



Meeting Council

Date and Time Thursday, 28th February, 2019 at 7.00 pm.

Venue King Alfred Conference Chamber, Guildhall, Winchester

S U P P L E M E N T A R Y A G E N D A

The following items were not notified for inclusion on the agenda within the statutory deadline. Therefore, the Chairman will need to decide whether or not to accept these items onto the agenda as matters requiring urgent consideration.

Agenda Item.

- a) **Review of Licensing Policy under the Licensing Act 2003 (CL142)**
(Pages 3 - 58)

- b) **Adoption of Statements of Principles under the Gambling Act 2005 (CL143)** (Pages 59 - 110)

City Offices
Colebrook Street
Winchester
SO23 9LJ
22 February 2019

Laura Taylor
Chief Executive

Agenda Contact: David Blakemore, Democratic Services Manager
Tel: 01962 848217 Email: dblakemore@winchester.gov.uk



This page is intentionally left blank

REPORT TITLE: ADOPTON OF LICENSING POLICY UNDER THE LICENSING ACT 2003

28 FEBRUARY 2019

REPORT OF PORTFOLIO HOLDER: Cllr Jan Warwick, Portfolio Holder for Environment

Contact Officer: Carol Stefanczuk Tel No: 01962 848 529
Email cstefanczuk@winchester.gov.uk

WARD(S): ALL

PURPOSE

At the Licensing and Regulation Committee on 21 February 2019, Members resolved to approve the revised Licensing Policy under the Licensing Act 2003.

Prior to publication, the reviewed Licensing Policy must be adopted by the Council.

RECOMMENDATIONS:

1. That the Council adopt the Council's Statement of Licensing Policy as set out in Appendix 1.

IMPLICATIONS:1 COUNCIL STRATEGY OUTCOME

- 1.1 The Licensing Policy relates to the third Strategic Outcome; 'Improve the health and happiness of our community' by supporting the delivery of a programme of events across the District.
- 1.2 It also relates to the fourth Strategic Outcome; 'Improving the quality of the District's environment' by working with partners and using powers available to us to make Winchester a safe and pleasant place to live, work and visit.

2 FINANCIAL IMPLICATIONS

- 2.1 All fees under the Licensing Act 2003 are set by central government.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The Licensing Policy must be reviewed every five years as required under the Licensing Act 2003.

4 WORKFORCE IMPLICATIONS

- 4.1 None

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None

6 CONSULTATION AND COMMUNICATION

- 6.1 The consultation period was held from 20 December 2018 to 20 January 2019.
- 6.2 The consultation was available on the Council's website. In addition, the following parties were directly consulted:-

Chief Constable of Hampshire Constabulary	Police and Crime Commissioner for Hampshire
Hampshire Constabulary - Licensing	Hampshire Fire and Rescue Service
Child Protection - Hampshire County Council	Environmental Health - Winchester City Council
Development Management - Winchester City Council	South Downs National Park Authority
All Members – Winchester City Council	All Parish Clerks

Winchester Pub Watch	Winchester BID
BIIAB	British Beer and Pub Association
Punch Taverns	Fuller Smith & Turner
Greene King Retailing Limited	Enterprise Inns Plc
Marstons Plc	Wadworth and Co. Limited

6.3 During the consultation period, comments were received from; Environmental Health (WCC), Hampshire Constabulary, South Downs National Park Authority, Cheriton Parish Council, Cllr Hugh Lumby and the British Beer and Pub Association.

6.4 Hampshire Constabulary and the British Beer and Pub Association wrote in support of the revised Policy.

7 ENVIRONMENTAL CONSIDERATIONS

7.1 None

8 EQUALITY IMPACT ASSESSEMENT

8.1 There is a need to have a regard to the public sector duty of equality when reviewing the Licensing Policy.

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 None

10 RISK MANAGEMENT

Risk	Mitigation	Opportunities
<i>Property</i>	N/A	
<i>Community Support</i>	All elected Members and Parish Clerks were consulted on the Policy review.	
<i>Timescales</i>	The reviewed Policy will take effect once adopted by Council.	
<i>Project capacity</i>	N/A	
<i>Financial / VfM</i>	N/A	
<i>Legal</i>	The Policy could be challenged by Judicial Review, but as the Council's decision-making	

	process is lawful, a challenge is considered unlikely.	
<i>Innovation</i>	N/A	
<i>Reputation</i>	The Policy aims to strike a balance between obtaining all the benefits provided by licensed premises and events, and ensuring that their impact is properly controlled and balanced against other community interests.	
<i>Other</i>	N/A	

11 SUPPORTING INFORMATION:

Introduction

- 11.1 The City Council as the Licensing Authority is required to review and publish its Licensing Policy under section 5 of the Licensing Act 2003 every five years.
- 11.2 During the five year period, the Licensing Authority must keep its policy under review and make such revisions to it, as such times, as it considers appropriate.
- 11.3 The current Licensing Policy was adopted by full Council on 13 April 2016 following a review to include consideration of the purposes and duties of the South Downs National Park.

Review of Licensing Policy

- 11.4 Officers reviewed the Licensing Policy and made minor amendments to bring the document up to date.
- 11.5 Consideration was given to all comments received; the majority of which were included in the revised Policy presented to the Licensing and Regulation Committee on 21 February 2019. Report LR517 refers.
- 11.6 At the Licensing and Regulation Committee on 21 February 2019, Members resolved to approve the revised Policy, with minor typographically errors corrected, to be recommended to Council for adoption.
- 11.7 The reviewed Licensing Policy can be found at Appendix 1 of the report.

12 OTHER OPTIONS CONSIDERED AND REJECTED

- 12.1 The South Downs National Park Authority suggested the addition of a specific reference to the International Dark Sky Reserve under the public nuisance

section. This was not included as this is referenced in the SDNPA guidance which has been included in paragraph 1.6 of the Policy.

- 12.2 Cheriton Parish Council suggested a change of wording in relation to noise controls. This was not agreed following the suggested changes by Environmental Health to remove this paragraph.
- 12.3 Cllr Hugh Lumby, Member for Upper Meon Valley Ward, proposed a change in relation to noise controls. This was not agreed following suggested changes by Environmental Health to remove this paragraph. After the circulation of report LR517 and revised Policy, which included the proposed changes by Environmental Health, Cllr Lumby confirmed that he was satisfied with the changes.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

LR517 - Review of Licensing Policy under the Licensing Act 2003 – 21 February 2019

LR514 - Review of Licensing Policy under the Licensing Act 2003 – 6 December 2018

CL126 – Adoption of Licensing Policy – 13 April 2016

LR468 – Review of Statement of Licensing Policy 2016 – comments received following consultation – 17 March 2016

LR463 – Review of the Statement of Licensing Policy 2016 – 14 January 2016

Other Background Documents:-

Home Office Revised Guidance issued under Section 182 of the Licensing Act 2003 – April 2018

APPENDICES:

Appendix 1 Licensing Policy January 2019

This page is intentionally left blank



LICENSING POLICY

January 2019

LICENSING ACT 2003

This Policy was adopted by full Council on 28 February 2019 following a review. The version was adopted for the five year period from 7 February 2019 to 2024.

CONTENTS

Part 1	Background
Part 2	Introduction
Part 3	Types of licence, certificate and notice
Part 4	Licensing Policies & Matters for Consideration by Applicants
	<ul style="list-style-type: none">• Section A: Prevention of Crime & Disorder• Section B: Public Safety• Section C: Prevention of Public Nuisance• Section D: Protection of Children
Appendices	
Glossary	

**WINCHESTER CITY COUNCIL
LICENSING ACT 2003
SECTION 5**

**Statement of Licensing Policy
2014 to 2019**

A licensing policy as determined by the Council in respect of its licensing functions for the five year period commencing 7 January 2019 is set out in this statement of licensing policy. During the five year period the policy will be kept under review and the Council will make such revisions to it, at such times, as it considers appropriate. Further licensing statements will be published every five years hereafter.

The policy was reviewed and adopted by full Council on 28 February 2019.

In this statement “the Council” means Winchester City Council. The City Council is the Licensing Authority for the purposes of the Act and the associated Guidance and Regulations. Accordingly, unless otherwise stated, references to “the Council” are references to the Licensing Authority.

PART 1: BACKGROUND

- 1.1 Winchester District is situated in the County of Hampshire and has a large number of licensed premises and events for which licences are required. These provide leisure and entertainment opportunities for residents and visitors which are an essential part of vibrant and active communities. They contribute to the local economy and provide significant employment. The purpose of this policy is to strike a balance between obtaining all the benefits provided by licensed premises and events and ensuring that their less welcome impact is properly controlled and balanced against other community interests.
- 1.2 There are approximately 520 licensed premises in the District where alcohol is sold or entertainment provided on a regular or occasional basis. These premises include:
- public houses and nightclubs
 - off licences (including supermarkets selling alcohol)
 - businesses offering hot food between 2300 and 0500
 - hotels, guest houses, restaurants and other places that sell alcohol
 - private members clubs and social clubs
 - theatres and venues for amateur dramatic groups
 - cinemas
 - premises where indoor sporting events take place
 - Village Halls, community premises and schools

The main concentration of licensed premises is in Winchester City Centre. Since the introduction of the Licensing Act 2003, many premises extended their opening hours, generally seeking hours up to Midnight (rather than 2300, the usual end of permitted hours under the Licensing Act 1964). Some premises which already had terminal hours of midnight or later, extended those hours to 0100, 0200, and 0300.

Other Legislation

- 1.3 As well as being the Licensing Authority under the Licensing Act 2003, Winchester City Council is responsible for a number of other statutory functions which are interrelated to the licensing function. These include its role as a local planning authority determining planning applications, the environmental health function, and the building control service which is provided.
- 1.4 Prior to submitting an application to the Licensing Authority the Applicant should ensure that there is appropriate current Planning Permission for the hours and activities for which application is being made.
- 1.5 The South Downs National Park Authority (“SDNPA”) is the **sole** planning authority for “premises” within the South Downs National Park (“SDNP”). The purposes of the SDNP are:
- Purpose 1 - ‘To conserve and enhance the natural beauty, wildlife and cultural heritage of the area’.
 - Purpose 2 - ‘To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public’.
 - The SDNPA also has a duty ‘To seek to foster the social and economic well-being of the local communities within the National Park in pursuit of our purposes’.
- Where there is a conflict between the purposes and/or duty then Purpose 1 must have priority.
- 1.6 Applicants are encouraged to make contact with the SDNPA at the earliest opportunity where their premises are within the SDNP area **and to consider any guidance issued by the SDNPA** to further promote the licensing objectives. Guidance can be found on the SDNPA website at www.southdowns.gov.uk/planning/planning-advice/guidance-organisers-large-festivals-events/.
- 1.7 The licensing objectives collectively seek to protect the quality of life for those who live and work in the vicinity of licensed premises and those who choose to socialise in them. The licensing authority will have regard to the SDNP purposes when considering applications to ensure they are respected.
- 1.8 The Council recognises that there should be a clear separation of the planning and licensing systems and licensing applications will be viewed independently of planning applications. To achieve this, close liaison will be maintained between the licensing section, planning department and, where applicable, the South Downs National Park authority. Licensing applications are not a re-run of the planning application and should not cut across planning decisions (whether these are taken by planning officers under delegated powers, the Planning Committee, SDNPA or an inspector following an appeal against the decision of the Planning Authority). The Licensing and Regulation Committee, where appropriate, will provide reports to the Planning Committee on the situation regarding licensed premises in the area including the general impact of alcohol-related crime and disorder.
- 1.9 The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its various functions with due regard to the likely effect of the exercise of those functions and to do all that it reasonably can to prevent crime and disorder in its area. In addition, it is a member of the Community Safety Partnership, which will also have a key role in the review of this Licensing Policy and the successful operation of the licensing system.
- 1.10 The Council has adopted the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and

Crime Act 2009, with effect from 20 December 2010. Adult entertainment such as striptease and lap dancing which falls within the definition of “Relevant Entertainment” will therefore be controlled under these provisions (and any adopted policy for such provision), rather than the Licensing Act 2003. However, in certain cases, where such entertainment is carried out infrequently, it will continue to be regulated under the Licensing Act 2003 and the provisions of this Policy will therefore apply to such regulated entertainment. In any event, premises providing Relevant Entertainment will need to consider whether a Premises Licence is required for the provision of alcohol, regulated entertainment and late night refreshment.

- 1.11 Furthermore, premises must comply with all other relevant legislation, e.g.
 - Food Safety Act 1990 (Food Hygiene)
 - Health & Safety at Work etc Act 1974 (and associated Regulations))
 - Equality Act 2010 Building Regulations
- 1.12 The Council will seek to avoid duplication with other regulatory regimes as far as possible. However, if other regulations do not cover the unique circumstances that arise in connection with, for example, entertainment at specified premises, then additional controls will be imposed.
- 1.13 Winchester District is an attractive area, with historic towns and villages, as well as beautiful countryside, part of which is covered by the South Downs National Park. It attracts visitors from around the world, as well as students who choose to study at the City’s academic institutions. Many commute into the District to work each day, whilst a large proportion of residents commute to London and the surrounding areas.
- 1.14 The City Council wishes to ensure that the District continues to be a prosperous and attractive place in which to live or work, or to visit. It recognises that the provision of licensable activities can have adverse impacts, such as crime and disorder, and public nuisance. The Licensing Policy, and the administration of licensing under the Licensing Act, will play a key role in ensuring that an appropriate balance is drawn between the interests of those people wishing to provide and enjoy licensable activities and those who might be affected by such provision and enjoyment.

PART 2: INTRODUCTION

- 2.1 Winchester City Council ("the Council") is the Licensing Authority pursuant to the Licensing Act 2003 ("the Act") and is responsible for considering all applications for licensable activities, as defined in Section 1 of the Act. The purpose of licensing is to regulate the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events. Licensable activities, identified by the Act, include:
- Retail sale of alcohol
 - Supply of hot food or drink from premises between 2300 and 0500 hours
 - Supply of alcohol to club members
 - Provision of entertainment listed below (known as "regulated entertainment") to the public or club members or with a view to profit:
 - Film exhibitions
 - Performances of a play
 - Indoor sporting events
 - Boxing or wrestling entertainment
 - Live music performances
 - Playing of recorded music
 - Dance performances
- 2.2 There are a number of exceptions and details of these are set out in Sections 173 to 175 of the Act.
- 2.3 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Act and the Guidance issued under Section 182 of the Act.
- 2.4 The Policy will be kept under review and where any amendments are considered necessary these will only be made after consultation has taken place in accordance with Section 5(3) of the Act. Proper weight shall be given to the views of all those consulted. Those to be consulted will include:
- The Chief Officer of Police for Hampshire
 - The Chief Officer of Hampshire Fire and Rescue Service
 - Bodies representing local holders of premises licences
 - Bodies representing local holders of club premises certificates
 - Bodies representing local holders of personal licences
 - Bodies representing businesses and residents in the Council's area
 - The relevant Area Child Protection Teams
 - Primary Care Trust or Health Board
 - Any other bodies the Council deems appropriate
- 2.5 The Council recognises that the best means of promoting the licensing objectives (see 2.8 below) is through the co-operation and partnership of local authorities, the Police, local business, performers, local people and those involved in child

protection. The local Community Safety Partnership will be used as part of this partnership approach.

- 2.6 The Council believes that good liaison with operators of licensed premises can assist the promotion of the licensing objectives, by encouraging operators to adopt good practice (such as holding regular meetings with local residents). It will work with existing local groups of operators (where these exist) and will encourage the formation of new groups where appropriate.
- 2.7 The Council will always take the Licensing Policy into account in its decision making, but it may depart from the Policy in appropriate circumstances. Similarly, the Council will have regard to the Secretary of State's Guidance issued under the Licensing Act, but may depart from this Guidance if it is considered appropriate. Where this occurs, reasons will be given as part of the decision.

Licensing Objectives

- 2.8 When dealing with licensing matters the Council will promote and have regard to the four licensing objectives set out in the Act. These are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.
- 2.9 The Council's primary focus is the direct impact of activities taking place at licensed premises on members of the public who are living, working or engaged in normal activity in the vicinity of the premises/place concerned. It will consider any demonstrable link between particular licensed premises and reported problems of nuisance and anti-social behaviour, although the Council recognises that licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are away from that premises/place and, therefore, beyond the direct control of the individual, business or club holding the licence or certificate concerned. However, as the Government's Guidance notes, the Policy is a key aspect of such control, and licensing laws will always be part of a holistic approach to the management of the evening and night-time economy in the City Centre.
- 2.10 Accordingly, any conditions attached to the licence/certificate will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. Whether or not an instance can be regarded as being in the vicinity of licensed premises or places is a question of fact and will depend on the particular circumstances of the case.
- 2.11 The availability of Police resources to deal with crime and disorder problems arising from the operation of licensed premises will be taken into account when considering applications.

Integration of Strategies

- 2.12 As indicated in Section 1 of this Policy, the Council has clear objectives to promote tourism, the cultural diversity of the District and local employment; the Council recognises that licensed premises provide a valuable contribution to these objectives.

- 2.13 The Council will ensure at all times that it takes into account the views of relevant stakeholders and that there is proper integration between the Licensing Policy and other Council Strategies, where appropriate.

Integration will be achieved by a variety of methods, including consultation and input into the various strategies by relevant Portfolio Holders and officers, liaison with major partners and reports to relevant committees and other bodies.

- 2.14 The Council will work closely with other agencies or responsible authorities on issues of enforcement. Where appropriate, neighbouring authorities and Town and Parish councils will also be consulted.

- 2.15 In deciding applications, the Council will always take into account relevant representations from local residents and businesses and responsible authorities. It will also take into consideration the following (insofar as they are relevant to the licensing objectives):

- The requirements of the local tourist economy;
- The cultural strategy for the District, and the Council's wish to encourage and promote live music, dancing and theatre to the wider cultural benefit of its community and visitors;
- The employment situation in the District and the need for investment and employment where appropriate.

- 2.16 There are many stakeholders in the leisure industry. Many are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance.

- 2.17 Conditions attached to premises licences and club premises certificates will, so far as possible, reflect the Community Safety Strategy and local crime prevention strategies.

Cumulative Effect of a number of Licensed Premises in one area

- 2.18 This Council does not have a Special Saturation Policy

Other Controls on Anti-social Behaviour

- 2.19 Other mechanisms exist to control the anti-social behaviour of a minority of consumers who behave badly and unlawfully after leaving licensed premises etc. These controls include:

- Planning controls
- 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
- Power of local authorities to designate parts of the local authority area as being places where alcohol may not be consumed publicly (see below)
- Police enforcement of normal law concerning disorder and anti-social behaviour including the issuing of fixed penalty notices and anti-social behaviour orders
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk

- The confiscation of alcohol from adults and children in designated areas
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises
- The power of the Police and other responsible authorities or a local resident or business to seek a review of the licence or certificate in question

Drinking on the Streets

- 2.20 The Council has made Orders under the Police and Criminal Justice Act 2001 to control the drinking of alcohol in the streets and other public areas within the Winchester Town (including Oliver's Battery, Badger Farm, and Harestock, as well as the six town wards).
- 2.21 Following a successful application for a review of a licence, the Council may decide to investigate whether an Order under the Police and Criminal Justice Act 2001 should be made to control the drinking of alcohol in public spaces in the area surrounding the premises concerned.

Licensing Hours

- 2.22 With regard to licensing hours, consideration will be given to the individual merits of an application. The Guidance issued under the Licensing Act 2003 indicates that the Government's view is that in some circumstances, flexible licensing hours relating to the sale of alcohol are important to ensure that the potential for concentrations of customers leaving premises simultaneously is reduced and a slower dispersal of people from premises is achieved. It is hoped that this approach will also result in a reduction in "binge drinking" at the end of an evening. This is necessary to reduce friction at late night food outlets, taxi ranks and other sources of transport which can lead to problems of disorder and disturbance.
- 2.23 The Council recognises the concerns which residents and businesses may have about extended opening hours, and the fear that these may have an adverse impact on crime and disorder, and public nuisance (two of the licensing objectives). Although these concerns may arise anywhere in the District, they are most likely to be found in the urban areas, particularly central Winchester. These problems may (amongst other things) impact on the police and other agencies, as well as local residents. The Council accepts that such concerns are legitimate issues to be considered as part of the licensing process. Therefore, the Council will seek to ensure that where longer opening hours are sought by applicants, or where applicants seek to open new licensed premises, the potential detrimental effects are properly considered and addressed by applicants in their operating schedules. Accordingly, where applications are submitted to extend the hours of opening of premises, and in the case of new premises seeking to open between 23.00 and 08.00, applicants will be expected to either demonstrate that these hours of operation will have no adverse effect on the achievement of the licensing objectives, or set out the steps which they propose to take to secure these objectives.
- 2.24 In accordance with the Government's Guidance, this Licensing Policy makes it clear that in areas of denser residential accommodation, stricter conditions relating to noise control will be imposed.

Standardised Conditions

- 2.25 The Council will impose conditions to reflect applicants' operating schedules in all cases. Where a hearing is held following relevant representations, and the Council

believes it to be appropriate and necessary, in order to promote any of the licensing objectives, it will consider attaching further conditions to licences. Conditions attached to licences will, as far as possible, be tailored to the individual style and characteristics of the premises and licensable activities concerned. Disproportionate and over burdensome conditions on premises will not be imposed. Standardised conditions will be avoided, where possible. Any conditions which are imposed will be tailored to the specific premises and the specific application (see further Home Office Guidance Section 10).

Live Music, Dancing and Theatre

- 2.26 The Council recognises that as part of implementing any cultural strategy as may from time to time apply, proper account will need to be taken to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community. Conditions to be imposed on relevant licences will not discourage the promotion of such entertainment but will relate solely to the promotion of the licensing objectives.

Enforcement

- 2.27 The Council established protocols with the local Police on enforcement issues. This will enable the more efficient deployment of local authority staff and Police Officers who are commonly engaged in enforcing licensing law and the inspection of licensed premises. The aim of the protocol is to target agreed problem and high risk premises which require greater attention while providing a lighter touch in respect of low risk premises which are well run.

Closure

- 2.28 The Police may seek a court order to:-
- (a) close down for up to 24 hours premises in a geographical area that is experiencing or likely to experience disorder;
 - (b) close down instantly for up to 24 hours individual licensed premises that are disorderly, likely to become disorderly or are causing nuisance as a result of noise from the premises.

Following information from the Police regarding such closures the Council will usually hold a Review Hearing, as described below.

Objections/Review Hearings

- 2.29 A responsible authority or any other person may make representations to the Council as Licensing Authority on any application for grant, variation or for the review of a Premises Licence.

The Council expects that such representations should be made in writing.

In the absence of relevant representations applications **must** be granted subject only to any applicable mandatory conditions and such conditions which are consistent with the applicant's Operating Schedule.

- 2.30 The Council can only review a licence where it is alleged that the licensing objectives are not being met. The Council will hold a review hearing to consider the merits of an application or licence where the representation is considered relevant. In order to be relevant it must relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. Review hearings will be heard by a Sub-

Committee of three City Councillors. Applicants, and any other person making a representation, will be informed of the hearing and invited to attend such hearings to present their arguments.

- 2.31 The Council will however make every effort to consult with the applicant and any other person making a representation to resolve any issues as appropriate.
- 2.32 Where the Council finds that a representation is not relevant, or is frivolous or vexatious, the person making the representation may challenge this finding by way of a judicial review in the Courts.
- 2.33 Following a Review Hearing the Council may :-
- (a) modify the conditions of the licence;
 - (b) exclude a licensable activity from the scope of the licence;
 - (c) remove the designated premises supervisor;
 - (d) suspend the licence for a period (not exceeding three months); or
 - (e) revoke the licence

Offences

- 2.34 The Act sets out a number of offences, proceedings for which may be instigated by the following:-
- (a) The Council (as Licensing Authority)
 - (b) The Director of Public Prosecutions
 - (c) In the case of an offence under section 146 or 147 (sale of alcohol to children), by Hampshire County Council (the local weights and measures authority).

Any action instigated by the Council will be carried out in accordance with any relevant enforcement policies for the time being in force.

Appeals

- 2.35 Within the Licensing Act 2003 there is provision for appeals in connection with decisions made by the Council for aggrieved parties (including as appropriate, the applicant, the Police, responsible authorities and any person who made relevant representations). An appeal has to be made to the Magistrates Court.
- 2.36 The rights of appeal and reasons for the decision(s) taken by the Council will be provided to all parties concerned with any Licensing decision which might give rise to such an appeal under the terms of the Act. Any reasons given will address the extent to which the decision was made with regard to the Council's statement of licensing policy, statutory guidance, regulations and the Act itself.
- 2.37 The Council reserves the right to make comprehensive records of any hearing held in connection with its licensing functions under the Act. This extends to the recording of hearings.

Equal opportunities & Race Equality

- 2.38 Subject to the general requirements of the Act, the Council will promote equality of opportunity. In such respects, nothing within this statement of licensing policy shall undermine the right of any individual to apply for any of the licences and/or authorisations provided for under the terms of the Act.

- 2.39 No applicant and/or licence holder shall receive less favourable treatment on the grounds of age, sex, sexual orientation, gender reassignment, disability, marital status, marriage and civil partnership, colour, race or ethnic origin, pregnancy and maternity, religion and belief. No applicant and/or licence holder shall be disadvantaged by conditions or requirements which are not relevant to their application and/or their licence, the promotion of the four licensing objectives and this statement of licensing policy.
- 2.40 Subject to the general requirements of the Act, nothing within this statement of licensing policy shall undermine the right of any person to make representation(s) on an application or seek a review of an existing licence or certificate where provision has been made for them to do so under the Act.

Data Protection

- 2.41 The Council may use the information submitted on any application form for any licence(s) and/or permission(s) provided for under the terms of the Act for the purpose of its statutory function(s) in its capacity as the relevant Licensing Authority.
- 2.42 The Council may disclose all such information to its agents or service providers. The Licensing Authority may also share this information with other Council Services (Departments).
- 2.43 All applicants have the right to ask for a copy of the information that the Council holds about them and to correct any inaccuracies held.
- 2.44 By making application to the Council for any licence and/or permission under the terms of the Act all applicants consent to the Council processing sensitive personal data about them where this is necessary.
- 2.45 The Act requires the Council however to keep a register of:-
- (a) A record of each Premises Licence, Club Premises Certificate and Personal Licence issued by it;
 - (b) A record of each Temporary Event Notice received by it ;
 - (c) Details of various applications and notices received by the Council (as set out in Schedule 3 of the Act); and
 - (d) Such other information as may be prescribed.

Any person is permitted to obtain a copy of this information from the Council.

Delegation of functions

- 2.46 In the interests of speed and efficiency the Council has delegated many licensing decisions and functions to officers. However, if the matter to be decided is controversial in any way (e.g. where relevant representations are received) or the determination of the matter under delegated powers is precluded by law then it will be decided by a Sub-Committee of the Licensing and Regulation Committee. Appendix A sets out the Council's scheme of delegation in respect of Licensing Matters.

PART 3: TYPES OF LICENCES, CERTIFICATES AND NOTICES

General

- 3.1 The Licensing Act 2003 sets out a comprehensive scheme for licensing of the sale of alcohol and provision of entertainment and late night refreshment. Depending on the circumstances, anyone proposing to carry out any of these activities may require one or more licences or notices under the Act.
- 3.2 Information on the various licences and notices is given on the Council's website (www.winchester.gov.uk). General advice and assistance may be obtained from the Council's Licensing Team.
- 3.3 There are an increasing number of events held on open land, in public parks and streets, or in temporary structures. Applicants may be required to attend a meeting of the Safety Advisory Group to discuss the detail of the event with the relevant authorities. The Group's terms of reference are to uphold reasonable standards of public safety at all public events in Winchester District, encourage the well being of the public at those public events, and ensure so far as possible that any inconvenience to residents, businesses and the general public arising from events is minimised. The Safety Advisory Group will assist event organisers in meeting these objectives.

Personal licences

- 3.4 A personal licence will be granted to any applicant, aged 18 or over, who possesses a relevant qualification or is a person of a prescribed description as determined by the Department of Culture, Media and Sport. A licence will not be granted to any applicant who has forfeited a personal licence in the five year period ending with the date of the application.
- 3.5 The Police may oppose an application if an applicant has a relevant unspent conviction or a conviction for a comparable offence in a foreign jurisdiction.
- 3.6 Applicants who meet the statutory criteria in terms of age, qualifications and non-forfeiture, as mentioned above, will be granted a licence (subject to any Police objections being received). Applications that do not meet those criteria will be rejected.
- 3.7 If a Police objection is received the application will be determined by a Sub-Committee of the Licensing & Regulation Committee, at a hearing where all representations which are relevant to the grant or refusal of the licence will be taken into account. Matters to be considered may include the nature of any offences, the time since their commission and any mitigating circumstances. The Act requires the Council to reject an application if it considers it is necessary in the interests of crime prevention to do so and, where there is a Police objection, the normal course of events will be refusal **unless the applicant demonstrates** that there are exceptional and compelling reasons to grant the application.

There will be no need for a hearing if the applicant, Council and Chief Officer of Police agree that a hearing is not necessary.

- 3.8 The Council requires every application for a personal licence to be accompanied by a **basic online** criminal record disclosure form from the Disclosure and Barring Service. This will assist the Council in determining whether the applicant has any relevant unspent convictions.

- 3.9 Applicants should also produce a signed statement confirming that they have not been convicted outside of England and Wales of a relevant offence or equivalent offence (spent convictions excluded). Applicants should be warned that the making of a false declaration for the purpose of obtaining a licence is a criminal offence for which they will be prosecuted.
- 3.10 Only the Courts may revoke a Personal Licence, following a conviction for a relevant offence. The Council expects a high standard from Personal Licence holders operating in the District and will promote such standards at all licensed premises. It will work with the Police and other licensing authorities to ensure that appropriate action is taken by the Courts where these standards have not been met.

Temporary Event Notices

- 3.11 Temporary events involving relevant licensable activities may be held if certain criteria are fulfilled (these criteria include an audience capacity not exceeding 499 people attending and a maximum event period of 168 hours). However, the Council actively encourages persons organising such events ("premises users") to have due regard to any concerns of occupiers of premises adjacent to the proposed venue where the temporary event is due to take place.
- 3.12 When a temporary event is proposed, notice of the event, together with the relevant fee, must be served on the Council. A standard notice must be received at least 10 working days before the event. The Act also allows provision for a late Temporary Event Notice. Late notices must be given no later than 5 working days and no earlier than 9 working days. **This does not include the day the authority receives the notice or the day of the event.** Working days do not include weekends or bank holidays. The Council encourages premises users to serve notice on the Council as far as possible in advance of the proposed event. However, in order to allow the Police and Environmental Health to make a proper assessment of the situation, notices should not be served earlier than six months ahead of the event.
- 3.13 The premises user must also serve a copy of the notice on the local Chief Officer of Police and Environmental Health within the timescales laid down above in 3.12.
- 3.14 On receipt of a temporary event notice the Council will issue an acknowledgement notice in accordance with the requirements of the Act, unless a counter notice has been served under Section 107 of the Act. Counter notices under this Section relate to circumstances where the limits permitted under the Act for the service of temporary events notices are exceeded.
- 3.15 If the Chief Officer of Police and the Head of Environmental Health is satisfied that allowing the premises to be used in accordance with the notice will undermine any the licensing objectives, he/she must serve an objection notice stating his/her reasons, on both the Council and the premises user by the end of the third working day following the day on which the temporary event notice was received.
- 3.16 If the Council receives an objection notice it will hold a hearing to consider the objections (unless the Council, Police, Environmental Health and premises user agree that a hearing is unnecessary) and will give the premises user a counter notice under Section 105 of the Act if it considers it necessary for the promotion of the crime prevention objective to do so.

Club Premises Certificates

- 3.17 The Council acknowledges that private premises to which public access is restricted and where alcohol is supplied, other than for profit, give rise to different issues for licensing law than those presented by commercial enterprises selling direct to the public. The Council encourages clubs to take advantage of the benefits offered to such premises such as the absence of a requirement for a Personal Licence Holder ("PLH") or Designated Premises Supervisor ("DPS").
- 3.18 The Council will consider applications for premises licences if the Club decides that it wishes to offer its facilities commercially for use by the general public but the applicant should remember that the appropriate planning consent should be sought prior to the application for a premises licence being submitted.
- 3.19 When premises have the benefit of a Club Premises Certificate, an application may be made to allow those running the premises to supply alcohol for consumption off the premises. Such supply will only be allowed during the hours that the premises are open for supply of alcohol to its members on the premises. Any such permission that is granted will be subject to conditions that any alcohol supplied will be in a sealed container and will only be supplied to members.

Premises Licences

- 3.20 A premises licence is required for any premises being used for one or more licensable activity as defined in 2.1 above. "Premises" includes any "place" and public areas such as parks, squares and streets will be included in this definition. This means that if licensable events will be taking place in such areas (such as the annual Hat Fair), the areas will need to be licensed. Those who may apply for licences are defined in Section 16 of the Act.
- 3.21 As recommended in the statutory Guidance, applicants for new premises licences (or major variations to premises licences) should undertake a thorough risk assessment with regard to the licensing objectives, which should then be used to prepare the required operating schedule.
- 3.22 The requirements in relation to applications for premises licences are set out in Section 17 of the Act and the Council will not be able to consider applications which do not comply with those requirements. This Section requires that applications must be accompanied by:
- an Operating Schedule that demonstrates that the licensed premises can comply with the Council's licensing policy and promotes the four licensing objectives. The operating schedule must be adequate and appropriate for the type, location and opening hours of the particular premises. The licensing policies and matters for consideration by applicants, as detailed in Part 4 of this Policy, need to be considered carefully and measures included in the Operating Schedule, where necessary, showing how compliance with those policies will be achieved. Where an Operating Schedule does not include a measure which (under the Policy) the Council would expect to see included, a justification should be provided in the Operating Schedule.
 - a plan of the premises to which the application relates in the prescribed form, details of the relevant premises supervisor and appropriate consent.
 - the appropriate fee.

Note: fee levels and prescribed forms may be viewed on the government website www.gov.uk and the Council website www.winchester.gov.uk/licensing, or can be obtained from the Council's Licensing Section.

- 3.23 Premises Licences will include the mandatory conditions which must be imposed in accordance with the Licensing Act 2003. These are:

Where the Licence Authorises Supply of Alcohol:

1. *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 personal licence is suspended.*
2. *Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.*

Where the Licence requires Door Supervision:

Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Where the Licence Authorises Exhibition of Films:

Admission of children to the exhibition of any film is restricted in accordance with:

- (1) Where the film classification body is specified in the licence, unless subsection (2)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (2) Where:
 - (a) the film classification body is not specified in the licence; or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question;admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section: 'children' means persons aged under 18; and 'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 9(c 39) (authority to determine suitability of video works for classification).

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 – effective from 1 October 2014

1. (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).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
 3. (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.*
 4. 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: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml 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.

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014
– effective from 28 May 2014

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.*

Premises Licences for the consumption of alcohol off the premises will only include conditions shown above in *italics*.

In addition, conditions reflecting the operating schedule will be imposed. Where representations are received and a hearing is held, the Council may also impose other conditions it considers necessary as a result of those relevant representations.

- 3.24 Applications for major variations will need to include an operating schedule which deals with the issues relating to the licensing objectives, insofar as these are affected by the variation sought. Representations following such applications can only address the variation, and not the licence which would otherwise result from the conversion application alone.

PART 4: LICENSING POLICIES & MATTERS FOR CONSIDERATION BY APPLICANTS

This Part sets out the matters which applicants should have regard to, by reference to each of the Licensing Objectives. In submitting operating schedules, applicants should set out control measures which they propose to put in place, which will address the relevant issues as they apply to their application.

Applicants are encouraged to informally consult the relevant Responsible Authorities and other relevant bodies, where applicable, such as the South Downs National Park Authority, before preparing operating schedules, in order to ensure that, so far as possible, any issues which such consultees might raise can be dealt with before the application is submitted.

Applicants should deal in their Operating Schedule with each of the four licensing objectives, and state the measures they propose to deal with these objectives. Where a suggested measure mentioned in this Policy is clearly not relevant in respect of particular premises or activities, responsible authorities are less likely to make representations if applicants indicate in their operating schedule why they have not included such measures.

The lists of possible measures are not to be regarded as absolute requirements or as “check lists” and will not be used by the Licensing Authority to create standard conditions.

Section A: Prevention of Crime and Disorder

A. Matters to be considered by applicants.

A.1 Applicants should have regard to the following matters when writing their operating schedules and are advised to consult Hampshire Police before submitting their application. If the Council receives a representation, additional conditions may be imposed at the Hearing that determines the application.

A.2 It should be noted in particular that it is unlawful under the 2003 Act:

- To sell or supply alcohol to a person who is drunk
- To sell or supply alcohol to a person who is under 18 years of age
- To knowingly allow disorderly conduct on licensed premises
- For the holder of a premises licence or a designated premises supervisor to knowingly keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
- To allow the presence of children under 16 who are not accompanied by an adult between midnight and 05:00 hrs at any premises licensed for the sale of alcohol for consumption on the premises and at any time in premises used exclusively or primarily for the sale and consumption of alcohol

Conditions enforcing these arrangements are therefore unnecessary.

A.3 When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and when the Council is considering applications, following receipt of any relevant representations from a responsible authority or interested party, the measures laid down in Section A.2 should be considered as practices which, if necessary, may promote the prevention of crime and disorder.

A.4 Whether or not any risk assessment shows these measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should also be

borne in mind that club premises operate under their own codes of discipline to ensure the good order and behaviour of members.

A.5 Whether it is necessary to impose conditions on the licence or certificate will also depend on local knowledge of the premises.

A.6 Any individual preparing an Operating Schedule is at liberty to volunteer any measure, such as those described below in section A.8, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

GENERAL

A.7 The following measures are designed to provide a range of conditions drawn from experience relating to differing situations and to offer guidance. They are not intended to be regarded as standard conditions to be automatically imposed in all cases.

A.8 The Applicant must indicate in the Operating Schedule the steps he/she proposes to prevent crime and disorder. For premises open between 2300 and 0800, and as appropriate for all other premises (depending on the specific premises and business being carried out), the Council would expect Operating Schedules to have considered and include arrangements for the measures set out below (unless the applicant can justify why such measures should not be required):

- Use of CCTV both within and outside the premises in accordance with the code of practice issued by the Information Commissioner from time to time e.g. warning signs
- Measures to prevent the bringing onto the premises of offensive weapons
- Procedures for risk assessing promotions and events such as "happy hours" including the potential to cause crime and disorder and plans for minimising such risks
- Measures to prevent the use or supply of illegal drugs
- Employment of door supervisors licensed by the Security Industry Authority and other appropriately trained staff
- Participation in an appropriate Watch Scheme or other body designed to ensure effective liaison with the local community
- Proof of Age schemes
- Controls on bottles, glasses and containers
- Occupancy limits
- Notices and signage, including a prominent sign giving the name of the personal licence holder designated as being in charge of the premises at the relevant time.
- No admissions after a specified time
- A personal licence holder to be on duty at the premises during opening hours

Reason

Prevention of crime and disorder is one of the four licensing objectives of the Licensing Act 2003. It is important that Applicants identify measures taken to address this objective in their operating schedule.

Drugs/Alcohol Abuse

- A.9 The Council will expect licensees to have adequate management practices in place, as well as suitable training for staff, to ensure that sales are not made to persons under the age of 18, or to persons who may supply to persons under that age. These practices also need to be in place to ensure that sales are not made to persons who are drunk, or in circumstances where it is likely that the sale of alcohol may result in crime and disorder.
- A.10 The Council will also expect licensees to be aware of the misuse of drugs and take all reasonable steps to prevent the entry of drugs into licensed premises, to take appropriate steps to prevent drugs being supplied within the premises and to take practical measures to prevent tragedies as a result of drug misuse. The BIIAB (British Institute of Innkeeping Awarding Body) Level 2 Award in Drugs Awareness for Licensed Hospitality Staff qualification is an appropriate method of demonstrating such awareness.

Reason

Drug and alcohol abuse are problems associated with licensable premises. Conditions are required to assist operators of such premises to meet both the crime and disorder and the prevention of public nuisance objectives.

Shops Stores and Supermarkets.

- A.11 The Council will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping. However, shops must have adequate management practices to ensure that sales are not made to under 18 year olds and persons where there are grounds to believe that the sale will result in crime and disorder.
- A.12 However, if there are good reasons for restricting those hours, for example, where Police representations made in respect of shops known to be the focus of disorder and disturbance, then restriction of hours will be considered.
- A.13 Operating Schedules should indicate how the applicant will ensure that only staff aged over 18 years sell alcohol (or that any staff under 18 years old are closely supervised doing so). Schedules should also indicate what steps will be taken to avoid staff being intimidated into selling alcohol to children or young people.
- A.14 The Council therefore encourages shops to follow the existing good practice in the licensing trade by ensuring that CCTV is in operation on their premises at points of sale.
- A.15 The Council encourages partnership working to consider applications for Drink Banning Orders under Part 1 of the Violent Crime Reduction Act 2006.
- A.16 Such orders may apply to persons who engage in criminal or disorderly conduct while under the influence of alcohol; and, that such an order is necessary to protect other persons from further conduct by him of that kind whilst he is under the influence of alcohol.
- A.17 The Council may serve closure orders under Section 19 of the Criminal Justice and Police Act 2001.
- A.18 Where the Council is satisfied that any premises in the area of the authority are being, or within the last 24 hours have been, used for the unauthorised sale of

alcohol for consumption on, or in the vicinity of, the premises, the authority may serve a closure notice in respect of those premises.

- A.19 Such orders may be served on a person having control of, or responsibility for the activities at the premises.

Reason

The sale of alcohol from premises other than pubs or clubs throughout the day is integral to the Act. It is however necessary to ensure that suitable regimes are in place to prevent the sale of alcohol to persons under 18 years of age and to persons who are drunk. Controls will meet the need to address the potential for crime and disorder problems that such sales can present. In addition the controls required will also address the requirement under the Act to protect children from harm.

Additional matters which should be considered by applicants are shown in Appendix B of this Policy

Section B: Public Safety

B. Matters to be considered by Applicants

- B.1 Where an applicant identifies an issue with regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should indicate in their operating schedule the steps which will be taken to ensure public safety.

The main guidance bibliography is listed in Appendix C to this Policy.

- B.2 Following receipt of an application, a responsible authority may make representations to the Council, if it considers that adequate provision for public safety has not been made or has not been demonstrated within the application.
- B.3 When preparing their Operating Schedule, Applicants should consider the following matters and take them into account, and make reference to them in their Operating Schedule as appropriate (unless the Applicant can demonstrate that, taking into account the Public Safety objective, such measures are either unnecessary, or can be fulfilled by other different measures specified in the Operating Schedule).
- The date when the last Health and Safety and the specific Fire Safety risk assessments of the premises were carried out, along with any identified significant findings.
 - A summary of any proposed changes or improvements to remedy the significant findings, with the date of their implementation.
 - A copy of the emergency plan
 - A single line scaled plan or architect's drawing, showing the general layout of the premises, fire safety provisions, including escape routes from the premises to a place of ultimate safety with any significant features
 - Supporting evidence demonstrating adequate maintenance of fire safety provisions and systems. e.g. current servicing certificates.

Conditions will be imposed which reflect the proposals set out in the Operating Schedule and any breach of these conditions may give rise to prosecution.

- B.4 The Council will expect effective arrangements to secure adequate public safety at all times. When preparing the Operating Schedule, applicants should take into account the areas listed below and any others which are identified from either of the Health and Safety and the specific Fire Safety risk assessments of the premises.
- Adequate provision for the safety of persons with special needs
 - Adequate provision of safe ingress and egress to the premises at all times when in use
 - Safe occupancy levels to be determined and suitable arrangements to ensure they are not exceeded (where necessary and not imposed by other legislation).
 - Adequate means of escape in case of fire
 - Adequate warning in case of fire
 - Adequate provision for fire fighting
 - Adequate levels of both normal and emergency lighting
 - Suitable and adequate fire and safety notices
 - Adequate levels of ventilation.
 - Adequate provision for summoning the emergency services
 - Suitable levels of non combustible or flame retarded finishes for the premises construction, wall and ceiling coverings, drapes and contents
 - Adequate arrangements for the maintenance of safety equipment and systems.
 - Adequate levels of training to staff members

- Suitable recording of maintenance, tests and training
- Testing of electrical wiring and systems
- Suitable access for emergency vehicles
- Adequate arrangements for the provision of first aid equipment
- Adequate safety for indoor Sports Entertainment
- Adequate numbers of attendants and marshals
- Adequate arrangements for the safe use and storage of equipment used for special effects

Reason

The safety of the public at licensed premises is paramount and is one of the four licensing objectives.

Additional matters which should be considered by applicants are shown in Appendix C of this Policy

Section C: The Prevention of Public Nuisance

Noise Controls

- C.1 With all applications, a balance of interests will be considered to allow licensable activities where possible, whilst preventing public nuisance within the local community.
- C2. Stricter conditions with regard to noise control will be expected in some circumstances.
This includes:
- (i) areas of the District which have denser residential accommodation
 - (ii) areas of the District that have low levels of background noise (such as within South Downs National Park)
 - (iii) licensable activities which extend into night time hours e.g. 2300-0700
 - (iv) Licensable activities to be held outdoors, in garden areas or in marquees
 - (v) Licensable activities of longer duration or greater frequency e.g. every day/ every weekend
 - (vi) Multiple licences on the same piece of land
 - (vii) Poor history of compliance
- C3. Depending on the nature of the application, the operating schedule would be expected to include some / all of the following:
- The location of premises and proximity to residential and other noise sensitive premises;
 - The hours of opening, particularly between 23:00 hours and 07:00 hours;
 - The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises;
 - Details of the genre of music proposed
 - The design and layout of premises and in particular the presence of noise limiting features;
 - The total occupancy capacity (staff, customers, others) of the premises;
 - The availability of public transport;
 - Last admission time; and wind down period' between the end of the licensable activities and closure of the premises;
 - The age and type of clientele being attracted to or likely to be attracted to the premises.
- C4. In relation to C3 above, the applicant will be expected to demonstrate the measures that are taken to mitigate public nuisance, which where relevant, should include the following:
- Effective and responsible management of the premises
 - Installation of sound proofing, air conditioning, acoustic lobbies, sound limitation devices, acoustic curtains, rubber seals to doorways, installation of rubber speaker mounts;
 - Keeping doors and windows closed;
 - Limiting music to a particular area of a premises and considering the type of music/ volume;
 - Consideration of the choice, location and orientation of speakers;
 - Identifying and monitoring noise levels from specific locations and keeping records of this;
 - Noise Management Plans;

- Management of people, including staff and traffic (and any resulting queues) arriving and leaving premises;
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly;
- Time restrictions on use of garden areas;
- Management of external garden areas and smoking shelters including closing times;
- Management arrangements for the control of deliveries and collections & disposal of refuse;
- Liaison with public transport providers;
- Siting of external lighting including security lighting;
- Public Information – letters to nearby residents, hotline telephone contact numbers

C5. The applicant should give regard to current standards and national guidance for noise control at licensed premises and, where available, refer to the City Council's detailed advice on the Council's webpages. Applicants are also encouraged to contact the Environmental Health section for advice prior to submitting applications.

Section D: Protection of Children

D. Matters to be considered by Applicants

- D.1 When addressing the protection of children, applicants should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to cause concern in relation to children. Such steps as are required to deal with these identified issues should be included within the applicant's Operating Schedule. They should also have regard to the following matters when writing their operating schedules and are advised to consult the relevant Area Child Protection Team, (The Safeguarding Unit, Falcon House, Monarch Way, Winchester SO22 5PL)
- D.2 If the Council receive a representation, additional conditions may be imposed at the Hearing that determines the application.
- D.3 It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present
- (a) on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there; or
 - (b) between midnight and 05.00 at premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice.

Conditions duplicating these provisions are therefore unnecessary.

Adult Entertainment

- D.4 In most cases, adult entertainment, such as striptease or lapdancing, will be controlled under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 (see paragraph 1.7 of Part 1 above). Where the Licensing Act 2003 applies to such adult entertainment, however, the following provisions will apply to such regulated entertainment.

The Council will take into account the increased risk to the licensing objectives arising from adult entertainment.

NOTE: For the sake of convenience the term "striptease" in this part of the policy should be taken to refer to any entertainment or service involving exposure of private parts or the sexual stimulation of patrons.

- D.5 Where such entertainment is provided the operating schedule must include measures designed to ensure that children are not admitted to and cannot witness these activities and to prevent crime and disorder problems. For example:
- D.5.1 The area proposed for striptease shall:
- (a) be in a position where the performance cannot be seen from the street;
 - (b) be in a designated area of the premises with segregation from the audience;

- (c) be in a position where the performers will have direct access to the dressing room without passing through or in close proximity to the audience.

D5.2 Whilst striptease entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice shall be displayed at each entrance to the premises in a prominent position, so that it can be easily read by persons entering the premises, in the following terms:

“NO PERSON UNDER 18 WILL BE ADMITTED”

D.5.3 To prevent the possibility of children seeing unsuitable advertisements, unless the advertisement has been previously agreed by the Council, the policy of the Council will be to attach a condition to the effect that “Except with the consent of the Council there shall be no external advertising of the striptease entertainment either at the premises or in its immediate vicinity.”

Reason

These policies are designed to further the licensing objective of protecting children by preventing them being exposed to unsuitable material or acts. They are also designed to further the crime prevention and prevention of nuisance objectives by recognising the increased risk of nuisance or illegal activities such as performers offering “extras” to customers or the plying for trade by prostitutes.

Additional Controls

D.6 The Council will take strong measures to protect children from harm. In particular, it will ensure that strenuous efforts are made to reduce unlawful drinking of alcohol by children and young people under the age of 18. Examples of premises where the introduction of additional controls are likely to be necessary are:

- Where there have been convictions for serving alcohol to a minor or with a reputation for under-age drinking
- Where the premises or the activities being provided are likely to attract children and young people seeking to unlawfully drink alcohol
- With a known association with drug taking or dealing
- Where there is a strong element of gambling on the premises
- Where entertainment of an adult or sexual nature is provided

D.7 In such circumstances, it may sometimes be necessary to impose a complete prohibition, although this would only be imposed rarely. The Council would normally require:

- Limitations on the hours when children may be present
- Age limitations below 18
- Limitations or exclusions when certain activities are taking place
- Requirements for accompanying adults
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

D.8 Where there is provision of entertainment specifically for children (e.g. a children’s disco) the Council will require the presence of sufficient adults to control the access and egress of the children and assure their safety.

Reason

These policies are designed to allow flexibility for the licensee, to ensure that where appropriate licensed premises are “user friendly” for children but to ensure they are adequately protected.

Children & Cinemas

- D.9 The Council expects licensees to include in their Operating Schedule arrangements for restricting children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification.
- D.10 Where the exhibition of films is permitted the Council will expect the age restrictions of the British Board of Film Classification (BBFC) in respect of the films to be exhibited to be complied with. Only in exceptional cases will variations to this general rule be granted by the Council and then only with appropriate safeguards.
- D.11 In relation to specialist Film Festivals, where it is desired to show films not classified by the BBFC, the Council will, provided adequate notice has been given, classify the films concerned. To achieve consistency and the protection of children the Council will use the guidelines published by the BBFC.

Reason

To prevent children from viewing unsuitable films.

Children and Regulated Entertainment

- D.12 It is expected that adult staff will be present at places of public entertainment to control the access and egress of children and to protect them from harm. This requirement also applies to children present at an event as performers, in which case for every ten children there must be one supervising adult present at all times.

Children and Purchase of Alcohol

- D.13 The Council will actively encourage licensees to keep registers of refused sales (refusals/challenge books) where sales of alcohol and any other age-restricted goods have been refused for any reason. Keeping such records will help to demonstrate that responsibilities for checking ages of purchasers are being taken seriously. Refusals/challenge books should be kept on the licensed premises and be made available for inspection by the Licensing Officer, Trading Standards or the Police.

Additional matters which should be considered by applicants are shown in Appendix E of this Policy.

APPENDIX A

SCHEME OF DELEGATION

Matter to be dealt with	Licensing Sub-Committee	Head of Licensing
Application for personal licence	If Police objection is made owing to unspent relevant convictions.	In all cases unless a Police objection is made owing to unspent relevant convictions.
Application for premises licence/club premises certificate	If a relevant representation is made	If no relevant representation is made
Application for provisional statement	If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club premises certificate	If a relevant representation is made	If no relevant representation is made
Application to vary Designated Premises Supervisor	If a Police objection is made	In all other cases
Request to be removed as Designated Premises Supervisor		In all cases
Application for transfer of premises licence	If a Police objection is made	In all other cases
Application for interim authorities	If a Police objection is made	In all other cases
Application to review premises licence/club premises certificate	In all cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc		In all cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a Police or Environmental Health objection to a temporary event notice	In all cases	
In cases where the Magistrates' Court has determined the licence on appeal		In all cases
Application for a minor variation to premises licence/club premises certificate		In all cases
Decision on whether an application for minor variation should be referred to a responsible authority		In all cases

Matter to be dealt with	Licensing Sub-Committee	Head of Licensing
Application to disapply the mandatory condition for a Designated Premises Supervisor at community premises	If a Police objection is made	In all other cases

APPENDIX B

Prevention of Crime and Disorder

Measures which should be considered

Electronic Communication Devices

Electronic communication devices such as radios or text pagers connecting premises licence holders, designated premises supervisors, and managers of premises clubs to the local Police can provide for rapid response by the Police to situations of disorder which may be endangering the customers or staff on the premises.

Such devices provide two-way communication, enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the Police and also enabling the Police to warn a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. Radios or pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence of such people in an area.

Door Supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- Preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder
- Keeping out excluded individuals (subject to court bans or imposed by the licence holder)
- Searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons
- Maintaining orderly queuing outside of venues prone to such queuing

Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with a number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises and whether at least one female should be available (for example, if female customers are to be the subject of body searches).

Door supervisors also have a role to play in ensuring public safety.

Bottle Bans

Bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in their bottles for consumption on the premises. However, many women consider that drinking from bottles to be safer as it is easier for them to prevent the spiking with drugs of drinks in bottles the openings of which may be readily covered. These issues, therefore, need to be carefully balanced.

Plastic Containers and Toughened Glass

Glasses containing drinks may be used as weapons during incidents of disorder and can cause very serious injuries. Consideration should therefore be given to conditions requiring either the use of plastic containers or toughened glass that inflicts less severe injuries. Location and style of the venue and the activities carried on there would be particularly

important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of outdoor sports grounds may obviously be of concern, but similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

It should also be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures to promote public safety.

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Operating Schedules should state the precise siting of each camera, the arrangements which will be put in place to maintain cameras in working order and the proposed retention period for such tapes.

The Police should provide individuals conducting risk assessments (when preparing Operating Schedules) with advice on the use of CCTV to prevent crime.

Open Containers Not to be Taken From the Premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration should be given to preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions of Drinking Areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Operating Schedules should not only specify these areas, but also indicate the circumstances in which the ban would apply and times at which it should be enforced.

Capacity Limits

Capacity limits are not enforceable under the Licensing Act 2003, however the Hampshire Fire and Rescue Service recommends that premises users include a capacity limit within their Risk Assessment.

Crime Prevention Notices

It may be necessary at some premises for notices to be displayed warning customers of the prevalence of crime that may affect them. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises advising customers about the need to be vigilant of unattended bags because of concerns about terrorism.

Signage

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed

on or immediately outside the premises so that it is clear when breaches of the terms of the licence or certificate are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

It will often be important for the Police, authorised officers and members of the public to know the name of the person who is in charge of the premises when they are open for trading. In appropriate circumstances, a condition may be imposed requiring the name of the duty manager or other responsible person in charge to be displayed.

Reference: Home office guide – Design out crime

APPENDIX C

Public Safety

The following bibliography provides suitable information and guidance to assist applicants to determine the appropriate provisions and standards required for public safety.

BS: 9999 Fire Safety in the design, management and use of buildings

Approved document B to the Building Regulations – means of escape from fire.

Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X

Example risk assessments – www.hse.gov.uk/risk/casestudies

The Guide to Safety at Sports Grounds (“The Green Guide”) ISBN 978-1-9164583-0-7

The Noise Council Code of Practice on Environmental Noise at Concerts (1995)

The Purple Guide - www.thepurpleguide.co.uk/

Temporary Demountable Structures – www.hse.gov.uk/event-safety

BS 8551 – Provision and management of temporary water supplies

Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the independent Street Arts Network, copies of which may be obtained through www.streetartsnetwork.org/pages/publication

Additional assistance on fire safety related matters can be found by visiting Hampshire Fire and Rescue Service web site: www.hantsfire.gov.uk

Additional Measures to be considered

1. Disabled People

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- When disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
- Disabled people on the premises are made aware of those arrangements.

2. Escape routes

It may be necessary to include conditions relating to the maintenance of all escape routes and exits, including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- All exits doors are easily openable without the use of a key, card, code or similar means;
- Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
- Any security fastenings are removed prior to the premises being open to the public;
- All fire doors are maintained effectively self-closing and shall not be held open
- Fire resisting doors to ducts, service shafts and cupboards shall be kept locked shut
- The edges of the treads of steps and stairways are maintained so as to be conspicuous
- Adequate handrails to staircases and changes of floor level

3. Safety checks

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Safety checks are carried out before the admission of the public; and
- Details of such checks are kept in a log - book.

4. Curtains, hangings, decorations and upholstery

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Hangings, curtains and temporary decorations are maintained in a flame-retardant condition; and
- Any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with Part 5 of BS 5852:1990; and
- Curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment; and
- Any temporary decorations which may be used from time to time must be specified in the Operating Schedule. Any decorations that are not so specified must not be used without the express consent of the Council.

5. Accommodation limits

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate is not exceeded; and
- The personal licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person of these details on request.

6. Fire action notices

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration.

7. Outbreaks of fire

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- The fire brigade must be called at once to any outbreak of fire, however slight and the details recorded in a Fire Log-book.

8. Loss of water

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- The local Fire Control centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

9. Access for emergency vehicles

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Access for emergency vehicles is kept clear and free from obstruction.

10. First aid

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Adequate and appropriate supplies of first aid equipment and materials are available on the premises.
- At least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

11. Lighting

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present.
- Fire safety signs are adequately illuminated.
- Emergency lighting is not to be altered without the consent of the Council.
- Emergency lighting batteries are fully charged before the admission of the public, members or guests.
- In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of an hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours the appropriate period by the end of which the public should have left the premises is one hour.

12. Temporary electrical installations

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Temporary electrical wiring and distribution systems are not provided without notification to the Council at least ten days before commencement of the work.
- Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909.
- Temporary electrical wiring and distribution systems are inspected and certified by a competent qualified person before they are put to use.

13. Ventilation

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Where the ventilation system is designed to maintain positive air pressure within part of the premises, that pressure is maintained whenever the public, member or guests are present in that part of the premises.
- Ventilation ducts are kept clean.
- Air filters are periodically cleaned and replaced to maintain a satisfactory air supply.

14. Indoor Sports Entertainment

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- If necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- Where a ring is involved, it is constructed and supported to the satisfaction of the Council and any material used to form the skirt around the ring is flame-retardant.
- At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring.
- At water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

15. Theatres and Cinemas (Promotion of Public Safety)

There are particular matters in the context of public safety and fire safety, which should be considered in connection with theatres and cinemas. The principle remains that conditions must be necessary and should be established through risk assessment.

Premises used for Closely Seated Audiences

Attendants

- (a) The number of attendants on each floor in a closely seated auditorium should be as set out in the table below:

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
1 - 100	One
101 - 250	Two
251 - 500	Three
501 - 750	Four
751 - 1000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

- (b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
- (c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- (d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.
- (e) No article shall be attached to the back of any seat which would reduce the clear width of seat ways or cause a tripping hazard or obstruction.
- (f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

Standing and Sitting in Gangways etc

- (a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.
- (b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- (c) In no circumstances shall anyone be permitted to -
 - (i) sit in any gangway
 - (ii) Stand or sit in front of any exit; or
 - (iii) Stand or sit on any staircase including any landings.

Drinks

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Balcony Fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

Special effects

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff. Advance warning of any special effects should be given.

Special effects include:

- Dry ice machines and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics, including fireworks
- Real flame
- Firearms
- Motor vehicles
- Strobe lighting

- Lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products)
- explosives and highly flammable substances
- In certain circumstances, it may be necessary to require that certain special effects are only used with the prior consent of the Council.

Scenery

Any scenery should be maintained flame-retardant.

Safety curtain

Where a safety curtain is necessary, it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.

Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non-combustible material or inherently or durably treated flame-retarded fabric.

Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person every five years and a structural safety certificate concerning the condition of the ceilings forwarded to the Council.

Seating

Where potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

Premises used for Film Exhibitions

Attendants - premises without a staff alerting system

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1 - 250	Two
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

Attendants - with a staff alerting system

Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of staff on the premises who are available to assist in the event of an emergency
1 - 500	Two	One
501 - 1000	Three	Two
1001 - 1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

- (b) Staff shall not be considered as being available to assist in the event of an emergency if they are:
- (i) the holder of the premises licence or the manager on duty at the premises; or
 - (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
 - (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.
- (c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
- (d) The staff alerting system shall be maintained in working order.

Minimum Lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

Flammable films

No flammable films should be allowed on the premises without the consent of the Council.

APPENDIX D

THE PROTECTION OF CHILDREN

Additional matters to be considered

Access for children to licensed premises - in general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and interested parties who have made representations but only where the Council considers such conditions necessary to protect children from harm. Whilst applications in relation to premises licences and club premises certificates must be judged by the Council on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- For any premises with known associations (having been presented with evidence at a hearing) with underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years. Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing Operating Schedules or club Operating Schedules or variations of those schedules, for the purposes of obtaining or varying a premises licence or club premises certificate, should:
 - Explain their reasons; and
 - Outline in detail the steps that they intend to take to protect children from harm on such premises.

- For any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 2200 hrs in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time. Applicants wishing to allow access when preparing operation schedules or variations of those schedules or club Operating Schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
 - Explain their reasons; and
 - Outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case, subject to the personal licence holder, designated premises supervisor or club's discretion, the expectation would be for unrestricted access for children of any age to premises. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, following from which there would be no need to include in the schedule steps the applicant proposes to take to promote the protection of children from harm.

Age Restrictions - specific

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place the Council (following relevant representations made by responsible authorities and interested parties) will need to consider a range of conditions that are tailored to the particular premises and their activities where these are necessary. The Council will consider:

- The times of day during when age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 2000 hrs does not mean that it would be necessary to impose age restrictions for earlier parts of the day.
- Types of event or activity in respect of which no age restrictions may be needed, for example;
 - Family entertainment; or
 - Non-alcoholic events for young age groups such as under 18s dances

Similarly, types of event or activity that give rise to a more acute need for age restrictions than normal, for example:

- During "Happy Hours" or on drinks promotion nights;

Age restrictions - cinemas

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of Part 20 of the Act, requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under Part 4 of the Video Recordings Act 1984 or by the Council itself, conditions restricting the admission of children to film exhibitions should include:

- A condition that where the Council itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed.
- A condition that when films are classified, by either the film classification body as specified in the licence or the Council, they should be classified in the following way:
 - U Universal - suitable for audiences aged four years and over.
 - PG Parental Guidance. Some scenes may be unsuitable for young children.
 - 12 Passed only for viewing by persons aged 12 years or older.
 - 12A Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
 - 15 Passed only for viewing by persons aged 15 years and over.
 - 18 Passed only for viewing by persons aged 18 years and over.
- That conditions specify that 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 or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.
- A condition that when a Council has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

"Where a programme includes a film recommended by the Council as falling into the 12, 12A, 15 or 18 category no person appearing to be under the age of 12, under 12 and unaccompanied, 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position at each entrance to the premises 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 provided that the prior written consent of the person's parents or legal guardian has first been obtained,"

Theatres

The admission of children to theatres, as with other licensed premises, is not normally expected to be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play will normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

Consideration will be given to the imposition of conditions to premises licence requiring the presence of a sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency.

Performances especially for children

Where performances are presented especially for children in theatres and cinemas conditions are anticipated to be needed which:

- Require that an attendant be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.
- Specify whether or not standing will be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show. However, if it is necessary to consider imposing conditions for the promotion of the protection of children from harm then the Council will consider the matters outlined below:

- **Venue** - the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.

- **Fire safety** - all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- **Special effects** - it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- **Care of children** - theatres, concerts halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

GLOSSARY OF TERMS USED

Note: In this Policy, the following definitions are included to provide an explanation of certain terms included in the Act and therefore in the Policy. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

Club Premises Certificate	A certificate granted under the Licensing Act 2003 for premises habitually used by a club which fulfils certain statutory criteria.
Designated Premises Supervisor	The person (who must be a Personal Licence holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence The Premises Licence Holder can also be the Designated Premises Supervisor.
Any Other Person	The Act has removed the vicinity test, therefore any person may make a representation or apply for review.
Late Night Refreshment	the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.
Licensable Activities	<ul style="list-style-type: none">• 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• the provision of Late Night Refreshment
Licensed Premises	includes club premises and events unless the context otherwise requires
Operating Schedule	a document containing a statement of the following matters (and any others that may be prescribed):- <ul style="list-style-type: none">• the relevant Licensable Activities• the times at which the Licensable Activities are to take place and any other times when premises are open to the public• information regarding the person who will be specified in the Premises Licence as the Premises Supervisor• where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises• steps being taken to promote the Licensing Objectives
Personal Licence	A licence granted to an individual authorising that individual to supply alcohol
Premises Licence	A licence granted under the Licensing Act allowing premises to be used for one or more Licensable Activities
Relevant Representation	Representations which are: <ul style="list-style-type: none">(a) relevant to one or more of the licensing objectives; and(b) made by any person within the appropriate period; and(c) have not been withdrawn; and(d) if they are made by any person (who is not also a responsible authority), are not, in the opinion of the Council frivolous, or

vexatious

The Council will determine whether representations are relevant or not.

Responsible Authority

These include any of the following:

- (a) The Chief Officer of Police
- (b) The Fire Authority (Hampshire Fire and Rescue)
- (c) The enforcing authority for health and safety at work (either the Health and Safety Executive or the City Council)
- (d) The local planning authority (the City Council or South Downs National Park Authority)
- (e) The local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health (the City Council (Environmental Health Section))
- (f) The Primary Care Trust or Health Board
- (g) The Licensing Authority
- (h) A body which:
 - (i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm and
 - (ii) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters
(in Winchester's case, this will be the relevant Safeguarding Unit)
- (i) in relation to a vessel, a navigation authority, the Environment Agency, Maritime and Coastguard Agency or the British Waterways Board.

Regulated Entertainment

- 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

(or entertainment of a similar description falling within the last three of the categories listed above), where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

Temporary Event Notice

a temporary activity involving one or more Licensable Activities subject to the following various conditions and limitations:-

- duration – they are limited to events lasting for up to 168 hours;
- scale – not exceeding 499 people present at the event at any one time;
- use of the same premises – the same premises cannot be used on more than 15 occasions in a calendar year, but are subject to the overall aggregate of 21 days irrespective of the

- number of occasions on which they have been used; and the number of notices given by an individual within a given period of time – a Personal Licence holder is limited to 50 notices in one year and any other person to five notices in a similar period.

In any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event.

Statement of Consultation

This document was produced by Winchester City Council in accordance with its duties under the Licensing Act 2003.

Under Section 5 of the Act, the Council is required to determine its policy with respect to licensing functions and publish a statement of that policy. The statement must be published no later than 5 January 2019, must be kept under review and a new policy published every five years.

The draft policy was published on the Council's website on 20 December 2018, and the following were consulted on the proposed policy:-

- Chief Constable, Hampshire Police;
- Hampshire Fire and Rescue Authority;
- Child Protection, Hampshire County Council
- Environmental Health – Winchester City Council
- Development Management – Winchester City Council
- South Downs National Park Authority
- All elected Members
- Parish and Town Councils in the Winchester District;
- Known residents associations;
- Winchester Pubwatch;
- Winchester BID;
- British Beer and Pub Association;
- Punch Taverns;
- Fuller Smith & Turner;
- Greene King Retailing Limited;
- Enterprise Inns Plc;
- Marstons Plc;
- Wadworth & Co. Limited.

The policy was approved following adoption by full Council on 28 February 2019.

REPORT TITLE: ADOPTION OF STATEMENT OF PRINCIPLES UNDER THE
GAMBLING ACT 2005

28 FEBRUARY 2019

REPORT OF PORTFOLIO HOLDER: Cllr Jan Warwick, Portfolio Holder for
Environment

Contact Officer: Carol Stefanczuk Tel No: 01962 848 529
Email cstefanczuk@winchester.gov.uk

WARD(S): ALL

PURPOSE

At the Licensing and Regulation Committee on 6 December 2018, Members resolved that following the consultation period, should no comments be received, that the Draft Statement of Principles as sent out for consultation be recommended for adoption at the next available Council meeting.

One comment was received in support of the changes and therefore did not require to be considered by the Licensing and Regulation Committee on 21 February 2019.

RECOMMENDATIONS:

1. That the Council adopt the Council's Statement of Principles as set out in Appendix 1.

IMPLICATIONS:1 COUNCIL STRATEGY OUTCOME

- 1.1 The Licensing Policy relates to the third Strategic Outcome; 'Improve the health and happiness of our community' by supporting the delivery of a programme of events across the District.
- 1.2 It also relates to the fourth Strategic Outcome; 'Improving the quality of the District's environment' by working with partners and using powers available to us to make Winchester a safe and pleasant place to live, work and visit.

2 FINANCIAL IMPLICATIONS

- 2.1 Income and expenditure is forecast to remain at existing levels and within the current approved budgets.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The Gambling Statement of Principles must be reviewed every three years under the Gambling Act 2005.

4 WORKFORCE IMPLICATIONS

- 4.1 None

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None

6 CONSULTATION AND COMMUNICATION

- 6.1 The consultation period was held from 20 December 2018 to 20 January 2019.
- 6.2 The consultation was available on the Council's website. In addition, the following parties were directly consulted:-

Chief Constable of Hampshire Constabulary	Police and Crime Commissioner for Hampshire
Hampshire Constabulary - Licensing	Hampshire Fire and Rescue Service
Environmental Health - Winchester City Council	Development Management - Winchester City Council
Community Safety – Winchester City Council	Child Protection – Hampshire County Council
All Members – Winchester City Council	All Parish Clerks

Winchester Pub Watch	Winchester BID
Association of British Bookmakers Ltd	BACTA
Regal Gaming and Leisure	Winchester Automatics Limited
Gamblers' Anonymous	Gam Care
National Problem Gambling Clinic	Winchester Citizens Advice Bureau
Bishops Waltham Citizens Advice Bureau	Hampshire Hospitals NHS Foundation Trust
Diocesan Registrar – Winchester & Portsmouth	The United Church, Winchester
Trinity Centre	Winchester Night Shelter
Friends of the Family	Winchester Youth Counselling
Olive Branch Counselling	Homestart Hampshire
Winchester Young Carers	Street Reach
Dransfields	Punch Taverns
Fuller Smith & Turner	Greene King Retailing Limited
Enterprise Inns Plc	Marstons Plc
Wadworth & Co. Ltd	Gambling Commission
Gambling Commission – Local Compliance Manager	

6.3 One comment was received by Sergeant Julian Ainsworth, responsible for Licensing and Harm Reduction at Hampshire Constabulary (see 11.6 below).

7 ENVIRONMENTAL CONSIDERATIONS

7.1 None

8 EQUALITY IMPACT ASSESSEMENT

8.1 There is a need to have a regard to the public sector duty of equality when reviewing the Licensing Policy.

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 None

10 RISK MANAGEMENT

Risk	Mitigation	Opportunities
<i>Property</i>	N/A	
<i>Community Support</i>	All elected Members and Parish Clerks were consulted on the Policy review.	
<i>Timescales</i>	The current Statement of Principles will be live until the reviewed version has been adopted.	
<i>Project capacity</i>	N/A	
<i>Financial / VfM</i>	N/A	
<i>Legal</i>	The Statement of Principles could be challenged by Judicial Review, but as the Council's decision-making process is lawful, a challenge is considered unlikely.	
<i>Innovation</i>	N/A	
<i>Reputation</i>	The Statement of Principles sets out the expectations of applicants and licence holders to balance the ability to provide gambling facilities, which is held in a fair and open way, whilst ensuring that there is suitable protection for vulnerable people.	
<i>Other</i>	N/A	

11 SUPPORTING INFORMATION:

Introduction

- 11.1 The Licensing Authority is required under Section 349 of the Gambling Act 2005 to prepare and publish a "Statement of Principles" every three years.
- 11.2 The current Statement of Principles was adopted by full Council on 4 November 2015, for the period of 31 January 2016 to 31 January 2019.
- 11.3 The Act contains three licensing objectives that underpin the functions that the

Commission and Licensing Authorities perform and which are central to the regulatory regime. They 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
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

Review of Statement of Principles

- 11.4 Officers reviewed the Statement of Principles to take into consideration recommendations by the Gambling Commission and make other minor amendments.
- 11.5 At the meeting of the Licensing and Regulation Committee on 6 December 2018, Members resolved that following the consultation period, should no comments be received, that the Draft Statement of Principles as sent out for consultation be recommended for adoption at the next available Council meeting. Report LR515 refers.
- 11.6 Consultation took place between 20 December 2018 and 20 January 2019. One comment was received from Sergeant Julian Ainsworth, responsible for Licensing and Harm Reduction at Hampshire Constabulary, stating that he had no concerns from a Police perspective to the content/amendments to the Policy.
- 11.7 The reviewed Statement of Principles can be found at Appendix 1 of the report.
- 12 OTHER OPTIONS CONSIDERED AND REJECTED
- Not applicable.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

LR515 – Review of Statement of Principles under the Gambling Act 2005 – 6 December 2018

LR 453 – Gambling Act Statement of Principles (Policy) – Draft – 8 October 2015

LR 450 – Gambling Act Statement of Principles (Policy) – Consultation Draft – 18 June 2015

Other Background Documents:-

Licensing Authority Bulletin re: Statements of Policy 2019-2022 issued by the Gambling Commission January 2018.

Gambling Statement of Policy 2019-2022 presentation issued by the Gambling Commission 15 March 2018

APPENDICES:

Appendix 1 Statement of Principles for the period 31st January 2019 until
31st January 2022



STATEMENT OF PRINCIPLES

GAMBLING ACT 2005

David Ingram
Head of Environmental Health & Licensing
Winchester City Council

November 2018

This Statement of Principles will remain
in force from 31st January 2019 until 31st January 2022

CONTENTS

Introduction

Part A **Council Functions**
Licensing Objectives
Consultation
Fundamental Principles
Operators
Responsible Authorities and Interested Parties
Exchange of Information
Compliance and Enforcement

Part B **Types of licence**

Part C **Types of permit**

Part D **Reviews and Appeals**

Appendices:-

Appendix 1 **Scheme of Delegation**

Appendix 2 **Glossary**

WINCHESTER CITY COUNCIL

GAMBLING ACT 2005

SECTION 349

Statement of Principles

The contents of this document are provided as information on the policy and principles of Winchester City Council in carrying out its functions in relation to the regulation of gambling. The document is not a full and authoritative statement of the law or statutory guidance and does not constitute professional or legal advice.

The Statement of Principles as determined by Winchester City Council in respect of its licensing functions in relation to the Gambling Act 2005 for the three year period commencing 31st January 2019 is set out in this document. During the three year period, the document will be kept under regular review and, following a full consultation process, the Council will make such revisions to it, at such times, as it considers appropriate. Further statements of principles will be published every three years thereafter.

Publication

This statement or any subsequent revision of the statement will be published on the Winchester City Council website (www.winchester.gov.uk). The statement or any subsequent revision of the statement is also available for inspection at the following location:

Winchester City Council Offices at Colebrook Street, Winchester, Hants.

Declaration

In publishing this document, Winchester City Council has had regard to the licensing objectives of the Gambling Act 2005 (the Act), the guidance issued by the Gambling Commission and any responses from those consulted on the policy statement.

The Act introduced a new regulator for commercial gambling, the Gambling Commission (“the Gambling Commission”), which replaced the Gaming Board of Great Britain. Operators licences and personal licences are issued and regulated by the Gambling Commission whilst local authorities (such as Winchester City Council) are responsible for the issue and regulation of premises licences, and other permits.

The Act places responsibilities on licensing authorities in ways similar to the Licensing Act 2003. There are some interdependencies between the Licensing Act 2003 and the Gambling Act 2005 in terms of the framework for decision making and the procedures that must be followed. However Winchester City Council will take care to ensure that in dealing with applications under the Gambling Act it follows the procedures that the Gambling Act 2005 requires and only takes into account issues that are relevant to that Act. Care will be taken not to confuse Gambling Act considerations with those relevant to alcohol licensing or planning.

When using this document, reference should also be made to the Gambling Act 2005, any associated regulations and any guidance and advice issued by the Gambling Commission or the Department of Culture, Media and Sport and information contained on the Winchester City Council web site (www.winchester.gov.uk)

Introduction

The Winchester area is situated in the central part of the County of Hampshire. It covers an area of approximately 250 square miles, and is largely countryside, with urban areas being Winchester itself (the largest area in the District), with smaller towns such as New Alresford, Bishop's Waltham, and Wickham and many villages.

Tourism is a major part of the local economy and every year approximately 4.25 million visits are made to the area, particularly to Winchester City Centre.

The Winchester area faces many challenges if its special character is not to be eroded by the modern day pressures of people, housing, industry and traffic. It has a number of premises conducting gambling activities as follows:

- 6 betting premises
- Approximately 120 premises and members clubs licensed under the Licensing Act 2003
- 4 adult gaming centres
- 88 small society lotteries

At the time of publication there are no bingo halls, tracks or casinos within the Winchester City Council area.

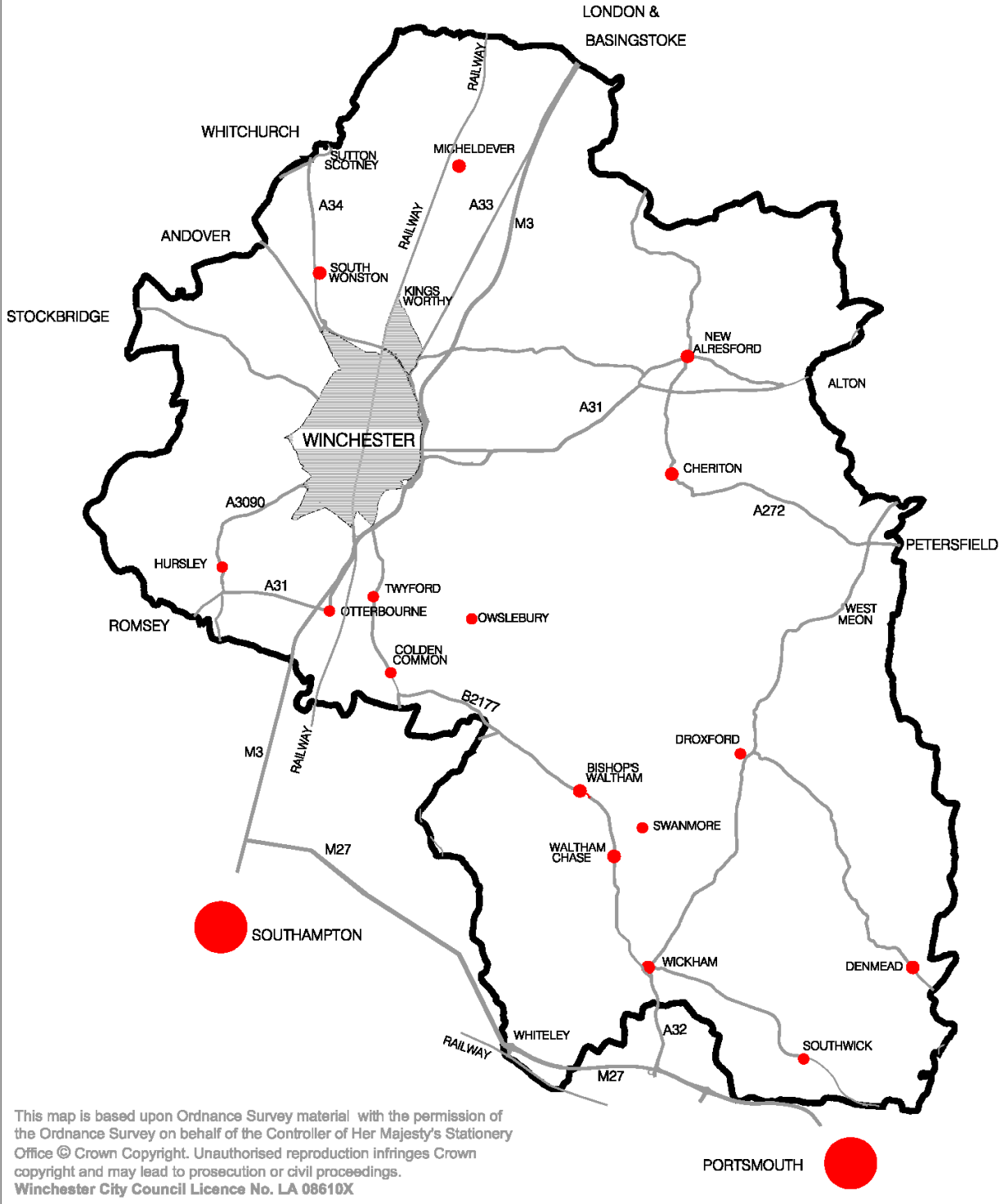
The Council recognises that legal gambling in a fair and open way, with suitable protection for vulnerable persons, is an important part of the District and contributes to the local economy and attention is drawn to the section 'Fundamental Principles' regarding demand, objections and locations for any application for gambling premises.

Winchester City Council has consulted the following on this Statement:

- The 'Responsible Authorities', namely the Chief Constable of Hampshire Constabulary, the Gambling Commission, Hampshire Fire and Rescue Service, Winchester City Council's Head of Development Management and Head of Environmental Health & Licensing, Hampshire County Council Safeguarding Unit, and H M Revenue and Customs;
- One or more persons who appeared to the City Council to represent the interests of persons carrying on gambling businesses in the Winchester area, namely the Association of British Bookmakers Ltd, BACTA, Regal Gaming and Leisure, Winchester Automatics Limited, Winchester BID and various breweries who hold Premises Licences within the District.
- One or more persons who appeared to the City Council to represent the interests of persons who are likely to be affected by the exercise of the Council's functions under the Act, namely all Ward Members, Parish Councils, Gamblers' Anonymous, Gam Care, National Problem Gambling Clinic, Winchester and Bishop's Waltham Citizens' Advice

Bureaux offices, the Hampshire Hospitals NHS Foundation Trust, and known residents' associations.

General Location Map of Winchester City Council District



PART A

1. Winchester City Council Functions

1.1 As Licensing Authority for the purposes of the Gambling Act 2005, Winchester City Council will:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences ;
- Issue *Provisional Statements* ;
- Regulate *members' clubs* who wish to undertake certain gaming activities via issuing *Club Gaming Permits* and/or *Club Gaming Machine Permits* ;
- Issue *Club Gaming Machine Permits* to *Commercial Clubs* ;
- Grant permits for the use of certain lower stake gaming machines at unlicensed *Family Entertainment Centres* ;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines ;
- Grant *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required ;
- Register *small society lotteries* below prescribed thresholds ;
- Issue *Prize Gaming Permits* ;
- Receive and Endorse *Temporary Use Notices* ;
- Receive *Occasional Use Notices* ;
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange') ;
- Maintain registers of the permits and licences that are issued under these functions.

1.2 "Remote gambling" (gambling by means such as the internet, or telephone) will be regulated by the Gambling Commission via Operator Licences, and not the City Council.

Note – terms in italics are defined terms in the Gambling Act 2005. The Glossary in Appendix 1 sets out these and other terms in the Act.

2. Licensing Objectives

2.1 In exercising most of the functions under the Gambling Act 2005, Winchester City Council must have regard to the licensing objectives contained in that Act. In particular it must have regard to the licensing objectives when exercising its functions in relation to premises licences, temporary use notices and some permits. The licensing objectives 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.

- 2.2 In accordance with Section 153 of the Act, the City Council will aim to permit the use of premises for gambling in so far as the Council thinks is-
- (a) in accordance with any relevant code of practice issued by the Gambling Commission;
 - (b) in accordance with any relevant guidance issued by the Gambling Commission;
 - (c) reasonably consistent with the licensing objectives;
 - (d) in accordance with this Statement of Principles.

It should be noted that in considering gambling applications, these objectives are not the same as those in the Licensing Act 2003. In particular, they do not include considerations in relation to public safety or prevention of public nuisance.

- 2.3 The Gambling Commission will play a leading role in preventing gambling from being a source of crime. Winchester City Council will consider the location of premises in the context of preventing gambling from being a source of crime or disorder. In this context, disorder means activity that is more serious and disruptive than mere nuisance and Winchester City Council will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.
- 2.4 In ensuring that gambling is conducted in a fair and open way, Winchester City Council has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section of this document. Also, where appropriate, Winchester City Council will pay attention to the information that is made available to customers using gambling facilities that are regulated by permits. Where Winchester City Council suspects that gambling is not being conducted in a fair and open way, this would be brought to the attention of the Gambling Commission.
- 2.5 The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling. Winchester City Council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc. Winchester City Council will also need to consider the location of premises in the context of protecting children and vulnerable persons.

- 2.6 Winchester City Council will encourage more dialogue with Operators to address social responsibility as advocated by the Gambling Commission. Operators must assess local risks and have policies, procedures and control measures in place to mitigate risk. Operators will be required to make reference to the Council's Statement of Principles in their risk assessments and share this with the City Council.
- 2.7 Winchester City Council will seek to develop a Local Area Profile which will understand how gambling is provided within the district and what the risks are. The Local Area Profile will be separate to the Statement of Principles.

3. Consultation on the statement of principles

- 3.1 Winchester City Council has consulted the following on this statement:
- The Chief Constable of Hampshire Constabulary;
 - One or more persons who appeared to the City Council to represent the interests of persons carrying on gambling businesses in the Winchester area, namely the Association of British Bookmakers Ltd, BACTA, Regal Gaming and Leisure, Winchester Automatics Limited and various breweries who hold Premises Licences within the District.
 - One or more persons who appeared to the City Council to represent the interests of persons who are likely to be affected by the exercise of the Council's functions under the Act, namely all Ward Members, Parish Councils, Gamblers Anonymous, Winchester and Bishop's Waltham Citizens' Advice Bureaux offices, the NHS Foundation Trust, and known residents' associations.
- 3.2 Winchester City Council will also consult the above for any subsequent revision of the statement.
- 3.3 The Council's draft Statement will be published for consultation on 20 December 2018 and will allow until 20 January 2019 for comments.
- 3.4 The Statement will be presented at a meeting of the Full Council on 28 February 2019 for approval.
- 3.5 In determining its Statement of Principles (or any revision thereof), Winchester City Council will always:
- Have regard to the Gambling Commission Guidance to Licensing Authorities;
 - Give appropriate weight to the views of those it has consulted.

- 3.6 In determining what weight to give to particular representations on its statement, the factors taken into account will always include:
- Who is making the representation in terms of their expertise or interest;
 - What their motivation may be for their views;
 - How many other people have expressed the same or similar views;
 - How far the representations relate to matters that the licensing authority should be including in its policy statement.
- 3.7 It will be for Winchester City Council to ensure that it looks at the views of consultees and considers carefully whether they should be taken into account, and to what extent (having regard to the above factors). Winchester City Council will always give reasons for the decisions it has made following consultation, details of which can be viewed on the Winchester City Council web-site or by contacting the Licensing Section at the City Council Offices, Colebrook Street, Winchester.
- 3.8 Any comments as regards this policy should be sent to:
- Licensing Manager
Winchester City Council
Colebrook Street
Winchester
SO23 9LJ
- Email: licensing@winchester.gov.uk

4. Fundamental Principles

- 4.1 In carrying out its functions, Winchester City Council will regulate gambling in the public interest and will have regard to the guidance issued under Section 25 of the Act. With the exception of premises licensing and temporary use notices, Winchester City Council may use its discretion where there are strong and defensible reasons for departing from the guidance, and Winchester City Council consider it right to do so. In any such case the City Council will clearly express and explain its reasons for doing so.
- 4.2 This Statement of Principles does not override the right of any person to make an application under the Act and to have that application considered on its merits. Additionally, this Statement of Principles does 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.
- 4.3 The Statement of Principles will not comment on the need for gambling premises. Unmet demand is not a criterion in considering an application for a premises licence, and each application will be considered on its merits without regard to demand.
- 4.4 The location of premises will only be commented on in so far as the location relates to the licensing objectives. Winchester City Council will consider very carefully applications for premises licences, permits and other authorities in respect of certain gambling premises that are located close to:

- Schools and young persons establishments;
 - Young offenders premises;
 - Centres established for assisting persons with a gambling addiction;
 - Vulnerable adult centres;
 - Residential areas where there are a high concentration of families with children;
 - Temporary accommodation such as night shelters and hostels.
- 4.5 Each application will be considered on its merits, and will depend to a large extent on the type of gambling that it is proposed will be offered on the premises. If an applicant for a premises licence can show how licensing objective concerns can be overcome, that will be taken into account when reaching a decision on whether or not to grant a licence.
- 4.6 Moral objections to gambling will not be a reason to reject an application for premises licences. In rejecting an application, Winchester City Council will rely on reasons that demonstrate that the licensing objectives are not being met.

5. Operators

5.1 The City Council expects Operators to share relevant information at regular intervals or on request, such as:-

- results of test purchasing;
- number of refusals to underage persons;
- risk assessments for premises licensed prior to April 2016;
- details of staff training.

5.2 This list is not exhaustive. Other information may be requested where the City Council considers the information relevant for the purposes of the Gambling Act 2005.

5.3 Operators should actively participate in local schemes in relation to the safety and security of gambling premises, where available.

6. Responsible authorities and interested parties

6.1 When dealing with applications for and reviews of premises licences, Winchester City Council are obliged to consider representations from two categories of persons, referred to as “responsible authorities” and “interested parties.” (It should be noted that these are defined differently to those defined in the Licensing Act 2003). Representations made by persons other than responsible authorities or interested parties will be inadmissible.

- 6.2 Winchester City Council will only consider representations that are relevant, which are likely to be those that relate to the licensing objectives, or that raise issues under this policy statement, or the Commission's guidance or codes of practice (i.e. those matters mentioned in Section 153 of the Act).
- 6.3 Winchester City Council will examine closely all representations to ensure that they are not frivolous or vexatious, which will include:
- Who is making the representation, and whether there is a history of making representations that are not relevant;
 - Whether it raises a 'relevant' issue; or
 - Whether it raises issues specifically to do with the premises that are the subject of the application.
- 6.4 "Responsible authorities" are public bodies that must be notified of applications by the applicant. They are identified in Section 157 of the Gambling Act 2005, and include:-
- Winchester City Council as Licensing Authority;
 - The Gambling Commission;
 - The Chief Constable of Hampshire Constabulary;
 - Hampshire Fire and Rescue Service;
 - The Head of Development Management, Winchester City Council (the local planning authority);
 - The Head of Environmental Health & Licensing, Winchester City Council (responsible pollution to the environment/harm to human health);
 - The local safeguarding children board for Hampshire;
 - HM Revenue and Customs.
- 6.5 Although they are not a Responsible Authority, Winchester City Council will consult the Director of Public Health on all premises licence applications.
- 6.6 Winchester City Council is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. 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 Winchester City Council has designated the local safeguarding children board as the body which is competent to advise the authority about the protection of children, as the Board leads and co-ordinates arrangements for responsive work to protect children via a multi agency approach.

6.8 Winchester City Council will take care to ensure that the concerns that responsible authorities may have in relation to their own functions are not taken into account if they are not relevant to the application for a premises licence under the Act. The following are examples of representations not likely to be considered relevant:

- that there are already too many gambling premises in the locality (although may be relevant if it points to rising problems in crime, underage gambling or problem gambling);
- that the proposed premises is a fire risk;
- that the location of the premises is likely to lead to traffic congestion;
- that the premises will cause crowds of people to congregate in one area, which will be noisy and a nuisance

This list is not exhaustive and each case will be decided in the facts.

6.9 Winchester City Council will be unlikely to turn down an application for a premises licence where relevant objections can be dealt with through the use of conditions attached to the licence.

6.10 “Interested parties” are persons who may make representations or apply for a review of a licence or permit. Winchester City Council must be able to take the view that the “interested party”:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
- has business interests that might be affected by the authorised activities; or
- represents persons in either of those two groups.

6.11 Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, the City Council will generally require written evidence that a person/body (e.g. an advocate / relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

6.12 If interested parties wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Sub-Committee dealing with the licence application. If there are any doubts then please contact the Democratic Services, Winchester City

Council at City Council Offices, Colebrook Street, Winchester, SO23 9LJ, democracy@winchester.gov.uk, tel. 01962 848264.

- 6.13 Winchester City Council will take the following factors into account when determining what is “sufficiently close to the premises”:-
- the size of the premises;
 - the nature of the premises;
 - the distance of the premises from the location of the person making the representation;
 - the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and
 - the nature of the complainant. This will not include the personal character of the complainant, but the interests of the complainant which may be relevant to the distance from the premises.
- 6.14 Winchester City Council will take the following factors into account when determining who are “persons with business interests that could be affected”:-
- the size of the premises;
 - the catchment area of the premises i.e. how far persons travel to visit; and
 - whether the person making the representation has business interests in that catchment area that might be affected.
- 6.15 Winchester City Council considers the following to be “persons representing those” in the above categories:-
- Residents and tenants associations;
 - Elected Members;
 - Trade unions and trade associations.
- 6.16 The City Council will only accept representations from such persons where they represent someone who can be classed as an interested party, i.e. someone who lives sufficiently close to the premises to be likely to be affected by the activities being applied for, or someone with business interests that could be affected.
- 6.17 The above considerations are not exhaustive, and Winchester City Council will have regard to anything an interested party, or persons representing them, say about his or her status to make representations.
- 6.18 Admissible and relevant representations can be made in writing to the Licensing Section Winchester City Council at City Council Offices, Colebrook Street, Winchester, SO23 9LJ, email licensing@winchester.gov.uk

7. Exchange of Information

- 7.1 Winchester City Council will act in accordance with the relevant legislation and guidance from the Commission and will adopt the principles of better regulation in exercising the functions under Sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under Section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 7.2 Winchester City Council will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. Winchester City Council will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 7.3 Winchester City Council is required to provide the following information to the Gambling Commission:

Premises Licences and provisional statements

- Grant or rejection of an application for a premises licence or provisional statement
- A premises licence that has lapsed
- Grant or rejection of an application to reinstate a premises licence
- Grant or rejection of an application to transfer or vary a premises licence
- Where a review of a premises licence has been completed and the decision made
- Where a hearing is to be held where the Commission has made a representation
- Where a premises licence has been surrendered or revoked

Club Permits

- Grant or rejection of club gaming permit

Small Society Lottery registration

- Where a society has registered to operate small lotteries
- Where a society's registration to operate a small lottery has been cancelled
- Where a society has exceeded the permitted proceeds for small lotteries

The issue of permits and temporary permissions and the number of inspections and reviews are provided as part of the annual return.

- 7.4 Should any protocols be established by the City Council as regards information exchange with other bodies then they will be made available on the Winchester City Council website www.winchester.gov.uk/licensing.

8. Compliance and Enforcement

- 8.1 The main enforcement and compliance role for Winchester City Council will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences it issues, and also the manufacture, supply or repair of gaming machines.
- 8.2 Winchester City Council will act in accordance with relevant legislation and guidance from the Commission and adopt the principles of better regulation.
- 8.3 Should any protocols be established as regards information exchange with other bodies then they will be made available on the Winchester City Council web-site www.winchester.gov.uk
- 8.4 Winchester City Council will adopt a risk-based inspection programme, which includes the targeting of high risk premises which require greater attention, whilst operating a lighter touch in respect of low risk premises.
- 8.5 In determining the level of risk in respect of premises, Winchester City Council will use the following criteria:
All regulatory inspections and enforcement will be:
- proportionate: intervention only when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - accountable: decisions must be justified, and subject to public scrutiny;
 - consistent: rules and standards must be joined up and implemented fairly;
 - transparent: regulators should be open, and keep regulations simple and user friendly; and
 - targeted: focused on the problem, and minimise side effects.
- 8.6 Winchester City Council will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 8.7 Winchester City Council recognises that certain bookmakers may have a number of premises within the same area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give to the Council a single named point of contact, who should be a senior individual, and whom the Council will contact first should any compliance queries or issues arise.

- 8.8 Where there is strong/reliable intelligence or evidence linked to illegal gambling activity, the City Council will seek to work jointly with the Gambling Commission and Hampshire Constabulary.

9. Equal opportunities & Race Equality

- 9.1 Subject to the general requirements of the Act, the Council will promote equality of opportunity. In such respects, nothing within this statement of principles shall undermine the right of any individual to apply for any of the licences and/or authorisations provided for under the terms of the Act.
- 9.2 No applicant and/or licence holder shall receive less favourable treatment on the grounds of age, sex, sexual orientation, gender reassignment, disability, marital status, marriage and civil partnership, colour, race or ethnic origin, pregnancy and maternity, religion and belief. No applicant and/or licence holder shall be disadvantaged by conditions or requirements which are not relevant to their application and/or their licence, the promotion of the four licensing objectives and this statement of licensing policy.
- 9.3 Subject to the general requirements of the Act, nothing within this statement of principles shall undermine the right of any person to make representation(s) on an application or seek a review of an existing licence or certificate where provision has been made for them to do so under the Act.

PART B

Premises licences

1. Consideration of applications

- 1.1 Winchester City Council will aim to permit the use of premises for gambling in so far as it thinks it:-
- in accordance with any relevant code of practice under Section 34 of the Gambling Act 2005;
 - in accordance with any relevant guidance issued by the Commission under Section 25 of the Gambling Act 2005;
 - reasonably consistent with the licensing objectives; and
 - in accordance with this Statement of Principles.
- 1.2 The 'Fundamental Principles' section of this Statement are also relevant to the Council's approach to determining applications.

2. Risk Assessments

- 2.1 Operators applying for a new premises licence must provide a risk assessment in relation to that premises detailing how they will address the licensing objectives. The risk assessments should include:-
- How the operator will address the risks associated with the proximity of schools, treatment/support centres, areas with a high concentration of residential properties and temporary accommodation;
 - How vulnerable people including people with gambling dependencies are protected;
 - The operator's Policy on how to adequately prevent children and young people from playing age restricted games or enter the premises, as applicable;
 - How staff will be trained to identify risks whilst the premises are open;
 - The operator's Policy for test purchasing;
 - The operator's Policy in relation to levels of staffing for peak and 'at risk' times, i.e. lone working;
 - The design and layout of premises to enable sight of entrance and machines;
 - How the Operator will engage with Winchester City Council and Hampshire Constabulary to appropriately address any issues in and around the premises.

2.2 Risk assessments should be kept on the premises and be made available for inspection by an Authorised Person.

3. Conditions on premises licences

3.1 Winchester City Council will not attach conditions that limit the use of premises for gambling except where that is necessary as a result of the requirement to act:-

- in accordance with the Gambling Commission guidance, the Gambling Commission codes of practice or this Statement of Principles; or
- in a way that is reasonably consistent with the licensing objectives.

3.2 Winchester City Council cannot issue conditions on premises licences which:-

- make it impossible to comply with an operating licence condition;
- relate to gaming machine categories, numbers, or methods of operation;
- requires membership of a club or body; and
- imposes conditions in relation to stakes, fees, winnings or prizes.

3.3 Winchester City Council will ensure that any conditions imposed are proportionate to the circumstances which they are seeking to address, and that any premises licence conditions:-

- are relevant to the need to make the proposed building suitable as a gambling facility;
- are directly related to the premises and the type of licence applied for;
- are fairly and reasonably related to the scale and type of premises; and
- are reasonable in all other respect.

3.4 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures which the City Council will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. The City Council will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

3.5 Winchester City Council will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;

- access to the area where the machines are located is supervised;
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 3.6 These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 3.7 Winchester City Council will carefully consider the configuration of buildings in relation to the protection of children, particularly in multi-purpose developments. In particular Winchester City Council will look for measures that:
- prevent children from participating in gambling, or being invited to gamble where this is not permitted by law;
 - prevent children from having accidental access to, or to closely observe, gambling; and
 - 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.
- 3.8 Winchester City Council may require persons operating gambling premises to:
- supervise entrances;
 - segregate gambling areas from non-gambling areas frequented by children;
 - supervise gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

4. Planning permission and building regulations

- 4.1 Winchester City Council recognises that there should be a clear separation of the planning and licensing systems and licensing applications will be viewed independently of planning applications. To achieve this, close liaison will be maintained between the Planning and Licensing and Regulation Committees ("PC" and "L & R"). Licensing applications are not a re-run of the planning application and should not cut across decisions taken by the PC or following appeals against decisions by that Committee. L & R, where appropriate, will provide reports to PC and any appropriate review panels on the situation regarding licensed premises in the area including the general impact of gambling on the licensing objectives.
- 4.2 Winchester City Council will not take into account matters not related to gambling and the licensing objectives, such as the likelihood of the applicant

obtaining planning permission or building regulations approval for the proposal. However, an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed, but may apply for a provisional statement if the building is not yet complete.

- 4.3 It will be a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence.

5. Other legislation

- 5.1 Winchester City Council will not take into account matters not related to gambling and the licensing objectives when considering an application for a premises licence. However, it is for the operator to ensure that premises comply with all other relevant legislation, such as fire safety, food safety and health & safety. It should be noted that the list is not exhaustive, and applicants must ensure that they comply with all other regulatory regimes in respect of their employees and the public.

- 5.2 So far as is possible, this Statement of Principles will avoid duplicating those other regulatory regimes.

6. Provisional Statements

- 6.1 Winchester City Council will consider provisional statement applications from persons in respect of premises that:-
- are expected to be constructed;
 - expected to be altered; or
 - expected to be acquired as a right to occupy.

- 6.2 Responsible authorities and interested parties may make representations on applications for provisional statements.

- 6.3 Once the premises have been constructed, altered or acquired, the holder of a provisional statement can return to Winchester City Council and put in an application for the necessary premises licence.

- 6.4 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.

- 6.5 Winchester City Council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- a) which could not have been raised by objectors at the provisional licence stage; or

- b) which in the City Council's opinion reflect a change in the operator's circumstances.

7. Adult Gaming Centres

- 7.1 Winchester City Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 7.2 The City Council will expect applicants to offer their own measures to meet the licensing objectives: however, appropriate measures/licence conditions may cover issues such as:-
- Proof of age schemes;
 - CCTV;
 - Supervision of entrances / machine areas;
 - Physical separation of areas;
 - Location of entry;
 - Notices / signage;
 - Specific opening hours;
 - Self-barring schemes;
 - Provision of information leaflets/helpline numbers for organisations such as GamCare.
- 7.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

8. Licensed Family Entertainment Centres

- 8.1 Winchester City Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Council, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 8.2 The City Council will expect applicants to offer their own measures to meet the licensing objectives: however, appropriate measures/licence conditions may cover issues such as:-
- CCTV;
 - Supervision of entrances / machine areas;
 - Physical separation of areas;
 - Location of entry;
 - Notices / signage;
 - Specific opening hours;
 - Self-barring schemes;

- Provision of information leaflets / helpline numbers for organisations such as GamCare;
- Measures / training for staff on how to deal with suspected truant school children on the premises.

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

8.4 The City Council will refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. It will also make itself aware of any mandatory or default conditions on these premises licences when published.

9. Tracks

9.1 Although it is possible for athletics tracks, sports grounds or motor racing circuits to be granted a premises licence to allow on-course betting, most track premises licences are expected to be issued in respect of horse racecourse or dog tracks. There are no such tracks within the Winchester City Council area. However, the following are issues that would need to be considered should an application be received.

9.2 Winchester City Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. Winchester City Council will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

9.3 Winchester City Council will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

9.4 The City Council will expect applicants to offer their own measures to meet the licensing objectives: however, appropriate measures/licence conditions may cover issues such as:-

- Proof of age schemes;
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;

- Specific opening hours;
 - Self-barring schemes;
 - Provision of information leaflets/helpline numbers for organisations such as GamCare.
- 9.5 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 9.6 Gaming machines - Winchester City Council will consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.
- 9.7 Betting machines – Winchester City Council will 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/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.
- 9.8 Condition on rules being displayed - The Gambling Commission has advised in its Guidance for local authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."
- 9.9 Applications and plans - The City Council is in accordance with the Gambling Commission's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."
- 9.10 The City Council also notes that in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track

operator and the off-course betting operator running a self-contained unit on the premises.

10. Casinos

- 10.1 No Casinos resolution – Winchester City Council 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 Council decide in the future to pass such a resolution, it will update this Statement of Principles with details of that resolution.
- 10.2 Casinos and competitive bidding – Winchester City Council is aware that where a licensing authority area is enabled to grant a Premises Licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a ‘competition’ under Schedule 9 of the Gambling Act 2005. The Council will run such a competition in line with any regulations issued under the Gambling Act 2005.
- 10.3 Licence considerations/conditions – Winchester City Council will attach conditions to Casino premises licences in accordance with Guidance issued by the Gambling Commission.
- 10.4 Betting machines - Winchester City Council will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

11. Bingo Premises

- 11.1 Winchester City Council notes the Gambling Commission's Guidance that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted Winchester City Council will seek to ensure that:-
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where the machines are located;
 - access to the area where the machines are located is supervised;
 - the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and

- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

When looking at the suitability and layout of a bingo premises the Licensing Authority will take into consideration guidance issued by the Gambling Commission.

12. Betting premises

- 12.1 Betting machines – Winchester City Council will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

13. Travelling Fairs

- 13.1 “Travelling Fairs” within the definition of the Gambling Act 2005 are able to provide gambling by certain types of machine, or by prize gaming, without a permit, provided they comply with certain restrictions.
- 13.2 Where category D machines and/or equal chance prize gaming without a permit are to be made available for use at travelling fairs, the City Council’s role as licensing authority is to decide whether the facilities for gambling amount to no more than an ancillary amusement at the fair (which must be the case for the exemption to apply).
- 13.3 Winchester City Council will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 13.4 Under the Gambling Act 2005, the exemption will only apply on land used as a fair for no more than 27 days per calendar year. This limit applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land.

Part C

1. Permits

Unlicensed Family Entertainment Centre gaming machine permits

- 1.1 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to Winchester City Council for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 1.2 Winchester City Council need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25.
- 1.3 Winchester City Council cannot attach conditions to this type of permit.

2. Statement of Principles

- 2.1 Winchester City Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures 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.
- 2.2 Winchester City Council will also expect:-
 - applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
 - that staff are trained to have a full understanding of the maximum stakes and prizes.

3. (Alcohol) Licensed premises gaming machines

- 3.1 There is provision in the Gambling Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D, provided they have notified the City Council. The

City Council can remove the automatic authorisation in respect of any particular premises if:-

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of Section 282 of the Act (which requires that written notice has been provided to the City Council, 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

3.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit. Winchester City Council will consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and such matters as they think relevant. The City Council considers that “such matters” will be decided on a case by case basis but generally it will take into account the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the Council that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines. Such measures might include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

3.3 It is recognised that 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 (see Part B Section 6 of this Statement).

3.4 Under the legislation, Winchester City Council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

3.5 It should also be noted that the holder of a permit must comply with the *Gaming Machines in Alcohol Licensed Premises Code of Practice* and any other Code of Practice issued by the Gambling Commission. An Authorised Local Authority Officer may visit licensed premises to check compliance.

4. Prize Gaming Permits

- 4.1 In making its decision on an application for this permit Winchester City Council does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

5. Statement of Principles

- 5.1 The applicant should set out the types of gaming that he or she is intending to offer and should be able to demonstrate:-

- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

- 5.2 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the City Council cannot attach conditions. The conditions in the Act are:-

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

6. Club Gaming and Club Machines Permits

- 6.1 Members' Clubs (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

- 6.2 Before granting the permit, Winchester City Council will need to satisfy itself that the premises meet the requirements of a members' club and may only grant the permit if the majority of members are over 18.

- 6.3 Members' clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. A members' club must be

permanent in nature, not established to make commercial profit, and must be controlled by its members equally.

- 6.4 Winchester City Council may only refuse an application on the grounds that:-
- (a) the applicant does not fulfil the requirements for a members' or commercial club and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Commission or the Police.
- 6.5 There is a 'fast-track' procedure available for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds the City Council can refuse a permit are reduced. The grounds on which an application under the process may be refused are:-
- (a) that the club is established primarily for gaming, other than gaming prescribed under Schedule 12 of the Gambling Act;
 - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.
- 6.6 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.

7. Temporary Use Notices

- 7.1 There are a number of statutory limits as regards Temporary Use Notices. The Winchester City Council will have to decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building/site. In deciding this issue, the Council will look at the ownership/occupation and control of the premises, and other relevant matters.

8. Occasional Use Notices

- 8.1 These notices only relate to "tracks". Winchester City Council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. However, the City Council will need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

Part D

MISCELLANEOUS

1. Reviews of premises licences

1.1 The purpose of a review will be to determine whether Winchester City Council should take any action in relation to a licence. If action is justified, Winchester City Council will have the following options:

- revoke the licence;
- suspend the premises licence for a period not exceeding three months;
- exclude a default condition imposed by the Secretary of State, or remove or amend such an exclusion; and
- add, remove or amend a licence condition imposed by the licensing authority.

1.2 In determining what action, if any, should be taken following a review, Winchester City Council must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.

1.3 An application for a review may be made by a responsible authority, an interested party or the authority itself. Generally, Winchester City Council must grant the application for a review, but may refuse it if it thinks that the grounds on which the review is sought:-

- a) are not relevant to the principles that must be applied by Winchester City Council in accordance with the Commission guidance/codes of practice, this Statement or the licensing objectives;
- b) raises general objections to gambling as an activity, that is likely to be irrelevant to the principles contained in a) above;
- c) are frivolous or vexatious;
- d) will certainly not cause the City Council to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
- e) are substantially the same grounds cited in a previous application relating to the same premises. Winchester City Council will take into account how much time has passed since the earlier application in reaching a judgement about whether it is reasonable to rely on this as a reason not to review the licence; or
- f) are substantially the same as representations made at the time the application for a premises licence was considered. As with e) above, Winchester City Council will take into account how much time has passed since the earlier application in reaching a judgement about whether it is reasonable to rely on this as a reason not to review the licence, but the underlying requirement will be that the licence should not be reviewed on the basis of the same arguments considered on the grant of the premises licence.

- 1.4 Winchester City Council will process applications for review without delay, so that both the applicant for a review and the premises operator know where they stand.
- 1.5 Winchester City Council will hold a hearing unless the applicant and any person who has made relevant representations consent to the review being conducted without one.
- 1.6 Winchester City Council will, as soon as possible, notify its decision to:-
 - the licence holder;
 - the applicant for review (if any);
 - the Commission;
 - any person who made representations;
 - the Chief Constable of Hampshire Constabulary; and
 - Her Majesty's Commissioners for Revenue and Customs.

2. Rights of appeal and judicial review

- 2.1 The Act provides an appeal process for any decision of Winchester City Council as licensing authority. The Council's decisions may also be challenged by an application for judicial review. Winchester City Council will:
 - give clear and comprehensive reasons for a rejection of an application where there is a requirement in the Act to do so; and
 - wherever practicable, as best practice, 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.
- 2.2 A person ("the appellant") wishing to appeal against the Council's decision must give notice of appeal to the local magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by Winchester City Council of the decision.
- 2.3 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.

3. Other matters

- 3.1 In order to ensure that applicants and persons who make representations have the necessary information to be able to do so, the information below will be available on the Winchester City Council web site www.winchester.gov.uk/licensing or by contacting the Licensing Team at Winchester City Council:-
 - Register of premises licences issued by Winchester City Council;
 - 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.

Winchester City Council Delegations

Appendix 1

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Three year licensing policy	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	
Making representations or seeking reviews as Licensing Authority.			x

Admissible Representations	Representations submitted by a Responsible Authority or interested party
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority's area.
Authorised Person	<p>A Licensing Officer and an officer of an authority other than a Licensing Authority, both of whom have been authorised for a purpose relating to premises in that authority's area. The following are considered authorised persons:</p> <ul style="list-style-type: none">• Inspectors appointed under the Fire Precautions Act 1971;• Inspectors appointed under the Health and Safety at Work, etc. Act 1974• Inspectors or Surveyors of ships appointed under the Merchant Shipping Act 1995;• A person in a class prescribed in regulations by the Secretary of State.
Automated Roulette Equipment	2 types: <ul style="list-style-type: none">a) Linked to a live game of chance, e.g. Rouletteb) Plays live automated game, i.e. operates without human intervention
Automatic Conditions	Conditions attached automatically to premises licences or authorisations. The Licensing Authority has no discretion not to include or modify them.
AWP machines	Amusement with Prizes Machines
BACTA	British Amusement Catering Trade Association
Betting Intermediary	Offers services via remote communication, such as the internet.
Betting Ring	An area that is used for temporary 'on course' betting facilities.

Betting Machines	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.
Casino Games	Games of chance that are not equal chance gaming.
Casino Premises Licence Categories	<ul style="list-style-type: none"> a) Regional Casino Premises Licence b) Large Casino Premises Licence c) Small Casino Premises Licence d) Casinos permitted under transitional arrangements
Casino Resolution	Resolution not to issue Casino Premises Licences
Child	Individual who is less than 16 years old.
Christmas Day Period	Covers the period of 24 hours from midnight on 24 December.
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines (3 machines of Categories B, C or D)
Club Gaming Permit	Permit to enable the premises to provide gaming machines (3 machines of Categories B C or D), equal chance gaming and games of chance.
Commercial Club	<p>A club which</p> <ul style="list-style-type: none"> • is established and conducted wholly or mainly for purposes other than the provision of facilities for gaming • which is not established with the purpose of functioning only for a limited period of time, and • which has at least 25 individual members. <p>Or</p> <ul style="list-style-type: none"> • is established or conducted wholly or mainly for the purpose of the provision of facilities for gaming of a prescribed kind, and

- facilities are not provided for any other kind of gaming in the course of the club's activities.

Complex Lottery

An arrangement where:

- Persons are required to pay to participate in the arrangement;
- In the course of the arrangement, one or more prizes are allocated to one or more members of a class;
- The prizes are allocated by a series of processes; and
- The first of those processes relies wholly on chance.

Conditions

Conditions to be attached to licences by way of:

- Automatic provision
- Regulations provided by Sec. Of State
- Conditions provided by Gambling Commission
- Conditions provided by Licensing Authority

Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence.

Customer Lotteries

Lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.

Default Conditions

Conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.

Delegated Powers

Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.

Domestic Computer

Definition in forthcoming Regulations. Exempt from a Gaming Machine Permit.

Disorder	No set interpretation but likely to be connected to the way gambling is being conducted. In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Domestic Computer	Definition in forthcoming Regulations. Exempt from a Gaming Machine Permit.
Dual Use Computer	Definition in forthcoming Regulations. Exempt from a Gaming Machine Permit.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants
EBT	Electronic Bingo Ticket Minders. Electronic equipment operated by a Bingo Operators Licence for the purposes of playing bingo.
Exempt Lotteries	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are 4 types:</p> <ul style="list-style-type: none"> • Small Society Lottery (required to register with Licensing Authorities. • Incidental Non Commercial Lotteries • Private Lotteries • Customer Lotteries
External Lottery Manager	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.
Family Entertainment Centre	<p>Family Entertainment Centre is</p> <ul style="list-style-type: none"> • premises (other than an adult gaming centre) wholly or mainly used for making gaming machines available for use, and • Licensed Family Entertainment Centre means premises in respect of which a Family Entertainment Centre Premises Licence has effect.

Fixed Odds Betting	General betting on tracks.
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 to Licensing Authorities	Guidance issued by the Gambling Commission.
Human Rights Act 1998	Article 1: Protocol 1 – the right to peaceful enjoyment of possessions
Articles: 1, 6, 8 and 10	Article 6: - the right to a fair hearing Article 8: - the right of respect for private and family life Article 10: - the right to freedom of expression
Inadmissible Representation	A representation not made by a Responsible Authority or Interested Party.
Incidental Non Commercial Lottery	A lottery promoted wholly for purposes other than private gain, and which are incidental to non commercial events (commonly charity fund raising events, lottery held at a school fete or at a social event such as a dinner dance).
Information Exchange	Exchanging of information with other regulatory bodies under the Gambling Act.
Interested Party	A person who: <ul style="list-style-type: none"> • Lives sufficiently close to the premises to be likely affected by the authorised activities • Has business interests that might be affected by the authorised activities • Represents persons in either of the above groups
Irrelevant Representations	<ul style="list-style-type: none"> • Where other legislation can cover the representation • Demand

- Competition

Judicial Review

Legal challenge where a party believes that the decision taken by the Licensing Authority is:

- Illegal, i.e. beyond the powers available to the Licensing Authority
- Procedural impropriety or unfairness
- Irrational

Judicial Review - Orders

1. Mandatory Order – compels the reviewed body to do something
2. Prohibitory Order – compels it to refrain from doing something
3. A ‘declaration’ – sets out the court’s view on the legality of a particular course of action
4. Quashing Order – nullifies a decision and remits it for reconsideration
5. Injunction – similar to Mandatory or Prohibitory Order

Large Lottery

Where the total value of tickets in any one lottery exceeds £20,000 OR tickets in separate lotteries in one calendar year exceeds £250,000. This requires an Operating Licence.

Licensed Lottery

Large society lotteries and lotteries run for the benefit of local authorities which will be regulated by the Gambling Commission. Operating Licences will be required.

Licensing Objectives

1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
2. Ensuring that gambling is conducted in a fair and open way; and
3. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Live Gaming

Gambling on a live game as it happens.

Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
Lottery Tickets	<p>Tickets that must:</p> <ul style="list-style-type: none"> • Identify the promoting society • State the price of the ticket, which must be the same for all tickets • State the name and address of the member of the Society who is designated as having responsibility at the Society for the promotion of the lottery, or, if there is one, the external lottery manager; and • State the date of the draw, or enable the date of the draw to be determined.
Mandatory Conditions	Conditions that must be attached to a licence. This may apply to all Premises Licences, to a class of Premises Licence or licences for specified circumstances.
Members Club	<p>A club that must</p> <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 • controlled by its members equally.
Non commercial event	An event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not for private gain.
Non Commercial Society	<p>A society established and conducted:</p> <ul style="list-style-type: none"> • for charitable purposes • for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or • for any other non commercial purpose other than that of private gain.

Occasional Use Notice	Betting may be permitted 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.
Off Course Betting – Tracks	Betting that takes place in self contained betting premises within the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operate only on race days.
On Course Betting - Tracks	Betting that takes place on a track while races are taking place
Operating Licences	Licence to permit individuals and companies to provide facilities for certain types of gambling. They may authorise remote or non remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
Personal Licence	Formal authorisation 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 to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres

Private Lotteries

3 Types of Private Lotteries:

- Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society
- Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises
- Residents' Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises.

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:

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

Racino

Casino located at a racecourse.

Relevant Representations

Representations that relate to the Gambling Licensing Objectives, or that raise issues under the Licensing Policy or the Gambling Commission's Guidance or Codes of Practice.

Responsible Authorities

Public bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:

- The Licensing Authority in whose area the premises is partly or wholly situated;
- The Gambling Commission;
- The Chief Officer of Hampshire Constabulary;
- Hampshire Fire & Rescue Service;
- The Head of Development Management, Winchester

- City Council (the Local Planning Authority);
- The Head of Environmental Health & Licensing, Winchester City Council (responsible for pollution to the environment/harm to human health);
- The Local Safeguarding Children Board for Hampshire;
- HM Revenue & Customs
- Authority in relation to vulnerable adults (yet to be decided by Sec. of State)
- Vessels only – Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e.
 - Environment Agency
 - British Waterways Board
 - Maritime & Coastguard Agency

SIA

Security Industry Authority

Simple Lottery

An arrangement where:

- Persons are required to pay to participate in the arrangement
- In the course of the arrangement, one or more prizes are allocated to one or more members of a class; and
- The prizes are allocated by a process which relies wholly on chance.

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 game. Skills Machines are unregulated.

Small Lottery

Where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.

Small Society Lottery

A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.

Small Operations

Independent on course betting operators with only one or two employees or a bookmaker running just one shop.

Society	The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Statement of Principles	Matters taken into account when considering an applicant's suitability for applications for FEC Permits.
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.
Touch Bet Roulette	Where a player gambles on a live game of chance without actually being seated.
Track	Sites where races or other sporting events take 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 trains, aircraft, sea planes 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 Licensing Authority for the area in which the vessel is usually moored or berthed.
Virtual Betting	Machine that takes bets on virtual races, i.e. mages generated by computer to resemble races or other events.
Vulnerable Persons	No set definition but likely to mean group to include people who gamble more than they want to, people who gamble beyond their means; people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

Young Person

An individual who is not a child but who is less than 18 years old.