



Licensing Committee

Thursday 21 June 2018 at 6.00 pm

Room 6, Capswood, Oxford Road, Denham

A G E N D A

Item

1. Evacuation Procedure
2. Apologies for Absence
3. Minutes (*Pages 3 - 8*)

To approve the minutes of the Licensing Committee meetings held on 24 January and 16 May 2018.

4. Declarations of Interest
5. Licensing Act 2003 Policy Review 2017: Consultation outcome (*Pages 9 - 12*)

Appendix 1: draft Licensing Act 2003 Policy Statement (Pages 13 - 52)

Appendix 2: Consultation responses (Pages 53 - 54)

6. Review of the Council's Gambling Act 2005 Statement of Principles (*Pages 55 - 58*)

Appendix 1: draft Statement of Principles (Pages 59 - 102)

Appendix 2: Local area profile (Pages 103 - 106)

7. Exclusion of the public (if required)

To resolve that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in part 1 of Schedule 12A to the Act.

Note: All reports will be updated orally at the meeting if appropriate and may be supplemented by additional reports at the Chairman's discretion.

Membership: Licensing Committee

Councillors: T Egleton (Chairman)
M Lewis (Vice-Chairman)
D Anthony
P Griffin
P Hogan
J Jordan
D Pepler
G Sandy
R Sangster
D Smith

Date of next meeting – Wednesday, 26 September 2018

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LICENSING COMMITTEE (SBDC)

Meeting - 24 January 2018

Present: T Egleton (Chairman)
D Anthony, P Hogan, J Jordan, M Lewis, D Pepler and
D Smith

Apologies for absence: G Sandy, R Sangster and D Saunders

5. ELECTION OF CHAIRMAN

It was proposed by Councillor D Smith, and seconded by Councillor J Jordan, and

RESOLVED that Councillor T Egleton be elected Chairman of the Licensing Committee for the remainder of the Municipal Year.

6. APPOINTMENT OF VICE-CHAIRMAN

It was proposed by Councillor T Egleton, and seconded by Councillor D Smith, and

RESOLVED: that Councillor M Lewis be appointed Vice-Chairman of the Licensing Committee for the remainder of the Municipal Year.

7. MINUTES

The Minutes of the meetings of the Licensing Committee held on 5 October 2016 and 23 May 2017 were agreed as a correct record.

8. DECLARATIONS OF INTEREST

There were no declarations of interest.

9. LICENSING ACT POLICY REVIEW 2018

The Committee considered the draft revised Licensing Act Policy Statement and were asked to approve the document for public consultation. The Council was statutorily required to prepare and publish a Licensing Policy every 5 years, and to keep the Policy under review throughout that time.

It was noted that there had been no specific issues with the Policy since the last review and it had been updated in a number of areas to reflect changes made since the last review. This included updates being made to take account of changes to

Licensing Committee (SBDC) - 24 January 2018

immigration legislation, updating the name of the Committee, and removing references to officer delegations which were available to view in the Council's Constitution to avoid duplication. An extra delegation was proposed to enable the Head of Healthy Communities to make minor changes to the Policy, in consultation with the Chairman of the Committee, to avoid small changes or corrections to the Policy having to be made by the Committee. Members also noted that the neighbour notification policy, referred to in the report and circulated during the meeting, would be included in the Policy for consultation. An updated district ward map would also be attached to the Policy.

Members suggested that clear guidance when notifying neighbours was required. It was noted that neighbour notification letters would make clear that valid reasons for objecting to applications needed to be based on the four Licensing Objectives and licensing officers would check to that only objections containing valid reasons were accepted.

RESOLVED that

1. The draft Licensing Policy be approved for consultation for a period of 6 weeks, commencing in February 2018.
2. The results of the consultation exercise be reported back to the Licensing Committee at a future meeting for further consideration.
3. It be noted that Full Council would agree the adoption of the final Licensing Policy at a meeting likely to be held in November 2018.

10. **LICENSING ACT 2003 - OFFICER DETERMINATIONS**

The Committee reviewed and noted a list of delegated determinations made by the Licensing Officer during the period covering 15 September 2016 to 31 December 2017 for personal licences, premises licence grants, variations and variations pending.

RESOLVED that the report be noted.

11. **LICENSING ACT 2003 - SCHEDULE OF LICENSING SUB-COMMITTEES**

The Committee received a report from the Director of Services detailing Licensing Sub Committee determinations and appeals for the period 10 June 2016 and 4 January 2018.

RESOLVED that the report be noted.

Licensing Committee (SBDC) - 24 January 2018**12. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - OFFICER DETERMINATIONS**

Members received a report detailing the number of officer determinations for private hire and hackney carriage matters during the period 15 September 2017 to 31 December 2017.

RESOLVED that the report be noted.

13. TAXI AND PRIVATE HIRE LICENSING - SCHEDULE OF LICENSING SUB-COMMITTEE DETERMINATIONS

The Committee received a report from the Director of Services detailing Licensing Sub Committee determinations and appeals for taxi and private hire licences during 1 March 2016 to 9 June 2016.

RESOLVED that the report be noted.

14. LICENSING OF HOUSE TO HOUSE COLLECTIONS AND STREET COLLECTIONS

The Committee received a report detailing the number of street collection permits issued between 15 September 2016 and 31 December 2017.

It was clarified that any street collections involving the collection of cash or goods of value taking place anywhere the public has access to were regulated. In those instances the street collector would need to have registered with the Council beforehand. Street collections involving the gathering of information with the intension of setting up direct debit payments were not currently regulated under the existing legislation. As there were a number of exceptions to the regulations Members were encouraged to contact the licensing team if they had any specific questions or concerns regarding any street collections operating in the district. The Licensing team could then follow up any non-compliance of any regulated street collection activity as required.

Further information was requested to show what proportion of the 173 street collection permits issued during the period were for local charities. The Licensing Manager advised that a review of the way street collection permits were issued could be carried out in future to ensure that there was fair access to permits.

RESOLVED that the report be noted.

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15. VOTE OF THANKS

The Chairman, on behalf of the Committee, expressed thanks to Nathan March (Licensing Manager), who would be leaving shortly to work for another Council, for all his hard work over recent years.

The meeting terminated at 6.34 pm

LICENSING COMMITTEE (SBDC)

Meeting - 16 May 2018

Present: D Anthony, T Egleton, P Griffin, P Hogan, J Jordan, M Lewis,
D Pepler, G Sandy and D Smith

Apologies for absence: R Sangster

16. ELECTION OF CHAIRMAN

It was proposed by Councillor Smith, seconded by Councillor Pepler and

RESOLVED that Councillor Egleton be declared Chairman of the Licensing Committee for 2018/19.

17. APPOINTMENT OF VICE-CHAIRMAN

It was proposed by Councillor Egleton, seconded by Councillor Smith and

RESOLVED that Councillor Lewis be appointed Vice-Chairman of the Licensing Committee for 2018/19.

The meeting terminated at 7.17 pm

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Licensing Committee

SUBJECT:	Licensing Act 2003 Policy Review 2017 Consultation Outcome
REPORT OF:	Director of Services – Steve Bambrick
RESPONSIBLE OFFICER	Head of Healthy Communities – Martin Holt
REPORT AUTHOR	Charlie Robinson, 01494 732056, crobinson@chiltern.gov.uk
WARD/S AFFECTED	All

1. Purpose of Report

- 1.1 To advise members of the outcome of the consultation on the revised draft Licensing Act 2003 Policy Statement (“the draft Policy”) and for members to consider the responses received so that the draft Policy can be recommended to Full Council for adoption.

RECOMMENDATIONS

It is recommended that;

1. The responses to the consultation in Appendix 2 be considered by members.
2. The draft Policy attached at Appendix 1 be recommended for adoption with or without modification by Full Council.
3. Members note that it is intended to report to Council on 14th November 2018 recommending the adoption of the final draft Policy with effect from 10th December 2018.

2. Reasons for Recommendations.

- 2.1 It is important that the consultation responses are given due consideration by members and the draft Policy be amended if appropriate in light of those responses before recommending the draft Policy to Council for adoption.
- 2.2 The Council has a statutory responsibility to ensure that the Licensing Policy is reviewed at least every 5 years. For the draft Policy to be adopted within this statutory timescale, a report recommending its adoption must go to the meeting of the Council on 14th November 2018.

3. Background

- 3.1 Following the Licensing Committee meeting on 24th January 2018, the draft Policy was subject to a six week consultation.
- 3.2 The Guidance issued under section 182 of the Licensing Act 2003 (“the 2003 Act”) states that before determining its policy for any five year period, the Licensing Authority must consult the persons listed in section 5(3) of the 2003 Act. These are:
- the Chief Officer of Police for the area;

Licensing Committee

- the Fire and Rescue authority for the area;
- each Primary Care Trust or Local Health Board for an area any part of which is in the licensing authority's area
- persons/bodies representative of local holders of premises licences;
- persons/bodies representative of local holders of club premises certificates;
- persons/bodies representative of local holders of personal licences; and
- persons/bodies representative of businesses and residents in its area.

3.3 The Council has consulted with all of the above named consultees and the Town and Parish Councils have also been consulted. The draft Policy was publicised on the Council's website, and via the Council's social media accounts.

4. Discussion

4.1 There were 4 responses received to the consultation, attached in Appendix 2. Two of the responses stated that they had no comments to make, one from the Thames Valley Police Licensing Department and the other from a local premises licence holder. One response was from the Buckinghamshire Safeguarding Children Board providing up to date contact information. The other response was from a firm of solicitors that specialise in licensing (Poppleston Allen) who made a number of points in relation to sections of the draft Policy that they feel could be made clearer for the reader.

4.2 The comments made by Poppleston Allen have been noted and as a result some minor amendments to the wording of the draft Policy have been made in order for the draft Policy to be more easily understood by all parties and to avoid any doubt. The changes made to the wording are shown in Appendix 1 via tracked changes.

5. Corporate Implications

5.1 Legal and Financial.

The revision of the Statement of Principles is a statutory requirement under the 2003 Act and must be undertaken every 5 years. The costs in carrying out the review, including the consultation process, will be covered by the 2003 Act fees. There will be no income generated by the proposed revision of the existing Policy.

5.2 Equalities Act 2010

An Equalities Impact Assessment (EIA), in accordance with the requirements of the Equality Act 2010, has been undertaken in connection with the review of the Statement of Principles. The EIA undertaken, a copy of which can be viewed by contacting the Licensing Team, did not identify any adverse equality issues and as a result no further action or mitigation is considered appropriate.

5.3 Other Implications

A robust Statement of Principles assists the Council in preventing Crime and Disorder, and minimising the negative impact of licensable activities on the local environment. It should

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encourage good partnership working with Responsible Authorities and other key stakeholders.

5. Links to Council Policy Objectives

The publication of an effective Licensing policy links to all 3 of the Council's headline objectives:

1. Delivering cost- effective, customer- focused services.
2. Working towards safe and healthier local communities.
3. Striving to conserve the environment and promote sustainability.

6. Next Steps

The next steps will be as stated in the recommendations.

Background Papers:	None other than those referred to in this report.
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SOUTH BUCKS

District Council

LICENSING POLICY

Pursuant to Section 5 of the Licensing Act 2003, as amended.

Adoption and review dates

Adopted 7th DECEMBER 2004.

1st Review – 11th December 2007.

2nd Review - 14th December 2010.

3rd Review – 10th December 2013.

4th Review – XX December 2018

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The purpose and scope of the Licensing Policy

This Statement of Licensing Policy sets out the approach that South Bucks District Council intends to take in carrying out its licensing duties under the Licensing Act 2003, as amended. The Policy covers the sale of alcohol to the public, the supply of alcohol to members of a club, the provision of regulated entertainment, and the provision of late night refreshment within this District. It also identifies how the Council when carrying out its licensing duties will seek to promote the four 'licensing objectives' referred to in the Act, namely:-

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

We hope that this Policy Statement provides practical guidance to local residents, visitors and businesses - large and small - on licensing matters in the South Bucks District. The Council will continue to work in close partnership with individuals and organisations having a responsibility under the Licensing Act 2003. This includes organisations such as the Thames Valley Police and Buckinghamshire Fire Service, licensees and certificate holders, businesses, residents and their representatives so that the whole community is involved in the future of licensing in the District.

At the time that this policy has been reviewed there are 301 businesses which have either a premises licence or a club premises certificate and about 891 individuals who hold a personal licence issued by the Council. The licensed premises in the district include pubs, off-licences, night-clubs; sporting and social clubs; cinemas, theatres; restaurants, late night cafes and takeaways. All of these provide a wide range of leisure and cultural services providing employment and enjoyment for thousands of people. The Council will continue to assist the retail, hospitality and leisure industry to flourish and continue to be a major asset to the local economy. At the same time, the Council is aware of the crime and disorder and noise nuisance problems that can sometimes affect residents living close to licensed premises. As such it will always try to balance the legitimate business aspirations of applicants and licensees, the leisure and cultural interests of customers and the reasonable expectation of local residents to a peaceful existence in their own homes and neighbourhoods.

It is sometimes difficult to achieve this balance and satisfy all those competing interests. However, we will continue to encourage all of those involved in the licensing process to work together in a spirit of co-operation, partnership and mutual understanding. In spite of these potential problems, the Council warmly welcomed this new licensing regime when it was introduced in 2005 and said that it would do all it could to act in a fair and equitable way. To date we consider that we have achieved that aim and will continue to strive to do so. When we took over responsibility for this area of licensing we said that we would endeavour to co-ordinate and manage an efficient and effective licensing system, which achieves and maintains the objectives of the Licensing Act 2003 for the benefit of the whole community.

To date we think that overall we have been successful in our approach. Where our attention has been drawn to problems involving any licensed premises we have reacted quickly and, sometimes in conjunction with other agencies, have generally been able to resolve issues of concern informally. In that respect we would like to thank the residents and businesses and responsible authorities for giving us the opportunity to try to resolve their problems in that manner and also the licence holders for their positive

response when problems have been drawn to their attention. We hope that we will continue to see such co-operation in the future.

District Profile

South Bucks District lies in the western sector of the South East region, situated between Greater London to the east and Reading and Oxford to the west. The District is bordered by a number of urban areas, in particular, Greater London, Slough, Maidenhead, and High Wycombe.

The District was established on 1 April 1974, when, as a result of the Local Government Act 1972, the former Beaconsfield Urban and Eton Rural Districts were abolished. From 1974 until 1 April 1981 the District was known as Beaconsfield District. The District has an area of 14,157 hectares and a current population of 66,900 (2011 Census).

The District is principally rural, being located wholly within the Metropolitan Green Belt around London. Some 87% of the land in the District is designated as Green Belt. The only areas not designated as Green Belt are the urban areas within the larger settlements of Beaconsfield, Burnham, Denham Green, Farnham Common, Farnham Royal, Gerrards Cross, Iver, Iver Heath, New Denham, Richings Park and Stoke Poges. The settlements are primarily residential in nature and of a very pleasant character. The District also has a number of smaller and more rural settlements situated within the Green Belt. A number of the settlements include Conservation Areas.

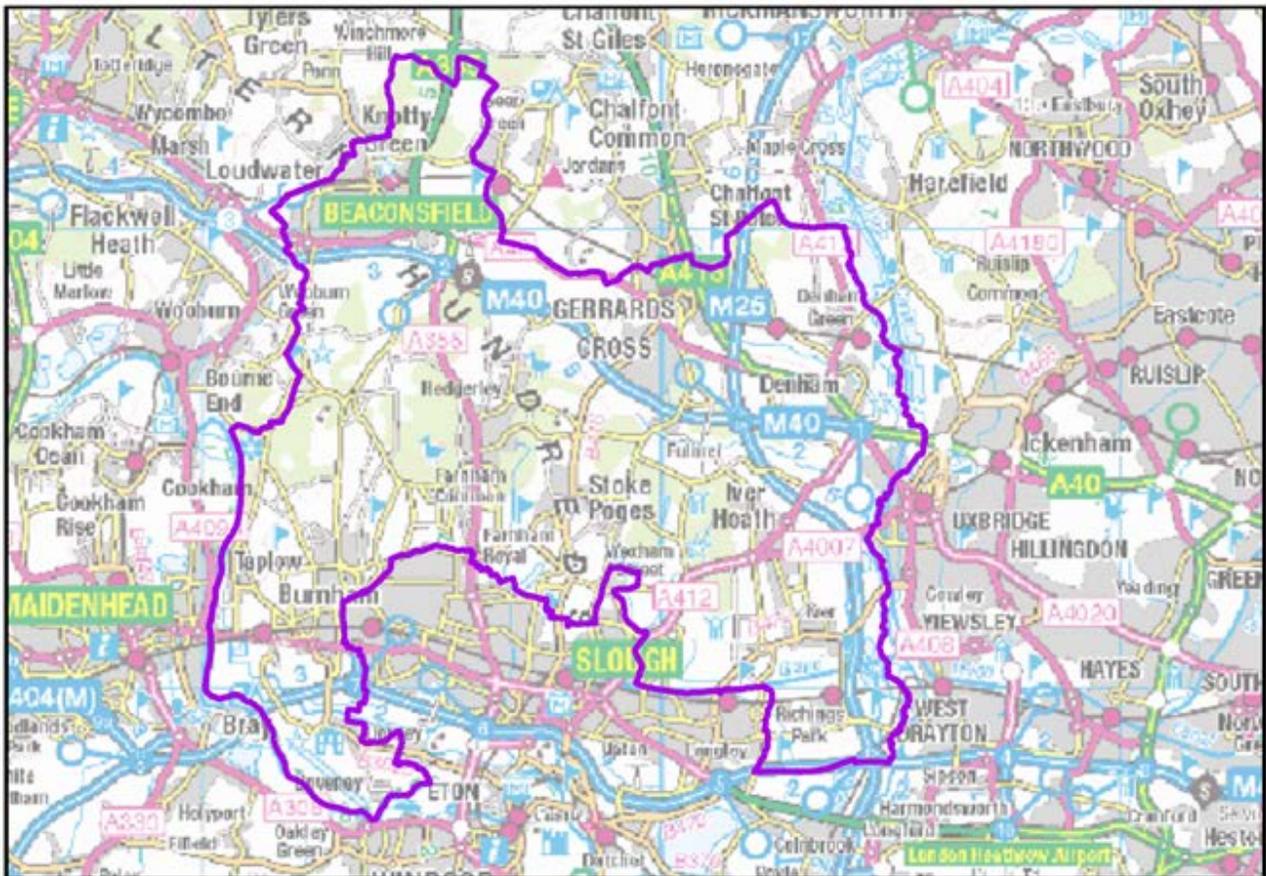
Large parts of the District's countryside are very attractive, crossed by rural lanes, and include extensive woodlands (including Burnham Beeches), heathland, agricultural land, private parks and estates. A small part of the District lies within the Chilterns Area of Outstanding Natural Beauty. Some 25% of the District is designated as Areas of Attractive Landscape. However, some localities in South Bucks have been subjected to gravel extraction, particularly parts of the Colne Valley Park in the east of the District.

Transport links with adjoining areas are very good, with the M4, M25 and M40 motorways all crossing the District. There are also good rail links to London and Birmingham via the Chiltern line and to London and the West via the Thames line. The District's population is highly mobile, with about one out of every two households having the use of at least two cars. Heathrow Airport is situated just to the south east of the District.

South Bucks is within an area which consistently has one of the lowest unemployment rates in England. Of the resident population, 32,000 (50%) are economically active. Around 60% of those in work commute out of the District for their employment, principally to Slough and Greater London. Conversely about 60% of the jobs in the District are taken by people commuting into South Bucks.



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South Bucks District Council 100025874 (2008)



1. Introduction

1.1 South Bucks District Council (hereinafter referred to as “the Council”) is responsible for the licensing of licensable activities under the Licensing Act 2003, as amended (hereinafter referred to as “the Act”) in accordance with Part 1 s.1. This document sets out the policies that the Council as Licensing Authority for the purposes of the Act will apply when making decisions upon applications for the following licensable activities:

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

Regulated entertainment requires a licence when it is performed in front of an audience and includes the following:

- a performance of a play
- a boxing or wrestling entertainment (indoors and outdoors)
- a performance of live music (not incidental music, i.e. a piano in a restaurant)

- any playing of recorded music an exhibition of a film
- an indoor sporting event
- a performance of dance

Live unamplified music taking place between 08:00 hours and 23:00 hours and live amplified music taking place between 08:00 hours and 23:00 hours before audiences of no more than 200 people on premises authorised to supply alcohol on the premises or in workplaces is not licensable entertainment by virtue of amendments made to the Licensing Act 2003 by the Live Music Act 2012.

Some other previously licensable activities, requirements and restrictions have also been removed following the enactment of The Deregulation Act 2013. Some exhibition of film (in limited circumstances) and the sale of liquor chocolates have been deregulated. In addition, the requirements on personal licence holders have also been reduced.

The provision of late night refreshments means the supply of hot food and/or drink from a premise from 23.00 hours to 05.00 hours for consumption on or off the premises.

1.2 This policy shall apply to the following

- Premises Licence
- Club Premises Certificates
- Personal Licences
- Temporary Event Notices

in respect of new consents, renewals, transfers, variations, complaints and reviews.

1.3 There is a statutory presumption that all applications will be granted unless a relevant representation is raised and Special Conditions that are consistent with the Operating Schedule and the four licensing objectives will be imposed. See further details in paragraph 2.4 below.

1.4 The Act makes provision for this policy to be the subject of consultation and the list of consultees is attached as Appendix 1. In drawing up and reviewing this Policy, regard was had to responses to the consultation and National Guidance issued under Section 182 of the Act. The Council will review this policy at least every five years and consult on any proposed revisions (except in respect of the Model Conditions – see Appendix 3).-The Policy may also be subject to minor amendments from time to time, for example, when there are changes to relevant legislation; when this is necessary, changes will be authorised by the Head of Healthy Communities, in consultation with the Chairman of the Licensing and Regulation Committee.

1.5 The Act sets out four licensing objectives which the Council has a duty to promote in determining applications:

- Prevention of Crime and Disorder;
- Public Safety;

- Prevention of Public Nuisance; and
- Protection of children from harm.

Each of the objectives is considered to be of equal importance. Only matters relating to these objectives are to be taken into account in determining applications and conditions will only be attached where considered appropriate to achieve these objectives.

- 1.6 This Policy and the Council's functions as Licensing Authority seek to achieve control of premises, qualifying clubs and temporary events within the terms of the Act. Terms and conditions will focus on achieving the licensing objectives with reference to
- matters within the control of individual licensees
 - the specific premises and the places used
 - the direct impact of the activity taking place at the licensed premises, in particular on public who live, work and carry out normal activity in the area concerned.
- 1.7 There are a number of mechanisms available for addressing issues arising directly as a result of an individual licensed premises not being managed effectively including, but not limited to:
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
 - police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises
 - the power of the police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question
 - the powers of trading standards to take enforcement action re underage sale of alcohol
- 1.8 Licensing is not the primary mechanism for the general control of anti-social behavior by individuals beyond the direct control the licensee of the premises concerned. In this respect, the Council recognises that there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises including:
- planning controls
 - measures to create a safe and clean environment in partnership with local businesses and other departments of the Council
 - powers of the Council to designate parts of the Council area as places where alcohol may not be consumed publicly
 - police enforcement of the general law concerning disorder and anti-social behavior including issuing fixed penalty notices
 - the confiscation of alcohol from adults and children in designated areas
- 1.8 The objective of the licensing process is to allow the carrying on of retail sales of alcohol and the provision of regulated entertainment in a way which ensures compliance with the Act, public safety

and which is neither to the detriment of residents, nor gives rise to loss of amenity. It is the Council's wish to facilitate well-run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.

- 1.9 The Council recognises that the licensed entertainment business sector and community licensed facilities in the District contribute to the local economy and social infrastructure. The Council wishes to encourage licensees to provide a wide range of entertainment activities throughout their opening hours and to promote live music, dance, theatre etc. for the wider cultural benefit. These activities are a factor in maintaining thriving and sustainable towns and villages which is one of the Council's aims.
- 1.10 The District is primarily a residential area whose amenity the Council has a duty to protect. One of the Council's aims is to Work towards safer and healthier local communities. ~~These~~ factors relating to safety will be taken into account where applications will increase the concentration of entertainment uses and/or lengthen hours of operation in a way that would materially impact on the local area. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and sustainable for their businesses.
- 1.11 This policy sets out the general approach the Council will take when it considers applications for licences. It will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits. Nor will it override the right of any person to make representations on an application or seek a review of a licence where provision has been made for them to do so in the Act. Irrelevant, frivolous and/or vexatious representations however will be disregarded by the Council.
- 1.12 The purpose of this policy document is to assist the Council in reaching a decision on a particular application, setting out those matters that will normally be taken into account. This policy also seeks to provide clarity for applicants, objectors, residents and other occupiers of property.
- 1.13 Other statutory requirements may apply to the provision of any regulated activities at a premises and the responsibility for compliance lies with the licence holder. For example if the activity involves the preparation and sale of food then it is the responsibility of the applicant to ensure necessary Food Safety requirements are met and it is not a requirement of any licence decision to address these matters.
- 1.14 The Council recognises that planning permission, building control approval and licensing are separate regimes and will ensure that these functions are properly separated to avoid duplication and inefficiency. Planning and licensing regimes involve consideration of different (albeit related) matters and the Council recognises that Licensing Committees are not bound by decisions made by a Planning Committee and vice versa.
- 1.15 All applicants for premises licences and club premises certificates and those intending to hold temporary events are reminded that planning permission will normally be required for such uses and such planning permissions may carry conditions with which they are expected to comply or action may be taken under the relevant planning legislation. In general, planning permissions

authorise a broad type of use of a premises, whereas licences are granted for a particular type of activity. A planning permission for an entertainment use, for example may cover a number of activities that can have a wide range of different impacts in the locality. The precise nature of the impact of the specified activities proposed by a prospective licence holder needs to be considered when an application is made for a premises licence. Licensing applications should not be seen as a re-run of the planning application process and there is a clear separation of the planning and licensing regimes to avoid duplication and inefficiency.

1.16 The Council will seek to achieve integration with relevant strategies and their aims in determining applications and will do so through relevant pre-consultation of this policy and individual applications.

1.17 In formulating this policy, the Council has and will continue to take into account its obligations and powers under other legislation including, but not limited to, the Human Rights Act 1998, Crime and Disorder Act 1998, the Disability Discrimination Act 1996, the Equality Act 2010, the Anti-Social Behaviour Act 2003, the Violent Crime Reduction Act 2006, and the Immigration Act 2016. It has also taken into account the following Government and national strategies and guidance:-

- Government's Alcohol Strategy 2012
- Local Better Regulation Officer Regulators' Compliance Code and Enforcement Concordat
- Code of Practice on Environmental Noise Control at Concerts 1995
- The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

1.18 The Council has also taken into account relevant local strategies relating to crime prevention, planning, transport, tourism, race equality and culture including the following:-

- South Bucks Corporate Plan 2010 - 2020
- South Bucks Sustainable Community Strategy 2009 - 2026
- Chiltern and South Bucks Community Safety Partnership Plan 2017 - 2020
- South Bucks Local Plan
- South Bucks Cultural Strategy
- Substance Misuse Action Plan 2017-2019 Enforcement Policies of South Bucks District Council, Buckinghamshire County Council and the Thames Valley Police

1.19 In making a determination on any application or notice that comes before it, the Council will have due regard to the Human Rights Act 1998 and will endeavour to reach decisions which are both justified and proportionate and secure a fair hearing for all parties.

1.20 When determining applications the Council will also have regard to National guidance issued under section 182 of the Licensing Act.

2. **Determinations**

- 2.1 These provisions will be applied to the determination of applications for new licences and to applications to vary existing licences. The provisions for determination of club premises certificates will be the same as those for premises licences.
- 2.2 Responsible authorities (see appendix 4) are notified of all new applications. Whilst all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so. Licensing authorities are also responsible authorities for the purpose of the legislation and authority to make representations in respect of applications has been delegated to the Director of Services, who in turn, delegates this responsibility to the Licensing team. The Licensing Authority will take steps to ensure that where officers are acting in the capacity of a responsible authority, separation of responsibilities occurs to ensure procedural fairness and eliminate conflicts of interest.
- 2.3 The Immigration Act 2016 requires that Premises Licences may only be granted to individuals if they have provided evidence of their lawful immigration status and proven their eligibility to undertake work relating to the carrying on of a licensable activity in line with the requirements of the legislation and guidance. Existing licences automatically lapse if and when the licence holder's lawful leave or permission to work ends.
- 2.4 Premises must be constructed or adapted in such a way that it is deemed safe and appropriate to the nature of the activities to be licensed. Premises in the course of construction, alteration, extension, etc. can be granted a provisional statement pending completion to the required standard and compliance with all other requirements. Alternatively, a full licence can be applied for and granted whilst premises are still to be constructed, extended or altered where full details as required are available in advance of completion. Such a licence – if granted – would not have immediate effect but include a date upon which it would have effect on completion.
- 2.5 Applicants are encouraged to consult with the Police Licensing Officer before submitting an application, which may serve to resolve and/or prevent issues/objections arising. The Police may also wish to interview prospective DPS. Applicants are also encouraged to consult with other responsible authorities where the proposed activities may impact on licensing objectives which other responsible authorities may have an interest in.

2.6 Neighbour Notification Policy

- 2.6.1 Neighbour notification seeks to ensure that those persons within the district who live immediately next to, opposite or behind
- a licensed premises, or
 - the proposed site for a licensed premises are notified when there is
- 2.6.2 a licence application made relating to that premises or site. Neighbour notification will allow immediate neighbours an opportunity to consider the application and respond if appropriate.

2.6.3 This process applies to any of the following:

- Application for new premises licence
- Application to full variation of a premises licence
- Application for new club premises certificate
- Application to full variation of a club premises certificate
- Application for new gambling premises licence
- Application to vary gambling premises licence
- Application for a review of a licence

2.6.4 The use of notification letters is in addition to the statutory requirements that are already in place for applicants to advertise applications in a local newspaper and on a blue notice outside the premises. The letter ~~will~~ that is distributed by the licensing section and will contain the name of the premises, brief details of the application and how to get further information or make representations, as detailed on the public notices posted at the premises.

Properties to be notified

2.6.5 Properties to be notified are as follows:

- Properties sharing a common boundary with the premises, including outside areas
- Properties immediately in front of premises (opposite side of road)

2.6.6 The Licensing Officer will use judgement in circumstances where:

- Other parties, not identified as above, may reasonably be considered to be affected.
- Distances between buildings, or other circumstances, are such that notification in precise accordance with the above guidance is considered unnecessary. The Council acknowledges the advice previously received from Department of Culture, Media and Sport (DCMS) that the views of vocal minorities should not be allowed to predominate over the general interests of the community. However, each case will be considered on its own merits.

2.6.7 In addition, the Licensing section will, in the case of new applications or full variation applications, write to District Councillors and Parish Councils advising them of the receipt of an application.

2.7 If no objections are received in respect of an application, the Council must grant the application as set out in the operating schedule, subject only to Mandatory Conditions under the Licensing Act 2003 and Special Conditions consistent with the detail of the operating schedule submitted by the applicant. The Council has no discretion to refuse the application or to alter or add to the special conditions arising from the operating schedule except in so far as wording the conditions so as to ensure they are enforceable and bringing them in line with the Council's pool of model conditions. Where, however, there are relevant representations, then this Policy is engaged and a Hearing before the Council's Licensing Sub-Committee will normally follow. At the Hearing, the Licensing

Sub-Committee will have discretion to take steps, as it considers necessary to promote the four licensing objectives.

2.8 In considering licence applications where representations have been received, the Licensing Sub-Committee will consider the adequacy of measures proposed to deal with the potential for nuisance and/or crime and public disorder, prevention of harm to children and public safety having regard to all the circumstances of the case. The Council will expect operating schedules to satisfactorily address these issues from the design through to the daily operation of the business. Particular consideration will be given to:

- The steps the applicant has taken or proposes to take to prevent public nuisance. Such steps may include the installation of sound proofing, air conditioning, acoustic lobbies, sound limitation devices, parking provision, notices at exits and in the car park.
- Whether other measures to prevent nuisance and secure public safety have been taken, such as the use of CCTV, the employment of registered door supervisors, participation in a Pub Watch Scheme, the operation of a Safe Transport Home Scheme, staff training, means of access/exit, and types of drinking utensils used i.e. glass, plastic, no bottles.
- The measures proposed to prevent the consumption or supply of illegal drugs including any search procedures and entry policies.
- The likelihood of any violence, public disorder or policing problems arising if a licence were to be granted.
- Previous history of compliance and any enforcement action arising from non-compliance.

2.9 In considering representations received in respect of applications reference will be made to this Policy (amongst other things) and in particular paragraphs 1.(6),13.2 and 17.4 hereof.

The weight to be attached to individual representations will be determined by the Members at any hearing and will vary on a case by case basis taking the matters referred to in the Policy and in particular paragraphs 1.6,13.2 and 17.4 into account - representations are encouraged to be specific to the subject premises and if possible supported by written records of previous complaints/problems where these are alleged (including dates, times and to whom the complaint was made and when and what the outcome of any such complaint was if any) – equally applicants are encouraged in completing their operating schedules to detail steps proposed to address potential concerns.

2.10 The Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009 amended the Licensing Act 2003 to include a new Minor Variation procedure. This procedure has been created by the Government to speed up uncontested variation applications and to reduce costs to applicants and Councils, where the variations proposed would not have an adverse effect upon the promotion of the four licensing objectives set out in the 2003 Act (the prevention of crime and disorder, public safety, the prevention of public nuisance and the

protection of children from harm).

The Minor Variation procedure requires that:

- Applications are to be made to the Council on a prescribed Minor Variations form either on paper or electronically with payment of the current fee
- A white A4 sized notice must be prominently displayed at or on the premises for 10 working days beginning on the day after the day of receipt of the application but the application does not need to be advertised in a local newspaper;
- The application is only served on the Council;
- Responsible authorities are only involved as considered appropriate by the Licensing team.
- Interested Parties i.e. local residents/businesses can make representations based on the licensing objectives.

2.11 Representations from interested parties to minor variations do not trigger the Council to hold a hearing, but instead mean that the Licensing Officer must take any representations into account when arriving at their decision. The Council must consult the Responsible Authorities it considers appropriate, and must take into account any relevant representations made by responsible authorities, or interested parties, received within ten working days beginning on the day after the day of receipt of the application. The deadline for determination of these applications is 15 working days.

An application may not be made and must be rejected, which:

- extends the existence of a Premises Licence,
- substantially varies the premises,
- changes the designated premises supervisor,
- adds the supply of alcohol as an activity authorised by the licence,
- authorises the supply of alcohol at any time between 11pm and 7am
- authorises increases to the amount of time on any day during which alcohol may be sold by retail or supplied, or
- allows every supply of alcohol to be made or authorised by a management committee for supply of alcohol from community premises instead of a designated premises supervisor.

2.12 A determination cannot be made during the 10 working day notice period, leaving the Council with the remaining 5 working days to determine the application. If the application is not determined within the 15 working days it is deemed refused and the application fee must be returned unless the applicant agrees that the application be treated as returned and re-submitted as a new application.

2.13 There is no power to impose conditions; only conditions volunteered by the applicant can be added to the licence under the minor variations procedure. Effectively, the Government has passed the ability to vary premises licences in limited circumstances to Licensing Officers, provided the variation will not adversely effect the promotion of any of the licensing objectives. If the

variation will have an adverse effect on the promotion of any of the licensing objectives, the officer must refuse the application.

3. Conditions.

- 3.1 Upon grant of a licence, the Act sets out mandatory conditions which will be attached in certain circumstances and in addition to these, special conditions may be attached. Special conditions which are consistent with the applicants operating schedule will be attached to the licence and, in addition, if relevant representations are submitted, the Licensing Sub Committee may attach further special conditions intended to address concerns detailed in representations. Special conditions can be imposed only where appropriate and proportionate to promote the Licensing Objectives. Any special condition will normally be drawn from a pool of conditions compiled to meet the circumstances of the proposed activities or obtained from the Licensing team. However to avoid duplication with other statutory regimes as far as possible the Council will not attach conditions on a licence unless they are considered appropriate for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.
- 3.2 A key concept underscoring the Act is for conditions to be attached to licences and certificates which are tailored to the individual style and characteristics of the premises and events concerned, which relate to matters within the control of the premises licence holder or designated premises supervisor and which are appropriate to meet the licensing objectives. For example conditions may be imposed to prevent unnecessary noise and disturbance to local residents by way of limited hours and/or restrictions on sound levels. Conditions may also be imposed requiring licensees to display signs at all exits of premises reminding customers to leave the premises quietly and to respect the rights of nearby residents.
- 3.3 The Council may set maximum capacity limits for premises where members of a Licensing Sub Committee determine this is appropriate for the promotion of the licensing objectives following the receipt of a relevant representation.
- 3.4 Where alcohol is to be supplied, the Act generally requires a Designated Premises Supervisor however in relation to other licensable activities there is no such requirement therefore the Council may impose licence conditions to require that a suitable individual is designated as a manager responsible for the day to day management of the premises at any time when it is open for the carrying out of other licensable activities.
- 3.5 The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls) Order 2009 allows a committee or board of individuals with responsibility for the management of community premises to apply to have an "Alternative Licence Condition" included in a premises licence in place of the normal mandatory conditions relating to alcohol detailed above. The alternative licence condition is that every supply of alcohol under the licence must be made or authorised by the management committee. Under this alternative licence condition there is no requirement for a Designated Premises Supervisor at the venue. The Government introduced the Order to ease the administrative burden on community premises that make such an important contribution to life in

our communities. The order allows community premises, such as church halls with properly constituted management committees or management structures, to apply to replace the normal Mandatory Conditions relating to alcohol with a simpler and cheaper arrangement. In such circumstances the Council will expect to be provided with a name or names and contact number(s) for those individuals who can be contacted in case of emergency or general queries relating to the licence. The determination of these applications and whether a premises is a "community premises" has been delegated to the Director of Services.

3.6 Where proposed, requested or agreed with the Fire and Rescue Authority, conditions may be attached in relation to Fire Safety. However, conditions will not be imposed on licences where such a condition would duplicate the requirements of alternative legislation. Where appropriate, such conditions may require premises to be fitted with/to have:

- fire-fighting equipment
- an appropriate means of raising the alarm in the event of a fire
- emergency lighting
- CCTV
- Flame retardancy certificates
- BS or otherwise approved electrical installations
- Regular electrical installation inspections
- BS or otherwise approved lighting trusses, ceilings and suspended equipment
- Appropriate risk assessments/management schemes

- any condition/requirement will be agreed in consultation with the Fire Authority.

Certificates must be either in the form set out in the appropriate British Standard or in a format set out by a recognised trade body such as the Electrical Contractors' Association (ECA), the National Inspection Council for Electrical Installation Contracting (NICEIC), or NACOSS. A certificate will not be considered acceptable unless it has been signed by a competent person certifying that the system to which it relates is in a satisfactory condition.

3.7 CCTV cameras may also be required by way of condition - for example following consultation with the Police to meet the licensing objectives. Where a licensed premises is required to have CCTV as a condition of the licence then unless there are good reasons, provided to the satisfaction of the Council, then the premises must be equipped to a standard and in a manner in accordance with established Thames Valley Police guidance on installing CCTV – as amended from time to time.

3.8 Whenever any persons are employed at licensed premises to carry out any security activity (as defined by the Private Security Industry Act 2001 – as amended from time to time) all such persons must be licensed with the Security Industry Authority and this requirement will be imposed as a Mandatory Condition (Section 21 of the Act). The Council may also consider that certain premises require strict supervision for the purpose of promoting the reduction of crime and disorder. In such cases, the Council may impose a condition requiring licensed door supervisors to be present at the premises either at all times or at such times as certain licensable

activities are being carried out. In some circumstances the number of door supervisors required may also be specified.

- 3.9 The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 sets out five mandatory conditions relating to alcohol that will apply to all licensed premises and those with a club premises certificate permitting the supply of alcohol.

As of the 6th April 2010, these conditions:

- Ban irresponsible promotions;
- Ban the dispensing of alcohol directly into the mouth; and
- Ensure that customers have access to free tap water so that they can space out their drinks and not get too intoxicated too quickly.

From 1st October 2010, these conditions also:

- Require an age verification policy to be in place to prevent underage sales;

and

- Ensure that customers have the opportunity to choose small measures of beers, ciders, spirits and wine.

- 3.10 The legislation makes clear that an irresponsible promotion is one that is "carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children". If there is any doubt as to whether a promotion falls foul of this mandatory condition, the premises licence holder or designated premises supervisor should discuss the proposals with the Licensing team and Police before running the promotion.

4. Licensing hours

- 4.1 In making decisions that relate to the hours for which a premises is licensed or any conditions as to delivery times etc. consideration will be given to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Each case where relevant representations are received will be decided on its individual merits.
- 4.2 It is recognised that varied licensing hours are important to ensure that concentrations of customers leaving licensed premises simultaneously are avoided. In turn this will reduce the potential for disorder at fast food outlets, taxi ranks and other sources of transport.
- 4.3 In relation to shops and other retail outlets supplying alcohol for consumption off the premises, the general policy will be to allow sales of alcohol at all times that the premises is open for business. Any decision not to allow sales of alcohol at particular times will be based on evidence of

the need to prevent crime, disorder and public nuisance.

- 4.4 In making decisions in respect of hours, consideration will be given to representations made by residents and businesses in the vicinity of the premises, their representatives, the local Town/Parish Council and the police as well as the applicant.
- 4.5 Fixed trading hours will not be set for particular geographical areas. However account will be taken of any guidelines that are adopted in respect of licensing hours. It should be stressed that each case will be decided on its own merits based on whether the licensing objectives can be met. Stricter conditions however are likely to apply where the premises are situated in mainly residential areas to minimise disturbance to local residents.
- 4.6 The Health Act 2006 (smoke-free premises, places and vehicles) introduced legislation to prohibit smoking in enclosed public places and work places. As a result of this legislation many licensed premises have created specific smoking areas for customers to use. Where necessary controls may be required to limit the hours that such areas are used to prevent nuisance to neighbouring residents.
- 4.7 With some venues the creation of specific smoking areas for customer has not been possible and has resulted in people smoking in the streets. The Council is committed to working closely with Licence Holders of such premises in conjunction with the Thames Valley Police to ensure that nuisance and/or disorder by customers congregating in outside areas is kept to a minimum.

5. Cumulative effect of licensing on the amenity of particular areas

5.1 The Council recognises that the cumulative effect of licensed premises may result in an increase in numbers of people either walking through or congregating in streets or cause adverse effects on amenity and this in turn may have a number of undesirable consequences, for example:

- An increase in crime against both property and persons;
- An increase in noise causing disturbance to residents;
- Traffic congestion and/or parking difficulties;
- Littering and fouling.

The cumulative effect of a significant number of licensed premises concentrated in one area on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider.

5.2 The Council will take into account:

- The character of the surrounding area;
- The potential and real impact of the licence on the surrounding area, both individually and cumulatively with existing licences;
- The nature and character of the proposed operation
- Concentrations of valid complaints relating to noise disturbance; and
- Any other relevant considerations.

The Council however will not take “need” into account when considering an application as this is a commercial decision and a matter for planning control and the market.

- 5.3 Where there is evidence that a particular area of the District is already suffering adverse effects arising from a concentration of licensed premises, or that residential areas are under stress, this will be taken into account in determining any further applications or variations to existing licences for premises within the area identified. The onus will be on the objectors to provide evidence to support any assertion that the addition of the premises in question would produce the cumulative impact claimed.
- 5.4 The Council may consider a specific saturation policy (a “special policy”) if this proves necessary. Such a special policy will be considered where the impact of the concentration of licensed premises compromises the promotion of the licensing objectives. The policy will thereafter be considered in relation to future applications on the basis of how each individual premises add to that impact.

The Council in considering whether to adopt a special policy will take the following steps:

- identify serious and chronic concern from a responsible authority or representatives or residents about nuisance and disorder;
- assess the causes;
- where it can be demonstrated that disorder and nuisance is arising or such risk is imminent as a result of customers of licensed premises, identify the area from which problems are arising and the boundaries of that area; and
- subject to consultation adopt and publish a special policy about future licence applications from that area.

6. Children

- 6.1 The Council will carry out its responsibilities so as to promote the licensing objective of protection of children from harm.
- 6.2 Licence applications can be made for a wide variety of premises including theatres, cinemas, restaurants, concert halls, cafes, late night take-aways, pubs, bars and nightclubs. It is not possible for a licensing policy to anticipate every situation where children are at risk. The Council will not therefore impose general conditions that apply to all premises, but will consider how the licensing objectives can be best promoted in each particular case. The Council does however commend the Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks operated by the Portman Group (as amended from time to time).
- 6.3 The Council will not seek to limit the access of children to licensed premises beyond the limits set out in the Act unless it is necessary to protect children from physical, moral or psychological harm. The Council will judge the merits of each separate application where relevant representations are received before deciding whether to impose conditions limiting access to children. The following

are examples of premises that will raise concern;

- where there have been convictions for serving alcohol to minors or 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 – but not for example the simple presence of a small number of cash prize gaming machines
- where entertainment of an adult or sexual nature is commonly provided
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises

6.4 Conditions will not be imposed that require the admission of children. This will remain a matter for the discretion of the licensee.

6.5 The range of options available to limit the access of children to licensed premises that may be imposed by the Council include:

- Limitations on the hours where children may be present;
- Where alcohol is sold, requirements for proof of age cards or other age identification before a sale is made;
- Age limitations (below 18);
- Limitations or exclusions when certain activities are taking place;
- Requirements for an accompanying adult;
- In exceptional cases, exclusion of people under 18 from the premises or parts thereof when any licensable activities are taking place.

6.6 The responsible authority for the purposes of representing those who are responsible for or interested in matters relating to the protection of children from harm and is recognised as being competent to advise on such matters for the South Bucks District is the Buckinghamshire Children's Safeguarding Board, Bucks County Council. Where regulations require notice to be given to the responsible authority, the contact details can be obtained from the Council's website.

6.6.1 A mandatory condition will be imposed on all premises licenses and club premises certificates which authorise the exhibition of films, to restrict the admission of children to films that are unsuitable because of the age classification of the film that has been imposed by the British Board of Film Classification or other film classification board approved by the Licensing Authority and arrangements for securing compliance with this condition should be included in submitted Operating Schedules. Children will not be permitted to view un-certificated films. The Council has a specific policy on the classification of films for exhibition which have not been classified by the BBFC, this is available on the Council's website at <http://www.southbucks.gov.uk/LA03>

6.8 The Council will expect that where a significant number of unaccompanied children will be present during a public entertainment event, the licensee will ensure that an adequate number of adult members of staff/supervisors/ attendants are present to control the access, egress and safety in and around the premises. The number of staff/supervisors/attendants required should be

assessed by the licensee, taking into account the number of children to be present, the age of the children, the type of entertainment, the characteristics of the premises and any other relevant factor, subject to there being a minimum of one adult per 25 children or part thereof – but with a minimum of 2 adults at any one time.

- 6.9 The Council will expect the operating schedule of an application to detail that anyone intending to provide supervision of activities to under 18s will carry out Enhanced Criminal Record checks before appointing staff/supervisors to service such activities and staff shall only be appointed who have been subject to a check and are found suitable. Staff/supervisors will however at all times remain the responsibility of the Licensees.
- 6.10 The Council will specifically require the Operating Schedule to address the above issues and where appropriate and possible licences will be conditioned to this effect.

7. Films

- 7.1 The Council has a specific policy on the classification of films for exhibition which have not been classified by the BBFC; available on the Council's website at <http://www.southbucks.gov.uk/LA03>. No film shall be exhibited at licensed premises which is likely to lead to disorder and/or stir up hatred or incite violence towards any section of the public on grounds of colour, race or ethnic or national origin, disability, religious beliefs, sexual orientation or gender.

If a licence holder is notified by the Council that a particular film in the opinion of the Council falls into that category and may not be shown, its decision shall be final in that respect.

- 7.2 In connection with the film exhibition, conditions will specify that immediately before each exhibition at the premises of a film (other than a current newsreel) passed by the British Board of Film Classification, there shall be exhibited on screen for at least ten seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of a certificate of the Board, or, as regards a trailer advertising a film, of the statement approved by the Board indicating the category of the film. Conditions may also require notices to be displayed both inside and outside the premises so that persons entering can readily read them and be aware of a category attached to any film or trailer.

8. Personal Licences

- 8.1 The Immigration Act 2016 requires that Personal Licences may only be granted to individuals if they have provided evidence of their lawful immigration status and proven their eligibility to undertake work relating to the carrying on of a licensable activity in line with the requirements of the legislation and guidance. Existing licences automatically lapse if and when the licence holder's lawful leave or permission to work ends.
- 8.2 The Council will grant a personal licence to individuals who are eligible to work in the UK, if it appears that:

- a) The applicant is over 18
 - b) The applicant possesses a relevant licensing qualification
 - c) The applicant has not forfeited a personal licence in the previous five-year beginning with the day the application was made
 - d) The applicant has not been convicted of any relevant offence as defined in the Act.
- 8.3 In order to substantiate whether or not an applicant has a conviction for an unspent relevant offence, applicants will be required to produce a basic criminal record disclosure certificate with the application.
- 8.4 The Council will notify the Police in accordance with the requirements of the Licensing Act when an applicant discloses that they have a relevant unspent conviction.
- 8.5 If the police object to the application on crime prevention grounds, the applicant is entitled to a hearing before a Licensing Sub-Committee. The refusal of the application will be the normal course unless there are, in the opinion of the Council, exceptional and compelling circumstances that justify granting the application.

9. Temporary Events

- 9.1 The Act provides a mechanism for regulated entertainment and/or the sale of alcohol at small scale events (for no more than 499 people at a time (including event staff) and lasting for no more than 168 hours) to take place without needing a licence. In these circumstances advance notice must be given to the police, environmental health and licensing team. The police and/or environmental health can object to a Temporary Event Notice if the event is likely to undermine the licensing objectives.
- 9.2 The law states that for a standard temporary event notice at least ten working days notice must be given and for a late temporary event notice at least five working days notice must be given (excluding the date on which the notice is given and excluding the date of the event) to the police, environmental health and licensing but the less time that is given will increase the likelihood of the objections being submitted. The Council recommends that at least four weeks' notice be given to allow it to help organisers plan their events safely. There are limitations as to the number of TENS that can be applied for/relied on in any 12 month period. Any notice applying to events in excess of this number will be served with a Counter Notice.
- 9.3 Premises users are advised to serve notice of Temporary Events to the following addresses:

Licensing Authority, South Bucks District Council, Council Offices, Capswood, Oxford Road, Denham, Buckinghamshire UB9 4LH

Chief Officer of Police, Licensing, Thames Valley Police, Headquarters (South), Kidlington, Oxfordshire, OX5 2NX

Environment Manager, South Bucks District Council, Council Offices, Capswood, Oxford Road, Denham, Buckinghamshire UB9 4LH

Premises users should note that the Council have no authority under the legislation to accept a notice served out of time. Should this happen then the notice will be returned to the premises user marked invalid.

- 9.4 The Council has established a South Bucks Safety Advisory Group (SAG). Members of the South Bucks District Safety Advisory Group include the Thames Valley Police, South Central Ambulance Service, Bucks Fire & Rescue Service, South Bucks District Council and Buckinghamshire County Council. As necessary representatives of adjacent local authorities or emergency services are invited to attend or comment on events planned in South Bucks. The objective of the group is to coordinate the risk assessment and preplanning to ensure public events are safe for exhibitors, performers and visitors and that access to and egress from the event including highways and public transport issues are included in the planning process.
- 9.5 Organisers of temporary events are strongly advised to contact the Council's Environmental Health Team for advice at the earliest opportunity when planning events and to submit the relevant documentation to the South Bucks Safety Advisory Group for assessment.

10. Licensing of Circuses

10.1 Circuses may fall under this provision depending upon the activities taking place and may require a licence. Circuses have three options when seeking to gain authorisation for licensable activities:

1. Renting Land from a Local authority that has licensed its own public land.
2. Temporary Event Notice - This option may be suitable for a Circus but will be restrictive for a Circus as they will be limited to 5 notices per year but if the applicant has a Personal licence they may apply for 50 notices per year. There is also a limit of 499 people in attendance for each event including the staff.
3. Premises Licence

10.2 Circuses may intend to include the following activities which are included within the Licensing Act 2003 Schedule 1 (2) (1) as Regulated Entertainment :

- (a) a performance of a play,
- (b) an exhibition of a film,
- (c) an indoor sporting event,
- (d) a boxing or wrestling entertainment,
- (e) a performance of live music,
- (f) any playing of recorded music,

- (g) a performance of dance,
- (h) entertainment of a similar description to that falling within paragraph (e), (f) or (g).

Live unamplified music taking place between 08:00 hours and 23:00 hours and live amplified music taking place between 08:00 hours and 23:00 hours before audiences of no more than 200 people on premises authorised to supply alcohol on the premises or in workplaces is not licensable entertainment by virtue of amendments made to the Licensing Act 2003 by the Live Music Act 2012.

- 10.2 The Council will expect applicants to provide a detailed plan for the field and separate detailed plan(s) of each Circus tent that is proposed to operate on that site. The plans for each Circus should show seating, fire exits etc but there could be flexibility built in to the operating schedule to allow alteration to these details subject to agreement from the Responsible Authorities prior to the event taking place (As stated above this should be submitted at least 3 months in advance). If the Circus wishes to change significantly the way it is set up they will need to submit a new plan to the Council.

11. Sexual Entertainment Venues

- 11.1 Section 27 of the Policing & Crime Act 2009 amended Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 to introduce a new category of sex establishment called "Sexual Entertainment Venue" which, if adopted by a local authority, requires premises in that area who provide "relevant entertainment", such as lap dancing to obtain a Sex Establishment Licence. There is an exemption for premises that provide relevant entertainment on an infrequent basis. The legislation is not mandatory for local authorities and therefore they will have the flexibility to decide whether and, if so, when the new provisions should come into force in their area. South Bucks District Council adopted these provisions at their meeting of Full Council on 14th December 2010.

12. Garages (including, but not limited to Petrol Filling Stations)

- 12.1 Section 176 of the Licensing Act 2003 states: No premises licence, club premises certificate or temporary event notice has effect to authorise the sale by retail or supply of alcohol on or from excluded premises.
- 12.2 In this section "excluded premises" means; premises situated on land acquired or appropriated by a special road authority¹, and for the time being used, for the provision of facilities to be used in connection with the use of a special road provided for the use of traffic of class I (with or without other classes); or premises used primarily as a garage or which form part of premises which are primarily so used.

¹ Special road authority refers to either the Minister for Transport or a local highway authority acting - the context relates to motorway service centres

12.3 The Act states that premises are used as a garage if they are used for one or more of the following:

- the retailing of petrol;
- the retailing of derv;
- the sale of motor vehicles;
- the maintenance of motor vehicles

12.4 The Council acknowledges that the retail-trading environment for both local shops and garages/petrol filling stations has changed dramatically over the last fifteen years and this will be taken into account in the way in which the Council will approach the task of interpreting the legislation.

12.5 Applicants are asked to provide supporting information, in relation to “primary use” of the garage, at the time of application. The purpose of this requirement is to assist the Council in determining the application properly, regardless of whether a sub committee is required to consider any representations.

12.6 Applicants will be expected to include within their operating schedule proposals to submit the following information to the licensing section when requested:

- Number of fuel sales only transactions
- Number of non-fuel only transactions
- Number of combined fuel and non-fuel transactions

Where the premises are new and have not previously operated the applicant will be expected to indicate in his/her operating schedule that this information will be submitted after six months of trading and then at such other intervals as may be requested.

(see the Council’s website for pool of model conditions)

13. Consultation

13.1 Policy

This section of this Policy outlines the licensing consultation process. The aim of consultation process on the formulation and review of this Policy was to provide the opportunity for all parts of the community to be involved in framing and reviewing the licensing process.

13.2 Individual Applications

Application procedures under the Act specify the nature and extent of the legal minimum advertisement requirements for each type of licence.

Types of consultation/advertisements required under the Act:-

- Requiring the display of a notice
- Advertising in local newspapers
- Notification on the Councils website
- Availability of Applications in reception for public viewing

In addition to the legal requirements for advertising applications the licensing section will, in the case of new applications or full variation applications, write to District Councillors and Parish Councils advising them of the receipt of an application. In addition, where appropriate, the licensing section will also undertake a process of neighbourhood notification, which will involve writing to residents and businesses considered to be immediate neighbours of premises which are the subject of the application. The extent of the neighbourhood notification being a matter of fact and degree in each case to be determined by the Council's Licensing Team based upon whether an individual's residence or business are likely to be directly affected by the premises.

- 13.3 The consultation provisions contained in paragraph 13.2 above will not apply to any applications for Minor Variations nor for applications for the Alternative Licence Condition when the only variation sought is for the Alternative Licence Condition in place of the Mandatory Conditions.

14. Mediation and Communication

14.1 The Council may encourage communication and discussion between applicants, relevant statutory agencies and occupiers of nearby premises, local residents groups, community or interested groups where significant issues have arisen relating to a licence application. The Council, if it considers it expedient in view of the issues raised, will facilitate mediation through:

- identification of potential issues for other relevant statutory agencies particularly regarding the safety and amenity of local residents.
- negotiation of, if possible, potential conditions to reflect resolutions of mediation forums.

14.2 Mediation will not override the right of any party to decline to participate in a mediation meeting.

15. Complaints against licensed premises

15.1 The Council will investigate complaints against licensed premises - provided these are not irrelevant, vexatious, frivolous or repetitious. In the first instance, complainants will be encouraged to raise the complaint directly with the licensee or business concerned – although it is suggested complaints re underage sale of alcohol/cigarettes are first referred to the relevant trading standards office who will advise on the appropriateness of approaching the alleged offender.

15.2 Where a Responsible Authority and/or another person (such as a local resident, or a resident's association) has made:

- (a) Valid representations about licensed premises or
- (b) a valid application for a licence to be reviewed

then the Council will encourage the parties to communicate and discuss and try to resolve the issues of concern. To be valid the representations must be in writing and be relevant to the promotion of the Licensing Objectives – and not vexatious, frivolous or repetitious.

- 15.3 The mediation process will not override the right of any interested party to ask that the Council consider their valid objections or for any licence holder to decline to participate in mediation.
- 15.4 The Council recognises that a premises licence or club premises certificate can be subject to the formal review process and also that the police have powers to close premises where they consider it necessary to do so in the interests of public safety or to prevent a public nuisance. In addition, the police may apply to the Council for an expedited review of a premises licence where a senior police officer is of the opinion that the premises are associated with serious crime or serious disorder, or both. However, we believe that by working in partnership with all the groups involved in the licensing process the formal review procedures and exercise of the police powers to close premises should be instituted in general after voluntary measures have been attempted.

16. Enforcement policy

- 16.1 The Council has a long-established licensing enforcement policy based around the principles of consistency, openness, helpfulness and proportionality in accordance with enforcement objectives set by the Local Better Regulation Officer Regulators' Compliance Code and Enforcement Concordat.
- 16.2 The enforcement policy (available on request) proposes that a graduated response is taken where offences against licensing legislation are found or where licence conditions have been contravened. An isolated administrative offence – such as failing to maintain certain records – may be dealt with purely by way of a written warning or formal/simple caution whilst more serious offences which have either been committed over a period of time or which jeopardise public safety – such as failing to maintain fire extinguishers properly – may result in a referral for prosecution.
- 16.3 The Council will seek to work actively with the Police, Trading Standards and other agencies in enforcing licensing legislation. It expects the police to share information about licensees and licensed premises under the Crime and Disorder Act 1998 and its common law powers and to consult closely with the Council when any enforcement action may be required. The Council has established protocols with the Police, Fire and Rescue Service and Trading Standards on the enforcement of licensing law, which provide for the efficient deployment of officers engaged in inspection of licensed premises and enforcement action, in order to ensure that resources are targeted at problem and high-risk premises.
- 16.4 The Council will continue to employ licensing enforcement officers to investigate allegations of unlicensed activities and to ensure that licence conditions are complied with. Enforcement action

undertaken will be based on a risk assessed approach, targeting problem and high risk premises, providing a lighter touch for low risk premises and those that are well run.

- 16.5 The Council will carry out its responsibilities for enforcement so as to promote the 4 licensing objectives – see 1.5 - and will aim to ensure consistency, openness, helpfulness and proportionality regarding enforcement.

17. Administration, Exercise and Delegation

17.1 One of the major principles underlying the Licensing Act 2003 is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost effective service delivery.

17.3 The Authority is committed to the principle of delegating its powers to ensure that these objectives are met and has arranged for its licensing functions to be discharged in accordance with the National Guidance, the Council's Constitution and procedures laid down for good governance. All such matters dealt with by officers will be reported for information to the Licensing Committee.

17.4 Applications where there are relevant representations will be dealt with by the Licensing Sub-Committee – unless such representations are considered irrelevant, frivolous or vexatious or unless the Council, the applicant and everyone who has made representations agrees that a hearing is not necessary.

17.5 The scheme of delegation can be found in the Council's constitution, which is available on the website .

17.6 This scheme of delegations is without prejudice to the right of officers to refer an application to a Licensing sub-committee if considered appropriate in the circumstances of any particular case.

17.7 Unless there are compelling reasons to the contrary, the Council will require the Licensing Committee or any of its sub-committees to meet in public – although Members can retire into private session to consider their decision.

18. Appeals

18.1 Premises Licences

Part 1 of Schedule 5 of the Licensing Act 2003 sets out the appeals process with regards to premises licences.

- Applicants may appeal to the Magistrates' Court if the Council has rejected their application for a premises licence, for a variation of a premises licence, for a variation of a designated premises supervisor or for a transfer of a licence.

- If a licence is granted, the licence holder may appeal against the imposition of conditions on that licence, the exclusion of a licensable activity or refusal to specify an individual as the designated premises supervisor.
- Those who made relevant representations during the course of an application may appeal against the decision to grant a licence, or the licensable activities permitted, conditions imposed (or not imposed) or the identity of the designated premises supervisor.
- Applicants or any person who made a relevant representation may appeal against the decision to issue a provisional statement.
- Where the Council takes the step of modifying the conditions of the licence before granting a variation, the applicant may appeal.
- Any person who made relevant representations can appeal against the decision to vary the licence.
- The Chief Officer of Police who gave a notice may appeal against the grant of an application to specify an individual as a premises supervisor or against the decision to transfer a licence.
- Where the Council decides to cancel an interim authority notice following a notice from the Chief Officer of Police, the person who gave the interim authority notice may appeal against the decision.
- Where the Council does not cancel the interim authority notice following a notice from the police, the Chief Officer of Police may appeal.
- The decision in relation to a review of the premises licence may be brought to appeal by the applicant for the review, the premises licence holder or anyone who made relevant representations

18.2 Club Premises Certificates

Part 2 of Schedule 5 of the Licensing Act 2003 sets out the appeals procedures in relation to club premises certificates.

- Clubs applying for a premises certificate or applying to vary a certificate may appeal against the decision by the Council to reject the application.
- If a certificate is granted the holding club may appeal against the imposition of conditions or the exclusion of a licensable activity.
- Those who made relevant representations during the course of an application may appeal against the decision to grant a certificate, or the qualifying club activities permitted or conditions imposed (or not imposed).

- Where the Council takes the step of modifying the certificate before granting a variation, the club may appeal. Any person who made relevant representations can appeal against the decision to vary the certificate.
- The decision in relation to a review of a club premises certificate may be brought to appeal by the applicant for the review, the certificate – holding club or anyone who made relevant representations.

18.3 Standard Temporary Event Notices, Personal Licences and Closure Orders Part 3 of Schedule 5 of the Licensing Act 2003 covers appeals in relation to temporary event notices, personal licences and closure orders.

- In relation to temporary event notices, premises users may appeal against the decision by a Council to give a counter notice.
- Applicants for personal licences may appeal against the decision to reject an application for or application to renew a licence.
- Where the Police lodged an objection notice to the grant or renewal of a personal licence and the Council grants or renews the licence, the Police may appeal.
- Personal licence holders may appeal against revocation of that licence by the Council.
- Where the Police have given notice about relevant offences which come to light after the granting or renewal of a licence, and the Council decide not to revoke the licence, the Police may appeal against the decision.
- The licence holder or any person who made representations on a review of a premises licence following a closure order may appeal against the outcome of the review.

18.4 An appeal has to be commenced by the giving of a notice of appeal by the appellant to the Magistrates Court within a period of 21 days beginning with the day on which the appellant was notified by the Council of the decision appealed against but no later than 5 days before the event period begins.

18.5 For purposes of the Councils notification of determinations this is the date the decision is received in ordinary course of the post after it has been sent.

18.6 On determining an appeal, the court may

- a) Dismiss the appeal;
- b) Substitute for the decision appealed against any other decision which could have been made by the Council; or
- c) Remit the case to the Council to dispose of it in accordance with the direction of the court

The court may make such order as to costs as it thinks fit.

For further information relating to the appeal process please seek your own independent legal advice.

19. Early Morning Restriction Orders (EMROs)

19.1 The Licensing Act sets out powers conferred on licensing authorities to make early morning alcohol restriction orders. These powers are designed to help licensing authorities address specific problems caused by late night supply of alcohol in their areas allowing licensing authorities to restrict the sale of alcohol in the whole or a part of their areas between 12 midnight and 6am. Licensing Authorities may make an EMRO in relation to problem areas if they have evidence that the order is appropriate for the promotion of the licensing objectives. At the time of writing this policy the Licensing Authority has no plans to make an EMRO in any part of the South Bucks District Council area, however, the situation will be kept under review and should evidence emerge that suggests that the sale of alcohol between 12 midnight and 6am is creating specific problems the Council will consider whether the introduction of an EMRO is appropriate. In considering the appropriateness of an EMRO the Licensing Authority will consider evidence from partners, including responsible authorities and local Community Safety Partnerships or other sources. If a proposal to implement an EMRO arises in the future the Licensing Authority will advertise and consult about its proposal in accordance with legislation and national guidance.

20. The Late Night Levy (LNL)

20.1 Late night levy powers will allow licensing authorities to raise a contribution from late opening alcohol retailers (12 midnight to 6am) towards policing the late night economy. This is a power that licensing authorities can choose whether to adopt for their areas. If adopted, the powers must apply to the whole of the Licensing Authority's area. Income from the net levy is to be split between the Police and the Licensing Authority on the basis of a minimum 70% allocated to the Police and a maximum 30% allocated to the Licensing Authority. At the time of writing this policy the Licensing Authority has no plans to collect an LNL, however the situation will be kept under review and prior to making a decision to implement an LNL, the Licensing Authority would have discussions with the Police and Crime Commissioner (PCC) and local police to decide whether it is appropriate to introduce an LNL. If a proposal to implement an LNL arises in the future, the Licensing Authority will consult the PCC, the police, licence holders and others about its proposal.

Further information

Further information about the Licensing Act 2003 and the Council's licensing policy can be obtained from:

Licensing Section

South Bucks District Council, Council Offices, King George V Road, Amersham, Buckinghamshire, HP6 5AQ

T: 01494 732063

E: licensing@southbucks.gov.uk

Website – www.southbucks.gov.uk

Information is also available from www.gov.uk/alcohol-licensing

APPENDIX 1**LIST OF CONSULTEES****SECTION 5 LICENSING ACT 2003**

Responsible Authorities as listed at Appendix 4

Persons/Bodies representing local holders of premises licences

Persons/Bodies representing local holders of club premises certificates

Persons/Bodies representing local holders of personal licences

Persons/Bodies representing businesses and residents in the area

Local pubs, cafes, restaurants, hotels, leisure centres, clubs, off-licences, stores,
Takeaways, village/church halls in the district.

All Parish Councils in the District

Other Councils, including Chiltern DC, Bucks CC and Wycombe DC

The draft Policy for review was also made available for inspection/comment on the Councils web-site. A hard copy of the draft Policy was also made available at the Council Offices for inspection/comment.

APPENDIX 2**GLOSSARY OF TERMS**

Alcohol - spirits, wine, beer, cider or other fermented distilled or spirituous liquor of or exceeding 0.5% strength.

Alternative Licence Condition - The alternative licence condition removes the requirement for there to be a Designated Premises Supervisor (DPS) with a Personal Licence named on a Premises Licence issued in respect of a community premises. The "Alternative Licence Condition" specifies that every supply of alcohol under the premises licence must be made or authorised by the management committee.

Authorised Person - an officer of the Licensing Authority authorised for the purposes of the Licensing 2003;

- an Inspector appointed under Section 18 of the Fire Precautions Act 1971;
- an Inspector appointed under Section 19 of the Health and Safety at Work etc. Act 1974;
- an officer of the Council in whose area the premises are situated who is authorised for the purposes of exercising one or more of its statutory functions in relation to minimising or preventing the risk of pollution of the environment or of harm to human health;

- in relation to a vessel, an Inspector or a Surveyor of ships appointed under Section 256 of the Merchant Shipping Act 1995;
- a prescribed person.

Designation as an 'authorised person' confers a role in the inspection of premises in connection with their use for licensable activities.

Circuses - means a travelling company of performers that may include acrobats, clowns, trained animals, trapeze acts, musicians, hoopers, tightrope walkers, jugglers, unicyclists and other stunt-oriented artists Defined by the DCMS as Regulated Entertainment.

Club Premises Certificate – Certificate granted by the Council for premises occupied by, and habitually used for the purpose of, a club – Section 60 of the Act.

Community Premises - A community premises is defined by the Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls &c.) Order 2009 as a church hall, chapel hall or other similar building, or a village hall, parish hall, community hall or other similar building.

Conditions – Restrictions on the Premises Licence designed to ensure safety and prevent nuisance e.g. by limiting hours and prohibiting noise nuisance.

Designated Premises Supervisor – The person named in the Premises Licence who could also be the Licence Holder being a suitable individual designated as a manager responsible for the day-to-day management of the premises at any time when it is open.

Expedited Review - Provisions inserted to the Licensing Act 2003 (section 53A) by the Violent Crime Reduction Act 2006 to permit a quick process for attaching interim conditions to a licence and a fast track licence review when the police consider that the premises concerned is associated with serious crime or serious disorder (or both).

Four Licensing Objectives – (1) Prevention of Crime and Disorder; (2) Public Safety; (3) Prevention of Public Nuisance; and (4) Protection of children from harm – Section 1 of the Act.

Irresponsible promotion - An 'irresponsible promotion' is an activity which encourages the sale and consumption of alcohol in a manner which carries a 'significant risk of contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children' (the licensing objectives).

Licence Holder – The person to whom the Council has granted the Licence and in whose name it appears and who is responsible for the proper operation of the premises. The Licensee is also liable to criminal proceedings for breaches of the terms and conditions of that Licence.

Licensable activities – Are (a) the sale by retail of alcohol; (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club; (c) the provision of regulated entertainment; and (d) the provision of late night refreshment.

Licensing Authority for the South Bucks District – South Bucks District Council, Council Offices, Capswood, Oxford Road, Denham, UB9 4LH.

Licensing Committee and Licensing Sub-Committees – Set up by the Council to administer and discharge the functions of the Licensing Authority consisting of at least ten and not more than fifteen members (Licensing Committee) and consisting of three members (sub-committees).

Licensing Hours – the hours stated in the Licence for which the premise's is allowed to operate/open.

Mandatory Conditions – Conditions imposed by the Government intended to support and actively promote the licensing objectives.

Neighbourhood – a matter of fact in each case to be determined by the Council's Licensing Team based upon whether an individual's residence or business are likely to be directly affected by the premises.

Operating Schedule – A schedule, which sets out how the Licence Holder will deal with the potential for nuisance and/or public disorder and public safety from the design through to the daily operation of the business.

Planning Permission – Formal approval (with or without Conditions) of the Council acting in its capacity as District Planning Authority permitting a proposed development (use or operation) to commence.

Personal Licence – A Licence issued by the Council to an individual authorising that individual to supply or authorise the supply of alcohol in accordance with a Premises Licence.

Premises – means any place and includes a vehicle, vessel or moveable structure.

Premises Licence – Is a Licence granted by the Council, which authorises the premises to be used for one or more Licensable Activities. The Licence is only valid in respect of the premises named on the Licence.

Provision of Late Night Refreshment – the supply of hot food and/or drink to members of the public from a premises from 23.00 hours to 05.00 hours for consumption on or off the premises.

Provisional Statement – an application for premises to be or which are in the course of construction for the purpose of being used for one or more licensable activities or extended/altere for that purpose – Section 29 of the Act.

Qualifying Club – Is a Club, which (a) has at least 25 members, (b) is established and conducted in good faith as a club, (c) only admits members of the club, or membership candidates (following at least 2 days between nomination or application for membership and their admission), and (d) alcohol is not supplied or intended to be supplied to members on the premises otherwise than by or on behalf of the club.

Regulated Entertainment – ~~is entertainment requiring a Licence when it is performed in front of an audience and includes a performance of a play, an exhibition of a film, an indoor sporting event, a boxing or wrestling entertainment (indoors and outdoors), a performance of live music (not incidental music, i.e.~~

~~a piano in a restaurant), any playing of recorded music or a performance of dance. Live unamplified music taking place between 08:00 hours and 23:00 hours and live amplified music taking place between 08:00 hours and 23:00 hours before audiences of no more than 200 people on premises authorised to supply alcohol on the premises or in workplaces is not regulated entertainment by virtue of amendments made to the Licensing Act 2003 by the Live Music Act 2012. entertainment such as a performance of a play, an exhibition of a film, an indoor sporting event, a boxing or wrestling entertainment, a performance of live music, any playing of recorded music, a performance of dance, or other similar activities. However, it should be noted that there are a large number of exemptions and criteria that affect whether an activity is licensable and it is best to contact the Licensing section at the Council if unsure.~~

Relevant Representations – are representations as defined by Section 18 of the Act made about the likely effect of the Premise Licence on the promotion of the licensing objectives and made by a Responsible Authority or other person, which have not been withdrawn and, in the case of representations made by someone who is not a responsible authority are not in the Council’s opinion irrelevant, frivolous or vexatious.

Responsible Authority – includes – as defined by Section 13 of the Act - the Chief Officer of Police, the Fire Authority, Health and Safety Enforcing Authority, Planning Authority, Pollution Control Authority, Child Protection Authority, Public Health Authority, Trading Standards Authority and the Licensing Authority.

Safety Advisory Group (SAG) - Members of the South Bucks District Safety Advisory Group include the Thames Valley Police, South Central Ambulance Service, Bucks Fire & Rescue Service, South Bucks District Council and Buckinghamshire County Council. As necessary representatives of adjacent local authorities or emergency services are invited to attend or comment on events planned in South Bucks. The objective of the group is to coordinate the risk assessment and preplanning to ensure public events are safe for exhibitors, performers and visitors and that access to and egress from the event including highways and public transport issues are included in the planning process.

Sexual Entertainment Venue - A sexual entertainment venue is defined as “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer”.

Temporary Events – Regulated entertainment for no more than 499 people at a time and lasting for no more than 168 hours.

Temporary Event Notice - A notice given to the Council (Licensing Section and Environmental Health) and the Police of a temporary event which must be given at least 10 days in the case of a standard notice and five days in the case of a late notice prior to the event, although the Council recommends at least 4 weeks’ notice be given.

The Act – The Licensing Act 2003 which received Royal Assent on 10 July 2003 and which had full effect on 24 November 2005.

~~The first appointed day – 7 February 2005 being the day Licensing Authorities began processing~~

~~applications for conversions to premises licenses, club premises certificates, variations and personal licenses.~~

Variation – If the Licence Holder wishes to vary any terms, conditions or restrictions of the licence, he/she will need to apply to the Council to vary the Licence.

APPENDIX 3

List of Responsible Authorities

Applications must be sent to the Licensing Authority at the following address:

Licensing Section
The Licensing Authority
South Bucks District Council
Council Offices
King George V Road
Amersham
Buckinghamshire
HP6 5AW
Email: licensing@southbucks.gov.uk
Telephone: 01494 732063

Duplicate copies of each application must be served upon the responsible authorities and must be sent to each of the following addresses:

The Chief Officer of Police
Licensing
Thames Valley Police
Headquarters (South)
KIDLINGTON
Oxfordshire
OX5 2NX
Email: licensing@thamesvalley.pnn.police.uk
Telephone: 01865 542059

The Fire Authority
Protection Manager
Buckinghamshire Fire and Rescue Service
Marlow Fire Station
Parkway
Marlow
Buckinghamshire
SL7 1RA
Email: marlowclerksfiresafety@bucksfire.gov.uk
Telephone: 01628 470644

The Health and Safety Enforcing Authority
Environment Manager
South Bucks District Council
Council Offices
King George V Road
Amersham

Buckinghamshire
HP6 5AW
Email: envhealth@chiltern.gov.uk
Telephone: 01494 732058

The Environmental Health Authority
Environment Manager
South Bucks District Council
Council Offices
King George V Road
Amersham
Buckinghamshire
HP6 5AW
Email: envhealth@chiltern.gov.uk
Telephone: 01494 732058

The Local Planning Authority
Development Management
South Bucks District Council
Council Offices
Capswood
Oxford Road
Denham
UB9 4LH
Email: planning@southbucks.gov.uk
Telephone: 01895 837342/01895 837210

[The Area Child Protection Committee](#)
[Business Manager](#)
[BSCB](#)
[4th Floor, County Hall](#)
[Aylesbury](#)
[Buckinghamshire](#)
[HP20 1UZ](#)
[Email: bscbtrainingteam@buckscc.gov.uk](#)[Telephone: 01296 387915](#)

The Weights and Measures Authority
Trading Standards
County Hall
Walton Street
Aylesbury
Bucks
HP19 1UP
Email: tsd@buckscc.gov.uk

Buckinghamshire County Council
Public Health Team
Tracey Ironmonger
Assistant Director of Public Health
County Hall, Walton Street
Aylesbury
Buckinghamshire HP20 1UA
Email: publichealth@buckscc.gov.uk
Telephone: 0845 3708090

Home Office – Immigration Enforcement
Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY
E-mail alcohol@homeoffice.gsi.gov.uk

Consultation Responses

1. Dear Licensing Manager

Further to your letter, ref. 14/02144/LAPRE, I have scanned through the document and have no further comments.

Yours sincerely

Brian Newman-Smith

Managing Director

Bekonscot Model Village, "The World's oldest model village"

Operated by The Roland Callingham Foundation (TRCF) - Charity No. 1164475

2. Dear Nathan,

Thank you for your below e-mail.

With reference to the licensing objective - Protection of Children from Harm, please can the BSCB's contact details on p45 of the policy be updated to: -

- 'Business Manager' (please take off Coral McGookin),
- Our postal address is now: - BSCB, 4th Floor, County Hall, Aylesbury, Buckinghamshire, HP20 1UZ
- E-mail: - bscbtrainingteam@buckscc.gov.uk
- Telephone Number: 01296 387915

Please be advised there may be possible changes as a result of Working Together – attached is the consultation document in case the fact that the board won't be statutory is a consideration for you.

Kind regards,

Emma

Emma Granville

Safeguarding Training Admin Assistant

Buckinghamshire Safeguarding Children Board

3. Nathan I have passed the draft to area and have read it myself, we have no comments to make on it.

Regards

Trevor

Trevor Hooper | Aylesbury & Chiltern Licensing Officer

Address Licensing, Aylesbury Police Station, Wendover Road, Aylesbury, Bucks, HP21 7LA.

4. Nathan,
Many thanks for sending me the Statement of Licensing Policy for South Bucks District Council.
I am making these comments on behalf of Poppleston Allen, as opposed to any of our clients.

Paragraph 1.10

This has been amended to refer to “healthier” local communities, and that this is one of the factors that will be taken into account when considering applications, where there is a greater concentration of licensed premises or longer hours. As you will know, public health is not a licensing objective and, with all respect, cannot by law be taken into account when determining applications.

Paragraph 2.6 – Neighbour Notification Policy

It is unclear from this paragraph (unless I have missed something) who is responsible for notifying neighbours. I assume that this is the Licensing Authority as opposed to the applicants? If it is the applicant could you please let me know, because I would certainly have [considerable] further comment.

Paragraph 12 - Garages

The definition of garages technically isn't just a petrol filling station, but also covers the sale and repair of cars and, therefore, I wonder if it is appropriate to limit the heading as such?

Definitions

The definition of Regulated Entertainment is not correct. It is obviously very difficult to fully define Regulated Entertainment because of all the exceptions, but of note is the fact that it refers to live music events as not being licensable for up to 200 when it is in fact 500. If you are going to mention the exemptions for live music and recorded music, should you not also do the same for plays, performance of dance and indoor sports?

Was the “Act” not fully implemented on 23rd November 2005, from recollection?

Do you still need the definition of “first appointed day”?

Yours sincerely

Jonathan

Jonathan Smith | Partner

Poppleston Allen

E: J.Smith@popall.co.uk | T: 0115 9349 163 | M: 07768 845 695 | W: www.popall.co.uk

SUBJECT:	Review of the Council's Gambling Act 2005 Statement of Principles
REPORT OF:	Director of Services – Steve Bambrick
RESPONSIBLE OFFICER	Head of Healthy Communities – Martin Holt
REPORT AUTHOR	Charlie Robinson, 01494 732056, crobinson@southbucks.gov.uk
WARD/S AFFECTED	All

1. Purpose of Report

1.1 To provide members with a draft copy of the revised draft Gambling Act 2005 Statement of Principles for consideration and to seek approval to undertake a consultation exercise in connection with the proposed revised draft policy.

RECOMMENDATIONS

It is recommended that;

1. The draft Statement of Principles attached at Appendix 1 be approved for consultation for a period of 6 weeks.
2. Members note that the results of the consultation exercise will be reported back to Licensing Committee at its meeting on 26 September 2018 for consideration.
3. That it be stated in the draft Statement of Principles that there is no necessity for the Council to make a resolution under Section 166 of the Act not to issue a casino at this time.
4. Members note that it is intended to report to Cabinet on 17 October 2018 and then to Council on 14 November 2018 for adoption of the final Statement of Principles.

2. Reasons for Recommendations

2.1 The recommendations above are considered appropriate for the following reasons:

- The revised Statement of Principles must be in place by 31st January 2019 and a consultation period of 6 weeks is recommended in the Gambling Commissions Guidance.
- That the draft Statement of Principles be approved for consultation with only minor amendments in view of little change by way of Guidance and the limited issues arising since the last review and that there has been no change in circumstances regarding casino licences.
- The responses received during the consultation period must be considered by the Committee when making its recommendations to Council.

-
- This is a shared function under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and therefore Cabinet will be asked to consider the recommendations from Licensing Committee and to recommend to Council to adopt the revised Statement with or without modification.

3. Background

3.1 The Gambling Act 2005 requires that local authorities prepare and publish a Statement of Principles for determining applications and that such a policy is reviewed every three years. A review of the Statement of Principles has been undertaken in advance of the required renewal date of 31st January 2019 and appended as Appendix 1.

3.2 Once the draft Statement of Principles has been agreed by Members, the guidance recommends a 6 week consultation period. Following this consultation the draft Statement of Principles will again be presented to the Licensing Committee for consideration of any consultation responses and for recommendation to Cabinet for approval and then to Council to be adopted and published.

3.3 The proposed changes to the current Statement of Principles are minor and amount to some layout changes and further clarification in some areas. There are no proposed significant changes at this time. Changes to the Statement of Principles are highlighted in Appendix 1 for information, and some of the more notable proposed changes are described below:

- Addition to Part A section 1 relating to minor changes
 - Further wording has been added under the introduction section of the document to allow minor amendments including changes to legislation to be authorised by the Head of Healthy Communities, in consultation with the Chairman of the Licensing Committee. This allows for the process regarding minor amendments to be made to the document quicker and simpler.
- Addition of Part B section 2 on 'Local Risk Assessments'
 - This section has been added to the document following the introduction of the requirement for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises. This requirement came into effect in April 2016 and as such it is deemed appropriate to now provide a section to briefly set out the background and specifics of this obligation.
- Addition of Part B section 2 referring to the 'Local Area Profile'
 - The Gambling Commission have introduced the concept of local area profiles which it describes as an assessment of the local environment that identifies the key characteristics of the area. The completion of a local area profile is not a statutory requirement under the Act but there are distinct benefits for both the Council and gambling operators, in having a better awareness of the local area and risks to the Gambling licensing objectives. In line with guidance from the Commission, a local area profile has been developed and will remain a stand alone document in order to make it easier to adjust as it is deemed appropriate without having to go through the full review process for the Statement of

Principles. The draft local area profile is attached as Appendix 2 and is currently with the responsible authorities for comments. Any comments received will be reported verbally to Members at the meeting.

- 3.4 Regarding the Casino Resolution made under Section 166 of the Act the Council may resolve not to issue casino premises licences. There is no requirement to do so and declining now will not restrict the Council from making a future resolution should it become justified and necessary. When the Statement of Principles was considered by Members as part of all previous reviews, it was decided not to make a resolution under Section 166 of the Act. As it is still most unlikely any of the permitted casinos would seek to operate in this district officers believe that a resolution at this time is not considered justified or necessary.

4. Consultation

- 4.1 It is proposed that the attached draft Statement be subject to a six week consultation period to enable people to submit any comments on the draft Statement. Comments received during the consultation process will then be reported back to the Licensing Committee for further consideration on 26 September 2018, and then recommended to Cabinet in October 2018 for recommendation to Council in November 2018 with or without further modification for adoption.
- 4.2 The Responsible Authorities will be engaged with directly, as will other known key stakeholders. In addition, the consultation and draft Statement will also be published on the Council's website and advertised via social media.

5. Corporate Implications

- 5.1 Legal and Financial
The revision of the Statement of Principles is a statutory function and must be undertaken every 3 years. The costs in carrying out the revision, including the consultation process, will be covered by the Gambling Act 2005 fees. There will be no income generated by the revision of the existing Policy.
- 5.2 Equalities Act 2010
An Equalities Impact Assessment (EIA), in accordance with the requirements of the Equality Act 2010, has been undertaken in connection with the review of the Statement of Principles. The EIA undertaken, a copy of which can be viewed by contacting the Licensing Team, did not identify any adverse equality issues and as a result no further action or mitigation is considered appropriate.
- 5.3 Other Implications
A robust Statement of Principles assists the Council in preventing Crime and Disorder, and minimising the negative impact of licensable activities on the local environment. It should encourage good partnership working with Responsible Authorities and other key stakeholders.

6. Links to Council Policy Objectives

The publication of an effective Licensing policy links to all 3 of the Council's headline objectives:

1. Delivering cost- effective, customer- focused services.
2. Working towards safe and healthier local communities.
3. Striving to conserve the environment and promote sustainability.

7. Next Steps

The next steps will be as stated in the recommendations.

Background Papers:	None other than those referred to in this report.
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Classification: OFFICIAL

SOUTH BUCKS DISTRICT COUNCIL
ADOPTED BY FULL COUNCIL ON 12TH DECEMBER 2006
STATEMENT OF GAMBLING PRINCIPLES
GAMBLING ACT 2005

1ST REVIEW - 15TH DECEMBER 2009.

2ND REVIEW - 30TH OCTOBER 2012

3RD REVIEW - 10TH November 2015

~~4th REVIEW -~~

TO HAVE EFFECT 31 JANUARY 201~~9~~⁶ TO 30 JANUARY 20~~22~~¹⁹.

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Part A

1. Introduction

~~South Bucks District Council is situated in the County of Buckinghamshire, which contains 4 District Councils and Buckinghamshire County Council. The district has a population of 66,900 (2011 Census). It is relatively small at 141km², and lies within the Metropolitan Green Belt, with 87% of land designated as green belt. It is the smallest district in Buckinghamshire in terms of size and population. Although the Council area is principally rural it includes the towns of Beaconsfield, Gerrards Cross, Burnham, Iver and Denham. The main shops are located in the centres of Beaconsfield and Gerrards Cross. Proximity to Greater London and other major towns, and the presence of the M4, M25 and M40 motorways, all of which pass through the District, and its rail links coupled with the attractive countryside make it ideal as a place in which to live.~~

~~Map of Area~~



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Licensing authorities are required by Section 349 the Gambling Act 2005 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. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be then re-published.

South Bucks District Council consulted widely upon this Statement before it was finalised and published. A full list of those persons/bodies consulted is provided at Appendix A.

The consultation took place for 126 weeks between 6th July 2015XXXXXX and 28th September 2015X.

The full list of comments made and the consideration by the Council of those comments is available on request to: The Licensing Team, Council Offices, King George V Road, Amersham HP6 5AW - 01494 732063.

The Statement was approved at a meeting of the Full Council on 10th November 2015 XXXXXX and was published via the Councils website on 16th December 2015 XXXXXX and shall take effect on 31 January 20196. Copies were made available at the Council Offices.

Should you have any comments as regards this Statement please send them via e-mail or letter to the following contact:

Name: The Licensing Team
Address: Council Offices, King George V Road, Amersham HP6 5AW -
E-mail: licensing@southbucks.gov.uk Tel: 01494 732063

The Policy may also be subject to minor amendments from time to time, for example, when there are changes to relevant legislation; when this is necessary, changes will be authorised by the Head of Healthy Communities, in consultation with the Chairman of the Licensing Committee. The Council reserves the right to amend this Statement should it be necessary to do so following regulations issued by the Secretary of State or further guidance from the Gambling Commission.

2. Summary and Declaration

This Statement of Principles sets out the Councils general approach as Licensing Authority to the exercise of its functions under the Gambling Act 2005. The Council will seek to regulate Gambling in the public interest. In carrying out its licensing functions the Council will have regard to any guidance issued by the Gambling Commission from time to time and the 3 licensing objectives. The Council in undertaking its licensing functions will have due regard to the need to eliminate unlawful discrimination and will seek to promote equality and good relations between all persons having particular regard to their human rights.

The Council will not seek to use the Act to resolve matters more readily dealt with under other legislation.

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It should be noted that this Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

Demand and need are not considerations the Local Authority will take into account in relation to applications submitted to it for determination however the location of the premises, its size and layout can be relevant considerations to be taken into account on a case by case basis.

Declaration

In producing this Statement, this Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement

3. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005. 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
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

Section 153 requires that the Licensing Authority, in making decisions about premises licences and temporary use notices, 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
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of licensing policy

The Licensing Authority recognises that the best means of promoting the licensing objectives is through the co-operation and partnership of the Local Authority, the Police, local business, local people and those involved in child protection.

4. Licensing Authority Functions

'Gambling' is defined in the Act as either gaming, betting, or taking part in a lottery.

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- gaming means playing a game of chance for a prize
- betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not
- A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

A “gaming machine” can cover all types of gambling activity which can take place on a machine, including betting on ‘virtual’ events.

The Act itself prescribes the number and category of gaming machines that are permitted in each type of gambling premises.

Subject to the provisions of the Act, gaming machines can be made available in a wide variety of premises, including:

- casinos
- bingo premises
- betting premises, (including tracks)
- adult gaming centres
- family entertainment centres
- clubs
- pubs and other alcohol licensed premises
- travelling fairs

A machine is not a gaming machine if the winning of a prize is determined purely by the player’s skill. However, any element of ‘chance’ imparted by the action of the machine would cause it to be a gaming machine.

Licensing Authorities are required under the Gambling Act 2005 to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members’ clubs and miners’ welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds

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- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section below on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

There are a range of statutory application forms and notices that licensing authorities are required to use. The forms can be downloaded from the ~~Department for Culture, Media and Sport~~ [central government services](http://www.culture.gov.uk) website (www.culture.gov.uk).

Certain activities are however exempt and these require no licence or permit i.e. incidental non-commercial lotteries - those run as an additional amusement at non commercial events with tickets sold on the premises and only during the event - such as a raffle at a dance or a church fete and promoted for a purposes other than private gain.

It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences - the Gambling Commission will also be responsible for Personal Licences. The National Lottery is regulated by the National Lottery Commission which is part of the Gambling Commission. —

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The Council's licensing functions under the Act will be carried out by the Licensing Committee, the Licensing sub-committee and/or by officers acting under the delegated authority of the Licensing Committee - see Appendix D.

Where there are no areas of contention it is considered that many of the functions will be largely administrative. In the interests of efficiency and effectiveness these will, for the most part, be carried out by officers.

Where there are relevant representations in respect of an application the matter will be determined by the Licensing Sub-Committee, as will any application for the review of a licence.

The Council will, where appropriate, seek to encourage permit and premises licence holders to adopt any codes of practice which may be introduced by the amusement industry from time to time.

5. Responsible Authorities

Section 157 of the Act defines those authorities as:

- The Gambling Commission
- The Police
- The Fire Service
- The local planning authority

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- Environmental Health
- Local Safeguarding Children Board (LSCB)
- HM revenue and Customs
- A licensing authority in whose area the premises is situated

This Authority designates the Local Safeguarding Children Board as the body which it considers competent to advise about the protection of children from harm.

The principles applied in this designation were

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

The contact details of all the Responsible Authorities under the Gambling Act 2005 is provided at Appendix B. Contact details of Responsible Authorities are also provided on the Council's website at: www.southbucks.gov.uk

6. Interested Parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

a) lives sufficiently close to the premises to be likely to be affected by the authorised activities, b) has business interests that might be affected by the authorised activities, or c) represents persons who satisfy paragraph (a) or (b)"

In deciding whether or not a person is an interested party, 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 Gambling Commission's Guidance for local authorities, the size of the premises, the nature of the premises and the activities taking place i.e. larger premises may be considered to affect people over a broader geographical area compared to smaller premises offering similar facilities, the distance of the premises from the person making the representation - amongst other matters on a case by case basis - therefore this list is not exhaustive.

Business Interests will be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

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

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ward likely to be affected. Likewise, parish councils likely to be affected, will be considered to be interested parties. Other than these however, 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.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Sub-Committee dealing with the licence application.

South Bucks District Council will not consider representations that are frivolous or vexatious, or which relate to demand or need for gambling facilities. Decisions on whether representations are frivolous or vexatious will be made objectively on a case by case basis and not on the basis of any political judgement. Where representations are rejected, the person making that representation will be ~~given a written reason~~ informed in writing and provided with sufficient reasoning behind the decision.

A vexatious representation is generally taken to be one which is repetitive, without foundation or made for some other reason such as malice. A frivolous representation is generally taken to be one that is lacking in seriousness, or is unrelated to the licensing objectives, guidance issued by the Gambling Commission or this statement of principles.

7. Exchange of Information

Licensing 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 Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a Premises Licence will be informed that their details will be disclosed in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.

The Licensing Authority will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter as updated from time to time, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005 and guidance from LACORS.

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Should any protocols be established as regards information exchange with other bodies then they will be considered and if applied, copies will be made available.

8. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This Licensing Authority is a signatory to the Enforcement Concordat and the Regulators' Compliance Code and will follow the principles set out in these documents with a view to adopting a consistent, transparent and proportional approach.

The Enforcement Concordat proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence, such as failing to maintain records, may be dealt with by way of written warning. More serious offences or repeated offences may result in a referral to the Licensing Committee, the issue of a Formal Caution or a referral for prosecution.

The Regulators' Compliance Code supports the Government's better regulation agenda and intends to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on business.

The Licensing Authority intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the Act and in compliance with any licence conditions. It will also be important to monitor the district for unlicensed premises and activities.

The Licensing Authority will seek to work actively with the Police in enforcing licensing legislation and intends to establish protocols with the Thames Valley Police, Buckinghamshire Trading Standards and Buckinghamshire Fire and Rescue on enforcement issues to ensure an efficient deployment of police and council officers.

Licence/Permit holders will be encouraged to give the Licensing Authority the name of the person responsible for the premises to be contacted in the first instance in relation to compliance issues/queries.

Any enforcement action will endeavour to be:

- Accountable: regulators must be able to justify decisions, and be subject to public —scrutiny;
- Consistent: rules and standards must be joined up and implemented

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- 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.

As per the Gambling Commission's Guidance for local authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

The Licensing Authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

This Licensing Authority also keeps itself informed of developments as regards best practice in its consideration of the regulatory functions of local authorities.

The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements will be available upon request to the licensing department (Council Offices, ~~Capswood, Oxford Road, Denham, UB9 4LH, telephone 01895 837222~~ King George V House, King George V Road, Amersham, Buckinghamshire, HP6 5AW, telephone 01494 732063, e-mail licensing@southbucks.gov.uk). Our risk methodology will also be available upon request when adopted/completed.

Part B - Premises Licences: consideration of applications

1. General Principles

In carrying out its licensing functions the Council will have regard to any guidance issued by the Gambling Commission from time to time and the 3 licensing objectives.

The Council will not seek to use the Act to resolve matters more readily dealt with under other legislation.

To ensure the licensing objectives are met the Council will ~~establish~~ maintain a

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close working relationship with the police, the Gambling Commission and, ~~where appropriate,~~ other responsible authorities.

Where children, young persons and other vulnerable people are allowed access to premises where gambling takes place, the Council may take whatever steps are considered necessary to either limit access generally or by introducing measures to prevent under age gambling where it believes it is right to do so for the prevention of their physical, moral or psychological harm, especially where it receives representations to that effect. Applicants seeking premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

However, the overriding principle is that all applications and the circumstances prevailing at each premises will be considered on their own individual merits.

2. Premises Licence

A premises licence can authorise the provision of facilities at the following:

- casino premises
- bingo premises
- betting premises, including betting tracks and premises used by betting intermediaries
- adult gaming centre premises (for category B3, B4, C and D machines)
- family entertainment centre premises (for Category C and/or D machines)

The type of licence will dictate the type of gambling and the category of gaming machine that is allowed therein.

Other than an application for a betting premises licence in respect of a track (where the occupier of the track who gets the premises licence may not be the person who actually offers the gambling), the Council is not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.

The Act provides that licensing authorities may attached conditions to premises licences and Gambling Commission guidance suggest what conditions might be considered appropriate in relation to each type of licence.

The Council will maintain a register of premises licences issued and will ensure that the register is open for public inspection at all reasonable times.

Local Risk Assessment

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From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to

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mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

The LCCP states that licensees must review (and update as necessary) their local risk assessments:

- To take account of significant changes in local circumstance, including those identified in this policy;
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- When applying for a variation of a premises licence; and
- In any case, undertake a local risk assessment when applying for a new premises licence.

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The Council will expect the local risk assessment to consider as a minimum:

- Whether the premises is in an area of deprivation;
- Whether the premises is in an area subject to high levels of crime and/or disorder;
- The demographics of the area in relation to vulnerable groups;
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.
- Significant presence of young children, both residents and visitors;
- High unemployment area;
- Nearby homeless hostels;
- Nearby gambling, alcohol, drug or mental health support facility;
- The area has a high number of rough sleepers/homeless people;

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Local Area Profile

Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Council has published a local area profile. This profile, compiled in conjunction with the Public Health Intelligence Team, can be obtained from the Council's website www.southbucks.gov.uk.

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The local area profile should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profile will be presented to any subsequent licensing sub-committee when they determine an application that has received representations.

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The Council recognises that it cannot insist on applicants using the local area profile when completing their risk assessments. However, an applicant who decides to disregard the profile may face additional representations and the expense of a hearing as a result.

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Decision-making

This Licensing 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 Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution') and also that unmet demand is not a criterion for a licensing authority.

(ii) Definition of "premises" - In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can 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. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the fourth edition (para 7.14) of its Guidance to Licensing Authorities 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 officer. However, 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."

This Licensing Authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being

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harmed by gambling. In practice that 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.
- Customers should be able to participate in the activity named on the premises licence.

The Guidance also gives a list of factors which the Licensing Authority should be aware of, which may include:

- Do the premises have a separate registration for business rates
- 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?

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

The Gambling Commission’s relevant access provisions for each premises type are reproduced below:

7.25:

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.23 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

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Betting Shops

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another 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 and you could not have a betting shop at the back of a café - the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

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

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this Authority will also take into account in its decision-making.

Premises "ready for gambling"

The Guidance states 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.

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.

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 a two stage consideration

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process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, 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.

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.

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.59-7.66 of the Guidance.

Location - This Licensing 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 per the Gambling Commission's Guidance to Licensing Authorities, 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. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

Planning:

The Gambling Commission Guidance to Licensing Authorities states:

7.59 - In determining applications the Licensing Authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This Authority will not take into account irrelevant matters as per the above guidance. In addition this Authority notes the following excerpt from the Guidance:

7.66 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 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.

Duplication with other regulatory regimes - This Licensing Authority seeks to avoid

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any duplication with other statutory / regulatory systems where possible, including planning. This Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

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 - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

Preventing gambling from being a source of crime and disorder

The Gambling Commission will play a leading role in preventing gambling from being a source of crime and disorder and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.

Anyone applying to the Council for a premises licence will have to hold an operating licence from the Commission before a licence can be issued. Therefore, the Council will not generally be concerned with the suitability of an applicant but where concerns about a person's suitability arise the Council will bring those concerns to the attention of the Commission.

If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Council will, in consultation with the police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. This could include a requirement for door supervisors.

As far as disorder is concerned, there are already powers in existing anti-social behaviour and licensing legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The Council does not therefore intend to use the Act to deal with general nuisance issues, for example, parking problems, which can be dealt with using alternative powers.

Issues of disorder should only be dealt with under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance, and it can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if police assistance was required to deal with it. Another factor which could be taken into account is how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently

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close to be affected or have business interests that might be affected.

When making decisions in this regard the Council will give due weight to any comments made by the police.

Ensuring gambling is conducted in a fair and open way

The Gambling Commission does not generally expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues will be addressed by the Commission through the operating and personal licensing regime.

Because betting track operators do not need an operating licence from the Commission the Council may, in certain circumstances impose conditions on the licence relating to the suitability of the environment in which betting takes place.

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

The Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling or being in close proximity to gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Licensing Authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This Licensing Authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This statement will be applied to vulnerable persons on this basis or by way of any statutory definition in the future - as may then be amended from time to time. The Council will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.

Conditions

Mandatory conditions will be imposed - otherwise the local authority has a discretion regarding default conditions and imposing other specific conditions. The local authority will not attach conditions to a licence unless they are considered

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necessary for the promotion of the licensing objectives and will be considered unnecessary if they are already adequately covered by other legislation.

Any conditions attached to licences by the local authority will be proportionate to the circumstances they are intended to address. The Council will endeavour to ensure they are

- 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.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas, age limits, posters re Gamcare contacts and Helpline information, opening hours, etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

Conditions imposed by the Council may be general in nature by applying to all licences, or those of a particular type, or they may be specific to a particular licence. Duplication with other statutory or regulatory regimes will be avoided so far as possible.

The Council will not generally impose conditions that limit the use of premises for gambling unless it is deemed to be necessary as a result of the requirement to act in accordance with the Gambling Commission's guidance, any codes of practice issued by the Commission, this Statement of Principles or in a way that is reasonably consistent with the licensing objectives.

This Licensing 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 Gambling Commission's Guidance.

This Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

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

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- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- age verification schemes are implemented.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

It is noted that there are conditions, which the Licensing 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 Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

Door Supervisors

The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. The Local Authority will however only make a door supervision requirement if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

It is noted though that the door supervisors at casinos or bingo premises are not licensed by the Security Industry Authority (SIA). This Licensing Authority however reserves the right to attach a condition(s) to a licence when requesting door supervisors to be employed requiring that they are licensed by the SIA and are adequately vetted. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

3. Adult Gaming Centres

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

This Licensing Authority will expect applicants to offer their own measures to meet

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the licensing objectives however appropriate measures / licence conditions may cover issues such as:

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

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

4. (Licensed) Family Entertainment Centres

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the 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 and may request plans of the premises to be submitted.

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

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

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

This Licensing Authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory

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or default conditions on these premises licences, when they have been published.

5. Casinos

No Casinos resolution - This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005 as it is not currently anticipated there will be any casinos in this area hence a no casino resolution is not considered necessary at this time - the Local Authority is however aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this statement with details of that resolution. Any such decision will be made by the Full Council.

In determining any application for a Casino regard will be had to relevant regulations and guidance issued from time to time under the Act.

6. Bingo premises

The holder of a bingo operating licence will be able to provide any type of bingo game including cash and prize bingo.

Commercial bingo halls will require a bingo premises licence from the Council.

Amusement arcades providing prize bingo will require a prize gaming permit from the Council

In each of the above cases it is important that where children are allowed to enter premises licensed for bingo, in whatever form, they are not allowed to participate in any bingo game other than category D machines. When considering applications of this type the Council will therefore take into account, among other things, the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.

A limited number of gaming machines may also be made available at bingo licensed premises.

Bingo is a class of equal chance gaming and will be permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold, otherwise it will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission.

This Licensing Authority notes that the Gambling Commission's Guidance states:

18.4 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

This Authority also notes the Guidance at paragraph 18.8 regarding the unusual

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circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

This Authority will consider any further guidance issued by the Gambling Commission from time to time in relation to Bingo in particular but not limited to matters relating to the suitability and layout of premises.

7. Betting premises - including tracks

Anyone wishing to operate a betting office will require a betting premises licence from the Council - although betting is permitted under a Casino Premises Licence without a separate betting premises licence - and special rules apply in relation to tracks. Children and young persons under 18 will not be able to enter premises with a betting premises licence.

Betting premises will be able to provide a limited number of gaming machines and some betting machines.

The Council has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available. It will not generally exercise this power though unless there are good reasons to do so taking into account, among other things, the size of the premises and the level of management and supervision especially where vulnerable people are concerned.

Each application will be considered on its own individual merits.

Applicants will however be encouraged to locate/relocate machines to enhance the quality of the facility provided.

Only one premises licence can be issued for any particular premises at any time unless the premises is a 'track'.

Tracks

A track is a site where races or other sporting events take place.

This Licensing 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 Gambling Commission's Guidance, this Licensing Authority 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.

This Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter

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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.

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

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

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

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

Betting machines - This Licensing Authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Licensing Authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, para 20.28).

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities, para 20.29).

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, para 20.31).

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In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

(See Guidance to Licensing Authorities, para 20.32).

This Authority appreciates 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. Applicants should provide sufficient information that this Authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, para 20.33).

8. Lotteries

All "lotteries" are unlawful unless they are run in accordance with an operating licence issued by the Gambling Commission or it is an 'exempt' lottery as defined by the Act.

One of those exemptions is in respect of what are termed "small societies lotteries" and the Council is responsible for registering these 'small' lotteries.

A society will be allowed to register with the Council if it is a 'non-commercial' lottery, in other words, it is established and conducted:

- for charitable purposes;
- for the purpose of enabling participation in, or of supporting, sport, athletic or a cultural activity; or
- for any other non-commercial purpose other than for private gain.

The Council will maintain a public register of small societies lotteries which it has registered.

9. Travelling Fairs

It will fall to this Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit are to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met - see Sections 286 and 287 of the Act although "Ancillary Amusement" is not defined in the Act.

The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

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The 27-day statutory maximum for the land being used as a fair, is per calendar year, and it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

10. Provisional Statements

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.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

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

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.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing 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 authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

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

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- which could not have been raised by objectors 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 submitted with the application. This must be a substantial change to the plan and this Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

11. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the Licensing Authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous and/or vexatious, or whether it is substantially the same as previous representations or requests for review.

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

The Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

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

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

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

- (a) add, remove or amend a licence condition imposed by the Licensing 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

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- (d) revoke the premises licence.

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

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

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

- the licence holder
- the applicant for review (if any)
- the 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 and Occasional Use Notices

1. **Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)**

Where a premises does not hold a premises licence - or an Alcohol Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238). No operating licence is required.

The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and **shall** have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues." (24.6)

Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling

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- that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)

It should be noted that a licensing authority cannot attach conditions to this type of permit.

Statement of Principles

South Bucks District Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff i.e. how to deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This Licensing Authority will also expect, as per Gambling Commission 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); that relevant insurance is in place and that staff are trained to have a full understanding of the maximum stakes and prizes.

Matters raised by the Police will also be a determining factor in the Councils decision as will the suitability of the premises re location, history of disorder, etc.

2. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

Automatic Entitlement: 2 Machines

There is provision in the Act for alcohol licence holders to automatically make available for use in alcohol licensed premises 2 gaming machines, of categories C and/or D. This entitlement relates only to premises that are licensed for consumption of alcohol on the premises, there is no entitlement in premises licensed only for consumption off the premises. This entitlement does not require an authorisation as licensing authorities have no discretion regarding this matter. The premises merely need to notify the Licensing Authority, pay the prescribed fee and comply with any Gambling Commission Code of Practice. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. such that written notice has not been provided to the Licensing Authority, that a fee has not been paid and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has not

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- been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

Permit: 3 or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant.”

This Licensing 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 harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Authority that there will be no access to for under 18’s 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 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 and Gamblers Anonymous.

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.

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. This Authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))

A Prize Gaming Permit is a permit issued by the Local Authority to authorize the provision of facilities for gaming with prizes on specific premises. Certain premises can offer prize gaming without a Prize Gaming Permit i.e. Bingo Premises.

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing ~~authority propose~~ authority proposes to consider in determining the suitability of the

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applicant for a permit”.

This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

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

In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance - and the police must be consulted. Relevant considerations for the Local Authority include the suitability of the applicant i.e. relevant convictions; location of the premises and issues of disorder.

It should be noted that there are conditions in the Gambling Act 2005 to which the permit holder must comply, but that the Licensing Authority cannot attach its own further 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.

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes may apply for a Club Gaming Permit or a Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide up to three gaming machines (from specified categories), equal chance gaming and games of chance as set-out in regulations. A Club Gaming machine permit will enable the premises to provide up to three gaming machines (from specified categories), but not equal chance gaming or games of chance. Commercial Clubs are not permitted to provide non-machine gaming, but can apply for a club machines permit permitting up to three machines. The machines permitted in Commercial Clubs differ from those permitted in Members Clubs and Miners' welfare institutes.

When considering whether to grant a club gaming permit or club machine permit (and monitoring those that have been issued) the Council will have regard to guidance issued by the Gambling Commission regarding the factors that ought to

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be considered in making such determinations.

The Commission Guidance notes that "licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons; (If (a) or (b) apply then the local authority must refuse the permit)
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police".

If c), d) or e) apply, then the local authority can refuse but will first have regard to relevant guidance and the licensing objectives.

Fast Track Procedure - There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). The Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." "The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are mandatory conditions on club gaming/machine permits including 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 - no other conditions can be imposed.

5. Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating

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licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. 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". In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This Licensing Authority expects 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, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

6. Occasional Use Notices

The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. These are only available for betting at tracks - see section 39 of the Act. This Licensing Authority will however consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

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Appendix A - List of consultees.

LIST OF CONSULTEES

The Chief Officer of Police for the Council's area
Bodies representing the interests of persons carrying on gambling businesses within Chiltern District
Bodies representing the interests of persons who are likely to be affected by the exercise of the authority's function under this Act
The local Planning Authority
The local Health and Safety Authority
The Authority responsible for Control of Pollution
Bucks Fire and Rescue
Buckinghamshire Safeguarding Children Board
Local Primary Care Trusts
Bodies dealing with mental health issues
Citizens Advice Bureau
GamCare
Gamblers Anonymous
Bodies representing businesses and residents in the area
Parish Councils within the District
Other Councils, including Wycombe DC, South Bucks DC, Aylesbury Vale DC, Milton Keynes Council, Dacorum Borough Council, Three Rivers District Council and Buckinghamshire County Council
Wycombe and Beaconsfield Magistrates Court
Central Buckinghamshire Magistrates' Court (Aylesbury)

Note: - This list is not intended to be exclusive. Comments and observations will be welcome from anyone who will be affected by the policy.

Responsible authorities:

The Gambling Commission
The Chief Officer of Police

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~~The Fire Authority
The Environmental Health Authority
The Local Planning Authority
Local Safeguarding Children Board
H.M. Revenue and Customs~~

~~Other Local Authorities:~~

~~Aylesbury Vale District Council
Buckinghamshire County Council
Chiltern District Council
Milton Keynes District Council
Wycombe District Council~~

~~Elected members of South Bucks District Council~~

~~Town and Parish Councils within the South Bucks District Council area~~

~~Persons who appear to represent the interests of gambling businesses:~~

~~Association of British Bookmakers
Bingo Association
British Amusement Catering Trade Association
British Beer and Pub Association
Business in Sport and Leisure
Casino Operators Association
Enterprise Inns
Federation of Licensed Victuallers
Gala Coral Group
Greyhound Board of Great Britain
Ladbrokes
National Pubwatch
Point Bingo
Premises licence holders within South Bucks District Council area
Rank Group
Solicitors/legal practices regularly representing gambling operators
William Hill
Working Men's Club and Institute Union~~

~~Persons who appear to represent the interests of those likely to be affected by the authority's exercise of functions under this Act (faith groups, voluntary and community organisations working with young people, organisations working with people who are problem gamblers, medical practices and advocacy organisations)~~

~~Age Concern
British Blind Sport
Citizens Advice Bureau
Churches within the South Bucks District Council area
Gamecare
Gerrards Cross Community Association
GPs within the South Bucks District Council area
Leisure Link Limited
Mencap~~

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~~Schools within the South Bucks District Council area~~

~~Note – This list is not intended to be exclusive. Comments and observations will be welcome from anyone who will be affected by the policy.~~

Copies of the draft Gambling Statement of Principles were also ~~placed in the public libraries of the South Bucks District Council area as well as being~~ available at the Council Offices and on the Council's website.

~~B. Contact details of all Responsible Authorities~~

~~The Gambling Commission~~

~~4th Floor Victoria Square House
Victoria Square~~

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Birmingham
B2 4BP

Tel No: 0121 230 6666
E-mail: contactcentre@gamblingcommission.gov.uk
Website: www.gamblingcommission.gov.uk

The Chief Officer of Police

Licensing
Thames Valley Police
Headquarters (South)
Kidlington
Oxfordshire
OX5 2NX

E-mail: licensing@thamesvalley.pnn.police.uk
Telephone: 01865 846597

The Fire Authority

Protection Manager
Buckinghamshire Fire and Rescue Service
Marlow Fire Station
Parkway
Marlow
Bucks,
SL7 1RA

E-mail: FSMAR@bucksfire.gov.uk
Telephone: 01628 470644

The Environmental Health Authority

Environment Manager
South Bucks District Council
Council Offices
Capswood
Oxford Road
Denham
UB9 4LH

E-mail: environment@southbucks.gov.uk
Telephone: 01895 837333

The Local Planning Authority

Development Management
South Bucks District Council
Council Offices
Capswood
Oxford Road
Denham
UB9 4LH

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~~E-mail: planning@southbucks.gov.uk
Telephone: 01895 837342/01895 837210~~

~~Local Safeguarding Children Board
Buckinghamshire Safeguarding Children Board
4th Floor
County Hall
Walton Street
Aylesbury
HP20 1UZ~~

~~H.M. Revenue and Customs
National Regulation Unit
Betting & Gaming Section
Portculis House
21 India Street
Glasgow
G2 4PH~~

~~E-mail: NRUbetting&gaming@HMRC.GSI.gov.uk~~

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Appendix C. Delegations

The table below sets out the agreed delegation of decisions and functions of the Licensing Committee, sub-committees and officers. The various delegations include delegation to impose appropriate conditions.

This scheme of delegations is without prejudice to the right of officers to refer an application to a Licensing sub-committee or the full Licensing Committee if considered appropriate in the circumstances of any particular case.

Unless there are compelling reasons to the contrary, the Council will require the Licensing Committee or any of its sub-committees to meet in public although Members can retire into private session to consider their decision.

The Table of delegations will be reviewed and updated from time to time on the basis of the changes to law and practice. For the up to date scheme of delegations please refer to the Licensing Team.

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE	SUBCOMMITTEE	OFFICERS
Three year licensing policy	*			
Policy not to permit casinos	*			
Fee Setting when appropriate		*		
Application for Premises Licences			Where representations have been received and not withdrawn	Grant where no representations have been received/representations have been withdrawn
Application for a Variation to a Licence			Where representations have been received and not withdrawn	Grant where no representations have been received/representations have been withdrawn
Application for a Transfer of a			Where representations	Grant where no representations have

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Licence				have been received from the Commission	been received from the commission
Application for a Provisional Statement				Where representations have been received and not withdrawn	Grant where no representations have been received/representations have been withdrawn
Review of a Premises Licence				*	
Application for club gaming/club machine permits				Where representations have been received and not withdrawn	Grant where no representations have been received/representations have been withdrawn
Cancellation of club gaming/club machine permits				*	
Applications for other permits					*
Cancellation of licensed premises gaming machine permits					*
Consideration of temporary use notice					*

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Decision to give a counter notice to a temporary use notice				*	
Approval and/or amendments to Delegation Scheme			*		

Appendix ~~DB~~. Glossary of Terms

Within this draft Statement of Policy, the following words and terms are defined as stated: Licensing Objectives: As set out in Section 1 of the Gambling Act 2005:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling Council: South Bucks District Council District: The area of Buckinghamshire administered by South Bucks District Council (Map at Appendix A) Licenses: As defined under section 4 of this statement

Applications: Applications for licenses and permits as defined under Parts B and C of this statement.

Notifications: A notification of Temporary and Occasional use Notices

Act: The Gambling Act 2005, a new regulatory system to govern the provision of all gambling in Great Britain other than the National Lottery and Spread Betting.

Regulations: Regulations made under the Gambling Act 2005 to ensure smooth transition from the old regime for gambling regulation to the new regime established by the Act.

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Premises: Any place including a vehicle, vessel or moveable structure.

Code of Practice: Any Code of Practice issued under section 24 of the Gambling Act 2005.

Mandatory Condition: Conditions which are specified in regulations by the Secretary of State and **must** be applied to all premises licences for England and Wales and Scotland respectively.

Default Condition: Conditions which are specified in regulations by the Secretary of State for England and Wales and Scotland respectively. Local Authorities have powers to exclude default conditions.

Responsible Authority: Bodies who have rights to be involved/consulted in relation to applications for Premises Licences and other procedures under the Act (List of Responsible Authorities attached at Appendix C)

Interested Party: defined as

- People who live sufficiently close to premises in respect of which a premises licence has been granted or applied for, that they are likely to be affected by activities authorised by the licence; and
- those with business interests who might be affected by the authorised activities; or representatives of either of these groups

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| Appendix ~~C~~E. Category of Machines

Category of Machine	Maximum Stake from July 2011	Maximum Prize
A	No category A Gaming machines are currently permitted	
B1	£5	£10,000 or £20,000 if linked to other B1 machines
B2	£100 (in multiples of £10)	£500
B3	£2	£500
B3A	£2	£500
B4	£24	£400
C	£1	£100
D	Various 10p to £1	£5 to £50 (max relates to non-money prizes only)

NB Stakes and prizes for different categories of gaming machine are updated from time to time. For the most recent information please refer to the Gambling Commission website at www.gamblingcommission.gov.uk

The number of different categories of machines in different types of premises are often subject to limits on numbers or percentages of machines available for use. For the most recent information please refer to the Gambling Commission website at www.gamblingcommission.gov.uk

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SOUTH BUCKS

District Council



SOUTH BUCKS

District Council

Healthy Communities Division

LOCAL AREA PROFILE

GAMBLING ACT 2005

South Bucks District Council
Gambling Act Local Area Profile

As stated in the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), licensees have a social responsibility to assess local risks to the licensing objectives posed by the provision of gambling facilities. Although it is not a requirement for licensing authorities to complete a risk assessment of their area, it is emphasised by the Gambling Commission that such assessments, referred to as local area profiles, are of significant benefit to both the licensing authority and operators. Benefits are specifically set out under section 6.53 of the Gambling Commission's guidance as follows:

- i. It enables licensing authorities to better serve their local community, by better reflecting the community and the risks within it;
- ii. Greater clarity for operators as to the relevant factors in licensing authority decision making, will lead to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application;
- iii. It enables licensing authorities to make robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge; and
- iv. It encourages a proactive approach to risk that is likely to result in reduced compliance and enforcement action.

South Bucks is a predominantly rural district set within the county of Buckinghamshire. It shares a border with the two other districts within the county and also borders council areas in Berkshire and Greater London. The area is made up of a series of towns and villages and contains a number of train stations with links to London. An estimated 69,800 people live within the South Bucks District (2016, Source: Office for National Statistics).

In the district there are only 7 gambling premises licences currently issued, all of which are betting shops and there are no areas with a high density of gambling premises.

A map showing the locations of existing gambling premises can be found at Appendix 1.

In assessing local area profiles, licensing authorities can also take into account the location of:

- schools, sixth form colleges, youth centres etc. with regard to the potential risk of under-age gambling
- hostels or support services for vulnerable people, such as those with addiction issues or who are homeless, given the greater risk of problem gambling among these groups
- religious buildings

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- any known information about issues with problem gambling
- the surrounding night time economy and possible interaction with gambling premises
- patterns of crime or anti-social behaviour in the area where they are specifically linked to gambling premises
- the socio-economic makeup of the area
- the density of different types of gambling premises in certain locations
- specific types of gambling premises in the local area

We do not have any evidence that there are specific issues at the moment. However, any operators preparing local risk assessments would be expected to take the above in to account and be aware of the social and physical makeup of the immediate vicinity of their proposed or existing location. To do so an operator should consider the Ward Profiles found on our website:

<http://www.southbucks.gov.uk/article/7486/Profile-of-the-District>

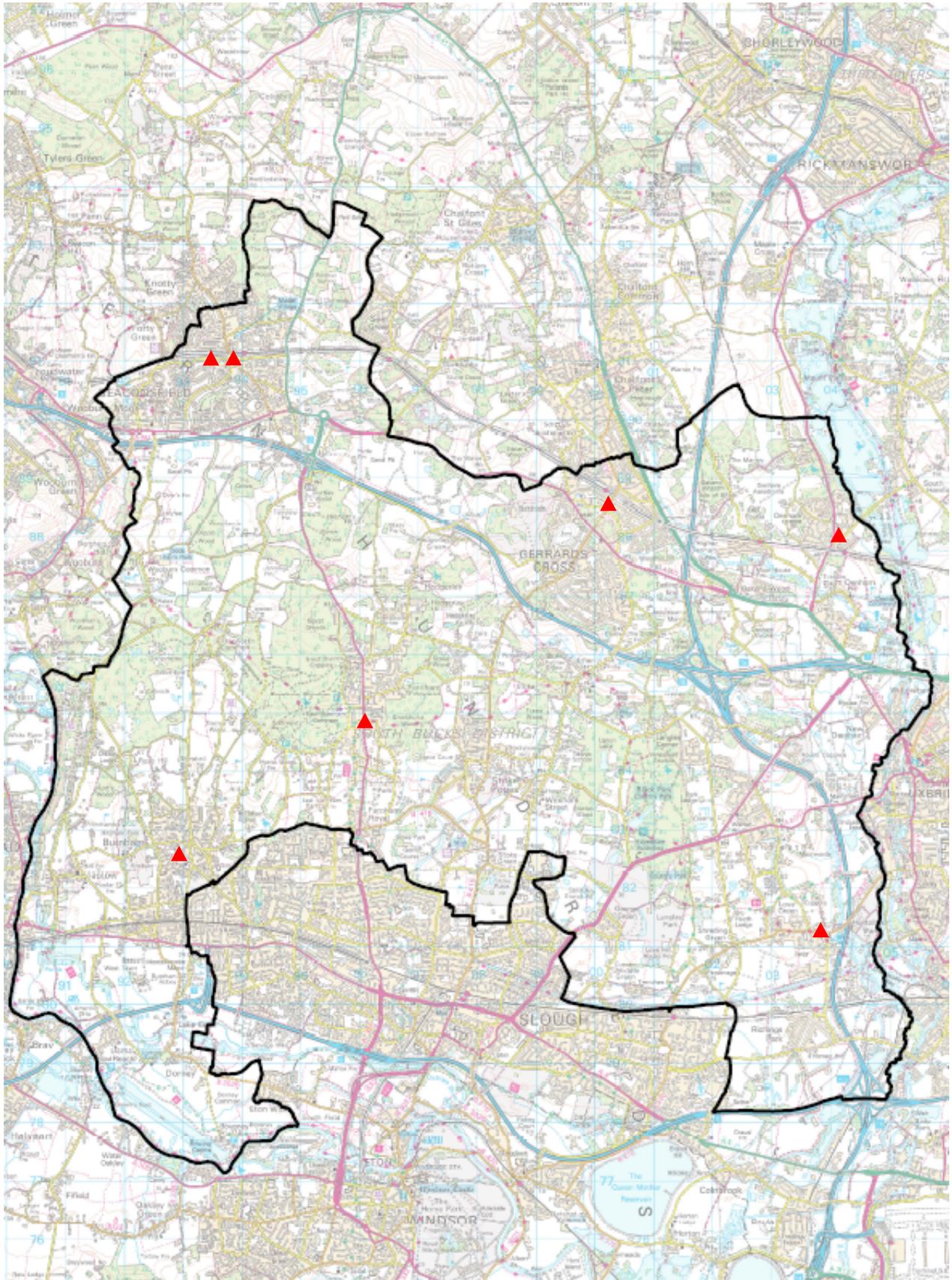
Risk assessments would be expected to include relevant control measures to counteract issues identified by the operator. Risk assessments for existing premises must reference regulatory return data including problem and underage customers. If a local risk assessment identifies any particular area of concerns they should contact the most appropriate Responsible Authority before submitting an application for a new licence or variation.

In a similar manner the Local Authority will inform any operator if they become aware a substantial change to local circumstances with an expectation that the operator update their risk assessment.

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Appendix 1

Location plan of licensed gambling premises



▲ - Licensed gambling premises.

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