



## Licensing Committee Agenda

Date: Thursday, 11th October, 2018  
Time: 7.00 pm  
Venue: Council Chamber  
District Council Offices, Queen Victoria Road, High Wycombe Bucks

### Membership

Chairman: Cllr Alan Hill  
Vice Chairman: Cllr Ian McEnnis

Councillors: Ms A Baughan, M Clarke, M P Davy, S Graham, A R Green,  
C B Harriss, M A Hashmi, M Hussain, D Knights, N B Marshall,  
S Saddique, R J Scott and A Turner

### Standing Deputies

Councillors Z Ahmed, M Hanif, M Harris, M E Knight, R Raja and M Hussain JP

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## Agenda

Item	Page
1. <b>Apologies for Absence</b> To receive apologies for absence.	
2. <b>Minutes of the Previous Meeting</b> To confirm the minutes of the previous meeting.	1 - 2
3. <b>Declarations of Interest</b> To receive any disclosure of disclosable pecuniary interests by Members relating to items on the agenda. If any Member is uncertain as to whether	

an interest should be disclosed, he or she is asked if possible to contact the District Solicitor prior to the meeting.

Members are reminded that if they are declaring an interest, they should state the nature of that interest whether or not they are required to withdraw from the meeting.

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|----|--|---------|
| 4. | <b>Review of Gambling Act 2005 Policy - Outcome of Consultation</b>  | 3 - 51  |
| 5. | <b>Review of Licensing Act 2003 Policy - Outcome of Consultation</b> | 52 - 82 |
| 6. | <b>Supplementary Items (If Any)</b>                                  |         |
| 7. | <b>Urgent Items (If Any)</b>   |         |

**For further information, please contact Liz Hornby on 01494 421261**

# Licensing Committee Minutes

Date: 7 June 2018

Time: 6.30 - 6.50 pm

**PRESENT:** Councillor A E Hill (in the Chair)

Councillors M Clarke, S Graham, A R Green, M A Hashmi, N B Marshall, I L McEnnis, S Saddique, R J Scott and A Turner.

Apologies for absence were received from Councillors: Ms A Baughan, C B Harriss, M Hussain and D Knights

## 1 MINUTES OF THE PREVIOUS MEETING

**RESOLVED:** that the minutes of the meeting of the Licensing Committee held on 28 March 2018 be approved as a correct record and signed by the Chairman.

## 2 DECLARATIONS OF INTEREST

There were none.

## 3 CONSIDERATION OF DRAFT REVIEW OF GAMBLING ACT 2005 POLICY

Members considered the report of the Draft Review of the Gambling Act 2005 Policy and noted that the policy did not take up much time within the District but was it was a requirement that a policy be produced. It was also noted that the Gambling Policy was required to be reviewed and re-consulted on every three years and that it had been three years since the last review and consultation. The amendments were noted through tracked changes within the document before the Committee and if the report were approved then a twelve week consultation would be undertaken to statutory bodies and interested parties although historically very few comments had been received, The finalised report would then be brought before the Committee at the next meeting for their approval which would then subsequently be taken before full Council for approval as there was a legal requirement to publish the Policy by the end of 2018.

Members noted specifically Section 2.4 – Local Area Profile and noted that it was an assessment of the local environment which identified key characteristics of the local area. Officers had researched other areas of the country and reported that there very many different variations of this particular part of the policy; some authorities went into a lot of detail whereas others used a one-liner. It was noted that Officer's had included a map of known anti-social behaviour within High Wycombe Town Centre, it being the main urban hub within the licensing district. It was also noted that only national chain gambling establishments were located within the District and, as a general rule, they tended to keep their own houses in order.

Members noted that the second change was within 2.5 – Local Risk Assessment and included matters such as expecting operators to take all matters into account when undertaking their Risk Assessments. It was noted that an inspection by a WDC Licensing Officer, in the presence of Mr Reynolds, the local Gambling Commission Compliance Officer, had been undertaken recently at a national chain gambling establishment that a Risk Assessment could not be produced at the time, but following a letter from the Licensing Officer, the Risk Assessment was produced.

In response to questions it was confirmed that the whole District constituted the Local Area in reference to 2.4 although it was noted that the only recognised problem area was High Wycombe town centre. It was also confirmed that there was no limit as to the number licenses for gambling shops an authority could issue.

It was also confirmed that each establishment was required to carry out its own Risk Assessment as each assessment was relevant to those particular premises and that WDC Licensing Officers had rights to enter establishments for inspection at any time. It was confirmed that the inspection referred to above had been an unannounced inspection.

It was confirmed that many licenses currently in operation had been issued in 2007 and since then only four additional licenses had been issued the last of which was four years ago.

With these changes agreed the Committee voted unanimously to approve the draft policy for the purposes of a consultation exercise.

**RESOLVED:** that the draft policy be subjected to a consultation exercise.

#### **4 SUPPLEMENTARY ITEMS (IF ANY)**

There were none.

#### **5 URGENT ITEMS (IF ANY)**

There were none.

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Chairman

#### **The following officers were in attendance at the meeting:**

Nigel Dicker	- Head of Environment & Housing
Liz Hornby	- Senior Democratic Services Officer
Caroline Steven	- Licensing Team Leader
Brian Whittall	- Licensing Officer

# Agenda Item 4.

## **REVIEW OF GAMBLING ACT 2005 POLICY – OUTCOME OF CONSULTATION**

**Officer Contact:** Mrs Caroline Steven **DDI:** 01494 421222

**Email:** caroline.steven@wycombe.gov.uk

**Wards Affected:** All

### **PROPOSED RECOMMENDATION TO COUNCIL**

That the Committee comment on the draft Statement of Licensing Policy as set out at Appendix A and recommend it to Council for approval.

### **Reason for Decision**

To comply with the requirements of the Gambling Act 2005.

### **Executive Summary**

Members may recall that the Council originally approved the Statement of Licensing Policy under the Gambling Act 2005 in December 2006. In accordance with s.349 of the Gambling Act 2005, the Council is required to review, prepare and publish this policy at least every 3 years, following full consultation. The consultation process has now taken place and Members are requested to consider the draft revised Policy.

### **Policy/Community Plan Implications**

The revision of the Licensing Act 2003 policy contributes to the Community Plan Aims in respect of regeneration and cohesive communities.

### **Corporate / Legal Implications**

The review and publication of the Policy must be carried out in order to comply with the Gambling Act 2005. Non-compliance may lead to possible legal and financial implications in that future applications determined under the Act may be challenged.

### **Detailed Report**

1. The Statement of Licensing Policy must be reviewed, undergo a consultation process and be approved by Council in December this year, as required by the Gambling Act 2005.
2. The consultation process took place between the 20<sup>th</sup> June and the 16<sup>th</sup> September 2018.
3. Approximately 100 letters were sent to organisations and individuals including responsible authorities, trade organisations, representatives of the licensed trade, Parish Councils and Members. The consultation process was also advertised on the Council's website.
4. Three responses were received, although one of these (from Gamcare) was a generic response sent to all local authorities and provided only general comments on policy content. It is considered that the points made in this response are already adequately covered within the policy. The other two responses were received from solicitors on behalf of The Association of British Bookmakers (ABB) and from Talarius Ltd which operate gaming arcades under the trade name Quicksilver, along with stand alone gaming terminals. These responses provide specific suggestions in relation to the policy and will be considered in more detail. Copies of all three responses are attached at Appendix B.

## Talarius

5. Point 1 of the response on behalf of Talarius refers to the significance of the Regulator's Code on the Council's enforcement activities in relation to gambling matters. It suggests that the draft policy "records the Code's general application to the Authority's activities under the Act". Section 8 of the draft policy refers to the Code, however, and it is clear that the Council must have regard to it in carrying out its activities. As a result it is not considered that any amendments are required in this respect.
6. Point 2 of the response refers to the ability of children to take part in certain gambling activities and raises concerns that the draft policy appears to specify a blanket prohibition. It is considered that this suggestion is reasonable and the relevant paragraph at 1.4 on page 8 has been amended to reflect this.
7. Point 3 of the response refers to case law which confirmed that a full premises licence application can be made for gambling premises where a building is still under construction. The response suggests that the draft policy is amended to reflect this which is considered to be reasonable. As a result paragraph 2.2 has been amended to reflect this.
8. Point 4 of the response refers to the inclusion of other policies and legislation within the draft policy and considers that these should not be included. Although it is accepted that the predominant legislation relevant to the policy is the Gambling Act 2005, it is considered that other matters can be taken into consideration in determining applications so long as they are not inconsistent with the Act. To clarify, however, paragraph 2.3 has been amended slightly for the avoidance of any doubt. This point also requests that clarification is given that representations can only be made by certain parties and the final sentence of paragraph 2.3 has been amended to reflect this.
9. Point 5 of the response notes that a specific section relating to adult gaming centres has not been included within the draft policy. A section on this type of gambling premises has now been added at 3.8.
10. Point 6 of the response suggests that the list of possible measures specified for family entertainment centres should also apply to betting and bingo premises. This is considered to be a reasonable suggestion and paragraph 3.9 has been amended to reflect this.
11. Point 7 of the response states that it is not a statutory requirement for licence holders to provide copies of their local area risk assessments and that our policy should reflect this. Paragraph 2.5 has been amended accordingly.
12. Point 8 of the response refers to concerns raised about the inclusion of self-exclusion data within local area risk assessments. The bullet point at 2.5 has been amended to clarify data protections requirements. The point also states that the bullet point referring to gambling trends and benefit payments is vague and should be removed. On reflection this point is agreed and the point has been removed.

### Association of British Bookmakers

13. The solicitors acting on behalf of the ABB were pleased with the light touch approach of the draft policy and confirmed that they had very few specific comments to make.
14. The first comment in this response reiterates the point made above by Talarius in relation to the bullet point regarding “gambling trends” which has already been deleted. It also suggests that the final bullet point on this list should be removed because it relates to nuisance rather than one of the licensing objectives set out under the Act. It is, however, considered that street drinkers and youths are likely to be vulnerable persons who are more likely to require protection and who are specifically referred to within the Act. The wording has therefore been amended to clarify this but it is considered that the bullet point should remain.
15. The second comment suggests that the wording relating to conditions should be amended to clarify that the default conditions are usually adequate to ensure compliance with the licensing objectives and that additional conditions should only be considered where concerns are raised. This suggestion is considered to be reasonable and paragraph 3.4 has been amended accordingly.
16. The final comment refers to the need to differentiate between the authority’s ability to limit betting machines in betting premises from gaming machines, where authorities have no such power. Paragraph 3.11 has been amended to reflect this.
17. It is not considered that any further amendments to the policy are required.
18. Spare copies of the Statement will be available for Members at the Committee meeting.
19. The Committee is requested to consider the Statement and make any comments for further amendment prior to its submission to full Council for adoption in December.

### **Options**

The Statement of Licensing Policy can approved as it stands or be further amended by the Committee should it be considered necessary to do so.

### **Next Steps**

Once approved, the Statement of Licensing Policy will be considered by Full Council at its meeting on the 10<sup>th</sup> December 2018

### **Background Papers**

Gambling Act 2005



# **Statement of Licensing Policy**

**under the**

# **Gambling Act 2005**

June 2018

## FOREWORD

The Gambling Act 2005 created a new system of licensing and regulation for commercial gambling in this country. Amongst other changes, it gave local authorities new and extended responsibilities for licensing premises for gambling. Local authorities were previously responsible for licensing some of these premises, such as gaming machine arcades, although the responsibility for other major areas, such as betting, casino gaming and bingo, were transferred to licensing authorities from local licensing justices.

Licensing authorities work in conjunction with the Gambling Commission, who are responsible for granting operating and personal licences to those working in the gambling industry and those involved in the provision of facilities for gambling. Persons applying for premises licences are required to have already obtained these licences from the Commission.

The new Act came fully into force in September 2007. Under the Act each Licensing Authority is required to develop, consult on and publish a statement of licensing policy. This policy was introduced as a result of this requirement and aims to set out the principles that the Licensing Authority proposes to apply in exercising its functions under the Act.

The Act sets out three statutory objectives that must be considered when licensing functions under this legislation are undertaken. These are:

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

The Council, through the Community Plan for Wycombe District, seeks to improve the economic, social and environmental well being of the area. The objective is that these improvements will work towards making Wycombe District a better place to live, work and visit.

This Policy seeks to build on and contribute towards the overall Community Plan by drawing upon the Government's statutory objectives and Guidance as set out above.

It is against the background of these key aims that this Policy sets out Wycombe District Council's response to the 2005 Act and against which applications made under the Act will be determined. The Council will monitor the impact of the 2005 Act on crime, the licensing objectives and, in the light of these findings, will review the Policy accordingly.

*Cllr Alan Hill*  
*Chairman of Licensing Committee*

*Cllr Mrs Julia Adey*  
*Cabinet Member for Environment*

# Wycombe District Council

## Draft Statement of Licensing Policy

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# 1 STATEMENT OF LICENSING POLICY

## 1.1 Introduction

Wycombe District Council (the Council) is the Licensing Authority in respect of any applications made under the Gambling Act 2005 (the Act) within the District of Wycombe.

Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *licensed 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
- 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 3.6 on information exchange)
- Maintain registers of the permits and licences that are issued under these functions

Spread betting is regulated by The Financial Conduct Authority.

Remote Gambling is dealt with by the Gambling Commission.

The National Lottery is regulated by The National Lottery Commission.

In addition to holding Premises Licences issued by the Council, those involved in gambling and in the provision of gambling facilities are also required to obtain operating licences and personal licences from the Gambling Commission. The Council work in conjunction with the Commission to ensure that the licensing objectives are met and complied with.

The Act requires licensing authorities to prepare and publish a "Statement of Licensing Policy" that sets out the policies that the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. This policy will be reviewed at least every 3 years.

This “Statement of Licensing Policy” has been prepared having regard to the provisions of the Guidance issued by the Gambling Commission and the licensing objectives of the Act.

## **1.2 Consultation**

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

- The Chief Officer of Police;
- One or more persons who appear to the Licensing Authority to represent the interests of persons carrying on gambling businesses in the Licensing Authority’s area;
- One or more persons who appear to the Licensing Authority to represent the interests of persons who are likely to be affected by the exercise of the Licensing Authority’s functions under the Gambling Act 2005.

A full list of those consulted is attached at Appendix B.

The Policy is published on the Council’s website following formal adoption by the Council and will take effect one month from the date of publication. The Policy will be reviewed as necessary and at least every three years from the date of publication.

## **1.3 Background to the Area**

For those not familiar with the District and its many and varied characteristics this section of the Policy sets out in brief some of the qualities that the Council consider important to retain. The District is a mixed urban and rural area, whose amenity the Council has a duty to protect. One of the Council’s aims is to promote safer and stronger communities.

Wycombe District is situated in the south of rural Buckinghamshire, which includes such features as the Chilterns and Thames Valley. The three main towns, High Wycombe, Marlow and Princes Risborough are within ‘The Chilterns’, a designated Area of Outstanding Natural Beauty, whose secluded countryside and rural communities bring a unique environment for residents and visitors to enjoy.

High Wycombe is a thriving historic town, well known for its association with the furniture trade manufactured from local timber. It has a thriving business community and shopping centres. It has a University, which brings a large student population to the town. It also has many residential areas, which accommodate a broad ethnic mix and religious following. The town centre retains its ancient street market and buildings whilst also accommodating many high capacity entertainment venues plus a large shopping centre. The town is also well served by open spaces such as the Rye where families and people of all ages can enjoy the largely unspoilt ‘meadow’ parkland.

Marlow is a quiet town famous for its Thames setting and attracts many thousands of visitors from both the UK and overseas each year. It is largely residential but its varied commercial area caters for tourists and local residents alike. As with other high street towns there are some residential units situated above or adjoining the commercial premises, which are sensitive to noise.

Princes Risborough typifies a bustling market town. Set in the north of the District it retains its high street shops and monthly farmers market giving it an unhurried rural feel to visitors and residents alike. It has many historic features such as the brick Market House with open arcades, Church and Manor House.

There are many other communities within the District, each with their distinctive characteristics. These range from small rural hamlets to larger villages each with special characteristics valued by local residents and the wider community. The characteristics of each are far too great to list here but applicants are advised that the Council will take into account the individual characteristics of an area when deciding what affect, if any, a premises licence will have on the licensing objectives.

#### **1.4 Licensing Objectives**

The Gambling Act 2005 requires the Licensing Authority to carry out its licensing functions under the Act in a way which is reasonably consistent with the following three licensing objectives

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

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

The Gambling Commission take the leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. In appropriate cases, the Licensing Authority will consider whether any controls or conditions might be necessary to prevent particular premises becoming a source of crime or disorder. The Licensing Authority will in particular take into account the views of the police in identifying the potential for crime and disorder.

## **Ensuring that gambling is conducted in a fair and open way**

The Gambling Commission has stated that it will generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, a role for licensing authorities with regard to the licensing of tracks which may not necessarily have a separate operating licence. This is explained in more detail at section 3.12.

## **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 unlawful gambling and protecting those children taking part in the limited types of permitted gambling activities (as well as restricting advertising so that gambling products are not aimed at or are particularly attractive to children). The Licensing Authority will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc. When determining an application to grant a premises licence or review a premises licence, regard will be taken to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits. Therefore, if an applicant can effectively demonstrate how they might overcome concerns relating to the licensing objectives, this will also be taken into account.

The Licensing Authority does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will assume for regulatory purposes, that “vulnerable persons” include:

1. People who gamble more than they want to;
2. People who gamble beyond their means;
3. People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, learning disability, alcohol or drugs.

Advice can be sought from organisations such as GamCare and the Buckinghamshire Safeguarding Vulnerable Adults Forum.

The Licensing Authority will also seek advice from agencies such as those referred to above when deciding whether to make a representation on an application.

### **1.5 Responsible Authorities**

These are public bodies that must be notified of all applications and who are entitled to make representations (objections) to the Council if they are relevant to the licensing objectives.

Section 157 of the Act defines at present those authorities as:-

- The Licensing Authority in whose area the premises is wholly/partly situated
- The Gambling Commission
- The Chief Officer of Police
- The Fire and Rescue Authority
- The Local Planning Authority
- An authority which has functions in relation to pollution to the environment or harm to human health
- Anybody, designated in writing by the Licensing Authority as competent to advise about the protection of children from harm
- HM Revenue and Customs

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Licensing Authority about the protection of children from harm. The principles are:

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

In accordance with the suggestion in the Gambling Commission's Guidance, this Licensing Authority designates the Buckinghamshire Safeguarding Children Board based at Buckinghamshire County Council for this purpose.

The contact details of all the Responsible under the Gambling Act 2005 are available via the Council's website at [wycombe.gov.uk](http://wycombe.gov.uk).

## **1.6 Interested Parties**

Interested 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 determining whether someone lives sufficiently near to a particular premises so as to be affected, the Licensing Authority will take into account, among other things:

- the size of the premises
- the nature of the premises
- the distance of the premises from the person making the representation
- the nature of the complainant
- the potential impact of the premises

In determining whether a person has a business interest which could be affected the Licensing Authority will consider, among other things:

- the size of the premises
- the catchment area of the premises, and
- whether the person making the representation has business interests in the catchment area that might be affected

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 ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. An elected member of the Council must comply with the Council's code of conduct and if they have a specific interest or there is an issue of bias, they must declare this and seek advice on whether they are able to appear before a licensing panel.

Other than those persons referred to above this Licensing 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 the person requesting the representation is sufficient.

## **1.7 Representations**

Any responsible authority or interested party (or person representing them) can make representations about a licence application to the Licensing Authority.

Representations must be relevant to the individual application and to one or more of the licensing objectives. Representations must also be made within prescribed timescales and be in writing. Anonymous representations cannot be taken into consideration. In relation to whether to grant a Premises Licence, the Licensing Authority cannot consider representations which relate to the need or unmet demand for gambling premises, nor concerns which relate to general nuisance, which should be addressed by other legislation.

All representations will be considered on their own merits but the Licensing Authority may, in certain circumstances, consider a representation to be either frivolous or vexatious. This will generally be a matter of fact given the circumstances of each individual case and full reasons will be given where representations are rejected.

Where valid representations are made, the details of the person making the representation will be made available to the applicant for the purposes of mediation. Should the representation result in a formal hearing before the Licensing Sub-Committee, the details of the representation will form part of a public document. Anyone making representations will be informed that their details will be disclosed.

## **2 LEGISLATION, POLICIES AND STRATEGIES**

### **2.1 Legislation**

In undertaking its licensing function under the Act, the Council is also bound by other legislation. It is not intended, however, that requirements placed on applicants as a result of other legislation and regulation regimes will be duplicated.

### **2.2 Relationship with Planning Policies**

When determining an application, the Licensing Authority cannot take into account “irrelevant matters” such as the likelihood of the applicant obtaining planning permission or building control approval.

An applicant can either apply for a “provisional statement” or a full premises licence if the building is not complete or if he does not yet have a right to occupy it. Such an application is, however, a separate and distinct process to the granting of planning permission or building control approval.

Applicants should note that the granting of a premises licence does not preclude the applicant from the requirement to obtain any necessary planning consents and that different considerations may apply to such applications.

### **2.3 National and Local Strategies and Policies**

The Licensing Authority will seek to discharge its responsibilities identified by other Government Strategies, in so far as they impact on the objectives of the licensing function and in line with the requirements of the Gambling Act 2005.

Where appropriate, the Licensing Authority will consider applications with reference to other adopted local strategies and policies. The Licensing Authority also recognises the importance of the co-ordination and integration of the Gambling policy with other plans aimed at the management of town centres and the night-time economy.

Relevant plans and strategies include:-

Community Safety Partnership Plan 2008 - 2011 – The Council will fulfil its duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the District. As far as possible, licensing decisions will aim to contribute to the targets set in the

Crime and Disorder Strategy and conditions attached to licences and certificates will reflect local crime prevention strategies.

Local Transport Plan – the Council aims to work with the local transport Licensing Authority and will consider ways in which the public can be dispersed from licensed premises and events so as to avoid disturbance, crime and disorder. The Police will be encouraged to report on matters related to the swift and safe dispersal of people from licensed premises.

Community Plan – The Council, with partners, works to ensure that Wycombe District remains economically strong and a good place to live, work and visit. As far as possible, licensing decisions will aim to support the themes of the Community Plan (safe communities; healthy communities, attractive environment; responsive approach; prosperous and learning communities and accessible places) to ensure social, economic and environmental wellbeing. The Safe Communities theme and targets therein, mirror the Crime Reduction Strategy.

Local Development Framework – The Local Development Framework (or LDF) is the umbrella term for a number of different planning documents and strategies. It is the spatial arm of the Community Plan and links to a wide range of other plans and strategies. The main LDF document is the Core Strategy which sets out how the Council will achieve the vision and objectives of the Community Plan.

Human Rights – The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local Licensing Authority to act in a way which is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights:-

- Article 6 states that in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
- Article 8 states that everyone has the right to respect for his home and private and family life;
- Article 1 of the First Protocol states that every person is entitled to the peaceful enjoyment of his or her possessions, including the possession of a licence.

Tourism and Town Centre Management – The Council aims to promote a high quality thriving night-time economy. The Council will ensure that the Licensing Committee receives reports, when appropriate, on the needs of the local tourist economy to ensure that these are reflected in their considerations.

Economic Strategies – The Council will ensure that the Licensing Committee is appraised of the employment situation in the area, when appropriate, and the need for new investment and employment.

Enforcement Policy – All licensing enforcement will be conducted in accordance with the Regulatory Compliance Code and the Council's Enforcement Policy.

Child Protection Policy – Applications for premises licences will be considered in accordance with the Council's Child Protection Policy

Non-compliance with other statutory requirements may be taken into account in reaching a decision about whether to grant a licence, but only where relevant representations are received from Interested Parties and / or Responsible Authorities

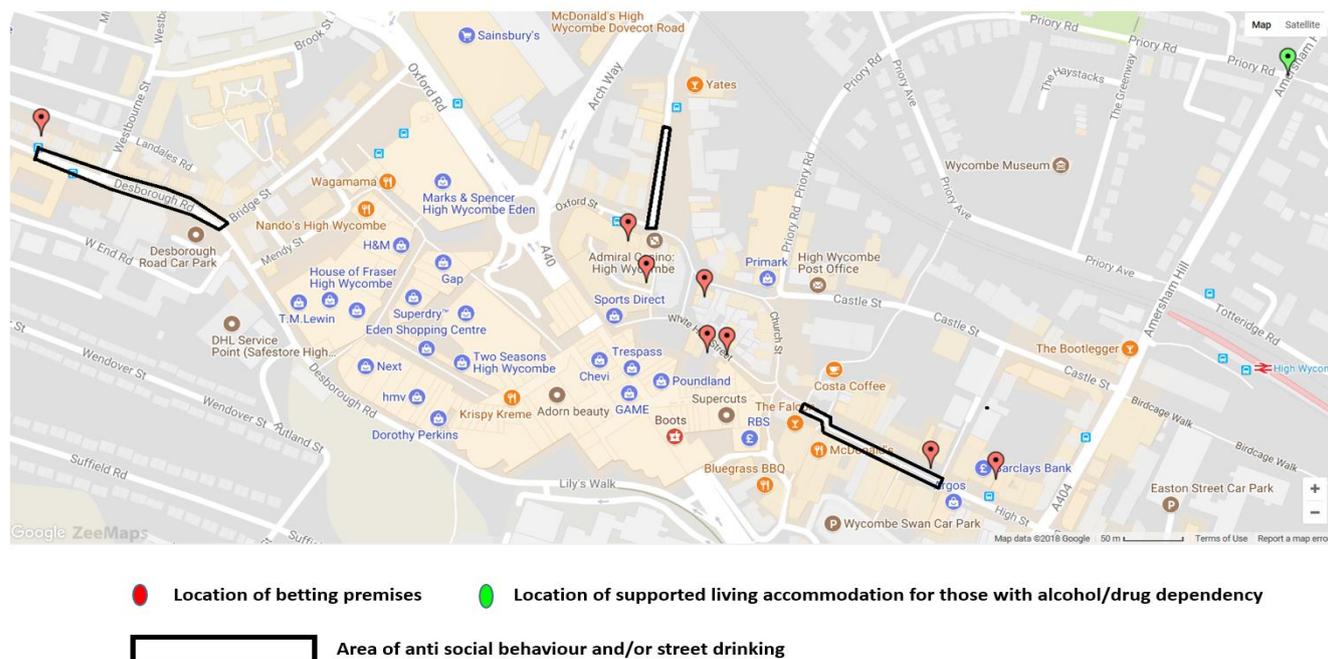
## 2.4 Local Area Profile

A local area profile is an assessment of the local environment which identifies the key characteristics of the area. The intention of the profile is to provide operators, the public and us, with a better understanding and awareness of the gambling-related risks within the district. In this context, risk includes actual and potential risk and takes into account any future or emerging risks.

The creation of a profile is dependent on information and knowledge of the local area gathered by partner agencies and other relevant organisations that have the expertise and knowledge of the impact gambling may have.

It is acknowledged that the local environment can change and we must therefore retain the ability to amend and adapt any local area profile produced to ensure it reflects current and emerging risks. For this reason it is not intended to include a comprehensive local area profile within the body of this Policy, but a summary of the location and area of anti-social behaviour within the High Wycombe Town Centre (the main urban hub within this licensing authority) is included below.

Betting locations and areas of anti-social behaviour



## 2.5 Local Risk Assessment

The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) formalise the need for operators to consider local risks.

Premises licence holders are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and to have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this Policy and any published local area profile. Although not required to do so, permit holders are also encouraged to undertake local risk assessments.

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

- a) when applying for a variation of a premises licence
- b) to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of policy
- c) when there are significant changes at a licensee's premises that may affect their mitigation of local risks.

Licence holders should provide us with a copy of their risk assessment when applying for a premises licence or applying for a variation to an existing premises licence. We can also request a copy of the risk assessment at any other time, for example, when we are inspecting premises.

Where concerns exist or new risks emerge we may ask a licence holder to provide a copy of their risk assessment, setting out the measures they have in place to address specific concerns. The council will expect the local risk assessment to consider as a minimum:

- The location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
- The demographics of the area in relation to vulnerable groups;
- Whether the premises are in an area subject to high levels of crime and/or disorder.
- Local risk assessments should show how vulnerable people, including people with gambling dependencies are protected.
- Information held by the licensee regarding self-exclusions and incidences of underage gambling (in compliance with relevant data protection requirements),
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities or any other issues which may cause specific people or groups of people to be vulnerable.

### **3. LICENSABLE ACTIVITIES**

#### **3.1 Types of Licence**

This document sets out the policies that the Licensing Authority will apply when making decisions upon applications or notifications made for:-

1. Premises Licences;
2. Temporary Use Notices;
3. Permits as required under the Act;
4. Registrations as required under the Act.

#### **3.2 Licensable Premises and Permits**

This policy relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely:-

1. Casinos;
2. Bingo Premises;
3. Betting Premises;
4. Tracks;
5. Adult Gaming Centres;
6. Family Entertainment Centres;
7. Club Gaming Permits;
8. Prize Gaming and Prize Gaming Permits;
9. Temporary Use Notices;
10. Registration of small society lotteries.

#### **3.3 General Principles**

Nothing in this Statement of Policy will:-

1. Undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits; OR
2. Override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act.

The starting point in determining applications will be to permit gambling in the premises, so long as this can be achieved in a manner which is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission ;
- reasonably consistent with the licensing objectives; and

- in accordance with the Licensing Authority's statement of licensing policy.

### **3.4 Conditions**

The majority of premises licences will have mandatory and/or default conditions attached to the licence. These conditions are detailed in the Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 and should be sufficient to ensure that operators act in a way that is reasonably consistent with the licensing objectives

Additional conditions will only be considered where concerns are raised and it is felt that they are needed to meet the requirements of the licensing objectives. Any conditions applied will not be overly onerous and will be proportionate to the scale of the application and the risks involved. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

Any conditions attached to licences will be:

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

The licence applicant will also be expected to offer his/her own suggestions as to the way in which the licensing objectives can be effectively met.

It is noted that there are conditions which the licensing authority cannot attach to premises licences, which are:

- a) any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- b) conditions relating to gaming machine categories, numbers, or method of operation;
- c) 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
- d) conditions in relation to stakes, fees or prizes.

#### **Door Supervisors**

The Guidance advises that licensing authorities may consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, but there can also be a need for supervision to stop premises becoming a source of crime. It is noted that the door supervisors at casinos or bingo premises are not required to be registered by the Security Industry Authority (SIA) under the Private Security Industry Act 2001. Door supervisors not directly employed by a casino or bingo operator do have to be SIA registered.

For betting offices and other premises other than casinos and bingo premises, the operator and/or the council may decide that supervision of entrances or machines is appropriate in particular cases. The authority will make door supervision a requirement where there is evidence, from the history of trading at the premises or in the area, that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

### **3.5 Information Exchange**

In fulfilling its functions and obligations under the Gambling Act 2005 the Licensing Authority will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information, the Licensing Authority will conform to the requirements of data protection and freedom of information legislation in accordance with the Council's existing policies. We will also have regard to any guidance issued by the Commission or Information Commissioner, in addition to any relevant regulations issued by the Secretary of State under powers provided in the 2005 Act.

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.

### **3.6 Premises Licences**

Any person or business that wishes to offer gambling for which an operating licence from the Gambling Commission is required must apply to the Licensing Authority for a premises licence.

Premises licences can authorise the provision of the following types of activities:

- (a) casino based gambling
- (b) bingo,
- (c) betting including tracks and premises used by betting intermediaries
- (d) adult gaming centres, or
- (e) family entertainment centres

For each premises type, the Act makes it clear that the primary activity should be that described in the premises licence type. The council will take decisions in accordance with the Commission's guidance and codes of practice on primary gambling activity, and will have regard to the advice which it issues from time to time.

An application for a premises licence can only be made by a person or company who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, OR has made an application for an operating licence which has not yet been determined.

Applications for the grant, transfer or variation of a premises licence should demonstrate that any proposal should be consistent with the licensing objectives. The applicant may ask the Licensing Authority for advice as to the scope of information to be provided. Advice can also be sought from GamCare or the Safeguarding Vulnerable Adults Forum.

The level of detail to be provided will be advised by the Licensing Authority and will be proportional to the scale and nature of the application made. Application packs are available on the Council's website or on request to the Licensing Unit, Wycombe District Council, Queen Victoria Road, High Wycombe, Bucks, HP11 1BB , [licensing@wycombe.gov.uk](mailto:licensing@wycombe.gov.uk), 01494 421732.

### **3.7 Casinos**

The Act creates 17 new licences for casino premises. These are divided into two separate categories. No more than eight large casinos will have a minimum customer area of 1500m<sup>2</sup> and will be able to offer up to 150 category B1 gaming machines. A maximum of eight small casinos will have a minimum customer area of 750m<sup>2</sup> and will be able to offer up to 80 category B1 gaming machines. The large casinos will also be able to offer casino games, bingo and/or betting, whereas the small casinos will be limited to casino games and betting.

There are currently no casinos operating within the District.

Section 166(1) of the Act states that a Licensing Authority may resolve not to issue casino premises licences. There is no resolution to prohibit casinos in the District at present. However the Council reserves the right to review this situation and may, at some time in the future, resolve not to permit casinos. In making this decision the Council will take into account any principle or matter, including demand for such a facility and is not restricted to matters relevant to the licensing objectives.

Should the Council choose to make such a resolution, this will be a resolution of Full Council following considered debate, and the reasons for making the resolution will be given. There is no right of appeal against this resolution. Any such restriction must apply to the whole of the District and to all categories of casino.

### **3.8 Adult Gaming Centre**

Persons operating an adult gaming centre (AGC) must hold a gaming machines general operating licence ([adult gaming centre](#)) from the Gambling Commission along with a premises licence. They are able to make category B, C and D gaming machines available.

No-one under the age of 18 is permitted to enter an AGC. The Act sets out offences of inviting, causing or permitting a child or young person to gamble, or to enter certain gambling premises. In addition, Social Responsibility (SR) code 3.2.3(3) in the [Licence conditions and codes of practice](#) (LCCP) states

that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises in order to prevent underage gambling'.

Particular regard will be given to the location of and entry to AGCs to minimise the opportunities for under-18s to gain access. This may be of particular importance in areas where young people may be unsupervised for example, if an AGC is situated within a complex such as a shopping centre.

### **3.9 Licensed Family Entertainment Centres**

Licensed Family Entertainment Centres (FEC's) can provide category C and D gaming machines and require a premises licence. These must be differentiated from unlicensed Family Entertainment Centres, which can only provide category D machines and are regulated via gaming machine permits. 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 Licensing 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.

Applicants will be expected to offer their own measures to meet the licensing objectives. Areas for consideration may include issues such as:

Conditions:

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-barring schemes
- Details of any insurance covering the premises
- Provision of information leaflets and posters (both in prominent and discreet areas such as toilets)/helpline numbers for organisations such as GamCare.
- Measures/training for staff on how to deal with suspected truant school children on the premises
- All ATM or cash terminals to be separate from gaming areas and to display helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures which may be appropriate. The above list also applies to the consideration of applications for Bingo and Betting premises discussed below at 3.10 and 3.1. In appropriate circumstances a licence may be granted for these types of activities subject to conditions dealing with these issues.

The Licensing Authority will refer to the Commission in relation to any conditions that apply to operating licences covering the way in which the area

containing the category C machines should be delineated. The Licensing Authority will also apply any mandatory or default conditions relevant to this type of licence.

### **3.10 Bingo Premises**

The Gambling Commission's Guidance states:

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

All current and future guidance provided by the Commission will also be taken into consideration when considering such applications.

### **3.11 Betting Premises**

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

The Licensing Authority will consider limiting the number of betting machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence the Licensing Authority may consider when issuing or renewing the licence, the ability of staff to monitor the use of such machines from the counter.

It is recognised that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.

### 3.12 Tracks

Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The 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.

The Licensing Authority will therefore expect the applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. Children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but the prohibition on entering areas where gaming machines (other than category D machines) are provided will remain.

Applicants will be expected to offer their own measures to meet the licensing objectives. Areas for consideration may include issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets and posters (both in a prominent and discreet areas such as toilets)/helpline numbers for organisations such as GamCare
- All ATM or cash terminals to be separate from gaming areas and to display helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures which may be appropriate. In appropriate circumstances a licence may be granted subject to conditions dealing with these issues.

*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.

**Condition on rules being displayed** The Gambling Commission has advised in its Guidance that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

**Applications and plans** Regulations have been produced which set out specific requirements for applications for premises licences. The Gambling Commission suggest that, "to ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities" and that "plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."

Following guidance from the Commission, it is also the Licensing Authority's view that it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

### **3.13 Small Lotteries**

The Licensing Authority continues to regulate the provision of society lotteries by means of registration under the Act.

The Council will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- a) submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- b) submission of incomplete or incorrect returns
- c) breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- a) by, or on behalf of, a charity or for charitable purposes
- b) to enable participation in, or support of, sporting, athletic or cultural activities.

Applicants for lottery registrations must apply to the licensing authority in the area where their principal office is located. Where we believe that the Society's principal office is situated in another area we will inform the Society as soon as possible and where possible, will inform the other licensing authority.

Applicants will be required to set out the purposes for which the Society is established and to declare that they represent a bona fide non-commercial society and have no relevant convictions. Where required further information from the Society may be requested.

We will keep a public register of all applications and will provide information to the Gambling Commission on all registered lotteries. In addition the financial statements/returns submitted by Societies in the preceding 18 months will be made available for public inspection and be monitored to ensure the annual monetary limit is not exceeded.

We may refuse an application for registration if in our opinion:

- a) The applicant is not a non-commercial society;
- b) A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
- c) Information provided in or with the application for registration is false or misleading.
- d) if in the previous five years, either an operating licence held by the applicant for registration has been revoked, or an application for an operating licence made by the applicant for registration has been refused

Where applications are refused the society will be informed of the reasons for refusal and given the opportunity to make representations.

We may also revoke the registered status of a society if we believe it would have been necessary to refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been informed of the reasons for revocation and given the opportunity to make representations.

Full Guidance in relation to the provision of small lotteries is available on the Commission's website.

### **3.14 Travelling Fairs**

The Act defines a travelling fair as 'wholly or principally' providing amusements on a site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming

machines but must comply with legal requirements about the way the machines are operated.

Where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, it will fall to the Council to decide whether the facilities provided for gambling amount to no more than an ancillary amusement at the fair in line with the statutory requirement.

## **4 PERMITS/TEMPORARY AND OCCASIONAL USE NOTICES**

### **4.1 Unlicensed Family Entertainment Centres**

Where a premises does not hold a premises licence but wishes to provide gaming machines (category D only), it may apply to the Licensing Authority for a permit to authorise this. 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.

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. The Licensing Authority must be satisfied that the premises will be used as an unlicensed FEC, and in order to establish this, applicants may be asked to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that they have 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)

Licensing Authorities cannot attach conditions to this type of permit, although the Licensing Authority will expect applicants to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. In line with the Commission's Guidance, weight will be given to child protection issues when considering such applications.

## 4.2 (Alcohol) Licensed Premises Gaming Machine Permits

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. In such cases the premises merely need to notify the Licensing Authority and pay the appropriate fee. The Licensing Authority can, however, 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. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

If an applicant wishes to have more than 2 machines, they will need to apply for a permit. 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.*” The Licensing Authority considers that “such matters” will be decided on a case by case basis but generally that there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling and will expect the applicant to satisfy the Licensing 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 Licensing Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor the machines. Notices and signage may also be appropriate. In relation the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

Alcohol licensed premises may apply for a premises licence for non-alcohol licensed areas. Such applications would be considered as an application for an Adult Gaming Centre premises licence.

The Licensing Authority may decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of machines.

## 4.3 Prize Gaming Permits

Licensing authorities may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in

particular, specify matters that the Licensing Authority proposes to consider in determining the suitability of the applicant for a permit”.

Under the Licensing Authority's Statement of Principles, applicants should set out the types of gaming that he or she is intending to offer and the applicant should be able to demonstrate:

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

In determining an application for this type of permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any guidance issued by Gambling Commission.

Permit holders must comply with the following conditions as specified in the Act:

- 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.

#### **4.4 Club Gaming and Club Machine Permits**

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

Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

Licensing authorities may only refuse an application on the following grounds:

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

There is also a 'fast-track' procedure available under the Act for premises holding a Club Premises Certificate under the Licensing Act 2003. There is no opportunity under this procedure for objections to be made by the Commission or the police, and the Licensing Authority can only refuse a permit on the following reduced grounds:

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

No child may use a category B or C machine on the premises and the holder must comply with any relevant provision of code of practices in relation to the location and operation of gaming machines.

#### **4.5 Temporary Use Notices**

These allow the use of premises for gambling where there is no premises licence but a person or company holding an operating licence wishes to use the premises temporarily for providing facilities for gambling. The same set of premises may not be the subject of a temporary use notice for more than 21 days in any 12-month period. There are also a number of other statutory limits in relation to these notices. Notice must be given to the Licensing Authority and other bodies, who may object to the grant of the notice having had regard to the licensing objectives. The definition of "a set of premises" will be a question of fact in the particular circumstances of each notice. 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 will need to consider, amongst other things, the ownership/occupation and control of the premises. The Licensing Authority will take a strict view where it appears that the effect of notices appears to permit regular gambling at a particular place.

## **4.6 Occasional Use Notices**

Section 39 of the Act provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice. The Licensing Authority has little discretion in relation to these notices apart from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will take into consideration the definition provided of a 'track' to determine whether the applicant is permitted to avail him/herself of the notice.

## **5. DECISION MAKING**

### **5.1 Committee Terms of Reference**

A Licensing Sub-Committee of three Councillors will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward Councillors who have received representations from residents about an application within their Ward will be advised to consider whether they should sit on the Licensing Panel involved in determination of that decision. Councillors' conduct is governed by the Code of Conduct for Members set out in the Council's Constitution.

Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding a licence as or on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence in question.

Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable. A summary of the decision shall also be posted on the Council's website as soon as reasonably practicable after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the Council.

Decisions as to whether representations are irrelevant, frivolous or vexatious will be delegated to Council Officers, who will also decide on whether representations or applications for licence reviews should be referred to the Licensing Committee or Sub-Committee. Where representations are rejected, the person making that representation will be given written reasons for the rejection. There is no right of appeal against a determination that representations are not admissible. Officers' conduct is governed by the Code of Conduct for Local Government Employees.

### **5.2 Allocation of Decision Making Responsibilities**

The Licensing Authority is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a Sub-Committee to deal with them.

Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to Council Officers.

The table shown at Appendix A sets out the delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers.

This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

### **5.3 Appeals**

Any party aggrieved by a decision of the Licensing Sub Committee and with standing to appeal (as specified within the Act) may appeal against the decision to the local Magistrates Court. An appeal has to be started by the giving of a notice of appeal by the appellant to the justices' chief executive for the magistrates' court within a period of 21 days from the day on which the appellant was notified by the Licensing Authority of the decision appealed against. The appeal must be lodged with the Clerk to the Justices, Wycombe and Beaconsfield Magistrates Court, Milton Keynes Magistrates Court, 301 Silbury Boulevard, Milton Keynes, Buckinghamshire, MK9 2AJ.

The Licensing Authority will always be a respondent to the appeal, but in cases where a favourable decision has been made for an applicant against the representations of a responsible Licensing Authority or an interested party, the holder of the premises licence or club premises certificate will also be entitled to act as a respondent.

On determining an appeal, the court may:

- dismiss the appeal;
- substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; or
- remit the case to the Licensing Authority 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, but will be required to bear in mind guidance and legislation about the awarding of costs against a public body.

## **6. COMPLAINTS AGAINST LICENSED PREMISES**

The Council will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility.

Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Council may initially arrange a conciliation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the licensing committee consider their valid objections, or for any licence holder to decline to participate in a conciliation meeting.

Due consideration will be given to all valid, relevant representations or requests for review.

## **7. REVIEW OF PREMISES LICENCE**

The Licensing Authority will carry out a review of a Premises Licence where it has received a formal, valid application for review in accordance with the Act from either an interested party or a responsible Licensing Authority and which relates to one or more of the licensing objectives. Due consideration will be given to all relevant representations. Decisions as to whether requests for review are irrelevant, frivolous or vexatious will be made by Council Officers, who will also decide on whether such requests should be referred to the Licensing Committee or Sub-Committee. Where an application for review is rejected, the person making that application will be given written reasons for the rejection. There is no right of appeal against a determination that such an application is not admissible.

A premises licence may also be reviewed by the Licensing Authority of its own volition.

Guidance will be provided to Interested Parties on the procedure for requesting a review.

## **8. ENFORCEMENT**

Various agencies have powers under the Act to ensure compliance with the legislation and licenses granted in accordance with it. These include the Gambling Commission, the Police and the Licensing Authority.

Generally the Licensing Authority will be responsible for ensuring compliance with a premises licence and the Gambling Commission will be responsible for ensuring compliance with an operating licence. However, it is likely that there will be circumstances when the agencies will need to work together to tackle a particular issue.

The Gambling Commission have produced a Policy Statement in relation to compliance and enforcement which will be taken into account when carrying out any enforcement measures.

The Council is a signatory to the Regulators' Code (previously known as the Enforcement Concordat) and will follow the principles set out in it. The Code is based around the principles of consistency, transparency and proportionality.

The Code (available upon request) 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 failure to maintain certain records, may be dealt with by way of a written warning. More serious offences may result in a referral to Sub-Committee, the issue of a Formal Caution or a referral for prosecution.

The Council will consider a request from a business to deal with a single point of contact where that business holds licenses to several premises within the district. However, the Council reserves the right to contact a premises manager directly where appropriate.

The Council intends to use appropriate enforcement to promote the licensing objectives. Once licensed, premises will be 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. The district will also be monitored for any unlicensed activities.

The primary aim of enforcement is to achieve compliance. Enforcement means the formal approach, but also includes advice and support to business, to achieve compliance.

We may achieve compliance through encouraging a sense of community, improved communication, and proactive work with licensees and businesses. Such proactive work may include training, giving advice and information, and initiatives that educate, inform and encourage partners and stakeholders to work together efficiently and effectively. Our principal objective in taking a holistic approach to managing gambling premises is to prevent problems from occurring before they begin.

However, we recognise that we cannot always achieve such aims, and that active enforcement of the law may be the only effective means of securing compliance. To this end the following enforcement options are available to us:

- a) verbal or written advice
- b) written warning
- c) mediation between licensees and residents
- d) final warning
- e) prosecution
- f) review

These actions are not mutually exclusive and it may be that one course of action follows another, depending on the individual circumstances.

We operate a partnership approach to dealing with enforcement matters concerning gambling premises. This may include working with the police, other Council colleagues or outside agencies such as the Gambling Commission.

To assist in ensuring compliance we will undertake regular programmed inspections, based on risk assessment in the categories High, Medium and Low. High-risk premises are those premises that have a history of complaints and require greater attention with low risk premises needing only a lighter touch so that resources are effectively concentrated.

Any decision to instigate legal proceedings will take into account our Enforcement Policy, which incorporates the Department for Business Enterprise and Regulatory Reform Regulators Compliance Code. In addition we shall adopt a positive and proactive approach towards ensuring compliance by:

- a) Helping and encouraging licence/permit holders understand and meet their regulatory requirements more easily; and
- b) Responding proportionately to regulatory breaches.

## **9. FURTHER INFORMATION**

Further information about the Gambling Act 2005, this Statement of Licensing Policy or the application process can be obtained from:-

Licensing Unit  
Wycombe District Council  
Queen Victoria Road  
High Wycombe  
Bucks, HP11 1BB

Tel: 01494 421222  
E-mail: [licensing@wycombe.gov.uk](mailto:licensing@wycombe.gov.uk)

Information is also available from:-

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham, B2 4BP

Tel: 0121 230 6500  
Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

## APPENDIX A

### TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING PANEL	OFFICERS
Three year licensing policy	X	(via Executive)	
Policy not to permit casinos	X	(via Licensing Committee)	
Fee Setting - when appropriate	X	(via Licensing Committee)	
Application for premises licences and Application for a variation to a licence and Application for a provisional statement and Application for club gaming/club machine permits		Where representations have been received and not withdrawn.  Where conditions are proposed to be attached or default conditions excluded under s.169(1) of the Act and the parties have not agreed to dispense with the requirement for a hearing	Where no representations received/representations have been withdrawn  Where conditions are proposed to be attached or default conditions excluded under s.169(1) of the Act and all parties have agreed to dispense with a hearing  Determination as to whether representation made under s. 161 is vexatious, frivolous or irrelevant will not influence the Licensing Authority's determination of the application  Decision to make a representation as a responsible body in appropriate cases
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Review of a premises licence		X	
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Decision as to whether representation is frivolous or vexatious			X

## **APPENDIX B**

### **LIST OF CONSULTEES**

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

## Agenda Item 4. Appendix B

**Caroline Steven**

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**From:** Catherine Sweet <catherine.sweet@gamcare.org.uk>  
**Sent:** 27 June 2018 16:45  
**To:** Licensing  
**Subject:** Gambling Act 2005 - Policy Statement Review  
**Attachments:** GamCare Local Authorities Brochure 2018 (web).pdf; GamCare Training Brochure 2017.pdf

Hello,

Thank you for your letter regarding the above consultation, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see [www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/](http://www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/)
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from [GamCare Certified operators](#). GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are

measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact [mike.kenward@gamcare.org.uk](mailto:mike.kenward@gamcare.org.uk)

For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.

If there is anything else we can assist with please do let us know.

Kind regards,  
Catherine

**Catherine Sweet**  
**Head of Marketing and Communications**  
T: 020 7801 7028  
E: [catherine.sweet@gamcare.org.uk](mailto:catherine.sweet@gamcare.org.uk)



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GA 2005

**Caroline Steven**

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**From:** Brian Whittal on behalf of Licensing  
**Sent:** 14 August 2018 12:14  
**To:** 'elizabeth speed'  
**Cc:** Tracey Rose; Caroline Steven  
**Subject:** RE: The Gambling Act 2005 - Wycombe District Council Statement of Principles Consultation

Dear Elizabeth,

Thank you for your comments. Your response is appreciated.

Regards,

Brian Whittal  
Licensing Officer  
01494 421346

**From:** elizabeth speed [mailto:espeed@novomatic.co.uk]  
**Sent:** 14 August 2018 11:15  
**To:** Licensing <licensing@wycombe.gov.uk>  
**Cc:** Tracey Rose <Tracey.Rose@Luxury-Leisure.co.uk>  
**Subject:** The Gambling Act 2005 - Wycombe District Council Statement of Principles Consultation

Dear Sirs

**Gambling Act 2005 – Statement of Principles Consultation**

Thank you for the opportunity to make comments on the above consultation. On behalf of Talarus Limited, I make the following points in relation to the consultation draft (the "Draft"):-

1. As the Authority will appreciate, in matters of regulation under the Gambling Act 2005 (the "Act") it is subject to the Regulators' Code. That code imposes a number of obligations on the Authority, including one that it should carry out its activities in a way that it supports those it regulates to comply and grow. Additionally under the Code, when designing and reviewing policies, the Authority must among other things understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates. Further, the Authority should take an evidence -based approach in determining priority risks and recognise the compliance record of those it regulates. While we note the reference to the Code in Section 8 which deals with Enforcement, its applicability is far wider and we suggest that the Draft records the Code's general application to the Authority's activities under the Act.
2. Para 9.15: As the Authority appreciates, children are permitted to be involved in limited types of gambling (Category D machines) and we suggest that this paragraph is amended to reflect that. It is not correct to say that the third licensing objective is to prevent children from taking part in all gambling. Further, while we note the reference to measures that may be implemented to support this objective, these are issues that will be dealt with in the Local Risk Assessment (LRA) which is described at paragraph 2.5. and as such the comments in this section overlap and duplicate the LRA section.
3. Para 2.2: As the Authority will know, it is perfectly legitimate for an application to be made for a premises licence even though the premises are not finished or complete. This was confirmed in the 2008 case of R (on the application of Betting Shop Services Limited) –V– Southend on Sea Borough Council, in which it was held that an applicant could apply for a premises licence (without the need for a provisional statement) even though the premises were not fully constructed – the applicant is not restricted to making an application for a provisional statement. We suggest that it would be helpful for the wording in the Draft to be amended to make it clear that applications for premises licences can be made regardless of whether the building in question is complete or finished. While an

applicant may apply for a provisional statement if the building is not complete, it does not have to do so and can instead apply for a premises licence.

4. Section 2.3: Section 349 of the Act requires Authorities to prepare a statement of the principles that they will apply in exercising their functions under the Act. While we note the references to the other legislation that impacts on the Authority, the only legislation that is relevant for the purposes of the statement of Policy is the Act itself. That is not to say that, for example, the Authority is not bound by the Human Rights Act, but that is an application outside the terms of this Statement of Policy. We therefore think the inclusion of much of this section is inappropriate. A key example is the reference to the LDF – save where the issues are related to the licensing objectives the question of planning is irrelevant, as indeed is made plain by section 210 of the Act. Although some of the points included may reflect the obligations of the Authority under the Code – for example in relation to the needs of the tourist economy, - these would be better wrapped up in a statement of support of the Code's application as suggested above.

We also suggest that a statement be included at the end of this section to emphasise that only Interested Parties and Responsible Authorities may make representations under the Act. As is noted already, any such representations must be based solely on the licensing objectives, and not, for example, matters of the LDF, or tourism.

5. Para 3.6: Although AGCs are referred to in list of the types of possible premises licences, no section for AGCs has been included in the same way as for all of the others. We imagine that this was in error, and suggest that a section is included.
6. We note that the list of possible measures noted for FECs is for some reason not repeated for licensed Bingo or Betting premises, even though the amount that can be staked and won is significantly higher in them. We submit therefore that the Draft is inconsistent in this important regard and suggest it is amended.
7. Para 26.3: With respect it is not actually a requirement of the SR Code of the LCCP that the local risk assessment is provided on request. Rather it is an Ordinary Code provision which is not a cast iron requirement.
8. Para 26.4: The wording of the second bullet point seems to us to be vague. It is already a requirement of the LCCP that ~~local~~ self-exclusion schemes are in place. Any further requirement to share information "regarding self-exclusions" would run the risk of breaching GDPR. Additionally, the suggestion that licensees share information on "gaming trends" is vague – we are not sure what "trends" are being referred to in a Social Responsibility context. We suggest that this bullet point is removed.

We hope that the above proves useful. If you have any questions, please do not hesitate to contact us.

Yours faithfully,

Elizabeth Speed  
Group General Counsel  
**Novomatic UK**

Direct +44 (0) 191 497 8222  
Mobile +44 (0) 7808 571 588

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BY EMAIL ONLY  
Licensing Department  
Wycombe District Council

Please ask for: Richard Taylor  
Direct Tel: 01482 590216  
Email: rjt@goschalks.co.uk  
Our ref: RJT / SDS(MJM) /  
097505.00005  
#GS1770714  
Your ref:  
Date: 30<sup>th</sup> August 2018

Dear Sir/Madam,

**Re: Gambling Act 2005 Policy Statement Consultation**

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the Council's current consultation on the draft gambling policy statement.

This response starts by setting out the ABB's approach in areas relevant to the local authority's regulation of betting shop premises, and its commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.

Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital.

The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take for example, with regard, to the new requirements for local area risk assessments and ensuring the right structures are in place in shops that are appropriate for that area.

Whilst it is important that the gambling policy statement fully reflects the local area, the ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance,

relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of these within new processes would be detrimental to the gambling licensing regime. The ABB also believes it is important that the key protections already offered for communities, and clear process (including putting the public on notice) for objections to premises licence applications, continue to be recognised under the new regime.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as of March 2017 were 8,788 - a decline of 349 since March 2014, when there were 9,137 recorded.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

### Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

### LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *"desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."*

The framework builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with

their gambling can exclude themselves from betting shops close to where they live, work and socialise. The ABB is working with local authorities to help raise awareness of the scheme, which is widely promoted within betting shops.

The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, described the project as "*breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator.*"

### **Primary Authority Partnerships in place between the ABB and local authorities**

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015. By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

### **Local area risk assessments**

Since April 2016, under new Gambling Commission LCCP provisions, operators have been required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy, and any local area profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.

The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The new requirements build on measures the industry has already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.

This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account

based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.

### **Best practice**

The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.

Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.

The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.

The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.

The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.

### **Concerns around increases in the regulatory burden on operators**

The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.

Any increase in the regulatory burden would severely impact ABB members at a time when overall shop numbers are in decline, and operators are continuing to absorb the impacts of significant

recent regulatory change. This includes the increase to 25% of Machine Games Duty, limits to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

### **Employing additional licence conditions**

It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

### **Other concerns**

Where a local area profile is produced by the licensing authority, this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

### **Considerations specific to the draft Statement of Licensing Principles under the Gambling Act 2005**

On behalf of the ABB we welcome the light touch approach to the Statement of Licensing Policy and have very few comments to make. The comments that we do have are below:-

#### **2.5 – Local Risk Assessment**

This section contains a list of bullet points which list matters that the council expects the local risk assessment will consider. The final two bullet points need to be amended or deleted.

The penultimate bullet point is “*gaming trends that reflect benefit payments*”. This bullet point should be deleted. The purpose of a local risk assessment is to assess local risks to the licensing objectives posed by the provision of gambling facilities. It is impossible to see how this bullet point could be relevant to an assessment of the licensing objectives unless the licensing authority has predetermined that persons in receipt of benefits are automatically vulnerable or more likely to commit crime connected with gambling. We are certain that this predetermination has not taken place.

The final bullet point refers to issues of nuisance. The Statement of Licensing Policy should be clear that issues of nuisance/anti-social behaviour are not relevant considerations under the Gambling Act 2005. Indeed, the Gambling Commission Guidance to Licensing Authorities is clear that disorder is activity that is more serious and disruptive than mere nuisance.

### **3.4 – Conditions**

This section would be assisted if the first paragraph was to be expanded to state that the mandatory and default conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. The following paragraphs which relate to additional conditions being imposed should be clear that additional conditions will only be considered where there is evidence of a risk to the licensing objectives in the circumstances of a particular case that requires that the mandatory and default conditions be supplemented.

This evidential basis for the imposition of additional conditions is important and is acknowledged in the section relating to door supervisors.

### **3.10 – Betting Premises**

This section would be assisted if a clear distinction was made between betting machines, where the licensing authority has the ability to limit numbers and gaming machines, where there is no such ability to limit numbers. The holder of a betting premises licence may make available for use up to 4 machines of categories B, C or D (S172(8) Gambling Act 2005).

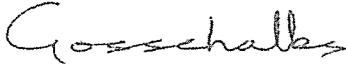
## **Conclusion**

The ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff.

We would encourage local authorities to engage with us as we continue to develop both these codes of practice, which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.

Yours faithfully,



**GOSSCHALKS**

# Agenda Item 5.

## **REVIEW OF LICENSING ACT 2003 POLICY – OUTCOME OF CONSULTATION**

**Officer Contact:** Mrs Caroline Steven **DDI:** 01494 421222

**Email:** caroline.steven@wycombe.gov.uk

**Wards Affected:** All

### **PROPOSED RECOMMENDATION TO COUNCIL**

That the Committee comment on the draft Statement of Licensing Policy as set out at Appendix A and recommend it to Council for approval.

### **Reason for Decision**

To comply with the requirements of the Licensing Act 2003.

### **Executive Summary**

Members may recall that the Council originally approved the Statement of Licensing Policy under the Licensing Act 2003 in December 2005. In accordance with section 5 of the Licensing Act 2003, the Council is required to review, prepare and publish this policy at least every five years, following full consultation. The consultation process has now taken place and Members are requested to consider the draft revised Policy.

### **Policy/Community Plan Implications**

The revision of the Licensing Act 2003 policy contributes to the Community Plan Aims in respect of regeneration and cohesive communities.

### **Corporate / Legal Implications**

The review and publication of the Policy must be carried out in order to comply with the Licensing Act 2003. Non-compliance may lead to possible legal and financial implications in that future applications determined under the Act may be challenged.

### **Detailed Report**

1. The Statement of Licensing Policy must be reviewed, undergo a consultation process and be approved by Council in December this year, as required by the Licensing Act 2003.
2. The consultation process took place between the 11<sup>th</sup> May and the 3<sup>rd</sup> August 2018.
3. Approximately 300 letters were sent to organisations and individuals including responsible authorities, trade organisations, representatives of the licensed trade, representatives of residents, Parish Councils and Members. The consultation process was also advertised on the Council's website.
4. Two responses were received, although one of these responses stated that they had no comments to make in relation to the policy. The other response was received from High Wycombe Bid Co and a copy is at Appendix B. The first comment made is a request to make busking licensable although this falls outside of the purview of the Licensing Act 2003.
5. It was noted that the title given to HWBID CO was incorrect at paragraph 1.16 and this has been corrected within the policy.

6. Finally, it was suggested that a recommendation be made within the policy for all town centre licensed premises to be members of the Pubwatch scheme. This is considered to be appropriate and has also been included at paragraph 1.16.
7. It is not considered that any further amendments to the policy are required.
8. Spare copies of the Statement will be available for Members at the Committee meeting.
9. The Committee is requested to consider the Statement and make any comments for further amendment prior to its submission to full Council for adoption in December.

### **Options**

The Statement of Licensing Policy can be amended by the Committee should it be considered necessary to do so.

### **Next Steps**

If approved, the Statement of Licensing Policy will be considered by Full Council at its meeting on the 10<sup>th</sup> December 2018.

### **Background Papers**

Licensing Act 2003



**WYCOMBE**  
**DISTRICT COUNCIL**

**Environment Service**

*Draft*

**STATEMENT OF  
LICENSING POLICY**

March 2018

## **The Purpose and Scope of the Licensing Policy**

This policy is required by the Licensing Act 2003, which places responsibility for licensing with Local Authorities.

The legislation sets out four statutory objectives that are to be addressed when licensing functions are undertaken. These are:-

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

The Act was intended to promote a 'Café Culture' style into the way leisure activities are undertaken and it is against this objective that a number of key aims and purposes are pursued. These are advised by the Government's Guidance Notes as the principal aims for all involved in licensing work and include:-

- The introduction of better and more proportionate regulation to give business greater freedom and flexibility to meet their customers' expectations;
- Greater choice for consumers, including tourists, about where, when and how to spend their leisure time;
- The encouragement of more family friendly premises where younger children can be free to go with the family;
- The further development within communities of our rich culture of live music, dancing and theatre, both in rural areas and in our towns and cities;
- The regeneration of areas that need the increased investment and employment opportunities that a thriving and safe night-time economy can bring; and
- The necessary protection of local residents, whose lives can be blighted by disturbance and anti-social behaviour associated with the behaviour of some people visiting places of entertainment.

The District Council, through the Community Plan for Wycombe District, seeks to improve the economic, social and environmental wellbeing of the area by creating a caring community, a thriving economy, a healthy environment and value for money. The objective, over time, is that these improvements will work towards delivering our Vision to 2026, making Wycombe District a better place to live, work and visit.

This Policy seeks to build on and contribute towards the overall Community Plan objective by drawing upon the Government's statutory objectives and Guidance as set out above. In so doing this Policy will specifically work towards the Community Plan aims of community development, community safety, culture and leisure, the environment and economic development.

It is against the background of these key aims that this Policy sets out Wycombe District Council's response to the 2003 Act and against which applications made in respect of licensing will be determined. We will continue to monitor the impact of the 2003 Act on crime and disorder and the other licensing objectives and, in the light of these findings, shall review the Policy accordingly.

*Cllr Alan Hill*  
*Chairman of Licensing Committee*

*Cllr Julia Adey*  
*Cabinet Member for Environment*

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## 1. Introduction

1.1 Wycombe District Council is the Licensing Authority (the Authority) for the district of High Wycombe. The Authority is responsible for the licensing of licensable activities under the Licensing Act 2003 (the Act). This document sets out the policies that the Authority will apply when making decisions on applications for:

- 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 any of the following:

- the performance of a play;
- the exhibition of a film;
- indoor sporting events;
- boxing or wrestling (indoors and outdoors)
- performance of live music (with some exceptions);
- playing of recorded music (apart from background music and with some exceptions);
- performance of dance; and
- the provision of facilities for dancing, making music and similar types of entertainment.

There are some proposed changes to the definition of regulated entertainment which may result in certain activities no longer requiring a licence, although these proposals have not yet come into force. This Policy will continue to be reviewed in this respect or in case of any other relevant changes in licensing law.

The provision of late night refreshment (supply of hot food and/or drink at any time between 23:00 and 05:00 for consumption on or off the premises) also requires a licence.

1.2 This policy shall apply to the following:

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

in respect of new consents, renewals, transfers and variations. This policy does not override the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its own merits. There is a statutory presumption that all applications will be granted unless a relevant and valid objection is made. The Authority can only impose conditions where a valid representation has been made and any conditions imposed must be proportionate, appropriate and reasonable. In carrying out its licensing functions, the Authority must have regard to the Act, the statutory Government Guidance, this policy and the licensing objectives. Any statement within the Policy will be relevant to all licensed premises unless otherwise stated

1.3 The Act makes provision for this policy to be the subject of consultation and a list of consultees is attached as Appendix 2. The Authority will review this policy at least every five years and consult on any proposed revisions.

## Objectives and Principles

1.4 It is the duty of the Authority to carry out its licensing functions with a view to promoting the four licensing objectives, which are:

- **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.

1.5 The Authority is seeking to achieve control of licensed 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 on the public who live, work and carry out normal activity in the area concerned.

1.6 Licensing is not a mechanism for the general control of anti-social behaviour by individuals beyond the direct control the licensee of the premises concerned.

In this respect the Authority 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 and may be confiscated by the police, and specifically
- enforcement of the Wycombe District Public Spaces Protection Order 2016 under the Anti-Social Behaviour Crime and Policing Act 2014 (to be amended further)
- Police enforcement of the normal law concerning disorder and anti-social behaviour including issuing fixed penalty notices pursuant to various powers under the above Act
- Trading Standards enforcement of under-age drinking offences
- use of proof of identity cards and schemes for checking age limits, such as Challenge 21
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk or underage
- Police powers to close down immediately for up to a maximum of 48 hours any licensed premises or temporary event 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

1.7 The objective of the licensing process is to allow the carrying on of alcohol sales and the provision of regulated entertainment in a way which ensures compliance with the Act, safeguards public safety and which is neither to the detriment of residents, nor gives rise to loss of amenity. It is the Authority's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.

1.8 The Authority recognises that the licensed entertainment business sector and community licensed facilities in the District contribute to the local economy, employment and social infrastructure. On the other hand there are costs associated with policing and clean-up which are not borne directly by the entertainment venue. The Authority wishes to support, where appropriate, licensees to provide a wide range

of entertainment activities throughout their opening hours and to promote live music, dance, theatre, regulated informal entertainment etc. for the wider cultural benefit. They are a factor in maintaining thriving and sustainable towns and villages which is one of the Council's aims. Where there is any indication that regulated entertainment, especially live music and dancing, are being deterred by licensing requirements, the policy will be revisited with a view to investigating how the situation might be reversed.

- 1.9 Information on the impact of the Act on the local economy and tourism will be provided to the Licensing Committee. Anybody wishing to comment on this issue should send their comments to the Licensing Unit, either by post to the Council Offices, Queen Victoria Road, High Wycombe, Buckinghamshire, HP11 1BB or by e-mail to [licensing@wycombe.gov.uk](mailto:licensing@wycombe.gov.uk).
- 1.10 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 licensing decision to address these matters. It is not intended that the requirements of existing legislation and regulatory regimes that already place obligations on employers and operators will be duplicated. The Authority will not impose licence conditions which are covered by other regulatory regimes, except where this imposition can be exceptionally justified as necessary to promote the licensing objectives.
- 1.11 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 will be considered when an application is made for a Premises Licence.
- 1.12 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. If premises do not have planning permission, applicants are strongly advised to apply for this prior to submitting their Premises Licence application. The Licensing Committee will ensure that the Planning Committee is advised of the situation regarding licensed premises in the District including the general impact of alcohol related crime and disorder, as these may be material considerations to be taken into account when determining planning applications.

### **Integrated Strategies**

- 1.13 The Authority 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.
- 1.14 In formulating this policy, the Authority has and will continue to take account of its obligations and powers under other legislation, such as the Crime and Disorder Act 1998, the Human Rights Act 1998, the Equalities Act 2010, the Anti-social Behaviour Act 2003 and the Anti-social Behaviour, Crime and Policing Act 2014.

It has also taken into account the following Government and national strategies and guidance:-

Alcohol Harm Reduction Strategy for England (Prime Minister's Strategy Unit) <sup>(1)</sup>

Safe. Sensible. Social. The Next Steps in the National Alcohol Strategy <sup>(2)</sup>

Home Office Safer Clubbing Guide <sup>(3)</sup>

Action Plan for Tackling Alcohol Related Crime, Disorder and Nuisance <sup>(4)</sup>

DTI Enforcement Concordat <sup>(5)</sup>

Code of Practice on Environmental Noise Control at Concerts 1995 <sup>(6)</sup>

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

- The Council's Corporate Plan 2015 - 2019 <sup>(8)</sup>
- Wycombe Community Safety Plan 2017 - 2020 <sup>(9)</sup>
- Enforcement policies of Wycombe District Council, Buckinghamshire County Council and Thames Valley Police <sup>(10)</sup>
- Town Centre Management and Market Town Initiatives (Princes Risborough Vision) <sup>(11)</sup>
- Buckinghamshire Substance Misuse Strategy 2016 - 2019 <sup>(12)</sup>
- Sustainable Community Strategy for Wycombe District 2013 – 2031 <sup>(13)</sup>

- (1) Cabinet Office, March 2004
- (2) Dept. of Health, Home Office, Dept. for Education and Skills, DCMS, June 2007
- (3) Home Office & London Drugs Policy Forum in partnership with Release, Jan 2002
- (4) Home Office Online Report 08/03
- (5) Cabinet Office / Local Government Association, March 1998
- (6) The Noise Council, 1995
- (7) Secretary of State for the Home Department
- (8) Wycombe District Council, 2015
- (9) Wycombe District Council, April 2017
- (10) Wycombe District Council, October 2002: Buckinghamshire County Council and Thames Valley Police, October 2004
- (11) Risborough Area Community Action Group, September 2016
- (12) Bucks County Council 2016
- (13) Wycombe District Council, 2014

#### 1.16 Partnership Working

The Authority, along with Thames Valley Police, support the Pubwatch scheme which was established to assist and advise the licensees of the alcohol licensed premises within High Wycombe town centre. It is recommended that all town centre licensed premises become members of the scheme.

The Authority also works closely with the Nightsafe initiative which is a programme of education, communication and partnership working for the benefit of everyone who lives, works, studies and socialises in the Wycombe District. Partners involved in the project include Wycombe District Council, Thames Valley Police, Bucks Drug and Alcohol Action Team, the High Wycombe Business Improvement District Company (HWBID CO) and Trading Standards.

## 2. Background to the Area

2.1 The Authority regards existing and future environmental qualities and character of the District to be important when consideration is given to granting of licences for any purpose. When considering licensing applications where relevant representations have been made, the Authority will consider its effect on the licensing objectives and in particular the effect the licence will have on the public nuisance and crime and disorder objectives. In order to consider these matters, it is necessary to consider the environment of the area in which the premises are or will be situated. For those not familiar with the District and its many and varied characteristics this section of the Policy sets out in brief some of the qualities that the Council consider important to retain.

- 2.2 The District is a mixed urban and rural area, whose amenity the Council has a duty to protect. One of the Council's aims is to promote safer and stronger communities. These factors 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.
- 2.3 Wycombe District is situated in the heart of Buckinghamshire, which includes such features as the Chilterns and Thames Valley. The three main towns, High Wycombe, Marlow and Princes Risborough are within 'The Chilterns', a designated Area of Outstanding Natural Beauty, whose secluded countryside and rural communities provide a unique environment for residents and visitors to enjoy.
- 2.4 High Wycombe is a thriving historic town well known for its association with the furniture trade manufactured from local timber. It has a thriving business community and shopping centre with a large new shopping and leisure complex which opened in 2008. It has an established University, which brings a large student population to the town. It also has many residential areas, which accommodate a broad ethnic mix and religious following, the character of which will be taken into account when examining the impact of an application upon the licensing objectives. The town centre retains its ancient street market and buildings whilst also accommodating many high capacity entertainment venues, some of which operate late into the night. The Frogmoor area and its surroundings have a concentration of such venues and whilst the Authority does not immediately wish to impose a specific saturation policy, it is likely that that any increase in activity will be a material consideration when undertaking periodic reviews of the Licensing Policy. The town is also well served by open spaces such as the Rye where families and people of all ages can enjoy the largely unspoilt 'meadow' parkland.
- 2.5 Marlow is quite unique within the District. It is famous for its Thames setting and attracts many thousands of visitors from both the UK and overseas during the year. It is largely residential but its varied commercial area caters for tourists and local residents alike. The main commercial areas comprise the High Street, Spittal Street and West Street, These have many restaurants and public houses which are very busy catering for families and groups throughout the day and a number of them have licences until late on Friday and Saturday evenings. As with other high street towns, there are some residential units situated above or adjoining the commercial premises which are sensitive to noise. There are plenty of parking facilities, both on-street and in nearby car parks and there are very few residential properties in this area. There are also a number of public houses in other parts of Marlow, all of which are in the midst of residential areas and are not so well served with on-street parking facilities.
- 2.6 Princes Risborough typifies a quiet market town. Set in the north of the District it retains its high street shops and farmers market giving it an unhurried rural feel to visitors and residents alike. It has many historic features such as the brick Market House with open arcades, church and Manor House. Princes Risborough has a number of traditional pubs and, generally speaking, these cater for the local residents and do not have late licences.
- 2.7 There are many other communities within the District each with their distinctive features. These range from small rural hamlets to larger villages each with special characteristics valued by local residents and the wider community. The characteristics of each are far too great to list here but applicants are advised that the Authority will take into account the character of an area when deciding what affect, if any, a premises licence will have on the four licensing objectives.

### **3. Applications and Determinations**

#### **General**

- 3.1 Premises Licences and Club Premises Certificates will be determined in the same way. Club Premises operators may apply for a Premises Licence, which (if granted) will allow them greater freedom in relation to the use of the Premises. Full details of the procedure for all applications are available with application packs on the Council's website at [www.wycombe.gov.uk](http://www.wycombe.gov.uk). New legislation has recently been passed which allows for a new 'minor variation' application which can be used to make changes to licences which are unlikely to have any effect on the licensing objectives. Officers will consult with relevant responsible authorities where there is any doubt over the possible impact on the licensing objectives. There is no right to a hearing with such applications although any comments made by interested parties or responsible authorities must be taken into account before any decision is made.
- 3.2 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. Full Premises Licences can also be granted for such premises, although detailed plans and operating schedules are likely to be required by Responsible Authorities to enable determination.
- 3.3 The Authority may, in appropriate situations, seek to facilitate mediation 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.
- 3.4 Applicants are strongly advised and encouraged to seek advice from the relevant statutory agencies, and where appropriate speak to local residents or their representatives, prior to submitting an application. Responsible Authorities will often offer advice on information to be included in operating schedules which can then be translated into conditions or confirm whether they are likely to object to any aspect of an application. In the absence of other representations this may shorten the application process, thereby avoiding the need for a hearing or reducing the length of such a hearing. Licensing Officers are able to advise on general matters relating to applications and licensing requirements generally although applicants will need to seek independent advice for detailed assistance in the completion of forms or where complicated legal issues arise.
- 3.5 In considering licence applications, responsible authorities will consider the adequacy of measures proposed to deal with the potential for nuisance and/or public disorder and public safety having regard to all the circumstances of the case. Operating Schedules should satisfactorily address these issues to enable responsible authorities to reach an informed decision. The following issues will be considered where relevant representations are made and an application is determined by a Licensing Panel. Conditions may be attached to ensure compliance with the licensing objectives, although any conditions imposed will be tailored to the specific premises in question and will be appropriate and proportionate to ensure compliance with the licensing objectives. The issues have been separated into the four licensing objectives, although there will inevitably be some overlap between them.

#### **Prevention of Crime and Disorder**

- 3.6 Applications for new or variation of premises licences should demonstrate that crime and disorder will not increase as a result of the application being granted.
- 3.7 If, upon receipt of a relevant representation, there is a likelihood of crime and disorder increasing as a result of the application being granted, the Authority will refuse the application, unless there are exceptional circumstances or it can be demonstrated that additional conditions will alleviate the concerns. In cases where conditions are attached to licences, the conditions will aim to reflect local crime prevention strategies

- 3.8 The Authority accepts that the legislation does not require the presence of either a personal licence holder or the Designated Premises Supervisor on the premises at all times when alcohol is sold. The Authority would recommend that personal licence holders give written authority to other staff for alcohol sales and clear guidance on whom alcohol may be sold to. Applicants are invited to provide details of how Personal Licence holders will authorise alcohol sales. In exceptional circumstances and upon receipt of a relevant representation, the Authority will consider whether a condition should be imposed requiring the presence of a Personal Licence holder on the premises at all times when alcohol is available for sale.
- 3.9 The Authority will expect prevention of crime and disorder measures to be appropriate to the type and location of premises e.g. the provision of door supervisors and CCTV are likely to be more appropriate in larger venues, dance venues and those in busy town centre locations.
- 3.10 In considering licence applications, the Authority will particularly take into account the following where relevant:-
- The measures proposed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies.
  - The measures proposed to prevent or reduce violence and public disorder in the vicinity of the premises, e.g. the provision of door supervisors, security lighting and signage both inside and outside the premises.
  - Physical security features such as the use of CCTV; 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 Licensing Committee, the premises must be equipped to a standard and in a manner in accordance with established Thames Valley Police guidance in relation to CCTV.
  - Measures taken to prevent bottles and glasses being used as weapons.
  - Measures to control the strength (alcohol by volume) of beers, lagers and ciders for sale by retail off the premises only may be appropriate in those areas considered to be at risk of public nuisance from street drinkers and/or areas of existing anti social behaviour.
  - Policies in relation to drinks promotions – the Authority encourages the adoption of voluntary codes covering responsible price promotions.
  - Measures taken to prevent underage drinking offences, in particular the Council advocates use of schemes such as Challenge 21 and PASS accredited proof of age cards.
  - Representations from the police.
  - Representations from local residents in the vicinity of the premises.
  - Representations from Parish and Town Councils.

#### Public Spaces Protection Order

- 3.11 Pursuant to the Anti-social Behaviour, Crime and Policing Act 2014, a Public Spaces Protection Order (PSPO) came into force in February 2016 which replaced the previous Designated Public Places Order (DPPO) covering Wycombe town centre. The new Order largely reflects the terms of the DPPO and prohibits anti-social consumption of alcohol or the possession of an open container of alcohol when behaving in an anti-social manner. All licensed premises are exempt and the Order does not affect people who are drinking socially and not causing any disturbance.

#### “White Cider” Initiative

- 3.12 In March 2013 the Council implemented a voluntary prohibition on the sales of “white cider” products from off-licensed premises situated within the Public Spaces Protection Order. This type of alcohol is considered particularly harmful and is popular with street drinkers. The majority of affected premises have supported the scheme by including a condition within their licence prohibiting sales of this product.

The licensing authority encourages off licences to reduce the availability of cheap super

strength beers and ciders. Off licences that voluntarily agree not to sell this type of product (over 6% ABV but excluding craft products) and operate good practice measures shall receive accreditation as a responsible retailer.

- 3.13 The licensing authority shall consider an application to review a premises licence from trading standards or police where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found the authority shall consider this as evidence of poor management in addition to undermining the licensing objective to prevent crime.

### **Public Safety**

- 3.14 Licensed premises present a mixture of health and safety risks. It is essential that premises are constructed or adapted so as to safeguard occupants against such risks. Evidence will be required by the relevant responsible authority that health and safety risks have been assessed, including whether building regulations approval has been given in the case of new or structurally altered buildings.
- 3.15 The Regulatory Reform (Fire Safety) Order 2005 came into effect in October 2006 and replaced previous legislation with regards to fire safety. As a result the Authority cannot impose any fire safety conditions where the Order applies and any conditions previously imposed will cease to have effect unless they are specifically required in relation to public safety. Fire safety in licensed premises is now dealt with entirely by the authority responsible for such matters.
- 3.16 In considering licence applications and whether appropriate conditions should be imposed, responsible authorities are likely to take into account the following:-
- Measures proposed to train staff to an appropriate certified level in general health and safety of persons, and in dance venues, measures taken to train first aiders in drug issues;
  - Measures in place to promote the sensible drinking message;
  - Training of staff to tackle underage drinking
  - Provision of fire-fighting equipment, emergency lighting, fire alarms, CCTV, British Standard or otherwise approved lighting trusses, ceilings and suspended equipment;
  - Provision of certificates in relation to flame retardant materials, electrical inspections and staff training in conformity with legislative requirements
  - Provisions made for the safety of persons in the premises and escape routes, including provision for people with physical disabilities. In particular, venues holding dance events will be expected to demonstrate that they have taken account of the Home Office Safer Clubbing Guide and should provide information in their operating schedules about provision of air conditioning/ventilation, availability of drinking water and further measures to combat overheating;
  - Representations made by the Police and Environmental Health.
  - Representations made by the Fire Authority. In this respect it is advised that a suitable and sufficient fire risk assessment is completed by a competent person so that any application can be appropriately considered by the Fire Authority.

### **Prevention of Public Nuisance**

- 3.17 The Council wishes to protect the amenity of residents and businesses in the immediate area surrounding the licensed premises. Applications should demonstrate that public nuisance will not increase as a result of the application being granted.

3.18 The Authority will particularly take into account the following:

- The measures proposed to prevent noise and vibration escaping from the premises. Such measures may include installation of sound insulation and sound limitation devices;
- Measures proposed to prevent public nuisance from use of outside areas, including smoking areas and outdoor events;
- The measures proposed to prevent disturbance by customers arriving at or leaving the premises, in particular after 11pm, for example appropriate signage at exits and in car parks, parking provision, the provision of door supervisors, use of “quiet last half hour” at dance venues and provision and availability of safe transport home;
- The measures proposed to prevent light pollution from external lighting, including security lighting;
- The measures proposed for refuse storage or disposal and management of any additional litter;
- Representations by Control of Pollution, Thames Valley Police and Environmental Health;
- Representations by local residents in the vicinity of the premises;
- Representations by Parish and Town Councils.

### **The Protection of Children from Harm**

3.19 The Authority will carry out its responsibilities so as to promote the licensing objective of protection of children from harm and recommend the use of PASS accredited proof of age cards. Schemes to check age by approved forms of identification, such as Challenge 21, will also be encouraged. Harm in this context includes physical, moral or psychological harm. The Authority recognises the Area Child Protection Committee as the appropriate authority to advise on matters of child protection and any application for a Premises Licence or variation to a Premises Licence will be required to be sent to this authority at the following address: Business Manager, Buckinghamshire Children's Safeguarding Board, Buckinghamshire County Council, Annex B, County Hall, 5-7 Walton Street, Aylesbury, Bucks, HP20 1XA. Advice in relation to child protection matters and licence applications can also be sought from this body.

3.20 Licences will be sought by operators of 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. Any conditions imposed will aim to best promote the licensing objectives in each particular case.

3.21 The Authority will not seek to limit the access of children to licensed premises unless it is necessary to protect them from harm. The Authority will judge the merits of each separate application 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 premises with a reputation for underage drinking
- where there is a known association with drug taking or dealing
- where there is a strong element of gambling on the premises (but not the simple presence of a small number of cash prize gaming machines)
- where entertainment of an adult or sexual nature is provided

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

3.22 The Act specifies various offences which aim to protect children from the possible harms associated with alcohol and certain types of entertainment. These include; a prohibition of alcohol sales to children; a prohibition on unaccompanied children in specified premises between midnight and 5am; a prohibition on the purchase of alcohol on behalf of children and the prohibition on consumption of alcohol by children.

3.23 The range of options available to limit the access of children to licensed premises that

may be imposed by the Authority include:

- Limitations on the hours where children (e.g. under 16) may be present;
- 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.

- 3.24 Licensees will be expected to prevent children from viewing films that are unsuitable because of the age classification of the film that has been imposed by the British Board of Film Classification. Children will not be permitted to view un-certificated films.
- 3.25 The Authority 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 staff is present to control the access, egress and safety in and around the premises. The number of staff required should be assessed by the licensee, taking into account the number of children to be present, the type of entertainment, the characteristics of the premises and any other relevant factor, subject to there being a minimum of one member of staff per 50 children or part thereof.
- 3.26 Licence holders that provide accommodation will be expected to have robust child protection measures. Such policies and documentation should be available to authorised officers upon request.

### **No Smoking Legislation**

- 3.27 In July 2007, the Health Act 2006 came into force and prohibited smoking in virtually all enclosed public places and work places. This included both permanent and temporary structures such as tents and marquees. Smoking rooms in public places and workplaces are no longer permitted.
- 3.28 The new law also requires vehicles to be smoke free at all times if they are used:
- (a) to transport members of the public, or;
  - (b) in the course of paid or voluntary work by more than one person regardless of whether they are in the vehicle at the same time.
- 3.29 As a result of the new legislation many licensed premises have created specific smoking areas for customers and where necessary controls may be required to limit the hours that these areas are used to prevent nuisance to neighbouring residents.
- 3.30 With some venues this has not been possible and has resulted in people smoking in the streets. The Authority works closely with the licence holders of such premises in conjunction with the Control of Pollution Unit and Thames Valley Police to ensure that nuisance and / or disorder are not caused by customers congregating in outside areas. The Authority may use measures that prevent alcohol being consumed in outside areas of a premise after specified hours to manage noise pollution.

### **Films**

- 3.31 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.
- 3.32 If a licence holder is notified by the Authority that a particular film in the opinion of the Authority falls into that category and may not be shown, its decision shall be final in that respect.
- 3.33 The Council accepts that the British Board of Film Classification (BBFC) is best qualified to make age limitation decisions and will not seek to change or substitute its own age limitations in place of the Board's classification.

- 3.34 Where a request is made to screen a film which has not been classified by the BBFC, the Authority will classify the film having followed the relevant guidelines provided by the BBFC.

### **Immigration Act 2016**

- 3.35 Section 36 of, and Schedule 4 of the Immigration Act 2016 (the 2016 Act) came into force on the 6<sup>th</sup> April 2017 and amended the 2003 Act, introducing the following immigration safeguards in respect of licensing applications:
- Premises licences which authorise alcohol sales or provision of late night refreshment and personal licences cannot be issued to an individual who does not have permission to work in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity;
  - Licences issued to those with limited permission to be and work in the UK will lapse when that permission ceases;
  - Immigration offences, including civil penalties, become 'relevant offences' as defined by the 2003 Act;
  - The Home Secretary became a responsible authority, which permits the Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence; and
  - Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.
- 3.36 The Home Office may also request a review of an existing licence where it has concerns relating to immigration matters.
- 3.37 Where reviews arise and the licensing authority determines that immigration offences have been committed, it may consider revocation of the licence, even in the first instance, or suspension of the licence for up to three months. The authority shall have a zero tolerance approach to such illegal activities and human exploitation.

### **Personal Licences**

- 3.38 A person is required to hold a personal licence if he or she wishes to authorise the sale of alcohol in accordance with a premises licence. A person must make an application for a personal licence to the Authority for the area in which they live. This Authority will remain the issuing authority regardless of whether a person subsequently moves out of the area or takes up employment elsewhere.
- 3.39 The Authority must grant a personal licence 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 years beginning with the day the application was made
  - d) The applicant has not been convicted of any relevant offence (as defined in the Act).
- 3.40 The Authority recognises the positive benefits from an investment in proper training for staff members and will therefore take a positive view of those who invest in such training as one important method of promoting the licensing objectives.
- 3.41 In order to substantiate whether or not an applicant has a conviction for an unspent relevant offence, applicants will be required to produce a current Basic Disclosure from

the Criminal Records Bureau (currently available from Disclosure Scotland). The Authority will liaise closely with the police where an applicant is found to have an unspent conviction for a relevant offence, and should the police be minded to object to the grant of the licence they may wish to interview the applicant.

- 3.42 Only the police can object to an application on crime prevention grounds and if the police serve an objection notice, the applicant is entitled to a hearing before the Licensing Panel. Refusal of the application will be the normal course unless there are, in the opinion of the Panel, exceptional and compelling circumstances that justify granting the application.
- 3.43 Where an applicant's permission to work in the UK is time-limited, the licensing authority may issue a licence for an indefinite period, but the licence will lapse when the licence holder's right to be and work in the UK expires.
- 3.44 The individual's entitlement to work in the UK may be extended or made permanent by the Home Office, and granting the licence for an indefinite period prevents the licensee from having to re-apply for a new licence. In the event that the Home Office cuts short or ends a person's immigration permission (referred to a curtailment or revocation), any licence issued further to an application made on or after 6 April 2017 will automatically lapse. The licensing authority is under no duty to carry out on-going immigration checks to see whether a licence holder's permission to be in the UK has been brought to an end.

### Temporary Events

- 3.45 If you' are organising a temporary event and want to sell alcohol, provide late-night refreshment or put on regulated entertainment, you will need to complete a temporary event notice. A Temporary Event Notice (TEN) application is notified to the local council, the police and the Control of Pollution Unit, providing details of your proposed event.
- 3.46 There are 2 types of TENs:
- a standard TEN, which is given no later than 10 working days before the event to which it relates
  - a late TEN, which is given not before 9 and not later than 5 working days before the event

The Authority recommends that considerably longer notice should be given to the police for large events to allow them to help organisers plan their events safely. Applicants should recognise that if short notice is given, this will increase the likelihood of the police objecting. It is also recommended that advice should be sought from the police prior to submission of applications for large events

- 3.47 For the purpose of a TEN, a temporary event is a relatively small-scale event attracting fewer than 500 people. The event must last no more than 168 hours and can be held either outdoors or indoors. Any premises can only be used for a maximum of 15 temporary events per year, up to a total of 21 days. You must be aged over 18 in order to hold a temporary event.
- 3.48 If you have a personal licence, you can give 50 TENs (made up of standard and late TENs) a year. If you don't have a personal licence you can only give 5 (made up of standard and late TENs). If you have a personal licence, you can give 10 late TENs a year. If you don't have a personal licence you can only give 2 late TENs.
- 3.49 There must be at least 24 hours between temporary events organised by the same person or an associate in relation to the same premises.
- 3.50 Once the police or Control of Pollution receive your TEN, they have 3 working days to make any objections to it on the grounds of any of the 4 licensing objectives: If they object, the council will organise a hearing to consider the evidence and may decide that your event cannot proceed. If there is an objection to a late TEN, the event will not be allowed to proceed. Otherwise, the event can go ahead as planned.

- 3.51 Copies of Temporary Event Notices must be served on the police and environmental health within the required timescales to the following addresses:

The Chief Officer of Police  
Licensing  
Thames Valley Police  
Headquarters (South)  
KIDLINGTON  
Oxfordshire  
OX5 2NX

Julian Smith  
Divisional Environmental Health Officer  
Wycombe District Council  
Queen Victoria Road  
High Wycombe  
Bucks  
HP11 1BB

[licensing@thamesvalley.pnn.police.uk](mailto:licensing@thamesvalley.pnn.police.uk)

[controlofpollution@wycombe.gov.uk](mailto:controlofpollution@wycombe.gov.uk)

- 3.52 Once a TEN has been authorised and issued, it is not possible to make any amendments, such as a change of date or time, the requested activity or number of persons attending. A new TEN would need to be submitted in these circumstances.

### **Private Events**

- 3.53 Entertainment at a private event to which the general public are not admitted becomes licensable only if a fee is charged and it is provided with a view to profit to any person involved in the organisation of the event.

### **Circuses**

- 3.54 The provision of music at circuses will normally be exempt from licensing requirements. Any music after 23:00 may, however require authorisation. Each case will be considered on an individual basis so organisers of such events should contact the Licensing Unit to confirm whether any licence is required. Any sales of alcohol would need to be licensed.

### **Gambling in Licensed Premises**

- 3.55 The Gambling Act 2005 was implemented in 2007 and a separate policy has been created and approved by this Council which provides details on the Act and the manner in which the Authority will deal with applications made under it. The Authority will have due regard to this policy, where relevant, when considering applications under the Licensing Act 2003.

### **Sex Encounter Establishments**

- 3.56 In November 2009, the Police and Crime Act 2009 was implemented, which amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to incorporate sexual entertainment venues. Under the amended Act, premises offering lap dancing or any live performance or display of nudity on more than eleven occasions within a twelve month period are required to obtain a sex establishment licence. Some exemptions also exist within the legislation.
- 3.57 The Council has produced and published a policy in relation to Sex Encounter Establishments which lays out the means by which applications for such licences will be determined.
- 3.58 The Licensing Authority does not seek to censor the content of regulated entertainment. In granting any licence authorising entertainment of an adult nature, however, careful consideration will be given to the proposed activities, the location of the premises and whether any of the licensing objectives are likely to be undermined by the proposals.
- 3.59 Applications involving nudity or striptease or sex related entertainment will only be granted in exceptional circumstances and if the proposal meets the relevant criteria. Very careful consideration will be given to any application before a licence is granted to authorise adult entertainment in locations which are in close proximity to:

- residential accommodation
- schools
- places of worship
- community facilities or public buildings.

3.60 Where licences for adult entertainment are granted, consideration will also be given as to whether any specific conditions are necessary to promote the licensing objectives which are specific to the type of entertainment being provided.

3.61 The Licensing Authority will have regard to the cumulative effect of the number of such premises in proximity to each other and in the vicinity.

### **Petrol Stations and Garages**

3.62 Section 176 of the Licensing Act 2003 states that no premises licence has effect to authorise the sale by retail of alcohol on premises used primarily as a garage. Premises are used as a garage if they are used for the sale of petrol or derv, or for the sale or maintenance of vehicles. "Primary use," is measured in terms of the number of transactions carried out ("footfall"), rather than by way of business turnover or net profit.

3.63 Where an applicant is seeking a premises licence for the retail of alcohol at premises which are used as a garage, the licensing authority expects the application, through the operating schedule or by separate document, to provide evidence that the premises are not used primarily as a garage. This can best be achieved by the provision of sales data over a relevant period (for example for 6 or 12 months immediately preceding the date of the application). Applicants should note that if evidence of primary use is not provided with their application, consideration of the application may be delayed while further information is sought.

3.64 Where licences are granted for the sale by retail of alcohol at such premises, the primary use will be kept under review to ensure that the premises still comply with the statutory criteria. In order to do this further information may be requested of the licence holder where there is doubt that the Act is being complied with.

### **Consultation on Licence Applications**

3.65 The aim of consultation is to provide the opportunity for responsible authorities and interested parties to be involved in the licensing process.

3.66 The applicant will be required to comply with the statutory requirements in relation to advertising their application. The Authority will also place details of the application in the relevant register, on its website and will notify local ward councillors and parish councils.

## **4. Cumulative effect of licensing on the amenity of particular areas**

4.1 The Authority recognises that the cumulative effect of licensed premises and late night refreshment establishments may result in an increase in numbers of people either passing through or congregating in streets or cause adverse effects on amenity. This in turn may have a number of undesirable consequences, for example:

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

4.2 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; and
  - Any other relevant considerations.
- 4.3 Where there is evidence that a particular area of the District is 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 back up any assertion that the addition of the premises in question would produce the cumulative impact claimed.
- 4.4 The Authority may consider a specific saturation policy if this proves necessary. In considering whether to adopt a special saturation policy the Authority 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 as a result of customers of licensed premises, identify the area from which problems are arising and the boundaries of that area;
  - adopt a special policy about future licence applications from that area.

## **5. Structure and Administration**

### **Licensing Committee and Panel**

- 5.1 Relevant decisions under the Act are made by the Licensing Committee, which consists of fifteen (15) Councillors.
- 5.2 The Licensing Committee delegates some of its functions to a Licensing Panel, which consists of three (3) Councillors or to an individual officer. The Authority delegates its functions in the way set out in Appendix 1, in the interests of speed, efficiency and cost effectiveness.
- 5.3 In line with the Council's Members Code of Conduct, Councillors may attend Hearings which relate to matters personally affecting them( pecuniary or non-pecuniary interest), so long as it is a public meeting and they only remain whilst making their own representation.
- 5.4 Where a Councillor who is a member of the Licensing Committee or the Licensing Panel has had an indirect or direct involvement in an application before them, in the interests of good governance they shall disqualify themselves from any involvement in the decision-making process affecting the premises licence in question. In particular, Ward Councillors who have received representations from residents about an application within their Ward will be advised to consider whether they should sit on the Licensing Panel involved in the determination of that application.
- 5.5 Councillor's conduct is governed by the Members Code of Conduct set out in the Council's Constitution and the Council has adopted a Code of Conduct for members pursuant to the Localism Act 2011. Though it is no longer compulsory under the law for Members to declare that they will agree to abide by the Code of Conduct which is for the time being in force, Wycombe District Council has resolved since 14 December 2015, that it expects and encourages all of its Members to do so. Members are
- 5.6 It is available for inspection on the authority's website and on request from Reception at

the Council Offices. The Councillor's Monitoring Officer has statutory responsibility for administering the system in respect of complaints relating to Members' conduct and any complaints in respect of individual Members may be logged with the Monitoring Officer so the complaint can be investigated and where necessary action may be taken in respect of individual Members as may be necessary to promote and maintain a high standard of conduct. Every determination of a licensing decision by the Licensing Committee or the Licensing Panel shall be accompanied with clear, cogent reasons for the decision. This shall be given to the applicant in writing.

### **Administration and Delegation**

- 5.7 Decisions as to whether representations are irrelevant, frivolous or vexatious must be made objectively and not on the basis of any political judgement. Accordingly, the Head of Environment will decide whether representations or applications for licence reviews should be referred to the Licensing Panel. Where representations are rejected, the person making that representation will be given written reasons.
- 5.8 The Authority will ensure that Members and officers are appropriately trained to carry out their duties under the Act. Unless there are compelling reasons to the contrary, the Authority will require the Licensing Committee or the Licensing Panel to meet in public – although Members can retire into private session to consider their decision.
- 5.9 'Relevant representations' are those:
- about the likely effect of the application or licence on the promotion of the licensing objectives;
  - made by a responsible authority or another party within prescribed time periods, which have not been withdrawn and, in the case of representations not made by a responsible authority, they are not in the Authority's opinion irrelevant, frivolous or vexatious.

Where no relevant representations are made there will be no need for a Hearing and the Licence or Certificate will be issued on the terms requested.

### **Hearings**

- 5.10 The Authority has produced a document which sets out the procedure to be followed during Hearings and which is made available to all relevant parties prior to any Hearing. All parties are given an equal opportunity to state their case and ask questions. The purpose of the Hearing is for parties to comment and expand upon the written representation previously made. New issues cannot be introduced at this stage.
- 5.11 In determining the application with a view to promoting the licensing objectives in the overall interests of the community, the Authority must give appropriate weight to; the steps that are necessary to promote the licensing objectives, all relevant representations, the government Guidance and this Policy.
- 5.12 Where negotiation has taken place during the consultation period and additional conditions or amendments to an operating schedule have been agreed between the relevant parties, it may not be necessary for a full Hearing to take place to determine the application. Where the Authority and all parties agree to dispense with the need for a full Hearing the matter will be referred to a Licensing Panel for final determination and approval.
- 5.13 Copies of representations must be sent to the applicant and so personal details (the address) of parties making representations will generally be provided to the applicant and appear in any Committee reports as part of the Hearing process. In exceptional circumstances such details can be withheld, although this would only generally occur where there are genuine and well-founded fears of intimidation or violence. Parties may also wish to consider using another individual or body to represent them in such circumstances, e.g. Ward Councillor or parish / town council.
- 5.14 A responsible authority means any of the following:
- the chief officer of police
  - the fire authority

- the health and safety enforcing authority
- the local planning authority
- the local environmental health authority in relation to noise nuisance
- a body which protects children from harm, and is recognised by the Authority as being competent to advise it on such matters. The Authority considers that Buckinghamshire County Council's Area Child Protection Committee is a competent body and in urgent cases, the Director of Social Services at Buckinghamshire County Council is competent to provide advice
- any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated.
- the licensing authority
- the local health authority (Buckinghamshire County Council Public Health Authority)
- The Home Secretary (Home Office Immigration Enforcement)

## **6 Conditions**

### **General Conditions**

- 6.1 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 where an application has been determined by a Licensing Panel following receipt of valid representations. These conditions will be appropriate to the nature of the activities specified in the Operating Schedule and reflect the four licensing objectives referred to on page 4 of this document. Special conditions may be drawn from a pool of conditions, copies of which are available from the Authority's Licensing Unit. Any condition will be required to meet the circumstances of the proposed activities. Conditions will not be imposed 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.
- 6.2 A key concept underscoring the Act is for conditions to be attached to licences and certificates where relevant representations are made and the application is determined by a Licensing Panel. Any conditions imposed will be tailored to the individual style and characteristics of the premises and events concerned. They will also relate to matters within the control of the licensee and will be proportionate and appropriate to meet the licensing objectives. Blanket, standard conditions cannot be imposed on licences. The operating schedule, submitted by the applicant together with the licence application, is an important document which describes the way in which it is proposed to operate the business and address the four licensing objectives. Applicants are strongly recommended to liaise with relevant responsible authorities and, where appropriate other parties, prior to submitting an application.
- 6.3 Any condition placed on a licence, TEN or certificate must be clear, enforceable and capable of being complied with. To achieve this, proposed conditions may need to be amended whilst retaining the same meaning.

### **Fire Safety and Capacity Limits**

- 6.4 The Authority is committed to ensuring public safety in licensed premises by working in close partnership with Buckinghamshire and Milton Keynes Fire Authority, subject to the provisions of the Regulatory Reform (Fire Safety) Order 2005
- 6.5 The Authority will, when relevant representations are received from the Fire Authority, consider the implications relating to fire safety for each individual application for, or variation of, a premises licence. The Authority will seek to protect the safety of persons, both members of the public and employees at all licensed premises by ensuring that the requirements of the Fire Authority are met.

- 6.6 In order to avoid the necessity of representations to be made, applicants should ensure that the Fire Authority are consulted prior to an application being made where it is considered that fire safety or capacity may be an issue. It is for the applicant, however, to ensure that a competent person has completed a suitable and sufficient fire risk assessment. It is not the responsibility of the Fire Authority to complete this on their behalf.

### **Licensing hours**

- 6.7 In making decisions that relate to the hours for which premises are licensed or any conditions relating to delivery times etc., consideration will be given to the prevention of crime and disorder and the prevention of public nuisance objectives. Each case will be decided on its individual merits.
- 6.8 It is recognised that varied licensing hours may be important in some areas 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.
- 6.9 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 are open for business unless there is evidence to suggest that this would not promote the crime and disorder objective (e.g. where there is evidence of antisocial drinking in the morning hours). 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.
- 6.10 Fixed trading hours will not be set for particular geographical areas. Account will be taken, however, 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 are likely to apply where premises are situated in mainly residential areas to minimise disturbance to local residents. There is no presumption that longer hours should be permitted.
- 6.11 It is expected that any opening hours specified on an authorisation will mean that the premises are closed to the public outside of these times

### **Community Premises**

- 6.12 Changes in legislation now permit community premises to be able to sell alcohol without the need for a Designated Premises Supervisor holding a personal licence and can instead specify that the committee will be responsible for alcohol sales. In such circumstances the Authority would expect to be provided with a name or names and contact number(s) for those individuals who could be contacted in case of emergency or general queries relating to the licence.

## **7. Appeals**

### **General**

- 7.1 Entitlement to appeal for parties aggrieved by decisions of the licensing authority is as follows:
- the applicant when the Authority rejects an application for a premises licence, or the variation or transfer of a premises licence.
  - the holder of the premises licence or any other person who made relevant representations in relation to a review of a premises licence
  - the applicant where the Authority rejects an application for a personal licence.
  - the holder of a licence when the Authority imposes conditions on the premises

- licence.
- a person / authority that has made relevant representations that the licence ought not to have been granted or about conditions.
- the applicant, or person who has made relevant representations about the issue of a provisional statement
- the police

7.2 Any party aggrieved by decisions of the licensing authority may make a written Appeal to the Clerk of the Justices, Wycombe and Beaconsfield Magistrates Court, Milton Keynes Magistrates Court, 301 Silbury Boulevard, Milton Keynes, Buckinghamshire, MK9 2AJ. The procedure on appeals is set out in paragraph 7.3 below.

### **Appeals to Magistrates' Court**

7.3 An appeal has to be started by the giving of a notice of appeal by the appellant to the justices' clerk for the magistrates' court within a period of 21 days from the day on which the appellant was notified by the Authority of the decision appealed against.

7.4 The Authority will always be a respondent to the appeal, but in cases where a favourable decision has been made for an applicant against the representations of a responsible authority or an interested party, the holder of the premises licence or club premises certificate will also be entitled to act as a respondent

7.5 On determining an appeal, the court may:

- dismiss the appeal;
- substitute for the decision appealed against any other decision which could have been made by the licensing authority; or
- remit the case to the Authority to dispose of it in accordance with the direction of the court.

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

7.7 Any appeal may therefore review the merits of the decision on the facts and consider points of law or address both.

7.8 The Authority will not delay the implementation of the magistrates' courts decisions.

## **8. Complaints against Licensed Premises**

### **General**

8.1 The Authority will investigate complaints against licensed premises in cases where the licensing objectives are compromised. In the first instance it may be appropriate for complainants to raise the complaint directly with the licensee or business concerned or with the relevant responsibility authority (e.g. the Control of Pollution Unit in cases of noise nuisance)

### **Review**

8.2 The importance of working in partnership to achieve the promotion of licensing objectives cannot be understated and responsible authorities will aim to give licensees early warning of any concerns identified at a premises. At any stage following the grant of a premises licence, however, a responsible authority or any other party may ask the licensing authority to review the licence because of a matter arising at the premises in connection with one of the four licensing objectives. In addition, a review of the licence will normally follow any action to close the premises (for up to 24 hours) on the grounds of disorder or noise nuisance or as a result of a magistrates' court determination.

8.3 If a Member has made a representation in relation to an application for a licence they may still have an interest (pecuniary or non-pecuniary) in any subsequent review or variation application

- 8.4 Members who have a interest may not sit on a Licensing Panel to consider the application in which they have that interest
- 8.5 In order to successfully bring a review of a licence, evidence will be required of breaches of one of the licensing objectives. As a result it may assist interested parties to liaise with the relevant responsible authority prior to submitting an application for review (e.g. the police in cases of disorder or the Control of Pollution Unit in cases of noise nuisance). The person requesting the review is also required to notify the premises licence holder and all responsible authorities of their review application.
- 8.6 Under the Violent Crime Reduction Act 2006, following an application from the chief officer of police, the Authority can attach interim steps to licences pending a full review. The Act also introduces a new offence in relation to persistent alcohol sales to minors.

### **Expedited review**

- 8.7 The Violent Crime Reduction Act 2006 gave the police powers to seek accelerated reviews of premises licences where the sale of alcohol is a licensable activity. The powers do not apply to other types of licence, or to club premises certificates.
- 8.8 The powers complement existing procedures in the 2003 Act for tackling crime and disorder associated with licensed premises. The existing powers, in Part 8 of the 2003 Act, provide for the instant closure of premises by the police in some circumstances, and allow the licensing authority to review the licence. The expedited review powers are aimed at tackling serious crime and serious disorder, including the use of guns and knives.
- 8.9 The powers allow:
- the police to trigger a fast track process where they consider that the premises are associated with serious crime or serious disorder (or both); and
  - the licensing authority to respond by taking interim steps quickly, where appropriate, pending a full review.
- 8.10 The police may apply to the licensing authority for an expedited review of a premises licence where a senior police officer has issued a certificate stating that in his/her opinion the premises are associated with serious crime or serious disorder (or both).
- 8.11 On receipt of the application and the certificate, the licensing authority must within 48 hours, consider whether it is necessary to take interim steps pending determination of the review of the premises licence. In any event, the licensing authority must undertake a review within 28 days of receiving the application.
- 8.12 At the interim steps hearing, the licensing authority may:
- modify the conditions of the premises licence
  - exclude the sale of alcohol by retail (or other licensable activities) from the scope of the licence
  - remove the designated premises supervisor from the licence
  - suspend the licence.
- 8.13 Following the full review hearing, the licensing authority may do any of the above, or revoke the licence.
- 8.14 “Serious crime” is defined as conduct that:
- a) constitutes an offence for which a person 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for three or more years or,
  - b) involves the use of violence, results in substantial financial gain, or is conduct by a large number of persons in pursuit of a common purpose
- 8.15 The 2003 Act does not define “Serious disorder” but it should be understood in its ordinary English sense.

- 8.16 The premises licence holder may make representations against interim steps taken by the licensing authority. There is no time limit for this, though in practice at some point this would be superseded by the full review, which must be completed within 28 days. If the licensing authority receive representations, it must hold a hearing within 48 hours of receiving them (unless the representations are withdrawn). This does not include Saturdays, Sundays or bank holidays.
- 8.17 In the case of an expedited review, the interim steps taken by the licensing authority remain in force during any period within which the licence holder can bring an appeal, until the determination of that appeal. Any decision taken at the full hearing will not take effect during this time.
- 8.18 Any application for review must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of one or more of the licensing objectives. Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Applications will not be accepted if they are considered to be frivolous, vexatious or repetitive.
- 8.19 In cases where the crime prevention objective is being undermined it is expected that revocation of the licence (even in the first instance) will be seriously considered,

## **9. Enforcement**

### **Enforcement Policy**

- 9.1 The Council's Licensing Enforcement Policy is based upon the principles of consistency, transparency and proportionality as set out in the Department of Trade and Industry's Enforcement Concordat which also takes into account the Attorney-General's Guidelines to Crown Prosecutors for bringing prosecutions.
- 9.2 The Enforcement Policy (available on request from the Licensing Unit) 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 display a Premises Licence Summary – may be dealt with purely by way of a written warning 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 safety equipment properly, may result in a referral for prosecution.

### **Enforcement General**

- 9.3 The Council will seek to work actively with the police in enforcing licensing legislation and is a signatory to the Buckinghamshire Memorandum of Understanding and Joint Enforcement Protocol along with Thames Valley Police and the other local authorities in Buckinghamshire. The Protocol seeks to ensure a consistent and appropriate approach to enforcement. The Protocol is available on the Council's website at [www.wycombe.gov.uk/licensing](http://www.wycombe.gov.uk/licensing) or a copy can be obtained by contacting the Licensing Unit at [licensing@wycombe.gov.uk](mailto:licensing@wycombe.gov.uk). The police, the Authority and other agencies will share information about licensees and licensed premises under the provisions of current legislation.
- 9.4 In addition to Thames Valley Police, the licensing authority will continue to work with other enforcement agencies, such as Buckinghamshire & Surrey Trading Standards, and the Home Office Immigration Enforcement
- 9.5 The licensing authority will seek to work actively with the police in enforcing licensing legislation. It expects the police (subject to public interest immunity) to share relevant information about licensees and licensed premises under the Crime and Disorder Act 1998 and its common law powers, and to consult closely with the licensing authority when any enforcement action may be required.

- 9.6 The Council will provide a licensing enforcement function to investigate allegations of unlicensed activities and to ensure that licence conditions are complied with. Any inspection regime will be relative to the type of premises to be inspected i.e. properly managed and maintained premises will not require the same number of inspections as problem and high risk premises.
- 9.7 The Council will carry out its responsibilities for enforcement so as to promote the four licensing objectives and will aim to ensure enforcement is fair, open, reasonable, consistent and proportionate. Action will be taken against the most appropriate person, which may not be the licence holder or premises supervisor, depending upon the circumstances.
- 9.8 The Act now requires the suspension of a Premises Licence or Club Premises Certificate where an invoice has been issued for an annual fee and the payment has not been made within the required timescale. Suspension notices will be issued to the relevant premises in these cases and a further 21 days will be given prior to the suspension taking effect.
- 9.9 The licensing authority expects licence holders to take immediate action to deal with problems that are seriously affecting the quality of life of local people, to promote the licensing objectives and to ensure compliance with the terms and conditions of their authorisation. Licence holders are advised to communicate to the licensing authority on any remedial steps being taken. Any failure on the part of the licence holder to respond proactively to management issues may lead the licensing authority to take enforcement action. It may also trigger a review of the licence. In considering such a review, the actions of the licence holder will be taken into consideration and the extent to which they have co-operated with other parties and the licensing authority in attempting to deal with the issues.

## 10. Further information

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

Caroline Steven  
Licensing Team Leader  
Wycombe District Council  
Queen Victoria Road  
High Wycombe  
Bucks HP11 1BB

T: 01494 421222  
F: 01494 421791  
E: [licensing@wycombe.gov.uk](mailto:licensing@wycombe.gov.uk)  
Website – [www.wycombe.gov.uk](http://www.wycombe.gov.uk)

Information is also available from

- (1) The Home Office  
Direct Communications Unit  
2 Marsham Street  
London  
SW1P 4DF

T: 020 7035 4848  
E: [public.enquiries@homeoffice.gsi.gov.uk](mailto:public.enquiries@homeoffice.gsi.gov.uk)  
W: [www.gov.uk](http://www.gov.uk)

- (2) The Local Government Association  
[www.local.gov.uk/regulatory-services-and-licensing](http://www.local.gov.uk/regulatory-services-and-licensing)

- (3) Copies of the Licensing Act 2003 and associated legislation is available from

[www.legislation.hms0.gov.uk](http://www.legislation.hms0.gov.uk)

- (4) Government's Licensing Act 2003, Section 182 Guidance is available from  
[http://www.culture.gov.uk/Reference\\_library/Publications/archive\\_2007/guidancessection182\\_licact03june07.htm](http://www.culture.gov.uk/Reference_library/Publications/archive_2007/guidancessection182_licact03june07.htm)
- (5) Copies of reports and minutes of the Licensing Committee are available on the Council's website at [www.wycombe.gov.uk](http://www.wycombe.gov.uk), following the links to **Council and Democracy** or by contacting the Licensing Unit (details as above)
- (6) Licensing Act 2003 – Members Guide

**APPENDIX 1 TABLE OF DELEGATED FUNCTIONS**

<b>Matter to be dealt with</b>	<b>Council</b>	<b>Licensing Committee</b>	<b>Licensing Panel</b>	<b>Head of Environment</b>
Review Licensing Policy	All cases	Recommendation to Council		
Deal with Policy Issues	All cases	Recommendation to Council		
Matters of Cumulative Impact	When referred by Licensing Committee	All cases except when referred to Council		
Application for personal licence			If a representation is made	If no representation is made
Application for personal licence with unspent convictions			All cases	
Application for premises licence/club premises certificate			If a representation is made	If no representation is made
Application for provisional statement			If a representation is made	If no representation is made
Application to vary premises licence/club premises certificate			If a representation is made	If no representation is made
Application to vary designated personal licence holder			If a police representation is made	All other cases
Request to be removed as designated personal licence holder				All cases
Application for transfer of premises licence			If a police representation is made	All other cases
Application for interim authority			If a police representation is made	All other cases
Application for a Minor Variation				All cases
Application to review premises licence/club premises certificate			All cases	
Approval of plans which do not comply with statutory scale				All cases
Decision to impose interim sanctions in accordance with s.53A-C of the Act			All cases	
Classification of a film where not previously classified by the BBFC				All cases

**APPENDIX 2 - LIST OF CONSULTEES - SECTION 5 LICENSING ACT 2003**

The Chief Officer of Police  
 The Fire Authority for the area  
 Bodies representing local holders of premises licences / club premises certificates  
 Bodies representing businesses and residents in the area  
 Parish Councils in the District  
 Neighbouring Councils  
 Central Buckinghamshire Magistrates Court  
 Home Office (Immigration Enforcement)  
 Public Health Team, Bucks County Council

Caroline Steven

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**From:** Brian Whittall on behalf of Licensing  
**Sent:** 16 May 2018 15:46  
**To:** [REDACTED]  
**Cc:** Caroline Steven  
**Subject:** RE: Policy Statement Review

Hi [REDACTED]

Thanks for the helpful feedback.

1. Busking is not a licensable activity because (a) It is not entertainment for an audience but rather incidental to another activity – for example people shopping; (b) under the Live Music Act 2012 a licence is not required between the hours of 0800 – 2300 for live music.
2. Noted. We shall amend accordingly
3. Good point. We can get something into the policy that we recommend pubwatch, however, it is not something we can insist that applicants specify.

Regards,

Brian Whittall  
Licensing Officer  
01494 421346

**From:** [REDACTED]  
**Sent:** 16 May 2018 14:19  
**To:** Licensing <licensing@wycombe.gov.uk>  
**Subject:** Re: Policy Statement Review

Hi Caroline,

In response to your letter on the councils licencing policy statement review, there' s a couple of points for your consideration.

- 1) In paragraph 1.1 it notes that the performance of live music is licensable. However we're currently sat listening to the same exceptionally loud busker that is often causing a nuisance to many of the businesses. We'd like to formally suggest that busking becomes licensable in the town centre as per the government provision on it <https://www.gov.uk/busking-licence>. Obviously as we are businesses rather than residents, so can't make a formal noise complaint via environmental health, but licencing the busking activity in town would give us some control over what happens. I believe Nick Adkins at WDC has also been looking into this.
- 2) In paragraph 1.16 with regards to Partnership working, we are noted as "High Wycombe town centre partnership (HWBID CO)" whereas we are actually High Wycombe Business Improvement district company (HWBIDCO), In short we're a BID not a TCP.

- 3) Also in paragraph 1.16 it notes that WDC supports the local Pubwatch scheme, but it makes no further mention of that. It would be advantageous to have at least a recommendation that all licenced premises join the scheme.

That's about all I could find in terms of concern.

Thanks and regards,



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