

NOTICE OF MEETING

Meeting:	GENERAL PURPOSES AND LICENSING COMMITTEE
Date and Time:	MONDAY, 22 NOVEMBER 2021, AT 9.30 AM*
Place:	COUNCIL CHAMBER - APPLETREE COURT, BEAULIEU ROAD, LYNDHURST, SO43 7PA
Enquiries to:	Email: karen.wardle@nfdc.gov.uk Tel: 023 8028 5071

PUBLIC PARTICIPATION:

Members of the public may watch this meeting live on the [Council's website](#).

*Members of the public may speak in accordance with the Council's public participation scheme:

- (a) immediately before the meeting starts, on items within the General Purposes and Licensing Committee's terms of reference which are not on the public agenda; and/or
- (b) on individual items on the public agenda, when the Chairman calls that item. Speeches may not exceed three minutes.

Anyone wishing to speak should contact the name and number shown above no later than 12.00 noon on Wednesday, 17 November 2021.

Colin Read
Interim Chief Executive

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This Agenda is also available on audio tape, in Braille, large print and digital format

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 10 September 2021 as a correct record.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

3. PUBLIC PARTICIPATION

To note any issues raised during the public participation period.

4. LICENSING ACT POLICY - REVIEW OF CONSULTATION RESPONSES

(Pages 3 - 58)

To note the consultation responses and to consider any revisions to the Statement of Licensing Policy.

5. GAMBLING POLICY - REVIEW OF CONSULTATION RESPONSES

(Pages 59 - 112)

To note the consultation responses and to consider any revisions to the Statement of Gambling Principles.

6. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To:

Councillors

Steve Clarke (Chairman)
Neil Tungate (Vice-
Chairman)
Ann Bellows
Rebecca Clark
Keith Craze
Arthur Davis
Barry Dunning

Councillors

Jacqui England
David Harrison
David Hawkins
Mahmoud Kangarani
Alvin Reid
Joe Reilly
John Ward

GENERAL PURPOSES AND LICENSING COMMITTEE – 22 NOVEMBER 2021

LICENSING ACT POLICY – REVIEW OF CONSULTATION RESPONSES

1. RECOMMENDATIONS

- 1.1 That the Committee note the consultation undertaken and based on the comments received, consider the amendments to the draft policy as suggested in points 4.4 and 4.6. Where agreed, the text will be amended and the draft Licensing Policy updated to version 3.
- 1.2 That subject to any changes arising from 1.1 above, the General Purposes and Licensing Committee commends the revised amended Licensing Policy in relation to the Licensing Act 2003, to the Council for approval at its meeting on 6 December 2021.

2. INTRODUCTION

- 2.1 The purpose of this report is to ask Members of the Committee to note the consultation undertaken, consider responses received and agree any subsequent amendments made to Council's revised Statement of Licensing Policy, in relation to the Licensing Act 2003 for the period 2022-2026 (inclusive). **Appendix 1** attached to this report.
- 2.2 It is a statutory requirement that the Statement of Licensing Policy must be approved by Full Council as this is not a function that can be delegated to the General Purposes and Licensing Committee.

3. BACKGROUND

- 3.1 The New Forest District Council is the Licensing Authority for this area and is required to discharge its responsibilities in relation to the Licensing Act 2003.
- 3.2 The licensing objectives which underpin the 2003 Act are:
 - the prevention of crime and disorder,
 - public safety,
 - the prevention of public nuisance; and
 - the protection of children from harm
- 3.3 The Licensing Policy outlines the Authority's approach in respect of granting personal and premises licences, Temporary Event Notices and Club Premises Certificates under the Licensing Act 2003, whilst promoting the licensing objectives.
- 3.4 The policy is reviewed every five years, to ensure that it remains current and reflects any changes in legislation or statutory guidance. Officers have taken the opportunity to revise the format and content of the policy to reflect the latest statutory guidance issued to licensing authorities to provide clarity for existing and potential licence holders whilst also assisting officers and Members.

4 CONSULTATION

- 4.1 The consultation took place between 12 September 2021 to 6 November 2021.
- 4.2 Consultees included the Responsible Authorities as defined by the Act; those being Hampshire Constabulary, Hampshire and IOW Fire Rescue Service, Hampshire County Council (Child Protection, Public Health and Trading Standards), New Forest

District Council Services (Environmental Protection, Health and Safety and Planning), in addition to other stakeholders such as Parish and Town Councils and neighbouring Local Authorities.

- 4.3 Licence holders were advised of the consultation and it was made available on the Council's website, together with details of how to respond.
- 4.4 At the General Purposes and Licensing Committee on 10 September 2021, Members discussed the draft policy and it was noted and agreed that a paragraph would be included in the revised policy to promote the awareness of drink spiking in licensed premises. It is suggested that the following paragraphs are added to 7.3 of the policy (page 14).

Licensees should also consider what measures can be taken to prevent the spiking of drinks at a premise, i.e. where drugs or alcohol are added to someone's drink without them knowing. Safety measures may include encouraging customers to ensure their drinks are not left unattended and the use of publicity material to remind customers to remain vigilant.

If a customer suspects that their drink has been spiked, this should be reported to the police immediately and the customer cared for appropriately. Staff should be trained regarding the possibility of drink spiking and the action to take if this occurs. CCTV can also be a valuable tool in determining the circumstances of any spiking event and provide evidence for the police.

- 4.5 We have received one response to the consultation (see **Appendix 2**) from Hampshire County Council Adults' Health and Care, Public Health Department. Comments have been made on the licensing objectives, general health statements and the cumulative impact policy.
- 4.6 The comments and requested amendments to the policy are:

Section 2 Introduction and Background (page 5 of the draft policy)

It is requested that information on the impact of alcohol on the New Forest is included in section 2, however the information provided will become dated during the life of the policy.

The draft policy (final paragraph of 2.1) refers to how sales of alcohol have changed over the years, however, Members may wish to enhance this paragraph based on the comments received, with the following text:

It is recognised by health professionals that harmful drinking can directly affect individuals, families and communities and can be detrimental to physical and mental health. Whilst licensed premises can provide a social environment, dependency on alcohol can also create problems through disruption of the home environment or wider anti-social behaviour.

Section 3 Licensing Objectives (page 8 of the draft policy)

The comments received request additional wording in relation to the licensing objectives specifically with regard to health.

It is considered that the current paragraph at 3.0 on page 3 is sufficient in its explanation that there are four licensing objectives which do not specifically relate to health but that the Local Authority recognise health issues caused by alcohol and will take account of them where possible. The Licensing Policy sets out the licensing

strategy and specific issues relating to individual premises would be dealt with under the Act. Any additional measures, conditions or restrictions considered appropriate would be imposed through due process and linked to existing objectives such as crime and disorder or public nuisance. Mandatory Licensing Act conditions also already regulate irresponsible drinks promotions and the sales of alcohol to children.

However, Members may wish to strengthen the paragraph, based on the comment by including the words “alcohol harm and health” to read as:

The Licensing Authority does recognise the issues around alcohol harm and health and will take them into account within the remit of the Act.

Section 14.1 Cumulative Impact Policy (page 28 of the draft policy)

It is suggested that Members agree the comment received relating to CIPs and request the additional sentence is inserted as the penultimate paragraph of 14.1 stating that:

The Licensing Authority have the option to issue a CIP following receipt of compelling evidence submitted by a Responsible Authority regarding adverse impact upon the licensing objectives.

5 CONCLUSIONS

- 5.1 It is a statutory requirement that the Licensing Authority review and revise the Statement of Licensing Policy under the Licensing Act 2003.
- 5.2 The adoption of the revised Statement of Licensing Policy is required by Members.

6 FINANCIAL IMPLICATIONS

- 6.1 There are no additional financial implications of the proposals contained within this report.

7 CRIME & DISORDER IMPLICATIONS

- 7.1 The licensing policy supports the licensing objectives which includes crime and disorder.

8 ENVIRONMENTAL IMPLICATIONS

- 8.1 There is minimal environmental impact of these proposals.

9 EQUALITY & DIVERSITY IMPLICATIONS

- 9.1 Where applicable the Licensing Act Policy will cover the approach taken by the Council to address equality and diversity matters

10 DATA PROTECTION IMPLICATIONS

- 10.1 There are none.

11 APPENDICES

Appendix 1 - NFDC Statement of Licensing Act Policy V02 for 2022-2026

Appendix 2 - Response received during the consultation from Public Health.

For further information contact:

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Background Papers:

Statutory Guidance issued under S182 of
the Licensing Act 2003 (April 2018)

The Licensing Act 2003

LICENSING ACT 2003

Statement of licensing policy

2022-2026

DRAFT V02

This Statement of Policy will remain in force from xxx to xxx

DRAFT

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1. Executive Summary

The Licensing Act 2003 ('the Act') received Royal Assent in 2003 and came fully into effect in 2005.

This Statement of Licensing Policy has been prepared having regard to the guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Licensing Act 2003 ('the Act') and as required of the licensing authority under Section 5 of the Act.

This statement sets out the policy of the licensing authority with respect to carrying out its licensing functions for the sale of alcohol, provision of regulated entertainment and the provision of late night refreshment under the Act.

The licensing regime implemented by the Act and operated by New Forest District Council as licensing authority is about the appropriate control of licensed premises, qualifying clubs and temporary events. It also covers the people who manage these premises or hold personal licences within the terms of the Act.

Applications covered by the Act and relevant to this statement include:

- Personal licences,
- Premises licences – including provisional statements,
- Variations,
- Transfers,
- Interim authorities,
- Temporary events,
- Club premises certificates,
- Designated premises supervisors and
- Reviews.

The policy sets out a general approach to making licensing decisions, however each application will be determined on its own merits having regard to the licensing objectives, relevant guidance including issued under Section 182 of the Licensing Act 2003 and local criteria. The discretion of the licensing authority in relation to applications is only used if relevant representations are made.

This statement is intended to assist officers and Members in determining applications and to set down those factors that will normally be taken into consideration. Equally, this document seeks to provide clarity for applicants, responsible authorities, residents and other occupiers of property and investors, with some measure of certainty.

This Policy takes effect on xxx and will remain in force for a five-year period. During this time the policy will be kept under review and may be updated to reflect legislative changes or any local changes that materially affect the policy. Any amendments will only be made after consultation has taken place in accordance with Section 5(3) of the Act.

2. Introduction and background

2.1 The Licensing Authority Area

New Forest District Council is one of eleven district councils plus two unitary authorities, which comprise the County of Hampshire.

The New Forest District area is in the south west of Hampshire and is bounded by the Solent water. It is situated between Southampton to the east and Christchurch and Bournemouth to the west. (See Appendix E - Map of the District).

One of the most striking features of the Forest is the open expanse of semi-natural vegetation at its heart which has National Park status. Much of the open forest is owned and cared for by the Forestry Commission working, in conjunction with a wide range of other statutory bodies and interest groups.

Tourism is a major part of the local economy and every year approximately 13.5 million visitors come to the area.

The New Forest has many, varied licensed premises and events. There are over 700 premises licensed under the Act, of which over 600 are licensed to sell alcohol. These include members' clubs, off licences, pubs, holiday complexes, bars, supermarkets, cinemas, theatres and boats. Premises not licensed to serve alcohol include village halls, schools, public places and takeaway food establishments. In addition, over 700 events of a temporary nature are granted each year through the Temporary Event Notice (TENS) application process

Large and small brewery companies have invested in the area and there is an increasing number of premises providing diverse menus to accompany the alcohol and soft drinks offer. There are also a number of internationally renowned hotels offering high class cuisine to visitors and locals alike.

The licensing authority recognises that premises and events play a vital part in the cultural identity of the forest and are contributors to the local economy. In this unique part of the UK, the tourists and visitors it attracts provide income for businesses and this enables a large number of historic country houses to be preserved and maintained for the nation through events such as weddings, conferences and country shows.

Licensed pubs in towns or rural villages, and small stores and shops provide a focal point for community life. Village halls also offer an important resource for many sectors of the community with events and entertainment.

The licensing authority welcomes the opportunity to encourage the development of the cultural, artistic, leisure and hospitality sectors in the New Forest. It will assist all applicants in endeavouring to meet their aspirations within the law. The licensing authority also has regard to wider considerations affecting the residential population and the amenity of any area which include noise, littering or street crime.

However, during the past few years there has been a change in where alcohol consumption takes place. The New Forest is no exception (particularly during the pandemic) with alcohol purchased at lower cost from off-licences or supermarkets and consumed within the home. This and the coronavirus pandemic has had a significant negative financial impact on licensed premises.

2.2 Premises Licences

These are issued to premises who wish to provide one or more licensable activities. Premises include off-licences, shops, supermarkets, pubs, bars, clubs, takeaways, hotels, golf clubs, village halls, cinemas, theatres and community spaces.

If a premises sells alcohol, it must have a Designated Premises Supervisor (DPS) in place to supervise the sale of alcohol. A DPS must also be the holder of a personal licence. There is no end date on a premises licence, however an annual fee is required and failure to pay this will result in suspension of the licence and the premises will not be able to provide licensable activities.

2.3 Club Premises Certificates (CPC)

CPCs are granted to members clubs who are able to prove through the operation of the club that they are a 'qualifying club'. As a club they must adhere to its rulebook, elect a committee and be run for the benefit of its members. There is no requirement to appoint a DPS. Only members and guests that have been signed in by a member of the club are permitted to be supplied with alcohol (members of the public who are neither members or guests are not permitted to enter a club and be served alcohol, or take part in licensable activities).

2.4 Personal Licences

A personal licence authorises an individual to sell or supply alcohol for consumption on or off a licensed premises. An individual may seek a personal licence regardless of whether or not they have current employment or business interests associated with the use of the licence. Applications cannot be made in the name of a corporate body.

The Act requires every application for a personal licence to be accompanied by a recent Basic Level Criminal Record Disclosure (less than one month old), a pass certificate from a recognised training provider, the application form, a disclosure form and the correct fee.

The Police and Home Office Immigration have the right to object to a person applying for a personal licence if that person has a relevant unspent conviction (at the time of application) or if they obtain a relevant conviction during the application period of their licence.

A personal licence is granted in perpetuity; however the holder must inform the issuing authority of any change to their name or address to enable the licence to be updated. It is an offence under the Act not to do so.

2.5 Designated Premises Supervisor (DPS)

The holder of a premises licence which permits the sale of alcohol, must nominate a personal licence holder as the DPS for that premise. The DPS is responsible for the day to day running of the premises and is usually classed as the manager of the premises. Whilst it is not essential for the DPS to be at the premises during all hours that alcohol is permitted to be sold, they should oversee the daily operation of the premises and be contactable in case of emergency if not at the site. When the DPS is not available at the premises another member of staff should be nominated as a point of contact.

Any issue regarding the licensing objectives, where the DPS is not fulfilling their role, could result in the review of the licence. At the hearing, Members may decide that the DPS needs to be replaced.

The statutory guidance indicates that a DPS may supervise more than one premises. However, they must be able to ensure that the four licensing objectives are properly promoted at all sites and the law and licence conditions are upheld.

There is no requirement for a Club Premises Certificate to specify a DPS. This is also the case where the licensing authority has granted a disapplication for the DPS at a community premises.

2.6 Authorisation of alcohol

The Act states that every supply of alcohol must be made under the authority of a personal licence holder although this does not mean that only personal licence holders can make such sales or that they must be personally present at every transaction.

A personal licence holder may authorise others to sell alcohol under their supervision and may then occasionally be absent at times from the premises when such a transaction takes place. Such authorisations should be given in writing and only to those persons who have been given sufficient training to ensure that the four licensing objectives are not compromised. The personal licence holder will, nevertheless, not be able to escape responsibility for the actions of those they authorise to make such sales.

Licence holders are encouraged to have at least one personal licence holder on the premises when alcohol is being sold at all times. If a personal licence holder is not on the premises for any reason, provision should be made for the immediate contact of the personal licence holder or Designated Premises Supervisor in the event of an emergency.

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3. Licensing objectives

The Act applies the appropriate controls on licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences. Where valid representations are made, the licensing authority will make objective judgements as to whether conditions need to be attached to a licence or certificate to ensure that the four licensing objectives are promoted at any premises or area being used for licensable activities.

When dealing with licensing matters the licensing authority will promote and have regard to the four licensing objectives, which are of equal importance as set out in the Act. These are:

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

Over consumption of alcohol can lead to health problems which not only financially impacts the NHS, but can have a devastating effect on families and the general health of the population. However, there are currently only these four licensing objectives which do not specifically refer to health. The licensing authority does recognise these issues and will take them into account within the remit of the Act.

The best means of promoting the licensing objectives is through the co-operation and partnership of the local authority, responsible authorities, local businesses and residents. The licensing authority expects individual applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the nature of the location and the impact on the local community.

The authority recognises that licensable activities are an important part in the cultural life of our community. In regulating activities under this legislation, it acknowledges that a balance must be struck between the legitimate objectives of applicants and the desires of the population as a whole. In particular those members of the public: living, working, or engaged in normal activity in the area concerned. A balance must be struck between these (often conflicting) positions and all relevant views will be taken into account when making licensing decisions or determining a course of action.

Where there are no relevant representations, or they have been withdrawn at or before a hearing, the application will be granted as requested subject only to conditions which reflect the operating schedule and any mandatory conditions. Most premises do and will operate without any significant concerns to the licensing objectives. However, where there is a relevant representation, the application will usually proceed to a hearing, following which the licensing authority may take such steps as are necessary to promote the licensing objectives, as provided for in the Act.

4. Licensable activities

The purpose of licensing is to regulate the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events.

Licensable activities are:

- The retail sale of alcohol,
- The supply of alcohol by or on behalf of a club, or to the order of a member of a club,
- The provision of regulated entertainment and
- The provision of late-night refreshment (hot food and drink at any time between 23:00 and 05:00 for consumption on or off the premises).

Subject to certain conditions, definitions, limitations and exemptions contained within Sections 173 to 175 of the Act, as amended, the provision of regulated entertainment for the public, or club members or with a view to profit, is defined as:

- An exhibition of a film
- A performance of a play
- An indoor sporting event
- Boxing or wrestling entertainment (indoor and outdoor)
- A performance of live music
- The playing of recorded music
- Performance of dance
- Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music or the performance of dance.

Late night refreshment, which is subject to certain exemptions, is defined in Schedule 2 of the Act and relates to the supply of hot food or drink to members of the public on or from any premises for consumption on or off the premises between 23:00hrs and 05:00hrs.

The incidental performance of live music and incidental playing of recorded music may not be regarded as the provision of regulated entertainment in certain circumstances. In cases of doubt, advice should be sought from the licensing authority.

4.1 Regulated entertainment – Live Music

The Licensing Authority recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre for the wider cultural benefit of the community.

When considering applications for such events and the imposition of any conditions if representations are received on licences or certificates, the licensing authority will carefully balance the need to promote the licensing objectives against these wider cultural benefits.

Background and incidental music are not considered to be licensable, however karaoke is considered to be a performance of live music and singers with backing tracks, drumbeats or bands are classed as amplified live music.

There are a number of exemptions set out in the Act and other legislation, such as The Live Music Act 2012 and the Deregulation Act 2015.

The table below provides further information:

	Timings	Days	Audience	Premises	Notes
Live unamplified music	Between 08.00 and 23.00	Any	Less than 500 persons	Any	
Live amplified music	Between 08.00 and 23.00	Any	Less than 500 persons	Alcohol on-licensed premises	Premises must be open for customers under the terms of the licence
Live amplified music	Between 08.00 and 23.00	Any	Less than 500 persons	Non-licensed workplace	
Live amplified music	Between 08.00 and 23.00	Any	Less than 500 persons	Non-licensed Church hall, village hall, community hall or similar	Consent required from person responsible for premises
Live amplified music	Between 08.00 and 23.00	Any	Less than 500 persons	Non-licensed residential premises of a local authority or hospital	Consent required from organisation responsible for premises
Recorded music	Between 08.00 and 23.00	Any	Less than 500 persons	Alcohol on-licensed premises	Premises must be open for customers under the terms of the licence
Recorded music	Between 08.00 and 23.00	Any	Less than 500 persons	Non-licensed Church hall, village hall, community hall or similar	Consent required from person responsible for premises
Recorded music	Between 08.00 and 23.00	Any	Less than 500 persons	Non-licensed residential premises of a local authority or hospital	Consent required from organisation responsible for premises
Any entertainment	Between 08.00 and 23.00	Any	Less than 500 persons	Local authority premises, hospital or school	Entertainment provided by the local authority, health care provider or school
Plays	Between 08.00 and 23.00	Any	Less than 500 persons	Any premises	
Dance	Between 08.00 and 23.00	Any	Less than 500 persons	Any premises	Adult entertainment dance remains licensable
Films	Between 08.00 and 23.00	Any	Less than 500 persons	Community premises	Not for profit event. Consent required from organisation responsible for premises Screening is suitable for age of attendees
Indoor sporting events	Between 08.00 and 23.00	Any	Less than 1000 persons	Any premises	
Greco-Roman wrestling or Freestyle wrestling	Between 08.00 and 23.00	Any	Less than 1000 persons	Any premises	
Travelling circuses	Between 08.00 and 23.00	Any	No limit	Any moveable structure that the audience is held within	Circus may not be located on same site for more than 28 days

5. Links to other strategies, policies and legislation

In undertaking its licensing functions under the Act, New Forest District Council will ensure that licensable activities make a positive contribution to the social, economic, and environmental well-being of the district. The authority aims to support a diverse offering, for all, in a safe, healthy and welcoming environment. In particular it supports a mixed night-time economy, which attracts all parts of the community, including families, and is not dominated by premises whose primary focus is the sale of alcohol.

It is keen to encourage family-friendly licensed premises where suitable entertainment is provided and to promote premises where parents and young people can enjoy their leisure time together. It recognises that premises within the leisure and hospitality sector of the economy are an important part of its district and are major contributors to the local economy, attracting tourists and visitors whilst sustaining vibrant towns and communities. Leisure income provides employment for those service sectors and income for supporting businesses, often in the daytime economy.

The policy statement takes account of the need to regulate businesses that operate under the Act whilst balancing any adverse impact of activities on members of the public who live or work in the area concerned.

This policy is not intended to be a stand-alone document, but supports the statutory guidance, legislation and multi-agency agreements with our partners which in turn support licensed premises. However, should a premises be found to be transgressing and not following advice and instruction, the licensing authority will make use of its powers under the Act.

5.1 Diversity, human rights and crime and disorder

All licensing activities will be undertaken in the spirit of and in compliance with any diversity policies and all related legislation.

The Human Rights Act 1998 makes it unlawful for a public authority to act in a way incompatible with a convention right and therefore the authority will ensure that a licensing decision does not cause a breach of this right.

Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures preventing crime and disorder and imposed a duty on the District Council, Hampshire Constabulary, Hampshire County Council and others, to consider crime reduction in the exercising of all their duties. The Act complements this duty for licensing authorities.

5.2 Avoidance of duplication

It is not the intention of this policy to duplicate other regulatory regimes by imposing conditions that require general compliance. Where existing law (for example, health and safety at work or fire safety legislation) places certain statutory responsibilities on an employer or operator of premises, then licensing controls will not impose the same or similar duties. Licensees must maintain compliance with all regulatory regimes and are encouraged to adopt best practice wherever possible.

5.3 Planning requirements

Whilst planning and licensing regimes will be properly separated to avoid duplication and inefficiency, the use of premises for sale or provision of alcohol, provision of entertainment or late night refreshment is subject to planning control. Such use will normally require planning permission or must otherwise be lawful, ie have a lawful development certificate under planning legislation. Planning permission is usually required for new premises or change of use of premises. However, whilst the licensing authority and planning should liaise with the aim of reaching determinations of mutually acceptable operating hours and scheme designs, it should be noted that there is no legal basis for the licensing authority to refuse a licence application because it does not have the required planning permission.

Applicants should be aware that on occasions as a condition of the planning permission, an earlier closing time or a later opening time may be set for the premises for commercial purposes. Where the operating hours are different to the licensing hours, the applicant must observe the earlier closing time or later opening hour. A licence issued under the 2003 Act does not override any restriction placed on the premises by the planning authority. Premises operating in breach of their planning permission could be liable to prosecution under planning law.

In addition, the licensing authority is not bound by decisions made by the planning authority and vice versa. The licensing authority can only address licensing objectives and must ensure that any hearing does not in effect become a re-run of any planning hearing.

Licence applications should only generally be received regarding premises where:

- The activity to be authorised by the licence is lawful under the planning use of the premises,
- The hours sought do not exceed those authorised by any planning permission; and
- Any existing hours are appropriate for the use of the premises.

6. Operating schedules

The operating schedule forms part of the completed application form for a premises licence. Specific requirements on what it should contain and how it should be presented are contained in Section 17 of the Act and in regulations. However, the matters set out below are intended to assist applicants when completing the application form and operating schedule.

Measures proposed by the applicant in the operating schedule, where relevant to the four licensing objectives, will be incorporated as conditions within the licence and will become enforceable. Proposed conditions must be interpreted by the licensing authority in accordance with the applicant's intention, which means that they may be worded slightly differently in the premises licence than the original application. This is to ensure that any condition on the licence is proportionate and applicable to that individual premises.

Special measures may be necessary on an occasional or specific basis such as when a special event or promotion is planned which is likely to attract larger customer groups/audiences of a different nature. These can have a significant impact on the achievement of the licensing objectives and reference must be made to such occasions in an applicant's operating schedule and additional measures to achieve the licensing objectives.

Any application regarding licensing hours will, accordingly, be considered on its individual merits and this policy makes no presumption about closing times.

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7. Prevention of crime and disorder

The Council acting as the licensing authority has a duty to act solely or with its partners to reduce crime and disorder in the New Forest. Applicants are required by law to set out in their operating schedule the steps they propose to promote the prevention of crime and disorder. The extent to which conditions should be introduced to control the matters detailed below will be dependent on the location, character and condition of the premises, and the proposed events and activities. In general, more comprehensive measures should be in place at late night entertainment venues or in premises with a history of crime and disorder issues.

7.1 Under-age drinking

The consumption of alcohol by persons under the age of 18 is recognised as a source of potential crime and disorder which also puts young people's health at risk. Children and young people can obtain alcohol from both on and off-licensed premises and therefore both carry equal responsibility to prevent such sales. Operating schedules should contain measures to ensure that the law and practice relating to age restricted sales is adhered to.

Particular attention should be given to the training of new members of staff to ensure that they are fully aware of their legal responsibilities and compliance required under the Act. Refresher training should also be carried out periodically to keep staff up to date on changes to legislation.

All premises licensed to sell alcohol are expected to have a policy in place and implement the Challenge 25 standard or any replacement scheme.

7.2 Pubwatch schemes

The licensing authority recognises the value of Pubwatch schemes which assist in reducing crime and disorder on licensed premises and will play a supportive role and attend meetings as appropriate. Pubwatch provides a forum for sharing information and disseminating best practice which help to support the licensing objectives, whilst addressing the issues of safety for customers and employees. The licensing authority expects participation from licensees in areas where the schemes are run.

7.3 Drugs in premises

The supply and use of illegal drugs by individuals is not something that is relevant to all licensed premises, however, applicants should offer appropriate conditions as part of the application to assist in the prevention of drug use in their premises.

The licensing authority expects licensees to have a zero-tolerance policy with regard to illegal drugs. Managers of premises have a duty to inform and co-operate with the police and take all reasonable steps to prevent the entry, use and exchange of illegal drugs on a licensed premises. This should include regular toilet area checks, recording of incidents and suitable storage, disposal and transfer of confiscated and found drugs to the police. Suitable notices stating that the management has adopted a zero-tolerance policy towards drugs should be displayed in appropriate areas.

7.4 Door supervisors

The licensing authority recognises that good security plans and the provision of door staff can prevent crime and assist in controlling young people from unlawfully gaining entry or accessing alcohol.

When deciding if a condition requiring door supervisors is appropriate, applicants should consider the location and capacity of premises together with the hours of operation.

7.5 CCTV

CCTV can be an important means of deterring and detecting crime and antisocial behaviour at, and immediately outside, licensed premises. Applicants are encouraged to consider the installation of CCTV at licensed premises to assist with the protection of staff and the promotion of the licensing objectives.

Applicants should identify in the operating schedule what systems of security, supervision by staff, and/or CCTV will be in place.

CCTV recordings must be able to be accessed and downloaded at all times by a member of staff, kept for a minimum of 31 days and shared with the licensing authority and Hampshire Police upon request. When considering the use of surveillance camera systems, either as part of the conditions attached to a licence or certificate, or within an operating schedule the licensing authority or applicant must in particular have regard to Code of Practice on CCTV published by the Information Commissioner's Office.

7.6 Toughened/safety glasses and bottles

Glass-related injuries, whether accidental or due to violent crime, can lead to major life changing injuries. In outside areas, broken drinking glasses and bottles can cause glass injuries particularly in gardens where there are children's play areas. The licensing authority encourages the use of toughened or polycarbonate glassware or plastic drinking vessels wherever possible.

Outside licensed premises, glass containers as well as being potential weapons, add to street debris, pose risks to street cleaners and pedestrians and generally undermine the objective to minimise public nuisance. It is therefore important that glasses and bottles are frequently collected to ensure they do not accumulate or are used to cause harm.

If special events such as televised sporting events or outside functions are to be held at the premises, operators should consider whether the use of polycarbonate glasses would be more appropriate and when replacing stock, opt for toughened glassware.

7.7 Open drink containers

Drinks purchased in licensed premises or clubs may only be taken from site for consumption elsewhere, if the licence permits off-sales and therefore no bottles or glasses (sealed or unsealed) can be taken from a premises whose licence permits on site sales only.

An off-sale licence may include a condition which prevents alcohol from being taken off site in unsealed containers.

Attached to Club Premises Certificates is a mandatory condition that requires all off-sales to be made in sealed containers and to a member of the club, not a guest.

7.8 Employment of illegal workers

The Immigration Act 2016 introduced a "Right to Work" test for personal licence and individual premises licence holders (where the licence permits alcohol sales and/or late night refreshment). The Home Office Immigration Enforcement department became a responsible authority under the Licensing Act 2003. Premises licence holders, as employers, have a duty to ensure that their employees have a right to work in the UK. Businesses must have robust procedures to check the identity documents of staff and schedule further checks on at least six-monthly intervals during the time they are employed.

The licensing authority will work with Immigration Enforcement to ensure that employees are not illegally brought into the UK to be exploited in licensed premises. Any offences committed under the Immigration Act are considered relevant offences for the purposes of a personal licence and will be notified to the Home Office. The penalties are substantial and statutory guidance reinforces the serious nature of such offences stating that revocation of the licence should be seriously considered where a review is brought before Members for illegal immigration activity.

The Act requires applicants to submit supporting documents with premises and personal licence applications to confirm that the individual has the Right to Work in the UK and the licensing authority will refuse applications where this is not provided.

8. Promotion of public safety

The licensing authority is committed to ensuring the physical safety of staff and customers whilst on licensed premises. Applicants should carefully consider how they intend to promote the public safety objective in their operating schedule.

Where applicants consider that the public safety objective could be compromised by their intended activities, they are encouraged to contact the Council's Food and Safety Team and/or Hampshire Fire and Rescue Service as the most relevant responsible authorities for guidance.

In addition to provisions under the Act, other legislation regulates the safety of customers and staff as identified at Appendix D.

8.1 Sky lanterns

Sky lanterns can pose a fire risk, can be mistaken for distress flares, and can mislead aircraft. In addition, debris from sky lanterns can pose a danger to livestock particularly in the forest and can cause unsightly litter. In view of these risks, the authority does not support the use or release of sky lanterns from any licensed premises.

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9. Prevention of public nuisance

Licensed premises have significant potential to adversely impact communities through public nuisance arising from their operation. Public nuisance concerns how the activity of one person or business affects the rights of others, for example, how noise from music interferes with the right of others to sleep. The licensing authority recognises the need to prevent public nuisance to residents, visitors and other businesses by licensed premises.

Premises licence holders must balance residents' rights with the business operation and take this into account when developing or changing the nature of their business.

In considering what constitutes a public nuisance the licensing authority will make a judgement as to whether the effect of the licensable activities on those living or working in the area around the premises, is disproportionate or unreasonable. It is accepted that such disturbance could affect small numbers of people and does not need to cause a major disturbance to the whole community. Issues which could be considered as public nuisance are mainly noise, light pollution from overly bright or flashing lights and litter.

Applicants should carefully consider how they intend to promote the prevention of public nuisance objective in their operating schedule. This could include the following:

9.1 Disturbance by patrons leaving the premises

Staff who manage premises should take appropriate measures to minimise noise and disturbance to residents in the immediate area of a premises.

Management, staff and door supervisors are encouraged to be proactive in assisting customers to leave the premises in an orderly manner, to reduce the nuisance to neighbours from noisy patrons, especially after midnight. Residents can be detrimentally affected by late night venues and premises should look at procedures and staff training to minimise impact on the locality. Operators of any premises licensed under the Act should consider placing notices at exits to remind customers to respect neighbours.

9.2 Takeaway premises

This policy applies across the range of premises licensed under the Act, including late night refreshment venues where the licensable activity provides customers with hot food or drink between 23.00hrs and 05.00hrs. These premises can attract large groups of customers who have consumed considerable quantities of alcohol in bars and clubs who then cause noise and disturbance in the vicinity, long after licensed premises have closed.

It is important that policies and controls are in place for dealing with disorder and nuisance and also customer's litter.

9.3 Noise nuisance

Noise can come either directly or indirectly from licensed premises. Direct noise, such as that from entertainment activity will be under the direct control of the management, whereas indirect noise from vehicles and customers coming to and from the premises may not be under the direct control but operators can strongly influence behaviour and attitude. Notices can be placed on the premises to remind customers to be mindful of residents and neighbours when leaving a premises.

Any conditions necessary to promote the licensing objectives should be tailored to the style and characteristics of the particular premises and include restrictions which ensure that the volume of amplified entertainment sound is under the control of the licensee or management and not accessible to the public.

Where applications lead to representations about noise, all appropriate conditions will normally focus on the most sensitive periods (late evening until the early hours of the morning when nearby residents are trying to sleep). Smoking areas may lead to noise issues and should therefore be positioned to reduce noise disturbance. These outside areas should be monitored throughout the evening, with particular attention after 22:00hrs and numbers limited in these areas, where possible.

9.4 Noise from beer gardens

The consumption of alcohol is not itself a licensable activity, however operators must make provision for their outside areas, where customers congregate to consume food and/or drink.

The plan should include the outside areas (beer gardens) as part of the premises to allow for the sale of alcohol 'for consumption ON the premises', or OFF-sales should be requested on an application.

The use of outside areas can cause nuisance to neighbours and operators must ensure that staff regularly check any outside areas adjacent to the premises to reduce the likelihood of nuisance. Complaints of nuisance may lead to a review of the licence by an Agency or neighbours and ultimately could result in Members reducing the hours of use of this area.

9.5 Waste/litter

Licensed premises of all types can potentially cause public nuisance from litter and waste. There are a number of laws relating to proper disposal and collection of waste and whilst the Act does not duplicate these laws, the licence holder will need to have a good waste management plan to prevent public nuisance.

Uncontrolled litter is unsightly, can cause odours and may attract vermin, posing a public health risk. The licensing authority requires that licence holders provide suitable litter bins for customers to dispose of packaging, food waste and cigarette debris and arrange for the removal of refuse/litter at regular intervals.

10. Protection of children from harm

The licensing authority is committed to protecting children from moral, psychological and physical harm and in particular, children should be protected from exposure to strong language, sexual expletives and adult entertainment. For the purpose of this policy, anyone less than 18 years of age is considered to be a child or young person unless otherwise agreed.

10.1 Child Sexual Exploitation

The exploitation and abuse of victims can happen anywhere, including on licensed premises. The risks to children will vary depending on the type of licensing activity and the age of the children. Under the Act, licence holders and designated premises supervisors have a legal responsibility to make sure children and young people are protected from harm at their premises.

Operators of licensed premises are expected to:

1. Understand their responsibilities with regard to the signs of child sexual exploitation and understand that the sexual exploitation of a child is a crime; and
2. Raise the awareness of their staff about the issues of child sexual exploitation, record any suspicious incidents and be confident on how and what to report to the appropriate authorities.

Care must be taken when staff are appointed, to ensure that such individuals are not placed in an environment where they can exploit their position.

Applicants should address the following in their daily operation and provide measures (conditions) in the operating schedule, where relevant to their particular premises, to uphold the protection of children from harm licensing objective;

All premises must have in place:

- Steps to prevent children from being exposed to drugs, drug taking or drug dealing;
- Steps to prevent children from being exposed to incidents of violence or disorder;
- Measures to prevent children from being exposed to environmental pollution such as excessive noise;
- Measures to prevent children from being exposed to special hazards such as falls from height.

Premises licensed for the sale of alcohol/entertainment must make:

- Arrangements to prevent children from acquiring or consuming alcohol;
- Arrangements for the appropriate instruction, training and supervision of staff to prevent children from acquiring or consuming alcohol;
- Arrangements to prevent children from being exposed to gambling (gaming machines on licensed premises);
- Take steps to prevent children from being exposed to entertainment of an adult or sexual nature;
- Arrangements for appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm;
- Have means for ensuring that persons supervising children are suitable and where necessary, disclosures obtained from the Disclosure and Barring Service.

10.2 Proof of Age Schemes

All premises licences which permit the sale of alcohol have a mandatory condition attached to them to ensure that an adequate age verification system is in place to prevent children from obtaining alcohol from licensed premises. Applicants must, therefore, demonstrate that they have satisfactory arrangements in place to prevent sales of alcohol to children, which includes a recognised proof-of-age scheme.

The licensing authority supports appropriate age-related policies in licensed premises and the following are examples of documents which could be used to verify age;

- Passport,
- Photo card driving licence issued in the European Union,
- Proof of Age Standards Scheme Card (PASS),
- Official ID card issued by the HM Forces or by a European Union country bearing a photo and date of birth of holder.

The authority supports the PASS accreditation system, which aims to approve and accredit various proofs of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security. Staff should receive regular and adequate training relating to age restricted sales and this should be documented and kept for inspection.

Where premises are providing film exhibitions, the licensing authority will expect licensees or clubs to include in their operating schedules, arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Censors or the licensing authority itself.

10.3 Proxy sales

A proxy sale takes place when an adult purchases alcohol for an under-age child and gives the alcohol to the child. Procedures must be in place to ensure that all members of staff working at the premises are routinely trained and regularly reminded of their responsibilities in relation to the issue of proxy sales of alcohol. They should ensure that reasonable procedures are in place and implemented to prevent adults purchasing alcohol for those who are underage. Steps must also be in place to ensure that any designated premises supervisors and members of staff involved with the delivery of alcohol to residential addresses are aware of their responsibilities to ensure that no alcohol is sold to persons underage.

11. The licensing process

Under the The Act, any individual or body may apply for a variety of permissions and have each application considered on its individual merit. A licensing committee, sub-committee, or licensing officers acting under delegated authority, carry out the powers of the licensing authority under the Act, in accordance with the Council's scheme of delegation.

Many of the licensing procedures are largely administrative with no perceived areas of contention and therefore in the interests of efficiency and effectiveness licensing officers generally carry out these roles. Please refer to Appendix A for the table of delegations.

Any responsible authority or other person has a right to make relevant representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act and a licensing sub-committee would deal with these matters.

11.1 Making an application

All applications for premise licences, club premises certificates, variations and provisional statements must be made in accordance with the Act, associated regulations and guidance. Guidance notes are available from the licensing department or the Home Office and an applicant may seek independent advice from an agent or solicitor.

Applicants should address the licensing objectives in their operating schedule having particular regard to public safety, noise nuisance and the prevention of crime and disorder and the measures to control these.

Before submitting an application, the licensing authority would encourage dialogue with licensing officers and responsible authorities to enable the applicant to fully understand the requirements of the Act and the expectations of the responsible authorities.

11.2 The application form

The operating schedule should include all the necessary information to enable responsible authorities, or other persons, to assess whether the steps to be taken to promote the licensing objectives are satisfactory and have been fully addressed.

Applicants are strongly advised to undertake a thorough and appropriate risk assessment of their business in order to arrive at a detailed operating schedule which identifies and meets all necessary steps to promote the licensing objectives in relation to the application made. Where the operating schedule does not provide enough details, there is an increased likelihood that representations will be made, which could lead to a hearing.

Applicants should have regard to this licensing policy when preparing their operating schedules so that they are aware of the expectations of the licensing authority and of the other responsible authorities. Specific application requirements are detailed in this policy document. Relevant legislation and guidance documents should also be accessed before submitting an application.

11.3 Application consultations

Applicants are legally obliged to give notice of their application in two ways:

- By displaying an A4 blue notice at the premises for a period of 28 days, and
- Placing a notice in a local newspaper.

Each notice must clearly state the nature of the application, date by which representations must be made, where the application can be viewed in full and where representations must be sent.

This will ensure that all those who have rights under the Act and may be affected by an application, can make a representation. There is no other provision for advertising the application, however details are also published on the New Forest District Council website.

11.4 Representations

Only relevant representations or objections may be taken into account when considering an application. To be relevant, a representation must address the likely effect of the grant (or variation) of a premises licence on the promotion of at least one of the licensing objectives. Whilst representations may refer to issues which would be considered under other legislation such as planning, parking or transport in the area, these matters will not be taken into account. The addition of a licensed premises to the number in the area (ie. the need for licensed premises) is also not considered as relevant under the Act.

The licensing authority must judge whether representations are irrelevant, frivolous or vexatious.

Representations may be received from the responsible authorities (see Appendix F) and from “other persons”. Greater weight will be given to representations from those who live or are involved in a business in the area and who are more likely to be affected by the application.

Elected members may make a representation in their own right or on behalf of residents. In both cases, the elected member may not take part in the decision process.

Once submitted to the licensing authority, a representation becomes a public document. A copy of the representation is sent to the applicant and / or the agent acting on their behalf and is included in any report that is presented at a licensing committee hearing. All parties making a representation against an application are invited to attend the hearing to make their case.

11.5 Determination of applications

New or variation applications must be granted on the terms set out in the application, under delegated powers, and are effective from the day after the 28-day representation period ends, unless relevant representations are made.

The licensing authority will consider all relevant representations having regard to the Statement of Licensing Policy, the Act and section 182 guidance and will determine each application on its individual merits.

Where required, licensing officers will act to liaise with the applicant, those making a representation and the responsible authorities, to establish if a settlement is possible to overcome the representations without the need for the matter to go before the licensing sub-committee.

Where relevant representations remain unresolved, members of a licensing sub-committee will determine the application at a hearing. In relation to crime and disorder and or prevention of public nuisance, particular consideration will be given to :

- The location and impact of licensed activity,
- The intended use and the numbers likely to attend the premise,
- The proposed hours of operation,
- The scope for mitigating any impact and
- How often the activity occurs.

and in considering any application relating to a premises which currently has a licence, the licensing sub-committee will take into account any evidence of:

- The suitable historical operation of the premises and
- Any previous negative impact from the activity, especially on local residents or businesses.

11.6 Licensing Sub-Committee hearings

Whilst contested licensing applications are held in a formal setting, the licensing sub-committee are aware that some attendees (applicants or those who have submitted representations) may not be comfortable in such a setting. However, some degree of formality is needed to ensure that all parties receive a fair hearing and that all parties are able to express their views openly.

In hearing the case, the licensing sub-committee may:

- Grant the application as applied for,
- Grant the application but with changes to the licensable activities and /or hours of operation,
- Grant the application but impose additional conditions to assist with the promotion of one or more of the licensing objectives,
- Refuse to grant the application.

Whilst the licensing sub-committee usually meets in public, it does have power to hear certain applications and to receive legal advice in private. A decision is made publicly when the matter has been determined.

A party aggrieved by the decision of the licensing authority has the right of appeal to the Magistrates' Court. Any appeal must be lodged within 21 days of the notification of the decision.

11.7 Conditions

The licensing process keeps control of licensed premises, and other events within the terms of the Act. As part of this control, conditions may be attached to licences, and the various other permissions, which focus on matters falling within the control of individual licence holders.

The applicant must provide conditions on the application form to demonstrate how the business will be operated and measures proposed to promote the licensing objectives. These conditions will be replicated on the premises licence or certificate granted. All conditions must be meaningful, practical, understandable and achievable, whilst not overlapping with other legislation.

The licensing authority has produced a list of suggested conditions, that applicants may refer to, however these are not prescriptive. Only conditions necessary for the promotion of the licensing objectives will be attached to the licence and they should not be imprecise or difficult for the licence holder to observe. It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule and therefore they may interpret proposed conditions, whilst maintaining the applicant's original meaning.

Mandatory conditions are applied to all licences/certificates and address issues such as irresponsible drinks promotions, measures of alcohol available, the responsibilities of club premises and management of a premises. The current conditions at the time of print are provided in Appendix C.

A licensing authority may impose conditions following a hearing; however, they can only relate to representations received, must meet the licensing objectives and must not be disproportionate or over burdensome. Conditions may be tailored to the circumstances of each individual case, the characteristics of the premises or the event.

In addition, licence conditions will not seek to replicate offences which are set out in the Act or where other adequate legislative control exists.

11.8 Variation applications

The existing premises that propose a change to the licence or certificate may apply to vary the licence by way of a full variation or a minor variation.

11.8.1 Full variation

All variation applications must be made in accordance with the statutory requirements and guidance. The full variation process mirrors the procedure that new licence applicants are required to follow. The application must be accompanied by the appropriate fee, advertised on the premises and in a newspaper and notified to the responsible authorities. There is a 28-day representation period and the criteria for representations replicates that required for new applications.

11.8.2 Minor variation

The Act allows a simplified procedure for varying a licence where the proposed changes will not have a detrimental effect on the licensing objectives. It cannot be used to enlarge the licensed area or to increase the hours for the sale or supply of alcohol.

The minor variation process may be used for changes such as:

- Minor changes to the structure or layout of a premises
- Small adjustments to the licensing hours
- Removal of out of date irrelevant or unenforceable conditions
- Addition of certain licensable activities including live music and
- To disapply the mandatory condition requiring the sale of alcohol to be carried out under the authority of a personal licence holder and the need to have a designated premises supervisor in community premises.

The application to alter the times of other licensable activities will be considered on a case-by-case basis considering the nature of the licensable activity, the additional hours sought, the proximity of the premises to residential areas, when the proposed extension will apply and the track record and history of the premises.

Applicants for minor variations may volunteer conditions to remove the risk of an adverse impact on the licensing objectives either as a result of their own risk assessments or after informal discussions with the responsible authorities. The licensing authority cannot impose their own conditions during a minor variation procedure and there is no right of appeal for a refused minor variation.

Applicants should contact the authority at an early stage to determine if the proposed changes are appropriate to the minor variation process or if they warrant a full variation.

11.8.3 Variation of Designated Premises Supervisor (DPS)

A DPS is specified on every premises licence where the sale of alcohol takes place (except club premises certificates). The DPS may be varied to allow another person to take over that role, should there be changes in staff at the premises. To vary the DPS, the application must be submitted by the premises licence holder and the new DPS must consent to take on the role. The police are consulted on these applications.

If the police believe that the change will undermine the prevention of crime and disorder licensing objective, the officer will give the licensing authority and the applicant a notice (within 14 days of receipt of the application) stating the reasons for this decision.

11.9 Temporary Event Notices

Under the Act a 'light touch' notification process permits events that are of a short duration. A Temporary Event Notice (TEN) can be used to allow activities at a non-licensed location or to extend hours or activities for those that already hold a permission.

A TEN can allow events such as school PTA events where organisers wish to sell alcohol, or at functions where a pay bar is provided such as weddings. Applications are considered by the Police and Environmental Health who are able to object, however no other person or party can object to this notice.

TENs are subject to the following limitations:

- The number of times a premises user may give a TEN (50 times in a calendar year for a personal licence holder and 5 times in a calendar year for other people)
- The number of times a TEN may be given for any particular premises (15 times in a calendar year)
- The maximum duration of an event authorised by a TEN is 168 hours (7 days)
- The maximum total duration of the events authorised by TENs in relation to individual premises (21 day in a calendar year)
- The maximum people attending at any one time (fewer than 500) and
- The minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user (24 hours).

Proposed activities that exceed these limits will require a premises licence or club premises certificate.

Premises users should note that an event beginning before midnight and continuing into the next day counts as 2 days towards the 21-day limit.

Applicants are encouraged to give at least 1 months' notice before the proposed date of the event and not more than 3 months, to ensure that the notification reflects current fees and guidance and to allow organisers to plan their events safely.

11.9.1 Standard TEN

A standard TEN must be given no later than 10 working days before the event to which it relates.

The Police or Environmental Health may issue an Objection Notice where they consider that any of licensing objectives may be undermined. The applicant can agree to modify the TEN but if no agreement is reached, a hearing will be arranged before a licensing sub-committee.

At the hearing, Members may agree to the TEN as submitted; or agree the TEN, subject to the conditions of the existing licence/certificate for the venue. Alternatively, the licensing authority may reject the TEN and issue a counter notice to prevent the event going ahead.

11.9.2 Late TEN

A 'late TEN' may be given up to 5 working days but no earlier than 9 working days before the event is due to take place.

The Police or Environmental Health may object to a late TEN and then there is no provision for a hearing and the authority must serve a counter notice to prevent the event going ahead.

12. Large scale events

In addition to permissions granted under the Act for premises licences or TENs, the licensing authority will expect event organisers of large events to approach the authority at the earliest opportunity by submission of a notification of the event to the Safety Advisory Group (SAG).

This includes events that are temporary but where more than 499 people are expected to attend. These events may pose greater risk to public safety and crime and disorder as well as public nuisance, if not planned and managed effectively and may involve the preparation of a substantial operating schedule.

The licensing authority and other statutory consultees (including Hampshire Constabulary, Hampshire Fire and Rescue, Hampshire County Council Public Health, Emergency Planning and Highways, New Forest District Council Environmental and Regulation) should be given notice of the event at the earliest opportunity, prior to a formal application being submitted.

The event organiser should consider how their event will take place safely and how it will impact on the surrounding area. For large events such as festivals, the licensing authority will expect to receive an event management plan to be submitted with their application for a licence. An event management plan should be a working document to include information which outlines how the premises will be run during the event. Details should be provided of (although not limited to):

- Roles and responsibilities of the event organiser,
- Crowd management,
- Contractor management,
- Electrical, gas and water supply,
- Temporary structures,
- Fire safety,
- Medical and first aid provision,
- Site accessibility,
- Traffic Management (including blue routes),
- Security staff/stewards/marshals,
- Incident management,
- Health and Safety management for members of the public,
- Welfare provision for members of the public.

The licensing authority requires they are given at least 4 months for larger events to allow for sufficient lead in time. These events include open air concerts, music festivals, trade shows, agricultural shows, open air entertainment, sporting events, processions, parades and carnivals, firework displays etc.

Further details can be found on the website at: www.newforest.gov.uk/article/1378/Public-events-safety-advice.

The aims and objectives of the SAG are to provide safety information and advice to event organisers and to foster good working relationships. The SAG will promote best practice and encourage co-operation between its members to ensure that public safety is always paramount for event organisers.

Following consultation, advice and guidance may be given on a one-to-one basis from a SAG member to the organiser, however, in more complex cases or where considered appropriate, the SAG will meet as a group with the organiser to discuss details of the event where there is the potential to present a significant risk to public safety.

13. Compliance and enforcement

13.1 General enforcement

The licensing authority will promote good practice in relation to the operation of licensed premises and will work closely with stakeholders to achieve improvements in standards over reasonable periods of time.

The licensing authority will seek to work actively with the police and other partners in enforcing licensing legislation. In general, action is taken in accordance with agreed enforcement principles and policies of all responsible authorities. The key principles of consistency, transparency and proportionality are acknowledged.

A graduated response is taken where there is evidence of contravention of licensing legislation or licence conditions. Whilst an isolated or minor breach might be dealt with by way of an oral or written warning, more serious breaches and consistent lower-level pattern of continued problems could result in a review of the licence or prosecution. Where contraventions or concerns as to compliance with regulations enforced by other agencies are identified during enforcement activities, these matters will be reported to the relevant agency.

13.2 Inspection of licensed premises

The licensing authority will inspect premises on a risk-based approach to secure compliance with the Act and promote the licensing objectives. Licensed premises will be risk rated so as to develop a proportionate and targeted inspection program.

13.3 Complaints against licensed premises

The licensing authority will investigate complaints against New Forest licensed premises. In the case of a valid complaint, the licensing authority will initially endeavour to seek a resolution through informal means, whilst adopting an incremental approach to compliance.

Where appropriate, the licensing authority will forward details of a complaint for investigation by another statutory agency, if the complaint falls under their enforcement powers.

The authority will liaise with the police and other responsible authorities, on enforcement issues, to support a targeted approach to problem and high-risk premises. Lower risk premises that are well run, will benefit from support and advice when required from licensing officers and the police.

13.4 Reviews of licences

The Act sets out the arrangements to enable a review of a premises licence where it is alleged that the licensing objectives are not being promoted. A responsible authority, or any other person may ask the licensing authority to review the licence or certificate at any stage.

Following submission of a review application, the responsible authority or other person has 28 days to provide evidence to show the adverse impact the premises is having on one or more of the licensing objectives. This will be used to assist Members in making a decision at a hearing.

Any review of a licence will take place before a licensing sub-committee made up of elected New Forest District Councillors. If the sub-committee considers that one or more of the licensing objectives is being undermined, the licence or certificate may be suspended, hours may be curtailed, DPS may be removed, or the licence revoked completely.

Suspension of a licence or certificate may be considered in some circumstances to allow management a period of time to rectify the issues that led to the review and to put in place measures to prevent further occurrences. It can also be considered to prevent a repeat of the issue which led to the review.

Any repeat sales of alcohol to children will be considered gravely and Member will consider appropriate options, including revocation of the licence. Revocation will also be considered where the crime prevention objective is being undermined, even if this is the first instance.

14. Other licensing authority powers

The licensing authority will not use its powers to dictate whether there is a market need for additional licensed premises within the district and will not seek to impose a ceiling on the number of licensed premises either overall or by class of premises, either by use of the policy or practice. This is a decision for the planning authority and the commercial sector to consider.

14.1 Cumulative Impact Policy

The Secretary of State's Section 182 guidance on the Licensing Act 2003 defines Cumulative Impact as "the potential impact of the licensing objectives of a significant number of premises concentrated in one area". The number, type and density of licensed premises within an area may give rise to increased problems of crime, anti-social behaviour, noise pollution, littering and other disturbance to residents. The authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets during the night, with the potential to increase crime, anti-social behaviour, noise pollution, littering and other disturbance to residents. In such cases the amenity of local residents can be placed under pressure, but this may not be attributable to any individual premises.

Representations may be received from a responsible authority that an area has become saturated with premises making it the focal point for large groups of people. This concentration of premises may be creating exceptional problems of nuisance and disorder over and above the impact from the individual premises. The process is based on evidence and usually from the police, who are able to produce data on crime and disorder in the area.

The licensing authority recognises that such a policy cannot be absolute and if adopted would still continue to consider each application on its own merits. For licences that were unlikely to add significantly to any problems of saturation, the application, may still be approved, despite being in a CIP area and a representation from a responsible authority would still be required. If not, the application would be determined under delegated powers by officers.

Details of any special policy must be published in the authority's statement of licensing policy, but there are currently no CIP areas in the New Forest District.

14.2 Late Night Levy

Following the introduction of the Police and Social Responsibility Act 2011, the licensing authority may introduce a levy across its area for certain venues. The levy would apply to all licensed premises supplying alcohol between midnight and 6:00hrs, except for any category of premises exempted by the licensing authority. Any premises not subject to an exemption who supply alcohol during the supply period would be required to pay the late-night levy, the level of which is based on rateable value.

Late night levies are the means through which the local council and police force can raise funds to help pay for additional enforcement required to deal with increased public nuisance around premises.

In accordance with legislation, although the authority is responsible for the administration of the levy, the police receive the majority of monies collected.

Before a levy can be put in place the licensing authority must consider evidence and consult with the police and licence/certificate holders. There is currently no late-night levy in the New Forest District.

14.3 Early Morning Restriction Orders (EMROs)

Following the introduction of the Police Reform and Social Responsibility Act 2011, a licensing authority may make an early morning restriction order (EMRO) if they consider it appropriate for the promotion of the licensing objectives.

An EMRO enables licensing authorities to restrict sales of alcohol in the whole or a part of their areas for any specified period between 12 midnight and 6 am. EMROs are designed to address recurring problems with alcohol-related crime and disorder in specific areas.

The licensing authority will be able to decide the hours and days on which the EMRO will apply, the time period and whether it would apply to a part or the whole of the licensing authority's area. In each case, the decision will be based on what is appropriate for the promotion of the licensing objectives.

Alternative measures such as a review or in extreme cases, a closure order, issued by the Police, would be considered by the licensing authority before introducing an EMRO. There are no EMROs currently designated in the New Forest District.

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15. Review of policy

The Policy will be kept under review and where any amendments are considered necessary these will only be made after consultation has taken place in accordance with Section 5(3) of the Act. Proper weight shall be given to the views of all those consulted. Those to be consulted will include:

- The Chief Officer of Police for Hampshire
- The Chief Officer of Hampshire Fire and Rescue Service
- The Local Health Board for the district
- The Local Safeguarding Unit (children welfare) for the district
- Bodies representing local holders of premises licences
- Bodies representing local holders of club premises certificates
- Bodies representing local holders of personal licences
- Bodies representing local businesses and residents
- All other bodies the Licensing Authority deems appropriate.

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16. Exchange of information

The Licensing Authority will act in accordance with the provisions of the Licensing Act 2003 and the General Data Protection Regulation (GDPR), in its exchange of information. Where a protocol is established to set out the mechanism for exchange of information with other regulatory bodies, any such protocol will be made publicly available.

For further information, please refer to the authority's Privacy Notice at: www.newforest.gov.uk/article/1716/Licensing-Services-privacy-notice

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17. Comments on the policy

The licensing authority welcomes all comments and observations on this policy, which should be sent to:

The Licensing Service
New Forest District Council
Appletree Court
Beaulieu Road
Lyndhurst
Hampshire SO43 7PA

Email: licensing@nfdc.gov.uk

This policy will take effect on **xxx** following the required consultation and completion of the democratic process.

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APPENDIX A

Table of delegations in respect of licensing authority functions

The delegation of decisions and functions will be as follows:

Matter to be dealt with	GP&L Committee or Sub Committee	Officer delegation
Application for personal licence	If police objection is made	All other cases
Application for Premises Licence/Club Premises Certificate	If a relevant representation is made	If no representation made
Application for provisional statement	If a relevant representation is made	If no representation made
Application to vary Premises Licence/ Club Premises Certificate	If a relevant representation is made	If no representation made
Application to vary Designated Premises Supervisor	If a police objection is made	All other cases
Minor Variation Application		All cases
Applications to dis-apply the mandatory conditions	If a police representation is made	All other cases
Application for transfer of Premises Licence	If a police representation is made	All other cases
Request to be removed as Designated Premises Supervisor		All cases
Applications for Interim authority	If a police representation is made	All other cases
Application to review Premises Licence/ Club Premises Certificate		All cases
Decision on whether a complaint is irrelevant, frivolous, vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases
Determination of an objection to a temporary event notice	All cases unless all parties agree to conditions	Where all parties agree to the imposition of conditions
Decision as to whether to withhold some or all of an interested party's personal details from the applicant		All cases
Decision to suspend a premises licence/club certificate for failure to pay the annual fee or late night levy		All cases

APPENDIX B

Glossary of terms

The Act

Means the Licensing Act 2003.

Licensed premises

All premises that are licensed under the 2003 Act: Premises licences, club premises certificates and vessels all with or without alcohol, including takeaways that serve after 23.00hrs.

Alcohol

Includes spirits, wine, beer, cider, or any other fermented, distilled, or spirituous liquor of or exceeding 0.5% alcoholic strength at the time of sale.

Appeals

Appeals against decisions of the Licensing Authority are to the magistrates' court for the area in which the premises are situated. The appeal must be lodged within 21 days. On appeal a magistrates' court may, dismiss the appeal; substitute its own decision; remit the case to the Licensing Authority with directions; and may make an order for costs as it thinks fit.

Authorised persons, Other persons and Responsible authorities

The Act creates three categories of people/agencies that can make representations to a Licensing Authority about a licence application. "Authorised persons" are specified people who have statutory duties in relation to the inspection of premises, e.g. fire, health and safety. "Other Persons" covers any individual, body or business entitled to make a relevant representation. "Responsible Authorities" include the police, fire, enforcing authority for health and safety, planning authority, environmental health, bodies responsible for child protection, the health authority and the licensing authority. All responsible Authorities must be consulted with during the 28 day representation period and Other persons are informed through a Public notice in the newspaper and a notice that must be displayed on the premises where it can be seen by the public.

Closure powers

Powers for the police and courts to close premises. The 2014 Act significantly extends the existing powers of the police to seek court orders in a geographical area that is experiencing or likely to experience disorder or to close down instantly individual licensed premises that are disorderly, likely to become disorderly or are causing noise nuisance.

Club Premises Certificate (CPC)

A certificate which licences a qualifying club for the sale/supply of alcohol. It can be granted to members' clubs which comply with specific conditions e.g. membership rules, run by club committees, profits go to members not an owner etc. There is no time limit on the duration of the certificate but it may be withdrawn, surrendered or suspended.

Designated Premises Supervisor (DPS)

The person designated in the premises licence as the person who is responsible for supervision of the premises e.g. the day-to-day manager. Any premises where alcohol is supplied as a licensable activity must have a designated premises supervisor.

The guidance

The Statutory Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. This is updated at regular intervals to reflect changes in legislation.

Interim authority notices

Where a premises licence lapses due to death, incapacity or insolvency etc of the holder, specified persons can, within 28 days serve an interim authority notice on the Licensing Authority. This revives the licence, subject to police objection, for a period of up to three months to allow the premises to continue to trade.

Late night refreshment

Supply of hot food or hot drink between 11pm and 5am whether for consumption on or off the premises e.g. will cover late night takeaways and fast food outlets but also restaurants open after 11pm.

Licensable activities

Activities that must be licensed under the Act: The sale by retail of alcohol; supply of alcohol by a club; provision of regulated entertainment; provision of late night refreshment

Licensing authority

Local authorities (district or county councils). In the context of this document- New Forest District Council

Licensing committee

A committee of at least 10 but not more than 15 members of the local authority. May have one or more sub-committees consisting of at least three members.

Licensing objectives

The objectives of licensing set out in the Act: The prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives.

Licensing panel

A committee of three New Forest District Councillors appointed from the General Purposes and Licensing Committee (GP&L) to whom the functions of the licensing committee can be delegated under the Act.

Mandatory conditions

Conditions imposed on all premises licences and club premises certificates. The Secretary of State may add to these at any time and they are written in to each licence/certificate appropriately. See Appendix C.

Objection notice

A procedure whereby the police can object to the grant of a personal licence on the grounds that where having regard to convictions of the applicant for relevant offences, the grant would undermine the crime prevention objective

Off-sales

Retail sale of alcohol for consumption off the premises (off-licences, supermarkets), however some premises may have on and off-sales, to allow for bottles of wine etc to be taken away from the premises.

On sales

Retail sale of alcohol for consumption actually on the premises that is the area defined on the Annex 4 plan.

Operator

Includes all premises licence holders, club premises certificate holders and designated premises supervisors.

Operating schedule

A document in a prescribed form that sets out information about how the applicant for a premises licence intends to operate their business. It sets out information such as the relevant licensable activities, the proposed licensed hours, any other opening hours, the name of the proposed premises supervisor and steps which it is proposed to take to promote the licensing objectives. Where an applicant for a premises licence submits an operating schedule, and there are no relevant representations (objections), the local authority must grant the application and can impose only those conditions on the licence that are consistent with the operating schedule.

Personal licence

A licence granted to an individual which authorises that person to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. It ceases to have effect when revoked, forfeited, surrendered or suspended. A personal licence holder is also not required for the supply of alcohol in a club which holds a club premises certificate. Only the police can object to the grant of a personal licence.

Premises licence

A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities. Has effect until revoked, surrendered or death, insolvency etc of the holder. Applications are dealt with by the local authority licensing committee in the area where the premises are situated.

Provisional statement

A procedure by which the Licensing Authority can give a statement approving, for licensing purposes, proposals for a premises being built or in the course of being constructed. Where a provisional statement is made, subject to limited exceptions, the full licence must normally be granted once the premises are completed.

Responsible authorities

Hampshire Constabulary
Hampshire Fire and Rescue
Environmental Health Department-New Forest District Council
Licensing Authority- New Forest District Council
Planning Department- New Forest District Council
Trading standards- Hampshire County Council
Child Protection unit- Hampshire County Council
Public Health Department- Hampshire County Council
For current details please contact the licensing department

Regulated entertainment

Specified entertainment that takes place in the presence of an audience for their entertainment; performance of a play, exhibition of a film, indoor sporting event, performance of live music, playing of recorded music, performance of dance, other entertainment similar to music and dancing

Relevant offences

Offences relevant to the consideration of an application for the grant of a personal licence and about which the police may serve an "objection notice". The offences are listed in schedule 4 of the 2003 Act and generally relate to drink, dishonesty, drugs, duty, copyright, food safety, sexual offences & violence.

Statement of Licensing Policy

Each Licensing Authority must every five years determine and publish a statement of licensing policy. There is a requirement to consult on the policy and keep it under review.

Transfer

A procedure where an application can be made to transfer the premises licence into a new name e.g. if a premises licence holder sells his premises an application may be made to transfer the premises licence to the new owner

Variation

Changes in the operation of a premises, club or event, including variation of operating hours and modification of the premises or the specification of another person as the Designated Premises Supervisor.

APPENDIX C

Mandatory conditions applied to Premises Licences and Club Premises Certificates (correct at time of print)

Where a Premises Licence authorises the sale or supply of alcohol

1. No supply of alcohol may be made under the premises licence –
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Condition where the Premises Licence or Club Premises Certificate permits the performance of Films

1. Where the film classification body is specified in the licence, unless subsection (2)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
2. Where –
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
3. In this section – “children” means persons aged under 18; and “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Where the Premises Licence requires Door Supervision

All individuals who carry out security activities must be licensed by the Security Industry Authority (SIA)

Mandatory Conditions where the Club Premises Certificate authorises the supply of alcohol for consumption off the premises

1. A club premises certificate may not authorise the supply of alcohol for consumption off the premises unless it also authorises the supply of alcohol to a member of the club for consumption on those premises
2. The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol to members of the club for consumption on the premises.
3. Any alcohol supplied for consumption off the premises must be in a sealed container.
4. Any supply of alcohol for consumption off the premises must be made to a member of the club in person.

Mandatory conditions effective where the licence or club premises certificate permits the sale or supply of alcohol for consumption on and off the premises

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

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises–
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d)) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either–
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that–
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula—
$$P = D + (D \times V)$$
where—
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4.
 - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory conditions effective where the licence permits the consumption of alcohol off the premises only

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

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula—
$$P = D + (D \times V)$$
where—
 - (iv) P is the permitted price,
 - (v) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (vi) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
 - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

APPENDIX D

The Licensing Act 2003 may be amended periodically by legislation, however there are a number of Acts and statutory regimes that also impact on licensed premises, as below.

Other relevant legislation (correct at time of print)

1. Planning Legislation and Building Regulations

The planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. Licensing applications will not be a re-run of the planning application. The granting by the Licensing Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building regulation control where appropriate.

2. Health and Safety at Work etc. Act 1974 and associated legislation

New Forest District Council is the authority for this legislation for most licensed premises in the area.

3. Human Rights Act 1998

New Forest District Council has a duty under the European Convention on Human Rights to protect both the rights of a resident to privacy and family life (Article 8) and the rights of a licensee to operate their business without undue interference (Article 1 of the First Protocol). These policies are intended to reflect the balance to be struck between these interests where they conflict.

4. Equalities Act 2010

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.

5 Crime and Disorder Act 1998 Section 17

This Act requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. It states, "Without prejudice to any other obligation imposed upon it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area".

This reflects the reality that there are crime and/or disorder implications in decisions made across the full range of local authority services. The consideration of the specific licensing objective of the prevention of crime and disorder fulfils the requirement under this Act.

6. Criminal Justice and Police Act 2001

This Act introduces provisions for combating alcohol related disorder giving the local authority and/or the police the powers to prohibit alcohol consumption in designated public places, to close certain licensed premises due to disorder or disturbance and to close unlicensed premises.

7. Policing and Crime Act 2009

This Act introduces measures to tackle alcohol misuse.

8. Environmental Protection Act 1990

This covers a wide range of types of pollution including noise pollution.

9. The Clean Neighbourhoods and Environment Act 2005

This provides local authorities with an additional power to issue a fixed penalty notice to any licensed premises emitting noise that exceeds the permitted level between the hours of 11.00pm and 7.00am.

10. Anti-Social Behaviour, Crime and Policing Act 2014

Chapter 1, Section 43 – Community Protection Notice

The community protection notice (CPN) is intended to deal with particular, ongoing problems or nuisances which negatively affect the community's quality of life by targeting those responsible. A CPN can be issued by an authorised Council officer if they are satisfied on reasonable grounds that the conduct of the individual, business or organisation:

- Is having a detrimental effect on the quality of life of those in the locality,
- Is persistent or continuing in nature and
- Is unreasonable.

Chapter 2 Section 59 – Public Space Protection Orders

Public spaces protection orders (PSPOs) are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. A PSPO can be made by the Council if they are satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:

- Have had, or are likely to have, a detrimental effect on the quality of life of those in the locality
- Is, or is likely to be, persistent or continuing in nature
- Is, or is likely to be, unreasonable and
- Justifies the restrictions imposed.

Chapter 3 Section 76 – Closure Powers

The closure power is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder. A closure notice can be issued for 24 hours if the Council or police officer (of at least the rank of inspector) is satisfied on reasonable grounds:

- That the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public or
- That there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises, and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

The closure notice can be issued in the first instance for 48 hours or extended from 24 hours up to a maximum of 48 hours by the Council's Chief Executive Officer or designate thereof, or by a police superintendent.

11. Health Act 2006 (Workplace Smoking Ban)

The ban on smoking in all enclosed work places and public places came into force on the 1 July 2007. The ban includes smoking in pubs, restaurants and members clubs where bar or other staff are employed.

12. The Regulatory Reform (Fire Safety) Order 2005

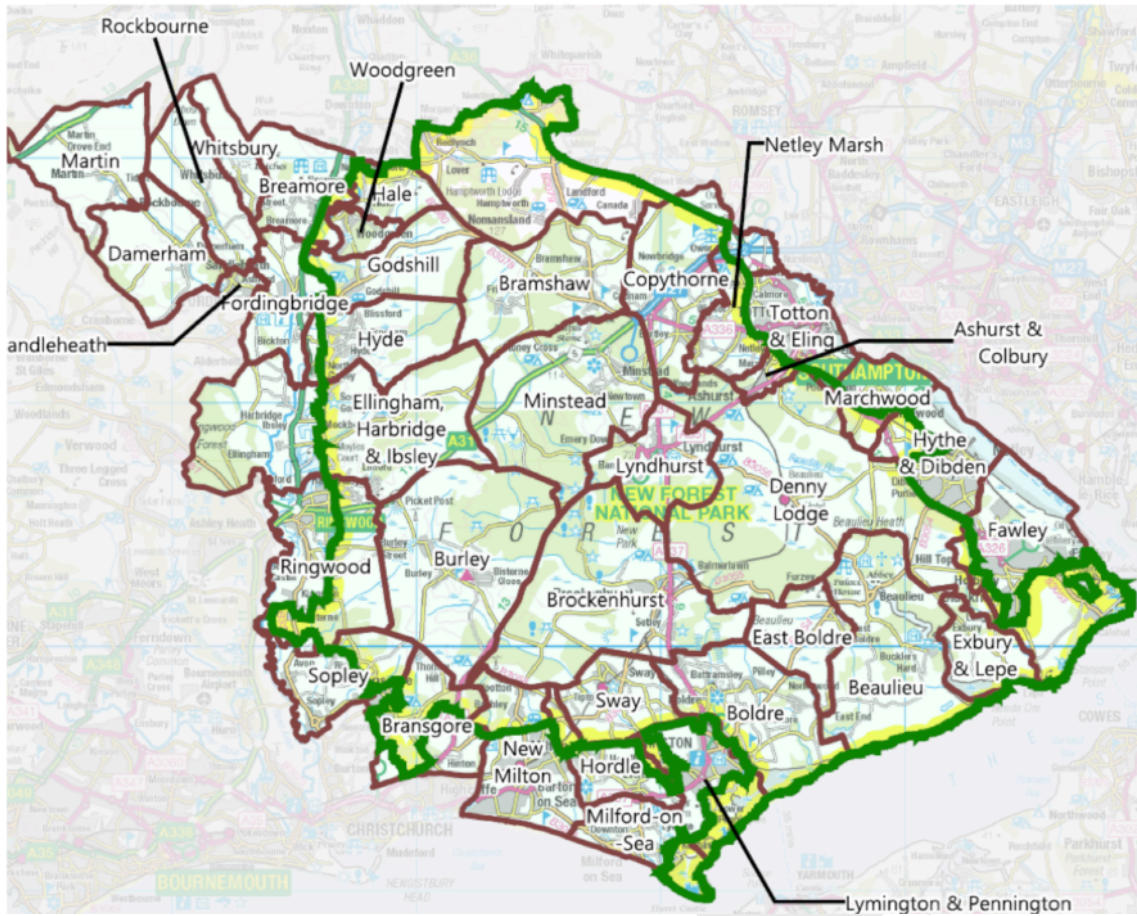
Hampshire Fire and Rescue Service enforce fire safety legislation. The Regulatory Reform (Fire Safety) Order 2005 ('the Fire Safety Order') replaces previous fire safety legislation.

13. General Data Protection Regulation/ Data Protection Act 2018

Applicants should have regard to the provisions of the Data Protection Act 1998 in relation to their premises and in particular to the Information




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APPENDIX E



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New Forest
 DISTRICT COUNCIL
 Tel: 023 8028 5000 www.newforest.gov.uk

-  NFDC Boundary
-  NFNPA Boundary
-  NFDC Parish Boundary



APPENDIX F

The responsible authorities

[New Forest District Council \(NFDC\) Licensing Service](#)

Appletree Court, Beaulieu Road, Lyndhurst, Hampshire SO43 7PA

Tel: 023 8028 5505

Email: licensing@nfdc.gov.uk

Website: newforest.gov.uk

[New Forest District Council \(NFDC\) Environmental Health \(Environmental Protection\)](#)

Appletree Court, Beaulieu Road, Lyndhurst, Hampshire SO43 7PA

Tel: 023 8028 5411

Email: env.prot@nfdc.gov.uk

Website: newforest.gov.uk

[New Forest District Council \(NFDC\) Environmental Health \(Food and Safety\)](#)

Appletree Court, Beaulieu Road, Lyndhurst, Hampshire SO43 7PA

Tel: 023 8028 5411

Email: Envhealth.commadmin@nfdc.gov.uk

Website: newforest.gov.uk

PLEASE ENSURE THAT YOU COPY YOUR APPLICATION TO THE CORRECT PLANNING AUTHORITY

[New Forest District Council \(NFDC\) Planning Control](#)

Appletree Court, Beaulieu Road, Lyndhurst, Hampshire SO43 7PA

Tel: 023 8028 5345

Email: dev.control@nfdc.gov.uk

Website: newforest.gov.uk

OR

[New Forest National Park Planning Authority](#)

Town Hall, Avenue Road, Lymington, Hampshire SO41 9ZG

Tel: 01590 646615

Email: dev.control@newforestnpa.gov.uk

Website: newforestnpa.gov.uk

[Police Licensing Team \(Western Area\)](#)

Police Licensing Team-Western area

Southampton Central Police Station, Southern Road, Southampton SO15 1AN

Email: force.licensing@hampshire.pnn.police.uk

Website: hampshire.police.uk

[Hampshire Fire and Rescue Service HQ](#)

Business Fire Safety, Leigh Road, Eastleigh, Hampshire SO50 9SJ

Tel: 02392 664656

Email: csprotection.admin@hantsfire.gov.uk

Website: hantsfire.gov.uk

[Hampshire County Council Children's Services Department Safeguarding Unit](#)

Falcon House, Monarch Way, Winchester SO22 5PL

Tel: 01962 876222

Email: child.protection@hants.gov.uk

Trading Standards Service

Montgomery House, Monarch Way, Winchester SO22 5PW
Tel: 01962 833620
Email: liquor.licensing@hants.gov.uk
Website: www.hants.gov.uk/regulatory/tradesta/index.html

Licensing Public Health Manager

Public Health Department, 1st Floor, Room 153 Elizabeth II Court,
South Hampshire County Council, Winchester SO23 8TG
Fax: 01962 847644
Email: publichealth.licensing@hants.gov.uk

Home Office

Alcohol Licensing Team, Lunar House, 40 Wellesley Road, Croydon CR9 2BY
Email: Alcohol@homeoffice.gsi.gov.uk

Maritime and Coastguard Agency

Southampton Marine Office, Spring Place, 105 Commercial Road Southampton SO15 1EG

Tel: 0203 817 2000

Email: infoline@mcga.gov.uk

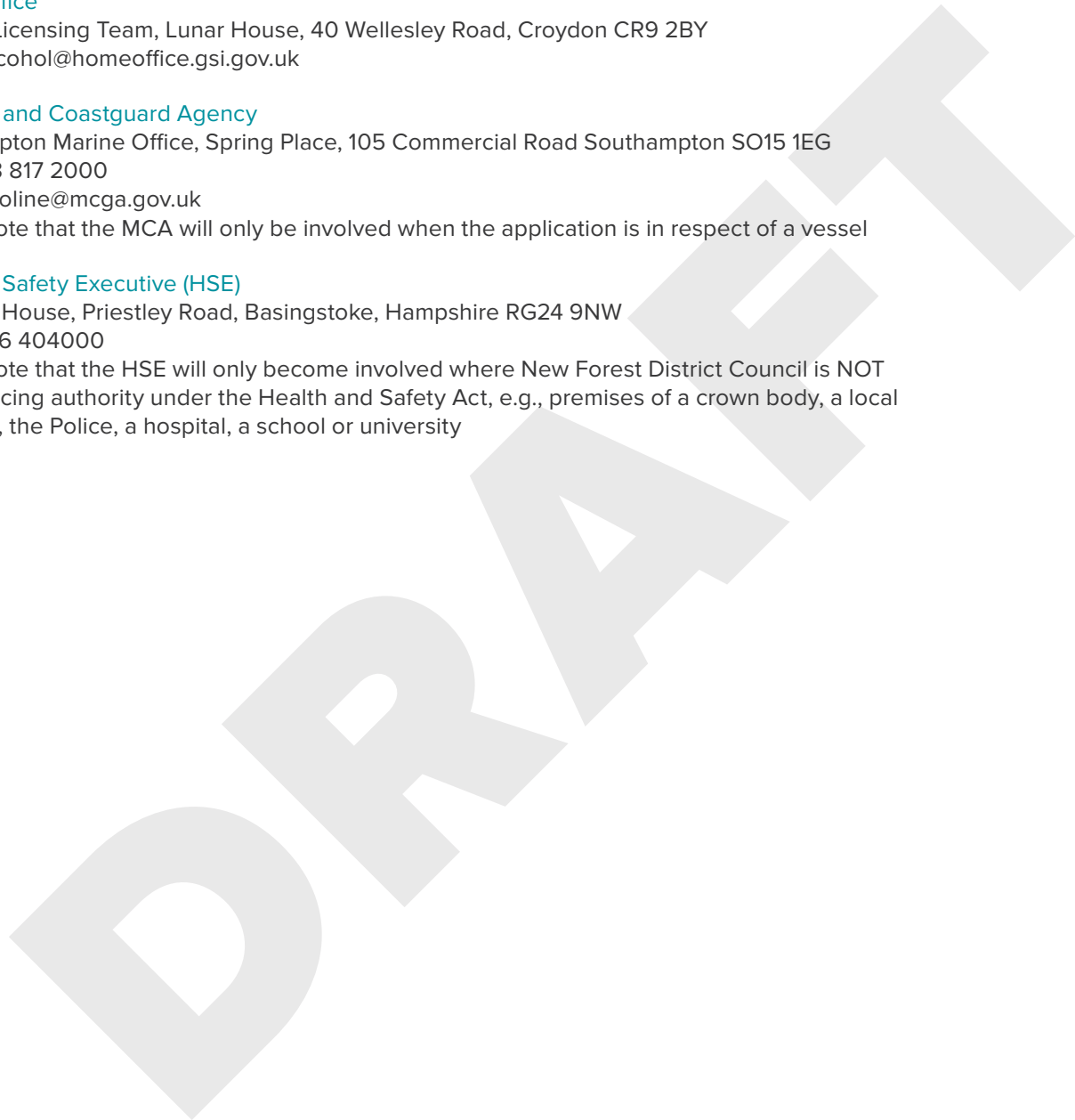
Please note that the MCA will only be involved when the application is in respect of a vessel

Health & Safety Executive (HSE)

Priestley House, Priestley Road, Basingstoke, Hampshire RG24 9NW

Tel: 01256 404000

Please note that the HSE will only become involved where New Forest District Council is NOT the enforcing authority under the Health and Safety Act, e.g., premises of a crown body, a local authority, the Police, a hospital, a school or university



New Forest District Council
Appletree Court, Beaulieu Road, Lyndhurst. Hampshire. SO43 7PA

newforest.gov.uk

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Christa Ferguson
Licensing Manager
New Forest District Council

*Adults' Health and Care
Public Health
Elizabeth II West
The Castle
Winchester
Hampshire SO23 8UQ*
Telephone 02380 383332
Fax 01962 834560
DX Winchester 2510
www.hants.gov.uk

<i>Enquiries to</i>	Michael Newman	<i>My ref</i> [REDACTED] <i>e</i>
<i>Direct line</i>		<i>Your reference</i>
<i>Date</i>	1st November 2021	<i>E-mail</i> [REDACTED]

Dear Christa,

Re: New Forest Licensing Policy Consultation

As a responsible authority, Hampshire Public Health would like to make the following comments on the proposed Statement of Licensing Policy 2022 to 2026 for New Forest District.

Section 2 Introduction and Background

We would request that the information contained in Appendix One of this letter be included in Section 2, under the subsection "The impact of alcohol on New Forest District"

Section 3 Licensing Objectives

We would suggest that the following paragraph be deleted:

"However, there are currently only these four licensing objectives which do not specifically refer to health. The licensing authority does recognise these issues and will take them into account within the remit of the Act."

and replaced with the following:

"Whilst promotion of public health is not a specifically cited licensing objective as set out in the Act, we would seek to encourage and support where appropriate, any voluntary initiatives that premises may wish to adopt to help reduce alcohol harm within our communities. Such initiatives may include:

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

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Chief Executive
John Coughlan CBE

decisions not to admit or serve customers who are already intoxicated.”

Section 14.1 Cumulative Impact Policy

Paragraph 4 of this section states, “Details of any special policy must be published in the authority’s statement of licensing policy, but there are currently no CIP in place for New Forest”. We suggest this wording is amended to allow the Local Authority to have the option to issue a CIP in the event of following compelling evidence submitted by a responsible authority regarding adverse impact upon the fulfilment of the licensing objectives.

Yours sincerely,



Michael Newman
Senior Public Health Practitioner

Director of Adults’ Health and Care
Graham Allen

Appendix One: The impact of alcohol on New Forest District

The effects of harmful drinking on individuals, families and communities are wide-ranging. Alcohol is a causal factor in more than 60 medical conditions, including: mouth, throat, stomach, liver and breast cancers; high blood pressure, liver cirrhosis; and depression¹. Reviews have also demonstrated the negative impact alcohol has socially. It is an important factor in family and relationship problems, adverse childhood experiences, crime and disorder and reduced workplace productivity².

Whilst the New Forest compares well to national and regional rates on many key indicators of alcohol-related health harms, admissions are on an upward trend and are significantly worse than England. There were 5,221 admissions to hospital where alcohol was a direct cause or a contributing factor in 2019/20, an 84% increase from 2016/17³.

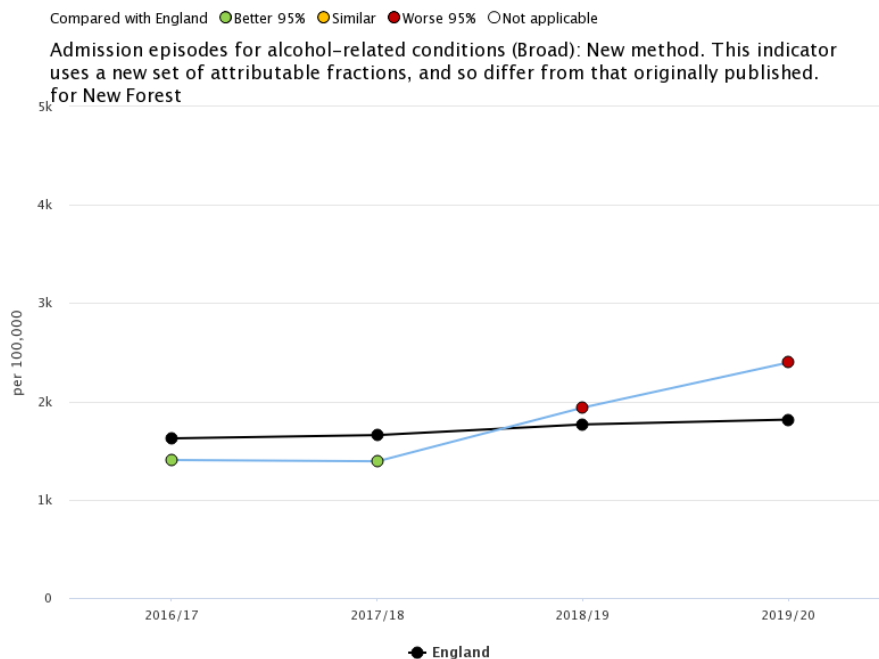


Figure 1: Admission episodes for alcohol-related conditions (Broad)

An area of concern is the rate of hospital admissions where alcohol can be wholly attributed as a cause. There were 2595 admissions in 2019/20, 297% increase since 2017/18. In

¹ PHE (2019), Alcohol: Applying all our health. Available at <https://www.gov.uk/government/publications/alcohol-applying-all-our-health/alcohol-applying-all-our-health>

² PHE (2019) The range and magnitude of alcohol's harm to others. Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/806935/Alcohols_harms_to_others-1.pdf

³ Public Health Outcomes Framework. Local Alcohol Profiles: Admission episodes for alcohol conditions (Broad) (Persons). Available at <https://fingertips.phe.org.uk/profile/local-alcohol-profiles/data#page/4/gid/1938132984/pat/6/par/E12000008/ati/401/are/E07000091/iid/93765/age/1/sex/4/cat/-1/ctp/-1/yr/1/cid/4/tbm/1/page-options/car-do-0>

2019/20, New Forest had a significantly higher rate of admissions (per 100,000 people) than England.⁴

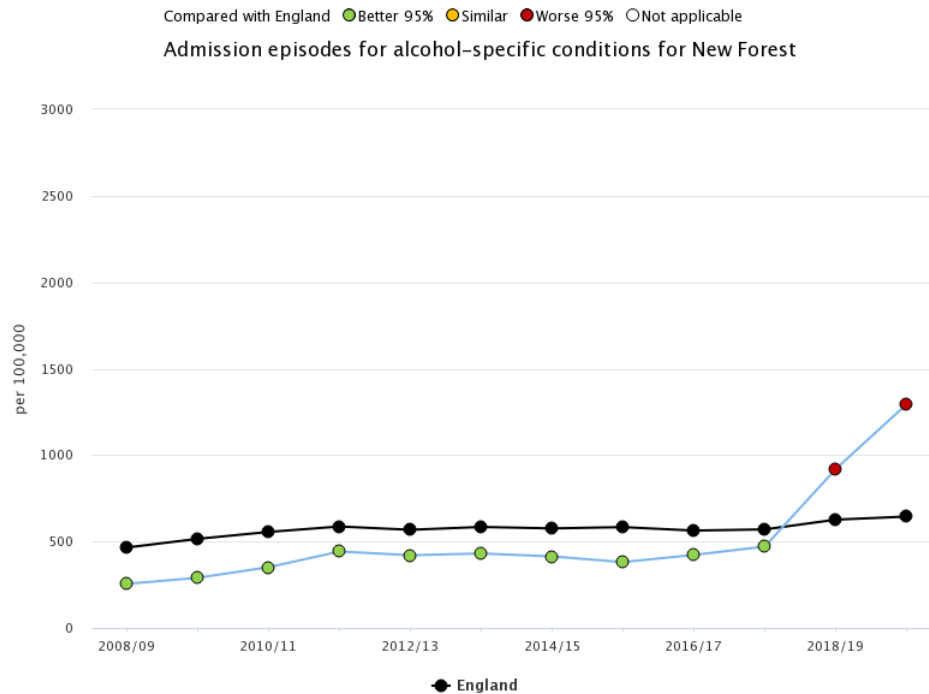


Figure 2: Admission episodes for alcohol-specific conditions

Whilst there has been a downward trend in admission episodes for alcohol specific conditions in under 18's, between 2017/18 – 2019/20 New Forest had a significant higher rate of admissions than England (46.7 per 100,000 people compared to 30.7)⁵

Much of the harm from alcohol use can be attributed to the habits of non-dependent drinkers. An estimated 22.4% (or 1 in 5) of Hampshire adult residents drink above the safe recommended levels for alcohol (over 14 units) each week⁶. Applying the same rate to New Forest's estimated population, this represents approximately 32, 035 people.

⁴ Public Health Outcomes Framework. Local Alcohol Profiles: Admission episodes for alcohol-specific conditions (Persons). Available at <https://fingertips.phe.org.uk/profile/local-alcohol-profiles/data#page/4/qid/1938132984/pat/6/par/E12000008/ati/201/are/E07000091/iid/92906/age/1/sex/4/cat/-1/ctp/-1/yr/1/cid/4/tbm/1/page-options/car-do-0>

⁵ Public Health Outcomes Framework. Local Alcohol Profiles: Admission episodes for alcohol-specific conditions – Under 18's (Persons). Available at <https://fingertips.phe.org.uk/profile/local-alcohol-profiles/data#page/4/qid/1938132982/pat/202/par/E10000014/ati/201/are/E07000091/iid/92904/age/173/sex/4/cat/-1/ctp/-1/yr/3/cid/4/tbm/1/page-options/car-do-0>

⁶ Public Health Outcomes Framework. Local Alcohol Profiles: Drinking over 14 units (Adults). Available at <http://fingertips.phe.org.uk/profile/local-alcohol-profiles/data#page/3/qid/1938133118/pat/6/par/E12000008/ati/102/are/E10000014/iid/9277/age/168/sex/4>

Director of Adults' Health and Care
Graham Allen

GENERAL PURPOSES AND LICENSING COMMITTEE – 22 NOVEMBER 2021

GAMBLING POLICY – REVIEW OF CONSULTATION RESPONSES

1. RECOMMENDATIONS

- 1.1 That the Committee note the consultation undertaken and consider the amendment to the draft policy as suggested in point 4.8. Alternatively, Members may wish to note the comments made but make no changes to the policy.
- 1.2 That subject to any changes arising from 1.1, the General Purposes and Licensing Committee commends the revised Statement of Gambling Principles in relation to the Gambling Act 2005, to the Council for approval at its meeting on 6 December 2021.

2. INTRODUCTION

- 2.1 The purpose of this report is to ask Members of the Committee to note the consultation undertaken, consider the responses received and agree any subsequent amendments made to Council's revised Statement of Gambling Principles (Gambling Act Policy), in relation to the Gambling Act 2005 for the period 2022-2024 (inclusive). **Appendix 1** attached to this report.
- 2.2 It is a statutory requirement that the Statement of Gambling Principles must be approved by Full Council as this is not a function that can be delegated to the General Purposes and Licensing Committee.

3. BACKGROUND

- 3.1 The New Forest District Council is the Licensing Authority for this area and is required to discharge its responsibilities in relation to the Gambling Act 2005.
- 3.2 The licensing objectives which underpin the Gambling Act are:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
 - Ensuring that gambling is conducted in a fair and open way,
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.3 The Statement of Gambling Principles outlines the Authority's policy in respect of granting licences, permits and registrations issued under the Gambling Act 2005 in order to promote the licensing objectives.
- 3.4 The policy is to be reviewed every three years, to ensure that it remains current and reflects any changes in legislation or statutory guidance. There were no changes proposed for this revision, however it is a statutory requirement to consult on any review of the policy that has been carried out.

4. CONSULTATION

- 4.1 The consultation took place between 19 July 2021 and 10 September 2021.
- 4.2 Consultees included, The Gambling Commission, Hampshire Constabulary,

Hampshire and IOW Fire Rescue Service, neighbouring Local Authorities, persons representing gambling businesses and persons representing the interests of people likely to be affected by gambling.

- 4.3 All statutory consultees, relevant premises and specific bodies were advised of the revised Policy and referred to its availability on the Council's website.
- 4.4 Two responses were received during the consultation period. One was from a solicitor representing a trade body (The Betting and Gaming Council) and a second from an organisation representing problem gamblers. The latter did not provide any specific feedback due to resource constraints, but welcomed the consultation invitation. Both responses are provided in **Appendix 2**.
- 4.5 The response from The Betting and Gaming Council (BGC), submitted by Gosschalks solicitors provided a background on their organisation, in addition to specific comments on the draft New Forest District Council Policy.
- 4.6 The response stated in relation to the 2022-2024 draft statement of gambling principles that:

On behalf of the BGC we welcome the light-touch approach to the statement of principles and in the circumstances have very few comments to make.

*On page 18, there is a typographical error in the sentence that should read, "The local risk assessment should show how children are to be protected through **an** assessment of"*

Following that sentence, there are three bullet points, one of which needs to be deleted. This is the final bullet point that refers to, "issues of youths participating in antisocial behaviour, including activities such as graffiti, tagging, under-age drinking etc." These are all issues of nuisance which is not a relevant consideration to any assessment of risk to the licensing objectives. Accordingly, this bullet point should be removed.

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful.

The BGC will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.

- 4.7 The Gambling Act 2005 requires the Licensing Authority to consider all comments received except those based on a dislike of gambling, moral objections or comments on the demand or need for gambling premises in the district, as precluded by the Act.
- 4.8 Members are asked to consider the response from the BGC and the proposed amendments of correcting the typographical error and removing the bullet point that states, "issues of youths participating in antisocial behaviour, including activities such as graffiti, tagging, under-age drinking etc."

5. CONCLUSIONS

- 5.1 It is a statutory requirement that the Licensing Authority review and revise the Statement of Gambling Principles.
- 5.2 The adoption of the revised Statement of Gambling Principles is required by Members.

6. FINANCIAL IMPLICATIONS

6.1 There are no additional financial implications of the proposals contained within this report.

7. CRIME & DISORDER IMPLICATIONS

7.1 There are none.

8. ENVIRONMENTAL IMPLICATIONS

8.1 There is minimal environmental impact of these proposals.

9. EQUALITY & DIVERSITY IMPLICATIONS

9.1 Where applicable the Gambling Act Policy will cover the approach taken by the Council to address equality and diversity matters.

10 DATA PROTECTION IMPLICATIONS

10.1 There are none.

11 APPENDICES

Appendix 1

NFDC Draft Statement of Principles (Draft Gambling Policy) for 2022-2026

Appendix 2

Responses received during the consultation

For further information contact:

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Service Manager

02380 285325

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Background Papers:

Statutory Guidance issued under S25 of the

Gambling Act 2005 (5th Edition)

The Gambling Act 2005

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GAMBLING ACT 2005

Statement of gambling principles

2022-2024

DRAFT

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1. Executive summary

The Gambling Act 2005 ('the Act') received Royal Assent in 2005 and came fully into effect in 2007.

Under Section 349 of the Act, every three years, New Forest District Council ('the Licensing Authority') is required to prepare a statement of principles that they propose to apply in exercising their functions under the Act. This Statement of Gambling Principles ('the Policy') is prepared in accordance with this requirement. This Policy will replace all previous versions of the statement of principles.

The consultation process is laid out clearly in the Act, the Gambling Act 2005 (Authority Policy Statement) (England and Wales) Regulations 2006 and the Guidance to Licensing Authorities ('the Guidance') issued by the Gambling Commission (gamblingcommission.gov.uk)

Any decision taken by the Licensing Authority in regard to determination of licences, permits and registrations should aim to permit the use of premises for gambling in so far as it is reasonably consistent with the licensing objectives.

The principles to be applied specifically to the determination of premises licence applications include the definition of premises, location, duplication of other regulatory regimes, conditions, door supervision, layout of premises and supervision of gaming facilities. The Policy specifically mentions adult gaming centres, family entertainment centres, casinos, bingo premises, betting premises, tracks and travelling fairs.

The Licensing Authority is able to issue permits for prize gaming and unlicensed family entertainment centres. The Licensing Authority is able to specify the information it requires as part of the application process which will aid determination and this information is described in the policy.

Club gaming and club machine permits are also issued by the Licensing Authority. The process for this is described along with other processes specified in the Act, for example, temporary use notices, occasional use notices and small society lotteries.

Enforcement of the provisions of the Act is undertaken by the Licensing Authority in conjunction with the Gambling Commission. The Policy describes the Licensing Authority's enforcement principles and the principles underpinning the right of review.

2. New Forest District

The New Forest District area is in the south west of Hampshire and is bounded by the Solent water. It is situated between Southampton to the east and Christchurch and Bournemouth to the west. One of the most striking features of the Forest is the open expanse of semi-natural vegetation at its heart which has National Park status. Much of the open forest is owned and cared for by the Forestry Commission working, in conjunction with a wide range of other statutory bodies and interest groups.

Tourism is a major part of the local economy and every year approximately 13.5 million visitors come to the area. Many people visit on a regular basis to enjoy the forest area.

There are currently 11 Licensed Gambling Premises in the New Forest comprising 10 betting shops and 1 adult gaming centres. There are currently no bingo halls, tracks or casinos within the New Forest area.

The Licensing Authority has also granted over one hundred small society lottery permits to charitable organisations that organise fundraising raffles and events for the benefit of the community of the New Forest.

The Licensing Authority recognises that legal gambling in a fair and open way, with suitable protection for vulnerable persons, is an important part of the area and contributes to the local economy.

Appendix A (on page 39) provides a map of the area.

3. Background

The Act provides the regime for the licensing and regulation of commercial gambling in the UK. It is intended to regulate the provisions for gambling and the use of premises for gambling.

The Act defines three types of gambling;

- Gaming
- Betting, and
- Participating in a lottery.

A variety of licences and permits allow for these gambling activities to take place.

The task of granting the licences and permits is shared between the Gambling Commission and Licensing Authorities. The Gambling Commission approves operating and personal licences and Licensing Authorities issue premises licences and other permissions.

3.1 - Statement of licensing principles

The Act requires the Licensing Authority to publish and consult on its statement of licensing principles and revisions to it.

In reviewing the statement of principles, all necessary bodies and stakeholders were consulted including;

- The Chief Officer of Police for Hampshire;
- The Fire Authority;
- Representatives of businesses and residents in the district;
- Representatives of persons representing the interests of persons carrying on gambling businesses in the district;
- Community Safety Partnership;
- Representatives of child welfare groups;
- Town and Parish Councils;
- Gambling industry organisations and associations;
- Gambler support organisations; and
- Faith groups.

In determining the weight to give to particular representations on the statement, the factors taken into account included:

- The expertise and interest of the person making the representation;
- The relevance of factors to the licensing objectives;
- Their motivation and number of similar view and
- How the representations relate to matters for the Licensing Authority to include in the statement.

The statement of principles does not override the right of the appropriate persons to make an application, make representations about an application or apply for a review of a licence, in accordance with the statutory requirements of the Act.

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

3.2 - The licensing framework

The Act brought about changes to the way that gambling is administered in the UK. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate activity.

The Gambling Commission issues operator and personal licences. Any operator wishing to provide gambling at a certain premises must have applied for the requisite personal licence and operator licence before they can approach the Licensing Authority for a premises licence. In this way the Gambling Commission is able to screen applicants and organisations to ensure they have the correct credentials to operate gambling premises.

The Licensing Authority's role is to ensure premises are suitable for providing gambling in line with the three licensing objectives and codes of practice issued by the Gambling Commission. The Licensing Authority also issues various permits and notices to regulate smaller scale and/or ad hoc gambling in various locations such as pubs, clubs and hotels.

The Licensing Authority does not licence large society lotteries or remote gambling through websites. These areas fall to the Gambling Commission. The national lottery is not licensed under the Act but is regulated by the Gambling Commission under the National Lottery Act 1993.

3.3 - Licensing objectives

In exercising functions under the Act, the Licensing Authority will have regard to the licensing objectives set out in section 1 of the Act.

The licensing objectives are :

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

There is an expectation that gambling operators work together with the Licensing Authority to ensure compliance with the licensing objectives.

The Licensing Authority is aware that in making decisions in accordance with the Act it should aim to permit the use of premises for gambling in so far as it 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 this Policy.

3.4 - Licensing Authority functions

The functions under the Act will be carried out by the General Purposes and Licensing Committee, and officers acting under the delegated authority of New Forest District Council.

Licensing Authorities are responsible for :

- The licensing of premises where gambling activities take place by issuing premises licences,
- Issuing of Provisional Statements in relation to future premises,
- Issuing Club Gaming Permits and/or Club Machine Permits to members clubs and miners welfare institutions who may wish to undertake certain gaming activities Issuing Club Machine Permits to Commercial Clubs,
- Granting Permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres,
- Receiving notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of not more than two gaming machines,
- Granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the premises where two or more machines are required,
- Registering small society lotteries,
- Issuing Prize Gaming Permits,
- Receiving and endorsing Temporary Use Notices,
- Receiving Occasional Use Notices,
- Providing information to the Gambling Commission regarding details of licences issued,
- Maintaining registers of the permits and licences that are issued under these functions.

3.5 - Delegated powers

The General Purposes and Licensing (GP&L) Committee is responsible for discharging the majority of the powers of the Licensing Authority.

Through the Licensing Authority's scheme of delegation of powers, officers will also be responsible for making certain decisions in accordance with the Act. For the full table of delegated powers see Appendix C.

3.6 - Representations

Only Responsible Authorities and Interested Parties can make representations about licence applications, or apply for a review of an existing licence.

3.7 - Responsible Authorities

The Act empowers certain agencies to act as responsible authorities so that they can employ their particular area of expertise to help promote the licensing objectives. Responsible authorities are able to make representations about licence applications, or apply for a review of an existing licence. Responsible authorities will also offer advice and guidance to applicants.

A Responsible Authority is defined in the Act as:

- A Licensing Authority in England and Wales in whose area the premises are wholly or partly situated;
- The Gambling Commission;
- The Chief Officer of Police for the police area in which the premises are wholly or partly situated;
- The Fire and Rescue Authority for an area in which the premises are wholly or partly situated;
- The local planning authority;
- An Authority which has functions by virtue of an enactment in respect of minimising or preventing the risk of pollution of the environment or of harm to human health in an area where the premises is wholly or partly situated;
- A body which is designated in writing for by the Licensing Authority for an area in which the premises are wholly or partly situated, as competent to advise the authority about the protection of children from harm;
- HM Revenue and Customs (HMRC)

Responsible Authorities will be notified of all premises licence applications by the applicant, unless the application is received electronically by the Licensing Authority. Electronic applications will be forwarded to the Responsible Authorities by the Licensing Authority.

The contact details of all the Responsible Authorities for this Licensing Authority can be found at Appendix B of this Policy.

3.8 - Interested Parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence.

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, 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 either of the above.

The Licensing Authority is required to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles are:

- Each case will be determined upon its individual merits. This Licensing Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the guidance. It will also take into account the Guidance requirement that “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- Interested parties can be persons who are democratically elected such as councillors and Members of Parliament (“MP”). No specific evidence of being asked to represent an interested person will be required as long as the councillor or MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these, however, this Licensing Authority will generally require written evidence that a person/body represents someone who either lives sufficiently close to the premises to be or has a business interest likely affected by the authorised activities. A letter from one of these parties requesting the representation is sufficient.
- If individuals wish to approach councillors to ask them to represent their views then care should be taken to ensure that the councillor is not part of the Licensing Committee dealing with the licence application. If there are any doubts please contact the licensing department; licensing@nfdc.gov.uk

3.9 - Admissible and relevant

Representations will only be considered relevant if they relate to the licensing objectives, they raise issues under this Policy, or the Guidance or codes of practice. For example, a representation concerning public nuisance or public safety at the premises would not be considered to be relevant based on the licensing objectives but concerns over crime and disorder or the protection of children would.

3.10 - Frivolous or vexatious or likely to have no influence on a decision

This Licensing Authority will determine an application without a hearing if the representations are considered to be either frivolous or vexatious or it is considered they will certainly not influence the determination of the application.

Officers will decide whether representations are frivolous, vexatious or likely to have no influence on a decision and whether representations or applications for licence reviews should be referred to the General Purposes and Licensing Committee.

In the event of this Licensing Authority considering a representation to be frivolous or vexatious or a likely to have no influence on the decision, then the person making the representation will be informed in writing with the reasons for this decision clearly stated. There is no right of appeal against a determination that representations are not admissible.

3.11 - Exchange of information

The Licensing Authority is required to state the principles it will apply with respect to the exchange of information with the Gambling Commission and other persons listed within the Act.

The Licensing Authority will have regard to any guidance issued by the Gambling Commission as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

The sharing of information will also comply with the Freedom of Information Act 2000, the Data Protection Act 2018 and the General Data Protection Regulation 2018.

Where required, information sharing agreements and protocols will be entered into with the relevant persons or bodies with functions under the Act.

Details of persons making representations will be forwarded to applicants in accordance with the Local Government Act 1972 in order to allow negotiation between the parties.

If a hearing is held it should be noted by all parties that their details will form part of a public document.

The Licensing Authority will maintain a register of the premises licences issued which will be available at any reasonable time to members of the public. There may be a charge for copies of entries in the register.

4. The Licensing objectives

This Licensing Authority will have regard to the licensing objectives as set out in the Act when exercising its functions. The licensing objectives are;

i) 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 will take the lead role in the prevention of gambling from being a source of crime and are responsible for ensuring the suitability of an operator before issuing an operating licence.

If this Licensing Authority becomes aware of any information whilst carrying out its functions which casts doubt over the appropriateness of the applicant or licensee it will ensure that this information is shared with the Gambling Commission.

The Guidance does however envisage that the Licensing Authority should pay attention to the proposed location of gambling premises in terms of this licensing objective. Where an area has known high levels of organised crime this Licensing Authority will consider carefully whether the location and the proposed gambling premises is suitable and whether conditions may be suitable, such as the provision of door supervisors.

This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as if police assistance has been required at any time and the level of the threatening behaviour.

Issues of nuisance cannot be addressed by the provisions of the Act and problems of this nature can be addressed through other legislation as appropriate.

This Licensing Authority places a considerable importance on the prevention of crime and disorder and will encourage applicants to discuss crime prevention procedures in their premises before making a formal application.

ii) Ensuring that Gambling is conducted in a fair and open way

This Licensing Authority has noted that the Gambling Commission states it would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is, however, more of a role with regard to tracks which is explained in more detail in the 'Tracks' section.

The Gambling Commission is primarily responsible for ensuring that not only is gambling fair in the way it is played, but also that the rules are transparent to players and they know what to expect. It achieves this by working to ensure:-

- operating and personal licences are issued only to those who are suitable to offer gambling facilities or work in the industry,
- easily understandable information is made available by operators to players about, for example: the rules of the game, the probability of losing or winning, and the terms and conditions on which business is conducted,
- the rules are fair,
- advertising is not misleading,

- the results of events and competitions on which commercial gambling takes place are public; and
- machines, equipment and software used to produce the outcome of games meet standards set by the Commission and operate as advertised.

If this Licensing Authority suspected that a gambling activity in the New Forest area was not being conducted in a fair and open way, the information would be brought to the attention of the Gambling Commission.

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

The Act is intended to ensure that children and vulnerable persons should not be allowed to gamble, should be prohibited from entering those premises which are adult only environments and there should be a restriction on advertising so that gambling products are not aimed at, nor are particularly attractive, to children.

The Licensing Authority will, therefore, consider, as suggested in the Guidance, whether specific measures are required at particular premises with regard to this licensing objective. Appropriate measures may include supervision of entrances, machines, segregation of areas etc.

This Licensing Authority is required to state the principles it will apply in exercising its powers to designate, in writing, a body which is competent to advise the Licensing Authority about the protection of children from harm.

This Licensing Authority will consult with the local Safeguarding Manager and the Community Safety Partnership on any application that indicates there may be concerns over access for children or vulnerable persons.

It is noted that the Gambling Commission does not offer a definition for the term “vulnerable persons” but states that “it will for the regulatory purposes assume that this group included people who gamble more than they want to; people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to for example mental health, learning disability or substance misuse relating to alcohol or drugs”.

This Licensing Authority will consider on a case by case basis whether any further unique considerations are required in relation to protecting vulnerable persons at a particular premises. These will be balanced against the aim to permit the use of premises for gambling.

5. Premises Licences

5.0 - General principles

The Licensing Authority will issue premises licences to allow those premises to be used for certain types of gambling. Premises Licences are subject to requirements set out in the Act, the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007, the Gambling Commission Licence Conditions and Codes of Practice and Gambling Commission Guidance. Specific mandatory and default conditions must be applied to Premises Licences. This Licensing Authority may exclude default conditions and also attach others, where it believes it to be necessary and proportionate.

Applicants should also be aware that the Gambling Commission has issued Codes of Practice for each interest area, for which they must have regard.

5.2 - Definition of premises

In the Act 'premises' is defined as including "any place". Section 152 of the Act, therefore, prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences where appropriate safeguards are in place. Licensing authorities should however pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Guidance states that: "In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean 32 High Street cannot be the subject of separate premises licences for a basement and ground floor. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and licensing services. However, the Commission does not consider that areas of a building that are artificially separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

This Licensing Authority will consider these and other relevant factors in making its decision on whether to issue a premises licence depending on all the circumstances of the case.

5.3 - Premises “ready for gambling”

5.3.1- The Guidance

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

If the construction of a premises is not yet complete, if the premises needs alteration or if the applicant does not yet have a right to occupy them then an application for a provisional statement should be made instead.

5.3.2 - Provisional statements

In deciding whether a premises licence can be granted, where there is outstanding construction or alteration works at premises, this Licensing Authority will determine applications on their merits, applying a two stage consideration process:

- First, whether the premises ought to be permitted to be used for gambling; and
- Secondly, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

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

Developers may wish to apply to this Licensing Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence.

Section 204 of the Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that they:

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

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

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

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will then be constrained in the matters it can consider when determining the premises licence application in relation to the same premises. No further representations from relevant authorities or interested parties can be taken into account unless:

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

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

- Which could not have been raised by objectors at the provisional statement stage;
- Which in the authority's opinion reflect a change in the operator's circumstances; or
- Where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

5.4 - Location of premises

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

The Licensing Authority is also aware that "moral" objections to gambling cannot be taken into consideration in the determination of a premises licence.

5.5 - Local risk assessments

From 6 April 2016, it has been a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Part II, provision 10, for licensees (except for those which hold betting licences for tracks) to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises. They are required to have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this Policy.

Licensees must review (and update as necessary) their local risk assessments:

- a) to take account of significant changes in local circumstance, including those identified in this policy;
- b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;

- c) when applying for a variation of a premises licence; and
- d) in any case, undertake a local risk assessment when applying for a new premises licence.

The Licensing Authority will expect the local risk assessment to consider the setting including:

- Whether the premises are in an area subject to high levels of crime and or disorder;
- The location of services for children such as schools, playgrounds, toy shops, leisure centres;
- Nearby gambling, drug, alcohol or mental health support facility;
- Other gambling premises in the vicinity.

The local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected through:

- The training of staff to intervene when customers show signs of excessive gambling, the ability of staff to offer intervention and how the staffing of premises affects this.
- Arrangements for dealing with monitoring under age and vulnerable persons. These may include - dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays, and advertisements not to entice passers-by.

- Window displays and advertisements designed to not entice children and vulnerable people. The provision of signage and documents relating to game rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
- An assessment of the proximity of premises that may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctors' surgeries, council community hubs, addiction clinics or help centres and places where alcohol or drug dependent people may congregate.

The local risk assessment should show how children are to be protected through an assessment of:

- The proximity of institutions, places or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling alleys, cinemas, etc.
- The proximity of places where children congregate such as bus stops, cafes and shops.
- Areas that are prone to issues of youths participating in anti-social behaviour, including activities such as graffiti, tagging, underage drinking etc.

Other matters that the assessment may include:

- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of people using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those people using the premises.
- Where the application is for a betting premises licence (other than in respect of a track), the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Such information may be used to inform the decision the Licensing Authority makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

This Policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

5.6 - Local Area Profiles

Each locality has its own character and challenges. It is for the Licensing Authority to determine if publishing a local area profile for the district is appropriate to address any local issues. Any local profile produced would be included in this Policy or as a separate document.

Where a local area profile exists this should be referred to by applicants and licensees when making an application and producing a risk assessment. The New Forest District Council does not currently have a local area profile.

5.7 - Conditions

The Licensing Authority is aware of the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 and the Gambling Commission Licence Conditions and Codes of Practice which imposes mandatory conditions that are necessary for the general good conduct of gambling premises. Therefore, it is unlikely that the Licensing Authority will need to include individual conditions imposing a more restricted regime in relation to matters that have already been dealt with.

Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, the Licensing Authority will attach individual conditions to address this.

Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises (including the locality and any identified local risk) and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises;
- reasonable in all other respects; and
- consistent with those attached to Operators' Licences.

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

Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the Licensing Authority may consider imposing licence conditions to cover issues such as:

- Proof of age schemes.
- CCTV.
- Supervision of entrances.
- Supervision of machine areas.
- A reduction in the number of betting machines (betting premises).
- The manning of premises.
- Physical separation of areas.
- Location of entrance points.
- Notices/signage.
- Specific opening hours.

- A requirement that children must be accompanied by an adult (in premises where children are allowed).
- Enhanced Disclosing Barring Service checks of the applicant and/or staff.
- Staff training in brief intervention, conflict resolution, basic knowledge of mental health, learning disabilities and addiction, including substance misuse.
- Support to people with gambling addiction, including brief intervention.
- Policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, half term and school holidays.
- Policies to address the problems associated with truant children who may attempt to gain access to premises and gamble.
- Obscuring windows where appropriate and labelling premises so it's clear that they are gambling premises.
- Self-exclusion schemes.
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory or exhaustive and is merely indicative of examples of certain measures which may satisfy the requirements of the Licensing Authority and the Responsible Authorities, depending on the nature and location of the premises and the gambling facilities to be provided.

This Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include:

- the supervision of entrances;
- segregation of gambling from non-gambling areas frequented by children; and
- the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

These matters are in accordance with the Guidance.

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

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance but which does not impede the escape route from that or other areas;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and

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

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

This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In accordance with the Guidance, this Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions which the Licensing Authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required; and
- conditions in relation to stakes, fees, winning or prizes

5.8 - Types of premises

There are a number of premises which may be licensed by the Licensing Authority. This section provides a brief overview of these premises.

5.8.1 - Adult Gaming Centres (AGC)

An AGC is a gambling premises for those over the age of 18 that makes available gaming machines of Category B, C and D which pay out higher jackpots. The numbers and categories of higher jackpot machines that can be placed in adult gaming centres is prescribed.

For this Licensing Authority to accept an application for an AGC, the Operator must already hold a Gaming Machines General Operating Licence (Adult Gaming Centre) with the Gambling Commission.

The Licensing Authority will need to be satisfied that there will be sufficient measures to meet the licensing objectives and comply with all mandatory conditions and the Gambling Codes of Practice. As no one under the age of 18 is permitted to enter an AGC, this Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling.

Conditions may be attached to such licences to cover, amongst other matters, issues such as:

- Proof of age schemes;
- CCTV;
- Door supervisors;
- Supervision of entrances / machine areas;

- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-barring schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

5.8.2 - Family Entertainment Centres (FEC) (licensed)

The Act puts FEC into two categories;

1. Licensed; and
2. Unlicensed.

A licensed FEC is a premises which usually provides a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes.

Licensed FEC centres are permitted to provide unlimited category C and D gaming machines whereas unlicensed family entertainment centres can only provide category D machines in reliance on a gambling machine permit.

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or from being 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 machine areas.

The Gambling Commission considers that it is not permissible for gaming machines which should be contained within the FEC premises to be located in corridors and walkways which form part of the larger building.

For this Licensing Authority to accept an application for an FEC, the Operator must already hold a Gaming Machine General Operating Licence (Family Entertainment Centre) with the Gambling Commission.

If category C gaming machines are made available for use on the premises of an FEC then the gaming machines must be;

- Separated from the rest of the premises by a physical barrier to prevent access other than via an entrance designed to be the entrance;
- Supervised at all times to ensure children or young persons do not enter the area; and
- Arranged so that the area can be observed by persons responsible for supervision or CCTV which is monitored.

5.8.3 - Casinos

The Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games. A casino game is defined as a game of chance which is not equal chance gaming.

The Licensing Authority has not passed a resolution not to issue Casino Licences under Section 166 of the Act but is aware of its power to do so.

Should, at any time, the Licensing Authority decide to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision would be made by Full Council.

5.8.4 - Bingo premises

There is no official definition for bingo in the Act, however, there are two types of bingo most frequently played:

1. cash bingo; and
2. prize bingo.

The Licensing Authority acknowledges that children and young people can be allowed entry into bingo premises, however, they are not allowed to take part in bingo or use category B and C machines.

Where category B or C gaming machines are available in the premises to which children are admitted the Licensing Authority will require that;

- the category B and C gaming machines must be separated from the rest 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 at all times
- the area where the machines are located can be observed by staff
- the gaming machines area must also have a notice at the entrance stating that no person under the age of 18 years is permitted to enter the area.

5.8.5 - Betting premises

The Act defines betting as the making or accepting of a bet on the outcome of a race, competition or other event or process, the likelihood of anything occurring or not occurring or whether anything is or is not true. A transaction may still be a bet despite the fact the race, competition or event has already taken place and one party to the transaction knows the outcome.

The most common form of betting is fixed odds betting whereby the customer bets a stake to win a fixed amount calculated by the odds available.

For this Licensing Authority to accept an application for a betting premises, the operator must hold the appropriate operating licence with the Gambling Commission.

This Licensing Authority expects betting premises to have particular regard to social responsibility and the protection of children and vulnerable persons from harm and to satisfy the Licensing Authority that there are sufficient measures to ensure under 18 year olds do not have access to the premises.

5.8.6 - Tracks

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

The Licensing Authority is aware that tracks differ greatly from other premises and may be subject to one or more Premises Licences. The track operators may not be required to hold an Operating Licence, due to the fact that the individual bookmakers at the track will be required to hold their own Operating Licences.

The Licensing Authority will especially consider the impact upon the protection of children and vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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

The Licensing Authority may consider measures to meet the licensing objectives such as;

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

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

The Licensing Authority will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and vulnerable persons when considering the number nature or circumstances of betting machines an operator proposes to offer.

It may be appropriate for the applicant to provide the following to support an application;

- Proof that measures are in place to promote the third licensing objective;

- Specify what proposals have been made to administrate betting;
- Detailed plan of the track and grounds which identify any fixed betting, areas specifically used by on course operators on race days, the location of the gaming machines, temporary structures and mobile betting facilities.

Plans should be clear on 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.

5.9 - Travelling Fairs

Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met.

Travelling fairs have the right to provide an unlimited number of category D gaming machines or equal chance prize gaming without a permit, provided that the facilities for gambling amount to no more than an ancillary amusement at the fair.

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

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

6. Permits, notices and lotteries

The Act introduces a range of permits for gambling. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises.

This section of the Policy provides an overview of these permits, notices and lotteries.

Licensing Authorities may only grant or reject an application for a permit and cannot impose or attach any conditions. The permits issued by the Licensing Authority are for;

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

6.1 - Unlicensed Family Entertainment Centres- Gaming Machine Permits (uFEC)

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for a uFEC permit.

It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

In accordance with the Guidance; an application for a permit may only be granted if the Licensing Authority is satisfied that the premises will be used as an uFEC, and if the Chief Officer of Police has been consulted on the application.

This Licensing Authority will require applicants to demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in uFECs;
- That they have no relevant convictions, those set out in Schedule 7 of the Act; and
- That staff are trained to have a full understanding of the maximum stakes and prizes.

Also, this Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures, such as staff training, regarding suspected truant school children on the premises or dealing with unsupervised young children on the premises.

An application for a uFEC should be accompanied by a plan.

6.2 - Alcohol licensed premises - Gaming machine permits

There is an automatic entitlement for premises licensed to sell alcohol for consumption on the premises to have two machines of category C and/or D under section 282 of the Act. The premises merely need to notify the Licensing Authority using the prescribed form and pay the fee.

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

The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonable consistent with the pursuit of the licensing objectives;
- Gaming has taken place on the premises that breaches a condition of section 282 of the Act;
- The premises are mainly used for gaming; or
- An offence under the Act has been committed on the premises.

If a premises wishes to have more than two machines, it needs to apply for a permit. The Licensing Authority must consider that application based upon the licensing objectives, the Guidance and such matters as they think relevant. This may include consultation with responsible authorities and submission of plans of the premises showing the location of machines.

This Licensing Authority considers that such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling. It 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 that will monitor that the machines are not being used by those under 18. Notices and signage may also help.

In regard to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets and helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely be applied for and dealt with as an Adult Gaming or FEC premises licence, dependant on the suitability of the premises or category of gaming machine requested.

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and or a different category of machines than that applied for. Conditions other than these cannot be attached.

6.3 - Prize gaming permits

Gaming is defined in the Act as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes are determined by the operator before play commences.

A prize gaming permit is a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specified premises.

This Licensing Authority expects the applicant for a prize gaming permit to set out the types of gaming that they are intending to offer and that the applicant should be able to demonstrate the following matters:

- That they understand the limits to stakes and prizes that are set out in the Gambling Act 2005 (Limits on Prize Gaming) Regulations 2009;
- That the gaming offered is within the law;
- Clear policies that outline the steps to be taken to protect children from harm.

If the premises will appeal to children and young persons, the Licensing Authority may consider it necessary to consult the Hampshire Safeguarding Children Board.

In making its decision on an application for this permit the Licensing Authority does not need to, but may, have regard to the licensing objectives but must have regard to the Guidance.

The Licensing Authority can grant or refuse an application for a permit but cannot add conditions. The permit may only be granted if the Chief Officer of Police has been consulted on the application.

Relevant considerations in making this determination includes the suitability of the applicant in terms of convictions that would make them unsuitable to operate prize gaming; and the suitability of the premises in relation to their location and any issues concerning disorder.

Conditions on such a permit must be complied with in accordance with the Act.

Relevant considerations would include the suitability of the applicant in terms of convictions that would make them unsuitable to operate prize gaming; and the suitability of the premises in relation to their location and any issues concerning disorder.

If the permit holder is convicted of a relevant offence under the Gambling Act 2005, the court may order the forfeiture of the permit.

6.4 - Club gaming and club machine permits

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

- Members clubs; and
- Commercial clubs

A members' club is a club that is not established as a commercial enterprise and is conducted for the benefit of its members. The Act states that members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for

purposes other than gaming, unless the gaming is permitted by separate regulations. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations. Members' clubs may apply for a club gaming permit or a club machine permit.

A commercial club is a club established for commercial gain whether or not they are actually making a commercial gain. Examples of these include commercial snooker clubs, or clubs established as private companies. Commercial clubs can only apply for a club machine permit.

Miners' Welfare Institutes are associations established for recreational or social purposes. They are managed by representatives of miners or use premises regulated by a charitable trust which has received funds from one of a number of mining organisations. Miners' welfare institutes may also apply for club gaming permits and club machine permits.

A club gaming permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in regulations.

A club machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

Licensing Authority may only refuse an application for a club permit on the grounds that:

- The applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore not entitled to receive this type of permit;
- The applicant's premises are used wholly or mainly by children 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 Gambling Commission or the Police.

There is a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast track procedure there is no opportunity for objections to be made by the Gambling Commission or Police, and the grounds upon which an authority can refuse a permit are reduced.

The grounds on which an application under this process may be refused are:

- That the club is established primarily for gaming, other than gaming prescribed by regulation under section 266 of the Act;
- That in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- That a club permit issued to the applicant in the last 10 years has been cancelled.

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

6.5 - Temporary Use Notice (TUN)

A TUN allows the use of premises for gambling where there is no premises licence or permit in place but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a TUN, according to the Guidance, would include hotels, conference centres and sporting venues.

The Licensing Authority can only grant a TUN to a person or company holding a relevant operating licence.

The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 prescribe what form of gambling can be authorised by a TUN.

The Regulations state that a TUN:

- Can only be used to offer gambling of a form authorised by the operator's operating licence;
- May only be made available on a maximum of 21 days in any 12 month period for any or all of a named set of premises;
- Can only be used for the provision of facilities for equal chance gaming where the gaming is intended to produce a single winner, such as a poker tournament.
- Does not permit the provision of gaming machines.

The Act also sets out the nature and form of the TUN to be given by the operator, bodies to be informed, objections and appeals information.

The holder of an operating licence must give the TUN to the Licensing Authority not less than three months and one day before the day on which the gambling event will begin. The TUN must also be copied to the prescribed consultees.

Where the premises are situated in an area covered by this Licensing Authority and another authority, the Licensing Authority will work closely with the neighbouring authority to ensure that the 21-day maximum period for the TUN is not breached.

The meaning of 'premises' will be a question of fact in the particular circumstances of each notice that is given. In considering whether 'any place' falls within the definition, the Licensing Authority needs to look at, amongst other things, the ownership or occupation and control of the premises.

This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Guidance.

6.6 - Occasional Use Notices (OUN)

The Act provides that where there is betting on a track on 8 days or fewer in a calendar year, betting may be permitted by an occasional use notice (OUN).

OUNs can only be relied upon for 8 days or fewer in a calendar year and therefore the Licensing Authority will keep a record of the number of OUNs served in relation to each track.

A separate OUN must be submitted for each day that betting activity will be conducted on the premises.

The Licensing Authority has very little discretion with regard to OUNs aside from ensuring that the statutory limit of 8 days per calendar year is not exceeded.

This Licensing Authority will consider the definition, as provided in the Act and the Guidance, of a 'track' and whether the applicant is permitted to give notice.

6.7 - Small society lotteries

A simple lottery is a form of gambling that has three essential elements;

- a payment is required to participate;
- one or more prizes are awarded; and
- those prizes are awarded by chance.

A complex lottery differs in that the prizes are allocated by a series of processes, and the first of those processes relies wholly on chance. There are two categories that they fall into;

1. Licensed lotteries that require an operating licence from the Gambling Commission; and
2. Exempt lotteries, including small society lotteries, which require registration with the Licensing Authority.

Small society lotteries are lotteries promoted for the benefit of a Non-Commercial Society and the total value of tickets to be put on sale per single lottery must be £20,000 or less, or the aggregate value of tickets to be put on sale for all their lotteries in a calendar year must not exceed £250,000.

This Licensing Authority will only licence small society lotteries whose principal office is located in the district.

This Licensing Authority will take account of any Guidance issued by the Gambling Commission in registering and controlling non-commercial societies. Non-commercial societies are established and conducted:-

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

Applicants or potential applicants will be referred to the Gambling Commission's advisory documents to assist.

Applicants will need to inform the Licensing Authority the purpose in which the Society was originally established and the Society will need to declare they represent a bona fide Non-Commercial Society and have no relevant convictions.

An application will be refused if any of the following apply;

- An applicant has held an operating licence that has been revoked in the preceding 5 years;
- they have applied for registration of an operating licence in the preceding 5 years that has been refused;

- The society in question cannot be deemed non-commercial;
- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, listed in Schedule 7 of the Act.
- Information provided in or with the application for registration is found to be false or misleading.

When an application is going to be refused the Society will have an opportunity to make representation against the decision. The Licensing Authority will notify the Society of the reasons for the refusal in writing.

This Licensing Authority will keep a register of all applications for Small Society Lotteries and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority.

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7. Compliance and Enforcement

The main enforcement and compliance role for this Licensing Authority in terms of the Act is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for operating and personal licences.

It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission. In circumstances where the Licensing Authority believes a premises requires a premises licence for gambling activities and no such licence is in force, the Licensing Authority will alert the Gambling Commission.

This Policy contains the principles to be applied by the Licensing Authority in exercising its powers of inspection under part 15 of the Act and instigating criminal proceedings in accordance with section 346 of the Act.

The Licensing Authority seeks to comply with statutory principles of good regulation and the Regulators' Code.

The Licensing Authority aims to promote efficient and effective regulatory approaches which improve outcomes without imposing unnecessary burdens on business during the course of exercising its enforcement powers.

This Licensing Authority will also keep itself informed of developments with regard to the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

7.1 - Inspection

This Licensing Authority inspects premises in the New Forest to ensure compliance using a risk-based approach based on:

- The licensing objectives;
- Relevant codes of practice;
- Guidance issued by the Gambling Commission; and
- The principles set out in this Policy

Premises that are a higher risk or have a history of complaints will be inspected more frequently than those premises with lower perceived risks. However, Licensing Officers will also be permitted to use their discretion.

Inspections may be carried out on Temporary Use Notices and Occasional Use Notices to ensure that the licensing objectives are being promoted.

Joint visits may take place with Responsible Authorities or other agencies, where relevant.

7.2 - Powers of entry

Licensing Officers are authorised to inspect Gambling Premises in order to assess the premises compliance with the terms and conditions of the Premises Licence.

Authorised Officers have a number of enforcement powers, including the power to;

- Enter any gambling premises or premises where gambling is believed to be taking place;
- Use reasonable force, in certain circumstances, in order to enter the premises for inspection purposes, should it be necessary;
- Inspect any part of the premises, any machine or other thing,
- Question any person on the premises;
- Access to any written or electronic record which is kept on the premises, or require that a copy is provided;
- Remove or retain anything if they reasonably believe that it constitutes or contains evidence of the commission of an offence under the Act, or a breach of a term or condition of the premises licence.

It should be noted that it is an offence if a person, without reasonable excuse, obstructs or fails to cooperate with an Authorised Officer who is exercising powers under Part 15 the Act.

It is also an offence to provide false information without reasonable excuse to the Authorised Officer.

7.3 - Complaints

This Licensing Authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Licensing Authority 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.

7.4 - Enforcement

The Licensing Authority will work closely with the responsible authorities and will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation.

Specifically the Licensing Authority is subject to the Regulators' Code which provides the following six provisions which the Licensing Authority should follow in its enforcement activities, unless it concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable or outweighed by another relevant consideration.

1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow;
2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views;
3. Regulators should base their regulatory activities on risk;
4. Regulators should share information about compliance and risk;
5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply ; and
6. Regulators should ensure that their approach to their regulatory activities is transparent

In carrying out its enforcement duties with regards to the inspection of premises; and the powers to institute criminal proceedings in respect of certain offences under the Act the Licensing Authority will endeavour to be:

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

In line with the Guidance this Licensing Authority will endeavour to avoid duplication with other regulatory regimes as far as possible.

Where there is a Primary Authority scheme in place, the Licensing Authority will seek guidance from the Primary Authority before taking any enforcement action. At the time of the publication of this policy there were four Primary Authority arrangements with host local authorities:

- Coral - London Borough of Newham
- William Hill - City of Westminster
- Ladbrokes - Milton Keynes
- Paddy Power - Reading

Prosecutions

The Licensing Authority has the power to prosecute the offence of using premises for gambling without the requisite permissions.

Section 346 of the Act sets out all of the offences that the Licensing Authority may institute criminal proceedings in respect of.

In exceptional circumstances, such as repeated deliberate breaches of premises licence conditions, licensed operators or permit holders may be prosecuted without any prior regulatory action, such as warnings, cautions suspension or revocation of licence or removal of permit.

Otherwise, the Licensing Authority will follow a hierarchy of enforcement action.

The Licensing Authority will also consult with the Police as required by the Guidance where appropriate and consider if any other enforcement provisions under other legislation is appropriate.

7.5 - Review of premises licence

The review of a premises licence may be instigated by this Licensing Authority or at the request of a responsible authority or interested party. It is, however, for the Licensing Authority to decide whether the review is to be carried-out.

The Licensing Authority may review any matter connected with the use made of the premises if:

- it has reason to suspect that premises licence conditions are not being observed;
- the premises is operating outside of the principles set out in the licensing authority's statement of policy;
- there is evidence to suggest that compliance with the licensing objectives is at risk; or
- for any other reason which gives them cause to believe that a review may be appropriate, such as a complaint from a third party.

The Licensing Authority will not hold a review if, in the opinion of the authority, the grounds on which a review is sought:-

1. are frivolous (see paragraph 3.10 above);
2. are vexatious (see paragraph 3.10 above);
3. are substantially the same grounds cited in a previous application for a review relating to the same premises;
4. are substantially the same as representations made at the time of an application for a premises licence;
5. are not relevant to the principles that must be applied by the Licensing Authority in accordance with:
 - the licensing objectives,
 - the Commission's codes of practice

- the Guidance, or
 - this Policy
6. 'will certainly not' cause the licensing authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence

In the case of grounds 3 and 4 above, the Licensing Authority will take into account the time, which has passed since the earlier application.

The Licensing Authority is mindful that the decision on whether to grant an application for review by a responsible authority or an interested person must not amount to pre-judging the outcome of a review.

A review can be held in relation to a class of premises or in relation to particular premises.

The outcome of such a review may be the introduction of default conditions attached to all premises licences within that class.

7.6 - Right of Appeal and Judicial Review

The Licensing Authority will aim to provide reasons for all decisions. It will aim to:

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

These reasons will reflect the extent to which the decision has been made with regard to this Policy and the Guidance.

A right of appeal exists to the applicant or any person making a relevant representation against a decision of the Licensing Authority.

An application for an appeal has to be made to the Magistrates Court within the time specified in the Act, following written notification of the decision.

This Licensing Authority will ensure that attention is drawn to this right of appeal when decision notices are served.

8. Policy review

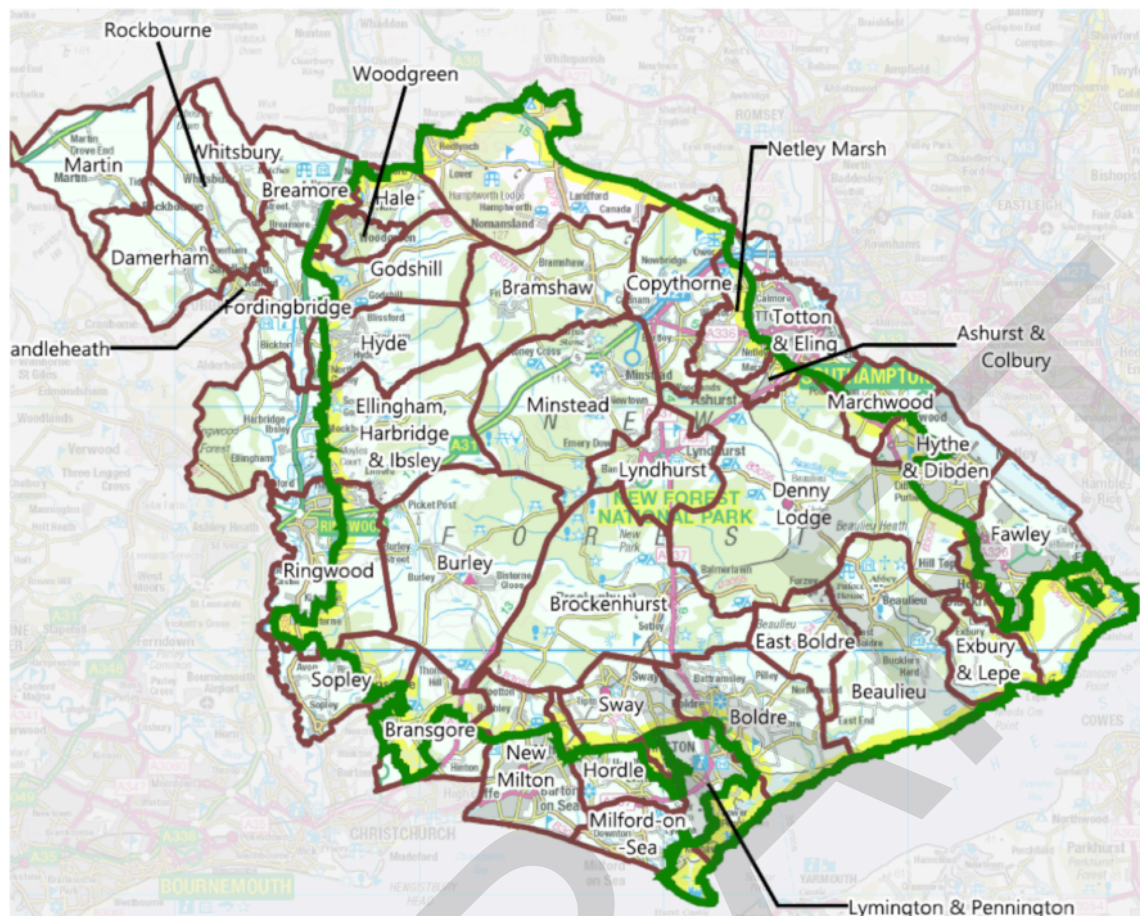
This policy takes effect on XXXXXX and will remain in force until Friday 31 January 2025. It will be subject to periodic reviews and further consultation in line with current Government guidance.

When reviewing this policy account will be taken of any additional guidance issued by the Gambling Commission and the results of any consultations received.

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Appendix A

Map of the District



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-  NFDC Boundary
-  NFNPA Boundary
-  NFDC Parish Boundary



Appendix B

Responsible authorities contact details

New Forest District Council Licensing Services

Appletree Court, Beaulieu Road,
Lyndhurst, Hampshire. SO43 7PA

T 023 8028 5505
E licensing@nfdc.gov.uk
W newforest.gov.uk

New Forest District Council Environmental Health

Appletree Court, Beaulieu Road,
Lyndhurst, Hampshire. SO43 7PA

T 023 8028 5411
E env.prot@nfdc.gov.uk
W newforest.gov.uk

The Gambling Commission Gambling Commission

Victoria Square House, Victoria Square,
Birmingham. B2 4BP

T 0121 230 6500
F 0121 237 2236
E info@gamblingcommission.gov.uk

HMRC - Her Majesty's Revenue and Customs

Operational Team, HM Revenue and
Customs, National Registration Unit
Portcullis House, 21 India Street,
Glasgow. G2 4PZ

**Please ensure that you copy
your application to the correct
planning authority**

New Forest District Council Planning Control

Appletree Court, Beaulieu Road,
Lyndhurst, Hampshire. SO43 7PA

T 023 8028 5345
E dev.control@nfdc.gov.uk
W newforest.gov.uk

New Forest National Park Planning Authority

Town Hall, Avenue Road, Lymington,
Hampshire. SO41 9ZG

T 01590 646615
E dev.control@newforestnpa.gov.uk
W newforestnpa.gov.uk

Police Licensing Team (Western Area)

Southampton Central Police Station,
Southern Road, Southampton. SO15 1AN

E force.licensing@hampshire.pnn.police.uk
W hampshire.police.uk

Hampshire Fire and Rescue Service HQ

Business Fire Safety, Leigh Road,
Eastleigh, Hampshire. SO50 9SJ

T 02392 664656
F 02392 698123
E csprotection.admin@hantsfire.gov.uk
W hantsfire.gov.uk

Hampshire County Council Children's Services Department Safeguarding Unit

Falcon House, Monarch Way, Winchester.
SO22 5PL

T 01962 876222
E Child.protection@hants.gov.uk

Appendix C

Table of delegations of licensing functions under the gambling act 2005

Matter to be dealt with	Full Council	General Purposes and Licensing Committee	Delegated
Policy	X		
Policy not to permit casinos	X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for gaming machine permits			X
Applications for other permits			X
Decisions as to whether representations are frivolous, vexatious or likely to have no influence on a decision			X
Decisions as to whether to make representations against an application or review a premises licence.			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	

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BY EMAIL ONLY
Licensing Section
New Forest District Council

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: [REDACTED]
Our ref: RJT / MJM / 123267.00001
#GS4063980
Your ref:
Date: 26 August 2021

Dear Sirs,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

BGC members support 119,000 jobs and account for £4.5 billion to the Treasury annually in tax. Recent study also showed that BGC members contributed around £7.7 billion in gross value added to the UK economy in 2019.

The gambling industry is integral to the survival of sport. Betting companies spend over £40 million a year on the English Football League (EFL) and its clubs. Horse racing, an industry estimated to be worth £3.5 billion a year to the UK economy and which generates 85,000 jobs receives over £350 million per annum through the Horse Racing Industry Levy, media rights and sponsorship. Darts and Snooker receive in excess of £10 million per annum which represents 90 % of all sponsorship revenue.

The BGC has four principal objectives. These are to –

- create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable
- ensure future changes to the regulatory regime are considered, proportionate and balanced
- become respected as valuable, responsible and engaged members of the communities in which its members operate

Queens Gardens Hull HU1 3DZ T 01482 324252 F 0870 600 5984 W www.gosschalks.co.uk DX 11902 – Hull

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- **safeguard and empower the customer as the key to a thriving UK betting and gaming industry**

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

Betting and Gaming in the UK

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems.

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 the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. Covid 19 had a devastating effect on the betting industry. The number of betting offices in June 2020 was down to 6461.
- 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.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

Problem Gambling

Problem gambling rates are static or possibly falling. The reported rate of 'problem gambling' (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

This is termed statistically stable but is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on

advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

Whilst one problem gambler is too many, both the Government and regulator both say there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC's five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of 'problem gambling' in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing serviced delivered by Gordon Moody Association and GamCare's 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission's National Strategy was a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, 'gambling activity' mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

Working in partnership with local authorities

The BGC 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.

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications 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 submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have 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 BGC 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

Considerations specific to the 2022- 2024 draft statement of gambling principles

On behalf of the BGC we welcome the light-touch approach to the statement of principles and in the circumstances have very few comments to make.

On page 18, there is a typographical error in the sentence that should read, "*The local risk assessment should show how children are to be protected through **an** assessment of*".

Following that sentence, there are three bullet points, one of which needs to be deleted. This is the final bullet point that refers to, "*issues of youths participating in antisocial behaviour, including activities such as graffiti, tagging, under age drinking etc.*" These are all issues of nuisance which is not a relevant consideration to any assessment of risk to the licensing objectives. Accordingly, this bullet point should be removed.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful.

The BGC will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



GOSSCHALKS LLP

From: [Natalie Simpson](#)
To: [REDACTED]
Subject: Gambling Act 2005 consultation
Date: 05 August 2021 12:00:36
Attachments: [image001.png](#)

Dear Christa,

Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005. Due to resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, you may find GambleAware's recently published [interactive maps](#) useful, which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.

GambleAware also strongly commends two publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers:

▫ <https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach>

▫ <https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales>

GambleAware is also fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk for any reason. In particular we support those who also include additional licence requirements to mitigate the increased level of risk. Areas where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling harms include children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.

Finally, GambleAware is a leading commissioner of prevention and treatment services for gambling harms. It provides these functions across England, Scotland and Wales and its work is underpinned by high quality research, data and evaluation. We encourage all local authorities to signpost people to the **National Gambling Helpline on 0808 8020 133** and also www.begambleaware.org. Both are part of the **National Gambling Treatment Service** and offer free, confidential advice and support for those who may need it.

Best wishes,

Natalie

Natalie Simpson

Company Secretary



Pennine Place ● 2a Charing Cross Rd ● London ● WC2H 0HF

Phone +44 (0) 20 7287 1994 – *note that we are currently remote working so please contact us by email*

Email [REDACTED]

For information/advice and corporate info: BeGambleAware.org

For confidential support and treatment: National Gambling Helpline 0808 8020 133

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