Date</i>	19 th June, 2017	<i>E-mail</i>	paul.hodgson@hants.gov.uk

Dear Mr. Williams,

I am writing on behalf of the Clerk and Monitoring Officer to Hampshire Fire and Rescue Authority ("HFRA").

As you will know from my letter in April, HFRA has reduced the number of members of the Authority to 10 members plus the Police and Crime Commissioner for Hampshire. Your Council helpfully nominated its member in accordance with my previous request, and HFRA met in its revised structure for the first time on 13 June 2017.

HFRA has been in discussions with the Home Office since Autumn last year regarding the amendments to the Hampshire Fire Services (Combination Scheme) Order 1996 ("the Combination Order"), which are needed to allow the Police and Crime Commissioner for Hampshire to become a voting member of HFRA. Part of these amendments include a change to the quorum requirements, which currently require one member from each of the Constituent Authorities to be present in order for a meeting to be quorate. The proposed amendments to the Combination Order will require members from only two of the three constituent authorities to be present in order to form a quorum, which will ensure resilience. The Home Office was intending to amend the Combination Order prior to HFRA's AGM on 13 June 2017. However, due to the snap general election and the consequent pre-election period, this was not possible. The Home Office have now advised that it could take until September/October for the amendments to be made.

Because of the delays at the Home Office, members of HFRA are mindful that meetings will be inquorate if one of the members from Portsmouth City Council or Southampton City Council cannot attend. In order to avoid this creating any practical difficulties (e.g. if members are ill or otherwise unable to attend meetings), HFRA resolved on 13 June 2017 to invite Portsmouth

City Council and Southampton City Council to appoint one temporary deputy member each, who can attend meetings in place of either Council's substantive member, if they are unable to attend. The temporary deputy members will serve from the date they are appointed until the date on which the amendments to the Combination Order come into legal force. At that time, their appointment as a temporary deputy member of HFRA will cease. The temporary deputy members will not be entitled to receive any allowances under HFRA's Members Allowance Scheme and would only be called upon in exceptional circumstances (if at all). I have set out in full the resolution made by HFRA on 13 June below for your information:

"The Authority agrees to invite Southampton City Council and Portsmouth City Council to nominate one member each to act as a temporary Deputy Member of HFRA and who may, after giving notice in advance to the Clerk, deputise for their authority's substantive member in the event their substantive member is unable to attend a meeting of the Full Authority. The temporary Deputy Members will serve from the date of their appointments by Portsmouth City Council and Southampton City Council until the amendments to the HFRA Combination Order and in particular the amendments to the quorum provisions come into legal force, whereupon the temporary Deputy Members shall automatically cease to hold office as Deputy Members of HFRA. Authority is delegated to the Clerk to write to Portsmouth CC and Southampton CC to invite them to each nominate one deputy member and to make any consequential amendments to the Authority's constitution and in particular Standing Orders. For the avoidance of doubt, the temporary Deputy Members shall not be entitled to receive any allowances under HFRA's Members' Allowance Scheme".

Pursuant to the above resolution I would like to invite Portsmouth City Council to appoint one of its members to act as a temporary deputy member of HFRA until the Combination Order is amended by the Home Office.

It would be appreciated if you could make the necessary arrangements for this to be dealt with at your Authority's next meeting. Do feel free to contact me if you would like to discuss this. I look forward to hearing from you.

Yours sincerely,

Paul Hodgson
Solicitor and Deputy Head of Legal Services
for Clerk to Hampshire Fire and Rescue Authority

c.c.
The Monitoring Officer
Cllr. Luke Stubbs

Agenda Item 8

From CABINET MEETING held on 29 June 2017

Council Agenda Item 8 (Cabinet minute 21)

LED Replacement Lighting Programme

RECOMMENDED

- (1) Cabinet approved the Report for submission to Full Council to approve a change to the Capital Programme as set out in (2) below.**
- (2) That Council give approval to increase the currently approved LED Residential Street Lighting Replacement Capital budget of £3.04m by a further £2.21m to £5.25m in order to upgrade the City Council's Street Lighting with LED lighting and a Central Management System.**
- (3) That the additional capital budget requirement of £2.21m be financed from Prudential Borrowing.**

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Title of meeting:	Cabinet Meeting & Council Meeting
Date of meeting:	29th June 2017 (Cabinet), 11 th July 2017 (Council)
Subject:	LED Replacement Programme
Report by:	Alan Cufley, Director of Transport, Environment and Business Support
Wards affected:	All
Key decision:	Yes
Full Council decision:	Yes

1. Purpose of report

- 1.1.** To gain approval to fund the installation of LED Street Lighting apparatus, and a Central Management System (CMS) across the City.

2. Recommendation

- 2.1.** That Cabinet approve the Report for submission to Full Council to approve a change to the Capital Programme as set out in 2.2.
- 2.2.** That Council give approval to increase the currently approved LED Residential Street Lighting Replacement Capital budget of £3.04m by a further £2.21m to £5.25m in order to upgrade the City Council's Street Lighting with LED lighting and a Central Management System.
- 2.3.** That the additional capital budget requirement of £2.21m be financed from Prudential Borrowing.

3. Background

- 3.1** In 2005 the City Council entered into a PFI Highways Maintenance Contract with Ensign Highways Ltd, with services delivered by Colas Ltd. The Contract required the Service Company to invest in the Network to bring the Highways up to a certain standard and then maintain this over a 25 year period. The first 5 years of the Contract included a Core Investment Period which included upgrading the City Council's street lighting. During this period 10,000 of the City Council's 15,000 street lights were replaced and upgraded with Sodium Discharge lighting this included both the replacement of columns and luminaires. The remaining 5,000 lighting columns were deemed to comply with the standards as set out in the Contract and Highways Standards.

- 3.2** Although the Service Company bear the risk for the maintenance of the Street Lighting apparatus the price risk for electricity remains with the Council, as does the volume of energy consumed.
- 3.3** The Council's Street Lighting apparatus currently consumes around 6.5m kilowatt hours (kwh) of electrical energy per annum at a cost of 12.196p per kwh, amounting to an annual cost of £797,000 per annum. This figure excludes electrical energy consumed for illuminated traffic sign lighting, subways and other illuminated furniture on the project network.
- 3.4** In 2013 the Council approved a budget of £3.04m to upgrade the City's Street lighting apparatus in residential areas of the City only. This project progressed to the Procurement stage but was put on hold. This new project to which this report refers to looks at replacing all Street Lighting on the network and this is why a further £2.21m is being sought. However the project does not include Heritage and Ornate lighting as the current costs of either replacing these luminaires or retrofitting them outweighs the benefits of replacing them. The Council does intend to investigate this further in the future on a case by case basis.
- 3.5** Since 2013 the technology associated with LED lighting has vastly improved and there are now more manufacturers in the market place, this has meant that for a like for like comparison had this scheme been completed in 2013 it may have cost the Council an additional £1.5m.
- 3.6** Back in 2013 the Council carried out a pilot street lighting installation scheme to test the energy saving capabilities of LED lighting, and to ensure that current lighting levels could be achieved using this type of apparatus. The energy savings achieved using LED lighting were around 40% to 50%. The Service Company have now carried out Soft Market Testing with a number of different luminaire suppliers, and these suppliers are now claiming that savings of around 60% are achievable from the introduction of LED street lighting.
- 3.7** The new proposed project is to replace all the street lighting on the project Network, this will involve replacing all of the existing luminaires, and hopefully without the re-siting or replacement of any additional lamp columns. If any lamp columns do need replacing because of their structural condition, then the cost of this will be met by Ensign under the PFI Highways Maintenance Agreement. This allows the Council to reduce the capital cost of the project whilst maintaining the City's lighting levels to those set out in Highways Standards.

4. Reasons for the recommendation

- 4.1** The investment of £5.25m in the Council's lighting stock will significantly reduce the Council's ongoing electricity consumption and generate significant savings, even after taking account of the cost of borrowing.
- 4.2** Following soft market testing the Council has been able to better understand the type of energy reductions it should expect to achieve. The scenario below suggests that if

the implementation of the LED project saved 37% of the energy currently consumed over a 20 year period, the saving in energy is expected to total approximately £7.77m, assuming energy prices were to grow by 3% per annum over this period. The table below shows detailed cost and savings generated by the project over a 20 year period.

	£m	£m
Capital Cost		5.25
Energy Savings	(7.77)	
Carbon Tax Savings	(0.51)	
PFI Service Payment Savings	(2.62)	
Total Saving		(10.90)
Borrowing Costs (3.8% over 20 years)		0.94
Net Saving		(4.75)

- 4.3** A detailed and robust Financial Appraisal has been carried out that demonstrates that the project is expected to be fully paid back after 11 years, delivering a favourable NPV of approximately £3.5m over the 20 year term.
- 4.4** As mentioned above, the appraisal assumes annual energy increases of 3%, however, since the start of the contract in 2004 energy prices have actually increased by around 6% per annum. The government Department for the Environment and Climate Change are forecasting that this trend will continue in the future, which would increase the energy savings from £7.77m to £11m over the life of the project. The financial appraisal has been carried out on a prudent basis to demonstrate that the project is still viable even at half the anticipated increase in energy price.
- 4.5** The table below shows the range of savings that could be made if the cost of energy increased or if the Council explored initiatives such as dimming and trimming and further decreased it's energy consumption. However this will not be implemented until such time as a full impact and risk assessment has been carried out.
- 4.6** Dimming is where you can choose to dim the light omitted from a Street Light, often at periods of low traffic movement. Trimming is where you can choose the lights to come on later in the evening or earlier in the morning

	Increase In Energy		
	3%	6%	9%
% of Energy Saved 40%	£ 331,000	£ 371,000	£ 415,000
% of Energy Saved 50%	£ 412,000	£ 446,000	£ 472,000
% of Energy Saved 60%	£ 506,000	£ 536,000	£ 566,000

- 4.7** As a result of moving to an LED lighting solution, and Central Management System, the Council anticipates that it will be able to reduce the cost of maintaining the current street lighting stock. The Council is in talks with its Highways Maintenance Contractor with a view to reducing its current annual payments to the Contractor by approximately £200,000.
- 4.8** Additionally there are a number of other advantages that the Council is likely to enjoy as a result of this investment:
- a) The CMS system will identify lamp outages so where the only way to detect when a light is faulty is to employ a night time scout, the system will automatically monitor, detect, and report these faults.
 - b) Currently because the street lighting stock mainly consists of Sodium lighting the lamps need replacing every 4 years, this involves a programme of bulk lamp replacement, and in some cases lamps which are still working are removed and replaced with new. With the LED lighting this has a greater lifespan of 20 years plus, and has a very small failure rate, and so this bulk lamp replacement is no longer required.
 - c) The Central Management System will allow the Council to control its lighting timings and levels remotely for the first time. In future the Council could choose to reduce lighting levels at certain points during the night, and even change when the lights come on and go off. However this will not be implemented until such time as a full impact and risk assessment has been carried out. The CMS system also allows the Council to increase lighting levels for special events being held or if there was a major incident, the current lighting apparatus does not offer this same flexibility.
- 4.9** Additionally based on the appraisal above, the City Council is able to apply for Salix loan funding of £2.7m. This is a short term interest free loan facility that reduces the need for the Council to borrow from its usual provider, the Public Works Loans Board. The Council always seeks to maximise the amount funded by this Salix facility.

5. Equality Impact Assessment

- 5.1** A full equality impact assessment is not required as the recommendation has a positive impact for Disability groups, and does not have a negative impact on any of the remaining protected characteristics as described in the Equality Act 2010. These include Age, Race, Gender, Sexual orientation, Religion or belief, the relationships between these groups, and other socially excluded groups.

6. Legal Implications

- 6.1** The Highways Act empowers local authorities to light roads, but does not place a duty to do so. The City Council has a duty of care to road users, and has an

obligation to light obstructions on the highway. The City Council has a statutory duty under the Highways Act, to ensure the safety of the highway, and this includes any lighting equipment placed on the highway. The Electricity at Work Regulations imposes a duty on the owners and operators of electrical equipment to ensure its safety.

- 6.2** Installation and maintenance costs/obligations are to be considered in line with the City Council's PFI Contract and that all reference to energy usage is updated in accordance with the energy efficient infrastructure being proposed.
- 6.3** The recommendations set out above would help secure best value for the City Council and in accordance with the Local Government Act 2003
- 6.4** The City Council is under a general Duty of Best Value to *“make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness” in accordance with Section 3 of the Local Government Act 1999 (as amended by s137 of the Local Government & Public Involvement in Health Act 2007).*
- 6.5** The City Council should consider overall value, including economic, environmental and social value in regards to the above recommendations.
- 6.6** The City Council is under a duty to consult representatives of a wide range of local persons; this is not optional. In the interests of economy and efficiency, it is not necessary for authorities to undertake lifestyle or diversity questionnaires of suppliers or residents.
- 6.7** It is within the City Council's powers to approve the recommendations set out above.

7. Director of Finance's comments

- 7.1** The Director of Finance comments are included within the main body of the report.

.....
Signed by:
Alan Cufley
Director of Transport, Environment and Business Support

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
None	

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

.....

Signed by:
Councillor Donna Jones
Leader of the Council

(End of report)

Agenda Item 9

From LICENSING COMMITTEE MEETING held on 23 June 2017

Council Agenda Item 9 (Licensing Committee minute 13)

Adoption of Statement of Licensing Policy - Gambling Act 2005

RECOMMENDED that Council adopt the statement of licensing policy which incorporates the committee's amendment, in accordance with Section 349 of the Gambling Act 2005.

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Title of meeting: FULL COUNCIL

Date of meeting: 11 July 2017

Subject: The Gambling Act 2005 - Adoption of Statement of Licensing Policy

Report by: Director of Culture and City Development

Wards affected: All

Key decision: No

Full Council decision: Yes

1. Purpose of report

- 1.1 To receive and to adopt the draft statement of licensing policy in accordance with Section 349 of the Gambling Act 2005.
- 1.2 To note the prior consultation on the draft policy and the amendments approved by the Licensing Committee.

2. Recommendations

- 2.1 ***That the Council notes and approves the recommendations of the Licensing Committee and Council adopts the statement of licensing policy in accordance with Section 349 of the Gambling Act 2005***

3. Background

- 3.1 The Gambling Act 2005 ("The Act") first came into effect on 1 September 2007 and created a new system of licensing and regulation for commercial gambling in the UK (excluding the National Lottery and spread betting).

The Act created a new regulator for gambling, the Gambling Commission, and introduced a new licensing regime for commercial gambling. This regime is conducted either by the Gambling Commission or by the local Licensing Authority depending upon the matter to be licensed.

- 3.2 The Council, as Licensing Authority, is responsible for licensing and overseeing gambling premises in its area which include the following:
- Licensing of premises where gambling activities are to take place by issuing premises licences;

- Issuing of provisional statements (in respect of premises yet to be built, altered or acquired);
- Regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by issuing club gaming permits and/or club machine permits;
- Issuing club machine permits to commercial clubs;
- Granting permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
- Receiving notifications from alcohol licensed premises of the use of two or fewer gaming machines;
- Issuing licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises where more than two machines are required;
- Registering small lotteries below prescribed thresholds;
- Issuing prize gaming permits;
- Receiving and endorsing temporary use notices;
- Receiving occasional use notices;
- Provision of information to the Gambling Commission regarding details of licences issued; and
- Maintaining registers of the permits and licences that are issued under these functions.

3.3 **Regulation of gambling**

In accordance with section 153 of the Act, in making its decisions about premises licences and temporary use notices, licensing authorities should aim to permit the use of the premises for gambling in so far as it thinks it:

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the licensing authority's statement of licensing policy.

3.4 **The licensing objectives**

The Act sets out three licensing objectives that underpin the functions that the Gambling Commission and the licensing authority perform. They are:

- Preventing gambling from being a source of crime or disorder, being associated with crime and disorder, or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and

- Protecting children and other vulnerable people from being harmed or exploited by gambling.

3.5 **Statement of licensing policy**

Licensing authorities are required to publish a licensing policy statement every three years which sets out the principles it proposes to apply when exercising its functions. The policy sets out how the Authority will meet the licensing objectives of the Act. Authorities must consult on their draft statements so that communities and businesses will have a chance to comment on the authority's proposed approach.

3.6 In determining its policy, the Act states that the Council must consult with the following:

- 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; and
- 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 Act.

The statutory guidance issued by the Gambling Commission in accordance with the Act advises that the list of persons to be consulted when preparing the statement of licensing policy is deliberately wide. This enables licensing authorities to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the licensing policy statement.

3.7 **Consultation process**

The draft statement of licensing policy was made available for consultation between 31 March 2017 and 5 May 2017 in accordance with the statutory requirements. A list of those organisations/persons notified of the draft policy and consultation is set out in the proposed final policy document which is attached as **Appendix A** to this report.

3.8 **Other statutory requirements**

Section 349 of the Act requires each licensing authority to prepare and publish a statement of licensing policy that they propose to apply in exercising their functions under the Act. Before a statement or revision comes into effect, the statutory regulations prescribe that the licensing authority must publish and advertise the publication of the statement or revision according to certain requirements.

3.10 **Publishing**

The statement or revision must be published by being made available for a period of at least 4 weeks before the date on which it will come into effect as follows:

- On the authority's internet website; and
- For inspection by the public at reasonable times in one or both of the following places:
 - One or more public libraries situated in the local authority area;
 - Other premises situated in the area.

3.11 **Advertising**

A notice must be published no later than the first day on which the statement or revision is published as follows:

- On the authority's internet website; and
- In or on one or more of the following places:
 - A local newspaper circulating in the area covered by the statement;
 - A local newsletter, circular or similar document circulating in the area covered by the statement;
 - A public notice board in or near the principal office of the authority;
 - A public notice board on the premises of public libraries in the area covered by the statement.

4. **Reasons for recommendations**

To fulfil the Council's statutory obligations as set out in section 349 of the Act.

5. **Equality impact assessment (EIA)**

A preliminary EIA was undertaken on the proposed policy prior to undertaking the consultation process and formed part of the Licensing Committee report on 22 February 2017 and 23 June 2017.

6. **Legal Implications**

All legal comments are contained within the body of the report.

7. **Finance Comments**

There are no financial implications in respect of this report.

.....
Signed by:

Appendices:

Appendix A Proposed final statement of licensing policy

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

.....
Signed by:

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Gambling Act 2005

Section 349 - Statement of Licensing Policy - 2017/2020

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Note: The appendices, whilst sitting within the policy document, do not form part of the policy and therefore may be updated as and when necessary without the requirement for formal consultation.

PART A

1.0 Introduction to the Statement of Licensing Policy

- 1.1 Section 349 of the Gambling Act 2005 ("The Act) requires the Licensing Authority to prepare and publish a statement of licensing principles that it proposes to apply in exercising its functions under the Act, commonly known as a statement of policy. The statement of policy forms the Licensing Authority's mandate for managing local gambling provision and will set out how the Licensing Authority views the local risk environment and therefore its expectations in relation to operators with premises within Portsmouth.
- 1.2 Portsmouth City Council is the Licensing Authority for the Gambling Act 2005 for the administrative area of Portsmouth as shown on the map at **Appendix A**. Any references to "the Licensing Authority" in this document refers to Portsmouth Licensing Authority.
- 1.3 The statement of policy acts as the primary vehicle for setting out the licensing authority's approach to regulation having taken into account local circumstances. The Licensing Authority considers that the existence of a clear and robust statement of policy will provide greater scope for the Licensing Authority to work in partnership with operators, other local businesses, communities, and responsible authorities to identify and to proactively mitigate local risks to the licensing objectives.
- 1.4 This statement of licensing policy can be reviewed and revised by the Licensing Authority at any time, but must be produced following consultation with those bodies and persons set out in section 349(3) of the Act. Further information concerning the consultation process is set out in paragraph 4.0 of this policy.
- 1.5 The Licensing Authority will ensure that the statement of policy balances the need for a degree of certainty on the part of gambling businesses with the need to remain responsive to emerging risks.
- 1.6 The Licensing Authority, in carrying out its functions under section 153 of the Act will aim to permit the use of the premises for gambling in so far as it thinks it:
- In accordance with any relevant code of practice under section 24;
 - In accordance with any relevant guidance issued by the Gambling Commission under section 25;
 - Reasonably consistent with the licensing objectives; and
 - In accordance with the Authority's statement of licensing policy.
- 1.7 The effect of this legal duty is that the Licensing Authority must approach its functions in a way that seeks to regulate gambling by using its powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.
- 1.8 The "aim to permit" framework does provide a wide scope for the Licensing Authority to impose conditions on a premises licence, reject, review or revoke premises licences where there is potential conflict with the relevant codes of practice, relevant Guidance issued by the Commission, the licensing objectives or the Licensing Authority's own statement of licensing policy.
- 1.9 Whilst this statement of licensing policy sets out a general approach to the exercise of the Licensing Authority's functions under the Act, it will not override the right of any person to make application and to have that application considered on its merits. The only exception to this is where a licensing authority has passed a "no casino" resolution under section 166(1) of the Act. Additionally, this policy will not

undermine the right of any person to make representations on an application or to seek a review of a licence where provision has been made for them to do so.

- 1.10 The Council recognises that legal gambling in a fair and open way, with suitable protection for children and vulnerable persons, contributes much to the growth of the local economy for Portsmouth and offers an important role for employment within the city.
- 1.11 A map of the Portsmouth area is attached as **Appendix A** to this policy.

2.0 Introduction to Portsmouth area

- 2.1 The City of Portsmouth is situated in the ceremonial county of Hampshire and is at the heart of Britain's southern coastline with long established direct road and rail links to London, the Midlands and Wales.
- 2.2 Portsmouth is undergoing great change with a £2billion investment plan underway. Elements such as the Tipner motorway junction and park and ride are already completed while there is more to come with new homes, businesses and jobs to come from the City Deal sites and the exciting regeneration plans for The Hard.
- 2.3 Portsmouth has a population of 200,000 in an area of only 4,196 hectares, which makes it one of the most densely occupied cities in the country outside London.
- 2.4 As the local highway authority, the Council is responsible for approximately 458km of vehicular carriageway in partnership with Colas and Ensign. Up to 90,000 inbound vehicle movements are recorded in any one 24 hour period and previous census data indicates 397 vehicles per 1000 people in Portsmouth. Traffic growth is predicted to generally rise between 19% and 55% by 2040.

- 2.5 A significant naval port for centuries, it is home to the world's oldest dry dock and to world famous ships including HMS Victory, HMS Warrior 1860 and the Mary Rose. Major investment around the harbour has transformed the "great waterfront city".

Home to Ben Ainslie Racing and hosting the preliminary 2015 and 2016 America's cup racing series, the dynamic waterfront city still has an important role as a major dockyard and home base to the Royal Navy.

- 2.6 The city offers a vibrant mix of entertainment facilities for residents and visitors alike with two established theatres, restaurants, cinemas, concert venues and a variety of pubs and clubs. The late night economy is well served with venues in the north located at Port Solent, the city centre located near the Guildhall and in the south both at Gunwharf Quays and in Southsea. Major music festivals are held during the summer months attracting tens of thousands of revellers.

3.0 The Licensing Objectives

- 3.1 In exercising its statutory functions under the Act, the Licensing Authority will have regard to and will be consistent with the licensing objectives as set out in Section 1 of the Act which are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

4.0 Consultation on Policy

4.1 As referred to in paragraph 1.1, the Licensing Authority is required by the Act to publish a statement of licensing policy which it proposes to apply when exercising its functions. The policy must be published at least every three years and must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must then be re-published.

4.2 The Licensing Authority consulted widely upon this revision to the policy statement before finalising and publishing. The consultation took place between **31 March 2017 and 5 May 2017**. A list of those persons consulted is provided at **Appendix B**.

4.3 The Act requires that the following parties are consulted by the Licensing Authority:

- The Chief Officer of Police for Hampshire;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the Portsmouth 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 Act.

4.4 In determining this revised statement of licensing policy, the Licensing Authority gave appropriate weight to the views of those it consulted. In deciding what weight to give, the factors taken into account included:

- Who is making the representations, the nature of their interest and their expertise;
- Relevance of the factors to the licensing objectives;
- How many other people have expressed the same or similar views;

- How far the representations relate to matters that the Licensing Authority should consider including in its policy statement.

4.5 The revision to the policy was approved at a meeting of Full Council on **11 July 2017** and was published on our website on **XXXXX**

4.6 Copies of the reports and minutes of the decision made by the Council can be found on the council's website at www.portsmouth.gov.uk.

4.7 Any comments regarding this policy should be sent to:

The Licensing Manager
Licensing Service
Civic Offices
Guildhall Square
Portsmouth PO1 2AL
Tel: 023 9283 4604 Fax: 023 9283 4811
Email: Licensing@portsmouthcc.gov.uk

5.0 Declaration

5.1 In reviewing this statement of licensing policy, the Licensing Authority has had regard to the licensing objectives of the Act, the Guidance to Licensing Authorities issued by the Gambling Commission and any responses from those consulted on this statement of licensing policy

6.0 Responsible authorities and interested parties

6.1 When dealing with applications for and reviews of premises licence, the Licensing Authority is obliged to consider representations from two categories of persons, referred to as "responsible authorities" and "interested parties". Representations made by persons other than responsible authorities or interested parties will be considered inadmissible.

- 6.2 **Responsible authorities** are public bodies that must be notified of applications and that are entitled to make representations to the Licensing Authority in relation to applications for, and in relation to, premises licences.
- 6.3 Section 157 of the Act identifies the bodies that are to be treated as responsible authorities. They are:
- The Licensing Authority in whose area the premises is wholly or partly situated;
 - The Gambling Commission;
 - The Chief Officer of Police;
 - The Fire and Rescue Authority;
 - The Environmental Health Service;
 - The Local Planning Authority;
 - Children's Social Care and Safeguarding Service;
 - HM Revenue & Customs; and
 - Any other person prescribed by the Secretary of State.
- 6.4 In relation to a vessel, but no other premises, responsible authorities will also include navigation authorities¹
- 6.5 A full list and contact details of the responsible authorities referred to above are attached as **Appendix D** to this statement.
- 6.6 The Licensing Authority is legally required to state the principles it will apply in exercising its powers under Section 157 (h) of the Act to designate, in writing, the body which is competent to advise the authority about the protection of children from harm. The principles are:
- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
 - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group
- 6.7 The Licensing Authority has designated the Children's Social Care and Safeguarding Service as the body which is competent to advise the authority about the protection of children from harm.
- 6.8 "Interested parties" are persons who can make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Act as a person, who in the opinion of the Licensing Authority which issues the licence or to which the application is made:
- Live sufficiently close to the premises to be likely to be affected by the authorised activities; or
 - Have business interests that might be affected by the authorised activities; or
 - Represent persons in either of those two groups referred to above.
- 6.9 In order to determine whether a person is an interested party with regard to particular premises, the Licensing Authority will consider each case on its merits. However, when determining whether a person is an interested party the following factors will be taken into consideration:
- Size of the premises;
 - Nature of the premises;
 - Distance of the premises from the habitual residence or workplace of the person making the representation;
 - Potential impact of the premises (number of customers, routes likely to be taken by those visiting the premises);

¹ As defined in section 221(1) of the Water Resources Act 1991

- Circumstances of the person and nature of their interests, which may be relevant to the distance from the premises.

6.10 In determining whether a person or organisation "has business interests", the Licensing Authority will adopt the widest possible interpretation and will include residents', trade associations, trade unions, residents' and tenants' associations, partnerships, charities, faith groups and medical practices, as appropriate.

6.11 Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the area likely to be affected.

Other than this, the Licensing Authority will general require written confirmation that a person/body (e.g. an advocate/relative) "represents" someone who either lives sufficiently close to the premises and/or has business interests that might be affected by the authorised activities.

6.12 If individuals wish to approach councillors to ask them to represent their views then those councillors shall not sit on a Licensing Sub-Committee that meets to determine the licensing application. If there are any doubts then either the interested parties or councillors should contact the Licensing Service for further advice and guidance.

7.0 Exchange of Information

7.1 The Licensing Authority will undertake its functions in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission and other persons. This includes the provision that the Data Protection Act 1998 will not be contravened.

7.2 Section 350 allows the Licensing Authority to exchange information with the following persons or bodies:

- A constable or police force;
- An enforcement officer;
- A licensing authority;
- HMRC;
- The First Tier Tribunal;
- The Secretary of State;

7.3 The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided by virtue of the Act.

8.0 Compliance and Enforcement

8.1 The Licensing Authority is required to set out the principles it will apply when exercising its powers and functions under Part 15 of the Act in respect of the inspection of premises and instigating criminal proceedings in accordance with Section 346 of the Act.

8.2 The Licensing Authority will adopt a risk-based approach to inspection programmes which will focus upon targeting high-risk premises which require greater attention, whilst operating a lighter touch in respect of low-risk premises in order to ensure that resources are more effectively concentrated on potential problem premises. This will be based upon:

- The licensing objectives;
- Relevant Codes of Practice;
- Guidance issued by the Gambling Commission in particular Section 36;
- The principles set out in this statement.

- 8.3 This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Act. When undertaking test purchasing activities, the Licensing Authority will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.
- 8.4 The principles of natural justice will apply and will have regard to the Human Rights Act 1998. The Licensing Authority will also be guided by the Commission Guidance to local authorities and will endeavour to be:
- **Proportionate:** intervention only when necessary: remedies will be appropriate to the risk posed and costs identified and minimised;
 - **Accountable:** decisions will be justified and subject to public scrutiny;
 - **Consistent:** rules and standards will be joined up and implemented fairly;
 - **Transparent:** regulators will be open and keep regulation simple and user friendly; and
 - **Targeted:** focused on the problem and minimise side effects.
- 8.5 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 8.6 The main enforcement and compliance role for the Licensing Authority will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for operating licences and personal licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but it

will be alert to the way premises are being operated and will notify the Commission if it becomes aware of matters of concern in the operation of the premises.

9.0 The Licensing Authority Functions

- 9.1 The Licensing Authority is 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;
 - Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
 - 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 above on "Information Exchange");
- Maintain registers of the permits and licences that are issued under these functions;
- Set and collect fees.

9.2 The Licensing Authority is not involved in licensing remote gambling as this function is the responsibility of the Gambling Commission.

10.0 Local Risk Assessments

10.1 The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) which were revised and published in February 2015², formalise the need for operators to consider local risks.

10.2 Social responsibility (SR) code 10.1.1 requires all premises licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account any relevant matters identified in the Licensing Authority's statement of policy.

10.3 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:

- When applying for a variation of a premises licence;
- To take account of significant changes in local circumstances, including those which may be identified in the Licensing Authority's statement of policy;

- When there are significant changes at a licensee's premises that may affect their mitigation of local risks.

10.4 The new SR provision is supplemented by an ordinary code provision that requires licensees to share their risk assessments with the Licensing Authority when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the Licensing Authority, such as when they are inspecting a premises. Both of these provisions came into effect from April 2016.

10.5 Where concerns do exist, perhaps prompted by new or existing risks, the Licensing Authority may request that the licensee share a copy of its own risk assessment which will set out the measures that the licensee has in place to address specific concerns. It is intended that this practice will reduce the occasions on which a premises review and the imposition of licence conditions is required. There is no statutory requirement for licensees to share their risk assessments with responsible authorities or interested parties, however responsible businesses will wish to assist licensing authorities and responsible authorities as far as possible in their consideration of applications by making relevant information available as part of their applications.

10.6 Where the Licensing Authority's statement of licensing policy sets out its approach to regulation with clear reference to local risks, it will facilitate operators being able to better understand the local environment and therefore proactively mitigate risks to the licensing objectives. In some circumstances, it might be appropriate to offer the licensee the opportunity to volunteer specific conditions that could be attached to the premises licence.

² <http://www.gamblingcommission.gov.uk/Publications-consultations/LCCP.aspx>

10.7 The Licensing Authority does not propose at this time to develop a Local Area Profile having regard to the minimal complaints or intelligence relating to gambling premises. However, this position will remain under review and if it decides, in the future, to develop a Local Area Profile it will be separate to this policy.

PART B - Premises Licences

11.0 General Principles

11.1 The main business of the Licensing Authority in terms of local gambling regulation is to consider applications for premises licences. Premises licences are issued by the Licensing Authority with responsibility for the area in which the premises are situated.

11.2 In accordance with section 150 of the Act, premises licences can authorise the provision of facilities on:

- Casino premises;
- Bingo premises;
- Betting premises, including tracks and premises used by betting intermediaries;
- Adult gaming centre (AGC) premises (for category B3, B4, C and D machines);
- Family entertainment centre (FEC) premises (for category C and D machines) - the Licensing Authority may also issue a FEC gaming machine permit, which authorises the use of category D machines only.

11.3 By distinguishing between premises types, the Act makes it clear that the gambling activity of the premises should be linked to the premises described. Therefore, in a bingo premises, the gambling activity should be bingo, with gaming machines as an ancillary offer on the premises. This principle also applies to existing casino licences (but not to licences granted under the Act) and

betting premises licences. The Licence Conditions and Codes of Practice (LCCP) sets out in full the requirements on operators. Subject to the gaming machine entitlements which various types of licence bring with them (and except in the case of tracks), the Act does not permit premises to be licensed for more than one of the above activities.

Meaning of Premises

11.4 In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But in principle, there is no reason why a single building could not be subject to more than one premises licence, provided they are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as pleasure parks, tracks or shopping malls to obtain discrete premises licences, where appropriate safeguards are in place. However the Licensing Authority will pay particular attention in those instances where there may be issues about subdivision of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

11.5 In most cases, the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean that 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the Licensing Authority.

11.6 In line with the Guidance issued to Licensing Authorities by the Gambling Commission, the Licensing Authority does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If a premises is located within a wider venue, the Licensing Authority will require a plan of the venue on which the premises should be identified as a separate unit.

11.7 It is recognised that different configurations may be appropriate under different circumstances but the crux of the matter is whether the proposed premises are genuinely separate premises that merit their own licence - with the machine entitlements that brings - and are not an artificially created part of what is readily identifiable as a single premises.

Multiple activity premises - layout and access

11.8 With the exception of bingo clubs, tracks on race-days and licensed FECs, children will not be permitted to enter licensed gambling premises. Therefore businesses will need to consider carefully how they wish to configure their buildings if they are seeking to develop multi-purpose sites.

11.9 The Licensing Authority will take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, it will take into account the following factors:

- The third licensing objective seeks to protect children from being harmed or exploited by gambling. In practice this means not only preventing them from taking part in gambling, but also prevents them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or

closely observe gambling where they are prohibited from participating;

- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit;
- Customers should be able to participate in the activity named on the premises licence.

11.10 In determining whether two or more proposed premises are truly separate, the Licensing Authority will consider the following factors:

- Is a separate registration for business rates in place for the premises?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from other gambling premises?

11.11 Where a building consists of a number of areas which hold separate premises licences, each individual licence must not exceed its permitted gaming machine entitlement. The position is different for tracks and is covered in Section 19 of this document.

11.12 The proper application of Section 152 of the Act means that different premises licences cannot apply in respect of single premises at different times. There is no temporal element to a premises licence. Therefore, premises could not, for example, be licensed as a bingo club on weekdays and a betting shop at weekends.

Access to premises

- 11.13 An issue that may arise when division of a premises is being considered is the nature of the unlicensed area from which a customer may access a licensed gambling premises. The precise nature of this public area will depend on the location and nature of the premises. The Licensing Authority will need to consider whether the effect of any division is to create an environment with very large banks of machines, which is not the intention of the access conditions, or whether it creates a public environment with gambling facilities being made available.
- 11.14 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations³ set out the access provisions for each type of premises. The broad principle is that there can be no access from one licensed gambling premises to another, except between premises which allow access to those under the age of 18 and with the further exception that licensed betting premises may be accessed from other licensed betting premises. Under 18s can go into FECs, tracks, pubs and some bingo clubs, so access is allowed between these types of premises.
- 11.15 These Regulations define street as "including any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not". This is to allow access through areas which the public might enter for purposes other than gambling, for example, access to casinos from hotel foyers.
- 11.16 There is no definition of "direct access" in the Act or regulations, but the Licensing Authority may consider that there should be an area separating the premises concerned, for example a street or café,

which the public go to for purposes other than gambling, for there to be no direct access.

- 11.17 The relevant access provisions for each premises type is as follows:

Casinos

- The principle entrance to the premises must be from a "street";
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

Adult Gaming Centres (AGCs)

- No customer must be able to access the premises directly from any other licensed premises.

Betting Shops

- Access must be from a "street" or from other premises with a betting premises licence;
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.

Tracks

- No customer must be able to access the premises directly from a casino or AGC.

³ <http://www.legislation.gov.uk/ukxi/2007/1409/contents/made>

Bingo Premises

- No customer must be able to access the premises directly from a casino, an AGC or a betting premises other than a track.

Family Entertainment Centres (FECs)

- No customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track.

Access to gambling by children and young people

11.18 The Act contains the objective of "protecting children and other vulnerable persons from being harmed or exploited by gambling" and sets out offences at section 46 and section 47 of inviting, causing or permitting a child or young person to gamble, or to enter certain gambling premises. Children are defined in the Act as under 16s and young persons as 16-17 year olds. An adult is defined as 18 and over.

11.19 Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place as follows:

- Casinos are not permitted to admit anyone under 18;
- Betting shops are not permitted to admit anyone under 18;
- Bingo clubs may admit those under 18 but have policies to ensure that they do not play bingo, or play category B or C machines that are restricted to those over 18;
- AGCs are not permitted to admit those under 18;
- FECs and premises with an alcohol licence (for example pubs) can admit under 18s but they must not play

category C machines which are restricted to those over 18;

- Clubs with a club premises certificate can admit under-18s, but they must have policies to ensure those under 18 do not play machines other than category D machines;
- All tracks can admit under-18s, but they may only have access to gambling areas on days where races or other sporting events are taking place, or are expected to take place.⁴ Tracks will be required to have policies to ensure that under-18s do not participate in gambling other than on category D machines.

11.20 The Licensing Authority will 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, 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. The plan of the premises should clearly denote entrances and exits.

11.21 For bingo and FEC premises, it is a mandatory condition that under-18s should not have access to areas where category B and C gaming machines are located and this is achieved through further mandatory conditions that require the area to be:

- Separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for that purpose;

⁴ This was extended to other sporting venues under the Gambling Act 2005 (Exclusion of Children from Track Areas) Order 2007.

- Supervised at all times to ensure that under-18s do not enter the area, and supervised by either:
 - One or more persons whose responsibilities include ensuring that under-18s do not enter the areas;
 - CCTV monitored by one or more persons whose responsibilities include ensuring that under-18s do not enter the areas;
- Arranged in a way that ensures that all parts of the area can be observed;
- A notice must be displayed in a prominent place at the entrance to the area stating that no person under the age of 18 is permitted to enter the area.

11.22 The Licensing Authority is aware that products made available for use in gambling premises will often contain imagery that might be of particular appeal to children or young people. For example, cartoon imagery that is abundant on gaming machine livery. Where any such product is sited on age-restricted premises or in the age-restricted area of premises (and in particular, if sited close to the entrance or threshold and therefore visible to children or young people) licence holders should consider whether it might risk inviting under-18s to enter the restricted area.

11.23 The LCCP requires licence holders to ensure that their policies and procedures for preventing underage gambling take account of the structure and layout of their gambling premises. This therefore requires licensees not only to be able to supervise their premises but also that they should mitigate the risks of under-18s being attracted to enter premises by the products available within them. Where the Licensing Authority has concerns that such products are visible, it may require the licensee to re-site the products out of view.

Consideration of planning permission and building regulations

11.24 When determining applications, the Licensing Authority will not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. The Licensing Authority is aware that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling will only be issued in relation to premises that the Licensing Authority is satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. (Equally, licences will only be issued where they are expected to be used for the gambling activity named on the licence). It is for these reasons the Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete or they need alteration, or the applicant does not yet have a right to occupy them. Further information regarding provisional statements is set out in Section 21 of this document.

11.25 As the High Court has held in a 2008 case⁵, operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and the Licensing Authority is required to determine any such applications on their merits. Such cases should be considered in a two stage process; first, the Licensing Authority must decide whether, as a matter of substance after applying the principles in section 153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application the Licensing Authority will need to consider

if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

11.26 For example, where the operator has still to undertake final fitting out of the premises but can give a reasonably accurate statement as to when the necessary works will be completed, it may be sufficient to simply issue the licence with a future effective date, as is possible under the Regulations⁶. The application form allows the applicant to suggest a commencement date and the notice of grant allows the Licensing Authority to insert a date indicating when the premises licence comes into effect. In other cases, it may be appropriate to issue the licence subject to a condition that trading in reliance on it shall not commence until the premises have been completed in all respects in accordance with the scale plans that accompanied the licence application. If changes to the pre-grant plans are made, then parties who have made representations should be able to comment on the changes made.

11.27 If the plans submitted at the time of the application for a premises licence are changed in any material respect during the fitting out of the premises after the grant of the licence, then the applicant will be in breach of the licence if they provide facilities for gambling. If the applicant wishes to change the proposed plans after grant, then, in order to avoid breaching the licence, it will be necessary for the application to either make a fresh application under section 159 or seek an amendment to a detail of the licence under section 187 of the Act. If there are substantive changes to the plans then this may render the premises different to those for which the licence was granted. In such a case, variation of the licence under section 187 is not possible. For

this reason, and while this is a matter of judgement for the Licensing Authority, the Gambling Commission's guidance to licensing authorities considers that it would be more appropriate in the case of any material post grant change, for the applicant to make a fresh application under section 159 to preserve the rights of interested parties and responsible authorities to make representations in respect of the application.

11.28 The Licensing Authority will need to be satisfied in any individual case that the completed works comply with the original, or changed, plan attached to the premises licence. Depending upon circumstances, this will be achieved either through physical inspection of the premises or written confirmation from the applicant or surveyor that the condition has been satisfied.

11.29 The requirement for the building to be complete before trading commences will ensure that the Licensing Authority could, if considered necessary, inspect it fully, as could other responsible authorities with inspection rights under Part 15 of the Act. Inspection will allow the authorities to check that gambling facilities comply with all necessary legal requirements. For example, category C and D machines in a licensed FEC must be situated so that people under 18 do not have access to the category C machines. The physical location of higher stake gaming machines in premises to which children have access will be an important part of this, and inspection allows the Licensing Authority to check that the layout complies with the operator's proposals and the legal requirements.

11.30 In those circumstances where an application in respect of uncompleted premises which it appears are not going to be ready to be used for gambling for a considerable period of time, the Licensing Authority will consider whether, applying the two stage approach advocated above, it should grant a licence or whether the circumstances are more appropriate to a provisional statement

⁶ SI 2007/459: Premises Licensing and Provisional Statement Regulations

application. For example, the latter would be the case if there was significant potential for circumstances to change before the premises opens for business. In such cases, the provisional statement route would ensure that the limited rights of responsible authorities and interested parties to make representations about matters arising from such changes of circumstances are protected. The Licensing Authority may choose to discuss with individual applicants which route is appropriate, to avoid them having to pay a fee for an application that the Licensing Authority did not think was grantable.

- 11.31 When dealing with a premises licence application for finished buildings, the Licensing Authority will not take into account whether those buildings have to comply with the necessary planning or building consents. Similarly, no fire or health and safety risks will be taken into account. Those matters will be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. Section 210 of the Act prevents the Licensing Authority taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

12.0 The Licensing Objectives

- 12.1 As stated previously, in exercising its functions under the Act, particularly in relation to premises licences, temporary use notices and some permits, the Licensing authority must have regard to the licensing objections set out in Section 1 of the Act.
- 12.2 Set out below are the factors that the Licensing Authority will take into consideration when undertaking its statutory functions:

Objective 1: Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

- 12.3 The Licensing Authority will take into consideration the location of the premises in the context of this licensing objective. For example, in considering an application for a premises licence or permit that is in an area noted for particular problems with disorder, organised criminal activity etc or if there is a history of crime and disorder associated with the premises or its use by those involved in crime to associate or dispose of the proceeds of crime.

In those circumstances, the Licensing Authority will take into account the following considerations, where relevant in determining applications and reviews:

- Additional conditions on the licence for the requirement of door supervisors, provision of CCTV and minimum levels of staffing;
- Suitability of the premises in terms of the layout, lighting and fitting out of the premises to ensure that it has been designed so as to minimise conflict and reduce opportunities for crime and disorder to arise;
- Whether sufficient management measures are proposed or in place;
- Consideration of the operator's own risk assessment.

- 12.4 In the context of gambling premises licences, the Licensing Authority will generally consider disorder as activity that is more serious and disruptive than mere nuisance. Factors which will be considered in determining whether a disturbance was serious enough to constitute disorder will include (but not limited to):

- Whether police assistance was required;

- How threatening the behaviour was to those who could see or hear it.

The Licensing Authority recognises that there is not a clear line between nuisance and disorder so it will take appropriate advice before determining what action to take in circumstances in which disorder may be a factor.

- 12.5 Regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, rather than on operating licences. However, if there are persistent or serious disorder problems that an operator could or should do more to prevent, the Licensing Authority will bring this to the attention of the Gambling Commission so it can consider the continuing suitability of the operator to hold an operating licence.
- 12.6 The Licensing Authority is aware that there are a number of voluntary initiatives that the gambling industry participates in to address issues such as underage access, staff safety and security, and will undertake enquiries with operators as to which (if any) scheme the operator is a part of.
- 12.7 The Licensing Authority will not investigate the suitability of an applicant for a premises licence, including in relation to crime. The issue of suitability will already have been considered by the Gambling Commission, because any applicant (except occupiers of tracks who do not propose to offer gambling themselves) will have to hold an operating licence from the Commission before the premises licence can be issued. However, if the Licensing Authority receives information during the course of considering a premises licence application or at any other time, that causes it to question the suitability of the applicant to hold an operating licence, these concerns will be brought to the attention of the Commission without delay.

Objective 2: Ensuring that gambling is conducted in a fair and open way.

- 12.8 In accordance with the Guidance issued by the Commission, the Licensing Authority does not expect to have to involve itself with issues of fairness and openness on a frequent basis. Fairness and openness is likely to relate to either the way specific gambling products are provided and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence. However if the Licensing Authority suspects that gambling is not being conducted in a fair and open way this will be brought to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence or of an individual to hold a personal licence.
- 12.9 In relation to the licensing of tracks, the Licensing Authority's role will be different from other premises in that track owners will not necessarily have an operating licence. In those circumstances it may be appropriate for the imposition of conditions to ensure that the environment in which betting takes place is suitable. Factors which will be considered in determining whether such measures are in place to ensure that the gambling activity is conducted in a fair and open way will include (but not limited to):
- Whether the layout, lighting and fitting out of the premises have been designed so as to ensure gambling is conducted in a fair and open way;
 - Whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way;
 - Whether the management and operation of the premises is open and transparent;
 - Whether the operators of the premises have been or will be fully co-operative with enforcement agencies;

- Whether the Commissions Codes of Practice have been complied with.

Objective 3: Protecting children and other vulnerable persons from being harmed or exploited by gambling.

12.10 In exercising its powers under Section 153, the Licensing Authority will consider whether staff will be able to adequately supervise the gambling premises, as adequate staffing levels is a factor to consider regarding the prevention of underage gambling. The Licensing Authority will seek to work with an operator to consider how many impediments to the supervision of premises might be most appropriately remedied. Supervision also applies to premises that are themselves not age-restricted (eg bingo and family entertainment centre (FEC) premises) but which make gambling products and facilities available.

12.11 In those situations where the Licensing Authority believes that the structure or layout of a premises to be an inhibition or potential inhibition to satisfying this licensing objective, the licence holder should consider what changes are required to ensure the risk is mitigated. Such changes might include:

- The positioning of staff or CCTV;
- The use of floor-walkers;
- Relocation of the staff counter to enable direct line of sight.

The Licensing Authority will consider the proportionality of changes to the physical layout in relation to other measures that could be put into place.

12.12 If an operator fails to satisfy the Licensing Authority that the risks are sufficiently mitigated, it may consider it appropriate to instigate a review of the premises licence.

12.13 In relation to casinos, the Gambling Commission has issued a code of practice on access to casino premises by children and young persons, as provided for by section 176 of the Act. This is available as part of the Licence Conditions and Codes of Practice (LCCP) and in accordance with section 176 of the Act, adherence to the code will be a condition of the premises licence.

12.14 The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Licensing Authority notes that the Commission does not seek to define "vulnerable persons" but it does, for regulatory purposes, assume that this group includes:

- People who gamble more than they want to;
- People who gamble beyond their means; and
- People who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs.

13.0 Premises Licence Conditions

13.1 The Act provides that licences may be subject to conditions in a number of ways:

- They may attach automatically, having been set in the Act;
- They may attach through regulations made by the Secretary of State;
- They may be attached to operating and personal licences by the Gambling Commission;
- They may be attached to premises licences by the Licensing Authority.

13.2 Conditions may sometimes be general in nature attaching to all licences or all licences of a particular class, or they may be specific to a particular licence.

13.3 Conditions on premises licences shall only relate to gambling, as considered appropriate in the light of the principles to be applied by the Licensing Authority under section 153. Accordingly, if the Gambling Commission's LCCP or other legislation places particular responsibilities or restrictions on an employer or the operator of premises, it is not appropriate to impose the same through conditions on a premises licence.

13.4 The Licensing Authority will make decisions on conditions on a case-by-case basis, and in the context of the principles of section 153. It will aim to permit the use of premises for gambling and so will not attach conditions that limit their use except where it is necessary in accordance with the licensing objectives, the Commission's codes of practice and Statutory Guidance, or its own statement of licensing policy. Conversely, the Licensing Authority will not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions.

13.5 Conditions imposed by the Licensing Authority will be proportionate to the circumstances which they are seeking to address. In particular, the Licensing Authority shall ensure that the premises licences conditions are:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises (including the locality and any identified local risks) and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises;
- Reasonable in all other respects.

13.6 Where there are risks associated with a specific premises, the Licensing Authority may consider it necessary to attach conditions to the licence to address those risks, taking account of the local circumstances.

Conditions that may not be attached to premises licences by the Licensing Authority

13.7 The Act sets out certain matters that may not be the subject of conditions:

- Section 169(4) prohibits a Licensing Authority from imposing a condition on a premises licence which makes it impossible to comply with an operating licence condition;
- Section 170 provides that membership of a club or body cannot be required by attaching a condition to a premises licence (the Act specifically removed the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- Section 171 prevents a Licensing Authority imposing conditions in relation to stakes, fees, winnings or prizes.
- Section 172(10) provides that conditions may not relate to gaming machine categories, numbers, or method of operation;

14.0 Adult Gaming Centres (AGCs)

14.1 Persons operating an adult gaming centre (AGC) must hold a "gaming machines general operating licence (adult gaming centre) from the Gambling Commission and a premises licence from the Licensing Authority. They are able to make category B, C and D gaming machines available.

14.2 No-one under the age of 18 is permitted to enter an AGC. The Act sets out

offences of inviting, causing or permitting a child or young person to gamble, or to enter certain gambling premises. In addition, Social Responsibility (SR) code 3.2.3(3) in the Licence Conditions and Codes of Practice (LCCP) states that *"licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises in order to prevent underage gambling"*.

14.3 The Licensing Authority will have particular regard to the location of and entry to AGCs to minimise the opportunities for under-18s to gain access. This will be of particular importance in those areas where young people may be unsupervised for example where an AGC is in a complex, such as a shopping centre.

14.4 The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives, however appropriate measures/licence conditions may encompass issues such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances/machine areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive and is merely indicative of example measures.

14.5 Gaming machine provisions by premises are set out in the Act and provides that the holder of an AGC premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of

gaming machines which are available for use on the premises and any number of category C or D machines. For example, a premises with a total of 25 gaming machines available for use can make five or fewer category B3 gaming machines available on those premises.

14.6 Premises subject to a licence granted before 13 July 2011 are entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever is the greater. AGC premises licences granted on or after 13 July 2011 are entitled to 20% of the total number of gaming machines only. Regulations specify that the category B machines should be restricted to sub-category B3 and B4 machines, but not B3A machines.⁷

14.7 Where the operator of an existing AGC premises licence applies to vary the licence and acquire additional AGC premises licences - so that the area that was the subject of a single licence will become divided between a number of separate licensed premises - each separate licensed premises must only contain the permitted machine entitlement. For example, where two separate AGC premises have been created adjacent to each other by splitting a pre-existing premises, it is not permissible to locate eight category B3 gaming machines in one of the resulting premises and none in the other, as the gaming machine entitlement for that premises would be exceeded.

AGC premises licences conditions

14.8 As set out in paragraph 13 above, premises licences can be subject to mandatory and default conditions that attach to premises licences.

14.9 Currently there are no default conditions specific to AGCs.

14.10 The following mandatory conditions apply to AGCs:

- A notice must be displayed at all entrances to AGCs stating that no person under the age of 18 years will be admitted to the premises;
- There can be no direct access between an AGC and any other premises licensed under the Act or premises with a family entertainment centre (FEC), club gaming, club machine or alcohol licensed premises gaming machine permit;
- Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so;
- The consumption of alcohol in AGCs is prohibited at any time during which facilities for gambling are being provided on the premises. A notice stating this should be displayed in a prominent place at every entrance to the premises.

15.0 (Licensed) Family Entertainment Centres

15.1 The Act creates two classes of family entertainment centre (FEC). Unlicensed FECs provide category D machines only and are regulated through FEC gaming machine permits. Persons operating a licensed FEC must hold a gaming machine general operating licence (Family Entertainment Centre) from the Gambling Commission and a premises licence from the Licensing Authority. They will be able to make category C and D gaming machines available.

15.2 FECs are commonly located at seaside resorts, in airports and at motorway service stations, and cater for families, including unaccompanied children and young persons.

15.3 Children and young persons are permitted to enter an FEC and may use category D machines. They are not

permitted to use category C machines and it is a requirement that there must be clear segregation between the two types of machine, so that under 18s do not have access to them. Social Responsibility (SR) code 3.2.5(3) in the LCCP states that *"licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling"*.

15.4 SR 3.2.5(2) requires operators to ensure that employees prevent access and challenge children or young persons who attempt to use category C machines.

15.5 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures in place to ensure that persons under the age of 18 do not have access to the adult only gaming machine areas.

15.6 The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives, however appropriate measures/licence conditions may encompass issues such as:

- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare;
- Measures/training for staff on how to deal with suspected truant school children on the premises.

This list is not mandatory, nor exhaustive and is merely indicative of example measures.

- 15.7 The Licensing Authority will have regard to the Gambling Commission's guidance on any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated but may require further measures on physical separation and controls on entry.

Licensed FEC premises licence conditions

- 15.8 Currently there are no default conditions specific to FECs.
- 15.9 The following mandatory conditions apply to FECs:

- The summary of the terms and conditions of the premises licence issued by the Licensing Authority under section 164(1)(c) of the Act must be displayed in a prominent place within the premises;
- The layout of the premises must be maintained in accordance with the plan;
- The premises must not be used for the sale of tickets in a private lottery or customer lottery, or the National Lottery;
- No customer shall be able to enter the premises directly from a casino, an adult gaming centre or betting premises (other than a track);
- Any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so;
- Over-18 areas within FECs that admit under-18s, must be separated by a barrier with prominently displayed notices at the entrance stating that under-18s are not allowed in that area and with adequate supervision in place to ensure that children and

young persons are not able to access these areas or the category C machines. Supervision may be done either by placing the terminals within the line of sight of an official of the operator or via monitored CCTV;

- The consumption of alcohol in licensed FECs is prohibited at any time during which facilities for gambling are being provided. A notice stating this should be displayed in a prominent position on the premises.

16.0 Casinos

- 16.1 Under the Act, the Licensing Authority has the role of issuing premises licence for casinos and monitoring those licences.
- 16.2 New casino premises issued under the Act fall into one of two categories namely large casino premises licence or small casino premises licence, however, this Licensing Authority cannot grant any new casino premises licences having regard to the regulations governing the grant of new casino licences.
- 16.3 There is a third category of casino that is permitted through transitional arrangements under Schedule 18 of the Act, which may be referred to as "*1968 Act converted casinos*". This policy will only relate to this category of casino licences in relation to variation applications. In addition to the standard variation applications (eg. To remove a default condition, increase the licensable area of the premises etc) an existing converted casino premises licence can be varied to relocate the licence to another premises providing those premises are wholly or partly situated in the area of the Licensing Authority which issued the licence.⁸

16.4 These casinos retain the rights to gaming machines equivalent to their entitlements under previous legislation. That means they are permitted no more than 20 machines of category B to D (except B3A machines), or they may elect to have any number of category C or D machines instead (as was the case under the Gaming Act 1968). There is no table-to-machine ratio in these casinos.

16.5 No-one under the age of 18 is permitted to enter a casino and operators are required to display notices to this effect at all entrances to a casino. Social Responsibility (SR) code 3.2.1(2) states that *"licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises"* in order to prevent underage gambling. There must also be a door supervisor at every entrance to a casino to ensure that this restriction is enforced (SR 3.2.1(3)). Children and young persons are not allowed to be employed at premises with a casino premises licence.

No Casinos resolution

16.6 The Licensing Authority has not passed a "no casino" resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

16.7 Any such decision will be made by the Full Council.

Casino premises licence conditions

16.8 The following default condition applies to all casino premises licences:

- The default opening hours of all casinos are noon to 6 am.

16.9 The following mandatory conditions apply to **ALL** casino premises licences:

- Access to premises is regulated to add additional safeguards for both the public and industry. The principal entrance to the casino should be from a street. A street is defined as including any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping centres), whether it is a thoroughfare or not.
- No customer must be able to enter the casino from any other premises holding a casino, bingo, adult gaming centre (AGC), family entertainment centre (FEC) or betting premises licence, or from premises where a FEC, club gaming and club machine, or licensed premises gaming machine permit, has effect;
- There should be no access to a casino from premises wholly or mainly used by children and young persons;
- No other gambling equipment may be situated within two metres of any ordinary gaming table. For the purposes of these conditions an ordinary gaming table means one which is not wholly or partially automated;
- A maximum of 40 separate player positions may be made available for use in relation to wholly automated gaming tables at any time;
- All casinos must display the rules of each type of casino game that can be played on the premises in a prominent place within both the table gaming area and other gambling areas to which customers have unrestricted access. Licensees may do this either by displaying clear and legible signs or by making available to customers leaflets or other written material setting out the rules;
- ATMs must be positioned so that customers must cease to gamble at tables or gaming machines in order to use them;

and in respect of converted casino premises licences the following mandatory conditions apply:

- A notice shall be displayed at all entrances to the casino stating that no person under the age of 18 will be admitted;
- Casinos with converted licences, and that have a gambling area of over 200 square metres, must offer a minimum non-gambling area equivalent to at least 10% of its total gambling area. In determining the floor area of the gambling area, all areas in which facilities for gambling are provided should be taken into account. The non-gambling area may consist of one or more areas within the casino. These areas must be readily available to customers (ie offices, kitchen areas, employee areas will not count). They may include, but should not consist exclusively of, lavatories and lobby areas. The area must also include recreational facilities for casino customers that are available for use when the casino is open; where there is more than one area each area must contain recreational facilities. No gambling facilities may be offered in the non-gambling areas.

17.0 Bingo

17.1 Bingo is not given a statutory definition in the Act although two types of bingo are commonly understood:

- Cash bingo, where the stakes paid make up the cash prizes that are won;
- Prize bingo, where various forms of prizes are won, not directly related to the stakes paid.

17.2 The game and rules of bingo have evolved to the point where, despite the absence of any formal industry standard, the way in which bingo is played is broadly similar throughout Great Britain. Bingo is equal chance gaming.

17.3 Cash bingo is the main type of bingo played in commercial bingo premises. They also offer prize bingo, largely as games played in the intervals between main stage games. This means that only premises with a bingo premises licence, or a large casino premises licence issued under the Act (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms.

17.4 As well as commercial bingo premises, bingo can be found in other gambling premises. Prize bingo is traditionally a game played in arcades, especially seaside amusement arcades, or at travelling funfairs. For these operators, prize bingo is subject to the allowances for prize gaming in the Act. This means that, subject to limits on participation fees and prizes, adult gaming centres, licensed and unlicensed family entertainment centres, and travelling fairs, (or any premises with a prize gaming permit) are able to offer prize gaming, which includes prize bingo. In this form of gaming, the nature of the prize must not be determined by reference to the number of people playing the game, and the nature or the size of the prize must not be determined by reference to the amount paid for or raised by the gaming.

17.5 The Licensing Authority will need to be satisfied that bingo can be played in any premises for which it issues a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site and therefore the applicant will need to demonstrate to the Licensing Authority's satisfaction that bingo can be played at each of those new premises.

- 17.6 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 the age of 16) cannot be employed. 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. Further information on the restrictions that apply are set out in the Licence Conditions and Code of Practice (LCCP) issued by the Gambling Commission.
- 17.7 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed. Social Responsibility (SR) code 3.2.5(3) states that *"licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling"*.
- 17.8 Section 172(7) of the Act, as amended, provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. For example, a premises with a total of 25 gaming machines available for use can make five or fewer category B3 gaming machines available on that premises. Premises that were licensed before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. There are no restrictions on the number of category C or D machines that can be made available. Regulations state that category B machines at bingo premises are restricted to sub-category B3 (but not B3A) and B4 machines.
- 17.9 The gaming machines must remain within the licensed area covered by the premises licence. In the unusual circumstances that an existing bingo premises covered by one premises licence applies to vary the licence and acquire additional bingo premises licences (so that the area that was the subject of a single licence will become divided between a number of separate licensed premises) it is not permissible for all of the gaming machines to which each of the licences brings an entitlement to be grouped together within one of the licensed premises.
- 17.10 Bingo is a class of equal chance gaming permitted on alcohol-licensed premises, and in clubs and miners' welfare institutes, under the allowances for exempt gaming in Part 12 of the Act. There are regulations setting controls on this form of gaming, to ensure that it remains a low stakes and prizes activity.⁹
- 17.11 In addition, rules are laid down in the Act about the playing of bingo specifically in alcohol-licensed premises, clubs and miners' welfare institutes. Where the level of bingo played in these premises reaches a certain threshold, it will no longer be authorised by these rules and a bingo operating licence will have to be obtained by the Gambling Commission for future bingo games. Even in this circumstance, bingo can still only be offered under the rules for exempt gaming. The aim of these provisions is to prevent bingo becoming a predominant commercial activity on such non-gambling premises.
- 17.12 The threshold is reached if the bingo played during any seven-day period exceeds £2,000 (either in money taken or prizes awarded) once in a year, referred to as "high turnover bingo". There is a legal duty on the licensee or club to inform the Gambling Commission if they offer high turnover bingo in any seven day period. This allows the Commission

to monitor the bingo activity on the premises, and discuss with the relevant licensee or club the point at which a bingo operating licence may be needed. A "high turnover period" begins with the first day of the seven day period in which the threshold was exceeded and lasts for a year. If a second period of high turnover bingo occurs within that year, a bingo operating licence will be required. Where bingo is played in a members club under a bingo operating licence no premises licence will be required.

- 17.13 If it comes to the attention of the Licensing Authority that alcohol-licensed premises or clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes, that makes it possible that the £2,000 in seven days is being exceeded, it will inform the Gambling Commission.

Bingo premises licence conditions

- 17.14 The following default condition applies to bingo premises licences:

- Bingo facilities in bingo premises may not be offered between the hours of midnight and 09:00 hours.

However, there are no restrictions on access to gaming machines in bingo premises.

- 17.15 The following mandatory conditions apply to bingo premises licences:

- A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises;
- No customer shall be able to enter bingo premises directly from a casino, an adult gaming centre or betting premises (other than a track);
- Over 18 areas within bingo halls that admit under-18s must be separated by a barrier with prominently displayed notices stating that under-18s are not allowed in that area and

with adequate supervision in place to ensure that children and young people are not able to access these areas or the category B or C machines.

Supervision may be done either by placing the terminals within the line of sight of an official of the operator or via monitored CCTV;

- Any admission charges, the charges for playing bingo games and the rules of bingo must be displayed in a prominent position on the premises. Rules can be displayed on a sign, by making available leaflets or other written material containing the rules, or running an audio-visual guide to the rules prior to any bingo game being commenced;
- Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

18.0 Betting premises

- 18.1 The Act contains a single class of licence for betting premises although within this, there are different types of premises which require licensing. This paragraph covers off-course betting which is betting that takes place other than at a track (more commonly known as licensed betting office). Tracks are discussed in paragraph 19 below. For information, there are also betting offices on tracks that have a separate premises licence from the track licence, which is also discussed in paragraph 19.

- 18.2 The Act also permits betting intermediaries to operate from premises. Section 13 of the Act defines a betting intermediary as a person who provides a service designed to facilitate the making or acceptance of bets between others. Although betting intermediaries usually offer their services via remote communication, such as the internet, a betting intermediary can apply for a betting premises licence to offer intermediary services upon the premises, such as a premises based trading room.

- 18.3 Children and young persons are not permitted to enter premises with a betting premises licence, although exemptions apply to tracks. Sections 46 and 47 of the Act set out the offences of inviting, causing or permitting a child or young person to gamble, or to enter certain gambling premises.
- Social Responsibility (SR) code 3.2.7(3) in the Licence Conditions and Codes of Practice (LCCP) states that *"licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises"* in order to prevent underage gambling. Children and young persons are not allowed to be employed at premises with a betting premises licence.
- 18.4 Section 172(8) of the Act provides that the holder of a betting premises licence may make available for use up to four gaming machines of category B, C or D. Regulations state that category B machines at betting premises are restricted to sub-category B2, B3 and B4 machines.
- 18.5 Section 235(2)(c) of the Act provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. 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 machines are known as Self-Service Betting Terminals (SSBTs) and are not deemed to be gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. SSBTs merely automate the process that can be conducted in person and the Act exempts them from regulation as a gaming machine.
- 18.6 However, where a machine is made available to take bets on virtual races (that is, results and/or images generated by computer to resemble races or other events) that machine **is** a gaming machine and counts towards the maximum permitted number of gaming machines, and must meet the relevant category limitations for the premises.
- 18.7 Section 181 of the Act contains an express power for Licensing Authorities to restrict the number of SSBTs, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence (or a casino premises licence where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of SSBTs in particular premises, the Licensing Authority, amongst other things, shall take into account the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.
- 18.8 Where SSBTs include the functionality to be marketed or presented in foreign languages, the Licensing Authority will seek to ensure that the operator has considered the ordinary code provision about making the following information also available in those languages:
- The information on how to gamble responsibly and access to help referred to in the LCCP;
 - The players guides to any game, bet or lottery required to be made available to customers under provisions in LCCP;
 - The summary of the contractual terms on which gambling is offered, which is required to be provided to customers as a condition of the licensee's operating licence.
- 18.9 The Licensing Authority is concerned at the potential effects of excessive use of Fixed Odds Betting Terminals (FOBTs) by customers who may be at least able to afford to lose cash, coupled with the speed and ease with which they can gamble compared with other forms of gambling.

18.10 Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs), then applicants should consider the following proposed measures to protect and support vulnerable persons;

- Leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets;
- Training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who are vulnerable;
- Trained personnel for the purposes of identifying and providing support to vulnerable persons;
- Self-exclusion schemes;
- Operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people;
- Posters with GamCare Helpline and website in prominent locations;
- Windows, entrances and advertisements to be positioned or designed not to entice passers-by.

18.11 It is acknowledged that some of the proposed measures above form part of the mandatory conditions placed on premises licences.

18.12 The Licensing Authority may consider any of the above or similar measures as licence conditions should these not be adequately addressed by

mandatory conditions, default conditions or proposed by the applicant.

Betting premises licence conditions

18.13 The following default condition applies to betting premises licences:

- Gambling facilities may not be offered in betting premises between the hours of 10pm on one day and 7am on the next day, on any day.

18.14 The following mandatory conditions apply to betting premises licences:

- A notice shall be displayed at all entrances to the betting premises stating that no person under the age of 18 will be admitted. The notice should be clearly visible to people entering the premises;
- There must be no access to betting premises from other premises that undertake a commercial activity (except from other premises with a betting premises licence including tracks). Except where it is from other licensed betting premises, the entrance to a betting shop should be from a street (defined as including any bridge, road, lane, footway, subway, square, court, alley or passage - including passages through enclosed premises such as shopping centres - whether a thoroughfare or not);
- Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or self-service betting terminal (SSBT) in order to do so;
- No apparatus for making information or any other material available in the form of sounds or visual images may be used on the licensed premises, except where used to communicate:
 - Information about or coverage of sporting events, including

information relating to betting on such events (and incidental information including advertisements);

- Information relating to betting (including results) on any event in connection with which bets may have been affected on the premises.

Betting operator-owned TV channels are permitted.

- No music, dancing or other entertainment is permitted on betting premises. This includes any form of entertainment such as apparatus producing sound or visual images which do not fall within the condition above or machines which do not come within the categories of machine explicitly allowed in betting premises under section 172(8) of the Act;
- The consumption of alcohol on the premises is prohibited during any time which facilities for gambling are being provided on the premises;
- The only publications that may be sold or made available on the premises are racing periodicals or specialist betting publications;
- A notice setting out the terms on which a bet may be placed must be displayed in a prominent position on the premises.

19.0 Tracks

19.1 Section 353 of the Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

19.2 The Act does not give a list of premises that are officially recognised as "tracks" but there are a number of venues where sporting events do or could take place, and accordingly could accommodate the provision of betting facilities. Examples of tracks include:

- A horse racecourse;
- A greyhound track;
- A point-to-point horserace meeting;
- Football, cricket and rugby grounds;
- An athletics stadium;
- A golf course;
- Venues hosting darts, bowls, or snooker tournaments;
- A premises staging boxing matches;
- A section of river hosting a fishing competition;
- A motor racing event.

19.3 The above list is not exhaustive as, in theory, betting could take place at any venue where a sporting or competitive event is occurring. While many of these venues are not commonly understood to be "tracks", they fall within the definition of "track" in the Act.

19.4 The Act does not define what constitutes a sporting event or race and the Licensing Authority will decide this on a case by case basis.

19.5 If an individual or company wants to offer betting facilities at a sporting event then different forms of "approval" are available, one of which must be obtained if betting is to be provided, irrespective of whether the betting is generally incidental to the main sporting activity. The different types of approval for the provision of facilities at premises are:

- A premises licence;
- An occasional use notice;

19.6 There are differences between track premises licences and most other premises licences. In essence, tracks admit third-party operators to provide betting facilities whereas other premises licence holders - betting shops, bingo clubs and casinos for instance - provide the gambling facilities themselves and are subject to the conditions of the operating licence as well as the premises licence.

- 19.7 The Act recognises that tracks are primarily premises intended for entertainment other than gambling and therefore places no restrictions on offering ancillary entertainment including allowing music, dancing or other entertainment on the premises and the sale of alcohol.
- 19.8 Premises licences in relation to tracks differ from other types of premises licences in a number of ways. Most importantly, the applicant for the licence need not hold an operating licence from the Commission.
- 19.9 Tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. For example, a limited number of track premises licences will be held by operators of pool betting licences, who may also have an alcohol licence for the premises. The Act sets out that there can be a primary premises licence for the track and, in addition, subsidiary premises licences for other parts of the track. This allows track venues to develop leisure facilities such as a casino and apply for a premises licence for that part of the track.
- 19.10 The offence of inviting or permitting a child or young person to enter gambling premises under section 47 of the Act does **not** apply to tracks (section 47(4)). Children and young persons are allowed to be present on the track while a sporting event is taking place on those licensed premises.
- 19.11 The Licensing Authority expects the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. Children and young persons are permitted to enter track areas where facilities for betting are provided but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

- 19.12 The Licensing Authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Self-exclusion schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Gaming machines

- 19.13 Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines other than category D machines) should be located in areas from which children are excluded.

Betting machines

- 19.14 The Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises 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 people, when considering the number, nature, and circumstances of betting machines an operator wants to offer.

Track betting premises licence conditions

- 19.15 The following default condition applies to track betting premises licences:
- Subject to paragraph 2 below, no facilities for gambling shall be provided on the

premises between the hours of 10 pm on one day and 7 am on the next day.

- The prohibition in paragraph 1 above does not apply on days when a sporting event is taking place on the premises, in which case gambling transactions may take place at any time during the day.

19.16 The following mandatory conditions apply to track betting premises licences:

- No customer shall be able to access the premises directly from any other premises in respect of which one of the following premises licences has effect:
 - A casino premises licence;
 - An adult gaming centre premises licence.
- A notice stating that no person under the age of 18 is permitted to bet on the premises shall be displayed in a prominent place at every public entrance to the premises;
- The terms on which a bet may be placed must be displayed in a prominent place within the premises to which customers wishing to use facilities for betting have unrestricted access;
- The premises licence holder shall make arrangements to ensure that betting operators who are admitted to the premises for the purpose of accepting bets:
 - Will be operating under a valid operating licence; and
 - Are enabled to accept such bets in accordance with the conditions imposed under sections 92 (general betting operating licence) or 93 (pool betting operating licence) of that Act or an authorisation under section 94 (horse-race pool betting operating licence) of that Act.

- The premises licence holder shall make arrangements to ensure that reasonable steps are taken to remove from the premises any person who is found to be accepting bets on the premises otherwise than in accordance with the Act;
- Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

19.17 The following mandatory conditions apply to track premises licences in respect of premises that are dog racing tracks:

- A totalisator on the premises shall only be operated:
 - While the public are admitted to the premises for the purpose of attending dog races and no other sporting events are taking place on the premises; and
 - For effecting with persons on the premises betting transactions on dog races taking place on the premises.
- At any time during which the totalisator is being lawfully used on the premises:
 - No betting operator or betting operator's assistant shall be excluded from the premises by reason only of the fact that he proposes to accept or negotiate bets on the premises; and
 - There shall be made available on the premises space for betting operators and betting operators' assistants where they can conveniently accept and negotiate bets in connection with dog races run on the premises on that day. (This is without prejudice to section 180 (pool betting on dog races) of the Act.

- For the purposes of the Act "totalisator" means the apparatus for betting known as the totalisator or pari mutual, or any other machine or instrument of betting of a like nature, whether mechanically operated or not.

20.0 Travelling Fairs

- 20.1 The Act defines a travelling fair as "*wholly or principally*" providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. The Act does not change the principles on which travelling fairs have been regulated under previous legislation.
- 20.2 Travelling fairs may provide an unlimited number of category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair. They do not require a permit to provide these gaming machines but must comply with legal requirements about how the machine operates.
- 20.3 Higher stake category B and C fruit machines, like those typically played in arcades and pubs, are not permitted. Fairground operators must source their machines from a Gambling Commission licensed supplier and employees working with gaming machines must be at least 18 years old.
- 20.4 The 27 day maximum is during a calendar year and not in any 12-month period, and applies to the piece of land on which fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority will monitor the use of the land and record the dates on which it is used.

21.0 Provisional Statements

- 21.1 Section 204 of the Act allows a person to make an application for a provisional statement in respect of premises that he or she:

- Expects to be constructed;
- Expects to be altered; or
- Expects to acquire a right to occupy.

- 21.2 Developers may wish to apply for provisional statements before they enter into a contract to buy or lease property or land, to judge whether a development is worth taking forward in light of the need to obtain a premises licence. It is also possible for an application for a provisional statement to be made for premises that already have a premises licence, either for a different type of gambling or the same type.
- 21.3 Whilst applicants for premises licences must hold or have applied for an operating licence from the Commission (except in the case of a track), and they must have the right to occupy the premises in respect of which their premises licence application is made, these restrictions do not apply in relation to an application for a provisional statement.
- 21.4 In circumstances where an applicant has applied to the Commission for an operating licence, the Commission will not be able to comment on whether the application is likely to be granted. The Licensing Authority will not speculate on or otherwise take into account the likelihood of an operating licence being granted in its consideration of the application for a provisional statement.
- 21.5 Subject to any necessary modifications, the process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 21.6 Once the premises are constructed, altered, or acquired the holder of a provisional statement can put in an application for the necessary premises

licence. A premises licence application for a premises where the applicant already holds a provisional statement for that premises attracts a lower application fee. Section 205 of the Act sets out rules on how the Licensing Authority must deal with the application.

21.7 If a provisional statement has been granted, the Licensing Authority is constrained in the matters it can consider when an application for a premises licence is made subsequently in relation to the same premises.

21.8 No further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances.

21.9 In addition, the Licensing Authority may refuse the premises licence, or grant it on terms different to those attached to the provisional statement, only by reference to matters:

- Which could not have been raised by way of representations at the provisional licence stage;
- Which, in the authority's opinion, reflect a change in the operator's circumstances;
- Where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and the Licensing Authority will seek to discuss any concerns they have with the applicant before making a decision.

21.10 Section 210 of the Act, which applies to both premises licences and provisional statements, makes it clear that the Licensing Authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

22.0 Reviews

22.1 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. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- 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 the Licensing Authority's statement of principles.

22.2 The request for the review will also be subject to the consideration by the Authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause the authority to wish alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

22.3 The Licensing Authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

22.4 Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

22.5 The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

22.6 The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are:-

- Add, remove or amend a licence condition imposed by the Licensing Authority;
- Exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- Suspend the premises licence for a period not exceeding three months;
- Revoke the premises licence.

22.7 In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

22.8 In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

22.9 Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Gambling Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

PART C - Permits/Temporary & Occasional Use Notices

23.0 Permits - General

23.1 Permits regulate gambling and the use of gaming machines in a premises which does not hold a premises licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.

23.2 The Licensing Authority is responsible for issuing the following permits:

- Unlicensed family entertainment gaming machine permits;
- Alcohol-licensed premises gaming machine permits;
- Prize gaming permits;
- Club gaming permits and club machine permits.

23.3 The Licensing Authority can only grant or reject an application for a permit and cannot attach conditions. Therefore, the Authority will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

24.0 Unlicensed Family Entertainment Centre (UFEC) Gaming Machine Permits

24.1 Unlicensed family entertainment centres (UFEC) are 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, although there may be other considerations, such as fire regulations and health and safety, to take into account. Permits cannot be issued in respect of vessels or vehicles.

24.2 UFECs are premises which are "wholly or mainly" used for making gaming machines available. The permit cannot therefore be granted for an entire shopping centre, airport or bowling alley, for example.

24.3 Having regard to the fact that category D machines have no age restrictions, it is likely that the premises will particularly appeal to children and young persons, the Licensing Authority will give weight to matters relating to the protection of children from being harmed or exploited by gambling.

24.4 The Licensing Authority will only grant a permit if it is satisfied that the premises will be used as an UFEC and following consultation with the Chief Officer of Police.

24.5 The Licensing Authority will require applicants to demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in UFECs;
- 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.

24.6 The Licensing Authority will also 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. The efficiency of such policies will each be considered on their merits, however, they may include the following:

- 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;

- Measures/training covering how staff would identify the signs and symptoms of persons engaged in the illegal use of controlled drugs.

25.0 Alcohol Licensed Premises Gaming Machine Permits

Automatic entitlement to two machines

25.1 Section 282 of the Act provides an automatic entitlement to alcohol licence holders to make available two gaming machines (of category C or D) for use in alcohol-licensed premises. To take advantage of this entitlement, the person who holds the on-premises alcohol licence must give notice to the Licensing Authority of their intention to make gaming machines available for use, and must pay the prescribed fee.

25.2 The Licensing Authority may remove the automatic authorisation in respect of any particular premises by making an order under section 284 of the Act 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 182 of Act (for example 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.

Permit for 3 or more gaming machines

- 25.3 If an alcohol licensed premises wishes to have more than 2 category C or D machines then its needs to apply to the Licensing Authority for a permit.
- 25.4 Holders of licensed premises gaming machine permits are required to comply with a code of practice issued by the Gambling Commission on the location and operation of machines.
- 25.5 In determining an application, the Licensing Authority will have regard to the licensing objectives and the Commission Guidance. It may also take account of any other matters that are considered relevant to the application.
- 25.6 Such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures in place to ensure that persons under the age of 18 do not have access to the adult only gaming machines. Measures may include:
- The adult machines being in sight of the bar, or in the sight of staff who will ensure that the machines are not being used by persons under the age of 18;
 - Notices and signage;
 - Provision of information leaflets/helpline numbers for organisations such as GamCare.
- 25.7 If the Licensing Authority is not satisfied that appropriate measures have been taken by the applicant to comply with this policy, it will refuse to grant the permit, or it may vary the number or category of gaming machines authorised by the permit.
- 25.8 The Authority may also cancel a permit or may vary the number or category (or

both) of gaming machines authorised by it if:

- It would not be reasonably consistent with the promotion of the licensing objectives for the permit to have effect;
- Gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit;
- The premises are mainly used or to be used for making gaming machines available; or
- An offence under the Act has been committed on the premises.

- 25.9 Some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for and dealt with as an Adult Gaming Centre Premises Licence.

26.0 Prize Gaming Permits

- 26.1 Section 288 of the Act defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.
- 26.2 Prize gaming may take place without a permit at various premises which are casinos, bingo halls, adult gaming centres, licensed FECs and unlicensed FECs (restricted to equal chance prize gaming).
- 26.3 When exercising its functions in considering applications for permits, the Licensing Authority recognises that this type of gaming could appeal to children and young persons and therefore it will take the following factors into consideration in determining the suitability of the applicant:

- That they understand the limits to stakes and prizes that are set out in Regulations;
- That the gaming offered is within the law; and
- Clear policies that outline the steps to be taken to protect children from harm.

26.4 The Licensing Authority can grant or refuse an application but cannot add conditions. It may only grant a permit if it has consulted the Chief Officer of Police about the application. The Licensing Authority will have regard to any objections raised by the Police which are relevant to the licensing objectives. Such considerations would include the suitability of the applicant in terms of any convictions they may have that would make them unsuitable to operate prize gaming; and the suitability of the premises in relation to their location and any issues concerning disorder.

26.5 Section 293 of the Act sets out four conditions that permit holders, AGCs, FECs and travelling fairs must comply with to lawfully offer prize gaming. These 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);
- Participation in the gaming must not entitle the player to take part in any other gambling.

27.0 Club Gaming and Club Machine Permits

27.1 The Act creates a separate regime for gaming in clubs from that in other relevant alcohol licensed premises. It defines two types of club for the purposes of gaming:

- Members clubs (including miners' welfare institutes) and;
- Commercial clubs.

27.2 Members clubs and Miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs may apply for a club machine permit.

27.3 The club gaming permit will enable the premises to provide gaming machines (three machines of categories B3A, B4, C or D), equal chance gaming, and games of chance as set out in the Regulations.

27.4 A club machine permit will enable the premises to provide gaming machines (three machines of categories B3A (except that category B3A machines may not be made available for use in commercial clubs), B4, C or D).

27.5 A club must meet the following criteria to be considered a members' club:

- It must have at least 25 members;
- It must be established and conducted wholly or mainly for purposes other than gaming (unless the gaming is permitted by separate regulations¹⁰);
- It must be permanent in nature;
- It must not be established to make a commercial profit;
- It must be controlled by its members equally.

Examples of these types of clubs include working men's clubs, miners' welfare

institutes, branches of the Royal British Legion and clubs with political affiliations.

- 27.6 A commercial club is a club established for commercial gain, whether or not they are actually making a commercial gain. Examples include commercial snooker clubs, clubs established as private companies and clubs established for personal profit.
- 27.7 In determining a club's status, the Licensing Authority will have regard to the Gambling Commission's guidance when considering applications for and monitoring of club gaming or club permits.¹¹
- 27.8 The Licensing Authority may only refuse an application on the grounds that:
- 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 is has applied;
 - The applicant's premises are used wholly or mainly by children and/or young persons;
 - An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - A permit held by the applicant as been cancelled in the previous ten years; or
 - An objection has been lodged by the Commission or the Police.

Bingo in clubs

- 27.9 Clubs and miners' welfare institutes are able to provide facilities for playing bingo under section 275 of the Act or in accordance with a permit under 271, provided that the restrictions in section 275 are complied with. These include:

- In any seven day period, the aggregate stakes or prizes for bingo must not exceed £2,000. (If that limit is breached the club must hold a
- bingo operator's licence and the relevant operating, personal and premises licences must be obtained);
- The bingo must comply with any code issued by the Commission under section 24 of the Act.

Betting in clubs

- 27.10 Commercial betting, regardless of the level of stakes, is not allowed in clubs. Those who facilitate such betting - whether designated premises supervisors or club officials - are providing illegal facilities for gambling and are breaking the law. Even where designated premises supervisors or club officials accept bets on behalf of licensed bookmakers, or just facilitate betting through their own telephone accounts, they are acting as betting intermediaries and could be prosecuted.
- 27.11 Licensed bookmakers with a full or ancillary remote licence may accept telephone bets from a customer watching an event in a club, as long as that customer has an individual account with them. It is illegal for bookmakers to sit in the club taking bets themselves. Similarly, it is also illegal for operators to put their agent in clubs, for example, in a working men's club on a Saturday, to take bets.

Exempt gaming

- 27.12 Exempt gaming is generally permissible in any club. Such gaming must be equal chance gaming and be ancillary to the purposes of the club. This provision is automatically available to all such premises, but is subject to statutory stakes and prize limits determined by the Secretary of State.

¹¹ See Chapter 25 of the Commission's guidance to licensing authorities - 5th edition.

- 27.13 Equal chance gaming is gaming that does not involve staking against a bank and the chances of winning are equally favourable to all participants. This would include games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.
- 27.14 The Secretary of State has set both daily and weekly prize limits for exempt gaming. Different higher stakes and prizes are allowed for exempt gaming in clubs than are allowed in alcohol-licensed premises and are set by Regulations.
- 27.15 Exempt gaming should comply with any code of practice issued by the Commission under section 24 of the Act.
- 27.16 Clubs may levy a charge for participation in equal chance gaming under the exempt gaming rules. The amount that may be charged is as prescribed in Regulations.
- 27.17 In order to qualify as exempt gaming, clubs may not charge a rake on games (a commission or fee deducted from the prize fund), or levy or deduct an amount from stakes or winnings.

Fast-track procedure

- 27.18 There is a fast-track procedure for clubs in England and Wales which hold a club premises certificate under section 72 of the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the Police, and the grounds upon which an authority can refuse a permit are reduced. This is because the club or institute will already have been through a licensing process in relation to its club premises certificate under the Licensing Act 2003, and it is therefore unnecessary to impose the full requirements of the Act. Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure.

- 27.19 The grounds on which an application under this process may be refused are that:
- The club is established primarily for gaming, other than gaming prescribed by regulations under section 266 of the Act;
 - In addition to the prescribed gaming, the applicant provides facilities for other gaming;
 - A club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.
- 27.20 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.

28.0 Temporary Use Notices

- 28.1 Temporary Use Notices 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.
- 28.2 The Licensing Authority may only grant a Temporary Use Notice to a person or company holding a relevant operating licence.
- 28.3 Currently, the Regulations restrict the type of gambling to be offered under a Temporary Use Notice. These restrictions are:
- It can only be used to offer gambling of a form authorised by the operator's operating licence, and consideration will be given as to whether the form of gambling being offered on the premises will be remote, non-remote, or both;

- Gambling may only be made available on a maximum of 21 days in any 12 month period for any or all of a named set of premises;
- It can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner;
- Gaming machines may not be made available.

28.4 In relation to tournaments, the requirement that the gaming is "intended to produce a single overall winner" does not restrict the gaming to only one winner through the course of the tournament, although there will ultimately be one final tournament winner. It is considered acceptable for each qualifying round of the tournament; (for example comprising several hands/games of poker) to produce a single overall winner of that qualifying round, whose prize may be the right to progress to the next stage in the tournament. There can also be additional competitions run alongside or leading up to the main event, provided that each of these also only provides one winner.

28.5 Cash games are games where each hand provides a winner and are not permitted under a Temporary Use Notice.

28.6 The Licensing Authority will consider raising an objection to a notice where it appears that their effect would be to permit regular gambling in a place that could be regarded as one set of premises. For example, a large exhibition centre with a number of exhibition halls may come within the definition of "premises". A Temporary Use Notice will not then be granted for 21 days in respect of each of its exhibition halls. In relation to other covered areas, such as shopping centres, the Licensing Authority will give due consideration as to whether different units are in fact different "sets of premises", given that they may be occupied and controlled by different people.

29.0 Occasional Use Notices

29.1 Section 39 of the Act provides that where there is betting on a track on 8 days or fewer in a calendar year, betting may be permitted by an Occasional Use Notice (OUN) without the need for a full premises licence. The intention behind Occasional Use Notices is to permit licensed betting operators with appropriate permission from the Gambling Commission, to use tracks for short periods for conducting betting, where the event upon which the betting is to take place is of a temporary, infrequent nature. The Notice must be served by a person who is responsible for the administration of events on the track or by an occupier of the track. The following matters should be noted:

- OUNs can only be relied upon for 8 days or fewer in a calendar year and therefore the Licensing Authority will keep a record of the number of notices served in relation to each track. The period of 8 days applies to the venue and not the individual who has submitted the notice;
- An OUN must be submitted for each day that betting activity will be conducted on the premises. If betting activity is to be held over a period of 8 consecutive days, the operator will be required to submit 8 separate notices;
- The notice must specify the day on which it has effect. An event running past midnight and ending on the following day accounts for 2 occasional use days, even though in practice it is one event;
- No objection or counter-notice (refusal) is possible unless the maximum number will be exceeded;
- Notice must be given to the Licensing Authority and Police, in writing, before the event starts;
- No premises licence can exist for the place which is the subject of the notice;

- Land can be used temporarily as a track, for example for a point-to-point race, provided that sporting events or races take place there. There is no need for a track to be permanently established.

29.2 The Licensing Authority has, therefore, very little discretion as regards Occasional Use Notices to accept bets at "tracks", aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. It will, however, consider the definition of a "track" and whether the applicant will need to demonstrate that they are in fact responsible for the administration of the "track" or is an occupier, and therefore permitted to avail themselves of the notice.

- Wherever practicable, give clear and comprehensive reasons for all decisions connected to its functions under the Act, regardless of whether there is a requirement under the Act to do so.

30.2 An appeal has to be commenced by the giving of a notice of appeal by the appellant to the local Magistrates' court within a period of 21 days beginning with the day on which the appellant was formally notified by the Licensing Authority of the decision to be appealed against.

30.3 Any person who wishes to pursue an appeal is strongly advised to seek independent professional legal advice from a legal advisor who specialises in the law on gambling.

PART D - Other Information

30.0 Rights of appeal and judicial review

30.1 The Act provides that decisions of the Licensing Authority may be subject to an appeal in accordance with the provisions of the Act and judicial review. As is recommended by the Gambling Commission the Licensing Authority considers it best practice, when making determinations, to:

- Give clear and comprehensive reasons for a rejection of an application where there is a requirement in the Act to do so; and

31.0 Other matters

31.1 In order to ensure that applicants and persons who make representation have the necessary information to be able to do so, the following information will be available on the Council's website (www.portsmouth.gov.uk) or by contacting the Licensing Service directly:

- Register of premises licences issued by the Licensing Authority;
- Fees;
- Guidance on how to make an application;
- List of responsible authorities and contact details;
- Application forms, where appropriate;
- Making representations;
- Applying for a review of a licence.

32.0 Table: The Licensing Authority Delegations

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Three year statement of licensing principles	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X	
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a premises licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a premises licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional transfer		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

APPENDIX A

Map of Portsmouth



APPENDIX B

List of Consultees	
All current holders of licences, permits and registrations issued under the Gambling Act 2005	Safer Portsmouth Partnership www.saferportsmouth.org.uk
Association of British Bookmakers (ABB) www.abb.uk.com	The Bingo Association www.bingo-association.co.uk
British Amusement Catering Trade Association (BACTA) www.bacta.org.uk	The Football Association www.thefa.com
British Beer and Pub Association (BBPA) www.beerandpub.com	Working Men's Club and Institute Union www.wmciu.org.uk
British Holiday and Home Parks Association (BHHPA) www.bhHPA.org.uk	Ward Councillors
British Institute of Innkeeping (BII) www.bii.org	The Chief Officer of Police www.hampshire.police.uk
Dransfields www.dransfields.com	The Gambling Commission www.gamblingcommission.gov.uk
Flick Drummond, MP for Portsmouth South	The Chief Fire Officer www.hantsfire.gov.uk
Gam-Anon www.gamanon.org.uk	Head of Planning Services www.portsmouth.gov.uk
Gamblers Anonymous (UK) www.gamblersanonymous.org.uk	Head of Regulatory Services www.portsmouth.gov.uk
Gamble Aware www.gambleaware.co.uk	Head of Children's Social Care and Safeguarding Service www.portsmouth.gov.uk
Greyhound Board of Great Britain (GBGB) www.gbgb.org.uk	HM Revenues & Customs https://www.gov.uk/government/organisations/hm-revenue-customs
GamCare www.gamcare.org.uk	Public Health Portsmouth City Council www.portsmouth.gov.uk
National Casino Forum www.nationalcasinoforum.co.uk	Racecourse Association Ltd www.britishracecourses.org
Penny Mordaunt, MP Portsmouth North www.pennymordaunt.com	Portsmouth & SE Hampshire Chamber of Commerce & Industry www.hampshirechamber.co.uk

Please note that this is not an exhaustive list. Page 89
If it comes to light that other consultees should be included in the consultation, this will be carried out.

APPENDIX C

Glossary of Terms	
Applications	Application for licences and permits under the Gambling Act 2005.
Betting ring	An area that is used for temporary "on course" betting facilities.
Betting machine	A machine designed or adapted for use to bet on future real events (not a gaming machine).
Bingo	A game of equal chance.
Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Child	Individual who is less than 16 years old.
Club gaming machine permit	Permit to enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D).
Club gaming permit	Permit to enable the premises to provide gaming machines (3 machines of categories B3A (except that category B3A machines may not be made available or use in commercial clubs), B4, C or D), equal chance gaming and games of chance.
Code of Practice	Any relevant code of practice issued by the Gambling Commission under section 24 of the Gambling Act 2005.
Council	Portsmouth City Council.
Default conditions	Conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all premises licence, to a class of premises licences or licences for specified circumstances.
Delegated powers	Decisions delegated either to a Licensing Committee, Sub-Committee or Officers.
Disorder	No set interpretation, however, likely to be connected to the way gambling is being conducted. In the case of gambling premises, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.
Gaming	Prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.
Gaming machine	Machine covering all types of gambling activity, including betting on virtual events.

Guidance	Statutory Guidance issued by the Gambling Commission under section 25 of the Gambling Act 2005.
Information exchange	Exchanging of information with other regulatory bodies under the Gambling Act 2005.
Irrelevant representations	Where other legislation can address the representation made or if it relates to demand for gambling premises.
Licences	As defined in paragraph 9.0 of this policy statement.
Licensing Authority	Portsmouth City Council.
Licensing Committee	A committee of no less than 10 but no more than 15 councillors appointed by the Council to represent the Licensing Authority.
Licensing objectives	As set out in paragraph 3 of this policy document.
Licensing Sub-Committee	A sub-committee of members appointed from the Licensing Committee to whom the functions of the Licensing Committee can be delegated under the Gambling Act 2005 to determine applications.
Mandatory conditions	Conditions that must be attached to a licence. This may apply to all premises licences, to a class of premises licences or licences for specified circumstances.
Members club	A club that must: <ul style="list-style-type: none"> • Have at least 25 members; • Be established and conducted "wholly or mainly" for purposes other than gaming; • Be permanent in nature; • Not established to make commercial profit; and • Controlled by its members equally.
Notifications	Notifications of temporary and occasional use notices.
Occasional use notice	To permit betting on a "track" without the need for a full premises licence.
Off course betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
On course betting - Tracks	Betting that takes place on a track while races are taking place.
Operating Licences	Licences issued by the Gambling Commission to permit individuals and companies to provide facilities for certain types of gambling including remote or non-remote gambling.
Permits	Authorisations to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.

Personal Licences	Formal authorisation issued by the Gambling Commission to individuals who control facilities for gambling or are able to influence the outcome of gambling. These cannot be held by companies.
Pool Betting - Tracks	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track.
Premises	Defined as "any place". It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	Licence issued by the Licensing Authority to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres.
Prize gaming	Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.
Prize gaming permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional statement	Where an applicant can make an application to the Licensing Authority in respect of premises that he/she: <ul style="list-style-type: none"> • Expects to be constructed; • Expects to be altered; • Expects to acquire a right to occupy.
Regulations	Regulations made under the Gambling Act 2005
Relevant representations	Representations that relate to the licensing objectives or that raise issues under the Statement of licensing policy or the Gambling Commission's Guidance or Codes of Practice.
Responsible authorities	Responsible authorities can make representations about licence applications or apply for a review of an existing licence. For the purposes of the Gambling Act 2005, the following are responsible authorities in relation to premises: <ul style="list-style-type: none"> • The Council's Licensing Authority in whose area the premises are wholly or mainly situated; • The Gambling Commission; • Hampshire Constabulary; • Hampshire Fire & Rescue Service; • Planning Service, Portsmouth City Council; • Environmental Health Service, Portsmouth City Council; • Children's Social Care and Safeguarding Service; • HM Revenue & Customs.

SIA	The Security Industry Authority
Skills with prizes	A machine on which the winning of a prize is determined only by the player's skill and there is no element of chance, e.g. trivia game machine, Formula 1 simulators, shooting games. Skill machines are unregulated.
Statement of Licensing Policy	Policy statement issued by the Licensing Authority which indicates those matters which will be taken into account when considering an application for a licence or permit.
Temporary use notice	To 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.
Totalisator or Tote	Pool betting on tracks.
Track	Sites where races or other sporting events takes place e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
Travelling fair	A fair that "wholly or principally" provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Vehicles	Defined as trains, aircraft, seaplanes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.
Vessel	Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything, or part of any place, situated on or in water.
Vessel and relevant Licensing Authority	The relevant Licensing Authority is that for the area in which the vessel is usually moored or berthed.
Vulnerable persons	Includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental impairment, alcohol or drugs. For example this may include those persons who are under the influence of alcohol and/or are drunk.
Young person	An individual who is not a child but who is under the age of 18 years.

Appendix D

Contact Details for Licensing Authority and other Responsible Authorities	
<p>Licensing Service Portsmouth City Council Civic Offices Guildhall Square Portsmouth Hants PO1 2AL</p> <p>Tel: 023 9283 4607 or 023 9268 8367 Fax: 023 9283 4811 Email: licensing@portsmouthcc.gov.uk</p>	<p>The Chief Officer of Police Hampshire Constabulary Portsmouth Licensing and Violent Crime Reduction Team Licensing Office Civic Offices Guildhall Square Portsmouth PO1 2AL</p> <p>Tel: 101 Direct Dial: 023 9268 8314 Fax: 023 9268 8513 Email: force.licensing@hampshire.pnn.police.uk</p>
<p>Regulatory Services (Pollution Control) Portsmouth City Council Civic Offices Guildhall Square Portsmouth Hants PO1 2AL</p> <p>Tel: 023 9268 8366 Email: pubprot@portsmouthcc.gov.uk</p>	<p>Regulatory Services (Business Support) Portsmouth City Council Civic Offices Guildhall Square Portsmouth Hants PO1 2AL</p> <p>Tel: 023 9268 8362 Email: pubprot@portsmouthcc.gov.uk</p>
<p>Head of Planning Service Culture & City Development Portsmouth City Council Civic Offices Guildhall Square Portsmouth Hants PO1 2AL</p> <p>Email: planning@portsmouthcc.gov.uk</p>	<p>Children's Social Care and Safeguarding Service Portsmouth City Council Civic Offices Guildhall Square Portsmouth Hants PO1 2AL</p> <p>Tel: 023 9282 2251 Email: safeguardingnotifications@portsmouthcc.gov.uk</p>

<p>The Chief Fire Officer Hampshire Fire and Rescue Service HQ Leigh Road Eastleigh Hants SO50 9SJ</p> <p>Tel: 023 8064 4000 Email: csprotection.admin@hantsfire.gov.uk</p>	<p>The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP</p> <p>Tel: 0121 230 6666 Fax: 0121 233 1096</p> <p>Email: info@gamblingcommission.gov.uk</p>
<p>HM Revenue & Customs National Registration Unit Portcullis House 21 India Street Glasgow G2 4PZ</p> <p>Tel: 0141 555 3492 Email: nru.betting&gaming@hmrc.gsi.gov.uk</p>	
<p>In respect of vessels only:</p>	
<p>Navigation Authority:</p> <p>Queen's Harbour Master Semaphore Tower PP70 HMS Nelson HM Naval Base Portsmouth Hants PO1 3LT</p> <p>Tel: 023 9272 3124 Email: portsmouth@ghm.mod.uk</p>	<p>Environment Agency Solent & Southdowns Office Guildbourne House Chatsworth Road Worthing West Sussex BN11 1LD</p> <p>Tel: National Call Centre 03708 506 506 (Mon – Fri 08:00 until 18:00) Email: enquiries@environment-agency.gov.uk</p>
<p>Maritime and Coastguard Agency Spring Place 105 Commercial Road Southampton Hants SO15 1EG</p> <p>Tel: 0203 817 2000 Email: infoline@mcga.gov.uk</p>	

Appendix E

Table of Categories of Gaming Machines		
Category of machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£5	£10,000 ¹²
B2 ¹³	£100	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D - non-money prize (not crane grab)	30p	£8
D - non-money prize (crane grab)	£1	£50
D - Money Prize	10p	£5
D - combined money and non-money prize (coin pusher/penny falls)	20p	£20 (of which no more than £10 may be a money prize)
D - combined money and non-money prize (other than coin pusher or penny falls)	10p	£8 (of which no more than £5 may be a money prize)

¹² With the option of maximum £20,000 linked progressive jackpot on premises basis only.

¹³ Also known as Fixed Odds Betting Terminals (FOBTs).

Appendix F

Table of Maximum Number of Machines by Premises Type								
Premises Type	Machine Category							
	A	B1	B2	B3	B3A	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio).						
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio).						
Pre-2005 Act casino (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead.						
Betting premises and tracks occupied by pool betting			Maximum of 4 machines categories B2 to D (except B3A machines)					
Bingo premises*				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4			No limit on category C or D machines	
Adult gaming centre**				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4			No limit on category C or D machines	
Licensed family entertainment centre							No limit on category C or D machines	
Family entertainment centre (with permit)***								No limit on category D machines
Clubs or miners' welfare institute (with permits)****							Maximum of 3 machines in categories B3A or B4 to D	
Qualifying alcohol-licensed premises							1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol-licensed premises (with licensed premises gaming machine permit)							Number of category C or D machines as specified on permit	
Travelling fair								No limit on category D machines

Notes:

- * Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight category B machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines but not B3A machines.
- ** Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.
- *** Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FEC's and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.
- **** Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.

Appendix G

Table of gaming entitlements for clubs and alcohol-licensed premises					
	Members' club or MW institute with club gaming permit	Clubs established to provide facilities for gaming of a prescribed kind (currently bridge or whist clubs)	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit or club machine permit	Pubs and other alcohol-licensed premises
Equal chance gaming	Yes	Bridge and/or Whist only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	Poker £1000 / week £250 / day £10 / person per game Other gaming No limit	Poker £1000 / week £250 / day £10 / person per game Other gaming No limit	Poker £100 / premises per day Other gaming £5 / person per game Cribbage & dominoes No limit
Limits on prizes	No limit	No limit	Poker £250 / game Other gaming No limit	Poker £250 / game Other gaming No limit	Poker £100 / game Other gaming No limit
Max participation fees - per person per day	Bridge/whist* £20 Other gaming £3	£18 (without club gaming permit) £20 (with club gaming permit)	Bridge/whist* £18 Other gaming £3 (for a commercial club) £1 (members' club)	Bridge/whist* £18 Other gaming £1	None permitted
Bankers/ unequal chance gaming	Pontoon <i>Chemin de fer</i>	None permitted	None permitted	None permitted	None permitted
Limits on bingo**	Maximum of £2,000 / week in stakes or prizes	No bingo permitted	Maximum of £2,000 / week in stakes or prizes	Maximum of £2,000 / week in stakes or prizes	Maximum of £2,000 / week in stakes or prizes

* On a day when no other facilities for gaming are provided.

** If more than the maximum, then an operating licence will be required.



Portsmouth
CITY COUNCIL

Licensing Service
Civic Offices
Guildhall Square, Portsmouth
PO1 2AL

Telephone: 023 9268 8367
Email: licensing@portsmouthcc.gov.uk

www.portsmouth.gov.uk

Agenda Item 10

From LICENSING COMMITTEE MEETING held on 23 June 2017

Council Agenda Item 10 (Licensing Committee minute 14)

Licensing Act 2003 - Adoption of Statement of Licensing Policy

RECOMMENDED that Council adopt the statement of licensing policy which incorporates the committee's amendment, in accordance with Section 5 of the Licensing Act 2003 with effect from 12 July 2017.

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Title of meeting: FULL COUNCIL

Date of meeting: 11 July 2017

Subject: The Licensing Act 2003 - Adoption of Statement of Licensing Policy

Report by: Director of Culture and City Development

Wards affected: All

Key decision: No

Full Council decision: Yes

1. Purpose of report

- 1.1 To receive and to adopt the draft statement of licensing policy with effect from 12 July 2007 in accordance with Section 5 of the Licensing Act 2003.
- 1.2 To note the prior consultation on the draft policy and the amendments approved by the Licensing Committee.

2. Recommendations

- 2.1 ***That the Council notes and approves the recommendations of the Licensing Committee and Council adopts the statement of licensing policy in accordance with Section 5 of the Licensing Act 2003.***

3. Background

- 3.1 The Licensing Act 2003 ("the Act") first came into effect on 24 November 2005 and created a single integrated regime for regulating alcohol, entertainment and late night refreshment.
- 3.2 The Council, as Licensing Authority, is responsible for regulating the following types of licensable activities:
- The sale by retail of alcohol;
 - The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
 - The provision of regulated entertainment; and
 - The provision of late night refreshment.

The Act provides for four different types of authorisations or permissions that the Licensing Authority may grant which are:

- Premises licences - to use premises for licensable activities;
- Club premises certificate - to allow a qualifying club to engage in qualifying club activities;
- Temporary event notice - to carry out licensable activities at a temporary event;
- Personal licence - to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence.

3.3 **The licensing objectives**

The Act sets out four licensing objectives that underpin the functions that the Licensing Authority performs. They are:

- Prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance; and
- Protection of children from harm.

3.4 **Statement of licensing policy**

Section 5 of the Licensing Act 2003 (“the Act”) requires the Council to prepare and publish a statement of its licensing policy every 5 years. Such a policy must be published before the Licensing Authority carries out any function in respect of individual applications made under the terms of the Act. The Council must keep the policy under review throughout each 5 year period and to revise it as necessary. However, prior to making any changes the Council must carry out a consultation process.

3.5 Before determining its policy or, if revising a policy within the prescribed period, the Licensing Authority must consult with persons listed in section 5(3) of the Act. These are:

- The chief officer of police for the area;
- The fire and rescue authority for the area;
- Persons/bodies representative of local holders of premises licences;
- Persons/bodies representative of local holders of club premises certificates;
- Persons/bodies representative of local holders of personal licences; and
- Persons/bodies representative of businesses and residents in its area.

3.6 **Consultation process**

The draft statement of licensing policy was made available for consultation between 31 March 2017 and 5 May 2017 in accordance with the statutory requirements. It was also published on the Council's website, facebook and twitter pages, copies were distributed to all public libraries, City Help Desk and to each of the Members' Group Rooms. A public notice was also published in a local newspaper.

3.7 Administration, exercise and delegation of functions

The Act provides that the functions of the Licensing Authority (including its decisions) are to be taken or carried out by its licensing committee or sub-committees. However, in relation to the making of a statement of licensing policy, this matter must be determined and approved by Full Council.

A copy of the proposed statement of licensing policy is attached as **Appendix A** to this report.

4. Reasons for recommendations

To fulfil the Council's statutory obligations as set out in section 5 of the Act.

5. Equality impact assessment (EIA)

A preliminary EIA was undertaken on the proposed policy prior to undertaking the consultation process and formed part of the Licensing Committee report on 22 February 2017 and 23 June 2017.

6. Legal Implications

All legal comments are contained within the body of the report.

7. Finance Comments

There are no financial implications in respect of this report.

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Signed by:

Appendices:

Appendix A Proposed final statement of licensing policy

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/
rejected by on

.....
Signed by:

Licensing Act 2003

Section 5 - Statement of Licensing Policy - 2017/2022

www.portsmouth.gov.uk



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1.0 Licensing objectives

1.1 Portsmouth City Council is the Licensing Authority for the Licensing Act 2003 ("the 2003 Act"¹) for the administrative area of Portsmouth as shown on the map at **Appendix A**. Any references to "the Licensing Authority" in this document refers to Portsmouth Licensing Authority.

1.2 When carrying out its functions under the Act, the Licensing Authority will promote and have regard to the licensing objectives set out in the 2003 Act. These are:

- **The prevention of crime and disorder;**
- **Public safety;**
- **The prevention of public nuisance; and**
- **The protection of children from harm.**

1.3 Each objective is of equal importance.

2.0 Background information about Portsmouth

2.1 The City of Portsmouth is situated in the ceremonial county of Hampshire and is at the heart of Britain's southern coastline with long established direct road and rail links to London, the Midlands and Wales.

2.2 Portsmouth is undergoing great change with a £2billion investment plan underway. Elements such as the Tipner motorway junction and park and ride are already completed while there is more to come with new homes, businesses and jobs to come from development sites identified in Tipner and Horsea Island and the exciting regeneration plans for The Hard.

2.3 Portsmouth has a population of 200,000 in an area of only 4,196 hectares, which makes it one of the most densely

occupied cities in the country outside London.

2.4 As the local highway authority the council is responsible for approximately 458km of vehicular carriageway in partnership with Colas and Ensign.

Up to 90,000 inbound vehicle movements are recorded in any one 24 hour period and previous census data indicates 397 vehicles per 1000 people in Portsmouth. Traffic growth is predicted to generally rise between 19% and 55% by 2040.

2.5 A significant naval port for centuries, it is home to the world's oldest dry dock and to world famous ships including HMS Victory, HMS Warrior 1860 and the Mary Rose. Major investment around the harbour has transformed the "great waterfront city".

Home to Ben Ainslie Racing and hosting the preliminary 2015 America's Cup racing series, the dynamic waterfront city still has an important role as a major dockyard and home base to the Royal Navy.

2.6 The city offers a vibrant mix of entertainment facilities for residents and visitors alike with two established theatres, restaurants, cinemas, concert venues and a variety of pubs and clubs.

The late night economy is well served with venues in the north located at Port Solent, the city centre located near the Guildhall and in the south both at Gunwharf Quays and in Southsea.

Major music festivals are held during the summer months attracting tens of thousands of revellers.

¹ <http://www.legislation.gov.uk/ukpga/2003/17/contents>

3.0 Consultation on the Statement of Licensing Policy

3.1 Section 5 of the 2003 Act requires a Licensing Authority to prepare and publish a statement of its licensing policy every five years. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the Act.

3.2 During the five-year period, the policy must be kept under review and the Licensing Authority may make any revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the statutory objectives are being met.

3.3 If the Licensing Authority determines and publishes its policy in this way, a new five year period commences on the date it is published. Previously, licensing authorities were required to determine their licensing policies for each three-year period. Licensing policies published in respect of the three-year period that began on 7 January 2011 are to be treated as though they apply to a period of five years beginning at that date.

3.4 This policy will commence on **12 July 2017** and remain in force for five years but will be kept under review subject to further consultation as referred to above.

3.5 Where revisions are made to the section 182 Statutory Guidance by the Secretary of State, it will be for the Licensing Authority to determine whether revisions to its own licensing policy statement are appropriate.

3.6 Before determining its policy, the Licensing Authority must consult the persons listed in section 5(3) of the 2003 Act. These are:

- The chief officer of police for the area;

- The fire and rescue authority for the area;
- Each local authority's Director of Public Health in England (DPH)² or Local Health Board in Wales for an area any part of which is in the Licensing Authority's area;
- Persons/bodies representative of local premises licence holders;
- Persons/bodies representative of local club premises certificate holders;
- Persons/bodies representative of local personal licence holders; and
- Persons/bodies representative of businesses and residents in its area.

3.7 The views of all these persons or bodies should be given appropriate weight when the policy is determined. It is recognised that in some areas, it may be difficult to identify persons or bodies that represent all parts of industry affected by the provisions of the 2003 Act, but licensing authorities must make reasonable efforts to do so. The Licensing Authority notes that the terms of the 2003 Act do not prevent them consulting other bodies or persons.

3.8 Subject to the statutory requirements, it is for each Licensing Authority to determine the extent of the consultation it should undertake, and whether any particular person or body is representative of the groups described in the 2003 Act. While it is clearly good practice to consult widely, this may not always be necessary or appropriate (for example, where a Licensing Authority has recently carried out a comprehensive consultation in relation to a revision to its policy made within five years of a full revision to it). As such, it may decide on a simple consultation with those persons listed.

² This change was made as a result of the commencement of measures in the Health and Social Care Act 2012 which amended the 2003 Act and further provision in the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

3.9 However, licensing authorities should consider very carefully whether a full consultation is appropriate as a limited consultation may not allow all persons sufficient opportunity to comment on and influence local policy, such as a proposal to introduce a cumulative impact policy.

3.10 Fee levels are intended to provide full cost recovery of all licensing functions including the preparation and publication of a statement of licensing policy, but this will be based on the statutory requirements. Where licensing authorities exceed these requirements, they will have to absorb those costs themselves.

3.11 Further advice can be obtained from:

**The Licensing Manager
Licensing Service
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth PO1 2AL**

Tel: 023 9283 4607

Email: Licensing@portsmouthcc.gov.uk

4.0 Fundamental principles

4.1 This statement of licensing policy has been prepared in accordance with the provisions of the 2003 Act and the Statutory Guidance issued under section 182 of the 2003 Act by the Secretary of State.³ This policy should be read as a whole and in conjunction with those provisions.

4.2 This statement is intended to assist officers and members in determining applications and to set out those factors that will normally be taken into consideration. Equally, it seeks to provide clarity for applicants, residents and other occupiers of property and

investors, in order to enable them to plan a move to, remain or invest in the city with some measure of certainty.

4.3 This policy sets out a general approach to making licensing decisions, it will not ignore or be inconsistent with provisions of the 2003 Act. For example, a statement of policy must not undermine the right of any person to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its individual merits.

4.4 Similarly, it will not override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act.

4.5 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act.

4.6 Conditions attached to various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. relevant to the premises and its vicinity.

4.7 Whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

4.8 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.

4.9 Each application will be considered on its own merits and in accordance with this statement of licensing policy; for example, if the application falls within the scope of the cumulative impact policy. Conditions attached to licences and certificates will be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions will be avoided and the licensing authority acknowledges it may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

5.0 Licensable activities

5.1 The Licensing Authority is responsible for considering all applications for licensable activities as defined in section 1 of the 2003 Act.

5.2 Licensable activities are:

- The sale of alcohol by retail;
- The supply of alcohol to club members and their guests;
- The provision of regulated entertainment; and

- The provision of late night refreshment.⁴

5.3 Schedule 1 to the 2003 Act sets out what activities are regarded as the provision of regulated entertainment and when they are licensable together with those activities which are not and therefore exempt from the regulated entertainment regime. **Appendix C** of this policy sets out in more detail the types of exemptions. The descriptions of entertainment activities licensable under the 2003 Act are:

- A performance of a play;
- An exhibition of a film;
- An indoor sporting event;
- A boxing or wrestling entertainment;
- A performance of live music;
- Any playing of recorded music;
- A performance of dance; and
- Entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

5.4 To be licensable, one or more of the activities needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must also either:

- Take place in the presence of a public audience, or
- Where that activity takes place in private, be the subject of a charge made with a view to profit.

⁴ The supply of hot food or drink to the public or a section of the public on or from any premises whether for consumption on or off the premises between 23:00 and 05:00 hours.

6.0 Duplication

- 6.1 The Licensing Authority will actively seek to avoid attaching conditions that duplicate other regulatory regimes as far as possible.
- 6.2 However, these provisions will not always adequately address specific issues that arise on the premises in connection with certain types of licensable activities. Therefore, it may be necessary for the Licensing Authority to consider the imposition of conditions, if not volunteered by the applicant in their operating schedule and following relevant representations, if they are considered appropriate for the promotion of the licensing objectives and are not already provided for in any other legislation.

7.0 Licence conditions

- 7.1 Conditions on a premises licence or club premises certificates are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will" is considered necessary to emphasise their importance.

Licence conditions:

- Must be appropriate for the promotion of the licensing objectives;
- Must be precise and enforceable;
- Must be unambiguous and clear in what they intend to achieve;
- Should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- Must be tailored to the individual type, location and characteristics of the premises and events concerned;
- Should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;

- Should not replicate offences set out in the 2003 Act or other legislation;
- Should be proportionate, justifiable and be capable of being met;
- Cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- Should be written in a prescriptive format.

- 7.2 Where responsible authorities and other persons do not raise any representations about the application made to the Licensing Authority, it is the statutory duty of the Authority to grant a licence or certificate subject only to conditions that are consistent with the operating schedule and any mandatory conditions prescribed in the 2003 Act.
- 7.3 It is possible that in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed or considered appropriate in order to promote the licensing objectives.
- 7.4 The Licensing Authority wishes to work in partnership with all parties to ensure that the licensing objectives are promoted collectively. To support this aim and to minimise disputes and the necessity for hearings, the Licensing Authority considers it sensible for applicants to seek the views of responsible authorities before formally submitting applications but it acknowledges that there is no legal requirement to do this.
- 7.5 Whilst the Licensing Authority will not use standardised conditions, it may draw from a pool of conditions where it is appropriate to do so. This pool will be made available to applicants for reference purposes.

8.0 Mandatory licence conditions

- 8.1 The 2003 Act provides for certain mandatory conditions to be applied to premises licences or club premises certificates. **Appendix D** sets out the full list of mandatory conditions that apply at the publication date of this statement of licensing policy.
- 8.2 The Licensing Authority expects that applicants, licence and certificate holders will familiarise themselves with the new provisions and will ensure that all relevant staff are provided with adequate training and support as regards these provisions.

9.0 Enforcement

- 9.1 The Licensing Authority will establish joint-enforcement protocols with the local police and the other authorities as appropriate in order to clarify the division of responsibilities for licence holders and applicants, and will assist enforcement and other authorities to deploy resources more efficiently.
- 9.2 Such protocols will provide for the targeting of agreed problem and high-risk premises which require greater attention, while providing a lighter touch for low risk premises or those that are well run.
- 9.3 The principles of risk assessment and targeted inspection (in line with the recommendations of the Hampton and Rogers review principles) will prevail and inspections will not be undertaken routinely but when and if they are judged necessary. This should ensure that resources are used efficiently and for example, are more effectively concentrated on problem premises.

The Licensing Authority will also have regard to the established principles contained within the Regulators' Compliance Code.

- 9.4 The Licensing Authority will process personal information in accordance with the Data Protection Act 1998. The personal details provided by applicants will be held on a database and where the law allows, may be shared with other departments within the Council to update details they hold. The Licensing Authority may also be required to disclose personal information to third parties (such as the Police, Department for Work and Pensions or the National Fraud Initiative) for the purposes of preventing or detecting crime or apprehending or prosecuting offenders.
- 9.5 From time to time and when judged necessary to do so, authorised officers of the Licensing Authority and responsible authorities will undertake unannounced inspections or test purchase visits to licensed premises in order to ensure compliance with the provisions of the 2003 Act and any other associated legislation.
- 9.6 The Licensing Authority will receive, from time to time, reports from its officers on any formal enforcement proceedings instigated against licence holders in relation to offences under the 2003 Act.

10.0 Entertainment provision

- 10.1 The Licensing Authority is committed to facilitating a broad range of entertainment provision within the city of Portsmouth for the enjoyment by a wide cross-section of the public. The Licensing Authority in wishing to offer such facilities recognises that a balance needs to be struck between promoting the provision of entertainment and addressing concerns relevant to the licensing objectives. The Licensing Authority is conscious of the risk that a licensing policy may inadvertently deter live music by imposing indirect costs of a disproportionate nature, for example a blanket policy that any pub providing live music entertainment must have door supervisors, and will therefore only seek to impose conditions, when representations are received, that will be

proportionate, justifiable, capable of being met and appropriate for the promotion of the four licensing objectives.

11.0 Need for licensed premises

- 11.1 The Licensing Authority recognises that there can be confusion about the difference between the "need" for premises and the "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a Licensing Authority in discharging its licensing functions or for its statement of licensing policy.

12.0 The cumulative impact of a concentration of licensed premises

What is cumulative impact?

- 12.1 "Cumulative impact" is not mentioned specifically in the 2003 Act but in accordance with the section 182 Statutory Guidance, means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the licensing objectives is a proper matter for the Licensing Authority to consider in developing its licensing policy statement. Cumulative impact policies (CIP) are also commonly known as "stress" or "special policy areas" and may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises, and the provision of late night refreshment. This includes late night fast food outlets which are not licensed to sell alcohol.
- 12.2 In some areas, where the number, type or density of premises selling alcohol or providing late night refreshment is high or exceptional, serious problems of nuisance and disorder may be arising or

have begun to arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport. Licensing Authorities should consider whether the number of fast food outlets or off licences in an area contribute to these problems, and may choose to include them in their cumulative impact policy.

- 12.3 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also increase the incidence of other criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport services, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.
- 12.4 Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will still be greater than the impact of customers on individual premises. These conditions are more likely to arise in town and city centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.

Evidence of cumulative impact

- 12.5 There should be an evidential basis for the decision to include a special policy within the statement of licensing policy. Local Community Safety Partnerships and responsible authorities, such as the police and the local authority exercising environmental health functions, may hold relevant information which would inform

licensing authorities when establishing the base for introducing a special policy relating to cumulative impact into their licensing policy statement. Information which licensing authorities may be able to draw on to evidence the cumulative impact of licensed premises on the promotion of the licensing objectives includes:

- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
- Statistics on local anti-social offences;
- Health related statistics such as alcohol-related emergency attendances and hospital admissions;
- Environmental health complaints, particularly in relation to litter and noise;
- Complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
- Residents' questionnaires;
- Evidence from local councillors;
- Evidence obtained through local consultation.

12.6 The Licensing Authority may consider this evidence, alongside its own evidence as to the impact of licensable activities within its area, and consider in particular the times at which licensable activities are carried on. Information which may inform consideration of these issues includes:

- Trends in licence applications, particularly trends in applications by types of premises and terminal hours;
- Changes in terminal hours of premises;
- Premises' capacities at different times of night and the expected concentrations of drinkers who will

be expected to be leaving premises at different times.

12.7 Where existing information is insufficient or not readily available, but the Licensing Authority believes there are problems in its area resulting from the cumulative impact of licensed premises, it can consider conducting or commissioning a specific study to assess the position. This may involve conducting observations of the night-time economy to assess the extent of incidents relating to the promotion of the licensing objectives, such as incidences of criminal activity and anti-social behaviour, examples of public nuisance, specific issues such as underage drinking and the key times and locations at which these problems are occurring.

12.8 In order to identify the areas in which problems are occurring, information about specific incidents can be mapped and, where possible, a time analysis undertaken to identify the key areas and times at which there are specific issues.

12.9 After considering the available evidence and consulting those individuals and organisations listed in section 5(3) of the 2003 Act and any others, a Licensing Authority may be satisfied that it is appropriate to include an approach to cumulative impact in its licensing policy statement. The special policy should also be considered alongside local planning policy and other factors which may assist in mitigating the cumulative impact of licensed premises, as set out in paragraph 13.39 of the Statutory Guidance. When the Licensing Authority decides to introduce an approach to cumulative impact, it may decide it is appropriate to indicate in its statement that it is adopting a special policy whereby, when it receives relevant representations, there is a rebuttable presumption that, for example, applications or variation applications which seek to extend the sale or supply of alcohol or provision of late night refreshment are refused or subject to certain limitations.

Steps to a special policy

12.10 The steps to be followed in considering whether to adopt a special policy within the statement of licensing policy are summarised below:

- Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm;
- Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm;
- If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent;
- Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise);
- Consult those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement.

Effect of special policies

12.11 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give

consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.

12.12 However, this presumption does not relieve responsible authorities (or any other persons) of the need to make a relevant representation, referring to information which had been before the Licensing Authority when it developed its statement of licensing policy, before a Licensing Authority may lawfully consider giving effect to its special policy. If there are no representations, the Licensing Authority must grant the application in terms that are consistent with the operating schedule submitted.

12.13 Once adopted, a special policy shall be reviewed regularly to assess whether they are needed any longer or if those which are contained in the statement of licensing policy should be amended.

12.14 The absence of a special policy does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

12.15 Special policies may apply to the impact of a concentration of any licensed premises, including those licensed for the sale of alcohol on or off the premises, and premises licensed to provide late night refreshment. When establishing its evidence base for introducing a special policy, licensing authorities should be considering the contribution to cumulative impact made by different premises within its area, in order to determine the appropriateness of including different types of licensed premises within the special policy.

12.16 Contact points so that members of the public, applicants and licence holders can obtain advice about whether or not activities should be licensed are available

in this statement of licensing policy (see paragraph 27).

13.0 Limitations on special policies relating to cumulative impact

- 13.1 A special policy shall never be absolute. The circumstances of each application will be considered properly and applications that are unlikely to add to the cumulative impact on the licensing objectives will be granted.
- 13.2 After receiving relevant representations in relation to a new application for or a variation of a licence or certificate, the Licensing Authority will consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant or a theatre may not. If the Licensing Authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.
- 13.3 Special policies will not be used as a ground for revoking an existing licence or certificate when representations are received about problems with those premises. Where the Licensing Authority has concerns about the effect of activities at existing premises between midnight and 06:00 hours on the promotion of the licensing objectives in a specific area, it may introduce an Early Morning Alcohol Restriction Order (EMRO) if there is sufficient evidence to do so⁵. The
- "cumulative impact" on the promotion of the licensing objectives of a concentration of multiple licensed premises should only give rise to a relevant representation when an application for the grant or variation of a licence or certificate is being considered. A review must relate specifically to individual premises, and by its nature, "cumulative impact" relates to the effect of a concentration of many premises. Identifying individual premises in the context of a review would inevitably be arbitrary.
- 13.4 Special policies will also not be used to justify rejecting applications to vary an existing licence or certificate except where those modifications are directly relevant to the policy (as would be the case with an application to vary a licence with a view to increasing the capacity limits of the premises) and are strictly appropriate for the promotion of the licensing objectives.
- 13.5 Every application shall be considered individually. Therefore, special policies will not restrict such consideration by imposing quotas - based on either the number of premises or the capacity of those premises. Quotas that indirectly have the effect of predetermining the outcome of any application will not be used because they have no regard to the individual characteristics of the premises concerned.
- 13.6 The Licensing Authority has considered a number of variations to established premises within the CIP area of Guildhall Walk in recent times and resolved to grant variations after consideration on merit **and** after being satisfied that there would be no negative impact on the promotion of the licensing objectives in determining those individual applications received. This does **NOT** mean that the Licensing Committee are "shunning" the adoptive cumulative impact policy of the Licensing Authority but rather were satisfied with the content and presentation of the applications then

⁵ See chapter 16 of the section 182 Statutory Guidance - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf

previously received. Under no circumstances should applicants or their legal representatives assume that the policy has been "watered down" and all parties are reminded of the continued presence of the special policy area and the need to bring forward evidence to rebut any relevant representations about cumulative impact.

14.0 Special policy relating to cumulative impact in Portsmouth

14.1 Having regard to the evidence currently available, the Licensing Authority considers that there is one specific area of Portsmouth where it is appropriate to apply a special policy in order to promote the licensing objectives. The area where this special policy will have effect is the Guildhall area as set out in the map and supporting evidence attached as **Appendix B** to this statement of licensing policy.

14.2 This special policy has been subject to review during the latter part of 2016 as part of the overall review of the statement of licensing policy and the available evidence demonstrates that violent crime offences associated with licensed premises are still at such a level to justify retention of the current special policy area.

14.3 The headline trends from this report for the Guildhall Walk night time economy ("NTE") area in the last 3 years show:

- The number of violence offences (purely NTE violence) has **increased** year on year;
- The proportion of violence (purely NTE violence) compared against the whole Portsmouth district 'total violence' is **down** year on year;

- The number of violence offences '*with injury*' (purely NTE violence) has **increased** year on year;
- The number of violence offences '*without injury*' (purely NTE violence) has **increased** year on year;
- The proportion of violence (both DTE and NTE) compared against the whole Portsmouth district is **down** year on year;
- The number of violence offences (both DTE and NTE) has **increased** year on year;
- Saturday remains the peak evening, the proportion of NTE violence that occurs on this day has increased year on year compared to other nights;
- Friday remains the second busiest evening, the proportion of NTE violence that occurs on this day has actually decreased year on year (*the decrease appears to correlate to same amounts as the increase to Saturday's proportion of NTE The proportion of Guildhall Walk NTE violence on Thursday, Friday and Saturday nights across all NTE zones accounts for 67-70% of all the NTE violence occurring within 1900 to 0700 hours violence*);
- The proportion of Guildhall Walk NTE violence on Thursday, Friday and Saturday nights across all NTE zones accounts for 67-70% of all the NTE violence occurring within 1900 to 0700 hours;
- The Guildhall Walk NTE zone accounts for more NTE violence offences than the other 3 NTE zones (Albert Road, Palmerston Road and Gunwharf) combined, both in numerical terms and as a proportion of NTE violence in the NTE Zones.

14.4 The special policy in respect of the Guildhall Walk area applies to the following roads and boundaries:

- **Stanhope Road, Edinburgh Road, Stanhope Road, Willis Road and Commercial Road (from the junction south of Edinburgh Road);**
- **Surrey Street, Station Street (from the junction west of Surrey Street);**
- **Spring Street, Fountain Street;**
- **Isambard Brunel Road, Dugald Drummond Road;**
- **Guildhall Square, King Henry 1st Street, Exchange Road, Spring Gardens, White Swan Road, Guildhall Walk, Alec Rose Lane, Dorothy Dymond St, Charles Dickens Street, The Mary Rose Street;**
- **Winston Churchill Avenue (From Junction of Isambard Brunel Road and Guildhall Walk not including Police station or Courts);**
- **Hampshire Terrace (South to junction of Wiltshire Street);**
- **St Pauls Road (area south to junction of Wiltshire Street).**

14.5 The Licensing Authority will, therefore, normally refuse the grant or variation of premises licences or club premises certificates whenever it receives relevant representations about the cumulative impact on the licensing objectives which it concludes after hearing those representations should lead to refusal.

15.0 Other mechanisms for controlling cumulative impact

15.1 Once away from the licensed premises, a minority of customers will behave badly and unlawfully. Other mechanisms exist both within and outside the licensing regime that are available for addressing such issues. For example:

- Planning control;
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- The provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- The confiscation of alcohol from adults and children in designated areas;
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- A prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
- Police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a TEN has effect on the grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance; and
- The power of the police, other responsible authorities or other persons to seek a review of a licence or certificate;
- Raising a contribution to policing the late night economy through the Late Night Levy;
- Early Morning Alcohol Restriction Orders.

15.2 The Licensing Authority recognises that Safe Space has been running for over 5 years in the Cumulative Impact Area and was a recommendation of the Portsmouth Alcohol Strategy 2009-13. It is currently delivered by South Central Ambulance Service (SCAS). It was set up to provide a one stop shop in the City Centre to support vulnerable people and deflect any minor injuries away from the ambulance service, unnecessary attendances at the A&E department and subsequent admissions.

The service is open from 22:00 until 03:00 hours Friday and Saturday nights and other key dates in the calendar year including New Year's Eve.

In total a total of 473 people were seen by Safe Space, this number grew to 494 in 2016 and in the first quarter of 2017 (Jan - Mar) Safe Space treated 106 people for a wide range of injuries or conditions.

During 2016, the most common recorded reason for attendance was "in drink" (152), this usually means that the individual is heavily intoxicated by drink and requires the most attention and management. The second highest complaint was injury (108) which was an accumulative of all types of injuries.

15.3 The Licensing Authority may also wish to consider the use of alternative measures such as fixed closing times, staggered closing times and zoning within its area, providing such mechanisms are justified on the basis of the licensing objectives and are only presumptive, with final decisions continuing to be made in relation to individual premises on a case by case basis in accordance with what is appropriate to promote the licensing objectives. Should the Licensing Authority intend to use such measures in order to orchestrate closing times so as to manage problems in the night-time economy based upon the promotion of the licensing objectives, then a review of this aspect of the policy will be undertaken and will justify its reasons for doing so within its statement of licensing

policy. The Licensing Authority recognises that, as with the creation of a cumulative impact policy, the use of such mechanisms would create a rebuttable presumption and would apply in the event of representations being received.

16.0 Licensing hours

16.1 With regard to licensing hours the Licensing Authority recognises that the Government acknowledges that different approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the Licensing Authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However the Licensing Authority will always consider each application and will not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

16.2 The Licensing Authority recognises that licensed premises make an important contribution to our local community, and that it has a wide range of tools available to effectively manage the different pressures that licensed premises can bring. In determining any appropriate strategies around licensing opening hours, the Licensing Authority will not seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so.

17.0 Children

17.1 The 2003 Act sets out a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the police and other relevant agencies to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

17.2 It is an offence under the 2003 Act to:

- Permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a TEN; and
- To permit the presence of children under 16 who are not accompanied by an adult between midnight and 5 am at other premises supplying alcohol for consumption on the premises under the authority of any premises licence, club premises certificate or TEN.

17.3 Outside of these hours, the offence does not prevent the admission of unaccompanied children under 16 to the wide variety of premises where the consumption of alcohol is not the exclusive or primary activity. This does not mean that children should automatically be admitted to such premises and the following paragraphs are therefore of great importance notwithstanding the offences under the 2003 Act. The expression "exclusively or primarily" should be given its ordinary and natural meaning in the context of the particular circumstances.

17.4 Where it is not clear that the business is predominately for the sale and consumption of alcohol, operators and enforcement agencies should seek to clarify the position before enforcement action is taken. Mixed businesses may be more difficult to classify and in such cases operators and enforcement agencies should consult where appropriate about their respective interpretations of the activities taking place on the premises before any moves are taken which might lead to prosecution.

17.5 The 2003 Act does not automatically permit unaccompanied children under the age of 18 to have free access to premises where the consumption of alcohol is not the exclusive or primary activity or to the same premises even if they are accompanied, or to premises where the consumption of alcohol is not involved. Subject only to the provisions of the 2003 Act and any licence or certificate conditions, admission will always be at the discretion of those managing the premises. The 2003 Act includes no presumption of giving children access but equally, no presumption of preventing their access to licensed premises. Each application and the circumstances of individual premises will be considered on their own merits.

17.6 The Licensing Authority will not seek to limit the access of children to any premises unless it is appropriate for the prevention of physical, moral or psychological harm to them⁶. It may not be possible for the Licensing Authority to anticipate, within this policy, every issue of concern that could arise in respect of children in relation to individual premises and therefore the individual merits of each application will be considered in each case.

17.7 However, areas which will give rise to particular concern in respect of children will include premises where:

- Adult entertainment is provided;
- A member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);

⁶ See Chapter 2 of the section 182 Statutory Guidance - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf

- It is known that unaccompanied children have been allowed access;
 - There is a known association with drug taking or dealing; or
 - In some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 17.8 It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and the Licensing Authority will give careful consideration to this matter. However, in broad terms, this could include topless bar staff, striptease, lap - table - pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sex acts or fetishism, or entertainment involving strong and offensive language.
- 17.9 The Licensing Authority will expect applicants to be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration will also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 17.10 The Licensing Authority may consider a range of alternatives for limiting the access of children where it is appropriate to do so for the prevention of harm to children. These can include:
- Restrictions on the hours when children may be present;
 - Restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of premises to which children may have access;
 - Age restrictions (below 18);
 - Restrictions or exclusions when certain activities are taking place;
 - Requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
 - Full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 17.11 Conditions requiring the admission of children to any premises cannot be attached to licences or certificates. Where no licensing restriction is appropriate, it remains a matter for the discretion of the individual licence holder, club or premises user.
- 17.12 Venue operators seeking premises licences and club premises certificates should consider including such prohibitions and restrictions in their operating schedules particularly where their own risk assessments have determined that the presence of children is undesirable or inappropriate.
- 17.13 A child is any person under the age of 18 unless otherwise stated.
- 17.13 The Licensing Authority notes the new amended statutory guidance has now placed emphasis on child sexual exploitation (CSE) matters and accordingly will look to the responsible authorities to be particularly robust and vigilant so far as any CSE matters are concerned at venues holding either a premises licence or club premises certificate.

18.0 Responsible authority and children

- 18.1 The Licensing Authority has determined that Children's Social Care and Safeguarding Service is the body that is competent to act as the responsible authority in relation to the protection of children from harm.

19.0 Children and cinemas

- 19.1 In the case of premises giving film exhibitions, the Licensing Authority expects licence holders or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification ("BBFC") or the Licensing Authority itself.
- 19.2 The 2003 Act provides that it is mandatory for a condition to be included in all premises licences and club premises certificates authorising the exhibition of films for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by a body designated under section 4 of the Video Recordings Act 1984. The BBFC is the only body which has been so designated - or by the Licensing Authority itself.

20.0 Integration of strategies

- 20.1 The Licensing Authority will secure the proper integration of its Statement of Licensing Policy with local crime prevention, planning, transport, tourism, race equality schemes and cultural strategies together with any other plans introduced for the management of town centres and the night-time economy. Whilst many of these strategies are not directly related to the promotion of the four licensing objectives, they indirectly impact upon them. The Licensing Authority recognises the importance of co-ordination and integration of such policies, strategies and initiatives.

The Licensing Authority notes that the statement of licensing policy must have regard to an expectation of preventing crime and disorder pursuant to section 17 of the Crime and Disorder Act 1998.

- 20.2 The Licensing Authority recognises the connection between excessive alcohol consumption, poor health and cost to the Health Authority. As part of a wider package of initiatives, the Council is aiming to deal with the negative effects of alcohol consumption through its Alcohol Strategy.

21.0 Planning and building control

- 21.1 Planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency.
- 21.2 Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the Planning Authority.
- 21.3 The planning and licensing regimes involve consideration of different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity. As such licensing applications shall not be a re-run of the planning application and will not cut across decisions taken by the Planning Committee or following appeals against decisions taken by that Committee. The Licensing Committee are not bound by decisions made by the Planning Committee, and vice versa
- 21.4 The granting by the Licensing Committee of any variation of a licence which involves a material alteration to a building will not relieve the applicant of the need to apply for planning permission or building control where appropriate.

- 21.5 In circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes and where those hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission will be liable to prosecution under planning law.
- 21.6 Officers from planning and licensing services will regularly share information and will provide evidence to the appropriate regulatory authority where it is considered that premises are operating in breach of either their planning permission or in contravention of conditions attached to authorisations.
- 21.7 Proper integration will be assured by the Licensing Committee and, where appropriate, may provide regular reports to the Planning Committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This would be to enable the Planning Committee and/or its officers to have regard to such matters when taking its decisions and avoid any unnecessary overlap.
- 21.8 In order to ensure the proper integration of strategies dealing with licensed premises, specifically those operating within the night-time economy or cumulative impact area, the Planning Authority will consult with the Licensing Authority in respect of all planning applications associated with A3, A4 and A5 use in so far as they relate to any of the licensing objectives.
- 21.9 The Planning Authority may also make representations as a responsible authority as long as they relate to the licensing objectives. The Licensing Authority recognises that nuisance and crime and disorder are matters that share common ground within the planning and licensing regimes. However concerns relating to the character and function of an area and aspects of amenity that do

not constitute a public nuisance are outside the scope of the licensing regime and will be dealt with separately by the Planning Authority. The Licensing Authority therefore recognises that a combination of licensing and planning powers together with effective management of the street environment is required to overcome these problems.

22.0 Promotion of equality

- 22.1 The Licensing Authority recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 22.2 The Council is required to publish information at least annually to demonstrate its compliance with the Equality Duty. These details are published on the Council's website.⁷ Further guidance is available from Government Equalities Office and the Equality and Human Rights Commission.

23.0 The licensing process and applications

- 23.1 The Licensing Authority expects applicants to have regard to this statement of licensing policy when completing their operating schedule.
- 23.2 In particular, applicants are expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote

⁷ <https://www.portsmouth.gov.uk/ext/the-council/equalities/equality-law-and-its-significance-for-the-council.aspx>

the licensing objectives, that they understand:

- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- Any risk posed to the local area by the applicants' proposed licensable activities; and
- Any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

23.3 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate:

- An understanding of how the policy impacts on their application;
- Any measures they will take to mitigate the impact; and
- Why they consider the application should be an exception to the policy.

23.4 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

23.5 The majority of information which applicants will require will be available within this statement of licensing policy. However, other publicly available sources which may be of use to applicants include:

- The Crime Mapping website;
- Neighbourhood Statistics websites;
- Websites or publications by local responsible authorities;
- Websites or publications by local voluntary schemes and initiatives;
- on-line mapping tools; and
- Any information made publicly available by Public Health to identify key facts in relation to alcohol related harm.

23.6 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. The Licensing Authority encourages co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

Applicants and licence holders seeking major variations are advised that the Licensing Authority will not normally carry out a "neighbourhood notification" exercise but **MAY** choose to do so having regard to the nature and scope of the application under consideration (for example a large open air concert with a significant occupancy capacity) and after consideration on merit. Licensing Committee minute 04/2015 refers.

In considering any representations received - those received after the prescribed advertising notification deadline time period will be deemed "late representations" and thus will not be

considered relevant by the Licensing Authority.

23.7 Applicants are expected to provide the Licensing Authority with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in Portsmouth. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

23.8 The Licensing Authority would wish to see all parties working together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to licences/certificates with the minimum of fuss.

23.9 In some circumstances, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

The Licensing Objectives

Crime and disorder

23.10 The Licensing Authority will look to the Police as the main source of advice on crime and disorder. It will also seek advice and guidance when appropriate with the Safer Portsmouth Partnership⁸.

23.11 In exercising its statutory function, the Licensing Authority will aim to co-operate with the Security Industry Authority

("SIA") as far as possible and consider adding relevant conditions to licences where appropriate.

23.12 Conditions, if imposed, will be targeted on deterrence and preventing crime and disorder. For example, where there is a good reason to suppose that disorder may take place, the presence of CCTV cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may choose to use CCTV for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach to the overall promotion of the prevention of crime and disorder objective. The Licensing Authority would wish to ensure that the precise location of cameras are identified on plans to ensure that certain areas are properly covered and to avoid any uncertainty/dispute as to the terms of any condition imposed.

23.13 The inclusion of radio links, ring-round systems or use of ID scanning technology should be considered by applicants for public houses, bars and nightclubs operating in the city centre and other leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the Police and each other which can facilitate a rapid response to any disorder which may be endangering the customers and staff at premises.

Public Safety

23.14 Licence holders have a responsibility to ensure the safety of those persons using their premises, as a part of their duties under the Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning.

⁸ <http://www.saferportsmouth.org.uk/>

Conditions relating to public safety may also promote the crime and disorder objective as noted above.

There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it will not be the purpose of the condition as this would be outside the Licensing Authority's powers (be ultra vires) under the Act. Conditions will not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

Applicants should give consideration to a number of matters in relation to public safety which may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the Police and signing up for local incident alerts;
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises; and
- Consider the use of CCTV in and around the premises (which may also assist with promoting the crime and disorder objective.

23.15 It is recognised that measures that are appropriate to promote public safety will vary between premises and the examples

listed above may not be applicable in all cases. Applicants should give due consideration when making their application which steps are appropriate to promote the public safety objective and demonstrate how they intend to achieve that.

23.16 Applicants should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

23.17 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it will be inappropriate for a condition to be applied to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it is permissible for the Licensing Authority, if it receives relevant representations, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible Authorities (such as the health and safety authority) will make their expectations clear in this respect so as to enable applicants to prepare effective operating schedules.

23.18 "Safe capacities" will only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the premises. For example, if a capacity has been imposed through other legislation, it will be inappropriate to reproduce it in a premises licence.

Equally, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

23.19 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the Act⁹, the applicant will be expected to conduct their own risk assessment as to the appropriate capacity of the premises. They should then send their recommendation to the fire and rescue authority which will consider it and decide what the "permitted capacity" of those premises should be.

23.20 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Public Nuisance

23.21 The Act enables the Licensing Authority and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. In considering the promotion of this licensing objective, the Licensing Authority and responsible authorities will focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern nuisance from noise, light, odour and litter.

23.22 Public nuisance is given a statutory meaning in many pieces of legislation. It is, however, not narrowly defined in the Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

23.23 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated design measures to mitigate sound escape from the premises may be appropriate where individual circumstances dictate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (See **Appendix C** for further information concerning regulated entertainment

⁹ Section 177 of the Act now only applies to performances of dance.

exemptions). Any conditions appropriate to promote the prevention of public nuisance will be tailored to the type, nature and characteristics of the specific premises and its licensable activities. The Licensing Authority will avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

23.24 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. The Licensing Authority and responsible authorities will approach such matters with the aim of prevention and when its powers are engaged, it will be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

23.25 Where applications have given rise to representations, any appropriate conditions shall normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a licensing requirement for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

23.26 Measures to control light nuisance will also be given careful consideration. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light nuisance for some neighbours. Applicants, the Licensing Authority and

responsible authorities will need to balance these issues.

23.27 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it is considered perfectly reasonable for the Licensing Authority to impose a condition, following relevant representations, that require the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Protection of children from harm

23.28 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). The Licensing Authority will also consider the need to protect children from sexual exploitation when undertaking licensing functions.

23.29 The Licensing Authority will give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers.

Where a responsible authority, or other person, presents evidence to the Licensing Authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the Licensing Authority will also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, the Licensing Authority will consider what conditions may be appropriate to ensure that this objective is promoted effectively.

The Licensing Authority notes the Home Office guidance to Health Authorities to enable them to carry out their role as a responsible authority and the non-statutory guidance can be found at the link below:

<https://www.gov.uk/government/publications/additional-guidance-for-health-bodies-on-exercising-functions>

23.30 The Licensing Authority will expect an applicant to be precise and clear about the measures proposed to be taken in relation to the protection of children from harm. Consideration should be given to the following matters:

- Applicants shall ensure all frontline staff undertakes training with regard to age restricted sales and the Licensing Act 2003 and that this has been properly documented. It is also expected that licence holders will ensure that all frontline staff receive refresher training every six months or where there is an identified need to do so;

- It is recommended that no member of staff should be permitted to sell alcohol until such time as they have successfully completed this training;
- It is further recommended that training should cover the topics below as a minimum:
 - Sale of alcohol to persons under 18 (penalties);
 - Age verification policies and acceptable forms of identification;
 - Signs of drunkenness and intoxication;
 - Recording refusals;
 - The Licensing Objectives.
 - Applicants and premises licence holders will be expected to take reasonable steps to prevent underage drinking and proxy sales of alcohol to children, both within the licensed premises itself and in the vicinity.

23.31 Further information concerning the protection of children from harm is set out in Chapter 16 of this policy.

Public Health

23.32 Whilst public health is not a licensing objective, health bodies are deemed to be responsible authorities under the Act and may now make representations in respect of applications and call for the review of a premises licence or club premises certificate where they have appropriate evidence to do so and can demonstrate how an applicant's proposals at the specific premises will undermine one or more of the licensing objectives.

23.33 The Licensing Authority recognises that the health and wellbeing of communities can be adversely affected by drinking excess alcohol. National evidence¹⁰

shows that whilst there is little difference in alcohol consumption between people living in more or less deprived areas, people living in the most deprived areas have an almost two-fold greater risk of an alcohol-related death than people living in the least deprived areas.

23.34 Portsmouth has diverse levels of deprivation, the greatest being around the fringes of the city centre and in the north of the city. When compared to the national average, Portsmouth as a whole is significantly worse for alcohol harm.¹¹

23.35 The Licensing Authority recognises that alcohol related harm places increasing demands on the health service and, at a time when unprecedented efficiencies need to be made by the NHS, Police and local authorities. Therefore, preventative steps must be taken in order to protect and improve the health and wellbeing of our community.

23.36 Portsmouth Public Health works closely with the other responsible authorities and plays an active part in contributing to the licensing policy and assisting applicants promote the licensing objectives. Health bodies may hold information which other responsible authorities do not, but which would assist a licensing authority in exercising its functions. This information may be used by the health body to make representations in its own right or to support representations.

23.37 There is also potential for health bodies to participate in the licensing process in relation to the protection of children from harm. This objective not only concerns the physical safety of children, but also their moral and psychological well being.

23.38 Evidence relating to under-18s alcohol-related emergency department attendance, hospital admissions and underage sales of alcohol, could potentially have implications for both the

protection of children from harm and the crime and disorder objectives. Health bodies can provide evidence to lead or support representations in relation to this objective. In relation to proxy purchases, data collected by health bodies could be used to inform other responsible authorities, including the police and licensing authorities, about a prevalence of proxy purchasing in a particular area. Although less obvious, health bodies may also have a role to play in the prevention of public nuisance where its effect is prejudicial to health and where they hold relevant data.

23.39 As stated in paragraph 23.32, the promotion of public health is not a licensing objective as set out in the Act. However, the Licensing Authority would seek to encourage and support where appropriate, any voluntary initiatives that premises may wish to adopt to help reduce alcohol harm within our communities.

23.40 Such initiatives may include:

- Avoiding the sale of beers, lagers and ciders over 6.5% ABV which are sold in plastic bottles or metallic cans, (Note: this does not include premium, craft or specialist products as these are not a target for problem drinkers);
- Taking steps to consider the display of alcohol in such a manner that will not unduly encourage people to drink irresponsibly and equally limit the exposure children have to alcohol advertising;
- Refraining from placing alcohol products amongst, near or next to confectionary that would usually be consumed by children or young people (which would include till point toys or stickers);
- The use of breathalysers as a means of determining intoxication and supporting door staff decisions not to admit, or serve customers who are already intoxicated;

23.41 The Licensing Authority recognises the value in well run and responsible community pubs and those with an associated offer other than alcohol, like food or entertainment. A shift in drinking patterns and consumption gives rise to concerns that harm from alcohol may now be driven by low cost "off" sales, and not necessarily by sales in pubs. The Licensing Authority also recognises that the more visible harms created by drunk and disorderly behaviour in the night-time economy are also increasingly driven by pre-loading cheap alcohol from shops and supermarkets.

24.0 The Review Process

- 24.1 The proceedings set out in the Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 24.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the Licensing Authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 24.3 An application for review may be made electronically, provided that the Licensing Authority agrees and the applicant submits a subsequent hard copy of the application, if the Licensing Authority requires one. The Licensing Authority may also agree in advance that the application need not be given in hard copy. However these applications fall outside of the formal electronic application process and may not be submitted via GOV.UK or the Licensing Authority's electronic facility.
- 24.4 In addition, the Licensing Authority must review a licence if the premises to which it relates was made the subject of a closure order by the Police based on

nuisance or disorder and the Magistrates' Court has sent the Authority the relevant notice of its determination, or if the Police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.

- 24.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate.

Therefore, the Licensing Authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for the Licensing Authority to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the Police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.

- 24.6 Where the Licensing Authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. Further information on how the Licensing Authority should achieve this separation of responsibilities can be found in Chapter 9 of the Statutory Guidance.

- 24.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives.

Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.

- 24.8 Where the Licensing Authority receives a geographic cluster of complaints, the authority will consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the Licensing Authority will also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of the Statutory Guidance.

- 24.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the Licensing Authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.

- 24.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

- 24.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the Licensing Authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of the Statutory Guidance.

24.12 **Repetitious grounds of review**

A repetitious ground is one that is identical or substantially similar to:

- A ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
- Representations considered by the Licensing Authority when the premises licence or certificate was granted; or
- Representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 24.13 The Licensing Authority is aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the Licensing Authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, the Statutory Guidance recommends that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 24.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 24.15 When the Licensing Authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.
- 24.16 **Powers of the Licensing Authority on the determination of a review**
- The 2003 Act provides a range of powers for the Licensing Authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 24.17 The Licensing Authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent the Licensing Authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. The Licensing Authority regards such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 24.18 However, where responsible authorities such as the Police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, The Licensing Authority will not merely repeat that approach and will take this into account when considering what further action is appropriate.
- 24.19 Where the Licensing Authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours or opening or by requiring door supervisors at particular times;
 - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);

- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

24.20 In deciding which of these powers to invoke, the Licensing Authority will seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken will generally be directed at these causes and will always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

24.21 For example, the Licensing Authority will be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

24.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

24.23 The Licensing Authority also notes that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the

licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the Licensing Authority will not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

24.24 Reviews arising in connection with crime

A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. The Licensing Authority does not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The Licensing Authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

24.25 Reviews are part of the regulatory process introduced by the Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the Licensing Authority to determine whether the problems

associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the Licensing Authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

24.26 Where the Licensing Authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the Licensing Authority is still empowered to take any appropriate steps to remedy the problems. The Licensing Authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.

24.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;

- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

24.28 The Licensing Authority, the Police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, revocation of the licence – even in the first instance – will be seriously considered.

24.29 Review of a premises licence following persistent sales of alcohol to children

The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures).

However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps

to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

25.0 Late Night Levy

- 25.1 The Licensing Authority acknowledges that the Police Reform and Social Responsibility Act 2011 enables a licensing authority to charge a levy on persons who are licensed to sell alcohol late at night in the authority's area (between midnight and 06:00 hours), as a means of raising a contribution towards the costs of policing the late-night economy. The option of introducing such a levy will be kept under review by the Council.¹²

26.0 Early Morning Restriction Orders (EMROs)

- 26.1 In addition to the provisions contained within the Police Reform and Social Responsibility Act 2011 for the Late Night Levy, there is an additional power for the Licensing Authority to restrict sales of alcohol in the whole or part of their areas for any specified period between midnight and 06:00 hours if it considers it appropriate for the promotion of the licensing objectives. Again, the option of introducing an EMRO will be kept under review by the Council.

¹² See additional amendments in Section 142 of the Crime and Policing Act 2017

27.0 Administration, exercise and delegation of functions

- 27.1 The Act provides that the functions of the Licensing Authority (including its determinations) are to be taken or carried out by its Licensing Committee (except those relating to the making of a statement of licensing policy or where another of its committees has the matter referred to it). Where licensing functions are not automatically transferred to the Licensing Committee, the functions must be carried out by the Council as a whole and not by its Executive. As many of the decisions and functions will be purely administrative in nature, and in the interests of speed, efficiency and cost effectiveness, the Licensing Authority shall undertake a process of delegation of its functions. The delegation of functions is set out in the table at 26.4.
- 27.2 The Act does not prevent the development by the Licensing Authority or other Licensing Authorities for work of a purely administrative nature, e.g. mail-outs. In addition, such administrative tasks may be contracted out to private businesses. But any matters regarding licensing decisions must be carried out by the Licensing Committee, its sub-committee or officers.

The Licensing Authority recognises that licensing hearings must be fair and impartial so as to accord with the Human Rights Act 1998. Accordingly, any and all licensing decisions determined by the

Licensing Committee (or Licensing Sub-Committee) will be made by councillors who have received appropriate and comprehensive training on both the Licensing Act (and statutory regulations) together with training on the general principles of good administrative law relating to the rules of natural justice, bias and conduct at meetings. The training will also acknowledge any standing orders and/or codes of conduct applicable to elected members and no councillor may sit and adjudicate on any licensing matter without first receiving such training.

- 27.3 Where, under the provisions of the Act, there are no relevant representations on an application for the grant of a premises licence or club premises certificate or police objections to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters will be dealt with by officers in order to speed matters through the system. The Licensing Committee shall receive regular reports on decisions made by officers so that they maintain an overview of the general situation.

27.4 Table: Delegation of Functions

Matters to be dealt with	Sub-Committee	Officers
Application for personal licence	If an objection	If no objection made
Application for personal licence with unspent convictions (upon receipt of an objection notice from Police)	All cases	
Revocation of a personal licence following convictions coming to light after grant of licence (upon receipt of an objection notice from Police) ¹³	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If an objection	All other cases
Applications for interim authorities	If an objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Application by the Chief Officer of Police for the summary review of a premises licensed for the sale of alcohol by retail	All cases	
Decision on whether a representation is irrelevant, frivolous or vexatious etc.		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases

¹³ See para 124 of The Licensing Act 2003

28.0 Contact Details

Contact Details for Licensing Authority and other Responsible Authorities	
<p>Licensing Service Portsmouth City Council Civic Offices Guildhall Square Portsmouth Hants PO1 2AL</p> <p>Tel: 023 9283 4607 or 023 9268 8367 Fax: 023 9283 4811 Email: licensing@portsmouthcc.gov.uk</p>	<p>The Chief Officer of Police Hampshire Constabulary Portsmouth Licensing and Alcohol Harm Reduction Team Licensing Office Civic Offices Guildhall Square Portsmouth PO1 2AL</p> <p>Tel: 101 Direct Dial: 023 9268 8314 Email: force.licensing@hampshire.pnn.police.uk</p> <p>Please note that the Police will not accept electronic applications unless agreed in advance.</p>
<p>Regulatory Services (Pollution Control) Portsmouth City Council Civic Offices Guildhall Square Portsmouth Hants PO1 2AL</p> <p>Tel: 023 9268 8366 Email: tradingstandards@portsmouthcc.gov.uk</p>	<p>Regulatory Services (Business Support) Portsmouth City Council Civic Offices Guildhall Square Portsmouth Hants PO1 2AL</p> <p>Tel: 023 9268 8362 Email: pubprot@portsmouthcc.gov.uk</p>
<p>Trading Standards Service Portsmouth City Council Civic Offices Guildhall Square Portsmouth Hants PO1 2AL</p> <p>Tel: 023 9283 4689 Email: pubprot@portsmouthcc.gov.uk</p>	<p>Children's Social Care and Safeguarding Service Portsmouth City Council Civic Offices Guildhall Square Portsmouth Hants PO1 2AL</p> <p>Tel: 023 9282 2251 Email: safeguardingnotifications@portsmouthcc.gov.uk</p>

<p>The Chief Fire Officer Hampshire Fire and Rescue Service HQ Leigh Road Eastleigh Hants SO50 9SJ</p> <p>Tel: 023 9285 5180 Email: csprotection.admin@hantsfire.gov.uk</p>	<p>Head of Planning Service c/o Assistant Director of Culture & City Development Portsmouth City Council Civic Offices Guildhall Square Portsmouth Hants PO1 2AL</p> <p>Email: planning@portsmouthcc.gov.uk</p>
<p>Director of Public Health Portsmouth City Council Civic Offices Guildhall Square Portsmouth PO1 2BY</p> <p>Tel: 023 9284 1779 Email: publichealth@portsmouthcc.gov.uk</p>	<p>The Home Office (Immigration Enforcement) Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY</p> <p>Email: Alcohol@homeoffice.gsi.gov.uk</p>
	<p>In respect of vessels only:</p>
<p>Where relevant: Health and Safety Executive Priestley House Priestley Road Basingstoke Hants RG24 9NW</p> <p>Tel: 0203 028 1570 Email: advice@hse.gov.uk</p> <p><i>Copies of applications should, in most cases, only be served on the Health and Safety Executive in respect of premises operated by crown bodies (including the military), local authorities, the police, hospitals, schools and universities.</i></p>	<p>Navigation Authority:</p> <p>Queen's Harbour Master Semaphore Tower PP70 HMS Nelson HM Naval Base Portsmouth Hants PO1 3LT</p> <p>Tel: 023 9272 3124 Email: portsmouth@ghm.mod.uk</p>
<p>Maritime and Coastguard Agency Spring Place 105 Commercial Road Southampton Hants SO15 1EG</p> <p>Tel: 0203 817 2000 Email: infoline@mcga.gov.uk</p>	<p>Environment Agency Solent & Southdowns Office Guildbourne House Chatsworth Road Worthing West Sussex BN11 1LD</p> <p>Tel: National Call Centre 03708 506 506 (Mon - Fri 0800 until 1800) Email: enquiries@environment-agency.gov.uk</p>

APPENDIX A

Map of Portsmouth



APPENDIX B

Hampshire Constabulary supporting information and map for Special Policy Area - Cumulative Impact

1.0 Background

Portsmouth district has a mixed use city centre surrounded by a densely populated residential areas. Operationally this imposes significant demands upon emergency services and the wider partnership

The demands of policing the Night Time Economy (NTE) within Portsmouth place a heavy demand on the police and Portsmouth City Council (PCC). This in terms of resources to minimise the effects of drink related crime and disorder and ensure public safety

There is an ongoing campaign to cut alcohol fuelled crime and disorder in Portsmouth and reduce the burden on public health, it is supported by Portsmouth Safe City Partnership covering a wide spectrum of partners, stakeholders and voluntary services.

There are a significant number of persons who live outside the city, visiting attractions such as the Guildhall, Gunwharf, theatres, restaurants and shopping complexes beyond the NTE in Portsmouth. The city also hosts headline events such as Victorious Festival, Portsmouth Summer Show, Mutiny, Oktoberfest and the Admirals Cup to list a few

The successful and vibrant NTE in Portsmouth attracts tourists, local residents and students into the licensed venues. There are 4 distinct Night Time Economy (NTE) zones;

- *Guildhall Walk (cumulative impact policy zone)*
- *Gunwharf*
- *Central Southsea (Albert Road NTE zone)*
- *Portsmouth South (Palmerston Road NTE)*

A further area is also monitored for NTE related violence, this being North End. The principal area is a small section of London Road with a concentration of mixed use licensed premises, these include fast food establishments, restaurants, on and off licences. The levels of residential crime is also captured, this to monitor if this is an emerging NTE hotspot

The impact of the NTE has historically imposed a disproportionately negative impact on crime and disorder levels within the Portsmouth district and those 4 NTE zones. Post 2008 a vast investment from police and partners in resources has significantly reduced these levels, including the introduction of the Cumulative Impact Policy (CIP) zone within the PCC Statement of Licensing policy.

The introduction of the CIP areas for Guildhall Walk and surrounding vicinity has had a significant impact reducing crime and disorder, helping to promote the licensing objectives within licensed premises captured within this policy

The key signal crime types are assaults, sexual offences, robberies and alcohol related ASB, however, for the purposes of this report I have focussed on purely violence offences under the HMIC tree group 9. Those that relate to both violence 'with injury' and 'without injury'.

In compiling this report the Record Management System (RMS) used by Hampshire Constabulary to record all occurrences whether crime or non-crime has been used to provide relevant evidence. A further IT system known as 'business objects' provides a tool to analyse this data.

Recorded crime data has been used rather than 'calls for service' incidents reported to the Force Control Room, although demand data is valuable it will not capture all 'hidden demand'

2.0 Crime Data

[1] Geographical data (Portsmouth district)

The level of crime and disorder within Portsmouth, particularly its NTE zones has largely reduced year on year since 2008, this has mirrored local and national crime trends. There are a number of contributory factors particularly; smarter partnership approach around alcohol harm reduction, regulatory enforcement (including the CIP) and the economy recession world wide.

In the period since 2008, Hampshire Constabulary has adapted to the crime recording and classification changes introduced by the Home Office, this makes comparative interpretation of police crime data throughout this period more difficult. There has also been a greater drive to ensure crime data integrity by police forces nationally, this accounts for an increase 2015-2016 which is evident in Hampshire and across all force areas nationally.

(Refer Annexe 1 - Key guidance on crime data integrity)

The police and Portsmouth Safe City Partnership have used data, known colloquially as LNEP. This data set was only formed of the key arterial streets and roads in the 4 NTE zones, however, failed to have the interconnecting streets (particularly the Guildhall Walk NTE zone) which fails to give a fully accurate insight into violence levels within the NTE zones.

A business objects search process has been built, the intention is to provide the most accurate crime data integrity for each NTE zone. The process involved agreeing the outer perimeter and those streets and roads within the NTE zone, the existing CIP zone for Guildhall Walk was used.

The limitations of the police reporting system known as RMS does not facilitate geo post coding, at present, so will capture some residential crime (non NTE related violence offences) on certain streets that form the outer perimeter of a zone. Conversely there may be NTE related violence that occurred outside of the NTE zones but not captured in search function.

Comparison of violence within Portsmouth District

HMIC Crime Tree (9 group) - Violence	Homicide	Violence (with injury)	Violence (w/out injury)	Total Violence	Portsmouth District 'Total Violence' % of force violence
2014-15	4	2294	2557	4855	17.27% (4855 / 28108)
2015-16	3	3210	4118	7331	17.03% (7331 / 43047)
2016-17 (jan)	3	2910	4271	7184	17.36% (7184 / 41388)

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2017

The Portsmouth district has steadily accounted for around 17% of the whole Hampshire Constabulary 'Total Violence' for each of the last 3 performance year periods.

The Portsmouth district has been transformed administratively from 4 into 3 sectors, in the last 18 months. The 4 NTE zones are predominantly in two of those sectors, an analysis of the distinct NTE zones is the focus for this report rather than those neighbourhood sectors.

Comparison of violence within Portsmouth District sectors

HMIC Crime Tree (9 group) - Violence NTE related violence both DTE & NTE	Homicide	NTE Violence (with injury)	NTE Violence (w/out injury)	NTE Total Violence	NTE violence as % of Portsmouth District 'Total Violence'
Portsmouth District	0	711	833	1544	21.50% (1544 / 7184)
Portsmouth Central Sector	0	428	496	924	12.86% (924 / 7184)
Portsmouth North Sector	0	23	26	49	0.68% (49 / 7184)
Portsmouth South Sector	0	260	311	571	7.94% (571 / 7184)

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2017

The NTE accounts for 21.49% of the 'Total Violence' absorbed within the whole Portsmouth district total in the last performance year, this has reduced year on year from 26.38% in 2014/15. This figure covers both DTE and NTE violence data, this proportion actually mirrors the proportion of NTE violence within Southampton District.

The proportion of violence (both DTE and NTE) compared against the whole Portsmouth district is **down** year on year, whereas the number of violence offences (both DTE and NTE) has **increased** year on year.

Comparison of violence within Portsmouth District NTE zones (both DTE and NTE)

NTE Zones (Portsmouth) both DTE & NTE violence	Homicide	Violence (with injury)	Violence (w/out injury)	Total Violence	% of Portsmouth District 'Total Violence'
2014-2015	0	659	622	1281	26.38% (1281 / 4855)
2015-2016	0	821	777	1598	21.80% (1598 / 7331)
2016-2017 (Jan)	0	711	833	1544	21.49% (1544 / 7184)

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2017

In the current performance year 2016/17 (jan) the proportion of violence offences within the NTE zones (both DTE and NTE) represents 3.73% (1544 / 41388) of the whole Hampshire Constabulary 'Total Violence'.

Comparison of violence within Portsmouth District NTE zones (NTE violence only)

NTE Zones (Portsmouth) NTE violence only	Homicide	Violence (with injury)	Violence (w/out injury)	Total Violence	% of Portsmouth District 'Total Violence'
2014-2015	0	507	412	919	18.93% (919 / 4855)
2015-2016	0	655	478	1133	15.45% (1133 / 7331)
2016-2017 (Jan)	0	564	485	1047	14.57% (1047 / 7184)

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2017

A further analysis purely on NTE violence (1900 and 0700 hours) shows the actual number of crimes has increased, however, there is a downward trajectory in terms of the NTE having a less disproportionate impact on the 'Total Violence' for the Portsmouth district.,

The general trend following national changes to drive up crime data integrity and recording standards was an increase in all crime types, including violence offences.

A further trend evident just in the figures above show the proportion of NTE violence offences 'with injury' are increasing, as are those 'without injury' are increasing.

[2] NTE Zones (Portsmouth district)

Comparison of violence within Guildhall NTE

Guildhall Square

NTE Zones Location Grouping (violence only)	Count Occ_Ref	Count NTE	NTE %	Count DTE	DTE %	% of district Violence (NTE only)
2014-2015	544	420	77.21%	122	22.43%	8.65% (420 / 4855)
2015-2016	647	499	77.13%	148	22.87%	6.80% (499 / 7331)
2016-17 (Jan)	660	471	71.36%	187	28.33%	6.56% (471 / 7184)

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2017

The NTE for the Guildhall Walk covers the surrounding vicinity, including commercial road and streets where prominent nightclubs and licensed premises are located. This is the principal NTE zone and has the highest footfall, it has a 'Cumulative Impact Policy' in place.

The general trend for the last 3 years shows the proportion of NTE violence offences occurring in this zone from 1900 to 0700 hours has reduced, likewise it represents a reducing proportion (currently at 6.56%) of the 'Total Violence' for the Portsmouth district.

The actual occurrence count reference spiked in 2015-16, as previously mentioned this was in line with more rigorous national crime recording standards

Comparison of NTE violence only within Guildhall NTE

Guildhall Square (incl Commercial Rd) NTE violence only	Homicide	Violence (with injury)	Violence (w/out injury)	Total Violence	% of Portsmouth District 'Total Violence'
2014-2015	0	232	188	420	8.65% (420 / 4855)
2015-2016	0	295	204	499	6.80% (499 / 7331)
2016-2017 (Jan)	0	269	204	471	6.56% (471 / 7184)

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2017

An emerging trend evident is the number of violence offences 'with injury' are increasing in this zone, as are those 'without injury'. This suggests that although the proportion of violence offences are reducing, the severity of the **violence is increasing**.

Comparison of other NTE zones within Portsmouth District

Central Southsea (Albert Road NTE) NTE violence only	Homicide	Violence (with injury)	Violence (w/out injury)	Total Violence	% of Portsmouth District 'Total Violence'
2014-2015	0	68	79	147	3.01% (147 / 4855)
2015-2016	0	75	73	148	2.01% (148 / 7331)
2016-2017 (Jan)	0	84	83	167	2.32% (167 / 7184)
Gunwharf NTE violence only	Homicide	Violence (with injury)	Violence (w/out injury)	Total Violence	% of Portsmouth District 'Total Violence'
2014-2015	0	75	37	112	2.30% (112 / 4855)
2015-2016	0	141	70	211	2.88% (211 / 7331)
2016-2017 (Jan)	0	68	55	123	1.71% (123 / 7184)
North End / London Road NTE & residential violence	Homicide	Violence (with injury)	Violence (w/out injury)	Total Violence	% of Portsmouth District 'Total Violence'
2014-2015	0	73	56	129	2.66% (129 / 4855)
2015-2016	0	72	79	151	2.06% (151 / 7331)
2016-2017 (Jan)	0	89	83	172	2.39% (172 / 7184)

Portsmouth South (Palmerston Road NTE) NTE violence only	Homicide	Violence (with injury)	Violence (w/out injury)	Total Violence	% of Portsmouth District 'Total Violence'
2014-2015	0	58	51	109	2.25% (109 / 4855)
2015-2016	0	71	49	120	1.64% (120 / 7331)
2016-2017 (Jan)	0	54	60	114	1.59% (114 / 7184)

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2017

The data for the last 3 years shows all the NTE zones have shown a slight increase in number of violence offences, this increase is mirrored for all relating to violence 'without injury' offences. Conversely, despite this numerical increase, there is a universal downward trend in the proportion as measured against 'Total Violence' for the Portsmouth district.

The number of more serious violence 'with injury' offences has increased in Albert Road and North End, the latter is not an NTE zone and its figures cover NTE and other residential location violence offences.

The NTE zones of Gunwharf and Palmerston Road (and surrounding areas) have shown a slight decrease in this classification of offences.

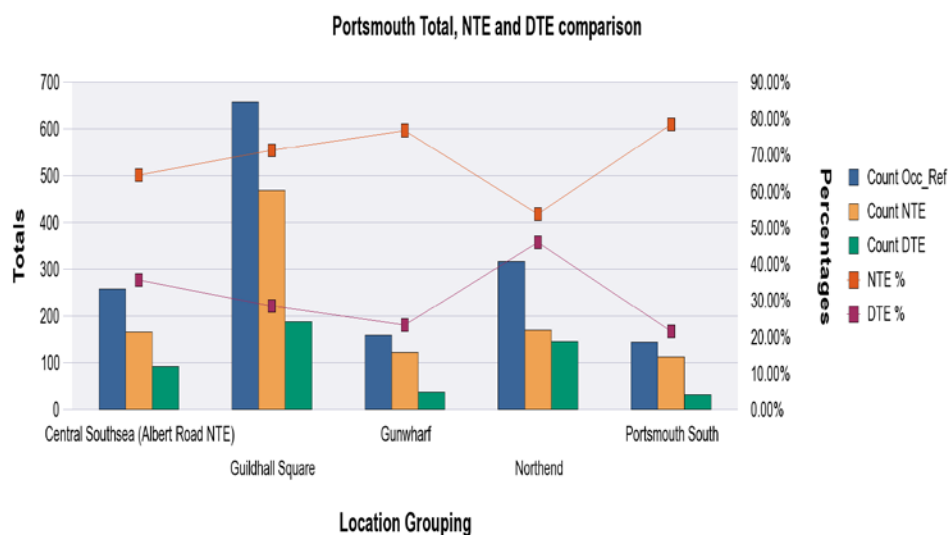
The Guildhall Walk NTE zone accounts for more NTE violence offences than the other 3 NTE zones (Albert Road, Palmerston Road and Gunwharf) combined, both in numerical terms and as a proportion of NTE violence in the NTE Zones.

The actual occurrence count reference spiked in 2015-16, as previously mentioned this was in line with more rigorous national crime recording standards.

This proportion and number of DTE crime compared to the NTE have both increased (refer below). The data set measured the times the offence occurred, rather than when it was recorded.

This would tend to support the hypothesis that generally NTE crime levels are falling, rather than DTE crime levels escalating or due to recording anomalies. This is an area to monitor and analyse in greater depth if the trends remain.

Comparison of NTE & DTE violence in the Portsmouth District NTE zones 2016/17 (Jan)



[3] Temporal trends within the NTE Zones (Portsmouth district)

Temporal comparison of NTE violence only within Portsmouth District (weekends)

2014-15

NTE	19	20	21	22	23	0	1	2	3	4	5	6	Total
Mon/Tue	5	3	4	4	11	10	9	16	3				65
Tues/Wed	5	2	7	8	3	14	9	8		1	1	1	59
Wed/Thur	7	4	5	8	13	14	18	8	1	2	2		82
Thur/Fri	5	5	5	13	12	17	12	17	6	2	5	1	100
Fri/Sat	4	11	13	18	31	55	55	49	24	19	4		283
Sat/Sun	8	7	11	19	26	55	49	49	23	5	2		254
Sun/Mon	3	4	3	14	8	16	11	6	3	1		2	71
Blank						1							1
Total	37	36	48	84	104	182	163	153	60	30	14	4	915

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2015

2015-16

NTE	19	20	21	22	23	0	1	2	3	4	5	6	Total
Mon/Tue	3	3	5	11	8	15	11	13	5	2		1	77
Tues/Wed	4	6	11	4	8	7	9	13	4		3	1	70
Wed/Thur	9	3	13	3	12	18	16	6		3		4	87
Thur/Fri	7	9	6	17	11	18	22	34	6	6	3		139
Fri/Sat	8	7	9	14	29	52	48	60	52	17	3	3	302
Sat/Sun	10	14	19	29	61	87	53	43	33	9	2		360
Sun/Mon	8	9	7	4	17	24	11	5	1	1	2	2	91
Total	49	51	70	82	146	221	170	174	101	38	13	11	1126

Figures from Hampshire Constabulary RMS business objects 01/04/2015-31/01/2016

2016-17 (Jan)

NTE	19	20	21	22	23	0	1	2	3	4	5	6	Total
Mon/Tue	12	8	13	9	2	12	7	10	5	3	2	4	87
Tues/Wed	6	12	1	8	8	18	8	8	2		2	1	74
Wed/Thur	7	5	4	10	6	11	10	6	9	3	1		72
Thur/Fri	5	11	4	10	10	20	14	20	17	8		2	121
Fri/Sat	4	10	17	13	37	39	47	34	19	7	3	2	232
Sat/Sun	8	12	13	36	36	64	65	41	46	19	2	4	346
Sun/Mon	8	11	12	10	16	19	12	10	2	1	3		104
Blank						2							2
Total	50	69	64	96	115	185	163	129	100	41	13	13	1038

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2017

2014/15

- 58.69% of NTE Violence data relates to purely Fridays and Saturdays (537/915);
 - Friday data (283) represents 30.93% of total occurring between 1900 to 0700 hrs, peak times being 2000 to 0500 hours;
 - Saturday data (254) represents 27.76% of total occurring between 1900 to 0700 hrs, peak times being 2100 to 0400 hours;
 - Thursday data (100) represents 10.93% of total occurring between 1900 to 0700 hrs, peak times being 2200 to 0300 hours;
 - Wednesday data (82) represents 8.96% of total occurring between 1900 to 0700 hrs, peak times being 2200 to 0300 hours (student society day);
 - Small peaks on Sunday (2200 to 0200 hours) and Monday (2300 to 0300 hours) were apparent, without further research these are likely to align to student led promotion nights or events.

2015/16

- 58.79% of NTE Violence data relates to purely Fridays and Saturdays (662 / 1126);
 - Friday data (302) represents 26.82% of total occurring between 1900 to 0700 hrs, peak times being 2200 to 0500 hours;
 - Saturday data (360) represents 31.97% of total occurring between 1900 to 0700 hrs, peak times being 1900 to 0500 hours
 - Thursday data (139) represents 12.34% of total occurring between 1900 to 0700 hrs, peak times being 2200 to 0300 hours;
 - Small peaks on Sunday (2300 to 0200 hours) and Monday (2200 to 0300 hours) were apparent, without further research these are likely to align to student led promotion nights or events.

2016/17 (Jan)

- 55.69% of NTE Violence data relates to purely Fridays and Saturdays (578 / 1038);
 - Friday data (232) represents 22.35% of total occurring between 1900 to 0700 hrs, peak times being 2000 to 0500 hours;
 - Saturday data (346) represents 33.33% of total occurring between 1900 to 0700 hrs, peak times being 2000 to 0500 hours;
 - Thursday data (121) represents 11.61% of total occurring between 1900 to 0700 hrs, peak times being 2000 to 0400 hours;
 - Small peaks on Sunday (2000 to 0300 hours) and Monday (1900 to 0300 hours) were apparent, without further research these are likely to align to student led promotion nights or events.

Trends

- The NTE violence spiked in 2015-16, as previously mentioned this was in line with more rigorous national crime recording standards, this represented a 23% increase from 2014/15 (915 to 1126);
- The NTE violence has slightly reduced in 2016-17, at present it is 7.83% reduction than the previous year (1126 down to 1038). However there are still 2 months of the reporting year that **will** change this aspect;
- Comparing the years 2014/15 and just this current incomplete year 2016/17 (Jan) shows a 13.44% increase in NTE violence (915 up to 1038), the greater crime data integrity will have a factor in this increase but the true extent is not easy to determine;
- The proportion of NTE violence from Friday and Saturday evenings has reduced slightly in the last reporting year by 3.10%, when measured against whole NTE violence when the previous 2 years it was a constant proportion at 58-59%;
- The trends have remained; Thursday (11.61%) and Sunday (10.02%) are the next busiest nights for NTE violence. There is a vibrant student population in the NTE, this does account for peaks on Sundays, including spikes on Monday nights;
- The peak night is Saturday night, the proportion of NTE violence occurring on this night has risen year on year from 27% to 33%, a concerning trend is that the peak times have widened from 2100 to 0400 hours. This is now 2000 to 0500 hours;
- The second busiest night is Friday, however, proportion of NTE violence occurring on this night has reduced year on year from 30% to 22% , its peak times being 2000 to 0500 hours have remained constant throughout.

Comparison of the proportion of NTE violence on weekends

NTE	2014/15 (% of NTE violence that year)	2015/16 (% of NTE violence that year)	2016/17 (Jan) (% of NTE violence that year)
Thu	10.93%	12.34%	11.61%
Fri	30.93%	26.82%	22.35%
Sat	27.76%	31.97%	33.33%
Yr Total	915	1128	1038
	Variance	(+) 23%	(-) 7.83%

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2017

[4] Zones, venues & locations (Portsmouth district)

There are a number of premises that recorded more than 10 violence offences linked to their venue incidents in the calendar year, the majority of incidents that occurred between nights of Thursday and Sunday.

The scope of this report is not to drill into those key venues, ongoing licensing engagement with those venues is 'business as usual' as part of a partnership approach. Where any venue experiences higher levels of violence or disorder linked to that venue, there is proportionate, graduated escalation with enforcement the ultimate action.

3.0 Conclusion

The presence of 4 NTE zones, in Portsmouth, places a disproportionate burden on police and partnership resources. This despite there being a downward trend in NTE related violence within Portsmouth since 2008, a trend replicated across Hampshire and Nationally.

The main body of this report demonstrates that the analytical data shows the peak impact times for demand on the Night Time Economy of Portsmouth, the statistics clearly show that there are definite peaks in crime at these times linked to the licensed venues operating in the city centre beyond midnight and also linked to NTE zones.

The actual violent crime occurrence count spiked in 2015-16, as previously mentioned this was in line with more rigorous national crime recording standards. This was evident in Hampshire and across all forces nationally. This current year has witnessed a recalibration, the enhanced crime reporting standards are becoming embedded. Accordingly any comparison of the last 3 years violence performance data must account for these factors.

The final key point is that the geography of Portsmouth is densely populated within a 2 square mile area. The ease of mobility (whether on foot or vehicle) occasionally makes it difficult to discern whether alcohol related violence or disorder, on any given road or street, is directly attributable to a NTE zone let alone individual venues. Notwithstanding improving standards of crime recording, the existing crime data methods and technology need to be assessed against these constraints.

[A] Existing CIP area Guildhall Walk NTE (and surrounding vicinity)

The NTE continues to draw Police resources into the city centre (Guildhall Walk NTE and surrounding vicinity) to deal with violence and alcohol related disorder, this is evidenced within the geographical, temporal and location trends.

These show that Portsmouth Guildhall Walk NTE (and surrounding vicinity) has the highest 'total violence' levels. The Portsmouth Central sector contains this NTE and Gunwharf NTE zone, consequently it suffers 'total violence' levels in excess of other sectors within the Portsmouth district.

The Portsmouth South sector contains the NTE zones of Albert Road and Palmerston Road so also experiences relative increased levels of 'total violence', ***in direct contrast*** to the Portsmouth North sector which has no discernible NTE zones so benefits from lower levels of 'total violence'.

While the NTE continues to exist, there will remain a need for police to resource the crime and disorder that results, the introduction of a cumulative impact policy has clearly helped to sustain the existing partnership resources that underpin the NTE infrastructure.

The venues within the Guildhall Walk NTE have clearly worked in unison with this partnership approach. They have raised their compliance with the licensing objectives, the influence and benefits of the CIP zone is a significant, contributory factor to this success

The retention of the existing CIP will sustain improved standards of compliance and encourage best practice, in the last 12 months there have been occasions where the police have objected to applications for later hours.

The merits of each application have to be judged, however, the determination to grant later hours did not support the Portsmouth City Council own CIP policy. The extent of these determinations on NTE related violence and disorder levels will need to be monitored accordingly

The headline trends from this report for Guildhall Walk NTE in the last 3 years show;

- The number of violence offences (purely NTE violence) has **increased** year on year
- The proportion of violence (purely NTE violence) compared against the whole Portsmouth district 'total violence' is **down** year on year
- The number of violence offences '*with injury*' (purely NTE violence) has **increased** year on year
- The number of violence offences '*without injury*' (purely NTE violence) has **increased** year on year
- The proportion of violence (both DTE and NTE) compared against the whole Portsmouth district is **down** year on year
- The number of violence offences (both DTE and NTE) has **increased** year on year
- Saturday remains the peak evening, the proportion of NTE violence that occurs on this day has increased year on year compared to other nights
- Friday remains the second busiest evening, the proportion of NTE violence that occurs on this day has actually decreased year on year (*the decrease appears to correlate to same amounts as the increase to Saturday's proportion of NTE violence*)
- The proportion of Guildhall Walk NTE violence on Thursday, Friday and Saturday nights across all NTE zones accounts for 67-70% of all the NTE violence occurring within 1900 to 0700 hours
- The Guildhall Walk NTE zone accounts for more NTE violence offences than the other 3 NTE zones (Albert Road, Palmerston Road and Gunwharf) combined, both in numerical terms and as a proportion of NTE violence in the NTE Zones

Recommend: This is persuasive argument to justify the existing CIP area being maintained

[B] Other NTE Zones

The body of this report demonstrates that the impact of the other NTE zones within the Portsmouth district in terms of NTE violence is not as disproportionate as Guildhall NTE, this strengthens the persuasive argument to maintain the existing CIP in that zone.

There are natural levels of displacement based around the diversity of venues and NTE zones across the whole Portsmouth district. The benefits of a vibrant, Multiple, smaller and widespread NTE zones should be encouraged

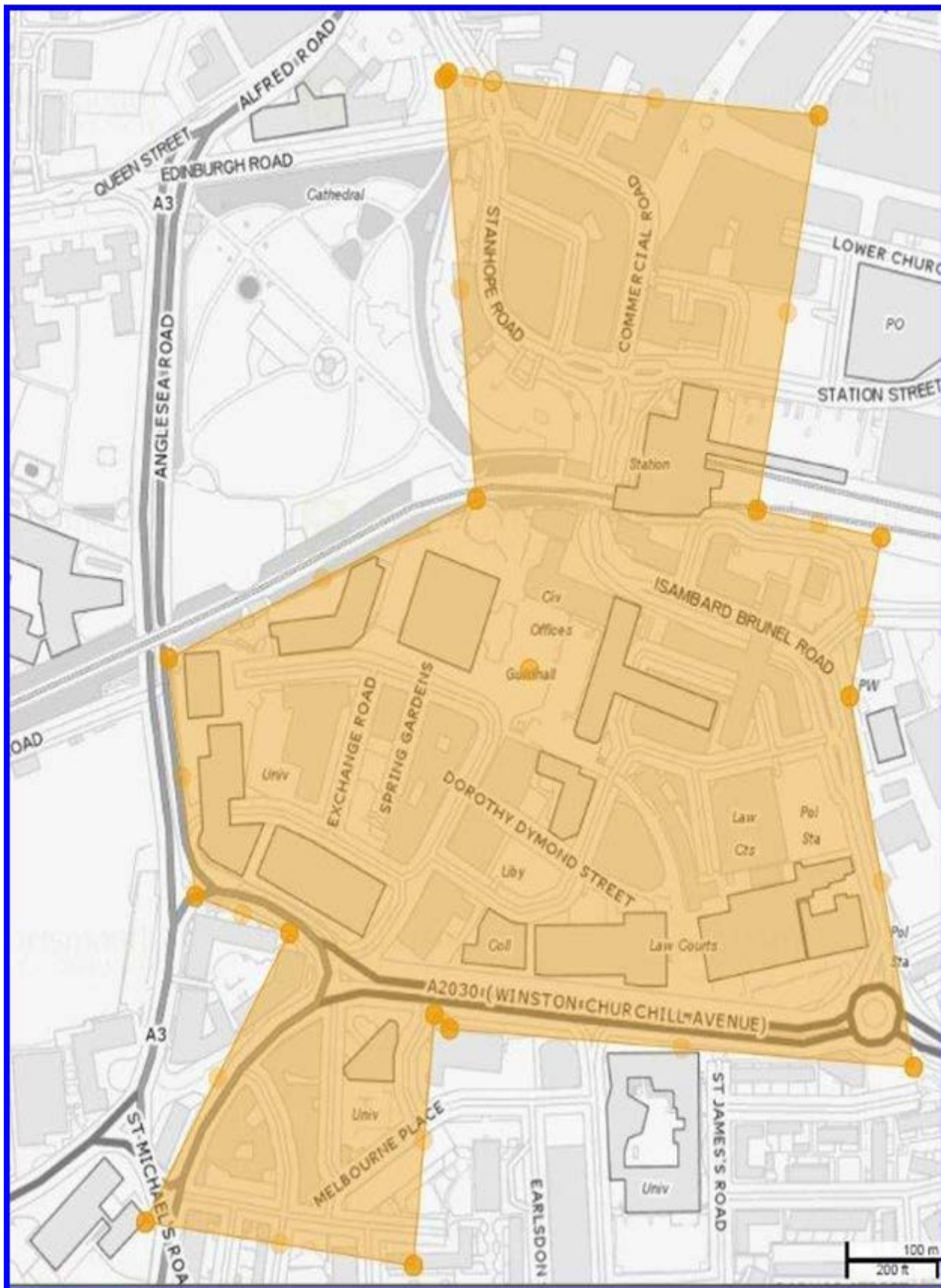
The proportion of NTE violence on Thursday, Friday and Saturday nights across all NTE zones accounts for 67-70% of all the NTE violence occurring within 1900 to 0700 hours

Recommend: This is persuasive argument to justify retaining the existing CIP

This will support wider strategic objectives to encourage a safe, vibrant, diverse and financially successful DTE and NTE across the whole Portsmouth district.

This will benefit those living, working and visiting the city.

Map for Special Policy Area - Cumulative Impact



APPENDIX C

Regulated Entertainment Exemptions

1.0 Types of Regulated Entertainment

Schedule 1 of the Act sets out what activities are to be regarded as the provision of regulated entertainment and when they are licensable and those which are not and are therefore exempt from the regulated entertainment regime.

1.1 The descriptions of entertainment activities licensable under the Act are:

- A performance of a play;
- An exhibition of a film;
- An indoor sporting event;
- A boxing or wrestling entertainment;
- A performance of live music;
- Any playing of recorded music;
- A performance of dance;
- Entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

1.2 To be licensable, one or more of these activities needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must also either:

- Take place in the presence of a public audience, or
- Where that activity takes place in private, be the subject of a charge made with a view to profit.

2.0 Overview of circumstances where entertainment activities are not licensable

There are a number of exemptions that mean that a licence (or other authorisation) under the Act is not required. Whilst it is not possible to give examples of every eventuality or possible entertainment activity that is not licensable, the following

activities are examples of entertainment which is not licensable:

- Activities which involve participation as acts of worship in a religious context;
- Activities in places of public religious worship;
- Education - teaching students to perform music or to dance;
- The demonstration of a product - for example, a guitar - in a music shop;
- The rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit;
- Morris dancing (or similar);
- Incidental music - the performance of live music or the playing of recorded music if it is incidental to some other activity;
- Incidental film - an exhibition of moving pictures if it is incidental to some other activity;
- A spontaneous performance of music, singing or dancing;
- Garden fetes - or similar if not being promoted or held for purposes of private gain;
- Films for advertisement, information, education or in museums or art galleries;
- Television or radio broadcasts - as long as the programme is live and simultaneous;
- Vehicles in motion - at a time when the vehicle is not permanently or temporarily parked;
- Games played in pubs, youth clubs etc (e.g. pool, darts and table tennis);
- Stand-up comedy; and
- Provision of entertainment facilities (e.g. dance floors).

3.0 Amendments to the Licensing Act 2003

There have been a number of deregulatory changes to the Act in relation to regulated entertainment, these are listed, for information, below:

- ✓ The Live Music Act 2012; Licensing Act 2003 (Descriptions of Entertainment)(Amendment) Order 2013;
- ✓ The Legislative Reform (Entertainment Licensing) Order 2014; and
- ✓ The Deregulation Act 2015.

4.0 Activities where no licence is needed

4.1 Plays:

No licence is required for performances between 08:00 and 23:00 hours on any day, provided that the audience does not exceed 500.

4.2 Dance:

No licence is required for performances between 08:00 and 23:00 hours on any day, provided that the audience does not exceed 500.

4.3 Films:

No licence is required for "not for profit" film exhibitions held in community premises between 08:00 and 23:00 hours on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that such screening abides by age classification ratings.

4.4 Indoor Sporting Events:

No licence is required for an event between 08:00 and 23:00 hours on any day provided that those present do not exceed 1000.

4.5 Boxing or wrestling entertainment:

No licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.

4.6 Live Music - no licence permission is required for:

- A performance of **unamplified** live music between 08:00 and 23:00 on any day, on any premises;
- A performance of **amplified** live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500;
- A performance of **amplified** live music between 08:00 and 23:00 on any day, in a workplace¹⁴ that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500;
- A performance of **amplified** live music between 08:00 and 23:00 hours on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises;
- A performance of **amplified** live music between 08:00 and 23:00 hours on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500 and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

4.7 Recorded Music - no licence permission is required for:

- Any playing of recorded music between 08:00 and 23:00 hours on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500;

- Any playing of recorded music between 08:00 and 23:00 hours on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- Any playing of recorded music between 08:00 and 23:00 hours on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organisers gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

4.8 Cross activity exemptions - no licence is required between 08:00 and 23:00 on any day, with no limit on audience size for:

- Any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
- Any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by on behalf of the health care provider;
- Any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
- Any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

4.9 Local authorities, hospital healthcare providers and school proprietors: cross-entertainment activity exemption

No licence is required for any entertainment provided by or on behalf of a local authority, health care provider, or school proprietor to the extent that it takes place on defined premises, between 08:00 and 23:00 hours on any day provided that:

- For entertainment provided, or on behalf of, a local authority it takes place on premises in which that authority has a relevant property interest, or is in lawful occupation;
- For entertainment provided by, or on behalf of, a health care provider it takes place on any premises forming part of a hospital in which the provider has a relevant property interest, or is lawful occupation; and
- For entertainment provided by, or on behalf of, a school proprietor it takes place on the premises of the school.

4.10 Local authority, hospital and school premises: third party music entertainment

No licence is required for a performance of live music or the playing of recorded music on local authority, hospital or school premises, that are not domestic premises, between 08:00 and 23:00 hours on any day provided that:

- It is performed in front of an audience of no more than 500 people; and
- A person concerned in the organisation or management of the music entertainment has obtained the prior written consent¹⁵ of the local authority, health care provider or school proprietor (as appropriate) for that entertainment to take place. It is for these "trusted providers" to determine whether, or not, they wish to make their premises available for music entertainment by a

¹⁵ This requirement is designed to ensure that those responsible for the premises hosting the entertainment have considered and approved the effect of the event on other users of their premises and the wider community.

3rd party and on what terms they deem it appropriate.

4.11 Community premises: music entertainment

No licence is required for a performance of live music or the playing of recorded music on community premises between 08:00 and 23:00 hours on any day provided that:

- The community premises are **not** authorised, by a premises licence or club premises certificate, to be used for the supply of alcohol for consumption on the premises.
- The music entertainment is in the presence of an audience of no more than 500 people; and
- A person concerned in the organisation or management of the music entertainment has obtained the prior written consent of the management committee of the premises, or if there is no management committee, a person who has control of the premises in connection with the carrying on by that person of a trade, business or other undertaking, or failing that a person with a relevant property interest in the premises.

4.12 Community premises: exhibition of film

No licence is required for an exhibition of a film on community premises between 08:00 and 23:00 hours on any day provided that:

- The film entertainment is not provided with a view to profit; and
- The film entertainment is in the presence of an audience of no more than 500 people.

4.13 Travelling circuses

Where types of entertainment are present in a performance by a travelling circus¹⁶ they will not be licensable provided that certain qualifying conditions are met. The qualifying conditions are that:

- The entertainment is not an exhibition of a film or a boxing or wrestling entertainment;
- The entertainment takes place between 08:00 and 23:00 hours on the same day;
- The entertainment takes place wholly within a moveable structure and the audience present is accommodated wholly inside that moveable structure; and
- The travelling circus has not been located on the same site for more than 28 consecutive days.

¹⁶ "Travelling circus" is defined in the 2014 Order as meaning a circus which travels from site to site for the purpose of giving performances. Musical entertainment at a travelling fairground is likely to be incidental to the main attractions and rides that are not themselves regulated entertainment.

APPENDIX D

LIST OF MANDATORY CONDITIONS

SUPPLY OF ALCOHOL - DPS REQUIREMENT

No supply of alcohol may be made under the premises licence:

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

SUPPLY OF ALCOHOL - AUTHORISATION BY PERSONAL LICENCE HOLDER

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

IRRESPONSIBLE DRINKS PROMOTIONS

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

FREE POTABLE WATER

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

AGE VERIFICATION POLICY - ON AND OFF SALES

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

AVAILABILITY OF SMALLER MEASURES

The responsible person must ensure that:

- (a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - (i) beer or cider: 1/2 pint;
 - (ii) gin, rum, vodka or whisky: 25ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

ALCOHOL MINIMUM PERMITTED PRICE

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in paragraph 1

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

where -

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

CLUB ALCOHOL SUPPLY - OFF SALES

Where the club premises certificate authorises the supply of alcohol for consumption off the premises, the supply must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.

Any alcohol supplied for consumption off the premises must be in a sealed container.

Any supply of alcohol for consumption off the premises must be made to a member of the club in person.

SIA LICENSING REQUIREMENT

Where any condition of this licence requires that, at specified times, one or more individuals must be at the premises to carry out a security activity, each such individual must:

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of that Act.

For the purposes of this condition "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act).

This condition is subject to any exemptions in accordance with the provisions of the Private Security Industry Act 2001.

FILM EXHIBITION - CHILD ADMITTANCE

In accordance with section 20 of the Licensing Act 2003, no child shall be admitted to any film exhibition unless that exhibition has been granted a certificate by the British Board of Film Classification or the licensing authority itself.

FILM EXHIBITION - AGE RESTRICTIONS

Where a programme includes a film in the 12A, 15 or 18 category, no person appearing to be under the age of 12 (and unaccompanied by a person over the age of 18 years in that case), 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms:

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on duty provided that the prior written consent of the person's parents or legal guardian has first been obtained.

FILM EXHIBITION - DISPLAY OF CERTIFICATE

Immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium, a reproduction of the certificate of the Board indicating the category of the film. For a film passed by the Licensing Authority, notices shall be displayed both inside and outside the premises so that persons entering can readily read them and be aware of the category attached to any film or trailer.

FILM EXHIBITION - LICENSING AUTHORITY CERTIFICATION

If the Licensing Authority does not agree with the category in which any film passed by the British Board of Film Classification is placed, they shall be at liberty to alter such category, and, on notice of such alteration being given by the Licensing Authority to the licence holder, the film thereafter shall be treated as having been placed in the altered category and the conditions applicable to the exhibition of films in such altered category shall be complied with.

If the Licensing Authority requests the licence holder to exhibit to them any film, he shall do so at such reasonable time as the licensing authority may, in writing, direct.

Licensing Service
Civic Offices
Guildhall Square, Portsmouth
PO1 2AL

Telephone: 023 9283 4607
Email: licensing@portsmouthcc.gov.uk

www.portsmouth.gov.uk

You can get this
Portsmouth City
Council information
in large print, Braille,
audio or in another
language by calling
83 4607.



Corporate member of
Plain English Campaign
Committed to clearer communication.

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Agenda Item 11



Title of meeting:	Governance and Audit and Standards Committee
Date of meeting:	30 June 2017
Subject:	Proposed amendments to the Complaint Form submitted in relation to the Councillor Code of Conduct
Report by:	City Solicitor
Wards affected:	N/A
Key decision:	No
Full Council decision:	Yes

1. Purpose of report

To ask members to consider a proposed revision to the content of the Complaint Form submitted in relation to Councillor Code of Conduct complaints.

2. Recommendations

That the Committee

- 1. Considers the proposed amendments to the Complaint Form attached as Appendix 1 to this report**
- 2. Recommends to Council that the revised Complaint Form is adopted**

3. Background

- 3.1 The Arrangements for Assessment, Investigation and Determination of Complaints which were brought in following the Localism Act of 2011 were revised by the Council in October 2016.
- 3.2 The proposed amendments to the Complaint Form are intended to make the procedure more straightforward for complainants and also to clarify the nature of the complaint.

4. Reasons for recommendations

- 4.1. Under the present arrangements, the complainant is asked to detail the circumstances of their allegation in section 4 of the complaint form . The current form does not list what is in the Code of Conduct so often it is unclear which part of the Code of Conduct the complainant believes has been breached.



4.2. The proposed revised Complaint Form (attached as Appendix 1) now lists the obligations under the Code and the complainant is asked to select which obligation it is believed has been breached. This will ensure that it is the complainant who selects which part of the Code has been breached rather than it being left to the City Solicitor to deduce.

5. Equality impact assessment

This report does not require an Equality Impact Assessment as it does not propose any new or changed services, policies or strategies.

6. Legal implications

The legal implications are embodied within this report.

7. Director of Finance's comments

There are no financial implications arising from the recommendations contained within this report.

.....
Signed by:

Appendices:

Appendix 1 - Complaint Form

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

.....
Signed by:

**COMPLAINT FORM -
Councillors' Code of Conduct**



This form is required to be used to make an allegation that a Councillor of Portsmouth City Council has failed to comply with the Councillors' Code of Conduct. It should not be used if the concern relates to dissatisfaction with a Council decision.

1. Your details

Please provide us with your name and contact details

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

Your address and contact details will not usually be released unless necessary to deal with your complaint.

If you do not wish details of your name to be released, please complete section 6 of this form.

2. The complaint process

Once you have submitted your complaint, it is considered by the Monitoring Officer who will decide on the next steps. The Monitoring Officer will meet with the Initial Filtering Panel ("the IFP") to enable the Monitoring Officer to consider and determine the complaint as soon as reasonably practicable after the complaint has been received

When reaching a decision, the Monitoring Officer meets with the IFP and also a person unconnected with the Council, known as an Independent Person. The IFP shall comprise three Councillors from the membership of the committee which may include independent Councillors and will include those groups represented, insofar as practicable. The availability of Councillors may be affected by any conflicts of interest which may preclude them from being involved in the complaint process.

Any member of Governance and Audit and Standards Committee including Standing Deputies may be requested to sit on an IFP.

On the basis of your written submission the IFP will assess whether your allegation, if investigated, is likely to amount to a breach of the Councillors' Code of Conduct. The Monitoring Officer may then:-

1. Refer the complaint for investigation.
2. Decide that what has been alleged does not come within the requirements of the Code of Conduct and even if investigated could not amount to a breach of the Code of Conduct. (See Local Assessment Criteria <https://www.portsmouth.gov.uk/ext/documents-external/cou-complaints-assessment-criteria.pdf>).
3. Decide on alternative action being taken e.g. mediation or an apology being given.
4. Defer a decision and request further information or clarification from the complainant in respect of the complaint.

If it is decided that your complaint is not to be investigated you may, within 30 days of notification of the decision, ask for that decision to be reconsidered. This will be undertaken by a Governance and Audit and Standards Assessment Sub-Committee which consists of three different Councillors from those who originally considered your complaint. The Assessment Sub-Committee will have the same range of options available to it as the Monitoring Officer.

If it is decided to investigate your complaint, the Monitoring Officer or someone appointed by them will be instructed to undertake the investigation. You will be given further information at that time should an investigation be necessary.

3. Please provide us with the name of the Councillor(s) you believe have breached the Code of Conduct:

Title	First Name	Last Name

4. Please explain in this section (or on separate sheets) what the Councillor has done that you believe breached the Code of Conduct.
(You should give sufficient information to show that what is alleged could amount to a breach of the Code of Conduct).

If you are complaining about more than one Councillor you should clearly explain how you believe each individual councillor has breached the Code of Conduct.

A copy of the Councillors Code of Conduct can be found here:

<https://www.portsmouth.gov.uk/ext/the-council/councillors-and-mps/complaining-about-a-councillor.aspx>

Please mark in the table below which part of the Code you believe to have been breached:

	General obligations of member	<u>Tick below obligation you consider has been breached</u>
1.	You must not bully a person.	
2.	You must not intimidate, or try to intimidate, anyone who has complained about you or who may be involved in a complaint about you.	
3.	You must not do anything which compromises the impartiality of of the Authority's officers.	
4.	You must not disclose confidential information (other than in limited circumstances permitted by law and following consultation with the Authority's Monitoring Officer).	
5.	You must not prevent a person from gaining access to information to which they are entitled.	
6.	You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute.	
7.	You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person an advantage or disadvantage.	
8.	You must, when using or authorising the use by others of the resources of the Authority, act in accordance with the Authority's reasonable requirements and ensure that the resources are not used improperly for political purposes.	
9.	When reaching decisions, you must have regard to the relevant advice from the Authority's officers and give reasons for decisions.	

10.	You must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or otherwise.	
11.	You should not lobby other members where you have a disclosable pecuniary interest in a matter.	

Please detail in the box below how the part of the Code you have indicated above has been breached.

- You should be specific, wherever possible, about exactly what you are alleging the Councillor said or did. For instance, instead of writing that the Councillor insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint and the desired outcome from this complaints process. Continue on a separate sheet if there is not enough space on this form.

Signature.....

Date.....

5. Only complete this next section if you are requesting that your identity is kept confidential.

In the interests of fairness and natural justice, we believe Councillors who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a copy of the complaint. **We are unlikely to withhold your identity or details of your complaint unless you have good reason to justify that we do so.**

Please note that requests for confidentiality are unlikely to be granted. The Monitoring Officer will consider the request alongside the substance of your complaint. The Monitoring Officer will then contact you with their decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

6. Additional Help

Complaints must be submitted in writing on this form. It will assist the processing of your complaint if this is submitted electronically. However, in line with the requirements of the Disability Discrimination Act 2000 we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

This complaint should be submitted to the Monitoring Officer by email to: michael.lawther@portsmouthcc.gov.uk



Agenda item:

Title of meeting: City Council
Date of meeting: 11 July 2017
Subject: Review of Political Proportionality on Committees and Panels
Report by: Chief Executive
Wards affected: N/A
Key decision: No

1. Purpose of report

With the recent change in Group Strengths on the Council through the constitution of a new Group "The Independent Group", comprising Councillor Godier as leader of the Group (having previously been Independent but not in an Group) and Councillor Bird as deputy leader, having been a Member of the UKIP Group on the Council, there is a consequent need under the Local Government and Housing Act 1989, to review the allocation of committee seats.

2. Recommendations

2.1 That Council

- (a) Determine the allocation of seats on committees and Panels based on the information set out below, including the expressed views of the Groups affected, and
- (b) Ratify consequent named membership changes proposed at the meeting.
- (c) Determine the Chair of the Traffic, Environment and Community Safety Scrutiny Panel vacated by Councillor Potter (to be drawn from the Panel's membership)

3. Background Information and implications

As a result of these changes, the Group Strengths and consequent seats on committees are as shown in the table overleaf (the figures in brackets indicate the position prior to the change)

Impact on Committee/Panel Places

As shown in the table, the UKIP Group's overall allocation decreases by one and the Independent Group's allocation becomes 3 (one seat from UKIP and the two seats from the previous allocation to Councillor Godier when he was a non-aligned member) .

The impact for the three, two member Groups on the Council following these changes are as set out below -

UKIP Group (4 seats) = Councillor Galloway retains membership of Licensing Committee, Planning Committee, Housing & Social Care Scrutiny Panel and Scrutiny Management Panel. (Note Councillor Potter has resigned from Traffic, Environment and Community Safety Scrutiny Panel so that seat is to be reallocated (see below).

Labour Group (4 seats) = Councillor Morgan retains membership on the Licensing Committee and Scrutiny Management Panel; Councillor Chowdhury retains membership on Health Overview and Scrutiny Panel and the Economic Development Culture and Leisure Scrutiny Panel.

Independent Group (3 seats) = Councillor Godier retains membership of Licensing Committee and Education, Children & Young People Scrutiny Panel and the Group gains a seat on the Traffic, Environment and Community Safety Scrutiny Panel to be taken by Councillor Godier. The Group members will also be able to take up whichever Portfolio spokesperson roles they wish.

The Group Leaders of the above three Groups have all confirmed that they are content with the above allocation of these seats.

Consequently the total number of seats be divided as follows * (subject to inserting the updated changes once approved).

Groups	1	2	3	4	5	6
	No of Cllrs	Total No of Committee Seats	Licensing Committee (15 Members)	Planning Committee (10 Members)	7 committees and panels (see note) (6 Members each)	Scrutiny Management Panel (9 Members)
Conservative	20	36	7	5	20	4
Liberal Democrat	15	27	5	4	15	3
UKIP	(3) 2	(5)4	1	1	(2)1	1
Labour	2	4	1	0	2	1
Independent Group	(0) 2	(0)3	(0) 1	0	(0)2	0
Non-Aligned Independents	(2) 1	(4) 2	(1) 0	0	(3)2	0
	42	76	15	10	42	9

15 members	Licensing Committee
10 members	Planning Committee
7 x 6 member Committee/panels	Employment Committee / Governance & Audit & Standards Committee / Health Overview Scrutiny Panel / EYCP Scrutiny / EDCL Scrutiny / TECS Scrutiny / HSC Scrutiny.
9 members	Scrutiny Management Panel

4. **Legal Implications** - legal comments are embodied in the report
5. **Finance Comments** - none in relation to this report

.....
Signed by:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

.....
Signed by:

Agenda Item 14



Portsmouth
CITY COUNCIL

**QUESTIONS FOR THE CABINET OR CHAIR
UNDER STANDING ORDER NO 17**

CITY COUNCIL MEETING – 11 July 2017

QUESTION NO 1

FROM: COUNCILLOR JULIE BIRD

**TO REPLY: LEADER OF THE COUNCIL -
(WITH THE RESPONSIBILITY FOR) PLANNING,
REGENERATION AND ECONOMIC DEVELOPMENT
COUNCILLOR DONNA JONES**

Our local paper 'The News' has recently reported that the building in Victoria Park, previously known as 'The Arts Lodge' is to be run as a charity for the homeless.

For over a year we have been under the impression that this was going to be a centre for Adult Learning Disabilities. Whilst undoubtedly a good, worthy and necessary cause what alternative provisions have been made for this and what prompted the change to assist a homeless charity.

QUESTION NO 2

FROM: COUNCILLOR COLIN GALLOWAY

**TO REPLY: LEADER OF THE COUNCIL -
(WITH THE RESPONSIBILITY FOR) PLANNING,
REGENERATION AND ECONOMIC DEVELOPMENT
COUNCILLOR DONNA JONES**

We note that the Victoria Park catering outlet has been given over to the Society of St James. The Society, we know, is primarily a homelessness charity, but we also have certain apprehensions about staffing the unit as homelessness is often associated with alcohol and substance abuse. Will you please explain the details of the infrastructure of the unit so that we can all rest assured that this will be a safe and healthy place to visit?

QUESTION NO 3

FROM: COUNCILLOR GERALD VERNON-JACKSON CBE

**TO REPLY: LEADER OF THE COUNCIL -
(WITH THE RESPONSIBILITY FOR) PLANNING,
REGENERATION AND ECONOMIC DEVELOPMENT
COUNCILLOR DONNA JONES**

When did the Fire Service last inspect Horatia and Leamington Houses before the fire at Grenfell Tower fire? What recommendations were made and were all recommendations actioned?

QUESTION NO 4

FROM: COUNCILLOR JULIE BIRD

TO REPLY: CABINET MEMBER FOR HEALTH AND SOCIAL
CARE
COUNCILLOR LUKE STUBBS

Fratton Councillors have recently received notification that 250 Fratton Road will become a drop in and rehabilitation centre. Bearing in mind that there is a known issue in the area with alcoholics and drug addicts and dispersal orders have previously been in place to try and mitigate these issues, could the Council please confirm why they have considered an area with existing issues situated behind a community centre, between three schools and directly opposite a public library a suitable premises for such a service.

QUESTION NO 5

FROM: COUNCILLOR COLIN GALLOWAY

TO REPLY: CABINET MEMBER FOR TRAFFIC &
TRANSPORTATION
COUNCILLOR SIMON BOSHER

Portsmouth has all the potential for being a “green” city. We are blessed with a city that benefits from being an island city with a relatively flat topography. It is good to see that the city is encouraging cycleways, however one major problem remains and that is the continued use of pavements designated for pedestrians being used and abused by uncaring and dangerous cyclists who show no regard for people as they cycle at them at great speeds. I ask the portfolio holder for Traffic and Transport if the problem is being addressed and how can this practice be brought abruptly to an end before there is a fatality?

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