

Public Document Pack

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A meeting of **Alcohol and Entertainment Licensing Committee** will be held in Committee Room 2, East Pallant House on **Thursday 24 June 2021 at 9.30 am**

MEMBERS: Mr G McAra (Chairman), Mr A Moss (Vice-Chairman), Mrs T Bangert, Mr J Elliott, Mr G Evans, Mrs S Lishman, Mr C Page, Mr H Potter, Mr A Sutton and Mrs S Taylor

SUPPLEMENT TO AGENDA

Part 1

6 **The Council's Draft Statement of Licensing Policy under the Licensing Act 2003 (2022-2027) & Draft Statement of Policy under the Gambling Act 2005 (2022-2025)** (Pages 1 - 73)

That the Draft Statement of Licensing Policy 2022-2027 (Licensing Act 2003) at Appendix 1, and Draft Statement of Policy 2022-2025 (Gambling Act 2005) at Appendix 2, be approved for public consultation.

That authority is delegated to the Director of Growth and Place to consider, in consultation with the Cabinet Member for Housing, Communications, Licensing and Events, any representations arising from consultations. Provided any representations received do not require substantial amendments to either draft Policy, to recommend approval of both policies by Cabinet on 2 November 2021 with subsequent adoption by Council on 23 November 2021.

In circumstances where substantial amendments to either Policy are required, that these are reported back to the Alcohol and Entertainment Licensing Committee for further consideration.

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APPENDIX 1

Chichester District Council



**DRAFT STATEMENT OF
LICENSING POLICY
2022-~~2027~~-2022**

LICENSING ACT 2003

Approved by Cabinet: ~~3rd November 2020~~
Approved by Council: ~~24th November 2020~~
Document Title:

CHICHESTER DISTRICT COUNCIL
LICENSING ACT 2003
STATEMENT OF LICENSING POLICY 2020-2022

CONTENTS

1	Introduction	1
2	Main Principles of the Policy	2
3	Integrating Strategies & Avoiding Duplication	5
4	Consultation	7
5	Licensing Objectives	8
6	Licensing Objective – The Prevention of Crime and Disorder	9
7	Licensing Objective – Public Safety	10
8	Licensing Objective – The Prevention of Public Nuisance	12
9	Licensing Objective – The Protection of Children from Harm	14
10	Sexual Entertainment Venues	16
11	Cumulative Impact/Special Saturation Policy	16
12	The Licensing Process	17
13	Review of Licences	18
14	Temporary Event Notices	19
15	Vehicles	20
16	Enforcement	20
 Appendices		
1	Glossary	21
2	Delegation of Functions by the Alcohol and Entertainment Licensing Committee	26
3	Licensing Statutory Fees	27
4	Serious Crimes which are likely to lead to revocation of the licence	31
5	Contact Points	32

CHICHESTER DISTRICT COUNCIL

LICENSING ACT 2003

STATEMENT OF LICENSING POLICY 2020-2027

1. INTRODUCTION

1.1 Chichester District Council is the *Licensing Authority* under the provisions of the Licensing Act 2003. *The Act* came into force on the 24th November 2005 and has been the subject of various subsequent amendments.

1.2 Where legislative terms relating to the Licensing Act 2003 are used in this statement they have been italicised and are explained in Appendix 1 – The Glossary.

1.3 The legislation focuses upon the promotion of four *Licensing Objectives* that are to be addressed when licensing functions are undertaken. The objectives therefore apply equally to applicants and the Council as Licensing Authority. These are:

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

Accordingly, the Licensing Authority is responsible for, amongst other things, granting the range of *Premises Licences ('licence')*, *Club Premises Certificates ('certificate')* and *Personal Licences and administering Temporary Event Notices* in relation to the sale and/or supply of alcohol, the provision of *regulated entertainment and late night refreshment*.

1.4 The *Licensable Activities* identified within the provisions of the Act (Part 1, Section 1) are:

- Retail sale of alcohol;
- Supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- Provision of late night refreshment (the supply of hot food and/or drink from any premises between 23:00 hours and 05:00 hours); and
- Provision of "regulated entertainment".

Regulated Entertainment is defined within the Act (Schedule 1, Part 1, Section 1) as entertainment which takes place in the presence of an audience and is provided for the purpose, or for the purposes which include the purpose, of entertaining that audience and includes the following:

- A performance of a play;
- An exhibition of a film;
- An indoor sporting event;
- Boxing or wrestling entertainment (indoor and outdoor);
- A performance of live music;

- Any playing of recorded music;
- A performance of dance; and
- Entertainment of a similar description to the performance of live music, playing of recorded music or a performance of dance.

~~where the entertainment takes place in the presence of an audience and is provided for the purpose, or for the purposes which include the purpose, of entertaining that audience.~~

- 1.5 The Act requires that the Licensing Authority publish a “Statement of Licensing Policy” that sets out the policies the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act. In addition, the Policy document seeks to provide clarity for applicants, residents, other occupiers of property and investors, enabling them to make plans to move to, remain or invest in the District with some measure of certainty.
- 1.6 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 by the Home Office (amended April 2018) and has been prepared after giving appropriate weight to the views of those who have been consulted. In addition, regard will be given to the Guidance when implementing the Policy. However, there may be departure from the Guidance when particular circumstances require it.
- 1.7 This Policy will take effect on the ~~1st February 2022~~^{24th November 2020} and will remain in force until ~~31st January 2027~~^{31st January 2022}. However, during this period it will be kept under review and, if appropriate, it may continue beyond this period subject to future legislative change.

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2. MAIN PRINCIPLES OF THE POLICY

- 2.1 Chichester district is predominantly a rural area. It covers some 303 square miles and is the second largest district (in area) within Sussex. The Census conducted in 2011 reports a population of 113,794 in the district which is mainly concentrated in the cathedral city of Chichester, the towns of Midhurst, Petworth and Selsey together with the parishes of Tangmere and Southbourne.
- 2.2 The district includes a significant area which forms part of the South Downs National Park (SDNP). The SDNP came into being in 2010 and is England’s most recently created National Park. The South Downs National Park Authority (SDNPA) is the sole Planning Authority for all premises located within the area of the National Park and became fully operational on the 1st April 2011. In addition it is responsible for keeping the South Downs a special place.
- 2.3 This Licensing Authority is aware of and fully recognises the special and clearly defined role of the SDNPA, this includes the following ‘purposes’ and ‘duty’ for which they have been established:

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'*.

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.

The Licensing Authority is aware of the requirement under the National Parks and Access to the Countryside Act 1949, currently supported by paragraphs 26-27 of the English National Parks and the Broads UK Government Vision and Circular 2010, to have regard to the above 'Purposes' when undertaking its licensing functions. The Licensing Authority also recognises that the 'Duty' referred to above falls solely upon the SDNPA.

- 2.4 In view of the above and given the overriding duty to ensure the promotion of the licensing objectives, this Licensing Authority will actively encourage those currently or proposing to operate premises/events within the National Park to proactively engage with the SDNPA at the earliest opportunity. In respect of major events proposed to take place in the National Park, it is expected that applicants will give proper consideration to the content of any written or verbal guidance offered by the SDNPA. This is in relation to both the licensing application and any supporting documents e.g. an Event Management Plan.
- 2.5 The Licensing Authority will also, when undertaking its various licensing functions, remaining conscious of the effect that premises/events operating within the National Park can have, and will subsequently remain cognisant of the need to ensure that the special qualities and characteristics of the National Park are maintained and wherever possible, enhanced.
- 2.6 The district also contains the Chichester Harbour Area of Outstanding Natural Beauty, one of the south coast's finest recreational areas as well as being an important natural habitat for birds, flora and fauna.
- 2.7 ~~The Licensing Authority recognises how crucial tourism is to this thriving coastal and large rural district. Tourism not only generates employment, but is responsible for a significant amount of expenditure which consequently translates into millions of pounds of income for local businesses through direct, indirect and induced effects. Tourism is crucial to this thriving district. In 2018 tourism generated some 14% of the employment. At that time tourism related expenditure translated to £469.6 million worth of income for local businesses through direct, indirect and induced effects. Overall, an estimated 591,000 staying trips were spent in Chichester district, of which around 512,000 were made by domestic visitors (86%) and 79,000 by overseas visitors (14%); this generated over £141.9 million. In addition approximately 5.1 million tourism day trips were made to Chichester district (lasting more than 3 hours and taken on an irregular basis) generating a further £182.7 million expenditure. 28% of all staying or overnight trips to Chichester district were accommodated in commercial serviced accommodation, whilst 40% of all overnight trips involved staying in non-serviced accommodation such as self-catering and caravan/camping accommodation. Smaller volumes of overnight trips~~

~~involved staying on boats, in hostels, on campus, in private lodgings and in more than one type of accommodation over the duration of the trip.~~

- 2.8 Presently in October 2020 there are in excess of 3,000 commercial premises of which approximately 1,557 are registered food premises, over 100 accommodation establishments, hotels and B&B's, and one of the largest caravan and campsites in Europe located in Selsey. There are many historic and cultural attractions in the region including Goodwood, with its renowned horse and motor car racing, Fishbourne Roman Palace, the internationally recognised Chichester Festival Theatre, the Weald and Downland Museum and the award winning Pallant House Gallery. Throughout the Chichester district there are 578 premises operating under a Premises Licence, 43 clubs operating under a Club Premises Certificate and 2137 holders of a Personal Licence.
- 2.9 The Licensing Authority recognises that the entertainment industry in this district is a major contributor to the local economy. It attracts tourists and visitors, makes for vibrant communities and is a major employer.
- 2.10 The Licensing Authority, in adopting this policy, recognises both the needs of residents and visitors for a safe and healthy environment in which to live, work and enjoy their recreation.
- 2.11 The Licensing Authority in adopting this policy has set out the general approach that it will take when it considers applications under the Act. The Licensing Authority confirms that each application will be considered on its merits. In view of the wide ranging variety of premises and applications, the policy necessarily cannot set out all the factors which will result in the licensing objectives being achieved, nor all the necessary and appropriate control measures required for each premises.
- 2.12 In addressing licensing issues the Licensing Authority will have regard to wider considerations affecting the amenity of any area. These include littering and fouling, noise, crime and disorder and the capacity of the district's infrastructure and resources.
- 2.13 The Licensing Authority wishes to make it clear that the licensing function is not to be seen as a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned as other mechanisms outside the licensing regime are available to address such issues. However, the Licensing Authority expects every holder of a licence/certificate to take responsibility to minimise the impact of anti-social behaviour of their patrons within the vicinity of their premises and to reflect the measures that are to be taken to achieve this in their *Operating Schedule* and to demonstrate that these are applied in practice.
- 2.14 The Licensing Authority recognises the general principle that longer licensing hours for the sale of alcohol, with slower dispersal of people from licensed premises, may avoid large numbers of people leaving premises at the same time. This could reduce friction at late night fast food outlets, taxi ranks, minicab offices and other sources of transport that can lead to disorder and disturbance. This will be sought to be achieved through the promotion of the licensing objectives with the intention of avoiding arbitrary restrictions which would undermine the principle of flexibility. Each case, however will always be considered on its individual merits.

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- 2.15 The Licensing Authority recognises there is no general presumption in favour of lengthening licensing hours and consideration of the four licensing objectives is precedent, as before each case will be considered on its own individual merits.
- 2.16 In the case of shops, stores and supermarkets selling alcohol it will normally be the case that the Licensing Authority will permit the hours during which alcohol is sold for consumption off the premises to correspond with the normal trading hours during which others sales take place unless there are significant reasons based on the licensing objectives relating to disturbance or disorder when an appropriate limitation will be applied.
- 2.17 It is recognised that the licensing function is only one means of securing the delivery of the licensing objectives and should not therefore be seen as a panacea for solving all problems within the community. The Licensing Authority will therefore continue to work with its neighbouring authorities, the Police, the local Community Safety Partnership, local businesses, local people and others towards the promotion of the objectives as outlined below.
- 2.18 Chichester District Council in the future may consider on its merits applications for events in buildings, their curtilages and on land, owned, managed or promoted by the Chichester District Council. In addition, in the event of such grant, where appropriate, contractual conditions will also be put in place.

3. INTEGRATING STRATEGIES AND AVOIDING DUPLICATION

- 3.1 There are many stakeholders in the leisure industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the licensing objectives. The Licensing Authority will seek to work with these stakeholders with the aim of achieving proper integration with others strategies, for example, local crime prevention, development control, transport, tourism and cultural strategies etc.
- 3.2 This integration will be achieved through liaison with the Planning Authority (Development Management or SDNPA), Housing and Communities, Police, Trading Standards, Fire Authority, Community Safety Partnership, local businesses, local people and other persons. Agreement about best practice will be achieved where possible.
- 3.3 The Licensing Authority will seek to secure integration of its policy with local crime prevention, planning, transport, tourism, race equality schemes and cultural strategies and any other plans introduced for the management of town centres and the night-time economy by having regard to those policies, strategies and local needs as far as they effect its licensing function and are consistent with the licensing objectives. The Licensing Authority recognises the Government's expectations in relation to the role of the Police referred to in the Guidance and will assist in its achievement wherever possible.
- 3.4 In particular, account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for disturbance in a particular neighbourhood the Licensing Authority's consideration of the cultural

merits of the application will be balanced against the achievement of the licensing objectives.

- 3.5 The Licensing Authority will monitor the impact of licensing on the provision of regulated entertainment, in particular, live music and dancing, to ensure that only appropriate, proportionate and reasonable licensing *Conditions* impose any restrictions on such events.
- 3.6 The Alcohol and Entertainment Licensing Committee will receive reports, when appropriate, on the needs of the local tourist economy to ensure that these are appropriately reflected in their considerations. Where appropriate, the committee will also be appraised of the local employment situation and the need for new investment and employment.
- 3.7 In undertaking its licensing function and in determining applications, the Licensing Authority recognises and accepts the duty imposed on it to fulfil its obligations under other legislation, at the same time avoiding duplication as far as possible.
- 3.8 The Licensing Authority is mindful of all statutes which relate to issues which are relevant to the licensing objectives:

In particular, the Licensing Authority is mindful of statutes and related guidance on:

- Section 17 of the Crime and Disorder Act 1998 which requires a Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on and the need to do all that it reasonably can to prevent crime and disorder in the district;
 - The European Convention on Human Rights, which is given effect by the Human Rights Act 1998, places a duty on public authorities to protect the rights of individuals in a variety of circumstances. In particular, due consideration will be given to the rights under article 1 of the first protocol – protection of property, article 6 – right to a fair hearing and article 8 – respect for private and family life;
 - The Local Government (Miscellaneous Provisions) Act 1982
 - Health and Safety at Work etc. Act 1974 and its associated regulations;
 - Environmental Protection Act 1990, in relation to statutory nuisance;
 - The Anti-social Behaviour, Crime and Policing Act 2014 in relation to public nuisance;
 - Equality Act 2010 in relation to elimination of unlawful discrimination and promoting premises that show safe design for all users;
 - Immigration Act 2016;
 - The Violent Crime Reduction Act 2006;
 - Police Reform and Social Responsibility Act 2011;
 - The Clean Neighbourhoods and Environment Act 2005 including additional relevant statutory nuisances under s.102; and
 - The Health Act 2006.
- 3.9 The Licensing Authority recognises that there should be a clear separation of the planning and licensing regimes, and that licensing applications should not be a 're-run' of the planning application. However some liaison will be maintained between the Licensing Authority, Development Management or SDNPA and the appropriate committees.

3.10 Whilst the Licensing Authority recognises the need to avoid so far as possible duplication with other regulatory regimes, their regulations may not cover the unique circumstances of some entertainment or premises. The Licensing Authority will therefore consider attaching tailored conditions to a licence/certificate where these are appropriate for the promotion of the licensing objectives.

3.11 In line with the Chichester Vision and supporting documents, as well as the Council's Events Strategy 2020 – 2025, this Licensing Authority recognises and aims to support, encourage and help facilitate the growth of the local evening, night time and visitor economy.

3.12 During 2020 district and borough councils were the Licensing Authority became given responsibility for the administration and enforcement of Pavement Licences under the Business and Planning Act 2020. A Pavement Licence authorises a licence holder to put removable furniture on part of a highway adjacent to a premises. This is either to sell or serve food or drink, or for the purpose of allowing the consumption of food or drink, supplied from or in connection with 'relevant use' of a premises. 'Relevant use' includes use as a public house, wine bar or other drinking establishment or other use for the sale of food or drink for consumption on or off the premises. Therefore operators of licensed premises may make an application for a Pavement Licence. All applications are considered by this Licensing Authority in consultation with a number of consultees, with particular focus on ensuring compliance with the locally prescribed conditions.

4. CONSULTATION

4.1 There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration as part of the licensing function. These statutory consultees include:

- The Chief Constable of Sussex Police;
- The Chief Officer, West Sussex Fire and Rescue Service (the 'Fire Authority');
- Persons/bodies representative of local holders of Premises Licences;
- Persons/bodies representative of local holders of Club Premises Certificates;
- Persons/bodies representative of local holders of Personal Licences;
- Persons/bodies representative of businesses and residents in the Chichester district; and
- Bodies representative of current licence holders.

The above listed persons/bodies are ordinarily consulted and the appropriate weight given to their views when determining or reviewing this policy.

4.2 The Licensing Authority ordinarily consults with other persons/bodies when determining or reviewing this policy; such other persons/bodies include:

- Chichester Community Safety Partnership (CSP);
- Chichester District Business against Crime (ChiBAC);
- The Chichester Business Improvement District (BID);
- Chichester Accident and Emergency Departments;

- Town and Parish Councils in the administrative area;
- Chichester Chamber of Commerce and Industry;
- Selsey Business Partnership; and
- Relevant departments of the West Sussex County Council (e.g. Youth Services, Highways).

4.3 As indicated at 1.7 above, this Policy will take effect on the ~~1st February 2022~~ ^{24th November 2020} and will remain in force until ~~31st January 2027~~ ^{31st January 2022}. However, during this period it will be kept under review and, if appropriate, it may continue beyond this period subject to future legislative change.

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5. LICENSING OBJECTIVES

5.1 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the four licensing objectives. These are:

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

These objectives are of equal importance and apply to all licensable activities.

5.2 In the following sections each licensing objective is specifically dealt with and the Licensing Authority has defined and listed the influencing factors on how the objectives should be achieved. The individual style and characteristics of premises and events are best known to applicants who will be expected to address all aspects relevant to the licensing objectives. The Licensing Authority refers applicants, *Responsible Authorities* and other persons to the core principles set out at Paragraph 1.16 of Chapter 1 of the current Guidance in relation to conditions.

5.3 The Licensing Authority wish it to be clear that licensing is about the regulation of the carrying on of the licensable activities on licensed premises, by *qualifying clubs* and at temporary events within the terms of the Act. Accordingly conditions attached to various authorisations will be focused on matters within the control of individual licensees and others in possession of relevant authorisations under the Act. The extent of expected control is set out in paragraph 2.6 above.

5.4 In each section examples of possible control measures have been set out, but are not intended to be exhaustive. Applicants are expected to take a risk assessment based approach when identifying hazards and implementing appropriate control measures.

5.5 Further additional measures may be appropriate when specific special events or promotions are planned. These will inevitably attract larger or different audiences and thereby have a significant impact on the licensing objectives. The operating schedule should therefore make reference to the appropriate additional measures that are planned to achieve and comply with the licensing objectives.

5.6 The Licensing Authority will expect the issue of total occupancy capacity (i.e. staff, customers, others etc.) of the licensed area to be addressed and detailed in the operating schedule as it considers it to be an essential factor in the achievement of

the four licensing objectives. In particular the design and layout of premises are important in determining the capacity along with a number of other factors such as; the nature of the premises or event and the licensed activities, number of supervisory staff, age of customers etc. (save for premises licensed for the consumption of food and/or alcohol off the premises). In appropriate cases a licence/certificate may have conditions attached setting a maximum occupancy.

- 5.7 Applicants will be expected to make themselves aware of the contents of this Statement of Licensing Policy. It is also strongly recommended that they seek the views of the appropriate Responsible Authorities about the steps appropriate to implement for the promotion of the licensing objectives, prior to formulating their operating schedule and submitting a formal application.

6. LICENSING OBJECTIVE – THE PREVENTION OF CRIME AND DISORDER

- 6.1 In addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 (as amended) 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 on and the need to do all that it reasonably can to prevent crime and disorder in the district.

- 6.2 In order for the Licensing Authority, Responsible Authorities and other persons to assess whether the steps to be taken to promote the licensing objectives are satisfactory, applicants should demonstrate in their operating schedule, that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises. Examples of sources of crime and disorder may include but are not limited to:

- Underage drinking;
- Drunkenness on the premises;
- Public drunkenness;
- Drugs;
- Violent behaviour;
- Overcrowding/occupancy capacity; and
- Anti-social behaviour.

- 6.3 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and or activities. Please note that this list is not exhaustive:

- Effective and responsible management of the premises;
- Training and supervision of staff;
- Adoption of best practice guidance;
- Implementation of the Challenge 25 scheme;
- Acceptance only of identification cards that carry the Proof of Age Standards Scheme (PASS) hologram which is endorsed by the Home Office.
- Provision and maintenance of effective CCTV in and around premises;
- Provision of Door Supervisors licensed by the Security Industry Authority. The Licensing Authority may consider that certain premises may require

strict supervision for the purpose of promoting the reduction of crime and disorder and where appropriate relevant conditions would be added;

- Use of Text/Radio pagers;
- Provision of toughened or plastic drinking vessels;
- Restriction on the taking of open drinks containers from premises;
- Restriction on drinking areas;
- Provision of litter bins and other security measures such as lighting outside premises;
- Membership of ChiBAC (Chichester District Business Against Crime) or a similar accredited scheme;
- Maximum occupancy capacity;
- Crime prevention notices (e.g. responsible drinking, drink-drive awareness);
- Drinks promotions; and
- Signage.

6.4 The Licensing Authority will consider attaching conditions to a licence/certificate that reflect crime prevention strategies. In particular those received from the Community Safety Partnership to deter and prevent crime and disorder both on the premises and in the immediate vicinity as customers seek entry or exit. Conditions may only be attached to a licence/certificate which are relevant to representations and which the Licensing Authority considers appropriate in order to promote the licensing objectives.

6.5 In any application for a Premises Licence that includes the sale of alcohol, the applicant must specify the holder of a Personal Licence to be the *Designated Premises Supervisor* (DPS). The only exemption to this is where the applicant is a Management Committee of a community premises. In this case, the Management Committee is entitled to make an application seeking to disapply the condition requiring a DPS and replace with an alternative condition which states that every supply of alcohol under the Premises Licence must be made or authorised by the Management Committee. The Licensing Authority expects that the proposed DPS will normally be the person who has been, or will be, given day to day responsibility for running the premises by the applicant.

7. LICENSING OBJECTIVE - PUBLIC SAFETY

7.1 The Act covers a wide range of premises that may require licensing, including cinemas, concert halls, theatres, villages halls, church halls, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways. Each of these types of premises presents a mixture of safety risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.

7.2 The Licensing Authority will have regard to the measures to be taken by applicants to ensure that the physical safety of any person visiting or working in licensed premises is not compromised. In order for the Licensing Authority, Responsible Authorities and other persons to assess whether the steps to be taken to promote the licensing objectives are satisfactory, applicants should demonstrate in their operating schedule that suitable regard has been given to ensuring public safety. Factors that may be considered include, but are not limited to:

- The total occupancy capacity (staff, customers, others) of the premises;
- Satisfactory means of escape in the event of fire in relation to the age, design and layout of the premises;
- The nature of the licensable activities to be provided, in particular the sale/supply of alcohol and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature;
- The hours of operation (distinguishing between the hours of opening and when licensable activities are provided, if different);
- The customer profile e.g. age, disability;
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc.;
- Temporary electrical installations;
- Access for emergency vehicles;
- Lighting both emergency and general;

and for Theatres, Cinemas, Concert Halls and similar places;

- Number of attendants with safety responsibility; and
- Seating.

7.3 The Licensing Authority recognises that the Regulatory Reform (Fire Safety) Order 2005 replaced the previous fire safety legislation. Accordingly the Authority will not seek to impose fire safety conditions on a licence/certificate where the Order applies.

7.4 The Licensing Authority accordingly reminds applicants of their responsibility for compliance and in particular the maintenance of safety records.

7.5 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and or activities. Please note that this list is not exhaustive:

- Suitable and sufficient risk assessments;
- Effective and responsible management of the premises including documented safety checks prior to the admittance of the public;
- Escape routes are maintained clear of obstructions, easily openable and are subject to regular checks;
- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons;
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons;
- Adoption of Best Practice Guidance;
- Provision of effective CCTV in and around the premises;
- Provision of toughened or plastic drinking vessels;
- Implementation of crowd management measures;
- Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety;
- Maintenance of premises and equipment in good order.
- Adequate arrangements are in place to enable disabled people to safely evacuate premises in the event of an emergency;

- Safe installation and provision of curtains, hangings and temporary decorations;
- The total occupancy capacity (staff, customers, others) of the premises;
- Access for emergency vehicles;
- Adequate first aid provision e.g. equipment and if appropriate, personnel; and
- For indoor sports entertainment attendance of a qualified medical practitioner(s), inspection of ring by a competent person, public not occupying seats within 2.5m of a ring.

The following examples of areas to consider and control measures are given to assist where the premises subject of the application are a Theatre, Cinema, Concert Hall or similar premises. Please note that this list is not exhaustive:

- Attendants e.g. number of attendants with safety responsibility, attendants should be readily identifiable;
- Seating e.g. premises should only be used in accordance with a seating plan seatways must be kept from obstructions, a certificate in relation to the design and construction and loading of temporary seating must be kept
- Drinking vessels e.g. types and location(s) permitted;
- Balcony fronts e.g. no objects placed on or over;
- Special effects e.g. any special effect or mechanical installation (e.g. dry ice machines and cryogenic fog, smoke machines, pyrotechnics, real flame etc.) must be arranged and stored so as to minimise risk. In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the Licensing Authority; and
- Ceilings e.g. inspection by a competent person.

7.6 The Licensing Authority will consider attaching conditions to a licence/certificate to promote safety where appropriate. Conditions may only be attached to a licence/certificate which are relevant to representations and which the Licensing Authority considers appropriate to the promotion of the licensing objectives.

8. LICENSING OBJECTIVE – THE PREVENTION OF PUBLIC NUISANCE

8.1 Licensed premises especially those operating late at night and early morning have a significant potential to adversely impact on communities from any public nuisance that may arise from their operations. The Licensing Authority wishes to maintain and protect the amenity of residents and businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance provided by such premises. Stricter *conditions* in respect of noise control will be imposed where for example premises are situated in denser residential areas or areas of mixed business and residential use.

8.2 Such adverse impact may relate to noise, anti-social behaviour, vibration, light pollution, noxious smells and litter. Due regard will be taken on the impact these examples and other sources of nuisance may have on those living, working or otherwise engaged in other activities in the area. In order for the Licensing Authority, Responsible Authorities and other persons to assess whether the steps to be taken to promote the licensing objectives are satisfactory, applicants in achieving the objectives, should demonstrate in their operating schedule that these concerns

have been identified, suitable control measures will be implemented and maintained to prevent public nuisance. Factors giving rise to these concerns may include, but are not limited to;

- The location of premises and proximity to residential and other noise sensitive premises such as hospitals, hospices and educational establishments;
- 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;
- 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;
- 'Wind down period' between the end of the licensable activities and closure of the premises;
- Last admission time; and
- The age and type of clientele being attracted to or likely to be attracted to the premises.

8.3 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and or activities. Please note that this list is not exhaustive;

- Effective and responsible management of premises;
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly;
- Control of operating hours for all parts (e.g. garden areas) of premises, including such matters as deliveries and collections;
- Adoption of best practice guidance;
- Installation of sound proofing, air conditioning, acoustic lobbies, sound limitation devices, acoustic curtains, rubber seals to doorways, installation of rubber speaker mounts;
- Management of people, including staff and traffic (and resulting queues) arriving and leaving premises;
- Liaison with public transport providers;
- Siting of external lighting including security lighting;
- Management arrangements for collection and disposal of litter;
- Effective ventilation systems to prevent nuisance from odour;
- Keeping doors and windows closed;
- Limiting music to a particular area of a premises;
- Locating and directing speakers away from external walls or walls that abut private premises;
- Identify and monitor noise levels from specific locations, records of monitoring should be kept; and
- When considering the provision of a smoking area and/or shelter consideration should be given to controls to help minimise the potential nuisance associated with its use from, for example, smoke, noise, litter and light pollution.

8.4 The Licensing Authority will consider attaching conditions to a licence/certificate to prevent public nuisance where appropriate. Conditions may only be attached to a licence/certificate which are relevant to representations and which the Licensing Authority considers appropriate to the promotion of the licensing objectives.

9. LICENSING OBJECTIVE – THE PROTECTION OF CHILDREN FROM HARM

9.1 The risk of harm to children is one of the key licensing objectives when determining applications. It is hoped that family friendly premises will thrive.

9.2 The general relaxation in the Act gives accompanied children greater access to licensed premises which conversely places additional responsibilities upon licence holders, parents and others accompanying children.

9.3 Access by children to the variety of premises for which a licence/certificate may be sought will not be limited in any way unless it is considered appropriate by the Licensing Authority to do so in order to protect them from physical, moral or psychological harm.

9.4 Subject to the provisions of the Act and any licence or certificate conditions, admission of children will always be at the discretion of those managing the premises. Each application and the circumstances pertaining at each premises must be considered on their own merit.

9.5 In order for the Licensing Authority, Responsible Authorities and other persons to assess whether the steps to be taken to promote the licensing objectives are satisfactory, applicants should demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm.

9.6 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that impact on harm to children have been considered. Areas that will give particular concern in respect of children include the following:

- Where there have been convictions for serving alcohol to minors or premises with a reputation for underage drinking;
- 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; and
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

9.7 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises;

- Provision of a sufficient number of people employed or engaged to secure the protection of children from harm;
 - Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm;
 - Limitation on the hours when children may be present, in all or parts of the premises;
 - Limitations or exclusions by age when certain activities are taking place;
 - Requiring an adult, not being a member of staff, to accompany a child or a number of children;
 - Implementation of the Challenge 25 scheme;
 - Acceptance only of identification cards that carry the Proof of Age Standards Scheme (PASS) hologram which is endorsed by the Home Office.
 - Measures to ensure children do not purchase, acquire or consume alcohol. (The Licensing Authority commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks);
 - Measures to ensure children are not exposed to incidences of violence or disorder; and
 - Full exclusion of persons under 18 from the premises when any licensable activities are taking place.
- 9.8 Conditions may be imposed on a licence/certificate for premises where children will be present at places of entertainment to the effect that adult staff must be present to control the access and egress of children and to ensure their safety. The Licensing Authority will normally expect the premises to provide one member of staff allocated for every 50 children present specifically to ensure their safety and to control their access and egress at the premises. The Licensing Authority reserves the right to vary the ratio of staff to children when it considers it appropriate.
- 9.9 In the case of film exhibitions, the Licensing Authority will expect at any premises which has the benefit of a licence/certificate, effective measures to be implemented that restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or a classification issued by the Licensing Authority.
- 9.10 This Licensing Authority formally recognises the West Sussex Local Safeguarding Children Board at West Sussex County Council as competent to advise it on issues concerning the protection of children from harm. Therefore, applicants must, in relation to any new or full variation application for either a Premises Licence or Club Premises Certificate, send a copy of their application to this body in order for them to consider whether the application raises any concerns in respect of the protection of children from harm.
- 9.11 The Act sets out a number of offences designed to protect children in licensed premises and the Licensing Authority will work with the Police and other appropriate agencies to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.
- 9.12 The Licensing Authority will consider attaching conditions to a licence/certificate for the protection of children from harm where appropriate. Conditions may only be attached to a licence/certificate which are relevant to representations and which the Licensing Authority considers appropriate to the promotion of the licensing objectives.

10. SEXUAL ENTERTAINMENT VENUES

The Council has adopted a Sexual Entertainment Venues Policy and this policy shall be considered in the context of this statement as appropriate.

11. CUMULATIVE IMPACT/SPECIAL SATURATION POLICY

- 11.1 The Licensing Authority will not take the “need” for an establishment into account when considering an application, as this is a matter for the market. The Licensing Authority however recognises that the cumulative impact of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder in the vicinity of the premises.
- 11.2 If representations are received from a Responsible Authority or other persons suggesting that an area has become saturated with licensed premises, such degree of concentration making it a focal point for large groups of people to gather in surrounding areas, possibly away from the premises themselves, the Licensing Authority will consider on an evidential basis if this impact has an adverse effect on the promotion of the licensing objectives in addition to that created by the individual premises.

In these circumstances, the Licensing Authority will assess whether the imposition of conditions can address these problems or if the adoption of a special policy of refusing applications for new Premises Licences or Club Premises Certificates is needed because the area is saturated with licensed premises and that granting of any more would undermine at least one of the licensing objectives.

- 11.3 When considering whether to adopt a special saturation policy the Licensing Authority will consider a range of issues including the following:
- Evidence of identification of concern about crime and disorder or public nuisance;
 - Where it can be demonstrated that nuisance and/or disorder is arising as a result of customers from licensed premises, identifying the area from which problems are arising and the boundaries of that area;
 - Following consultation and subject to that consultation, inclusion of a special policy about future Premises Licence or Club Premises Certificate applications from that area; and
 - Publication of the special policy.
- 11.4 If a special policy is adopted it creates a rebuttable presumption that licence and certificate applications or material variations will normally be refused if relevant representations are received. Accordingly applicants will need to address the special policy issues in their operating schedules in seeking to rebut the presumption. Applicants would need to demonstrate that the operation of the premises involved would not add to the cumulative impact already being experienced.

- 11.5 If implemented, the Licensing Authority would regularly review any special saturation policies to see whether they have had the intended effect and are still required.
- 11.6 The Licensing Authority will not normally use special saturation policies solely;
- As grounds for removing a licence when representations are received about problems with existing licensed premises, or;
 - To refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits.
- 11.7 The Licensing Authority also recognises that, within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application having regard to the licensing objectives.
- 11.8 The Licensing Authority, having regard to the evidence currently available, considers that at present there is no particular part of the district where a cumulative impact exists, leading to an adverse impact upon the fulfilment of the licensing objectives. However, the cumulative impact of licensed premises will be kept under review.
- Other mechanisms, both within and outside the licensing regime that are available for controlling cumulative effect are:
- Planning controls;
 - Positive measures to create a safe and clean environment in partnership with local businesses, transport operators and other Local Authority services;
 - Application of the powers of the Council to designate parts of the area as places where alcohol may not be consumed publicly;
 - Police enforcement of the normal law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices;
 - The prosecution of any holder of a Personal Licence 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;
 - Application of Police powers to close for up to 24 hours, any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder, or excessive noise emanating from the premises; and
 - Application of Police powers, other Responsible Authorities, local residents or businesses to seek a formal review of a licence/certificate.

12. THE LICENSING PROCESS

- 12.1 The powers of the Licensing Authority under the Act may be carried out by the Alcohol and Entertainment Licensing Committee, by sub-committees of three members or, by one or more officers acting under delegated authority.
- 12.2 A committee or sub-committee hearing can only be dispensed with, with the agreement of the Licensing Authority, the applicant and all parties that made relevant representations.

- 12.3 It is considered that many of the functions will be largely administrative with no relevant representations, and in the interests of efficiency and effectiveness these will ordinarily be carried out by officers. In cases of applications for Premises Licences and Club Premises Certificates, where there are no representations, it is the duty of the Licensing Authority to grant the licence/certificate subject only to conditions that are consistent with the operating schedule and any *Mandatory Conditions* described in the Act (see Appendix 2 delegated functions).
- 12.4 The Licensing Authority recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and will have due regard to those differences and the differing impact these will have on the local community and therefore will tailor conditions accordingly.
- 12.5 Applications where there are relevant representations which cannot be mediated, will be dealt with at a hearing of a committee or sub-committee of the Licensing Authority, as noted above, as will any application for review of a licence/certificate. In the case of a Premises Licence or Club Premises Certificate, conditions will be imposed if the Committee/Sub-Committee is minded that these are appropriate due to the representations raised. Conditions will be imposed as are appropriate to promote the licensing objectives arising out of the consideration of the representations.
- 12.6 A District Council Ward Member who wishes to make representations about an application on behalf of other persons will not be eligible to be a Member of the Alcohol and Entertainment Licensing Committee or sub-committee that considers that application.
- 12.7 Generally the Licensing Authority will follow Guidance in relation to withholding the appropriate details of any person. However, and necessarily, each case will have to be determined on its own merits.
- 12.8 Applications for a Premises Licence, Personal Licence or Club Premises Certificates must be completed in accordance with any statutory or regulatory requirements and contain the information requested in this Policy. Where appropriate, incomplete or incorrectly completed applications will ordinarily be returned to the applicant, unless they contain obvious and minor errors which will result in the application being held until the applicant has supplied all of the required information. The Licensing Authority will undertake checks to ensure that where appropriate, applicants comply with statutory duties in terms of advertising their application and displaying a notice at the premises subject of the application. Action will be taken where applications are found to have been incorrectly advertised or where it is identified that the applicant has failed/is failing to display a correct notice(s) at the premises.
- 12.9 Where applications to vary Premises Licences and/or Club Premises Certificates are concerned, the Licensing Authority will have regard to Guidance and in particular the likely impact of the proposed variation on the licensing objectives. This will assist in determining whether a proposed variation is suitable for either a full or minor variation application or indeed whether the proposal is so substantial that a completely new application is required.

13. REVIEW OF LICENCES

- 13.1 A Responsible Authority or any other person may request the Licensing Authority to review any Premises Licence or Club Premises Certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 13.2 A review of a Premises Licence or Club Premises Certificate will be undertaken by the Licensing Authority in accordance with the Licensing Act 2003 and the regulations where the Police have used their Violent Crime Reduction Act 2006 powers designating a premises as being related to serious crime (or other powers) to close any premises for up to 24 hours and where as a result of the consideration of the *Closure Order* by the Magistrates Court a Notice of its determination has been received by the Licensing Authority. The current guidance for summary review and/or closure powers in any particular case shall be considered by the Licensing Authority.
- 13.3 Chichester District Council's Director of Growth and Place and Director of Planning and Environment may request the review of any Premises Licence or Club Premises Certificate, because of a matter arising at licensed premises in connection with any of the four licensing objectives.
- 13.4 Applications for review of Premises Licences or Club Premises Certificates will not normally be considered if a previous review on similar grounds has occurred within a period of 12 months, save in exceptional and compelling circumstances.
- 13.5 When considering an application for a review, the Licensing Authority will carefully consider the wide range of powers available to it under the Act that it may exercise when it considers it appropriate to promote and properly fulfil the licensing objectives. It being recognised that the review process is a key protection for the community where problems associated with the licensing objectives occur.
- 13.6 Where reviews arise and the Licensing Authority finds that the premises are being used to further serious crime(s), the Licensing Authority will normally consider revocation of the Premises Licence or Club Premises Certificate. A list of crimes that are likely to result in revocation of a licence is attached to this policy as Appendix 4. It should be noted that this list is not exhaustive.

14. TEMPORARY EVENT NOTICES

- 14.1 Temporary Event Notices relate to the carrying on of the sale or supply of alcohol, provision of regulated entertainment or provision of late night refreshment at premises that do not benefit from an appropriate Premises Licence or a Club Premises Certificate. Notification of such events is in triplicate to the Licensing Authority, the Police and the local authority exercising environmental health functions (the Environmental Protection Team at Chichester District Council) in accordance with certain criteria. Whilst the Act requires not less than 10 clear working days notice to be given for a 'standard' notice, and not less than 5 clear working days notice for a 'late' notice, the Licensing Authority recommends that wherever possible at least 28 days notice be given in order to allow for the proper consideration of the notice and for guidance to be given to organisers.

15. VEHICLES

- 15.1 Under the Act, alcohol may not be sold on or from a moving vehicle and therefore any application for such will be refused. However, applications for Premises Licences will be considered for the sale of alcohol from parked or stationary vehicles relating solely to the place where the vehicle is parked and the sale of alcohol will take place.

16. ENFORCEMENT

- 16.1 It is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act. The Licensing Authority will make arrangements to monitor premises and take appropriate action to ensure this.
- 16.2 The Licensing Authority will liaise with Sussex Police on issues of enforcement including crime prevention, public safety, public nuisance, transport, protection of children from harm and anti-social behaviour, with the view to establishing, where necessary, an enforcement protocol in order to ensure that resources are targeted at problem and high-risk premises.
- 16.3 Premises visits will be made on a targeted and risk-assessed basis, or as necessary e.g. following a complaint.
- 16.4 Wherever possible inspections will be co-ordinated with other inspection/enforcement agencies.
- 16.5 When considering enforcement action, the Licensing Authority will consider each case on its own facts and merits and in accordance with its enforcement policy.

GLOSSARY

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.

The Act

The Licensing Act 2003

Appeals

Appeals against the decision of the Licensing Authority are to the Magistrates Courts for the area in which the licensed premises are situated. The appeal must be lodged within a period of 21 days of notification of the Licensing Authority's decision. On appeal a Magistrates Court may dismiss the appeal or substitute its own decision; remit the case to the Licensing Authority with directions; and make an order for costs.

Authorised Persons

Are specified people who have statutory duties in relation to the inspection of premises e.g. Licensing, Police, Fire, Health & Safety and Environmental Protection Officers.

Closure Order

Powers are provided for the Police and the Magistrates Courts to close premises for up to 24 hours. The 2003 Act significantly extended the existing powers of the Police to obtain a Court Order for a geographical location that is experiencing or likely to experience disorder. In addition, the Police may close down instantly, individual licensed premises that are disorderly or likely to become disorderly, in the interest of public safety or to prevent a public nuisance owing to noise emanating from the premises.

Club Premises Certificates

A Club Premises Certificate is granted by the Licensing Authority in respect of premises occupied by a club and used for the purposes of a club. It certifies that the club may use the premises for at least one of the qualifying club activities specified in the certificate and that the club is a qualifying club for that purpose. It is the equivalent of a Premises Licence, however where the supply of alcohol is a qualifying club activity, there is no requirement for a member of the club or an employee to hold a Personal Licence and therefore no requirement to specify a Designated Premises Supervisor.

Conditions

A Premises Licence or Club Premises Certificate may be granted subject to a number of conditions, and these may be in respect of different parts of the premises and different licensable/qualifying club activities. There is no power to impose conditions on a Personal Licence. The Guidance requires that licences and certificates must be granted subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions required by the Act itself.

Designated Premises Supervisor (DPS)

A person specified in a Premises Licence application as the proposed premises supervisor. A Designated Premises Supervisor must hold a Personal Licence.

Guidance

This refers to the statutory guidance issued to Licensing Authorities under Section 182 of the Licensing Act 2003 by the Home Office. The Guidance is provided for Licensing Authorities carrying out their functions, Magistrates hearing appeals against licensing decisions and for the benefit of operators of licensed premises, their legal advisors and the general public.

Late Night Refreshment

The supply of hot food and/or drink to members of the public (whether for consumption on or off the premises) between 23:00 hours and 05:00 hours.

Licensable Activities

- The sale of alcohol by retail;
- The supply of alcohol by or on behalf of a club, or to the order of a member of the club;
- The provision of regulated entertainment; and
- The provision of late night refreshment.

Licensing Authority

In the Act 'Licensing Authority' means, the Council of a district in England, in this case Chichester District Council

Licensing Objectives

The objectives of licensing set out in the Act:

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

The Licensing Authority must carry out its functions under the Act, with the view to promoting the licensing objectives.

Mandatory Conditions

Conditions that the Act requires are imposed on a Premises Licence or Club Premises Certificate in certain situations

Minor Variation

Small variations that are considered not to impact adversely on the promotion of the licensing objectives. The minor variation process cannot be used in certain situations e.g. add the sale by retail/supply of alcohol to a licence/certificate, extend licensing hours for the sale or supply of alcohol at any time between 23:00 and 07:00, increase the amount of time on any day during which alcohol may be sold or supplied.

Objection Notice

A procedure whereby the Police can lodge objections with the Licensing Authority on an application for the grant of a Personal Licence where the applicant has a relevant offence.

Operating Schedule

A document containing a statement of the following matters (and others that may be prescribed)

- Steps to be taken by the licence holder to promote the four licensing objectives;
- The licensable activities to be conducted on the premises;

- The times during which the licensable activities are to take place and any other times when premises are open to the public;
- Where the licence is required only for a limited period, that period; and
- Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the Designated Premises Supervisor.

Personal Licence

A licence granted to an individual that authorises that person to make and/or authorise others to undertake the sale by retail of alcohol at a premises that benefits from an appropriate Premises Licence. The licence lasts indefinitely although ceases to have effect when revoked, forfeited, surrendered or suspended. The holder of a Personal Licence is not required where alcohol is not permitted to be sold at the premises concerned and in addition is also not required in relation to the supply of alcohol in a club that holds a Club Premises Certificate. The Police can object to the granting of a Personal Licence, but only where the applicant has a relevant offence as defined by the Licensing Act 2003.

Premises

Premises means any place and includes a vehicle, vessel or moveable structure irrespective of its location.

Premises Licence

A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities, has effect until revoked, surrendered or on death, insolvency etc. of the holder. Applications are dealt with by the Local Authority Alcohol and Entertainment Licensing Committee or sub-committee or officers in the area where the premises are situated. There may be more than one Premises Licence in existence for a particular premises.

Provisional Statement

A procedure by which a Licensing Authority can give an approval in respect of licensable activities intended to be carried on at premises which are being or are about to be constructed.

Qualifying Club

Club Premises Certificates will be issued to qualifying clubs. Qualifying conditions are specified in Section 61 of the Act and the Licensing Authority must be satisfied that these conditions have been met, including evidence to support that the club is non-profit making and that there is a minimum of 48 hours delay between application and acceptance of new members. The club must be established and conducted in "good faith" (this involves consideration of details such as club finances),

Regulated Entertainment

This includes:

- A performance of a play;
- An exhibition of a film;
- An indoor sporting event;
- A boxing or wrestling entertainment;
- A performance of live music;
- Any playing of recorded music;
- A performance of dance; and

- Entertainment of a similar description to the performance of live music, playing of recorded music or a performance of dance.

where the entertainment takes place in the presence of an audience and is provided for the purpose, or for the purposes which include the purpose, of entertaining that audience.

Representations

The Licensing Act 2003 does not use the term “objections”. Instead Responsible Authorities and any other person may make representations about an application for a Premises Licence or a Club Premises Certificate where they believe the granting of a licence/certificate would have an adverse effect on the promotion of the licensing objectives. Where made by persons other than Responsible Authorities, they must not be frivolous or vexatious and in all cases must be considered by the Licensing Authority as relevant. Frivolous or vexatious representations would not be relevant representations.

The making of representations engages the Licensing Authorities discretion to attach conditions as appropriate to promote the licensing objectives, to exclude any of the licensable activities, to refuse to designate a DPS, or to refuse an application outright as it thinks fit to promote the licensing objectives.

Responsible Authorities

For premises located within the Chichester district this includes the Licensing Authority, Chief Officer of Sussex Police, West Sussex Fire & Rescue Authority, either the Health Protection Team at Chichester DC or Health & Safety Executive (dependent on who the enforcing authority is for health and safety), Environmental Management Team at Chichester DC, Development Management at Chichester DC or South Downs National Park Authority (dependent on whether the premises subject of an application is inside or outside of the National Park), West Sussex Local Safeguarding Children Board, Director of Public Health at West Sussex Public Health, Trading Standards at West Sussex County Council).

Review of Licence/Certificate

Where a Premises Licence/Club Premises Certificate is in force, a Responsible Authority or any other person may apply, subject to regulations, to the Licensing Authority for it to be formally reviewed. The Licensing Authority must hold a hearing to review the licence/certificate and as a result must take any steps appropriate to promote the licensing objectives, such as modification of conditions, exclusion of licensable activities, removal of the Designated Premises Supervisor (only in the case of a Premises Licence), suspension of the licence/certificate for up to 3 months or ultimately the revocation of the licence/certificate.

Sale by Retail of Alcohol

Sale by retail means a sale of alcohol to any person but does not include a sale to a trader for the purposes of his trade, to a club holding a Club Premises Certificate for the purposes of the club, to a holder of a Personal Licence or Premises Licence for the purposes of making sales authorised by a Premises Licence, or to a premises user with a Temporary Event Notice for the purpose of making sales under that notice. Sales to members of the public in wholesale quantities are licensable and require a Premises Licence.

Temporary Event Notice

A notice in a prescribed form must be served on the Licensing Authority, Sussex Police and the Environmental Management Team at Chichester District Council by the individual who proposes carrying on licensable activities. The person giving a notice is referred to as the 'premises user'. All sales of alcohol will be made by or under the authority of a premises user and certain prescribed information must be supplied within a notice. Upon receipt of a notice, Sussex Police and the Environmental Management Team will consider the notice and are entitled to object. Should an objection be received in relation to a 'standard' notice (this is a notice given with at least 10 clear working days notice) then a hearing must be arranged to determine the matter. Working day means any day other than a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971. However, should an objection be given in relation to a 'late' notice (this is a notice given with not less than 5 clear working days notice, then the proposed licensable activities at the event will simply not be permitted to take place.

- Duration – they are limited to events lasting for up to 168 hours;
- Scale – they cannot involve the presence of more than 499 people within the licensed area 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 an overall aggregate of 21 days use in a calendar year; and
- The number of notices given by one individual within a given period of time – the holder of a Personal Licence is limited to 50 notices in a calendar year, and any other person to 5 notices in a similar period. If these conditions are not fulfilled, the temporary event would require a Premises Licence if it were currently unlicensed for the activity involved.

Transfer

A procedure where an application can be made to transfer a Premises Licence to another party e.g. if the holder sells the premises.

APPENDIX 2

DELEGATION OF FUNCTIONS BY THE ALCOHOL & ENTERTAINMENT
LICENSING COMMITTEE

Matter to be dealt with	Sub Committee	Officers
Application for Personal Licence	If a Police objection	If no objection made
Application for Premises Licence/Club Premises Certificate	If relevant representation made	If no relevant representation made
Application for <i>Provisional Statement</i>	If relevant representation made	If no relevant representation made
Application to vary Premises Licence/Club Premises Certificate	If relevant representation made	If no relevant representation made
Application to vary Designated Premises Supervisor	If a Police objection	All other cases
Request to be removed as Designated Premises Supervisor		All cases
Application for <i>transfer</i> of Premises Licences	If a Police objection	All other cases
Applications for Interim Authorities	If a Police objection	All other cases
Application to review Premises Licence/Club Premises Certificate	All cases	
Decision on whether a representation is relevant		All cases
Decision on whether a representation is frivolous or vexatious		All cases
Decision to object when Local Authority is a consultee and not the relevant Authority considering the application	All cases	
Determination of an objection to a Temporary Event Notice	All cases	
Determination of application to vary Premises Licence at a community premises to include alternative licence condition	If a Police objection	All other cases
Decision whether to consult other Responsible Authorities on minor variation application		All cases
Determination of minor variation application		All cases

APPENDIX 3

LICENSING STATUTORY FEES

This is intended to be a general guide to the fees payable in respect of matters associated with the Licensing Act 2003. It is not however to be regarded as fully comprehensive as to the fees payable in all circumstances. In that respect the various regulations should be referred to for specific determination.

Table 1 - Fees payable for **Premises Licence** applications:

Non-domestic rateable value	Band				
	A (£0 – £4,300)	B (£4,301 – £33,000)	C (£33,001 – £87,000)	D (£87,001 – £125,000)	E (£125,001 +)
Application for grant of a Premises Licence	£100	£190	£315	£450*	£635*
Application for variation of a Premises Licence	£100	£190	£315	£450*	£635*
Application for minor variation of a Premises Licence	£89	£89	£89	£89	£89
Annual fee for a Premises Licence	£70	£180	£295	£320*	£350*

Table 1

* In a case where the application under Section 17 (application for Premises Licence) or Section 34 (application to vary Premises Licence) relates to a premises in Band 'D' or Band 'E', and the use of the premises is **exclusively or primarily for the supply of alcohol for consumption on the premises**, the amount of fee shall be, in the case of Band 'D', two times the amount of the fee applicable for that Band, and in the case of Band 'E', three times the amount of the fee applicable for that Band.

The annual fee for Premises Licences in Band 'D' and Band 'E' are also subject to the additional multiplying fee as above where used **exclusively or primarily for the supply of alcohol for consumption on the premises**.

Table 2 - Fees payable for **Club Premises Certificate** applications:

Non-domestic rateable value	Band				
	A (£0 – £4,300)	B (£4,301 – £33,000)	C (£33,001 – £87,000)	D (£87,001 – £125,000)	E (£125,001 +)
Application for grant of a Club Premises Certificate	£100	£190	£315	£450	£635
Application for variation of a Club Premises Certificate	£100	£190	£315	£450	£635
Application for minor variation of a Club Premises Certificate	£89	£89	£89	£89	£89
Annual fee for a Club Premises Certificate	£70	£180	£295	£320	£350

Table 2

Table 3 – **Additional fee** to be paid in respect of either (a) an application for a **Premises Licence** authorising licensable activities to take place on a premises at which 5,000 or more people may be allowed on the premises at the same time, or (b) an application for variation of a Premises Licence where the existing licence has a capacity of 4,999 or less, and the variation seeks to increase the capacity to 5,000 or more.

Number of people	Additional Fee
5,000 – 9,999	£1,000
10,000 – 14,999	£2,000
15,000 – 19,999	£4,000
20,000 – 29,999	£8,000
30,000 – 39,999	£16,000
40,000 – 49,999	£24,000
50,000 – 59,999	£32,000
60,000 – 69,999	£40,000
70,000 – 79,999	£48,000
80,000 – 89,999	£56,000
90,000 and over	£64,000

Table 3

Table 4 – **Additional annual fee** to be paid in respect of a **Premises Licence** which authorises licensable activities to take place on a premises at which 5,000 or more people may be allowed on the premises at the same time:

Number of people	Additional Fee
5,000 – 9,999	£500
10,000 – 14,999	£1,000
15,000 – 19,999	£2,000
20,000 – 29,999	£4,000
30,000 – 39,999	£8,000
40,000 – 49,999	£12,000
50,000 – 59,999	£16,000
60,000 – 69,999	£20,000
70,000 – 79,999	£24,000
80,000 – 89,999	£28,000
90,000 and over	£32,000

Table 4

Table 5 – **Fixed fees** in relation to other applications made or notices given under the Licensing Act 2003:

Occasion on which a fee will be payable	Fee
Premises Licences	
Application for copy of a Premises Licence or Summary on theft, loss etc.	£10.50 in all cases
Notification of a change of name or address (e.g. holder of a Premises Licence)	£10.50 in all cases
Application to vary to specify an individual as a Designated Premises Supervisor	£23.00
Application to disapply the requirement for a Designated Premises Supervisor in a Community Hall or similar premises	£23 or no charge when submitted simultaneously with a new or full variation application seeking to authorise the sale of alcohol for the first time
Application to transfer a Premises Licence	£23.00
Application for interim authority notice following death etc. of licence holder	£23.00

Club Premises Certificates	
Application for a copy of a Club Premises Certificate or Summary on theft, loss etc.	£10.50 in all cases
Notification of change of name or alteration of rules of club	£10.50 in all cases
Change of relevant registered address of club	£10.50 in all cases
Temporary Event Notice	
Temporary Event Notice	£21.00
Application for a copy of Temporary Event Notice on theft, loss etc.	£10.50
Personal Licences	
Application for a grant of a Personal Licence	£37.00
Application for a copy of a Personal Licence on theft, loss etc.	£10.50
Notification of a change of name or address in relation to a Personal Licence	£10.50
Miscellaneous	
Supply of copies of information contained in the licensing register	Charge set by the Licensing Authority according to current best practice recommended by Information Commissioner
Application for making a provisional statement where a premises is being built, etc.	£315.00
Notice of interest in any premises by a freeholder etc. to be notified of licensing matters	£21.00

Table 5

Note: In certain circumstances, there are exemptions from paying fees that relate to the provision of regulated entertainment only. These relate to schools and colleges and to church halls, village halls and the like. For further details please contact the Licensing Authority.

APPENDIX 4

SERIOUS CRIMES WHICH ARE LIKELY TO LEAD TO REVOCATION OF A LICENCE

These are in respect of the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

APPENDIX 5

CONTACT POINTS

RESPONSIBLE AUTHORITIES

Licensing Authority

Licensing Team, Communications, Licensing and Events, Growth and Place, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY - Tel: 01243 534740 - Fax: 01243 776766 - Email: licensing@chichester.gov.uk - Website: www.chichester.gov.uk

Sussex Police

Chief Officer of Sussex Police, c/o Licensing Officer, Sussex Police, Centenary House, Durrington Lane, Worthing, West Sussex, BN13 2PQ - Tel: 0845 60 70 999 or 101 - Fax: 01243 843637 - Email: WS_Licensing_WOR@sussex.pnn.police.uk - Website: www.sussex.police.uk

West Sussex Fire and Rescue Service

Business Fire Safety, West Sussex Fire & Rescue Service, Centenary House, 1st Floor West Wing Rooms 236 & 245, Durrington Lane, Worthing, West Sussex, BN13 2QB - Tel: 0330 222 3333 - Email: businessfiresafety@westsussex.gov.uk - Website: www.westsussex.gov.uk

Health and Safety Executive (*for non-Local Authority enforced premises*)

Health and Safety Executive, The Council Offices, Station Road East, Oxted, Surrey, RH8 - Email: formsadmin.oxted@hse.qsi.gov.uk - Website: www.hse.gov.uk

Health Protection Team (*health & safety enforcing authority for Local Authority enforced premises*)

Health Protection Manager, Health Protection Team, Housing & Environment Services, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY - Tel: 01243 785166 ext. 4602 - Fax: 01243 776766 - Email: healthprotection@chichester.gov.uk - Website: www.chichester.gov.uk

Development Management (*premises outside of the South Downs National Park*)

Head of Planning Services, Development Management, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY - Tel: 01243 534734 - Fax: 01243 534563 - Email: dcplanning@chichester.gov.uk - Website: www.chichester.gov.uk

South Downs National Park Authority (*premises inside the South Downs National Park*)

South Downs National Park Authority, c/o Head of Planning Services, Development Management, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY - Tel: 01243 534734 - Fax: 01243 534563 - Email: dcplanning@chichester.gov.uk - Website: www.chichester.gov.uk and <http://www.southdowns.gov.uk/>

Environmental Protection Team

Environment Manager, Environmental Management Team, Housing & Environment Services, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY - Tel: 01243 785166 ext. 4598 - Fax: 01243 776766 - Email: environmentalprotect@chichester.gov.uk - Website: www.chichester.gov.uk

West Sussex Local Safeguarding Children Board

West Sussex Local Safeguarding Children Board, c/o Children's Safeguarding Unit, Room 24, Durban House, Bognor Regis, West Sussex, PO22 9RE - Tel: 03302 223337 - Email: cpu.team@westsussex.gcsx.gov.uk - Website: www.westsussex.gov.uk

Trading Standards

Trading Standards, West Sussex County Council, Centenary House, Durrington Lane, Worthing, West Sussex, BN13 2QB - Tel: 01243 642124 - Fax: 01903 839743 - Email: tradingstandards@westsussex.gov.uk - Website: www.westsussex.gov.uk

West Sussex Public Health

Director of Public Health, c/o Public Health Licensing, NHS Sussex, 44-45 West Street, Chichester, West Sussex, PO19 1RP – Tel: 01243 815393 - Email: publichealth.licensing@westsussex.gov.uk

OTHER**Worthing Magistrates' Court** (*deals with all Appeals concerning licensing matters within the Chichester district*)

Court Address: The Law Courts, Christchurch Road, Worthing, West Sussex, BN11 1JE
Postal Address: Edward Street, Brighton, East Sussex, BN2 0LG

More information is available from the following websites:

Chichester District Council - <http://www.chichester.gov.uk/article/25482/Alcohol-entertainment-and-late-night-refreshment-licences>

Gov.uk - <https://www.gov.uk/browse/business/licences/alcohol-licensing>

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CHICHESTER DISTRICT COUNCIL

GAMBLING ACT 2005

DRAFT STATEMENT OF POLICY

2022-2025~~19-2022~~

CHICHESTER DISTRICT COUNCIL
GAMBLING ACT 2005
STATEMENT OF POLICY 2022-2025

CONTENTS

Item	Page
PART A - GENERAL MATTERS	
1. The Licensing Objectives	3
2. Introduction	3
3. Declaration	6
4. Local Risk Assessments	6
5. Local Area Profile	7
6. Responsible Authorities	8
7. Interested Parties	8
8. Exchange of Information	9
9. Enforcement	10
10. Licensing Authority Functions	11
11. Human Rights Act 1998	13
PART B - PREMISES LICENCES	
12. General Principles	14
13. Adult Gaming Centres	21
14. (Licensed) Family Entertainment Centres	21
15. Casinos	22
16. Bingo	22
17. Betting Premises	23
18. Tracks	23
19. Travelling Fairs	24

20. Provisional Statements	24
21. Reviews	25
PART C - PERMITS/TEMPORARY AND OCCASIONAL USE NOTICES	
22. Unlicensed Family Entertainment Centre Gaming Machine Permits	27
23. (Alcohol) Licensed Premises Gaming Machine Permit & 'Automatic Entitlement'	28
24. Prize Gaming Permits	29
25. Club Gaming and Club Machine Permits	30
26. Temporary Use Notices	31
27. Occasional Use Notices	32
PART D – APPENDICES	
Appendix A - Plan of the Chichester District Council Area	33
Appendix B - List of Consultees on Draft Statement 20 2219 -202 52	34
Appendix C - Responsible Authority Details	35
Appendix D - Categories of Gaming Machines	36

This Statement of Policy was approved by Chichester District Council on the ~~21st May 2019~~.

Please note that all references within this Statement to 'Guidance', refers to the Gambling Commission's Guidance to Licensing Authorities, 5th Edition, published September 2015 including amendments to Parts 17, 18 and 19 September 2016. This was the current version of the Guidance at the time when this Statement was prepared and published.

PART A

1. THE LICENSING OBJECTIVES

1.1 In exercising most of their functions under the Gambling Act 2005 (the 'Act'), Licensing Authorities (the 'Authorities') must have regard to the licensing objectives as set out in Section 1 of the Act. 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.

1.2 This Licensing Authority (the 'Authority') is aware that, as required by Section 153 of the Act, in making decisions about Premises Licences, Temporary Use Notices and some Permits that it should aim to permit the use of premises for gambling in so far as it thinks it:

- In accordance with any relevant Code of Practice issued by the Gambling Commission (the 'Commission') under Section 24 of the Act;
- In accordance with any relevant Guidance issued by the Commission under Section 25 of the Act;
- Reasonably consistent with the licensing objectives; and
- In accordance with the Statement published by the Authority under Section 349 of the Act i.e. this Statement of Policy (the 'Statement').

2. INTRODUCTION

2.1 Chichester district is predominantly a rural area. It covers some 303 square miles and is the second largest district (in area) within Sussex. The Census conducted in 2011 reports a population of 113,794 in the district which is mainly concentrated in the cathedral city of Chichester, the towns of Midhurst, Petworth and Selsey together with the parishes of Tangmere and Southbourne.

2.2 The district includes a significant area which forms part of the South Downs National Park (SDNP). The SDNP came into being in 2010 and is England's most recently created National Park. The South Downs National Park Authority (SDNPA) is the sole Planning Authority for all premises located within the area of the National Park and became fully operational on the 1st April 2011. In addition it is responsible for keeping the South Downs a special place.

2.3 This Authority is aware of and fully recognises the special and clearly defined role of the SDNPA, this includes the following 'purposes' and 'duty' for which they have been established:

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'.*

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.

The Authority is aware of the requirement under the National Parks and Access to the Countryside Act 1949, currently supported by paragraphs 26-27 of the English National Parks and the Broads UK Government Vision and Circular 2010, to have regard to the above Purposes when undertaking its licensing functions. The Authority also recognises that the 'Duty' referred to above falls solely upon the SDNPA.

- 2.4 In view of the above and given the overriding duty to ensure the promotion of the licensing objectives, this Authority will actively encourage those currently or proposing to operate premises/events within the National Park to proactively engage with the SDNPA at the earliest opportunity. In respect of major events proposed to take place in the National Park, it is expected that applicants will give proper consideration to the content of any written or verbal guidance offered by the SDNPA. This is in relation to both the licensing application and any supporting documents e.g. an Event Management Plan.
- 2.5 The Authority will also, when undertaking its various licensing functions, remaining conscious of the effect that premises/events operating within the National Park can have, and will subsequently remain cognisant of the need to ensure that the special qualities and characteristics of the National Park are maintained and wherever possible, enhanced.
- 2.6 The district also contains the Chichester Harbour Area of Outstanding Natural Beauty, one of the south coast's finest recreational areas as well as being an important natural habitat for birds, flora and fauna.
- 2.7 The Licensing Authority recognises how crucial tourism is to this thriving coastal and large rural district. Tourism not only generates employment, but is responsible for a significant amount of expenditure which consequently translates into millions of pounds of income for local businesses through direct, indirect and induced effects. Tourism is crucial to this thriving district. In 2013 tourism generated some 10% of the employment. At that time tourism related expenditure translated to £308.5 million worth of income for local businesses through direct, indirect and induced effects. Overall, an estimated 1,220,000 staying trips were spent in Chichester district, of which around 1,146,800 were made by domestic visitors (94%) and 73,200 by overseas visitors (6%); this generated over £141.8 million. In addition approximately 5.4 million tourism day trips were made to Chichester district (lasting more than 3 hours and taken on an irregular basis) generating a further £166.7 million expenditure. Around a third (33%) of all staying or overnight trips to Chichester district were accommodated in commercial serviced accommodation, whilst 45% of all overnight trips involved staying in non-serviced accommodation such as self-catering and caravan/camping accommodation. Smaller volumes of overnight trips involved staying on boats, in

~~hostels, on campus, in private lodgings and in more than one type of accommodation over the duration of the trip.~~

2.8 In ~~December 2018~~October 2020 there were in excess of ~~3229~~3000 commercial premises of which approximately ~~1434~~1557 are registered food premises, over ~~67~~100 accommodation establishments, hotels and B&B's, and one of the largest caravan and campsites in Europe located in Selsey. There are many historic and cultural attractions in the region including Goodwood, with its renowned horse and motor car racing, Fishbourne Roman Palace, the internationally recognised Chichester Festival Theatre, the Weald and Downland Museum and the award winning Pallant House Gallery.

2.9 In January 2019, current authorisations within the Chichester district under the Act include:

Bingo Premises Licence - 3

Betting Premises Licence - 95

Track Premises Licence - 1

Family Entertainment Centre Premises Licence - 0

Adult Gaming Centre Premises Licence - 3

Licensed Premises Gaming Machine Permit - 76

Unlicensed Family Entertainment Centre Gaming Machine Permit - 43

Club Gaming Permit - 1

Club Machine Permit - 167

Registered Non-commercial Societies - 154 169

Notification of 2 or less gaming machines in licensed premises - ~~53~~51

There are therefore ~~25~~84 current authorisations for which the Authority is responsible for ensuring compliance with, ~~an increase~~A reduction of ~~13~~7 from ~~November 2015~~May 2019.

2.10 A plan showing the Chichester District Council area is shown at Appendix A.

2.11 In order to fully appreciate the need to ensure proper and effective operation and regulation of gambling activities, it is crucial to fully understand the definition of 'harmful gambling'. Harmful gambling is defined as any type of repetitive gambling that disrupts or damages personal, family or recreational pursuits. It is not just the gamblers themselves who experience these harms; individuals, families and communities are all affected. Research published by Citizens Advice suggests that, for every problem gambler, there are on average between six to ten additional people who are also directly affected. Harmful gambling can cause a wide variety of health and social issues, such as alcohol and drug misuse, financial difficulties, mental health issues, loss of employment, domestic abuse and family breakdown.

2.12 Authorities are required under the Act to publish a 'statement of the principles' which they propose to apply when exercising their functions. This Statement must be published at least every three years, although can be reviewed and revised at any time following consultation with those bodies and persons set out in Section 349(3) of the Act.

2.13 Chichester District Council consulted widely upon this Statement before it was finalised and published. A list of those persons who were consulted is provided at Appendix B.

2.14 Section 349 of the Act requires that the following parties are specifically consulted:

- The Chief Officer of Police;
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

2.15 Our consultation took place between ~~28th February 2019~~ and ~~10th April 2019~~.

2.16 The full list of comments made and the consideration by the Authority of those comments is available by request to:

Licensing Manager, Licensing Team, Growth & Place, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY or Email: licensing@chichester.gov.uk or Tel: 01243 534740.

2.17 The Statement was approved at a meeting of Full Council on ~~21st May 2019~~ and was published via our website on ~~22nd May 2019~~. The Statement has effect from the ~~20th June 2019~~ until ~~31st January 2022~~ inclusive.

2.18 Should you have any comments regarding this Statement, please send them via letter or email to the following:

Licensing Manager, Licensing Team, Growth & Place, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY or Email: licensing@chichester.gov.uk or Tel: 01243 534740.

2.19 It should be noted that this Statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

3. DECLARATION

3.1 In producing the final Statement, this Authority declares that it has had regard to the licensing objectives, the Guidance issued to Authorities by the Commission, and any responses from those consulted on the draft Statement.

4. LOCAL RISK ASSESSMENTS

4.1 The Gambling Commission's Licence Conditions and Codes of Practice requires those who hold an Operating Licence granted by the Gambling Commission to assess the local risk to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate

those risks.

- 4.2 Whilst there is no statutory requirement to share local risk assessments with responsible authorities or interested parties, this Authority is aware that ordinary code provision 10.1.2 issued by the Commission to all operators to whom they have granted an Operator's Licence states that:

'1 Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.'

- 4.3 In addition to the above, this Authority expects that a copy of the current risk assessment will always be kept and made available upon request at each premises. This approach saves considerable time and expense for all parties as well as increases the confidence of responsible authorities as to the operator's awareness of their obligations.

5. LOCAL AREA PROFILE

- 5.1 An Authority may find it useful to complete their own assessment of the local environment as a means of 'mapping out' the key characteristics of the local area. Such an assessment is referred to as a 'Local Area Profile'. There is however no statutory requirement on an Authority to undertake such an assessment.

- 5.2 This Authority has previously carefully considered whether it is necessary to undertake an assessment of the Chichester district. At the current time, the Authority is not proposing to undertake an assessment for the following reasons:

- Since the Act came into effect, only a very small number of complaints/concerns regarding gambling matters have ever been received by the Authority. None of the subsequent investigations have necessitated the Authority to instigate formal action;
- No issues or concerns have ever been brought to the attention of this Authority by organisations (e.g. Citizens Advice) who represent children or other individuals who may be harmed or exploited by gambling; and
- Due to market forces, the number of premises benefitting from Premises Licences has remained fairly consistent without a particular area becoming saturated by licensed premises.

- 5.3 Naturally the matter of completing a Local Area Profile will be kept under review and a suitable assessment will be undertaken if it is determined as necessary. If the Authority undertakes an assessment it will:

- Take into account a wide range of factors, data and information held by both the authority itself and other partners; and
- Proactively engage with responsible authorities as well as other organisations in the area that can give 'input' to map local risks in their area. This would include public health, mental health, housing, education, community welfare groups and safety partnerships along with organisations such as Gamcare or equivalent local organisations.

6. RESPONSIBLE AUTHORITIES

- 6.1 The Authority 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 Authority's area; and
 - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 6.2 This Authority formally designates the West Sussex Local Safeguarding Children Board as the body competent to advise it about the protection of children from harm.
- 6.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: <http://www.chichester.gov.uk/article/25479/Gaming-betting-and-lottery-licensing> and are also shown at Appendix C.

7. INTERESTED PARTIES

- 7.1 Interested Parties can make representations about licence applications or apply for a review of an existing licence. These parties are defined in Section 158 of the Act as follows:

"For the purposes of this Part a person is an Interested Party in relation to a Premises Licence or in relation to an application for or in respect of a Premises Licence if, in the opinion of the Licensing Authority which issues the Licence or to which the application is made, the person -

- (a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities,*
- (b) Has business interests that might be affected by the authorised activities, or*
- (c) Represents persons who satisfy paragraph (a) or (b)."*

- 7.2 The Authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an Interested Party. The principles are:

Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Guidance at Paragraphs 8.12 to 8.17 inclusive. It will also consider Paragraph 6.21 of the Guidance that *"have business interests"* should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- 7.3 For the purposes of Section 158(c) of the Act, Interested Parties includes persons who are democratically elected such as Councillors (District, County, Town and Parish Councillors) and MPs, as representing individuals who meet the criteria defined in

Section 158(a) or Section 158(b) of the Act. Other representatives include bodies such as trade associations and trade unions, along with residents' and tenants' associations. A school head or governor might also act in representing the interests of pupils or parents and a community group might represent vulnerable people living near to a proposed premises.

7.4 No specific evidence of being asked to represent an Interested Party will be required from a democratically elected person, however in all other cases this Authority 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.

7.5 If individuals wish to approach Councillors to ask them to represent their views, then care should be taken to ensure that the Councillors are not part of the Licensing Committee dealing with the application. If there are any doubts then please contact:

Licensing Manager, Licensing Team, Growth & Place, Chichester District Council, East Pallant House, East Pallant, Chichester, West Sussex, PO19 1TY – Email: licensing@chichester.gov.uk or Tel: 01243 534740.

8. EXCHANGE OF INFORMATION

8.1 Authorities are required to include in their Statements the principles to be applied by the Authority in exercising the functions under Sections 29 and 30 of the Act with respect to the exchange of information between it and the 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.

8.2 The principle that this Authority applies is that it will act in accordance with the provisions of the Act in its exchange of information which includes the provision that data protection legislation will not be contravened. The Authority will also have regard to any Guidance issued by the Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

8.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

8.4 Administered by the Office for Product Safety and Standards, the 'Primary Authority' scheme provides for a statutory partnership to be formed between a business and a single authority, e.g. a local authority. That single authority, the Primary Authority, can provide a national inspection strategy within which other local regulators can operate, to improve the effectiveness of visits by local regulators and enable better sharing of information between them. The Primary Authority scheme therefore aims to ensure that local regulation is consistent at a national level.

8.5 Since October 2013, the Primary Authority scheme was extended to include age-restricted sales of gambling, although does not apply to any other aspect of the Act. This means local authorities in England and Wales must follow any age restricted sales

of gambling national inspection plans and strategies that are published on the Primary Authority register when considering proactive age restricted sales (gambling) activity including testing. Primary Authority plans do not prohibit authorities undertaking reactive test purchasing.

8.6 This Authority recognises the value and importance of the Primary Authority scheme and as is required, will engage with Primary Authorities where and when necessary.

9. ENFORCEMENT

9.1 Authorities are required by regulations under the Act to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.

9.2 This Authority's principles are that:

It will be guided by the Guidance and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

9.3 When considering enforcement action, the Authority will consider each case on its own facts and merits and in accordance with its enforcement policy.

9.4 As the Guidance requires, this Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

9.5 This Authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives;
- Relevant Codes of Practice;
- Guidance issued by the Commission, in particular at Part 36; and
- The principles set out in this Statement.

9.6 The main enforcement and compliance role for this Authority in terms of the Act is to ensure compliance with the requirements of the Premises Licences and other permissions which it authorises. The Commission is the enforcement body for the Operating and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Authority but should be notified to the Commission.

9.7 This Authority also keeps itself informed of developments as regards the work of the Office for Product Safety and Standards in its consideration of the regulatory functions of Local Authorities.

9.8 Bearing in mind the principle of transparency, this Authority's enforcement/compliance protocols/written agreements and risk methodology is available upon request to:

Licensing Manager, Licensing Team, Growth & Place, Chichester District Council, East Pallant House, East Pallant, Chichester, West Sussex, PO19 1TY – Email: licensing@chichester.gov.uk or Tel: 01243 534740.

10. LICENSING AUTHORITY FUNCTIONS

10.1 Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*;
- Issue *Provisional Statements*;
- Regulate *Members' Clubs and Miners' Welfare Institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issue *Club Machine Permits to Commercial Clubs*;
- Grant permits for the use of certain lower stake gaming machines at *Unlicensed Family Entertainment Centres*;
- Receive notifications from any person(s) or entity that holds an appropriate Premises Licence granted under the Licensing Act 2003, in order that a maximum of two gaming machines may be made available. The Premises Licence must include the retail sale of alcohol as a licensable activity for consumption on the premises, there must be a bar at the premises from which the alcohol is served without a requirement that alcohol is served only with food;
- Issue *Licensed Premises Gaming Machine Permits* to any person(s) or entity that holds an appropriate Premises Licence granted under the Licensing Act 2003 in order that three or more gaming machines may be made available. Again, the Premises Licence must include the retail sale of alcohol as a licensable activity for consumption on the premises, there must be a bar at the premises from which the alcohol is served without a requirement that alcohol is served only with food;
- Register *Non-Commercial Societies* in order that they can operate Small Society Lotteries within prescribed thresholds;
- Issue *Prize Gaming Permits*;
- Receive and Endorse *Temporary Use Notices*;
- Receive *Occasional Use Notices*;
- Provide information to the Commission regarding details of Licences issued (see Section above on 'Information Exchange'); and
- Maintain registers of the Permits and Licences that are issued under these functions.

10.2 It should be noted that Authorities are not involved in licensing remote gambling at all, as this is regulated by the Commission via Operating Licences.

10.3 Gambling Act 2005 decisions and functions are mostly delegated to the Licensing Committee of the Authority (as established under Section 6 of the Licensing Act 2003 by virtue of Section 154(1) with the exception detailed in Section 154(2)), or in appropriate cases to Officers of this Authority. As many of the decisions will be purely administrative in nature, the principle of delegation to Officers is adopted in the interests of speed, efficiency and cost effectiveness. The terms of delegation of function are set out below.

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Final approval of the Licensing Authority Statement of Policy (Section 349)	X		
Policy not to permit casinos (Section 166)	X		
Fee setting (when appropriate) (Section 212)		X To be made by the full Alcohol and Entertainment Licensing Committee	
Application for premises licences		X Where representations have been received and not withdrawn	X Where no representations received/representations have been withdrawn
Application for a variation to a licence		X Where representations have been received and not withdrawn	X Where no representations received/representations have been withdrawn
Application for a transfer of a licence		X Where representations have been received from the Commission or responsible authority	X Where no representations received from the Commission or responsible authority

Application for a provisional statement		X Where representations have been received and not withdrawn	X Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		X Where objections have been made and not withdrawn	X 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	

11. HUMAN RIGHTS ACT 1998

11.1 In considering applications, and taking enforcement action, this Authority is subject to the Human Rights Act 1998 and in particular the following relevant provisions of the European Convention on Human Rights:

- Article 1, Protocol 1 - peaceful enjoyment of possessions;
- Article 6 - right to a fair hearing;
- Article 8 - respect for private and family life; and
- Article 10 – right to freedom of expression.

PART B

PREMISES LICENCES - CONSIDERATION OF APPLICATIONS

12. General Principles

12.1 Premises Licences are subject to the requirements set-out in the Act and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

(i) Decision-making

12.2 This Authority is aware that in making decisions about Premises Licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- In accordance with any relevant Code of Practice issued by the Commission;
- In accordance with any relevant Guidance issued by the Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with this Statement.

12.3 The Authority recognises that Paragraph 5.34 of the Guidance states that *"moral or ethical objections to gambling are not a valid reason to reject applications for Premises Licences (with the exception of the casino resolution powers)." - see Section 13 on Casinos – and that Paragraph 5.22 further states that "s.153 makes it clear that in deciding whether or not to grant a licence, a Licensing Authority must not have regard to the expected demand for gambling premises that are the subject of the application."*

(ii) Definition of "premises"

12.4 In Section 353(1) of the Act, *"premises"* is defined as including *"any place and in particular – (a) a vessel, and (b) a vehicle"*. Section 152 of the Act states that a Premises Licence *"may not be issued in respect of premises if a premises licence already has effect in relation to the premises"*. However, a single building could be subject to more than one Premises Licence, provided they are for different parts of the building and these parts can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete Premises Licences, where appropriate safeguards are in place. When considering applications, this Authority is aware of the need to pay particular attention regarding sub-division of a single building or plot so as to ensure that the mandatory conditions relating to access between premises are, or would be complied with.

12.5 The Guidance states at Paragraph 7.6 that: *"In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter*

for discussion between the operator and the Licensing Authority.” Further paragraph 7.7 states that “The Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If a premises is located within a wider venue, a Licensing Authority should request a plan of the venue on which the premises should be identified as a separate unit”.

12.6 This Authority takes particular note of Paragraph 7.26 the Guidance which states that:

“Licensing Authorities should take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- *The third licensing objective seeks to protect children from being harmed by gambling. In practice this means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.*
- *Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit; and*
- *Customers should be able to participate in the activity named on the premises licence.”*

12.7 At Paragraph 7.33 of the Guidance, factors which may assist the Authority in determining whether two premises are truly separate have been provided these include:

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

12.8 This Authority will consider the above and any other relevant factors in making its decision, depending on all the circumstances of the case.

12.9 Paragraph 7.23 of the Guidance provides the relevant access provisions for each type of premises, this is reproduced below:

Casinos

- *The principal entrance to the premises must be from a ‘street’ (as defined at Paragraph 7.21 of the Guidance)*
- *No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons*

- *No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.*

Adult Gaming Centre

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

Betting Shops

- *Access must be from a street (as defined at Paragraph 7.21 of the Guidance) or from other premises with a betting premises licence*
- *No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.*

Tracks

- *No customer must be able to access the premises directly from a casino or adult gaming centre.*

Bingo Premises

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

Family Entertainment Centre

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

Part 7 of the Guidance contains further advice on this issue, which this Authority will also carefully take into account in its decision-making.

(iii) Premises “ready for gambling”

12.10 The Guidance states at Paragraph 7.58 that *“a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.”*

12.11 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a Provisional Statement should be made instead.

12.12 In deciding whether a Premises Licence can be granted where there are outstanding construction or alteration works at a premises, this Authority will determine applications on their merits, applying the following two stage consideration process in accordance with Paragraph 7.59 of the Guidance:

- Whether, as a matter of substance after applying the principles in Section 153 of the Act, the premises ought to be permitted to be used for gambling; and
- Whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

12.13 Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

12.14 More detailed examples of the circumstances in which such a licence may be granted can be found within the Guidance at Paragraphs 7.58-7.65 inclusive.

(iv) Location

12.15 This Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As suggested by the Guidance, this Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Each application will be decided on its merits.

(v) Planning

12.16 The Guidance states at Paragraph 7.58 that *“In determining applications, the Licensing Authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.”* This Authority will therefore only take into account matters that are relevant to gambling and the licensing objectives,

12.17 In addition, this Authority notes the Guidance at Paragraph 7.65 which states that *“When dealing with a premises licence application for finished buildings, the Licensing Authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. Section 210 of the Act prevents Licensing Authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.”*

(vi) Duplication with other regulatory regimes

- 12.18 This Authority seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning. This Authority will therefore not consider whether a premises subject of a licence application is likely to be awarded planning permission or building regulations approval.
- 12.19 When dealing with a Premises Licence application for finished buildings, this Authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the Premises Licence.

Licensing objectives

- 12.20 Premises Licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Authority has considered the Guidance and some comments are made below.

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

- 12.21 This Authority is aware that the Commission takes a leading role in preventing gambling from being a source of crime. The Guidance does however envisage that Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an application is for a premises in an area noted for particular problems with disorder, organised criminal activity etc., then this Authority will consider very carefully whether gambling premises are suitable to be located there. Equally it will carefully consider whether control measures by way of conditions are appropriate to prevent the premises from being associated with or used to support crime. An example of a control measure is the provision of Door Supervisors. When considering attaching conditions, this Authority will also take into consideration the content of any risk assessments conducted by the operator.

Ensuring that gambling is conducted in a fair and open way

- 12.22 This Authority has noted that the Commission states at Paragraph 5.11 that it generally *“would not expect Licensing Authorities to find themselves dealing with issues of fairness and openness frequently. Fairness and openness is likely to be a matter for either the way specific gambling products are provided and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence”*. However, naturally if this Authority suspects that gambling is not being conducted in a fair an open way, it will liaise with the Commission appropriately.

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

- 12.23 This Authority considers, as suggested in the Guidance, whether staff will be able to adequately supervise gambling premises, as adequate staffing is a factor to consider regarding the prevention of underage gaming. This Authority will work together with operators to consider how any impediments to the supervision of premises might be most appropriately remedied. Supervision also applies to premises that are themselves not age-restricted (e.g. bingo and family entertainment centres) but which make gambling products and facilities available,
- 12.24 Where the Authority considers the structure or layout to be an inhibition or potential inhibition to satisfying the licensing objective, the Authority will expect the applicant/licensee to consider what changes are required to ensure the risk is mitigated. Changes might include the positioning of CCTV/staff, the use of floor-walkers and/or determining a suitable location for the staff counter so as to ensure direct line of sight.
- 12.25 As regards the term “*vulnerable persons*” it is noted that the Commission does not seek to offer a definition but states at Paragraph 5.17 that “*it does for regulatory purposes, assume that this group includes people who gamble more than they want to, people who gambling beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health needs, a learning disability or substance misuse relating to alcohol or drugs*”. This Authority will consider this licensing objective on a case by case basis.

Conditions

- 12.26 Any conditions attached to licences will be proportionate and will be:
- Relevant to the need to make the proposed building suitable as a gambling facility;
 - Directly related to the premises and the type of licence applied for;
 - Fairly and reasonably related to the scale and type of premises; and
 - Reasonable in all other respects.

This Authority notes that the mandatory and default conditions which attach to certain Premises Licences are set with the intention that it is ordinarily expected that no further regulation in relation to the matters that are being controlled will be required. This Authority will only consider doing so where there are regulatory concerns of an exceptional nature, and any additional licence conditions must relate to the licensing objectives.

- 12.27 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Authority 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. This Authority will also expect applicants for Premises Licences to offer their own suggestions as to ways in which the licensing objectives can be effectively met.

- 12.28 This Authority will also consider specific measures which may be required for buildings which are subject to multiple Premises Licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Guidance.
- 12.29 This Authority will also ensure that where Category C or above gaming machines are on offer in premises to which children are admitted that:
- 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 holder of the licence; 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.
- 12.30 These considerations will apply to premises including buildings where multiple Premises Licences are applicable.
- 12.31 This Authority 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. As per the Guidance, this Authority will consider the impact upon the third licensing objective 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.
- 12.32 It is noted that there are conditions which the Authority cannot attach to Premises Licences which are:
- Any condition on the Premises Licence which makes it impossible to comply with an Operating Licence condition;
 - Conditions relating to gaming machine categories, numbers, or method of operation;
 - Conditions which provide that membership of a Club or body be required (the Act specifically removes the membership requirement for Casino and Bingo Clubs and this provision prevents it being reinstated); and
 - Conditions in relation to stakes, fees, winning or prizes.

Door Supervisors

- 12.33 This Authority recognises Paragraph 33.1 of the Guidance where it states that *“If a Licensing Authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access, for example by children and young persons, then it may require that the entrances to the premises are controlled by a door supervisor. The licensing authority is able to impose a condition on the premises licence to this effect.”*

12.34 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be licensed by the Security Industry Authority or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary. This is supported by the Guidance at Part 33.

13. Adult Gaming Centres

13.1 This Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect applicants to satisfy the Authority that there will be sufficient measures to, for example, ensure that persons under 18 years do not have access to the premises.

13.2 This Authority may consider measures to meet the licensing objectives such as:

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

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

14. (Licensed) Family Entertainment Centres

14.1 This Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, 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.

14.2 This Authority may consider measures to meet the licensing objectives such as:

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

- Measures/training for staff on how to deal with suspected truant school children on the premises.

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

- 14.3 This Authority will seek to establish, so far as is reasonably possible, the extent to which any conditions attached to an Operating Licence controls the way in which the area containing the Category C gaming machines should be delineated.

15. Casinos

- 15.1 Section 7 (1) of the Act states that ‘a casino is an arrangement whereby people are given an opportunity to participate in one or more casino games’. Casino games are defined by the Act to mean a game of chance which is not equal chance gaming. Equal chance gaming is gaming which does not involve playing or staking against a bank, and where the chances are equally favourable to all participants. Examples of casino games include roulette, blackjack, punto banco, three card poker and dice.
- 15.2 This Authority historically passed a ‘no casino’ resolution pursuant to Section 166(1) of the Gambling Act 2005, and therefore determined that it would not issue Casino Premises Licences for any premises in its District. There is no proposal to alter that position and it therefore remains the case that a no casino resolution continues to have effect for the duration of this policy. Despite having a ‘no casino’ resolution, the situation nationally remains unaltered in that only the Authorities that historically bid for and were successful in being granted permission to grant either a ‘large’ or ‘small’ casino licence, may do so. This Authority historically determined not to bid for such permission.
- 15.3 Potential applicants should note that as a ‘no-casino’ resolution has been passed by this Authority, that no applications for Casino Premises Licences will therefore be considered. Any applications received will be duly returned with a notification that a ‘no-casino’ resolution is in place.

16. Bingo

- 16.1 This Authority notes the following Paragraphs of the Guidance:

Paragraph 18.5 – *“Licensing Authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating a separate premises in that area. Before issuing additional premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.”*

Paragraph 18.7 – *“Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.”*

17. Betting Premises

17.1 *Self-Service Betting Terminals (SSBTs)* – Section 181 contains an express power for Authorities to restrict the number of SSBTs, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. In accordance with the Guidance at Paragraph 19.9, when considering the number/nature/circumstances of SSBTs an operator wants to offer, this Authority 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 persons under 18 to bet) or by vulnerable people.

18. Tracks

18.1 This Authority is aware that Tracks may be subject to one or more Premises Licences, provided each licence relates to a specified area of the track. This Authority notes that Guidance and confirms that it 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.

18.2 This Authority will therefore expect the applicant for a Track Premises Licence 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.

18.3 This Authority may consider measures to meet the licensing objectives such as:

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

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

18.4 *Gaming machines* - Where the applicant holds a Pool Betting Operating Licence (this is granted by the Commission) and is going to use the entitlement to four gaming machines, machines (other than Category D) should be located in areas from which children are excluded.

Applications and plans

- 18.5 As part of an application for a Track Premises Licence, applicants are required to submit plans of the premises. As the Guidance states at Paragraph 20.43, *“This ensures that licensing authorities have the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan also informs future premises inspection activity.”*
- 18.6 The Authority also notes Paragraphs 20.44 of the Guidance which states that:
- “Plans for tracks need not be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.”*
- 18.7 This Authority shares the Commission’s appreciation at Paragraph 20.46 of the Guidance that *“It is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Licensing Authorities should satisfy themselves that the plan provides sufficient information to enable them to assess an application.”*

19. Travelling Fairs

- 19.1 Without requiring any form of authorisation under the Act, travelling fairs may provide an unlimited number of Category D gaming machines and/or equal chance prize, provided that the facilities for gambling amount to no more than an ancillary amusement at the fair.
- 19.2 The Authority will consider whether the travelling fair falls within the statutory definition. The Act defines a travelling fair as *“wholly or principally”* providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year.
- 19.3 It is noted that the 27-day statutory maximum for land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. So far as is reasonably practicable, this Authority will monitor the use of land and will work with its neighbouring Authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

20. Provisional Statements

- 20.1 Developers may wish to apply to this Authority for Provisional Statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a Premises Licence. There is no need for the applicant to hold an Operating Licence in order to apply for a Provisional Statement.

- 20.2 Section 204 of the Act provides for a person to make an application to the Authority for a Provisional Statement in respect of premises that they:
- (a) Expect to be constructed;
 - (b) Expect to be altered; or
 - (c) Expect to acquire a right to occupy.
- 20.3 The process for considering an application for a Provisional Statement is the same as that for a Premises Licence application. The applicant is obliged to give notice of the application in the same way as applying for a Premises Licence. Responsible Authorities and Interested Parties may make representations and there are rights of appeal.
- 20.4 In contrast to the Premises Licence application, the applicant does not have to hold, or have applied for, an Operating Licence from the Commission and they do not have to have a right to occupy the premises in respect of which their application for a Provisional Statement is made.
- 20.5 The holder of a Provisional Statement may then apply for a Premises Licence once the premises are constructed, altered or acquired. The Authority will be constrained in the matters it can consider when determining the Premises Licence application, and in terms of representations about Premises Licence applications that follow the grant of a Provisional Statement, no further representations from relevant Responsible 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.
- 20.6 In addition, the Authority may refuse the Premises Licence (or grant it on terms different to those attached to the Provisional Statement) only by reference to matters:
- Which could not have been raised by way of representations at the Provisional Statement stage;
 - Which, in the Authority's opinion, reflect a change in the Operator's circumstances; or
 - Where the premises has not been constructed in accordance with the plan and information submitted with the Provisional Statement application. This must be a substantial change to the plan and this Authority would discuss any concerns it has with the applicant before making a decision.

21. Reviews

- 21.1 Requests for a review of a Premises Licence can be made by Responsible Authorities or Interested Parties; however, it is for the Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below;
- In accordance with any relevant Code of Practice issued by the Commission;
 - In accordance with any relevant Guidance issued by the Commission;

- Reasonably consistent with the licensing objectives; and
 - In accordance with this Statement.
- 21.2 The request for the review will also be subject to the consideration by the Authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this Authority to wish to alter/revoke/suspend the Licence, or whether it is substantially the same as previous representations or requests for review.
- 21.3 The Authority can also initiate a review of a particular Premises Licence, or a particular class of Premises Licence on the basis of any reason which it thinks is appropriate.
- 21.4 Once a valid application for a review has been received by the Authority, representations can be made by Responsible Authorities and Interested Parties during a 28 day period. This period begins 7 days after the application was received by the Authority, who will publish notice of the application within 7 days of receipt.
- 21.5 The Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 21.6 The purpose of the review will be to determine whether the Authority should take any action in relation to the Licence. If action is justified, the options open to the Authority are:-
- (a) Add, remove or amend a Licence condition imposed by the Authority;
 - (b) Exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
 - (c) Suspend the Premises Licence for a period not exceeding three months; and
 - (d) Revoke the Premises Licence.
- 21.7 In determining what action, if any, should be taken following a review, the Authority must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.
- 21.8 In particular, the Authority may also initiate a review of a Premises Licence on the grounds that a holder of a Premises Licence has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 21.9 Once the review has been completed, the Authority must, as soon as possible, notify its decision to:
- The holder of the licence;
 - The applicant for review (if any);
 - The Commission;
 - Any person who made representations;
 - The Chief Officer of Police or Chief Constable; and
 - Her Majesty's Commissioners for Revenue and Customs

PART C
Permits / Temporary & Occasional Use Notice

**22. Unlicensed Family Entertainment Centre Gaming Machine Permits
(Statement of principles on Permits – Section 247 of the Act and Schedule 10
Paragraph 7)**

- 22.1 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Authority for this Permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use in accordance with the requirements of Section 238 of the Act.
- 22.2 Schedule 10, Paragraph 7 of the Act states that an Authority may “*prepare a statement of principles that they propose to apply*” in determining the suitability of an applicant for a Permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25 of the Act. The Guidance also states at Paragraph 24.8 “*In its Statement of Policy, a Licensing Authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for Permits..... Licensing Authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group.*”
- 22.3 Guidance also states at Paragraph 24.9 that “*An application for a Permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an Unlicensed Family Entertainment Centre, and if the Chief Officer of Police has been consulted on the application....Licensing Authorities may also consider asking applicants to demonstrate:*
- *A full understanding of the maximum stakes and prizes of the gambling that is permissible in Unlicensed Family Entertainment Centres;*
 - *That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and*
 - *That employees are trained to have a full understanding of the maximum stakes and prizes.”*
- 22.4 It should be noted that an Authority cannot attach conditions to this type of Permit.
- 22.5 Statement of principles - This Authority will expect applicants to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises. This Authority will also expect, as suggested by the Guidance, that applicants 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. This Authority also expects applicants to provide a plan in support of their application. The plan must clearly show the extent of the boundary or perimeter of the premises and the location at the premises in which the Category D gaming machines will be made available for use in reliance on the Permit.

23. (Alcohol) Licensed Premises Gaming Machine Permits & Automatic Entitlement (Section 283 of the Act and Schedule 13 Paragraph 4(1)) (Section 282 of the Act)

Permit: 3 or more gaming machines

- 23.1 Under Section 283 of the Act, the holder of an appropriate alcohol Premises Licence granted under the Licensing Act 2003 (the Premises Licence must include the retail sale of alcohol as a licensable activity for consumption on the premises, there must be a bar at the premises from which the alcohol is served without a requirement that alcohol is served only with food) may apply for a Permit if they wish to make available for use at the premises more than two gaming machines drawn from Category C and/or D. The Authority must consider any application for a Permit based upon the licensing objectives, any guidance issued by the Commission issued under Section 25 of the Act, and “*such matters as they think relevant*”.
- 23.2 This Authority considers that “*such matters*” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect applicants to satisfy the Authority that there will be sufficient measures to ensure that persons under 18 years do not have access to the adult only gaming machines. Measures which will satisfy the Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage 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.
- 23.3 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.
- 23.4 It should be noted that the Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 23.5 It should also be noted that the holder of a Permit must comply with any Code of Practice issued by the Commission about the location and operation of the machine.

Automatic entitlement: Maximum of 2 gaming machines

- 23.6 Under Section 282 of the Act, the holder of an appropriate alcohol Premises Licence granted under the Licensing Act 2003 (the Premises Licence must include the retail sale of alcohol as a licensable activity for consumption on the premises, there must be a bar at the premises from which the alcohol is served without a requirement that

alcohol is served only with food) may give notice to the Authority that they wish to take advantage of the automatic entitlement to provide at the premises a maximum of two gaming machines again drawn from either Category C and/or D. There is no application process, however the holder of the Premises Licence is required to formally notify the Authority prior to making gaming machines available for use.

23.7 However, the Authority can remove the automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- Gaming has taken place on the premises that breaches a condition of Section 282 of the Act, for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of the gaming machines;
- The premises are mainly used for gaming; or
- An offence under the Act has been committed on the premises.

24. Prize Gaming Permits

24.1 Schedule 14, Paragraph 8(1) of the Act states that an Authority may “*prepare a statement of principles that they propose to apply in exercising their functions under this Schedule*” which “*may, in particular, specify matters that the Licensing Authority proposes to consider in determining the suitability of the applicant for a Permit.*”

24.2 Statement of principles - This Authority will expect that applicants should set out the types of gaming that they are intending to offer and they should also be able to demonstrate:

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

24.3 In accordance with the provisions of Schedule 14, Paragraph 8(3) of the Act, the Authority, when making its decision on an application for a Permit, does not need to (but may) have regard to the licensing objectives but must have regard to any Guidance issued by the Commission.

24.4 It should be noted that there are conditions in the Act by which the holder of the Permit must comply, but that the Authority cannot attach conditions. The conditions in the Act are:

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

- Participation in the gaming must not entitle the player to take part in any other gambling.

25. Club Gaming and Club Machines Permits

25.1 Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit which authorises an establishment to provide gaming machines as well as equal chance gaming and games of chance as prescribed in regulations, namely pontoon and chemin de fer. Up to a maximum of three gaming machines drawn from categories B3A, B4, C or D may be provided, but only one B3A machine may be sited as part of this entitlement.

25.2 If a Club does not wish to have the full range of benefits permitted by a Club Gaming Permit or if they are a Commercial Club, then they may apply for a Club Machine Permit. This authorises gaming machines to be provided in accordance with the following requirements:

Members Clubs and Miners' Welfare Institutes - maximum of three gaming machines drawn from categories B3A, B4, C or D. Only one B3A machine may be sited as part of this entitlement.

Commercial Clubs - maximum of three gaming machines drawn from categories B4, C or D.

25.3 Guidance states at Paragraph 25.4 that *"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 restricted to that of a prescribed kind (currently bridge or whist). Members' clubs must be permanent in nature but there is no need for a club to have an alcohol licence."*

25.4 The Guidance also states at Paragraph 25.38 that *"Licensing Authorities may only refuse an application on the grounds that:*

- The applicant does not fulfil the requirements for a Members' or Commercial Club or Miners' Welfare Institute and therefore is not entitled to receive the type of Permit for which it has applied;*
- The applicant's premises are used wholly or mainly by children and/or young persons;*
- An offence under the Act or a breach of a Permit has been committed by the applicant while providing gaming facilities;*
- A Permit held by the applicant has been cancelled in the previous ten years; or*
- An objection has been lodged by the Commission or the Police."*

25.5 There is also a 'fast-track' procedure available under Schedule 12, Paragraph 10 of the Act in respect of premises which also benefit from a Club Premises Certificate granted under the Licensing Act 2003. As the Guidance states at Paragraphs 25.41 & 25.43, *"Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the Police, and the grounds upon which an Authority can refuse a permit are reduced."* and *"The grounds on which an application under this process may be refused are that:*

- (a) *The Club is established primarily for gaming, other than gaming prescribed by Regulations under Section 266 of the Act;*
- (b) *In addition to the prescribed gaming, the applicant provides facilities for other gaming;*
- (c) *A Club Gaming Permit or Club Machine Permit issued to the applicant in the last ten years has been cancelled."*

25.6 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.

26. Temporary Use Notices

26.1 Temporary Use Notices allow the use of premises for gambling where there is no Premises Licence in effect, however the holder of an appropriate operating licence wishes to use a premises temporarily for providing facilities for gambling. At Paragraph 14.1 of the Guidance, the Commission have suggested that premises that might be suitable for a Temporary Use Notice would include hotels, conference centres and sporting venues. Temporary Use Notices are often, but not exclusively, used to run poker tournaments.

26.2 Secondary legislation, The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 sets out the restrictions on the type of gambling to be offered under a Temporary Use Notice. These restrictions are:

- It can only be used to offer gambling of a form authorised by the operator's operating licence, and consideration should therefore be given as to whether the form of gambling being offered on the premises will be remote, non-remote, or both;
- Gambling under a Temporary Use Notice may only be made available on a maximum of 21 days in any 12 month period for any or all of a named set of premises;
- It can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner;
- Gaming machines may not be made available under a Temporary Use Notice.

26.3 There are a number of statutory limits regarding Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Guidance. As with "*premises*", the definition of "*a set of premises*" will be a question of fact in the particular circumstances of each notice that is given. In the Act "*premises*" is defined as including "*any place*".

26.4 In considering whether a place falls within the definition of "a set of premises", the Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

26.5 This Authority is likely to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

27. Occasional Use Notices:

- 27.1 The intention of Occasional Use Notices is to permit licensed betting operators with appropriate permission from the Commission, to use tracks for short periods for conducting betting, where the event upon which the betting is to take place is of a temporary, infrequent nature. The Occasional Use Notice must be served by a person who is responsible for administration of events on the track or by an occupier of a track.
- 27.2 The Authority has very little discretion as regards these notices, except for ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Authority will, however, consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. A 'track' includes horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place, or is intended to take place. Land therefore which has a number of uses, one of which fulfils the definition of a track, can qualify for the Occasional Use Notice provisions (for example agricultural land upon which a point-to-point meeting takes place).
- 27.3 Betting operators cannot provide gaming machines at tracks by virtue of an Occasional Use Notice.

APPENDIX A – PLAN OF THE CHICHESTER DISTRICT COUNCIL AREA



APPENDIX B – CONSULTEES ON DRAFT STATEMENT

Mrs Jane Hotchkiss, Director of Growth and Place, Chichester District Council

~~Mr Paul Over, Executive Director of Support Services and the Economy, Chichester District Council~~

~~Mr John Ward, Director of Corporate Services, Chichester District Council~~

~~Mr Nicholas Bennett, Divisional Manager Democratic Services, Chichester District Council~~

All Divisional Managers at Chichester District Council

District Councillors of Chichester District Council

City, Town and Parish Councils within the Chichester district

Responsible Authorities as specified at Appendix C

Mr Andy Isaacs, Compliance Manager, Gambling Commission

Adults' Services, West Sussex County Council

Holders of existing permissions granted under the Gambling Act 2005

Community Safety Partnership (CSP)

Chichester Chamber of Commerce and Industry (CCCI)

British Amusement Catering Trade Association (BACTA)

Association of British Bookmakers (ABB)

Bingo Association

National Casino Forum

Hospice Lotteries Association

Lotteries Council

Remote Gambling Association (RGA)

The Racecourse Association Limited

British Horse Racing Authority (BHA)

British Beer and Pub Association (BBPA)

GambleAware

GamCare

Gamblers Anonymous

Citizens Advice Bureau

Churches Together in Sussex

APPENDIX C – RESPONSIBLE AUTHORITY DETAILS

Development Management (*premises outside of the South Downs National Park*)

Head of Planning Services, Development Management, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY - Tel: 01243 534734 - Fax: 01243 534563 - Email: dcplanning@chichester.gov.uk - Website: www.chichester.gov.uk

South Downs National Park Authority (*premises inside the South Downs National Park*)

South Downs National Park Authority, c/o Head of Planning Services, Development Management, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY - Tel: 01243 534734 - Fax: 01243 534563 - Email: dcplanning@chichester.gov.uk - Website: www.chichester.gov.uk and <http://www.southdowns.gov.uk/>

Environmental Protection Team

Environmental Protection Manager, Environmental Management Protection Team, Development Management, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY - Tel: 01243 785166 ext. 4598 - Fax: 01243 776766 - Email: environmentalprotect@chichester.gov.uk - Website: www.chichester.gov.uk

Gambling Commission

Victoria Square House, Victoria Square, Birmingham, B2 4BP - Tel: 0121 230 6666 - Fax: 0121 230 6720 - Email: info@gamblingcommission.gov.uk - Website: www.gamblingcommission.gov.uk

HM Revenue and Customs (HMRC)

Excise Processing Teams, BX9 1GL, United Kingdom - Tel: 0300 322 7072 Option 7 - Email: nrubetting&gaming@hmrc.gsi.gov.uk - Website: www.hmrc.gov.uk

Licensing Authority

Licensing Manager, Licensing Team, Growth & Place, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY - Tel: 01243 785166 - Fax: 01243 776766 - Email: licensing@chichester.gov.uk - Website: www.chichester.gov.uk

West Sussex Local Safeguarding Children Board

West Sussex Local Safeguarding Children Board, c/o Children's Safeguarding Unit, Room 24, Durban House, Bognor Regis, West Sussex, PO22 9RE - Tel: 03302 223337 - Email: cpu.team@westsussex.gcsx.gov.uk - Website: www.westsussex.gov.uk

Sussex Police

Chief Officer of Sussex Police, c/o Licensing Officer, Sussex Police, Centenary House, Durrington Lane, Worthing, West Sussex, BN13 2PQ - Tel: 0845 60 70 999 or 101 - Fax: 01243 843637 - Email: WS_Licensing_WOR@sussex.pnn.police.uk - Website: www.sussex.police.uk

West Sussex Fire and Rescue Service

Business Fire Safety, West Sussex Fire & Rescue Service, Centenary House, 1st Floor West Wing Rooms 236 & 245, Durrington Lane, Worthing, West Sussex, BN13 2QB - Tel: 0330 222 3333 - Email: businessfiresafety@westsussex.gov.uk - Website: www.westsussex.gov.uk

APPENDIX D – SUMMARY OF GAMING MACHINE CATEGORIES AND ENTITLEMENTS

Category of machine	Maximum stake	Maximum prize
A	Unlimited – No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D - Non-money prize	30p	£8
D - Non-money prize (crane grab machines only)	£1	£50
D - Money prize	10p	£5
D - Combined money and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D - Combined money and non-money prize (coin pusher or penny falls machine only)	20p	£20 (of which no more than £10 may be a money prize)

* With option of maximum £20,000 linked progressive jackpot on premises basis only

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