

LICENSING COMMITTEE AGENDA

Membership: Councillor Payter (Chairman)

Councillors Patrick (Vice-Chairman), Keast, Brent, Gray, Moutray, Patel, Sceal, Scannell, Mrs Shimbart, Wade, Weeks, Blades and Milne

Meeting: Licensing Committee

Date: Monday 26 June 2023

Time: 5.00 pm

Venue: Hurstwood Room, Public Service Plaza, Civic Centre Road,
Havant, Hampshire PO9 2AX

The business to be transacted is set out below:

Steve Jordan
Chief Executive

16 June 2023

Contact Officer: Emma Carlyle Democratic Services Officer (023) 9244 6151
Email: emma.carlyle@havant.gov.uk

Page

PART 1 (Items open for public attendance)

1 Apologies

To receive and record apologies for absence.

2 Declarations of Interests

To receive and record any declarations of interests from members present in respect of any of the various matters on the agenda for this meeting.

3	Minutes of the previous meeting	1 - 4
	To approve:	
1	the minutes of the meeting of the Licensing Committee held on 12 th June 2023.	
4	Review of Statement of Principles, Gambling Act 2005	5 - 70
	Report number HBC/011/2023 of the Licensing Team Leader attached.	
5	Review of Statement of Licensing Policy, Licensing Act 2003.	71 - 114
	Report number HBC/012/2023 of the Licensing Team Leader attached.	
6	Adoption of Street Trading Provisions - Local Government (Miscellaneous Provisions) Act 1982	115 - 126
	Report number HBC/013/2023 of the Licensing Team Leader attached.	
7	Street Trading Policy	127 - 156
	Report number HBC/014/2023 of the Licensing Team Leader attached.	

GENERAL INFORMATION

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Havant

BOROUGH COUNCIL

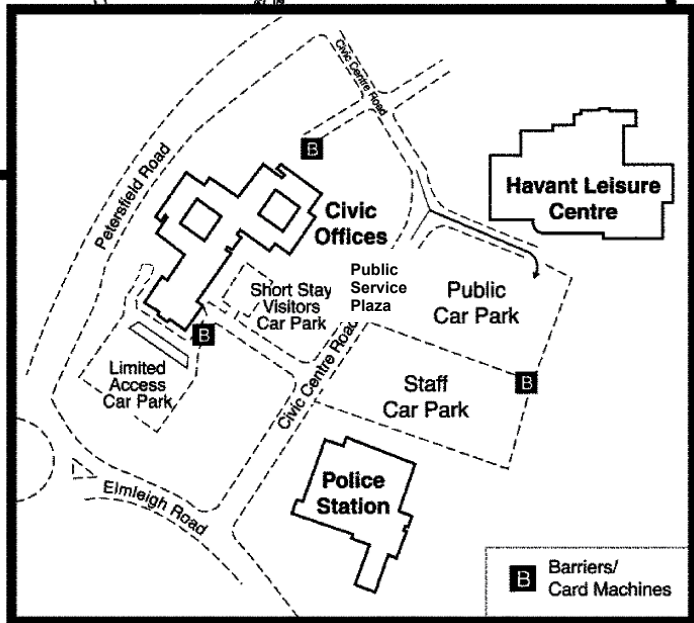
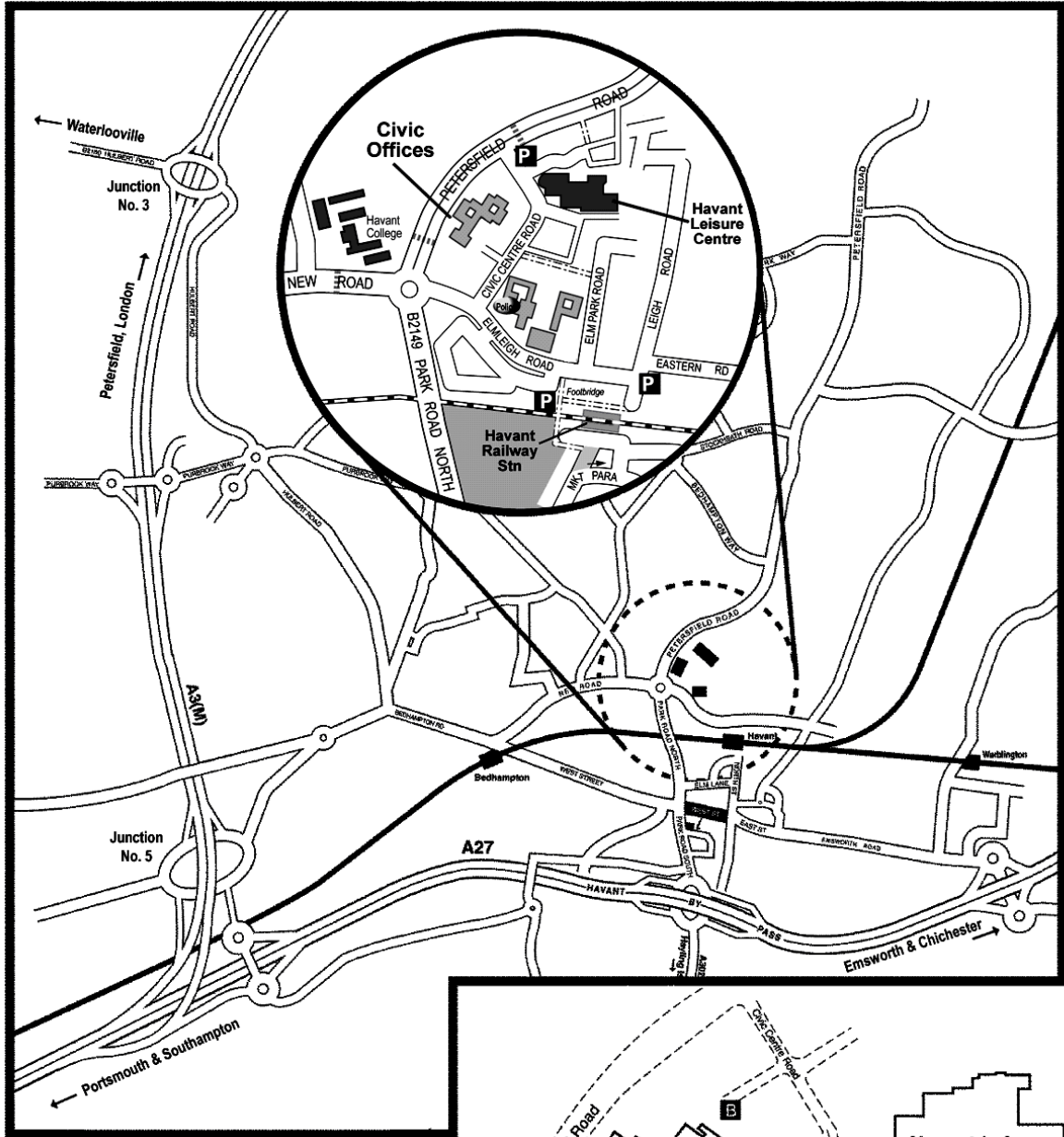
PROTOCOL AT MEETINGS – RULES OF DEBATE

Rules of Debate

- Councillors must always address each other as “Councillor ...” and must always address the meeting through the Chairman;
- A motion must relate to the business included on the agenda or accepted by the meeting as urgent business
- A motion must be proposed and seconded before it is debated until it is either accepted or rejected by a vote;
- An amendment can be proposed to the original motion and this must be seconded before it is debated;
- An amendment cannot be considered if it is inconsistent with an amendment previously adopted or repeats an amendment previously rejected;
- The mover of an original motion may, with the consent of the mover of an amendment, incorporate an amendment into the motion;
- Only one amendment may be moved at a time. No further amendments can be moved until the previous amendment has been dealt with;
- Each amendment must be voted on separately;
- If an amendment is carried, the amended motion becomes the substantive motion to which further amendments may be moved;
- If an amendment is lost, other amendments may be moved to the original motion.
- The mover may withdraw an amendment at any time
- After an amendment has been carried, the Chairman will read out the amended (substantive) motion, before accepting any further amendment, or if there are none, put it to the vote.

Voting

- Voting may be by a show of hands or by a ballot at the discretion of the Chairman;
- Councillors may not vote unless they are present for the full duration of the item;
- Where there is an equality of votes, the Chairman may exercise a second (casting) vote;
- Two Councillors may request, before a vote is taken, that the names of those voting be recorded in the minutes
- A recorded vote will always be taken in respect of approval of the Annual Budget
- Councillors may not vote unless they are in the meeting for the full debate on any particular item
- A Councillor may request that his/her vote be recorded in the minutes



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HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Committee held on 12 June 2023

Present

Councillor Payter (Chairman)

Councillors Keast, Blades, Brent, Gray, Milne, Patel, Sceal, Mrs Shimbart and Weeks

1 Apologies

Apologies for absence were received from Councillor Patrick and Councillor Wade.

2 Declarations of Interests

There were no declarations of interest from the members present relating to matters on the agenda.

3 Minutes of the previous meeting

RESOLVED that

- a) the minutes of the meetings of the Licensing Committee held on 11 January 2022 be approved as a correct record.
- b) the minutes of the Licensing Sub Committee held on 5 July 2022 be approved as a correct record.

4 Hackney Carriage and Private Hire Licensing Policy Review

The Licensing Team Leader introduced her report.

In response to questions from Members of the Committee, the Officers advised that:

- The Department for Transport's publication doesn't explicitly state that CCTV should be installed. It recommends that the licensing authority conducts a review to determine whether CCTV is necessary and proportionate. The Licensing Team is unable to allocate the necessary resources to this project at this time, and rather than delay the rest of the policy we have opted to conduct a review into CCTV in the next 12-24 months.
- The Licensing Team is funded by application fees, which must recover costs only. A full fee review is intended for 2024/25, to take account of exactly how much it costs for us to perform our tasks. It is anticipated that we are not charging enough for certain services so a fee review will

enable us to set appropriate fees that will better fund our service.

- The company that we are looking to use currently facilitate DBS checks for 64 licensing authorities across the country and are the industry leader in providing an automatic DBS Update Service checking system for licensing authorities.
- A Certificate of Good Character is issued by the relevant country's police force.
- The Council will consider revocations on a case-by-case basis. Any behaviour, including criminal convictions, that amounts to the licence holder no longer being 'fit and proper' and being a potential risk to public safety, will be considered. The 'Consideration of Criminal Convictions' section of the Policy provides more clarity on this.
- A licence holder may appeal to Magistrates Court within 21 days of any revocation, suspension or refusal (with the exception of the decision to refuse a hackney carriage vehicle licence, which must be appealed to Crown Court). A further appeal is then available to Crown Court should any party disagree with the decision of the Magistrates.
- Hackney carriages and private hire vehicles may only be licensed for up to eight passengers (nine including the driver). Anything that seats more than eight passengers cannot be licensed for this purpose, and would be classified as a Public Service Vehicle (PSV).
- The licensing authority polices the conduct of drivers. This section of the policy is intended to provide drivers with absolute clarity and transparency on the standard of behaviour expected, and means that if the licensing authority receives complaints alleging that a driver has behaved in an inappropriate way, we have the policy that clearly shows us what is appropriate / inappropriate

Proposed by Councillor Weeks and Seconded by Councillor Seal it was **RESOLVED** that Members:

- 1) **APPROVE** the draft policy and licence conditions for public consultation.
- 2) Where no adverse comments are received during the consultation, **RECOMMEND** the policy for adoption by Full Council.
- 3) **Or** ; Where adverse comments **are** received during the consultation, to consider these comments and make any necessary amendments before recommending this policy for adoption by Full Council

Licensing Committee (12.6.23)

The committee considered whether this item should be deferred; following a vote, it was agreed to continue with the agenda as published.

The Licensing Team Leader introduced the report for the Hackney Carriage unmet demand survey. Following questions and debate it was Proposed by Councillor Patel and Seconded by Councillor Milne that the Licensing Committee;

RESOLVED that the current limit of 40 hackney carriage vehicle licences is retained, exploring other options to resolve unmet demand, with a further review in 12 - 24 months.

The meeting commenced at 5.00 pm and concluded at 5.48 pm

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NON EXEMPT

HAVANT BOROUGH COUNCIL

LICENSING COMMITTEE

26 June 2023

REVIEW OF STATEMENT OF PRINCIPLES GAMBLING ACT 2005

FOR APPROVAL FOR CONSULTATION

Portfolio Holder: Councillor Elizabeth Lloyd

Key Decision: No

Report number: HBC/011/2023

1. Purpose

- a. The purpose of this report is to seek approval of the Licensing Committee of the draft revised Statement of Principles under the Gambling Act 2005 for public consultation.

2. Recommendation

- a. Members are requested to:
 - i. Approve the revised Statement of Principles under the Gambling Act 2005 for the purpose of consultation.

3. Executive Summary

- a. Section 249 of the Gambling Act 2005 requires licensing authorities to publish a statement of principles that it proposes to apply in exercising its functions under the Act every three years.
- b. The Council's current Statement of Principles expired in January 2021, and therefore is overdue for review.
- c. The Gambling Commission's 'Guidance to Licensing Authorities' was last updated in April 2023, and so this review presents an opportunity to ensure that the Statement is consistent with current guidance from the main regulatory body for gambling activities.

- d. The revised Statement can be found at Appendix A with proposed additions shown in green font. Some amendments have been made to the overall layout of the document to make it more accessible to our customers

4. Additional Budgetary Implications

- a. There are no additional budgetary implications as a result of this report.

5. Background and relationship to Corporate Strategy and supporting strategies and policies

- a. Wellbeing: The regulation of gambling activities aims to protect children and vulnerable persons from gambling-related harm. By publishing this Statement, the Council has taken into consideration the local profile of the Borough and how partner agencies and operators can work together to ensure the safety of those who choose to participate in gambling activities, and those who are prohibited from doing so.
- b. Pride in Place: Publishing a statement of how the Council intends to exercise its functions with respect to gambling provides gambling operators with transparency, enabling them to submit applications and operate their premises with full knowledge of the relevant legislation, conditions, guidance and local policies. Liaison with partner agencies and implementing a proactive enforcement programme for gambling activities may also drive improvements relating to communities, safety, and place.

6. Options considered

- a. The licensing authority is required by law to publish its Statement of Principles every three years. As the review is overdue, there are not alternative options to reviewing the Statement this year.

7. Resource implications

a. Financial implications

- i. The costs of administering gambling licences and permits, and undertaking enforcement action where required, are covered by the Licensing Team's existing budget. Application fees are set by central Government and are set as such to ensure that the administration of applications remains cost neutral.

Section 151 Officer comments

The review does not impact or change any existing budget pressure, nor does it add any new pressures. All costs can be met within existing budgets. Therefore, this has my approval.

Steven Pink, Chief Finance Officer (S151)

Havant Borough Council

b. Human resources implications

- i. There are no human resources implications as a result of this report.

c. Information governance implications

- i. The revised Statement of Principles does not propose to collect or process any additional data in addition to that already covered by the Council's privacy policy. Following adoption of the revised Statement, it would be best practice to develop a new Data Protection Impact Assessment for the licensing authority's functions that relate to gambling.

d. Climate and environment implications

- i. There are no climate or environment implications as a result of this report.

e. Other resources implications

- i. To ensure an efficient licensing service for our customers, the Council may consider developing an online application system. This would enable customers to make their applications from home, upload supplementary documents online, reduce postage and printing costs and reduce incorrectly completed applications.

8. Legal implications

- a. The Gambling Act 2005 requires the licensing authority to publish its Statement of Principles every three years. This revised Statement is proposed to cover a three year period from the date of adoption.
- b. The Statement is intended to set out the general approach that the Council will take when making licensing decisions. However, each application will be considered on its own individual merits.
- c. In producing this Statement, the Council has had regard to the licensing objectives, the guidance issued by Gambling Commission. It will also take into consideration any comments received from those consulted on the Statement, making necessary amendments prior to adoption.
- d. The Licensing Authority will have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Monitoring Officer comments

As stated above, The Gambling Act 2005 requires the licensing authority to publish its Statement of Principles every three years. This revised Statement is proposed to cover a three year period from the date of adoption. On this basis, the report raises no issues for the Monitoring Officer.

Jo McIntosh

9. Risks and mitigations

- a. Exposure to challenge: The Statement of Principles could be challenged by Judicial Review, but as an open and fair consultation will have taken place and the Council's decision-making process is considered lawful, a successful challenge is considered unlikely.
- b. Reputation: The Statement of Principles clearly outlines the Council's expectations of applicants and licensees, and details the principles that will be considered in exercising its functions as licensing authority. Aligning this Statement with national guidance published by the Gambling Commission demonstrates that the Council aims to achieve consistency with other licensing authorities and avoid unnecessary burdens on licensees.
- c. Timescales: The current Statement of Principles must be referred to, pending adoption of the revised Statement. It is recognised that the current Statement is overdue for review and therefore it is essential that the Council also refer to the Gambling Commission's most recent guidance to ensure that decisions made are consistent with current national practices.

10. Consultation

- a. It is proposed that the draft revised Statement of Principles undergoes a 4-week public consultation process following approval by the Licensing Committee.

- b. Whilst the consultation is public and any organisation or individual may submit comments, the Council is required to specifically consult the following parties:
- The Chief of Police for the area;
 - One or more persons who appear to the Council to represent the interests of persons carrying on gambling businesses; and
 - One or more persons who appear to the Council to represent the interests of persons who are likely to be affected by the exercise of the Council's functions under the Act.
- c. It is proposed to invite the submission of comments via post and email.

11. Communications

- a. The Licensing Team will work with the Council's Public Relations Team to share details of the consultation and how to make comments on the appropriate social media channels and in other public communications.

12. Appendices

- a. Appendix A: Draft Revised Statement of Principles, Gambling Act 2005

13. Background papers

- a. Licensing Committee – Thursday 30 November 2017 17:00, Item 14:
Gambling Act 2005 Statement of Principles

Agreed and signed off by:

Portfolio Holder: Councillor Elizabeth Lloyd 15/06/2023

Executive Head: Alex Robinson 15/06/2023

Monitoring Officer: Jo McIntosh 15/06/2023

Section 151 Officer: Steven Pink 13/06/2023

Contact officer:

Name: Briony Appletree

Job title: Interim Licensing Team Leader

Phone number: 02392 446660

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STATEMENT OF PRINCIPLES

GAMBLING ACT 2005

[DD/MM/YYYY]

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PART A – GENERAL PRINCIPLES

Interpretation

Throughout this statement –

“**The Act**” means the Gambling Act 2005.

“**The Council**” and “The Licensing Authority” both mean Havant Borough Council, and refer to a licensing authority within the meaning of section 2 of the Act.

“**Authorised Officer**” means an officer authorised by Havant Borough Council for the purposes of the Gambling Act 2005.

“**Borough**” means Havant Borough Council’s administrative area.

“**Statement**” means the Statement of Principles that the Licensing Authority is required to prepare under section 349 of the Act.

Licensing Objectives

- 2.1. When dealing with licensing matters, the Licensing Authority must have regard to the three licensing objectives set out in the Gambling Act 2005. These licensing objectives are:
 - preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - ensuring that gambling is conducted in a fair and open way; and
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.

- 2.2. For the purposes of interpreting these objectives:
 - the term “disorder” is interpreted as meaning an activity that is more serious and disruptive than mere nuisance;
 - reference to “vulnerable persons” includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol and/or drugs; and
 - the phrase “harmed or exploited by gambling” can mean preventing children and vulnerable people from taking part in or being in close proximity to gambling and controlling advertising so that gambling products are not aimed at vulnerable people or advertised in such a way that makes them particularly attractive to such people.

- 2.3. Public Health England published its review into gambling-related harms in 2021, identifying the following types of harms associated with gambling: financial; relationship disruption, conflict or breakdown; mental and physical health; cultural; reduced performance at work or in education; and criminal activity. It is estimated that 0.5% of the population have a problem with gambling. Additionally, 3.8% are gambling at at-risk levels, and 7% of adults are affected negatively by another person’s gambling.

- 2.4. The Licensing Authority expects licence holders to have suitable safeguarding policies in respect of children and vulnerable persons, and to provide training to staff members in recognising and dealing with safeguarding issues. It is also expected that premises display information on mental health, alcohol, drugs and gambling services where it is accessible to customers and staff.

- 2.5. The Licensing Authority shall aim to permit the use of the premises for gambling as set out in section 153 of the Act.

- 2.6. The Act places a legal duty on both the Commission and the Licensing Authority to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives. The effect of this duty is that both the Commission and the Licensing Authority must approach their functions in a way that seeks to regulate gambling by using their powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.

Introduction

Duration of Statement

- 3.1. This statement of principles is the Licensing Authority's published policy for the purposes of the Act. This revision was approved at a meeting of Full Council on [date] and will remain in force until [date].
- 3.2. This policy will be applied in the exercise of the Licensing Authority's functions under the Act during that period.
- 3.3. The policy may be reviewed from time to time and, in the light of any such review, it may be revised. Any such revision will be subject to consultation and publication before it takes effect.
- 3.4. Before a Statement or any revision comes into effect, the Licensing Authority shall publish notice of its intention to publish a statement or revision, as per the relevant Regulations. This will include details of how to make representation.
- 3.5. Should you have any comments about this policy statement, please send them via email or letter to the following contact:

Name: Licensing Team
Address: Havant Borough Council, Public Service Plaza, Civic Centre Road, Havant, Hampshire PO9 2AX.
Email: licensing@havant.gov.uk
- 3.6. It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

Content of Statement

- 3.7. A summary of information contained within this statement is attached as an index at the front of this document.
- 3.8. The licensable activities covered by this statement are:

Premises Licences
 - adult gaming centres
 - licensed family entertainment centres;
 - casinos;
 - bingo;
 - betting premises;
 - tracks;
 - travelling fairs;
 - provisional statements

Permits and Temporary / Occasional Use Notices

- unlicensed family entertainment centres;
- gaming machines on alcohol licensed premises;
- prize gaming;
- club gaming and club machine permits;
- small society lotteries;
- temporary use notices;
- occasional use notices;
- small society lottery registrations.

- 3.9. The contents of this document are not a full or authoritative statement of the law or statutory guidance and do not constitute professional or legal advice.
- 3.10. This statement is published on the Licensing Authority's website and is available at the offices of the Licensing Authority during normal working hours.
- 3.11. The website address is - <http://www.havant.gov.uk/current-consultations>

Geographical application of Statement

- 3.12. The Borough of Havant provides a unique setting in urban South Hampshire between the South Downs and the Solent and has five main centres, Havant & Langstone, Waterlooville, Leigh Park, Emsworth and Hayling Island.
- 3.13. The Borough provides a range of attractions and activities for both residents and visitors to suit all tastes. Havant is a market town which has retained its character and charm and Langstone boasts a beautiful harbour frontage. Waterlooville is the modern business centre of the Havant Borough. Emsworth is a delightful and picturesque fishing village and Hayling Island is a popular seaside resort but with quiet harbour side shores.
- 3.14. However, Havant is also the most deprived district in Hampshire, according to the English indices of deprivation in 2019. A review of the evidence of gambling related harms, published by Public Health England in 2021, found that people at risk of gambling harms are concentrated in areas of higher deprivation. The Licensing Authority has considered these risks in producing this Statement and outlining its expectations of operators and applicants for premises licences.
- 3.15. Tourism is a major part of the local economy and every year the area attracts approximately 1.89 million day visitors and over 300,000 staying visitors. Many people come on a regular basis to enjoy the Borough of Havant where the countryside meets the seashore.
- 3.16. The current population for the Borough of Havant is approximately 124,200 (2021 Census). The Borough provides a range of attractions and activities for both residents and visitors to suit all tastes. It has a number of premises conducting gambling activities as follows:

- 1 Bingo Hall
- 2 Family Entertainment Centres
- 3 Adult Gaming Centres
- 4 Holiday Resorts with Bingo Premises Licences
- 5 Family Entertainment Centre Machine Permits
- 6 Club Machine Permits
- 10 Betting Offices
- 21 Licensed Premises Gaming Machine Permits
- 48 Licensed Premises Automatic Gaming Machine Notifications

There are currently no Casinos, Tracks or Club Gaming Permits within the Borough.

3.17. A map showing the extent of the Borough is produced at Appendix B.

Consultation Process

3.18. Before publishing this policy statement, the Licensing Authority has consulted with and taken into account comments from the following persons/bodies:

- The Chief Officer of Police for Hampshire
- One or more persons who appeared to the Council to represent the interests of persons carrying on gambling businesses, namely:
 - Association of British Bookmakers
 - Bingo Association
 - British Amusement Catering and Trades Association
 - British Beer and Pub Association
 - British Holiday and Home Parks Association
 - British Institute of Innkeeping
 - Current holders and of licences and permits in the Borough
 - Regeneration and Economy
- One or more persons who appeared to the Council to represent the interests of persons who are likely to be affected by the exercise of the Council's functions under the Act, namely:
 - Citizens Advice Bureau
 - Environmental Health (Pollution and Food Safety)
 - GamCare
 - Gambling Commission
 - Gordon Moody Association
 - Hampshire and IOW Fire and Rescue Service
 - Hampshire County Council Adult & Childrens Services
 - National Centre for Gaming Disorders
 - National Problem Gambling Clinic
 - Neighbourhood Quality / Community Safety
 - Planning Authority
 - Trading Standards
 - Ward Councillors

- 3.19. Any written consultation undertaken by the Licensing Authority in relation to this Statement shall follow best practice as set out by the Gambling Commission and any other relevant Government guidance.
- 3.20. A full list of comments made is available by request to: Licensing Team, Havant Borough Council, Public Service Plaza, Civic Centre Road, Havant, Hampshire, PO9 2AX.

Declaration

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

Fundamental principles

- 3.22. In carrying out its functions the Licensing Authority will regulate gambling premises in the public interest.
- 3.23. Any application received will be considered on its merits and in accordance with the requirements of the Act.
- 3.24. The Licensing Authority will seek to avoid any duplication with other regulatory regimes so far as possible.
- 3.25. The Licensing Authority recognises that there is a clear separation between the Gambling Act, the Licensing Act 2003 and planning legislation and that gambling licence applications will be viewed independently of applications under the Licensing Act 2003 and planning.
- 3.26. The Licensing Authority will, in particular when considering its functions in relation to applications and enforcement, have regard to the Human Rights Act 1998.

Responsible Authorities

General

- 4.1. The Act specifies various bodies as Responsible Authorities, as follows:
- The Licensing Authority
 - Gambling Commission
 - The Chief Officer of Police
 - Fire and Rescue Authority
 - Environmental Health
 - Child Protection
 - HMRC
 - Any other person prescribed by regulations by the Secretary of State
- 4.2. The contact details of all the Responsible Authorities in the area of the Licensing Authority can be found on the Council's website at <http://www.havant.gov.uk/licensing>
- 4.3. The Act provides that where the premises is a vessel, Responsible Authorities also include navigation authorities that have statutory functions in relation to the water whether the vessel is usually moored or berthed, or any waters where it is proposed to be navigated at a time when use for licensable activities. This would include:
- The Environment Agency
 - The British Waterways Board
 - The Secretary of State (In practice, this would be the Secretary of State for Transport who acts through the Maritime and Coastguard Agency)
- 4.4. The Responsible Authorities must be notified of applications in relation to Premises Licences and are entitled to make representations in relation to them.
- 4.5. There is no obligation on Responsible Authorities to respond to applications for premises licences. Lack of a response from a Responsible Authority would not prevent an application being granted.

Responsible Authority - Protection of Children from Harm

- 4.6. In exercising the Licensing Authority's powers under section 157(h) of the Act to designate, in writing, a body competent to advise the Licensing Authority about protection of children from harm the following principles are applied:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area;
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group; and
 - whether the body has experience in relation to protection of children issues.

- 4.7. The Licensing Authority designates Havant Children Services for the purpose of providing advice about protection of children from harm.

Interested parties

General

- 5.1. Section 158 of the Act identifies various categories of person who may be Interested Parties in relation to an application for or in respect of a Premises Licence, namely a person who in the opinion of the Licensing Authority:
- lives sufficiently close to the premises to be likely to be affected by the authorised activities;
 - has business interests that might be affected by the authorised activities; or
 - represents persons who satisfy either of the two sub-paragraphs above.
- 5.2. Interested parties can make representations about licence applications or apply for a review of an existing licence.

Principles relating to determination

- 5.3. The Licensing Authority will apply various principles to determine whether a person is an Interested Party.
- 5.4. The Licensing Authority will consider each situation on its merits.
- 5.5. In determining whether a person lives “sufficiently close to the premises”, the Licensing Authority will have regard to such of the following factors as it considers appropriate to the circumstances:
- the size of the premises
 - the nature of the premises
 - the distance of the premises from the location of the person making the representation
 - what might, in the opinion of the Licensing Authority, be reasonably regarded as a potential impact of the premises (this might for example be influenced by the anticipated number of customers, routes likely to be taken by those visiting the premises etc)
 - the nature of the complainant. This is not meant to cover the personal characteristics of the complainant, but the interest of the complainant where they may be relevant to the distance from the premises. For example, the Licensing Authority is likely to apply a wider interpretation to the meaning of ‘sufficiently close’ where the complainant provides services attended by children or vulnerable adults; and such other factors as it considers are relevant.
- 5.6. In determining whether a business interest is “likely to be affected”, the Licensing Authority will have regard to such of the following factors as it considers appropriate to the circumstances:
- the size of the premises
 - the ‘catchment’ area of the premises (i.e. how far people travel to visit);

- the nature of the business that it is suggested might be affected
 - such other factors as it considers are relevant.
- 5.7. In determining whether a person is regarded as representing a person in either of the other two Interested Party categories, the Licensing Authority in particular considers that the following may fall within this category:
- Members of Parliament or Elected Councillors;
 - Residents' and tenants' associations; and
 - Trade unions and trade associations
- 5.8. The Licensing Authority will not necessarily consider a person as representing one of the other categories of Interested Party unless the person can demonstrate:
- that they have specifically been requested in writing to represent that person and/or business in relation to the submission of the representation; and/or
 - that, in the case of a body, it represents a significant number of persons that have made submission with regard to the representation.

Interested parties may also be represented by other persons such as Councillors, MPs etc. Care should be taken when approaching Councillors that they are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Team.

Representations

- 6.1. A representation made by a Responsible Authority or Interested Party, which is not withdrawn, will normally result in a hearing taking place.
- 6.2. In certain circumstances however, a hearing need not take place. For example, where the Licensing Authority consider that the representation:
 - is vexatious;
 - is frivolous; or
 - will certainly not influence the authority's determination of the application.
- 6.3. In determining whether a representation is frivolous or vexatious, the Licensing Authority shall seek legal advice and consider the following:
 - Who is making the representation, and whether there is a history of making representations that are not relevant
 - Whether it raises a relevant issue
 - Whether it raises issues specifically to do with the premises that are the subject of the application.

Disclosure / Exchange of Information

General

- 7.1. The Act, and other legislation such as the UK General Data Protection Regulations, Data Protection Act 2018 and the Freedom of Information Act 2000, places various statutory duties and responsibilities upon the Licensing Authority in relation to the exchange and disclosure of information that is available to it.

Principles

- 7.2. The Licensing Authority will comply with all statutory duties imposed upon it, which require it to disclose information, subject always to any legislative restrictions that impact upon any such requirement.
- 7.3. Where the Licensing Authority has discretion as to whether or not information may be disclosed/exchanged it will in particular normally have regard to the following principles:
- any request that is received for the disclosure of information will be considered on its merits having regard to any general statutory principles that might apply;
 - upon receipt of a request for any exchange or disclosure, information will not normally be withheld where it is considered by the Licensing Authority that this may aid in the promotion of the licensing objectives, and does not unacceptably conflict with other factors which the Licensing Authority considers as being of relevance to it; and
 - the Licensing Authority may also provide information available to it, whether a request has been received or not, if it considers it may aid in the promotion of the licensing objectives, and does not unacceptably conflict with other factors as identified above.
- 7.4. Where representations are received in relation to any function being exercised by the Licensing Authority under the Act, those representations will normally be disclosed to an extent that the Licensing Authority considers reasonable in the circumstances. In particular, in making this assessment, the Licensing Authority will have regard to the interests of natural justice and Article 6 of the Convention on Human Rights. Information will not be disclosed where statute expressly prevents its disclosure.
- 7.5. In so far as the law allows, the Licensing Authority generally favours full disclosure of all relevant representations made in relation to an application that it is considering under the Act.
- 7.6. The Licensing Authority in carrying out its duties will have full regard to the provisions of the UK General Data Protection Regulations, Data Protection Act 2018 and the Freedom of Information Act 2000.
- 7.7. Where the law allows, a data subject for the purposes of the above legislation may require and be entitled to information that is held by the Licensing Authority. Some of this information may be accessible via the

Licensing Authority's website and registers that the Licensing Authority is obliged to keep under the Act. Where this is not the case, then a request for such data should be made in writing addressed to the Licensing Services Section of the Licensing Authority.

Sharing information with the Gambling Commission

- 7.8. Section 29 of the Act entitles the Gambling Commission to seek information from the Licensing Authority, and places an obligation on the Licensing Authority to comply with its information requests, providing the information is:
- Part of the register maintained by the Licensing Authority
 - In the Licensing Authority's possession in connection with a provision of the Act.
- 7.9. The Act requires the Licensing Authority to maintain data on premises licences. As part of the application process for a premises licence, applicants will forward notice of the application to the Commission, and the Licensing Authority should subsequently notify the Commission of the outcome of each application, whether it is granted or refused. The Act also requires the Licensing Authority to notify the Commission of other matters such as when a licence has lapsed or been surrendered, and the cancellation of certain permits and registrations.
- 7.10. If, while considering a premises licence application, or at any other time, the Licensing Authority receives information that causes it to question the suitability of the applicant to hold an operating licence, these concerns should be brought to the attention of the Gambling Commission without delay.
- 7.11. The Gambling Commission is required under section 106 of the Act to maintain a register of operating licence holders and make this publicly available. Where the Licensing Authority needs to check if an applicant for a premises licence holds an operating licence, verification can be found on the register. The Commission will ask the Licensing Authority to periodically review the premises register to ensure that it is up to date. This is important to ensure accuracy as the register is used for conducting national compliance work.
- 7.12. The Licensing Authority is required to submit returns to the Gambling Commission on an annual basis, providing information on licensed gambling activity and details of compliance and regulatory work undertaken. This includes details of permits and notices issued, premises inspections conducted, and reasons for and outcome of licence reviews.

Local Authority Compliance Events (LACE)

- 7.13. The Gambling Commission may notify the Licensing Authority of complaints and intelligence received regarding non-compliance in its area. These are referred to as Local Authority Compliance Events (LACE). Following the referral, the Licensing Authority is required to advise the Commission of what, if any, action is taken.

Enforcement

General

- 8.1. The Act provides various bodies including the Licensing Authority with power to authorise persons to undertake inspections for a variety of purposes. Furthermore, the Licensing Authority has the capacity to instigate criminal proceedings for various offences that are specified within the Act.
- 8.2. The Gambling Commission will be the enforcement body for the operator and personal licences it issues and also the manufacture, supply or repair of gaming machines.

Principles

- 8.3. In considering whether to undertake an inspection of a premises, the Licensing Authority will in particular have regard to the following principles:
 - when considering whether to undertake any inspection each situation will be considered on its merits;
 - that the Licensing Authority will not usually undertake an inspection unless it is considered relevant for the purposes of an application or actual or potential enforcement issue;
 - in the case of enforcement action generally, we will act having given due consideration to any enforcement policy adopted by Havant Borough Council (as may be amended from time to time) and the Regulatory Compliance Code that is current at that time (if any); and
 - that it will exercise its responsibilities in relation to inspections having regard to the further principles set out below.
- 8.4. In considering whether to exercise its powers in relation to the institution of criminal proceedings in the Act, the Licensing Authority will in particular normally have regard to the following principles:
 - each case will be considered on merits;
 - in so far as it may be relevant to the assessment, whether the Licensing Authority has acted in accordance with any enforcement policy of Havant Borough Council and the Regulatory Compliance Code referred to above;
 - whether the instigation of criminal proceedings accords with the Code for Crown Prosecutors current at that time (if any); and
 - in so far as it may be relevant to the assessment, that it will undertake proceedings in accordance with the principles set out below.
- 8.5. The principles referred to in the paragraphs are that the Licensing Authority will, in so far as it is appropriate, be:
 - proportionate:- intervention only when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised.
 - accountable:- decisions must be justified, and subject to public scrutiny.

- consistent:- rules and standards must be joined up and implemented fairly
- transparent:- regulators should be open and keep regulations simple and user friendly; and
- targeted:- focused on the problem, and minimise side effects.

Risk

8.6. In carrying out its enforcement responsibilities, the Licensing Authority will normally adopt a risk-based inspection programme based on:

- the licensing objectives
- relevant codes of practice
- guidance issued by the Gambling Commission
- the principles set out in this statement of licensing policy.

8.7. Criteria that may normally contribute to an assessment to determine the level of risk that applies to a premises are:

- the size of the premises;
- the proximity of the premises to identified vulnerable persons;
- whether any complaints are received in relation to the premises and, if so, the nature and number of complaints that are considered relevant;
- information submitted from relevant persons or bodies; and
- such other factors as the particular circumstances of the individual situation warrant.

Havant Borough Council Functions

9.1. Havant Borough Council will:

- be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- issue Provisional Statements
- regulate members clubs who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- issue Club Machine Permits to Commercial Clubs
- grant permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres
- receive notifications from Alcohol Licensed Premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises (under the Licensing Act 2003) when more than two machines are required
- register small society lotteries below prescribed thresholds
- issue Prize Gaming Permits
- receive and endorse Temporary Use Notices
- receive Occasional Use Notices
- provide information to the Gambling Commission regarding details of licences issued (see section above on information exchange)
- maintain registers of the permits and licences that are issued under these functions.

Fees

- 9.2. Under section 212 of the Act, the Licensing Authority shall aim to ensure that income from fees as nearly as possible equates to the costs of providing the service to which the fees relate.

PART B – SPECIFIC FUNCTIONS

Premises Licences

Consideration of applications

- 10.1. In exercising its functions in relation to Premises Licences, the Licensing Authority will aim to permit the use of premises for gambling in so far as the Licensing Authority thinks it:
- in accordance with any relevant Code of Practice under section 34 of the Act;
 - in accordance with any relevant guidance issued by the Gambling Commission under section 25 of the Act;
 - reasonably consistent with the Licensing Objectives; and
 - in accordance with this Statement of Principles.

Fundamental principles applying to Premises Licences

- 10.2. Premises licences will be subject to the requirements set out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions which will be detailed in Regulations issued by the Secretary of State. Licensing Authorities can exclude default conditions and also attach others, where it is believed to be appropriate.
- 10.3. The Act states that an application must be made to a licensing authority in whose area the premises are wholly or partly situated. In circumstances where the premises lie in more than one licensing authority's area, the operator should make their application to just one of those authorities. Casino premises are subject to separate regulations, involving a two-stage application process.
- 10.4. In exercising its functions in relation to Premises Licences, the Licensing Authority will aim to permit the use of premises for gambling in so far as the Licensing Authority thinks it:
- in accordance with any relevant Code of Practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the Licensing Objectives (subject to the two sub-paragraphs above); and
 - in accordance with this Statement (subject to the three sub-paragraphs above).

Definition of Premises

- 10.5. For the purposes of the Act, the term 'premises' is defined as including 'any place'. A premises licence may not be issued in relation to a vehicle, or part of a vehicle, but may be issued for passenger vessels.

- 10.6. The Act provides that different premises licences cannot apply in respect of single premises at different times, e.g., premises could not be licensed as a bingo hall on weekdays and a betting shop at weekends.
- 10.7. Whilst premises is defined in the Act as ‘any place’ it is for the Licensing Authority to decide whether different parts of a building can be reasonably regarded as being separate premises. In considering applications for multiple licences for a building, or those for a specific part of the building to be licensed, the Licensing Authority will take particular note of the following:
- the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also that they are not permitted to be in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling, where they are prohibited from participating.
 - entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised, and that people do not ‘drift’ into a gambling area. In this context, it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
 - customers should be able to participate in the activity named on the premises licence.

Decision Making

- 10.8. In making a determination in respect of a Premises Licence, the Licensing Authority cannot have regard to irrelevant matters i.e., those that do not relate to gambling and the Licensing Objectives. Therefore, issues relating to whether planning permission or building regulations may or may not be granted are not relevant to the determination. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.
- 10.9. In considering an application for a premises licence no regard will be had as to whether there is unfulfilled demand for the facilities for the premises licence that is sought.
- 10.10. As it does not relate to a licensing objective, moral objections to gambling will not be regarded as a valid reason to reject an application for a premises licence.
- 10.11. The Licensing Authority will seek to avoid duplication with other statutory/regulatory systems where possible. It will, however, listen to and carefully consider any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

10.12. Whilst each application will be considered on its merits, factors to which the Licensing Authority may in particular have regard when determining an application include:

- proximity of gambling premises to properties regularly frequented by vulnerable persons;
- the suitability of the premises for gambling in the context of the licensing objectives;
- the type of gambling that is proposed at the premises;
- **the type of advertising materials proposed at the premises;**
- any information provided by the applicant showing how it is proposed to overcome any licensing objective concerns; and
- whether any relevant objections to an application could be addressed using one or more conditions

10.13. In circumstances where the Licensing Authority proposes to attach or reject conditions as part of a decision it will give reasons as required by the Act. Reasons will also be given if the Licensing Authority determines to reject an application.

Local risk assessment

10.14. From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this Statement.

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

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

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

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
- the demographics of the area in relation to vulnerable groups;
- **whether the premises is in an area of significant deprivation;**
- whether the premises is in an area subject to high levels of crime and/or disorder.

- 10.17. Local risk assessments should show how vulnerable people, including people with gambling dependencies are protected.
- 10.18. It should be noted that this Statement does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

Expectations of licence holders

Training

- 10.19. In the interests of promoting the licensing objectives, the Licensing Authority expects licence holders to ensure that all customer-facing and management staff in premises licensed under the Gambling Act 2005 to have sufficient knowledge of promoting responsible gambling and understanding gambling-related harm.
- 10.20. Staff members should be made aware of clear, documented processes for age verification, exclusion (whether mandatory or voluntary), identifying and communicating with vulnerable persons, refusing entry, maintaining an incident log and enforcing time/spend limits. This list is non-exhaustive and not intended to duplicate any existing training requirement such as may be required by the Gambling Commission's Code of Practice.

Self-Exclusion Schemes

- 10.21. The Licensing Authority expects all premises to operate a voluntary exclusion scheme. This means that should a customer request to be excluded from the premises, they are excluded for an agreed period.
- 10.22. A self-exclusion facility should be supported by a written agreement drawn up in accordance with the relevant Code of Practice and trade association advice. The premises take responsibility for ensuring the person who requests voluntary exclusion is not re-admitted during the agreed period.

Intervention

- 10.23. The Licensing Authority expects all premises to have a procedure in place to identify vulnerable persons, and to monitor and intervene where necessary. This may be when the individual is believed to be gambling beyond their means, or more than they would like.
- 10.24. Intervention may include raising the customer's awareness of the existence of support services and the availability of a voluntary exclusion scheme.

Plans of premises

- 10.25. Regulations made under the Act state that a plan submitted with an application must show:
- the extent of the boundary or perimeter of the premises

- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
- where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises
- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads

10.26. Other than in respect of a track, the plan must show the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence. The Licensing Authority has the discretion to request additional detail on the plan where required to satisfy them that the application promotes the licensing objectives.

Notice of application

10.27. Applicants for premises licences are required to publish notice of their application, and also to notify Responsible Authorities of their application. This requirement also applies to applications for provisional statements, and some ancillary applications that can be made in relation to premises licences.

10.28. Notice must be given in three ways:

- A notice placed outside the premises for 28 consecutive days, in a place where it can be conveniently read
- In a newspaper or newsletter or local relevance, on at least one occasion within ten days of the application being made
- To all Responsible Authorities, which includes the Commission, within seven days of the application being made. A licence application, and any licence subsequently issued, is not valid if the relevant notifications above have not been made.

Local area profile

10.29. There is no statutory duty on the Licensing Authority to complete an area profile but there are significant benefits in having a better awareness of the local area and risks. The weblinks given below provide a range of information on the local environment which should be considered by applicants.

Indices of Deprivation:

http://dclgapps.communities.gov.uk/imd/iod_index.html#

Nomis: Official Census and Labour Market Statistics:

<https://www.nomisweb.co.uk/>

Conditions

- 10.30. Specific sections of the Gambling Act 2005 provide for conditions to be attached automatically to premises licences, or for authorisations to be granted automatically.
- 10.31. Mandatory conditions: The Act may by regulations provide for a specified condition to be attached to premises licences. Such conditions may:
- a) apply generally, only to premises licences in a specified class or only in specified circumstances.
 - b) make different provision for different classes of licence or for different circumstances.
- 10.32. Default conditions: The Act may also by regulations prescribe for a specified condition to be attached to any premises licence unless excluded by the authority who issue the licence. Such conditions may:
- a) apply generally, only to premises licences in a specified class or only in specified circumstances.
 - b) make different provision for different classes of licence or for different circumstances.
- 10.33. Mandatory and default conditions that attach to all premises licences are usually sufficient to ensure that the premise is compliant with the licensing objectives. Subject to certain legislative exceptions, power is also available to a Licensing Authority to attach further conditions in addition to those identified above. Further conditions will only be considered where there are regulatory concerns of an exceptional nature and will relate to the licensing objectives. Such conditions may apply in relation to a premises generally or only in relation to a specified part of the premises and will be considered on a case-by-case basis.
- 10.34. Where a discretion exists, the Licensing Authority will not impose its own condition on a Premises Licence unless it relates to an issue arising in respect of the gambling proposal.
- 10.35. In exercising a discretion as to whether to impose any further condition, the Licensing Authority will be proportionate to the circumstances being considered.
- 10.36. The Licensing Authority shall not impose a condition that duplicates any requirement of any other regulatory regime. Similarly, if the Gambling Commission's LCCP places particular responsibilities or restrictions on an operator of a premises, it is not appropriate to impose the same through conditions on a premises licence.
- 10.37. It is noted that there are conditions the Licensing Authority cannot attach to premises licences, which are:
- any condition on the premises licence which make it impossible to comply with an operating licence condition;

- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated);
- conditions in relation to stakes, fees, winning or prizes.

Reviews

- 10.38. An application for a review of a premises licence can be made by Interested Parties or Responsible Authorities. However, it is for the Licensing Authority to decide whether the application for review is to be granted. An application for review may, but need not, be rejected if the licensing authority thinks that the grounds on which the review is sought:
- Are not relevant to the principles that must be applied by the Licensing Authority, namely the licensing objectives, the Gambling Commission's code of practice and guidance, and/or this Statement of Principles
 - Are frivolous
 - Are vexatious
 - Will certainly not cause the Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence
 - Are substantially the same grounds as those cited in a previous application relating to the same premises
 - Are substantially the same representations made at the time the application for a premises licence was considered.
- 10.39. Whilst the Licensing Authority recognises the importance of the right of Responsible Authorities' and Interested Parties to request reviews of premises licences, the Licensing Authority would expect a reasonable interval between hearings for the same premises, and unless exceptional and compelling circumstances existed, would not hold a repeat hearing within 12 months.
- 10.40. The applicant for review must submit their application to the Licensing Authority in the prescribed form, stating the reasons why the review is requested, together with supporting information and/or documents. The applicant must also provide written notice of their application to the premises licence holder and to all Responsible Authorities within seven days of making the application.
- 10.41. As the Licensing Authority is required to permit the use of premises for gambling, in so far as it is in accordance with the section 153 principles, applications that raise general objections to gambling as an activity, that relate to demand for gambling premises, or raise issues relating to planning, public safety, and traffic congestion are unlikely to be considered an appropriate basis for review, leading to rejection under a) above.
- 10.42. Representations must be made within 28 days, commencing seven days after the date on which the application was received. During these seven

days the licensing authority is required to publish notice of the application as per the relevant regulations.

- 10.43. The Licensing Authority can also initiate a review of a premises licence. It may review the use of the premises and the arrangements that premises licence holders have made to comply with licence conditions, and will typically initiate a review as a result of concerns or complaints. The Licensing Authority may review any matter connected with the use 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 Principles
 - there is evidence to suggest that compliance with the licensing objectives is at risk
 - for any other reason which gives them cause to believe that a review may be appropriate, such as a complaint from a third party.
- 10.44. A formal review would normally be at the end of a process of ensuring compliance by the operator, which might include an initial investigation by an Authorised Officer, informal mediation or dispute resolution. If the concerns are not resolved then, after a formal review, the Licensing Authority may impose additional conditions or revoke the licence.
- 10.45. The Licensing Authority must give written notice to the licence holder and Responsible Authorities that it intends to undertake a review and must also publish notice of its intention to carry out the review as per the relevant regulations.
- 10.46. Having given notice of their intention to initiate a review or having decided to grant a review following an application, the Act requires the Licensing Authority to carry out the review as soon as possible after the 28-day period for making representations has passed. A hearing must be held unless the applicant and any person who has made representations consent to the review being conducted without one. The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence, namely:
- add, remove or amend a licence condition imposed by the licensing authority
 - exclude a default condition (for example, relating to opening hours) or remove or amend such an exclusion
 - suspend the premises licence for a period not exceeding three months
 - revoke the premises licence.
- 10.47. The Licensing Authority may take the above action on the grounds that a premises licence holder has not provided facilities for gambling at the premises, to prevent people from applying for licences in a speculative manner without intending to use them.

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

- the licence holder
- the applicant for review (if any)
- the Gambling Commission
- any person who made representations
- the Chief Officer of Police
- HM Revenue and Customs

Provisional Statements

General

- 11.1. 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
 - expect to acquire a right to occupy
- 11.2. Whilst applicants for premises licences must hold or have applied for an operating licence from the Gambling Commission (except in the case of a track), and they must have the right to occupy the premises in respect of which their premises licence application is made, these restrictions do not apply in relation to an application for a provisional statement.
- 11.3. An application for a provisional statement must be accompanied by plans and the prescribed fee.
- 11.4. Once the premises are constructed, altered or acquired, the holder of a provisional statement can return to the Licensing Authority and apply for the necessary premises licence. It is a question of fact and degree whether premises are finished to the extent that they can be considered for a premises licence.

Decision Making

- 11.5. 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.
- 11.6. Following the grant of a provisional statement and on application for a premises licence, 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
 - in the authority's opinion, they reflect a change in the applicant's circumstances.
- 11.7. 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; or
 - which in the authority's opinion reflect a change in the operator's circumstances.

11.8. The Licensing Authority will not have regard to whether or not a proposal by the applicant is likely to receive planning permission or obtain building regulations approval.

Adult Gaming Centre – Premises Licence

General

12.1. An Adult Gaming Centre is a premises for which a Premises Licence is granted to make certain prescribed gaming machines available only to persons aged 18 years and over.

12.2. An Adult Gaming Centre Premises Licence can authorise the holder to make available:

For premises in existence before 13th July 2011 -

- up to four category B3 or B4 gaming machines or 20% of the total number of gaming machines, whichever is the greater.
- No limit of category C or D machines.

For new premises licensed from 14th July 2011 -

- Up to 20% of the total number of gaming machines on the premises may be of category B3 or B4.
- No limit of category C or D machines.

12.3. Holders of premises licences for adult gaming centres must offer self-exclusion schemes to customers requesting such a facility.

Decision Making

12.4. The Licensing Authority will particularly have regard to the need to protect persons under 18 years of age and other vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 years old do not have access to the premises.

12.5. This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives and appropriate measures may cover issues such as:

- provision of CCTV
- supervision of entrances / gaming machine areas
- physical separation of different areas within the premises
- numbers, locations and wording of signage / notices / rules
- self-exclusion schemes
- specific opening hours
- the location of adult gaming machine
- provision of information leaflets / help line numbers for organisations such as GamCare
- proof of age schemes

12.6. It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Conditions

- 12.7. A number of mandatory conditions apply to Adult Gaming Centres, but there are currently no default conditions applicable.

Licensed Family Entertainment Centre – Premises Licence

General

- 13.1. The Act creates two classes of Family Entertainment Centre.
- i. A Licensed Family Entertainment Centre will require a premises licence allowing an unlimited number of Category C or D gaming machines. Persons under 18 years old are not permitted to enter a Family Entertainment Centre and may play on Category D machines only. They will not be permitted to play on Category C machines, and it will be a requirement that there must be clear segregation between the two types of machine, so that they do not have access to Category C machines.
 - ii. An Unlicensed Family Entertainment Centre which allows gaming machines to be made available for use by means of gaming machine permits, as opposed to a premises licence. These permits could be for an unlimited number of Category D gaming machines only. These permits are covered elsewhere in this Statement of Principles.

Decision Making

- 13.2. The Licensing Authority will particularly have regard to the need to protect children and young persons and other vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that persons under 18 years of age do not have access to Category C gaming machines.
- 13.3. The Licensing Authority will expect the applicant to offer their own measures, which may cover issues such as:
- provision of CCTV
 - supervision of entrances/gaming machine areas
 - physical separation of different areas within the premises
 - numbers, locations and wording of signage/notices/rules
 - self-exclusion schemes
 - specific opening hours
 - the location of adult gaming machines
 - provision of information leaflets/help line numbers for organisations such as GamCare
 - proof of age schemes
- 13.4. It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Conditions

- 13.5. A number of mandatory conditions apply to Family Entertainment Centres, but there are currently no default conditions applicable.

Casino - Premises Licence

Casino Resolution

- 14.1. At the date of adoption of this Statement, the Licensing Authority has not passed a resolution preventing the grant of Casino Premises Licences in line with Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this statement with details of that resolution.

General

- 14.2. Casino Premises Licences fall into one of two categories: a Large Casino Premises Licence or a Small Casino Premises Licence. These are subject to separate application processes and regulations.
- 14.3. The Council is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino (i.e., the Secretary of State has made such regulations under section 175 of the Gambling Act 2005) there are likely to be several operators which will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. The Council will run such a competition in line with any regulations issued under the Gambling Act 2005 and in accordance with the Secretary of State's code of practice for competition of this nature.
- 14.4. The current regulatory framework prescribes that Category B gaming machines may only be made available in licensed gambling premises, and not in locations which may prompt more ambient gambling such as pubs. Maintaining distinctions between different gambling venues allows individuals to make a deliberate choice whether to enter that particular gambling environment. Licensing authorities should satisfy themselves that a premises applying for, or operating under a Casino Premises Licence will operate in a manner which a customer would reasonably be expected to recognise as a premises licensed for the purposes of providing facilities for casino games and/or games of equal chance.
- 14.5. All non-remote casinos must offer self-exclusion schemes to customers requesting such a facility.

Decision Making

- 14.6. The Council will, as per the Gambling Commission's guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable people, when considering the number / nature / circumstances of betting machines an operator wants to offer.
- 14.7. The Licensing Authority will expect the applicant to offer their own measures, which may cover issues such as:

- provision of CCTV
- supervision of entrances/gaming machine areas
- physical separation of different areas within the premises
- numbers, locations and wording of signage/notices/rules
- self-exclusion schemes
- specific opening hours
- the location of adult gaming machines
- provision of information leaflets/help line numbers for organisations such as GamCare
- proof of age schemes

14.8. It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Conditions

14.9. A number of mandatory and default conditions apply to Casino Premises Licences, with different conditions applicable depending on whether it is a large or small casino.

Bingo - Premises Licence

General

15.1. The holder of a Bingo Premises Licence will be able to offer any type of bingo game, whether cash or prize. Furthermore, the holder of the licence may make available for use:

For premises in existence before 13th July 2011 -

- up to eight category B3 or B4 gaming machines or 20% of the total number of gaming machines, whichever is the greater.
- No limit of category C or D machines.

For new premises licensed from 14th July 2011 -

- Up to 20% of the total number of gaming machines on the premises may be of category B3 or B4.
- No limit of category C or D machines.

15.2. The Licensing Authority will expect the premises to abide by the rules concerning primary gambling activity.

Decision Making

15.3. It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines.

15.4. The Licensing Authority will particularly have regard to the need to protect children, young persons and other vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that persons under 18 years of age do not have access to adult only gaming machines.

15.5. The Licensing Authority will expect the applicant to offer their own measures to meet the licensing objectives however appropriate measures may cover issues such as:

- provision of CCTV
- supervision of entrances/gaming machine areas
- physical separation of different areas within the premises
- location of entry to premises
- numbers, locations and wording of signage/notices/rules
- self-exclusion schemes
- specific opening hours
- the location of adult gaming machines
- provision of information leaflets/help line numbers for organisations such as GamCare
- proof of age schemes.

15.6. It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 15.7. The Licensing Authority normally expect the applicant to identify the types of gaming machine that will be placed on the premises.
- 15.8. Whilst each application will be considered on its merits, factors to which the Licensing Authority may in particular have regard when determining an application of this nature include the suitability and layout of bingo premises.
- 15.9. All bingo premises must offer self-exclusion schemes to customers requesting such a facility.

Conditions

- 15.10. A number of mandatory and default conditions apply to Bingo Premises Licences.

Betting – Premises Licence

General

- 16.1. A Betting Premises Licence is usually required to enable betting to take place on premises (see Tracks below). The regional, large and small categories of new casinos permitted under the Act will be entitled to provide facilities for betting without a separate Betting Premises Licence.
- 16.2. The Licensing Authority will expect the premises to abide by the Licensing Conditions and Code of Practice (LCCP) (social responsibility code provision 9) and offer substantive facilities for non-remote betting if gaming machines are available for use.
- 16.3. By virtue of a Betting Premises Licence the holder may, subject to certain restrictions, make available for use up to four gaming machines of category **B2, B3, B4, C or D**.
- 16.4. Other than in the case of tracks, for which special rules apply, children and young persons will not be able to enter premises with a Betting Premises Licence.
- 16.5. All betting premises must offer self-exclusion schemes to customers requesting such a facility.

Decision Making

- 16.6. The Licensing Authority will expect the applicant to offer their own measures to meet the licensing objectives and appropriate measures may cover issues such as:
 - provision of CCTV
 - supervision of entrances/gaming machine areas
 - location of entry to premises
 - numbers, locations and wording of signage/notices/rules
 - self-exclusion schemes
 - specific opening hours
 - provision of information leaflets/help line numbers for organisations such as GamCare
 - the number and location of gaming and betting machines
 - proof of age schemes.
- 16.7. It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures
- 16.8. In addition to the above and other relevant factors, the Licensing Authority in having regard to the licensing objectives will normally, when making a decision, have regard to the size of the premises, the counter positions available for person-to-person transactions and the ability of staff to monitor the use of machines.

Conditions

- 16.9. A number of mandatory and default conditions apply to Betting Premises Licences.
- 16.10. As part of the powers available to the Licensing Authority in relation to the imposition of conditions, the Licensing Authority may attach conditions restricting the number of betting machines, their nature and circumstances in which they are made available.

Track – Premises Licence

General

- 17.1. The Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or sporting event takes place or is intended to take place. The Act does not give a list of all premises officially recognised as ‘tracks’, but examples include:
- a horse racecourse
 - a greyhound track
 - a point-to-point horserace meeting
 - football, cricket and rugby grounds
 - an athletics stadium
 - a golf course
 - venues hosting darts, bowls, or snooker tournaments
 - a premises staging boxing matches
 - a section of river hosting a fishing competition
 - a motor racing event
- 17.2. For betting to take place on a track a Betting Premises Licence will be required unless an Occasional Use Notice or Temporary Use Notice is in place.
- 17.3. Tracks may be subject to more than one Premises Licence, provided each area relates to a specified area of the track without overlap.
- 17.4. Children and young persons are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place. But having regard to the need to protect persons under 18 years of age from harm, they should still be prevented from entering areas where gaming machines (other than Category D machines) are provided.

Decision Making

- 17.5. In recognition of the extant guidance on this matter, the Licensing Authority will normally require detailed plans of the premises showing the following information:
- location of gaming machines
 - location of betting machines
 - location of any race track
 - the location of any on-course betting facilities
 - the location of any off-course betting facilities
 - the location of any areas to be the subject of additional Premises Licence applications.
- 17.6. The Licensing Authority will expect the applicant to offer their own measures to meet the licensing objectives and appropriate measures may cover issues such as:

- provision of CCTV
- supervision of entrances/gaming machine areas
- physical separation of different areas
- location of entry to premises
- numbers, locations and wording of signage/notices/rules
- specific opening hours
- provision of information leaflets/help line numbers for organisations such as GamCare
- the number and location of gaming and betting machines
- proof of age schemes.

17.7. In addition to the above and other relevant factors, the Licensing Authority in having regard to the need to protect children, young persons and other vulnerable persons from harm will normally, when making a decision, have regard to the size of the premises, the counter positions available for person-to-person transactions and the ability of staff to monitor the use of machines.

Conditions

17.8. A number of mandatory and default conditions apply to Track Premises Licences.

Travelling Fairs

General

- 18.1. A Travelling Fair “wholly or principally” provides amusements, and must be on a site that has been used for fairs for no more than 27 days per calendar year.
- 18.2. Travelling Fairs may provide an unlimited number of category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair. They do not require a permit to provide these gaming machines but must comply with legal requirements about how the machine operates.

Permits / Temporary and Occasional Use Notices

Unlicensed Family Entertainment Centre Gaming Machine Permits

General

- 19.1. Unlicensed Family Entertainment Centres are premises which are 'wholly or mainly' used for making gaming machines available.
- 19.2. It is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar. Typically, the machines would be in a designated, enclosed area.
- 19.3. This type of permit authorises the provision of Category D gaming machines only. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use. Any number of Category D machines can be made available under this type of permit.
- 19.4. An application will only be granted if the Chief Officer of Police has been consulted on the application.
- 19.5. In addition to the statutory requirements, as part of any application for an Unlicensed Family Entertainment Centre Gaming Machine Permit, the Licensing Authority will require the following in order to ensure that adequate information is provided to enable a proper assessment to be made:
 - A detailed plan of the premises, with locations of machines specified
 - details of any permit granted to the applicant that has previously been refused, lapsed, surrendered or forfeited
 - details of any other permit held by the applicant in respect of other premises
 - the nature of the prizes
 - the proposed frequency of prize gaming at the premises
 - details of any training and training programme on the limits of stakes, prizes and permissible gambling relating to such permits
 - details of any proposed precaution to secure the prevention of harm to persons under the age of eighteen and measures for implementing the same.
 - Appropriate measures/training for staff regarding suspected truant school children on the premises.
- 19.6. Applications for this permit cannot be made if a Premises Licence has been granted under this Act.

Decision Making

- 19.7. In considering any application the Licensing Authority will normally have regard to the following:
 - each case will be considered on its merits
 - any information received as part of the application process

- the licensing objectives, any guidance and this statement, and will give particular weight to the protection of children and young persons
- such other factors as the Licensing Authority considers relevant.

19.8. The Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised officer has been refused access to the premises without reasonable cause; or that the renewal would not be reasonably consistent with pursuit of the licensing objectives.

Conditions

19.9. The Act imposes mandatory conditions on Unlicensed Family Entertainment Centre Gaming Machine Permits. The Licensing Authority cannot impose any other conditions.

Alcohol Licensed Premises Gaming Machine Permits

General

- 20.1. Premises licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises (such as pubs, hotels and restaurants), can automatically have two gaming machines of Category C and/or D. The premises licence holder only needs to notify the licensing authority of their intention to make gaming machines available and pay the required fee. In certain circumstances the Licensing Authority has the power to remove this right.
- 20.2. If a premises wishes to have more than two machines, it needs to apply for an Alcohol Licensed Premises Gaming Machine Permit. The Licensing Authority will consider the application based upon the Licensing Objectives, guidance issued by the Gambling Commission and other such matters as they think relevant.
- 20.3. We recognise that some alcohol licensed premises may apply for a premises licence for their non-alcoholic licensed areas. This may require an application for an Adult Gaming Centre premises licence.

Decision Making

- 20.4. The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures in place to ensure that persons under the age of 18 years do not have access to the adult only gaming machines. Measures which will satisfy the Licensing Authority may include:
 - the adult gaming machines being in sight of the bar, or in sight of staff who will monitor that the machines are not being used by persons under the age of 18 years
 - notices and signs
 - provision of information leaflets/helpline numbers for organisations such as GamCare.
- 20.5. The Licensing Authority will consider applications taking into account the Licensing Objectives, guidance issued by the Gambling Commission and such other matters as it considers relevant on a case by case basis.

Conditions

- 20.6. The Licensing Authority may decide to grant an application with a smaller number of machines and/or a different category of machine but cannot attach any other conditions. However, the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

Prize Gaming Permits

General

- 21.1. 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.
- 21.2. In addition to the statutory requirements, as part of any application for a Prize Gaming Permit, the Licensing Authority will require the following, in writing, in order to ensure that adequate information is provided to enable a proper assessment to be made:
- details of any permit granted to the applicant that has previously been refused, lapsed, surrendered or forfeited
 - details of any other permit held by the applicant in respect of other premises
 - the nature of the prizes
 - the proposed frequency of prize gaming at the premises;
 - details of any training and/or training programme on the limits of stakes, prizes and permissible gambling relating to such permits
 - details of any proposed precaution to secure the prevention of harm to persons under the age of eighteen and measures for implementing the same.

Decision Making

- 21.3. In considering any application the Licensing Authority will normally have regard to the following:
- each case will be considered on its merit
 - any information received as part of the application process
 - the licensing objectives, any guidance and this statement, and will give particular weight to the protection of children and young persons
 - such other factors as the Licensing Authority considers relevant.

Conditions

- 21.4. The Act imposes mandatory conditions on a Prize Gaming Permit. The Licensing Authority cannot impose any other conditions.

Club Gaming and Machine Permits

Club Gaming Permits

- 22.1. A Club Gaming Permit provides that Members Clubs and Miners' Welfare Institutes (but not commercial clubs), subject to certain restrictions, may have no more than three gaming machines of Category B3A, B4, C or D, equal chance gaming and other games of chance as prescribed in regulations.
- 22.2. Before granting the permit the Licensing Authority must be satisfied that the premises meet the requirements of a members club and that the majority of members are over 18 years of age.

Club Machine Permits

- 22.3. A Club Machine Permit authorises up to three gaming machines of Category B3A or B4 to D to a Members club, Miners' Welfare Institute or commercial club when the establishment is only able or interested in the provision of gaming machines.

Decision Making

- 22.4. The Licensing Authority cannot attach conditions to either of these permits.
- 22.5. Subject as provided below, the Licensing Authority may only refuse an application on the grounds that:
- the applicant does not fulfil the requirements of a member's club or commercial club (club machines only);
 - the applicant's premises are used wholly or mainly by persons under the age of eighteen;
 - an offence under the Act, or a breach of permit has been committed by the applicant in the course of gaming activities being carried on
 - a permit held by the applicant has been cancelled in the last ten years; or
 - an objection to the application has been made by the Gambling Commission or the Police.
- 22.6. In the case of a club which holds a club premises certificate under the Licensing Act 2003, the Licensing Authority may only refuse an application on the grounds that:
- the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.
- 22.7. There are mandatory conditions on club gaming permits and club machine permits. No child is permitted to use a Category B or C machines on the

premises and the permit holder must comply with any relevant Gambling Commission Code of Practice about the location and operation of gaming machines.

Temporary Use Notices

General

- 23.1. A Temporary Use Notice may be used where a gambling operator wishes to use premises (as identified in the Act) where there is no Premises Licence for temporarily providing facilities for gambling, such as hotels, conference centres and sporting venues.
- 23.2. A Temporary Use Notice may only be lodged with the Licensing Authority by the holder of an operating licence issued by the Gambling Commission.
- 23.3. A Temporary Use Notice must be lodged with the Licensing Authority not less than three months and one day before the day on which the gambling event will begin, with the relevant fee paid. The application must be copied to:
- The Gambling Commission
 - The Police
 - HMRC
 - If applicable, any other Licensing Authority in whose area the premises are also situated.
- 23.4. A number of restrictions apply to gambling permitted under a Temporary Use Notice:
- A Temporary Use Notice can only be used to offer gambling of a form authorised by the operator's operating licence, and consideration should therefore be given as to whether the form of gambling being offered on the premises will be remote, non-remote, or both
 - Gambling under a Temporary Use Notice may only be made available on a maximum of 21 days in any 12-month period for any or all of a named set of premises. It is for the Licensing Authority to determine in each case what constitutes a set of premises.
 - It can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner
 - Gaming machines may not be made available under a Temporary Use Notice

Decision Making

- 23.5. Where no objections are made within 14 days of the date of the Notice, the Licensing Authority shall endorse it as valid and return it to the person who lodged it.
- 23.6. Where an objection has been received in relation to a Temporary Use Notice, the Licensing Authority must hold a hearing to consider representations from the person who submitted the Notice, any objectors and any person entitled to receive a copy of the notice.

- 23.7. If the Licensing Authority considers that the Temporary Use Notice should not have effect – after a hearing has taken place or has been dispensed with – it must issue a counter-notice which may provide for the TUN
- not to have effect
 - to have effect only in respect of a specified activity
 - to have effect only in respect of activity carried on during a specified period of time or at specified times of day
 - to have effect subject to compliance with a specified condition.
- 23.8. Objections may be dealt with by proposing modifications that will alleviate the objectors' concerns. If the modifications are accepted by the applicant, a new Temporary Use Notice must be given, incorporating the modifications, and the original notice will be treated as withdrawn.
- 23.9. A counter notice providing that a Temporary Use Notice will not take effect will be given by the Licensing Authority where the notice would contravene the maximum number of days available for a set of premises.
- 23.10. The counter notice can prevent the Temporary Use Notice from having effect or may limit the Notice in other various prescribed ways.
- 23.11. The principles that the Licensing Authority applies in deciding whether to issue a counter-notice are the same as those in determining Premises Licence applications.

Occasional Use Notices

- 24.1. Where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an Occasional Use Notice without the need for a Premises Licence.
- 24.2. Occasional Use Notices may not be relied upon for more than eight days in a calendar year.
- 24.3. The Act prescribes the requirements and process for issuing such Notices; this includes giving notice to the Licensing Authority and copying it to prescribed parties.

Gaming Machines – Available for Use

- 25.1. It is an offence for a person to make a gaming machine available for use where they do not hold the relevant permission(s) or exemption(s) covering gaming machines.
- 25.2. The Act does not define what 'available for use' means and therefore the Licensing Authority shall have regard to the Gambling Commission's guidance on the interpretation of this phrase. Broadly speaking, a machine is 'available for use' if a person can take steps to play it without the assistance of an operator.

Miscellaneous

Rights of appeal and judicial review

- 26.1. Havant Borough Council is aware that its decisions may be subject to an appeal in accordance with the provisions of the Act and judicial review. It also recognises that failure to give reasons for a decision may compel a person to appeal. Havant Borough Council will:
- give clear and comprehensive reasons for a rejection of an application where there is a requirement in the Act to do so
 - wherever practicable, as best practice, give clear and comprehensive reasons for all decisions connected to its functions under the Act, regardless of whether there is a requirement under the Act to do so.
- 26.2. An appeal must be commenced by the giving of a notice of appeal by the appellant to the local magistrate' court within a period of 21 days beginning with the day on which the appellant was notified by Havant Borough Council of the decision to be appealed against.
- 26.3. Any person who wishes to pursue an appeal is strongly advised to seek independent professional legal advice from a legal advisor who specialises in the law on gambling.

Small society lotteries

- 26.4. The Gambling Act 2005 denotes local authorities as being responsible for registering societies to run small society lotteries.
- 26.5. There are two types of lottery, the latter of which the Council will deal with in terms of receiving and processing applications;
- Licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Gambling Commission and require operating licences;
 - Exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Gambling Act 2005, including the small society lottery.
- 26.6. The Council will refer to the relevant sections of the Gambling Act 2005 and guidance from the Gambling Commission in determining whether a lottery constitutes one of the four exempt lotteries, and whether a 'society' is a non-commercial society for the purposes of holding small society lotteries.
- 26.7. The Council will publish guidance notes on the registration of a small society lottery, incorporating any relevant guidance from the Gambling Commission, relating to tickets, limits places on exempt lotteries, administration of applications and social responsibility. This can be seen at Appendix C to this Statement.

26.8. The Gambling Commission's advice note on promoting society and local authority lotteries shall be made available to potential applicants on the Council's website.

Other matters

26.9. In order to ensure that applicants and persons who make representations have the necessary information to be able to do so, the information below will be available on the Havant Borough Council website (www.havant.gov.uk) or by contacting the Licensing Department at Havant Borough Council:

- Register of premises licences issued by Havant Borough Council
- Fees
- Guidance on how to make an application
- List of responsible authorities and contact details
- Application forms, where appropriate
- Making representations
- Applying for a review of a licence

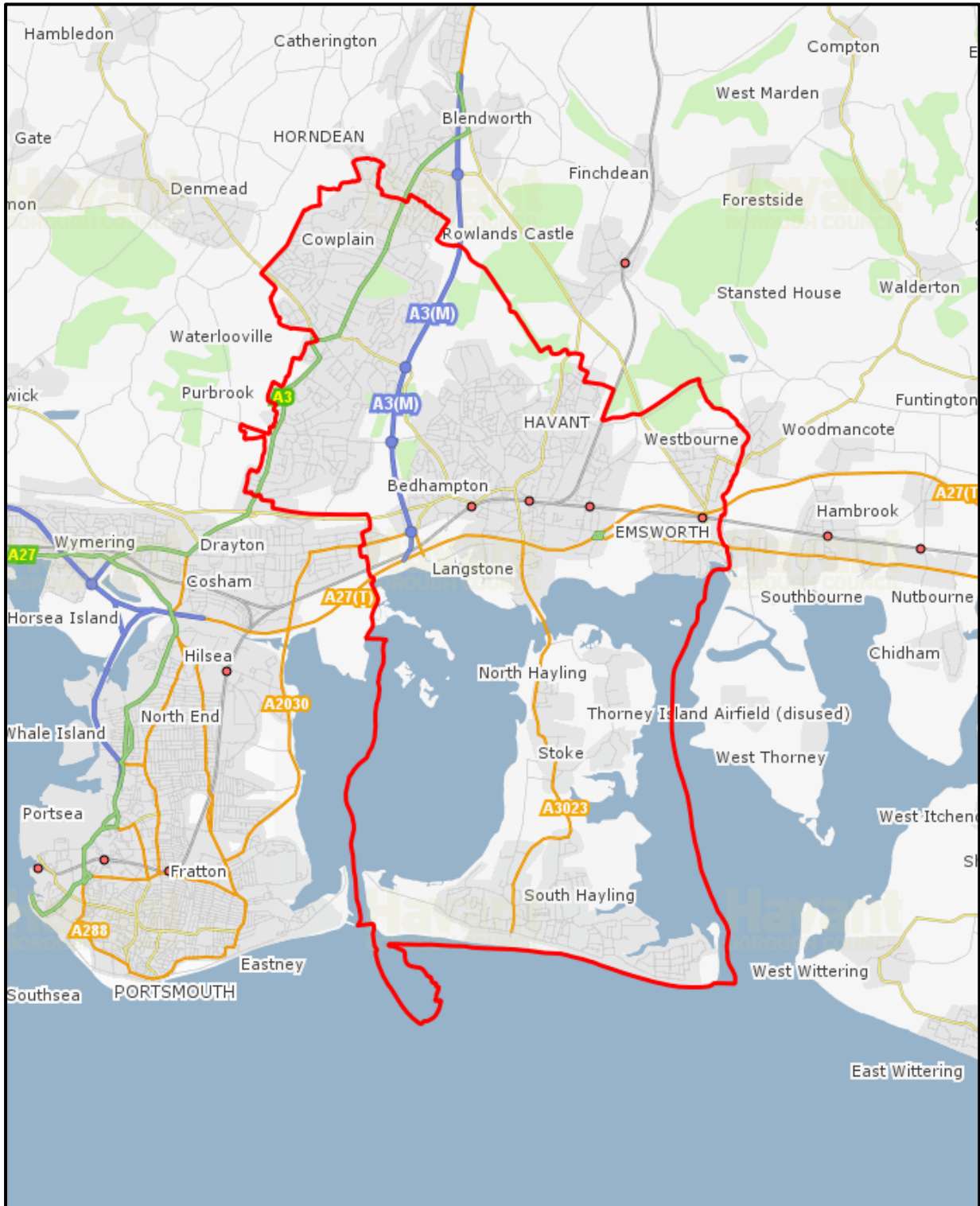
APPENDIX A

Havant Borough Council Delegations of Licensing Functions

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Statement of Principles	x		
No-casino resolution	x		
Fee setting (when appropriate)			x
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a premises licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a premises licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional 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 objections have been made (and not withdrawn)	Where no objections made/ objections have been withdrawn
Cancellation of club gaming/ club machine permits		x	
Applications for other permits			x
Cancellation of licensed premises gaming machine permits			x
Consideration of temporary use notice			x
Decision to give a counter notice to a temporary use notice		x	

Determination as to whether a person is an Interested Party			x
Determination as to whether representations are relevant			x
Determination as to whether a representation is frivolous, vexatious or repetitive.			x

APPENDIX B



APPENDIX C

GUIDANCE NOTES ON THE REGISTRATION OF A SMALL SOCIETY LOTTERY

These guidance notes refer only to registration of a small society lottery. Please refer to the Gambling Commission for further clarification on the different types of lotteries, the licensing and registration of lotteries, and exempt lotteries.

DEFINITION

The Act's definition of a small society lottery falls into two distinct areas:

Society status - the society in question must be 'non-commercial'

Lottery size - the total value of tickets for sale per single lottery must not exceed £20,000, or the aggregate value of tickets for sale in all lotteries in a calendar year must not exceed £250,000.

If the operator plans to exceed either of these values, they may need to be licensed with the Gambling Commission to operate a large lottery.

LIMITS PLACED ON SMALL SOCIETY LOTTERIES

At least 20% of the lottery proceeds must be applied to the purposes of the society (para 33);

No single prize can be worth more than £25,000 (para 34);

Rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000 (para 35);

Every lottery ticket must cost the same, and the society must receive payment before entry into the draw is allowed (para 37).

TICKETS

Lottery tickets may involve the issuing of physical or virtual tickets to participants (i.e. paper ticket, e-mail or text message). All tickets must state:

the name of the promoting society

the price of the ticket (which must be the same for all tickets)

the name and address of the society member designated as having responsibility for promoting small lotteries, or (if there is one) the external lottery manager

the date of the draw, or information enabling the date to be determined.

The requirement to provide this information for virtual tickets can be satisfied by the participant retaining the message electronically or printing it. The Gambling Commission recommends that societies maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw.

The licensing authority is permitted to inspect the records of the lottery for any purpose related to it. The Act requires that lottery tickets must only be sold by, and to, people over the age of 16 only.

RETURNS

Under para 39 of Schedule 11, the society must send returns to the licensing authority following each lottery held. The following information must be submitted:

The arrangements for the lottery - specifically the date on which tickets were available for sale or supply, the dates of any draw, and the value of prizes, including any donated prizes and any rollover

The total proceeds of the lottery

The amounts deducted by the lottery promoters for prizes, including prizes in accordance with any rollovers

The amounts deducted by the lottery promoters for costs incurred in organising the lottery

The amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds)

The amount of any expenses incurred in connection with the lottery not paid from the proceeds, and the sources from which they were paid

The returns must be sent to the licensing authority within three months of the date of the lottery draw or, in the case of 'instant lotteries' (scratch cards), within three months of the last date on which tickets were on sale

Returns must be signed (electronic signatures are acceptable) by two members of the society, over 18 years old, appointed for the purpose by the society or its governing body. A copy of their letter or letters of appointment must be included with the return.

EXTERNAL LOTTERY MANAGERS

An external lottery manager can be an individual, or a company appointed by the society to manage a lottery, or lotteries, on their behalf. They are consultants and generally take their fees from the expenses of the lottery.

External lottery managers must hold an operator's licence issued by the Commission to manage any lottery, including small society lotteries registered with a licensing authority. Societies must consult the register of operating licences held on the Commission's website at www.gamblingcommission.gov.uk before employing an external lottery manager. It is an offence to employ an unlicensed manager.

NEW REGISTRATION

To register a new small society lottery, complete the online application form on Havant Borough Council's website.

Submit the online application form, complete with £40.00 registration fee.

ADMINISTRATION OF REGISTRATION

The Council is required by para 44 of schedule 11 of the Act to record details of the society on a register, which must be made available to the public on request. It must also inform the Gambling Commission of all registrations.

Once the application for registration has been accepted, the applicant will be notified as soon as practicable.

Registrations run for an unlimited period, unless cancelled or revoked.

There will be an annual fee of £20, which must be paid within the two months prior to the anniversary of registration. Renewal notices will be sent to all registered societies as a courtesy.

The anniversary of any registration will start from the date of first registration by the local authority.

REFUSAL OF APPLICATION

Paragraphs 47 and 48 of Schedule 11 of the Act set out the grounds for refusal of registrations. In summary these are:

An operating licence held by the applicant for registration has been revoked, or an application for an operating licence made by the applicant for registration has been refused within the past five years;

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 (as listed at schedule 7 of the Act); or

Information provided in, or with, the application for registration is found to be false or misleading.

The licensing authority will only refuse an application after the society has had the opportunity to make representations. These can be made at a formal hearing or in writing. Further information on the procedure will be supplied on request.

REVOCATION OF REGISTERED STATUS

A licensing authority may revoke the registration of a society if it thinks they would have had to, or would have been entitled to, refuse an application being made at that time. The same procedure applies as above. Revocations cannot take place unless the society has been given an opportunity to make representations at a formal hearing or in writing. Further information on the procedure will be supplied on request.

APPEALS

Following conclusion of any hearings and receipt of representations, the licensing authority would notify the applicant or society as soon as possible if their registration is still to be revoked, or if their application for registration has still been rejected. The process of appeal would be sent to the applicant with any decision notice. Any appeal against a decision must be made within 21 days of receipt of the decision notice. This must be made directly to the local magistrates' court.

FURTHER GUIDANCE

Applicants are encouraged to consult the Gambling Commission's website for up-to-date advice and guidance on how to legally run a small society lottery. In particular, the Commission's Lottery Toolkit is particularly helpful and provides guidance on changes to draw dates, ticket vending machines and other variables.

NON EXEMPT

HAVANT BOROUGH COUNCIL

LICENSING COMMITTEE

26 June 2023

REVIEW OF STATEMENT OF LICENSING POLICY LICENSING ACT 2003

FOR APPROVAL FOR CONSULTATION

Portfolio Holder: Councillor Elizabeth Lloyd

Key Decision: No

Report number: HBC/012/2023

1. Purpose

- a. The purpose of this report is to seek approval of the Licensing Committee of the draft revised Statement of Licensing Policy under the Licensing Act 2003 for public consultation.

2. Recommendation

- a. Members are requested to:
 - i. Approve the revised Statement of Licensing Policy under the Licensing Act 2003 for the purpose of consultation.

3. Executive Summary

- a. Section 5 of the Licensing Act 2003 requires licensing authorities to determine and publish a statement of policy that it proposes to apply in exercising its functions under the Act every five years.
- b. The Council's current Statement of Licensing Policy expired in January 2021, and therefore is overdue for review.
- c. The Government guidance issued under section 182 of the Act was last updated in December 2022, and so this review presents an opportunity to ensure that the Policy is consistent with current statutory guidance.

- d. Since the current Policy's publication in 2016, awareness of issues such as violence against women and girls, drink spiking and child exploitation have become increasingly more prevalent. The revised Policy seeks to address these issues and outline how the Council will work with the licensed trade to combat them.
- e. The revised Statement of Licensing Policy can be found at Appendix A with proposed additions shown in green font. Some amendments have been made to the overall layout and wording of the document to make it more accessible to our customers.

4. Additional Budgetary Implications

- a. There are no additional budgetary implications as a result of this report.

5. Background and relationship to Corporate Strategy and supporting strategies and policies

- a. Wellbeing: The regulation of licensed premises and licensable activities aims to protect the public in line with the promotion of the four licensing objectives. By publishing this Policy, the Council has taken into consideration the local profile of the Borough and how partner agencies and operators can work together to ensure the safety of those who use licensed premises.
- b. Pride in Place: Publishing a statement of how the Council intends to exercise its functions with respect to licensable activities provides operators with transparency, enabling them to submit applications and operate their premises with full knowledge of the relevant legislation, conditions, guidance and local policies. Liaison with partner agencies and implementing a proactive enforcement programme for licensed premises may also drive improvements relating to communities, safety, and place.

6. Options considered

- a. The licensing authority is required by law to publish its Statement of Policy every five years. As the review is overdue, there are not alternative options to reviewing the Policy this year.

7. Resource implications

a. Financial implications

- i. The costs of administrating licences and permits under the Licensing Act 2003, and undertaking enforcement action where required, are covered by the Licensing Team's existing budget. Application fees are set by central Government and are set as such to ensure that the administration of applications remains cost neutral.

Section 151 Officer comments

The review does not impact or change any existing budget pressure, nor does it add any new pressures. All costs can be met within existing budgets. Therefore, this has my approval.

Steven Pink, Chief Finance Officer (S151)

Havant Borough Council

b. Human resources implications

- i. There are no human resources implications as a result of this report.

c. Information governance implications

- i. The revised Statement of Licensing Policy does not propose to collect or process any additional data in addition to that already covered by the Council's privacy policy. Following adoption of the revised Policy, it would be best practice to develop a new Data Protection Impact Assessment for the licensing authority's functions under the Licensing Act 2003.

d. Climate and environment implications

- i. There are no climate or environment implications as a result of this report.

e. Other resources implications

- i. To ensure an efficient licensing service for our customers, the Council may consider developing an online application system. This would enable customers to make their applications from home, upload supplementary documents online, reduce postage and printing costs and reduce incorrectly completed applications.

8. Legal implications

- a. The Licensing Act 2003 requires the licensing authority to publish its Statement of Licensing Policy every five years. This revised Policy is proposed to cover a five year period from the date of adoption.
- b. The Policy is intended to set out the general approach that the Council will take when making licensing decisions. However, each application will be considered on its own individual merits.
- c. In producing this Policy, the Council has had regard to the licensing objectives and guidance issued under section 182 of the Licensing Act 2003. It will also take into consideration any comments received from those consulted on the Policy, making necessary amendments prior to adoption.
- d. The Licensing Authority will have regard to the licensing objectives as set out in section 4 of the Licensing Act 2003:
 - The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.

Monitoring Officer comments

Section 5 of the Licensing Act 2003 requires licensing authorities to prepare and publish a statement of its licensing policy at least every five years.

Constitutionally adoption of the Licensing Policy is a matter for Full Council.

Jo McIntosh

9. Risks and mitigations

- a. Exposure to challenge: The Statement of Licensing Policy could be challenged by Judicial Review, but as an open and fair consultation will have taken place and the Council's decision-making process is considered lawful, a successful challenge is considered unlikely.
- b. Reputation: The Statement of Licensing Policy clearly outlines the Council's expectations of applicants and licensees, and details the principles that will be considered in exercising its functions as licensing authority. Aligning this Statement with statutory guidance published under section 182 of the Licensing Act 2003 demonstrates that the Council aims to achieve consistency with other licensing authorities and avoid unnecessary burdens on licensees.
- c. Timescales: The current Statement of Licensing Policy must be referred to, pending adoption of the revised Policy. It is recognised that the current Policy is overdue for review and therefore it is essential that the Council also refer to the statutory guidance issued under section 182 of the Licensing Act to ensure that decisions made are consistent with current national practices.

10. Consultation

- a. It is proposed that the draft revised Statement of Licensing Policy undergoes a 4-week public consultation process following approval by the Licensing Committee.

- b. Whilst the consultation is public and any organisation or individual may submit comments, the Council is required to specifically consult the following parties:
- The Chief of Police for the area;
 - Hampshire & IOW Fire and Rescue Authority
 - Public Health, Hampshire County Council
 - Such persons as the Licensing Authority considers to be representative of holders of premises licences;
 - Such persons as the Licensing Authority considers to be representative of holders of club premises certificates;
 - Such persons as the Licensing Authority considers to be representative of holders of personal licences;
 - Such persons as the Licensing Authority considers to be representative of businesses and residents in its area.
- c. It is proposed to invite the submission of comments via post and email.

11. Communications

- a. The Licensing Team will work with the Council's Public Relations Team to share details of the consultation and how to make comments on the appropriate social media channels and in other public communications.

12. Appendices

- a. Appendix A: Draft Revised Statement of Licensing Policy

13. Background papers

- a. Licensing Committee – Wednesday 13 January 2016 17:00, Item 28:
Proposed Changes to the Current Licensing Act 2003 Policy

Agreed and signed off by:

Portfolio Holder: Councillor Elizabeth Lloyd 15/06/2023

Executive Head: Alex Robinson 15/06/2023

Monitoring Officer: Jo McIntosh 15/06/2023

Section 151 Officer: Steven Pink 13/06/2023

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Havant

BOROUGH COUNCIL

STATEMENT OF LICENSING POLICY

LICENSING ACT 2003

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1. INTRODUCTION

1.1 The Licensing Act 2003 (“The Act”) requires licensing authorities to publish a Statement of Licensing Policy (the “Policy”) in respect of its licensing functions every five years. Havant Borough Council is the “Licensing Authority” as defined under the Act. The Policy sets out a general approach to making licensing decisions in respect of licences under the Act.

1.2 The Licensing Authority must have regard to this Policy and any statutory guidance issued by the Secretary of State. The Licensing Authority reserves the right to act outside the provisions of this Policy and to depart from it if, having considered the individual case, it can demonstrate good reasons to do so and where it is appropriate to do so to promote one or more of the licensing objectives.

1.3 During the five-year period, the policy will be kept under review and revised when appropriate; for example, where legislation or statutory guidance is updated. Further licensing policy statements will be published every five years thereafter.

Consultation

1.4 Where amendments to the policy are considered necessary, these will be made following consultation in accordance with section 5(3) of the Act, with proper weight given to the views of those consulted.

1.5 In accordance with section 5 of the Act, the Licensing Authority has consulted with the following persons/bodies prior to publication of this Policy:

- The Chief Officer of Police, Hampshire Constabulary
- Hampshire and IOW Fire and Rescue Authority
- Public Health, Hampshire County Council
- Bodies representing holders of premises licences and club premises certificates
- Bodies representing holders of personal licences
- Bodies representing businesses and residents in the Borough
- Any other person or body the Licensing Authority deems appropriate

1.6 In addition, the Council has consulted with:

- Health and Safety Executive
- Environmental Health, Havant Borough Council
- Executive Head of Place, Havant Borough Council
- Planning and Development Management, Havant Borough Council
- Neighbourhood Quality & Community Safety, Havant Borough Council
- Adult and Child Services, Hampshire County Council
- Trading Standards, Hampshire County Council
- Immigration Enforcement, Home Office
- Hampshire Chamber of Commerce
- Havant Partnership Action Group
- Hampshire and Isle of Wight licensing authorities

- 1.7 This statement of licensing policy has been prepared in accordance with section 5 of the Act, taking into consideration the Government’s guidance issued under section 182 of the Act and other relevant publications.
- 1.8 The Licensing Authority has established a Licensing Committee consisting of 15 Councillors. All matters relating to licensing functions come under the direction of this committee.
- 1.9 The Licensing Committee may establish one or more sub-committees to whom certain decisions will be delegated. In the interests of efficiency, the Licensing Committee may also delegate some licensing decisions and functions to authorised officers. The Licensing Committee may receive reports on decisions made by officers to inform its overview of licensing matters. **Appendix 1** (Schedule of Delegation) sets out the framework for licensing decisions.
- 1.10 Nothing in this Policy will:
- Undermine the right of any person to apply under the Act for any licence, certificate or notice.
 - Override the right of any person to make representations on any application or to seek a review of a licence or certificate where they are permitted to do so under the Act.

Licensable Activities

- 1.11 The Licensing Authority is responsible for considering all applications for “licensable activities”, as defined in section 1 of the Act. The purpose of licensing is to regulate the operation of licensable activities on licensed premises, qualifying clubs and at temporary events. Licensable activities, identified by the Act, include:
- Sale by retail of alcohol
 - Supply of alcohol to club members
 - Provision of late night refreshment
 - Provision of regulated entertainment, defined as follows:
 - A performance of a play
 - An exhibition of film
 - An indoor sporting event
 - Boxing or wrestling entertainment
 - A performance of live music
 - Playing of recorded music
 - A performance of dance
- 1.12 **The Live Music Act 2012, the Legislative Reform (Entertainment Licensing) Order 2014 and the Deregulation Act 2015 provide significant exemptions to licensing requirements for some of the activities listed above.**

The Borough

- 1.13 The Havant Borough is just over 30 square miles and serves a population of around 124,200 (2021 Census).
- 1.14 The Havant Borough has many and varied licensed premises. The Licensing Authority recognises that these premises play a vital part in the cultural identity of the area and are important contributors to the local economy. The premises attract tourists and visitors, making for vibrant towns and communities with many employment opportunities.
- 1.15 There are approximately 331 licensed premises in the Borough where alcohol is sold, late night refreshment provided and/or entertainment provided on a regular or occasional basis. These premises include:
- public houses
 - supermarkets and off-licences
 - businesses offering hot food between 23:00 and 05:00
 - hotels, guest houses, restaurants and other places that sell alcohol
 - private members' clubs and social clubs
 - theatres and amateur dramatic groups
 - cinemas
 - parks and open spaces
 - premises where indoor sporting events take place
 - community premises, village halls and schools
- 1.16 The 2021 Census found that 4.6% of residents in the Borough, who are currently employed, are working in the accommodation and food service industries.

2. LICENSING OBJECTIVES

- 2.1 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the four licensing objectives, which are:
- Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- 2.2 The Licensing Authority recognises that the best means of promoting the licensing objectives is through cooperation and partnership between local authorities, police and other enforcement agencies, local businesses, performers, community and crime prevention groups, and those involved in child protection.
- 2.3 In promoting the licensing objectives, the Licensing Authority has a number of key purposes which should be principal aims for any person or body involved in licensing functions. These purposes include:
- a) Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by licensed premises;
 - b) Ensuring that the police, licensing officers and other agencies have the powers required to effectively manage and police the night-time economy, taking action against those premises not upholding the licensing objectives;
 - c) Recognising the valuable role that licensed premises play in our local communities and economy, by minimising the regulatory burden on businesses where possible, establishing positive relationships with licensees and supporting responsible premises;
 - d) Actively engaging with the local police to identify instances of drink spiking, and using this data to educate licensed premises and the general public about how to keep customers safe;
 - e) Working closely with partner agencies, licensees and local communities to proactively safeguard and prevent violence against women and girls in the night-time economy;
 - f) Providing a regulatory framework for alcohol which reflects the needs of the local area and its communities; and
 - g) Encouraging greater community involvement in licensing decisions, giving local residents the opportunity to express their views regarding licensing decisions that may impact them.
- 2.4 The Operating Schedule forms part of the completed application for a premises licence or club premises certificate. It should include information which is necessary to enable any Responsible Authority or Other Person to assess whether the steps to be taken to promote the licensing objectives are satisfactory. Specific requirements on what the schedule should contain and how it should be presented are contained in sections 17 and 71 of the Act and in regulations. General policies relevant to each of the licensing objectives are detailed below.

Prevention of Crime and Disorder

- 2.5 The consumption of alcohol has a proven relationship with incidents of violent crime and disorder. Data from the Office for National Statistics shows that over 13% of violent incidents were alcohol-related between 2018 and 2020.

- 2.6 As of 2023, the crime rate in Havant is 16% higher than the South East and 6% higher than the England, Wales & Northern Ireland overall figure. The most commonly committed crimes in Havant are violence and sexual offences, with 5,529 offences during 2022.
- 2.7 The Licensing Authority will maintain a positive working relationship with local policing teams, including the police licensing team, to ensure that information about crime and disorder related to licensed premises is shared and used to inform decisions about applications and enforcement action.
- 2.8 It is expected that applicants for premises licences and club premises certificates engage with the local police licensing team prior to submitting an application, particularly where the proposed activities are more likely to adversely impact this licensing objective.
- 2.9 Applicants must indicate in the Operating Schedule the steps that they propose to prevent crime and disorder. This information be re-worded as necessary by the Licensing Authority and applied to any licence or certificate granted as enforceable conditions. Examples of appropriate measures may include:
- Installation and use of CCTV at the premises, in accordance with the Information Commissioner's Code of Practice;
 - A zero tolerance drug policy with clear, documented procedures for dealing with customers suspected of using or supplying illegal drugs;
 - Employment of SIA licensed door supervisors, particularly in the night time economy;
 - Maintaining an incident log on the premises, for the purposes of identifying trends and sharing information with the local police;
 - Risk assessments undertaken for drinks promotions, ensuring that they comply with the mandatory conditions;
 - Staff training in recognising and dealing with drunkenness, conflict management and crime scene preservation;
 - Participation in local crime prevention schemes such as Pubwatch, Shopwatch, Best Bar None and Ask for Angela, where such schemes exist;
 - Preventing open containers of alcohol being removed from the premises;
 - Personal licence holder on duty at all times that alcohol is being supplied from the premises.

This list is non-exhaustive, and the Licensing Authority recommends that applicants consider measures that are proportionate and necessary for the specific premises and style of operation.

- 2.10 To promote this licensing objectives, the range and scope of control measures will depend on a number of factors. These may include
- nature and style of the venue
 - activities being conducted there
 - location of the premises
 - anticipated clientele of the business involved
 - past record of the premises

Offences relating to crime and disorder

2.11 The following are offences under the Act:

- To sell or supply alcohol to a person who is drunk;
- To knowingly allow disorderly conduct on licensed premises.
- For the holder of a premises licence or a Designated Premises Supervisor to knowingly keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported or acquired.

Drink Spiking

- 2.12 Drink spiking is when somebody puts drugs or alcohol into a person's drink without their knowledge or consent. Spiking can affect victim's physical and mental health and emotional wellbeing, with many victims being subject to robbery and sexual assault.
- 2.13 A House of Commons Committee report published in 2022 reported findings relating to drink spiking and made recommendations to the Government. The report was commissioned in response to an increase in the number of reports of drink spiking and needle spiking. The report found that 93% of needle spiking incidents occurred in the evening and night-time economy, most frequently in pubs and clubs. Accurate data regarding the number of spiking incidents per year is difficult to obtain, as many cases go unreported.
- 2.14 The report made a number of recommendations, including that the Government should work with local authorities to develop a national anti-spiking strategy, promotes best practice and requires all police forces and local authorities to publish their chosen approach.
- 2.15 The Licensing Authority expects applicants for premises licences and club premises certificates, and current licensees, to take reasonable steps to prevent drink spiking on their premises. Control measures should be proportionate to the style of premises, taking into consideration Government guidance on the matters and any recommendations made by the local police licensing team.
- 2.16 Applicants and licence holders can be proactive in recognising and tackling drink spiking by ensuring that their staff have access to relevant guidance and training materials. Staff members should understand how to identify potential drink spiking, how to safeguard victims and how to report incidents.
- 2.17 The Council will develop an anti-drink spiking strategy, outlining how it intends to work with partner agencies and licensed premises to tackle the issue. This will be regularly reviewed to ensure that it is fit for purpose.

Violence Against Women and Girls (VAWG)

- 2.18 Certain acts of violence or abuse have been proven to disproportionately affect women and girls. Violence Against Women and Girls (VAWG) can be defined as any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.'
- 2.19 In 2021, the Government published its strategy for tackling violence against women

and girls (VAWG). The strategy has been followed by the launch of VAWG initiatives from multiple organisations, including the College of Policing and the Home Office.

- 2.20 Tackling violent crime in the nighttime economy is likely to have a direct impact on preventing violence against women and girls. The Licensing Authority is committed to working with partner agencies and licensed premises to increase awareness of this issue and to signpost licensees to training resources and guidance.
- 2.21 Applicants and licence holders can be proactive in preventing violence against women and girls by participating in initiatives such as 'Ask for Angela' and the Home Office's 'Enough' campaign, and ensuring that their staff have access to relevant guidance and training materials such as the Welfare and Vulnerability Engagement (WAVE) training package.

Public Safety

- 2.22 Licensed premises have a number of public safety considerations, many of which are enforced under separate legislation, i.e., the Health and Safety at Work Act 1974.
- 2.23 The Licensing Authority will seek to avoid duplication with other regulatory regimes wherever possible, particularly when drafting licence conditions and guidance. Where requirements are imposed by other legislation, it is not expected that applicants include these in their Operating Schedule as suggested licence conditions.
- 2.24 Where a licensed premises is under investigation or subject to enforcement action under another regulatory regime, the Licensing Authority shall endeavour to have a joined-up approach with the relevant enforcement agency and consider whether the investigation and/or enforcement action demonstrates a failure to promote the licensing objectives.
- 2.25 It is expected that applicants for premises licences and club premises certificates engage with relevant agencies on matters of public safety prior to submitting an application, particularly where the proposed activities are more likely to adversely impact this licensing objective.
- 2.26 Applicants must indicate in the Operating Schedule the steps that they propose to ensure public safety. This information be re-worded as necessary by the Licensing Authority and applied to any licence or certificate granted as enforceable conditions. Examples of appropriate measures may include:
- Implementation of a 'comfort' capacity level, typically lower than the safe occupancy level as determined by a fire risk assessment, to prevent overcrowding;
 - Consideration given to counter terrorism measures, including static and mobile threats, with procedures for evacuation and building lockdown.
 - Employment of SIA licensed door supervisors, stewards and/or traffic marshals, depending on what is appropriate for the premises;
 - Provision of a suitably trained welfare officer; a designated member of staff for the purposes of ensuring customer safety and wellbeing and responding to vulnerability concerns;

- A procedure for ensuring that any person leaving the premises who is deemed vulnerable has access to necessary support and/or a safe method of travel, engaging with local taxi firms and schemes such as Street Pastors or Night Angels (where such schemes exist).

This list is non-exhaustive, and the Licensing Authority recommends that applicants consider measures that are proportionate and necessary for the specific premises and style of operation.

- 2.27 Where appropriate, the Licensing Authority will consider attaching conditions to licences and certificates to promote public safety. These may be drawn from the information contained in the Guidance issued under section 182 of the Licensing Act 2003.
- 2.28 In a case where different Responsible Authorities permit different 'safe' or 'permitted' capacity numbers for a premises, the Licensing Authority will consider the recommendations and make a determination as appropriate to the Licensing Objectives in each case.

Martyn's Law

- 2.29 The Terrorism (Protection of Premises) Bill, also known as Martyn's Law, was published by the Government in draft form in May 2023. The legislation has been drafted following the Manchester Arena inquiry, which strongly recommended the introduction of a legislative requirement to improve the safety and security of public venues.
- 2.30 Whilst this legislation is separate to the Licensing Act 2003, the Licensing Authority recognises that a significant number of premises licensed under the Act will also fall within the scope of Martyn's Law.
- 2.31 The draft legislation will, once passed, apply to premises that are accessible to the public and used primarily for a listed purpose (e.g., for entertainment and leisure, retail, food and drink, museums and galleries, sports grounds, public areas of local and central Government buildings, visitor attractions, places of worship, health, and education establishments), and have a public capacity of at least 100 persons.
- 2.32 The Licensing Authority will signpost applicants and licence holders to the relevant legislation, Government guidance and other published advisory notes to assist them with complying with Martyn's Law.

Prevention of Public Nuisance

- 2.33 The very nature of many licensed premises' day-to-day operations come with the risk of causing nuisance to neighbouring business and residential premises. Premises that provide live and recorded music, in particular, will be expected to ensure that their activities are not causing a significant adverse impact on the local area.
- 2.34 Public nuisance can range from low level nuisance affecting a small number of people to widespread disturbance affecting the whole community. Public nuisance associated with licensable activities may arise from a range of causes including noise, odour, light emission and litter. The Act, and powers contained therein, will be the default remedy to address the issues associated to premises where a valid

licence is in place. To prevent public nuisance the Licensing Authority will seek to ensure that:

- Effective and proportionate controls are in place to prevent public nuisance arising from any licensed activity;
- Evidence of public nuisance brought to the attention of the Licensing Authority will be considered. Where necessary the Licence will be amended or revoked to reduce the likelihood of further nuisance;
- Where it is in the public interest enforcement action will be considered in accordance with the Council's Enforcement Policy.

2.35 In considering applications, the Licensing Authority shall seek to strike a balance between the right of business owners to carry on licensable activities and the right of residents to peacefully enjoy their homes and local area.

2.36 The Licensing Authority may seek to impose stricter conditions to promote this licensing objective where premises are:

- In an area with denser residential accommodation
- In an area with low levels of background noise i.e., rural locations
- Proposing licensable activities beyond 23:00 and before 07:00
- Proposing licensable activities in outdoor areas, such as gardens or marquees
- Proposing licensable activities of longer duration or greater frequency, e.g., every day or every weekend.

2.37 Licensing legislation is not the primary mechanism for the control of nuisance caused by individuals that have vacated licensed premises. This is typically beyond the direct control of the licence or certificate holder. Nonetheless, the Licensing Authority expects reasonable controls to be implemented to mitigate nuisance where possible, for example a written dispersal policy.

2.38 Where nuisance complaints are made to the Licensing Authority or another regulatory service, i.e., Environmental Health or Planning, the Licensing Authority shall endeavour to have a joined-up approach with the relevant enforcement agency and consider whether the investigation and/or enforcement action demonstrates a failure to promote the licensing objectives.

2.39 It is expected that applicants for premises licences and club premises certificates engage with Environmental Health prior to submitting an application, particularly where the proposed activities are more likely to adversely impact this licensing objective.

2.40 Applicants must indicate in the Operating Schedule the steps that they propose to prevent public nuisance. This information be re-worded as necessary by the Licensing Authority and applied to any licence or certificate granted as enforceable conditions. Examples of appropriate measures may include:

- Limiting regulated entertainment to indoors only, or to a particular area of the premises which is less likely to adversely affect neighbouring properties;
- Consideration given to design, location and orientation of speakers;
- Documented noise management plan, agreed with Environmental Health;
- Effective queue management procedure;
- Management of external garden areas and smoking areas, including staggered

- closing times;
- Provision of adequate waste receptacles and cigarette bins;
- Display of signage to encourage customers to leave quietly;
- Installation of sound proofing, air conditioning and sound limitation devices;
- Distribution of information to nearby residents, i.e., regularly meetings or provision of a hotline telephone number.

This list is non-exhaustive, and the Licensing Authority recommends that applicants consider measures that are proportionate and necessary for the specific premises and style of operation.

Gardens and outdoor smoking areas

- 2.41 The beer gardens of public houses are an asset to the premises. Similarly, the provision of tables and chairs outside the premises either on the highway or on private land can enhance the attractiveness of the venue. Late at night, however the use of these same tables and chairs can contribute to noise problems as they can encourage patrons and passersby to loiter rather than disperse.
- 2.42 The use of tables and chairs for recreation and refreshment on the public highway requires a separate licence issued by the Licensing Authority under the provisions of the Business and Planning Act 2020 or the Highways Act 1980. Where appropriate, time restrictions may be placed on the use of outside chairs and beer gardens to prevent adverse impacts on the safety and amenity of local residents.

Live and recorded music

- 2.43 Amplified music poses a particular risk of nuisance if it is loud or is dominated by low (bass) frequencies. In respect of potential public noise nuisance from public houses, clubs, hotels, restaurants, cafes, community halls and similar premises, account should be taken of [any recommendations made by Environmental Health](#).
- 2.44 To establish the risk of public nuisance, the Operating Schedule will need to set out the type and frequency of activities that the licensed premises intends to carry out. The control measures that need to be implemented to prevent public nuisance may include:
- Improvements in the level of sound insulation provided;
 - Provision of lobbied entrances;
 - Provision of a mechanical ventilation or air conditioning system;
 - Management methods for controlling the volume of noise;
 - Use of an in-house sound system only;
 - Use of devices to automatically limit noise volume in the premises;
 - Design and location of the loudspeakers;
 - Controls over the times music is played.

Odour

- 2.45 Public odour nuisance can be caused by a variety of activities associated with licensed premises. These include:
- Inadequate storage of food waste
 - Cooking activities

- Cooking extract systems

2.46 Particular care is needed in the design of extract systems serving cooking areas. Account should be taken of any Government or industry guidance on the control of odour and noise from commercial kitchen extractor systems.

Light

2.47 Public nuisance may arise from artificial illumination used in open areas such as gardens. Lighting should not be permitted to create excessive illumination at neighbouring property and should be shielded and directed to avoid glare. Account should be taken of any Government or industry guidance on reduction of obtrusive light.

Smoking and litter

2.48 It is illegal to smoke in an enclosed or substantially enclosed public or workplace. Whilst smoking is not a regulated activity under the Act, the volume of patrons smoking outside premises in gardens and purpose-built shelters has increased since the smoke-free legislation provisions came into force. Premises staff will need to have regard to the additional noise from patrons who have moved outside to smoke and should introduce suitable controls to combat this. Whilst premises staff may not be held wholly responsible for the actions of its customers once they leave a venue, those using gardens or who intend to return to the premises, do remain the responsibility of the site.

2.49 Premises staff should also take particular steps to combat litter from smoking as this may give rise to complaints. **Appropriate waste receptacles may be provided to ensure that litter is disposed of correctly.**

Protection of Children from Harm

2.50 **The Licensing Authority expects new applicants and current licence or certificate holders to ensure they are fulfilling their responsibility to safeguard children in and around their premises. In particular, awareness of the threat of child sexual exploitation and measures to prevent underage sales of alcohol.**

2.51 **Licensed premises are expected to take a robust approach to preventing underage sales and proxy sales, implementing a proof of age scheme with regular training provided to staff members on how to verify customers' age and when to refuse service.**

2.52 It is unlawful under the Act:

- To allow an unaccompanied child (under 16 years old) to be present on premises which are “exclusively or primarily” used for the supply and consumption of alcohol there, (e.g. public houses) or
- To allow an unaccompanied child to be present on premises used for the supply of alcohol for consumption there between midnight and 0500hrs, (e.g. premises such as restaurants).

Both of these offences relate to the times when a premises is open for business.

2.53 **It is expected that applicants for premises licences and club premises certificates**

engage with relevant agencies (such as the police licensing team and local child protection team) prior to submitting an application, particularly where the proposed activities are more likely to adversely impact this licensing objective.

2.54 The Licensing Authority may seek to impose stricter conditions to promote this licensing objective where premises:

- Are more likely to attract children seeking to unlawfully drink alcohol;
- Are closely located to educational establishments for primary, secondary and higher education;
- Have a history of, or recent intelligence relating to serving alcohol to underage customers and/or a reputation for underage drinking;
- Make provision for events for mixed age groups, i.e., discos or parties targeted at 16-18 year olds;
- Make provision for entertainment of an adult or sexual nature;
- Are more likely to be used for child sexual exploitation, i.e., premises with overnight accommodation.

2.55 Applicants must indicate in the Operating Schedule the steps that they propose to protect children from harm. This information be re-worded as necessary by the Licensing Authority and applied to any licence or certificate granted as enforceable conditions. Examples of appropriate measures may include:

- A robust proof of age scheme, i.e., Challenge 25, with clear signage displayed to customers and regular staff training relating to age verification;
- Maintaining a refusals log, detailing all refusals made to sell or supply alcohol with the date, time, staff member's name and reason for refusal;
- Use of till prompts at the point of sale, reminding staff members of their obligation to verify customers' age;
- Limitations on the hours when children may be on the premises, or a requirement for accompanying adults;
- Procedures for notifying relevant agencies of safeguarding or vulnerability concerns, particularly where child sexual exploitation is suspected;
- Personal licence holder on duty at all times that alcohol is being supplied from the premises.

This list is non-exhaustive, and the Licensing Authority recommends that applicants consider measures that are proportionate and necessary for the specific premises and style of operation.

2.56 When deciding whether additional conditions should be imposed the Licensing Authority will consider each application on its own merits. In such cases, it may, in exceptional circumstances, impose a complete prohibition on the admission or presence of children. The type of controls the Licensing Authority may impose include:

- Limitations on the hours when children may be present
- Limitations on the presence of children under certain ages when particular specified activities are taking place
- Limitations on the parts of premises to which children might be given access
- Age limitations
- Requirements for accompanying adults and
- Full exclusion of people under 18 from the premises when any or certain

licensable activities are taking place

- 2.57 Where there is provision of entertainment specifically for children (e.g. children's disco) or where the children themselves are performers, the Licensing Authority will normally require the presence of sufficient adults to control the access and egress of the children and to ensure their safety.

Films and Adult Entertainment

- 2.58 The Licensing Authority expects applicants and licence / certificate holders to make necessary arrangements to restrict children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification (BBFC).
- 2.59 Where it is desired to show films not classified by the BBFC, the Council will, provided adequate notice has been given, refer the request to a Licensing Sub-Committee for it to classify the film(s) concerned. To achieve consistency and protect children from harm, the Sub-Committee will use the guidelines published by the BBFC.
- 2.60 In circumstances where adult entertainment (for example, striptease or lap-dancing) is regulated under the Licensing Act 2003, the Licensing Authority expects applicants and licence / certificate holders to have robust procedures in place to prevent children from being admitted to or witnessing entertainment events of this nature.
- 2.61 Premises used for adult entertainment shall be expected to ensure that performance areas cannot be seen from street, and that an age verification policy is in place in relation to ticket sales and admission.

Child Exploitation

- 2.62 The exploitation of children can take a number of different forms and perpetrators may subject children and young people to multiple forms of abuse at the same time, such as criminal exploitation (including county lines) and sexual exploitation.
- 2.63 The Licensing Authority recognises that the issue of child exploitation cannot be addressed by a single agency alone, and that effective collaboration between partner agencies and licensed premises is necessary to protect children from harm. Local businesses such as hotels, fast food restaurants, taxi services and pubs and nightclubs may come into contact with offenders and victims without realising, and so education about how to identify key signs of exploitation and providing appropriate information sharing methods is essential.
- 2.64 Raising awareness of the signs of child exploitation will be achieved in partnership with the local police licensing team, by sharing resources with licensed premises through established Pubwatch schemes and during routine compliance visits.
- 2.65 Applicants and licence holders can be proactive in recognising child exploitation by ensuring that their staff have access to relevant guidance and training materials, for example the Welfare and Vulnerability Engagement (WAVE) training package.

3. OTHER LEGISLATION AND INITIATIVES

- 3.1 In addition to being the Licensing Authority under the Licensing Act 2003, Havant Borough Council has responsibility for a number of other statutory functions which interrelate and complement licensing functions. For example, the Council acts as the local planning authority in determining planning applications, an environmental health service and a building control service.
- 3.2 The Council also publishes its aims and initiatives as part of its corporate strategy, which is reviewed regularly. This includes commitments to regeneration, supporting the wellbeing and health of local communities, and making the Borough a great place to live, work and enjoy.
- 3.3 Through consultation prior to publication, the Licensing Authority has endeavoured to ensure that this Policy is integrated with relevant, local initiatives and that the views of key stakeholders who are involved, directly or indirectly in the promotion of the licensing objectives, are taken into account.
- 3.4 The Licensing Authority will seek to avoid duplication with other regulatory regimes wherever possible, particularly when drafting licence conditions and guidance.
- 3.5 The Licensing Authority recognises that as part of implementing cultural initiatives it should encourage and promote live music, dancing, and theatre for the wider benefit of the community.
- 3.6 The wider cultural benefits of entertainment will always be balanced with the need to prevent disturbance to local neighbourhoods. Care will be taken to ensure that only necessary and reasonable licensing conditions are imposed which do not discourage the promotion of entertainment.
- 3.7 The Council has adopted the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009). Adult entertainment such as striptease and lap dancing which falls within the definition of “Relevant Entertainment” will therefore be controlled under these provisions (and any adopted policy for such provision), rather than the Licensing Act 2003. However, in certain cases where such entertainment is carried out infrequently, it will continue to be regulated under the Licensing Act 2003 and the provisions of this Policy will therefore apply to such entertainment. In any event, premises providing Relevant Entertainment will need to consider whether a Premises Licence is required for the provision of alcohol, regulated entertainment and late night refreshment.
- 3.8 Premises must also comply with all other relevant legislation that imposes specific controls on their activities that affect, for example:
- gambling
 - food safety
 - environmental protection and noise
 - health and safety
 - fire safety
 - smoking
 - equality and diversity
 - planning and building controls
 - counter terrorism measures

Planning

- 3.9 The Council recognises that there should be clear separation between the planning and licensing functions, with licensing applications considered independently of planning applications. Close liaison will be maintained between the Licensing Authority and the Council's Planning and Development Management Teams, ensuring that effective communication methods are used to discuss problems arising at premises where both planning and licensing permission are relevant.
- 3.10 Planning permission can sometimes be required where all or part of a domestic residential property is used for business purposes, and a change of use or changes to opening hours may be required where planning permission has already been granted. In these instances, any premises licence or club premises certificate granted under the Licensing Act does not override the existing planning permission or condition requirements.
- 3.11 Applicants are encouraged to discuss proposals with the Planning and Development Management Teams to obtain appropriate advice, prior to starting a new business venture or making changes to an existing business that already benefits from formal planning permission.
- 3.12 The Planning Team are a statutory consultee for the purposes of applications for premises licences and club premises certificates and may submit representations in respect of applications where they consider that the proposals will adversely impact the licensing objectives.

Crime, Disorder and Anti-Social Behaviour

- 3.13 The Licensing Authority will work closely with the police and other enforcement agencies on issues of crime, disorder and anti-social behaviour where these issues can be attributed to licensed premises.
- 3.14 The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its various functions with due regard to the likely effect of the exercise of those functions and to do all that it reasonably can to prevent crime and disorder in its area.
- 3.15 The Licensing Authority actively supports the existing Havant and District Pubwatch scheme, providing members with regular updates to legislation, guidance and best practice.
- 3.16 The Borough is subject to a Designated Public Places Order (DPPO). This order empowers the Police, Police Community Support Officers (PCSOs) and Accredited Persons (APs) to remove alcohol from individuals involved in anti-social behaviour. The Designated Public Places Order was made by the Local Authority under Section 13 of the Criminal Justice and Police Act 2001.
- 3.17 However, where the Local Authority occupies or manages a premises, or where premises are managed on its behalf and it licenses that place for alcohol sales, the DPPO (as amended under Section 26 of the Violent Crime Reduction Act 2006) will not apply when the licence is being used for alcohol sales (or 30 minutes after), but the place will be the subject to the DPPO at all other times. This allows the Council to promote community events whilst still

using DPPOs to tackle anti-social alcohol consumption.

- 3.18 A Community Alcohol Partnership (CAP) was launched in March 2012 on Hayling Island which focuses on the nuisance created by young people drinking alcohol in public places and becoming involved in anti-social behaviour, vandalism. It also aims to address the problem of adults purchasing alcohol for young people and being able to access alcohol from home supplies.
- 3.19 Conditions attached to individual premises licences and club premises certificates may also reflect local crime prevention initiatives.
- 3.20 Other mechanisms exist to control the anti-social behaviour of a minority of consumers who cause an adverse impact to neighbouring residents and businesses when leaving licensed premises. These include:
 - Positive action to create a safe and clean town centre environment, in partnership with local businesses and residents, transport operators and other departments of the local authority;
 - Power of local authorities to designate parts of the district as alcohol-free areas;
 - The confiscation of alcohol from adults and children in designated areas;
 - Police enforcement of legislation concerning disorder and anti-social behaviour including the issuing of community resolutions and use of dispersal orders;
 - The prosecution of any Personal Licence holder or member of staff at premises found to be selling alcohol to people who are either drunk or under-age;
 - Police powers to close any licensed premises or temporary event immediately for up to 24 hours, on grounds of disorder or excessive noise emanating from the premises;
 - The power of the Police and other responsible authorities or an interested party to seek a review of the licence or certificate in question.

4. CUMULATIVE EFFECT AND SPECIAL SATURATION POLICIES

- 4.1 The Licensing Authority will not take 'market need' into account for a particular type of premises in its area when considering a licence application. This is a matter for planning and development management, and the open market.
- 4.2 The Licensing Authority recognises that the cumulative impact of the number, type and density of licensed premises in a given area may lead to serious problems of nuisance and disorder.
- 4.3 Representations may be received from a Responsible Authority or any Other Person that an area has become saturated with premises, making it a focal point for large groups of people. This concentration of premises may create exceptional problems of crime and disorder and public nuisance over and above the impact from the individual premises.
- 4.4 In these circumstances, the Licensing Authority may decide that the application of specific conditions is unlikely to address these problems. It may instead consider refusing new premises licences or club premises certificates if it believes that granting of additional licences would undermine the licensing objectives.
- 4.5 To do this, the Licensing Authority would first adopt a "Special Saturation

Policy” as follows:

- identification of concerns about crime and disorder or public nuisance;
- consideration of whether crime and disorder or public nuisance problems are arising and are caused by the customers of licensed premises;
- identifying the area from which problems are arising and the boundaries of that area. Alternatively, the risk factors may be such that the area is reaching a point when a cumulative effect is imminent. Evidence of anti- social behaviour from the Police and and noise nuisance from Environmental Health will be considered in determining this;
- consultation with those specified in section 5(3) of the Act;
- subject to that consultation, inclusion of a Special Saturation Policy concerning premises licence or club premises certificate applications from that area within the terms of this Policy;
- publication of the Special Saturation Policy as part of this Statement of Licensing Policy.

4.6 Where a Special Saturation Policy is adopted by the Council, any new application for a premises licence or club premises certificate in the relevant area would normally be refused. Applicants would need to demonstrate in their operating schedules why the operation of the premises would not add to the cumulative impact already being experienced. Where representations are received, however, the onus will also be on the objector to provide evidence that the addition of the premises in question would produce the cumulative impact claimed. The impact will be different for premises with different styles and characteristics.

4.7 The Licensing Authority may approve licences that are unlikely to add significantly to the cumulative impact, e.g., restaurants, theatres etc. Departures from the Special Saturation Policy may be made and the Licensing Authority will always consider the circumstances of each individual application on its own merits.

4.8 The adoption of a Special Saturation Policy does not relieve Responsible Authorities or any Other Person of the right to make relevant representations in respect of applications for premises licences and club premises certificates.

4.9 Once adopted, Special Saturation Policies must be reviewed regularly to assess whether they are still relevant and/or required.

4.10 A Special Saturation Policy will not be used as grounds for revoking an existing premises licence or club premises certificate when representations are received about problems with those premises. The Special Saturation Policy will also not impose any trading hours, terminal hours or quotas (number or capacity of premises) as this would remove regard to the individual characteristics of the premises concerned.

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

- Positive measures to create a safe and clean town centre environment in

- partnership with local businesses and residents, transport operators and other departments of the local authority
- Power of local authorities to designate parts of the district as alcohol-free areas
- The confiscation of alcohol from adults and children in designated areas.
- Police enforcement of legislation concerning disorder and anti-social behaviour including the issuing of fixed penalty notices and community protection notices.
- The prosecution of any Personal Licence holder or member of staff at premises that are selling alcohol to people who are either drunk or under-age
- Police powers to close any licensed premises or temporary event immediately for up to 24 hours, on grounds of disorder or excessive noise emanating from the premises.
- The power of the Police and other responsible authorities or an interested party to seek a review of the licence or certificate in question.

5. LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDERS

- 5.1 The Late Night Levy, introduced by the Police Reform and Social Responsibility Act 2011, enables licensing authorities to raise a contribution from late-opening alcohol suppliers towards policing and cleaning after the night-time economy. It is a local power that licensing authorities can choose whether or not to exercise. It must cover the whole of the licensing authority's area. However, the licensing authority will also choose the period during which the levy applies every night, between midnight and 6am, and decide what exemptions and reductions should apply from a list set out in regulations.
- 5.2 At present Havant Borough Council has not exercised this power. Should it choose to introduce the Late Night Levy it must consider the costs of policing, cleansing and other arrangements for the reduction or prevention of crime and disorder. In connection with the supply of alcohol between midnight and 6 am, and having regard to those costs, the desirability of raising revenue to be applied in accordance with the legal application of net amount of levy payment.
- 5.3 An Early Morning Alcohol Restriction Order (EMRO) enables licensing Authorities to restrict sales of alcohol in the whole or a part of their area for any specified period between 12 midnight and 6 am if they consider it appropriate for the promotion of the licensing objectives. The Police Reform and Social Responsibility Act 2011 extended the flexibility of the existing EMRO power in the 2003 Act to provide Licensing Authorities with an additional tool to shape and determine local licensing, and to address specific problems caused by late night drinking.
- 5.4 At present the Licensing Authority has decided not to exercise this power.

6. APPLICATIONS

- 6.1 Applicants are strongly encouraged to seek guidance at the earliest possible stage from the Licensing Authority and other Responsible Authorities before making an application. This enables applicants to have an informal discussion with the relevant authorities regarding the promotion of the licensing objectives, and to work collaboratively to propose licence conditions where appropriate.

Conditions

- 6.2 Applicants are expected to outline how they intend to promote the licensing objectives when making their application, providing details in the operating schedule. The measures detailed in the operating schedule should be an accurate reflection of how the premises intend to operate and mitigate risk, rather than seen as a 'box ticking' exercise in order to obtain a licence. Applicants may refer to the Guidance issued under section 182 of the Licensing Act 2003 for assistance in drafting their proposals.
- 6.3 The Licensing Authority may apply any information contained in the operating schedule as conditions on a licence or certificate granted, and re-phrase the information where necessary to ensure that conditions are clear and enforceable.
- 6.4 Where the Licensing Authority does not receive representation regarding the terms of an application it will grant the licence or certificate subject only to conditions that are consistent with the operating schedule. Mandatory conditions prescribed in the Act will also be included.

Licensing Hours

- 6.5 Flexible licensing hours for the sale of alcohol may help to avoid the possibility of large numbers of customers leaving premises simultaneously. This can help to reduce impact and disturbance at, for example, late-night fast-food outlets, taxi ranks and other sources of transport.
- 6.6 The Licensing Authority may permit shops, stores and supermarkets to sell alcohol for consumption off the premises at any time they are open for business. Where, however the Police make recommendations for the restriction of hours, then this will be considered.

7. TYPES OF LICENCES, CERTIFICATES AND NOTICES

Personal Licence

- 7.1 A personal licence is granted to an individual and authorises them to supply alcohol, or authorise the supply of alcohol, in accordance with a premises licence.
- 7.2 A personal licence may be granted to any applicant, who:
- Is ordinarily resident in the Licensing Authority's district;
 - Is aged 18 or over;
 - Possesses a licensing qualification accredited by the Department of Culture, Media and Sport (DCMS) or is a person of a prescribed description as determined by the Secretary of State.

- 7.3 A licence will not be granted to any applicant who has had a personal licence forfeited within the five-year period preceding the date of the application.
- 7.4 An application for a personal licence must be made using the prescribed application form and accompanied by the following supplementary documents:
- Disclosure of convictions and civil immigration penalties;
 - A copy of acceptable documentation proving the applicant's right to work in the UK;
 - Two photographs of the applicant, one of which is endorsed as a true likeness of the applicant by a solicitor or notary, a person of standing in the community or an individual with a professional qualification;
 - Evidence of an approved licensing qualification;
 - A basic DBS certificate, no more than one month from the date of issue;
 - Payment of the prescribed fee.
- 7.5 The police may oppose an application if an applicant has a relevant unspent conviction or a conviction for a comparable offence in a foreign jurisdiction, and where they believe the grant of a personal licence would undermine the crime prevention licensing objective. If a police objection is received, the application will be determined at a Sub-Committee at a hearing where all matters relevant to the application will be taken into consideration. These may include the nature of any offences, the time since their occurrence and any mitigating circumstances. The applicant may attend the hearing and may be assisted or represented by any person, whether or not that person is legally qualified. There will be no need for a hearing if the applicant, Licensing Authority and Chief Officer of Police agree that it is not necessary.
- 7.6 Personal licence holders are obliged to notify the Licensing Authority of any change of name or address during the period of licence.
- 7.7 Should a personal licence holder be convicted of a relevant offence during the period of licence, the relevant Court and the licence holder must notify the Licensing Authority of the conviction as soon as reasonably practicable. In this instance, the Licensing Authority would allow the licence holder to make representations prior to the matter being considered at a Licensing Sub-Committee hearing. Should the licensing Sub-Committee resolve not to revoke the personal licence, the Licensing Authority must give notice to the Chief Officer of Police and give time for them to make representations.

Premises Licence

- 7.8 A premises licence is required for any premises used for one or more licensable activities as defined in section 1 of the Act.
- 7.9 Those who may apply for a premises licence are defined in section 16 of the Act. Applicants must be aged 18 or over, be entitled to work in the UK, and carry or intend to carry on a business which involves the use of premises for licensable activities.
- 7.10 Certain other individuals and groups, such as recognised clubs, charities and proprietors of educational institutions may also apply for a premises

licence.

- 7.11 The requirements in relation to applications for premises licences are set out in section 17 of the Act. An application for a premises licence must be made on the prescribed form to the Licensing Authority. The application must be accompanied by:
- An operating schedule that demonstrates that the premises licence holder will have regard to the Licensing Authority's licensing policy and promote the licensing objectives;
 - A plan of the premises to which the application relates, including relevant information as prescribed by Regulations;
 - A form of consent from the individual who is to be specified in the licence as the designated premises supervisor (where the application proposes the sale of alcohol);
 - Evidence of the applicant's right to work in the UK (if applying as an individual)
 - Payment of the prescribed fee.
- 7.12 Fees are based on the non-domestic rateable value of the relevant premises, with additional fees for premises used primarily for certain activities or with higher capacities. Details of fees due can be found on the Council's website.
- 7.13 Unless making an electronic application, applicants are required to copy details of their application to Responsible Authorities, namely:
- The Chief Officer of Police;
 - The local fire and rescue authority;
 - The local enforcement agency for the Health and Safety at Work etc Act 1974
 - The local Environmental Health authority
 - The local Planning Authority;
 - A body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
 - The local weights and measures authority, i.e. Trading Standards
 - Any licensing authority, other than the relevant licensing authority, in whose area part of the premises are situated
 - The local Primary Care Trust

Contact details for Responsible Authorities can be found in Appendix 2.

- 7.14 Applicants are also required to advertise their application by displaying a prescribed notice (or notices, depending on the size of the premises) at the premises, and publishing a notice in a local newspaper.
- 7.15 Responsible Authorities and Other Persons may make representations in relation to an application for a premises licence, where they consider that the proposals will adversely impact one or more of the licensing objectives. These representations must be made in writing to the Licensing Authority within the prescribed consultation period. Late representations cannot be accepted.

- 7.16 Where no representations are made, or representations are withdrawn prior to the end of the consultation period, the application will be granted as applied for (taking into consideration any amendments or conditions agreed during the consultation period).
- 7.17 Where a valid representation is not withdrawn prior to the end of the consultation period, the Licensing Authority must arrange a Licensing Sub-Committee hearing to determine the outcome of the application.
- 7.18 Additional processes for varying a premises licence and transferring a premises licence exist under the Act.
- 7.19 Certain 'community premises' may submit an application to disapply the requirement for a designated premises supervisor to be named on the premises licence, instead passing the responsibility of the sale and supply of alcohol to the premises' management team or governing body.

Provisional Statement

- 7.20 Where premises are to be constructed, extended or substantially altered, new applicants or existing licence holders can apply for a provisional statement. This is a system of prior approval where a premises licence covering the desired licensable activities would be granted once the building work is completed.
- 7.21 Applicants for a provisional statement must be aged 18 or over and have an interest in the relevant premises.
- 7.22 The requirements in relation to applications for provisional statements are set out in section 29 of the Act. An application for a provisional statement must be made on the prescribed form to the Licensing Authority. The application must be accompanied by:
- A schedule of works, which shall include:
 - a statement made by or on behalf of the application including particulars of the premises to which the application relates and of the licensable activities for which the premises are to be used;
 - plans of the work being or about to be done at the premises; and
 - such other information as may be prescribed.
 - Payment of the prescribed fee.
- 7.23 Where Responsible Authorities or Other Persons make representations, a Licensing Sub-Committee hearing will be held to determine the outcome of the application. The Licensing Authority may attach conditions to promote any of the licensing objectives. It is recognised that structural alterations which change the layout and character of an existing licensed premises can have an effect on the licensing objectives and therefore detailed consideration is required.

Club Premises Certificates

- 7.24 A 'club' is an organisation where members have joined together for particular social, sporting or political purposes. Members of a club may purchase

alcohol in bulk, to then supply to fellow members of the club and their guests. This activity requires a club premises certificate, rather than a premises licence.

- 7.25 Only a 'qualifying club' may apply for a club premises certificate. The Act outlines the necessary criteria of a qualifying club, namely:
- The club must have at least 25 members;
 - The club must be established and conducted in good faith;
 - Club persons may not obtain a membership or the privileges of a membership without an interval of at least two days between their application and their admission;
 - Alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.
- 7.26 When determining whether a club is a 'qualifying club', the Licensing Authority will have regard to relevant sections of the Act and guidance issued under section 182 of the Act.
- 7.27 The requirements in relation to applications for club premises certificates are set out in section 71 of the Act. An application for a club premises certificate must be made on the prescribed form to the Licensing Authority. The application must be accompanied by:
- An operating schedule that demonstrates that the club will have regard to the Licensing Authority's licensing policy and promote the licensing objectives;
 - A plan of the premises to which the application relates, including relevant information as prescribed by Regulations;
 - A copy of the club's rules; and
 - Payment of the prescribed fee.
- 7.28 No designated premises supervisor is required for a club premises certificate.
- 7.29 Fees are based on the non-domestic rateable value of the relevant premises, with additional fees for premises with higher capacities. Details of fees due can be found on the Council's website.
- 7.30 Unless making an electronic application, applicants are required to copy details of their application to Responsible Authorities, namely:
- The Chief Officer of Police;
 - The local fire and rescue authority;
 - The local enforcement agency for the Health and Safety at Work etc Act 1974
 - The local Environmental Health authority
 - The local Planning Authority;
 - A body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
 - The local weights and measures authority, i.e. Trading Standards
 - Any licensing authority, other than the relevant licensing authority, in whose area part of the premises is situated

- The local Primary Care Trust

Contact details for Responsible Authorities can be found in Appendix 2.

- 7.31 Applicants are also required to advertise their application by displaying a prescribed notice (or notices, depending on the size of the premises) at the premises, and publishing a notice in a local newspaper.
- 7.32 Responsible Authorities and Other Persons may make representations in relation to an application for a club premises certificate, where they consider that the proposals will adversely impact one or more of the licensing objectives. These representations must be made in writing to the Licensing Authority within the prescribed consultation period. Late representations cannot be accepted.
- 7.33 Where no representations are made, or representations are withdrawn prior to the end of the consultation period, the application will be granted as applied for (taking into consideration any amendments or conditions agreed during the consultation period).
- 7.34 Where a valid representation is not withdrawn prior to the end of the consultation period, the Licensing Authority must arrange a Licensing Sub-Committee hearing to determine the outcome of the application.
- 7.35 There is no mandatory requirement under the 2003 Act for guests to be signed in by a member of the club. However, a point may be reached where a club is providing commercial services to the general public in a way that the Licensing Authority considers to be contrary to its qualifying club status. It is at this point that the club would no longer be conducted in 'good faith' and the Licensing Authority may give the club notice that it is withdrawing the club premises certificate.
- 7.36 If a club decides that it wishes to offer its facilities commercially, for use by the general public, the Licensing Authority will consider an application for a premises licence. The applicant should consider whether any planning consent must be sought prior to the submission of the premises licence application.
- 7.37 When a premises has the benefit of a club premises certificate, an application may be made to allow those running the premises to supply alcohol for consumption off the premises to its members. Such supply will only be permitted during the hours that the premises are open for supply of alcohol to its members on the premises.

Mandatory Conditions

- 7.38 Orders made under the Act in 2010 and 2014 specify mandatory conditions that must be added to any premises licence or club premises certificate granted.
- 7.39 The conditions relate to prohibiting irresponsible drinks promotions, requiring there to be a designated premises supervisor in respect of the premises where alcohol is supplied, and mandating that alcohol is not sold for less than the prescribed permitted price.

Temporary Event Notices

- 7.40 Temporary events involving licensable activities will be permitted if certain criteria are fulfilled.
- 7.41 Any person (or 'premises user') wishing to hold an event involving licensable activities must give notice to the Licensing Authority of that event by means of a temporary event notice. The premises user must be aged 18 or over.
- 7.42 Temporary event notices must be submitted to the Licensing Authority using the prescribed form, providing specific details of the event, namely:
- The general nature of the premises and the event;
 - The date and proposed times of the event;
 - The licensable activities proposed to be carried on at the event;
 - Details of any relevant entertainment (adult entertainment);
 - The maximum number of persons that will be on the premises at any one time.
- 7.43 Temporary event notices must be accompanied by payment of the prescribed fee. Details of fees due can be found on the Council's website.
- 7.44 Whilst there is no requirement to submit a plan with a temporary event notice, the Licensing Authority may request clarification on exactly where the notice relates to. Under the Act, a 'premises' can mean any place, and so it may be necessary for a premises user to supply additional information to satisfy the Licensing Authority of the exact location to which the notice relates.
- 7.45 Unless submitting the notice electronically, premises users are required to copy details of their notice to 'Relevant Persons, namely:
- The Chief Officer of Police;
 - The local Environmental Health authority
- 7.46 Notices must be submitted at least 10 working days before the event is due to start. Premises users are encouraged to do this well before the statutory period is reached so that any problems can be resolved early.
- 7.47 There is also the facility to submit a 'late' temporary event notice, which must be submitted at least 5 working days before the event.
- 7.48 On receipt of a temporary event notice the Licensing Authority will issue an acknowledgement or a counter notice. A counter notice relates to circumstances where certain limits permitted under the Act for running temporary events have been exceeded. These limits are detailed in section 107 of the Act.
- 7.49 If Relevant Persons are satisfied that the event will undermine any of the four licensing objectives, an objection notice stating the reasons will be served on the premises user and the Licensing Authority within three working days of receipt of the notice. The Licensing Authority will then hold a Sub-Committee hearing to consider the objections unless all parties agree that a hearing is unnecessary. If the Sub-Committee agrees with the Relevant Person's

objection, then it will serve a counter notice on the premises user. This counternotice prevents the event from taking place.

- 7.50 Temporary event notices may be amended, following an objection notice from a Relevant Person, to impose conditions. However, these conditions must be taken verbatim from a premises licence in respect of the same premises.

8. REVIEWS

- 8.1 At any stage following the grant of a premises licence or club premises certificate, a Responsible Authority or any Other Person may ask the Licensing Authority to review the licence or certificate because of a matter arising in connection with any of the four licensing objectives.
- 8.2 A request for a review must be submitted to the Licensing Authority using the prescribed form. The applicant must give notice of the review to Responsible Authorities and the holder of the relevant licence or certificate.
- 8.3 The Licensing Authority must display a notice of the review at the premises for a period of 28 days, during which time Responsible Authorities and Other Persons may make representations in relation to the review. Representations must relate to one or more of the licensing objectives, and must be made in writing to the Licensing Authority within the prescribed consultation period. Late representations cannot be accepted.
- 8.4 Before arrangements for a review are initiated, The Licensing Authority will make every effort to consult with the review applicant and licence holder in an attempt to resolve issues informally.
- 8.5 Following a Review Hearing the Licensing Authority may:
- modify the conditions of the licence/certificate;
 - exclude a licensable activity from the scope of the licence/certificate;
 - remove the designated premises supervisor from the licence;
 - suspend the licence/certificate for a period not exceeding three months;
 - revoke the licence/withdraw the certificate.
- 8.6 Where reviews arise and the Licensing Authority determines that the crime prevention objective is being undermined through a premises being used in connection with crime, then revocation of the licence (even in the first instance) will be seriously considered.

9. SUMMARY REVIEWS

- 9.1 Summary reviews can be undertaken when the Police consider that the premises concerned are associated with serious crime, serious disorder, or both. The powers apply only to premises licences authorised for the sale of alcohol.
- 9.2 An application for a summary review must be made by or on behalf of the Chief Officer of Police, using the prescribed form. The application must be accompanied by a certificate issued by a senior officer of the rank of

superintendent or above. Guidance issued under section 182 of the Act can be used by police officers to determine whether the certificate should be issued.

- 9.3 Within 48 hours (not including non-working days) of receipt of the summary review application, the Licensing Authority shall give notice to Responsible Authorities and the licence holder of the application.
- 9.4 A Licensing Sub-Committee will also consider whether it is necessary to take interim steps, such as placing temporary conditions on the premises licence. A formal hearing is not required for this, although will be arranged where possible. Interim steps include:
- Modification of the conditions of the premises licence
 - Exclusion of the sale of alcohol by retail from the scope of the licence;
 - Removal of the designated premises supervisor from the licence; and
 - Suspension of the licence.
- 9.5 Where the Licensing Sub-Committee decides to take interim steps, the decision takes effect immediately. The Licensing Authority must give immediate notice of its decision, and its reasons, to the licence holder and Chief Officer of Police.
- 9.6 The Licensing Authority will ensure that compliance with any temporary conditions imposed is reasonably achievable by the premises licence holder.
- 9.7 Any licence holder given notice of a summary review will be given the opportunity to make representations. The Licensing Authority will also advertise the application and invite representations from any person for no less than seven days. Any representation(s) received will be considered by the Licensing Sub-Committee at a subsequent hearing.

10. APPEALS

- 10.1 The Act contains provision for appeals by aggrieved parties against decisions made by the Licensing Authority. Appeals must be made to the Magistrates' Court for the area in which the premises is situated. For personal licences, the appeal must be made to the Magistrates' Court for the area in which the Local Authority's decision was made.
- 10.2 The rights of appeal and reasons for the decision(s) taken by the Licensing Authority will be provided to all parties concerned with any licensing decision. The decision will have regard to the Licensing Authority's Policy, statutory guidance, and relevant legislation (including the Act itself).

11. ENFORCEMENT

- 11.1 Havant Borough Council aims to protect the safety and welfare of people, including members of the public, who may be exposed to risks from the way that licensable activities are carried out and to protect the interests of those who may be adversely affected by such activities if they are unregulated.
- 11.2 The Licensing Authority will always seek to educate and explain before considering enforcement options. For example, where it is alleged or

suspected that a premises is operating outside the terms of its licence or certificate, the Licensing Authority will seek to engage with the licence holder informally in the first instance. It will educate the licence holder on the relevant offences potentially being committed and re-visit the premises a short time afterwards to determine whether improvements have been made.

- 11.3 The Licensing Authority will explore all options for improving the operation of a premises prior to considering a review or enforcement options.
- 11.4 Enforcement action, including prosecution, instigated by the Licensing Authority will have regard to the Council's Enforcement Policy.
- 11.5 Where a Licensing Authority is notified by a Court or the Police regarding the issue of a premises closure order, it must review the premises licence within 28 days of receipt of the notice.
- 11.6 Part 7 of the Act sets out a number of offences and proceedings, such as prosecution, which may be instigated by the following:
- The Local Authority
 - The Police
 - The Crown Prosecution Service
 - In the case of an offence under section 146 or 147 (sale of alcohol to children), by Hampshire Trading Standards Department.

12. DATA PROTECTION

- 12.1 The Licensing Authority may use the information submitted on any application form for any licence(s) or permission(s) provided for under the Act for the purpose of its statutory function(s) under the Act.
- 12.2 All applicants have the right to ask for a copy of the information that the Licensing Authority holds about them under the Act.
- 12.3 By making an application to the Licensing Authority for any licence or permission under the Act, all applicants consent to our processing sensitive personal data about them where this is necessary and lawful.
- 12.4 The Licensing Authority will maintain registers of all matters detailed in Schedule 3 of the Act and any other information prescribed by regulations. Any person is permitted to obtain a copy of this information from the Licensing Authority. Public registers are available via the Council's website.
- 12.5 The Licensing Authority does not publish plans of licensed premises on their public register, for reasons of public safety. Any request made for a copy of a premises plan will be carefully considered with regard given to counter terrorism guidance.

The Licensing Authority welcomes comments and observations on this Policy. These should be addressed to:

The Licensing Team
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant, Hampshire
PO9 2AX
Tel: 02392 446660
Email: licensing@havant.gov.uk

APPENDIX 1

SCHEDULE OF DELEGATIONS

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

Application for a minor variation to a premises/club premises certificate		All cases
Application by holder of a community premises licence to dis-apply the requirement for a DPS		All cases

APPENDIX 2

RESPONSIBLE AUTHORITIES LICENSING ACT 2003

Chief Officer of Police

c/o Emma Walker, Licensing Assistant
Hampshire Constabulary Violent Crime Reduction & Licensing Team
Core 5, Lower Ground Floor
Portsmouth Civic Offices
Portsmouth
Hampshire
PO1 2AL
Tel: 02392 688754
force.licensing@hampshire.pnn.police.uk

Hampshire & IOW Fire and Rescue Service HQ

Business Fire Safety
Leigh Road
Eastleigh
Hampshire
SO50 9SJ
csprotection.admin@hantsfire.gov.uk

Environmental Health – Commercial Team

Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX
EHealth@havant.gov.uk

Planning & Development Enquiry Officer

Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX
PlanningandDevelopmentSharedMailbox@havant.gov.uk

Environmental Health – Environment Team

Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX
EHealth@havant.gov.uk

HCC CSD Safeguarding Unit

Falcon House, Monarch Way
Winchester
Hampshire SO22 5PL
child.protection@hants.gov.uk

The Trading Standards Service

Montgomery House
Monarch Way
Winchester
Hampshire SO22 5PW
01962 833620
liquor.licensing@hants.gov.uk

Public Health Manager (Licensing)

Public Health Department
1st Floor, Room 153
Elizabeth II Court, South
Hampshire County Council
Winchester
SO23 8TG
publichealth.licensing@hants.gov.uk
Use Fax no. 01962 847644

Home Office

Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY
alcohol@homeoffice.gov.uk

Licensing

Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX
licensing@havant.gov.uk

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NON EXEMPT

HAVANT BOROUGH COUNCIL

LICENSING COMMITTEE

26 June 2023

Adoption of Street Trading Provisions – Local Government (Miscellaneous Provisions) Act 1982

FOR RECOMMENDATION FOR ADOPTION

Portfolio Holder: Councillor Elizabeth Lloyd

Key Decision: No

Report number: HBC/013/2023

1. Purpose

- a. This paper is submitted to the Licensing Committee in relation to the Council's adoption of Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, regarding street trading provisions designation of consent streets.

2. Recommendation

- a. Members are requested to:
 - i. Recommend that Full Council pass a resolution to adopt Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982; and
 - ii. Approve the commencement of the statutory consultation process for designating consent streets.

3. Executive Summary

- a. This report sets out details of the proposal to regularise the adoption of the provisions of Part III and Schedule 4 of the Local Government

(Miscellaneous Provisions) Act 1982 ('the Act') for the Havant Borough Council administrative area.

- b. Schedule 4 of the Act contains provisions relating to the determination of prohibited, licence and consent streets, the setting of fees, the administration of licences and consents, and enforcement powers.
- c. It has become evident that, whilst the Council did adopt the provisions under the Act sometime in 1983, there may be insufficient evidence available to fully demonstrate proper adoption. This appears simply as a result of the passage of time and lack of retention of relevant records. It is therefore essential that the provisions are properly adopted to ensure compliance.

4. Additional Budgetary Implications

- a. There are no additional budgetary implications arising as a result of this report.

5. Background and relationship to Corporate Strategy and supporting strategies and policies

- a. Pride in Place: Creating a great place to live, work and enjoy – enabling a vibrant and diverse street trading offering in the Borough, enhancing the retail and food/beverage offering for residents and visitors.
- b. Growth: Building our future – stimulating the local economy by encouraging local businesses to utilise street trading as part of their offering.

6. Options considered

- a. As the Council does not currently have sufficient evidence that the relevant provisions of the Act have been adopted, it is considered prudent to ensure that they are properly adopted to ensure that the

provisions for ongoing delegation are met. The adoption of the legislation at this stage will ensure that appropriate records are kept.

- b. The Council did adopt the relevant provisions of the Act in 1983, although insufficient records exist to evidence this. Should the Council not adopt the provisions at this stage, any legal challenge to the Council's street trading provisions would ultimately succeed.

7. Resource implications

a. Financial implications

- i. Adoption of the relevant provisions of the Act requires the Council to publish notice of its intention to pass a resolution on street trading and the designation of consent streets. It is then required to publish a notice that the same resolution has been passed.
- ii. Publication of these notices will be in a local newspaper, likely the Hampshire Independent, with the cost borne by the Licensing Team's existing budget.

Section 151 Officer comments

The adoption of Street Trading Provisions does not impact or change any existing budget pressure, nor does it add any new pressures. All costs can be met within existing budgets.

The proposed resolution would also mitigate the risks of exposure to high legal cost in any potential judicial review (even if the probability/likelihood risk is low). Therefore, this has my approval.

Steven Pink, Chief Finance Officer (S151)

Havant Borough Council

b. Human resources implications

- i. There are no human resources implications arising as a result of this report.

c. Information governance implications

- i. There are no information governance implications arising as a result of this report.

d. Climate and environment implications

- i. There are no climate or environment implications arising as a result of this report.

e. Other resources implications

- i. There are no other resource implications arising as a result of this report.

8. Legal implications

- a. Only the Full Council has the power to adopt the legislation, and designate consent streets, under the terms of the Constitution. The power to designate streets cannot be delegated as it requires a resolution.
- b. The adoption of street trading provisions is contained in Part III, section 3 of the Local Government (Miscellaneous Provisions) Act 1982. A Council may resolve that Schedule 4 to this Act shall apply to their district and, if a council does this, Schedule 4 shall come into force in their district on such day as may be specified in the resolution.
- c. The statutory process for the designation of streets under this legislation includes the following steps:
 - (i) The intention to designate a street must be advertised for two consecutive weeks in a local newspaper and served on the Police and Highways Authority, giving 28 days for written representations;
 - (ii) The Council is under a duty to consider any representations received. Following consultation, a further report will be submitted to the Licensing Committee with details of any

objections made. The Licensing Committee will consider these objections and make a recommendation to Full Council;

- (iii) If Full Council resolves to designate consent streets, a further public notice must be published at least 28 days before the resolution takes place. The notice of resolution must be published in local newspaper in two successive weeks (the first notice appearing a minimum of 28 days before resolution takes effect);
- (iv) Controls come into effect on the date specified in the resolution.

Monitoring Officer comments

Full Council has the power to adopt the legislation, and designate consent streets, under the terms of the Constitution.

Jo McIntosh

9. Risks and mitigations

- a. Exposure to challenge: As the Council cannot currently sufficiently evidence the adoption of the relevant provisions of the Act, the Council is exposed to legal challenge by means of Judicial Review. Resolving to adopt the provisions at this stage will ensure that accurate records of adoption are kept.

10. Consultation

- a. Street trading legislation lays down a statutory procedure for making a resolution to designate streets. Once a draft resolution is approved a Council must place a statutory notice in a newspaper giving public notice of the Council's intention to adopt the resolution and giving a period of no less than 28 days during which objections be made. The Council must also give notice to the Police and the Highways Authority. The Council must then consider any objections made before resolving to adopt the resolution. Following this the Council must place statutory notices in a newspaper for two consecutive weeks giving public notice of adoption of the resolution.

- b. A separate consultation process will take place in relation to the Council's draft street trading policy.

11. Communications

- a. The Licensing Team will directly arrange the publication of the statutory notices with the relevant newspaper.
- b. The Public Relations Team will arrange publication of the statutory notices on the Council's website.

12. Appendices

- Appendix A – Draft notice of intention to designate consent streets
- Appendix B – List of consent streets

13. Background papers

None.

Agreed and signed off by:

Portfolio Holder: Councillor Elizabeth Lloyd 15/06/2023

Executive Head: Alex Robinson 15/06/2023

Monitoring Officer: Jo McIntosh 15/06/2023

Section 151 Officer: Steven Pink 13/06/2023

Contact officer:

Name: Briony Appletree

Job title: Interim Licensing Team Leader

Phone number: 02392 446660

Email: licensing@havant.gov.uk



**NOTICE OF INTENTION TO DESIGNATE CONSENT STREETS
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) Act 1982**

NOTICE IS HEREBY GIVEN that pursuant to adopted powers under Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, it is intended that (subject to consideration of representations received by the date specified below) a resolution be passed to designate the streets listed below in the Havant Borough Council administrative area as consent streets for the purpose of street trading. If adopted, the resolution shall take effect not before the expiration of the period of one month beginning on the day on which the resolution is passed.

Any person wishing to make representations relating to the intended resolution should do so in writing to the Licensing Team Leader, by no later than [\[28 days after publication of notice\]](#), to: The Licensing Team, Havant Borough Council, Public Service Plaza, Civic Centre Road, Havant, PO9 2AX or licensing@havant.gov.uk

TO BE DESIGNATED AS CONSENT STREETS: A27, *along its whole length within the Borough*; A3, *along its whole length within the Borough*; Aldermoor Road East; Barncroft Way, *Leigh Park*; Bartons Road; Baybridge Road; Beach Road, *Hayling Island*; Beaufort Road; Bedhampton Road, *B2150*; Bedhampton Way; Bellevue Lane, *Emsworth*; Blendworth Crescent, *Leigh Park*; Bridgefoot Path, *Emsworth*; Broadmere Avenue, *Leigh Park*; Brockhampton Road, *Havant*; Burnside; Bursledon Road; Chapel Lane; Chilcombe Close, *Leigh Park*; Church Road, *Hayling Island*; Colemore Square; Cornelius Drive; Creek Road, *Hayling Island*; Crookhorn Lane; Curzon Road; Dunsbury Way; Eagle Avenue; Electra Avenue, *Waterlooville*; Elizabeth Road; Ferry Road, *Hayling Island*; Forest End (*including access to the doctors' surgery*); Foxcote Grove; Frazer Road; Greywell Precinct, *Leigh Park*; Hambledon Road, *B2150*; Hart Plain Avenue (*A3 to Milton Road*); Havant Road, *A259, from the Warblington roundabout to the boundary with West Sussex*; Havant Road, *Hayling Island, A3023*; Hazleton Way; High Lawn Way, *Leigh Park*; High Street, *Emsworth*; Hollybourne Road, *Leigh Park*; Hooks Lane; Horndean Road, *Emsworth, B2148*; Hulbert Road, *B2150*; Hulbert Road Spur (*nos 2 to 40*); Juniper Square; Kentidge Road; King Street, *Emsworth*; Kingsclere Avenue; Langstone Road, *Langstone, A3023*; Liddiards Way; Littlegreen Avenue; London Road Precinct, *Waterlooville*; London Road (*Stakes Hill Road to Forest End roundabout*); Manor Road, *Hayling Island*; Marples Way, *Havant*; Market Parade; Middle Park Way; Mill Road; Milton Road; New Lane; Nile Street, *Emsworth*; North Street, *Emsworth*; Padnell Avenue; Padnell Road; Palmerston Road, *Hayling Island*; Park Lane, *Cowplain*; Park Avenue, *Widley*; Park Road South; Park House Farm Way; Park Parade Precinct, *Leigh Park*; Park Lane, *Cowplain*; Park Lane, *Bedhampton*; Petersfield Road, *B2149*; Portland Road; Prospect Lane; Purbrook Chase Precinct (*2 car parks situated on western side of Crookhorn Lane*); Purbrook Way; Queen Street, *Emsworth*; Rails Lane, *Hayling Island*; Relay Road, *Waterlooville*; Ridgway, *Havant*; Rockville Drive; St. Peter's Square, *Emsworth*; Sandleford Road; Scratchface Lane (*Purbrook*); Sea Front, *Hayling Island*; Sharps Road; Silverthorne Way, *Waterlooville*; Silvester Road; Solent Road, *Havant*; Somborne Drive; South Street, *Emsworth*; Southleigh Road; Sparshalt Close; Springwood Avenue; Spur Road; St George's Avenue; St Alban's Road; St Mary's Road, *Hayling Island*; Stakes Hill Road; Stockheath Lane; Stockheath Way; Stockheath Road; Stone Square; Street in front of shops at *nos 1 to 13 Middle Park Way, Leigh Park*; Swiss Road; Talbot Road; Tempest Avenue, *Waterlooville*; The Dale; Tower Street, *Emsworth*; Victoria Road, *Emsworth*; Wakefords Way (*including the access road to Staunton Park Community School*); Warfield Crescent; Warfield Avenue; Waterberry Drive, *Waterlooville*; Wellington Way Precinct; Wellington Way Car park Service Road; Wellington Way Precinct Service Road (*North & South*); West Lane, *Hayling Island*; West Street, *Emsworth*; West Street Precinct, *Havant*; Westfield Avenue; Westside View, *Waterlooville*; Winscombe Avenue; Woodcroft Lane; Woodlands Grove; Zeus Lane.

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Appendix B

List of Consent Streets

Definition of Consent Street: "...the effect of which is to prohibit the selling or exposing or offering for sale of any article in a street without consent of the said council."

To trade on streets listed below, street trading consent must be obtained from the Council. Applications should be made to the Licensing Team, complete with the fee and any other required information as per the Council's Street Trading Policy.

A27, along its whole length within the Borough
A3, along its whole length within the Borough
Aldermoor Road East

Barncroft Way, Leigh Park
Bartons Road
Baybridge Road
Beach Road, Hayling Island
Beaufort Road
Bedhampton Road, B2150,
Bedhampton Way
Bellevue Lane, Emsworth
Blendworth Crescent, Leigh Park
Bridgefoot Path, Emsworth
Broadmere Avenue, Leigh Park
Brockhampton Road, Havant
Burnside
Bursledon Road

Chapel Lane
Chilcombe Close, Leigh Park
Church Road, Hayling Island
Colemore Square
Cornelius Drive
Creek Road, Hayling Island
Crookhorn Lane
Curzon Road

Dunsbury Way

Eagle Avenue
Electra Avenue, Waterlooville
Elizabeth Road

Ferry Road, Hayling Island
Forest End (including access to the doctors' surgery)
Foxcote Grove
Frazer Road
Greywell Precinct, Leigh Park

Hambledon Road, B2150
Hart Plain Avenue (A3 to Milton Road)
Havant Road , A259, from the Warblington roundabout to the boundary with West
Sussex
Havant Road, Hayling Island, A3023
Hazleton Way
High Lawn Way, Leigh Park
High Street, Emsworth
Hollybourne Road, Leigh Park
Hooks Lane
Horndean Road, Emsworth, B2148
Hulbert Road, B2150,
Hulbert Road Spur (nos 2 to 40)

Juniper Square

Kentidge Road
King Street, Emsworth
Kingsclere Avenue

Langstone Road, Langstone, A3023
Liddiards Way
Littlegreen Avenue
London Road Precinct, Waterlooville
London Road (Stakes Hill Road to Forest End roundabout)

Manor Road, Hayling Island
Marples Way, Havant
Market Parade
Middle Park Way
Mill Road
Milton Road

New Lane
Nile Street, Emsworth
North Street, Emsworth

Padnell Avenue
Padnell Road

Palmerston Road, Hayling Island
Park Lane, Cowplain
Park Avenue, Widley
Park Road South
Park House Farm Way
Park Parade Precinct, Leigh Park
Park Lane, Cowplain
Park Lane, Bedhampton
Petersfield Road, B2149
Portland Road
Prospect Lane
Purbrook Chase Precinct (2 car parks situated on western side of Crookhorn Lane)
Purbrook Way

Queen Street, Emsworth

Rails Lane, Hayling Island
Relay Road, Waterlooville
Ridgway, Havant
Rockville Drive

St. Peter's Square, Emsworth
Sandleford Road
Scratchface Lane (Purbrook)
Sea Front, Hayling Island
Sharps Road
Silverthorne Way, Waterlooville
Silvester Road
Solent Road, Havant
Somborne Drive
South Street, Emsworth
Southleigh Road
Sparshalt Close
Springwood Avenue
Spur Road
St George's Avenue
St Alban's Road
St Mary's Road, Hayling Island
Stakes Hill Road
Stockheath Lane
Stockheath Way
Stockheath Road
Stone Square
Street in front of shops at nos 1 to 13 Middle Park Way, Leigh Park
Swiss Road

Talbot Road
Tempest Avenue, Waterloooville
The Dale
Tower Street, Emsworth

Victoria Road, Emsworth

Wakefords Way (including the access road to Staunton Park Community School)
Warfield Crescent
Warfield Avenue
Waterberry Drive, Waterloooville
Wellington Way Precinct
Wellington Way Car park Service Road
Wellington Way Precinct Service Road (North & South)
West Lane, Hayling Island
West Street, Emsworth
West Street Precinct, Havant
Westfield Avenue
Westside View, Waterloooville
Winscombe Avenue
Woodcroft Lane
Woodlands Grove

Zeus Lane

All other streets within the Borough can be used for the purpose of trading without the need for consent from the Council, providing that no obstruction is caused and trading does not take place where vehicular waiting is prohibited by a Traffic Regulation Order (e.g. double yellow lines, etc). Trading on privately-owned land requires the landowner's consent.

NON EXEMPT

HAVANT BOROUGH COUNCIL

LICENSING COMMITTEE

26 June 2023

STREET TRADING POLICY

FOR APPROVAL FOR CONSULTATION

Portfolio Holder: Councillor Elizabeth Lloyd

Key Decision: No

Report number: HBC/014/2023

1. Purpose

- a. This report is submitted to the Licensing Committee for policy implementation for the Council's administration of street trading consent in the Borough. The policy will outline how the Council intends to process and determine applications for street trading consent.

2. Recommendation

- a. Members are requested to:
 - i. Approve the draft street trading policy for public consultation.

3. Executive Summary

- a. Havant Borough Council adopted Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 in 1983, allowing the Council to grant and refuse street trading consents, designate consent streets, and determine fees and charges associated with street trading consents.
- b. The Council has designated several consent streets in the Borough, shown at Appendix 2 to the draft policy. Street trading consent is only required on these streets. Should an individual wish to trade somewhere other than a designated consent street, they should obtain permission from the landowner.

- c. The Council is in the process of re-adopting Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, and re-designating its consent streets, to ensure that complete records are maintained.
- d. The Council's Economic Development Team previously administrated applications for street trading consent, and this function has now been delegated to the Licensing Team.
- e. The policy has been drafted to ensure transparency for customers applying for street trading consent, and guidance for the licensing authority and consultees in determining applications.
- f. The street trading licensing regime enables the Council to control the location of traders, the times during which they trade, the products that they sell and ensure that any individual granted consent is suitable to hold such consent.

4. Additional Budgetary Implications

- a. Street trading consent is accompanied by a fee set by the Council. The local authority is entitled to recover the cost of administrating street trading consent only. Costs of enforcement cannot be recovered. The current fees for street trading consent can be found in the Council's Fees and Charges 2023/24.
- b. It is proposed to charge a single fee for street trading at events, rather than a fee per stall. This is in response to feedback from commercial and charitable organisations in the Borough that arrange events of this nature, and this proposal ensures that these events remain financially viable and continue to contribute to the vibrancy of the Borough. The administrative process and cost to the Council for issuing consent for street trading at events is the same as that for giving consent to an individual stall. This proposal ensures that the service remains cost neutral as required by the legislation.

5. Background and relationship to Corporate Strategy and supporting strategies and policies

- a. Pride in Place: Creating a great place to live, work and enjoy – enabling a vibrant and diverse street trading offering in the Borough, enhancing the retail and food/beverage offering for residents and visitors. The Street Trading Policy will enable the Council to create a street trading environment which complements premises based trading, is sensitive to the needs of the residents, provides diversity, consumer choice and safety of local environments
- b. Growth: Building our future – stimulating the local economy by encouraging local businesses to utilise street trading as part of their offering. Street trading consents will normally create employment for at least two people.

6. Options considered

- a. There is no statutory obligation to license or give consent for street trading. However, the Council's adoption of Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, and designation of consent streets under the same Act, demonstrates that the Council intends to manage street trading in the Borough to ensure high standards, fairness and vibrancy.

7. Resource implications

a. Financial implications

- i. The work involved in administering the street trading regime will result in an increased workload for the Licensing Team. It is not anticipated that additional staff are required to resource this work, although this may change if the number of applications far increases the number on the waiting list currently maintained by the Licensing Team. Should this be the case, additional staff ought to be funded by the additional revenue generated by the consent fees.

- ii. Street trading application fees are set to recover the costs incurred by the Council in processing the application. Enforcement costs cannot be recovered. The proposal to charge a singular fee for street trading at events, rather than per stall, is consistent with the level of administration required to process this type of application and ensures that the fees remain cost neutral.

Section 151 Officer comments

The financial impact of this report is limited and not material. There is currently no budgeted requirement for income for Street Trading and Havant BC received <£2k in 2022/23. The proposed changes will only see a minor change to the income received and it is as likely to be a positive change as it is a reduction in income.

The proposed policy will potentially also reduce demand on officer time and could present some future cost/efficiency savings.

Therefore, this policy report has my approval

Steven Pink, Chief Finance Officer and Section 151 Officer

Havant Borough Council

b. Human resources implications

- i. None at present, although this may change if the requirement for additional staffing is apparent.

c. Information governance implications

- i. Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 specifies information that must be collected as part of the application process for street trading consent. It also specifies information that the Council may request at their discretion.
- ii. A Data Protection Impact Assessment relating to street trading activities will be drafted and agreed with the Council's Data Protection Officer to ensure that the processing of any data

relating to street trading is done so in accordance with the relevant legislation.

d. Climate and environment implications

- i. The draft policy includes the requirement to consider environmental sustainability when determining an application. This may include requesting that the applicant undertake measures to minimise the impact of the street trading activity on the local environment, i.e., type of power supply, type of packaging, recycling provision etc.

e. Other resources implications

- i. The Licensing Team's current software package is capable of supporting the street trading application process.
- ii. Licensing Officers have not received any additional training since taking on the street trading functions. Appropriate training courses have been arranged with the Institute of Licensing and funded from the team's existing budget.

8. Legal implications

- a. The Local Government (Miscellaneous Provisions) Act 1982 does not contain provisions that directly require the Council to prepare and publish a policy relating to street trading.
- b. The Regulators' Code (which has statutory effect by virtue of section 22 of the Legislative and Regulatory Reform Act 2006), requires the Council to have regard to the requirements of the Code. The development of a street trading policy ensures that the Council satisfies its legal responsibilities with respect to specific elements of the Code and will assist the Council in demonstrating that it has due regards to the Code. For example, the Code requires the Council to provide advice and guidance to those they regulate to understand and meet

their responsibilities; the street trading policy fulfils this requirement with regards to the Council's regulation of street trading activities.

- c. There is no right of appeal against the decision to either refuse or revoke street trading consent. However, the street trading policy provides the Council with a basis for a robust defence to any complaints or challenges that may be received in respect of decisions made and enforcement action taken.
- d. It is good practice for the Council to consult on any changes made to local policy. A public consultation will be undertaken, including engagement with relevant stakeholders, prior to this policy being recommended for adoption. Any adverse comments received during the consultation will be considered by the Licensing Committee prior to the policy (as amended) being recommended for adoption.
- e. The policy could be challenged by way of Judicial Review, but as an open and fair consultation will take place and the Council's decision-making process is considered lawful, a successful challenge is considered unlikely.

Monitoring Officer comments

The Licensing Committee has the authority to approve the policy for consultation prior to adoption.

Jo McIntosh

9. Risks and mitigations

- a. Financial exposure: fees charged for street trading consent cannot be used to generate profit for the Council, and must be 'reasonable' i.e., recover the costs of administration only (see *Regina v Manchester City Council ex parte King [1991] 89 LGR 696*). To ensure that fees are maintained at a reasonable level, the Council undertake an annual review of all fees charged and the Licensing Team undertake an internal review to ensure that any fees charged for licensing processes are for the recovery of administration costs only.
- b. Exposure to challenge: The policy and associated conditions could be challenged by Judicial Review, but as an open and fair consultation will

take place and the Council's decision-making process is considered lawful, a successful challenge is considered unlikely.

- c. Reputation: The policy and associated conditions set out the expectations of applicants and consent holders, balancing their right to operate their business and generate income and the Council's duty to regulate street trading activities.

10. Consultation

- a. Following approval of the draft policy by the Licensing Committee, a 28-day public consultation period will be undertaken. Key stakeholders such as Hampshire Highways, Hampshire Constabulary and other departments within the Council will be consulted.
- b. The mechanism for submitting comments will be made clear in all consultation correspondence.
- c. Any adverse comments received during the consultation period will be considered prior to the policy being recommended for adoption.

11. Communications

- a. Once the street trading policy has been adopted by Full Council, the Licensing Team will liaise with Public Relations to update the information available to customers on the website relating to street trading consent.
- b. The Council will produce a guidance document that can be easily handed out to street traders, should the Licensing Team be made aware of any trader who does not hold the requisite consent. This will ensure that the process for obtaining consent and ensuring compliance is clear to customers.

12. Appendices

Appendix 1: Street Trading Policy 2023 (Draft)

13. Background papers

None.

Agreed and signed off by:

Portfolio Holder: Councillor Elizabeth Lloyd 15/06/2023

Executive Head: Alex Robinson 15/06/2023

Monitoring Officer: Jo McIntosh 16/06/2023

Section 151 Officer: Steven Pink 13/06/2023

Contact officer:

Name: Briony Appletree

Job title: Interim Licensing Team Leader

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HAVANT BOROUGH COUNCIL

STREET TRADING POLICY

Date of Adoption: [dd/mm/yyyy](#)

1 Introduction

- 1.1 Havant Borough Council (hereafter referred to as ‘the Council’) recognises that street trading is an established commercial activity that contributes to the vibrancy and local economy of the Borough.
- 1.2 The purpose of this Policy is to set out how the Council intends to administrate street trading within the Borough. The Policy allows the Council to regulate the location and number of traders, ensuring that they meet the requirements set out and do not adversely impact the street they occupy.
- 1.3 The Council adopted the provisions of Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of its administrative area on [date].
- 1.4 The Policy provides guidance to any person with an interest in street trading. In particular, but not exclusively:
 - Applicants for street trading consent;
 - Existing holders of street trading consent;
 - Licensing Officers;
 - Members of the Licensing Committee; and
 - Members of the public.
- 1.5 The Policy has immediate effect and will be applied to existing consents and new applications received after the date that the Policy is adopted by the Council.
- 1.6 The Council reserves the right to depart from this Policy where there are exceptional or compelling reasons to do so.

2 Definitions

- 2.1 Street trading in the Havant Borough Council area is regulated under Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 2.2 ‘Street trading’ is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street. It does not include:
 - Trading by a person acting as a pedlar, under the authority of a pedlar’s certificate;
 - Anything done in a market or fair, the right to hold which was acquired by virtue of a grant or acquired or established by virtue of an enactment order;

- Trading in a trunk road picnic area, provided by the Secretary of State under section 112 Highways Act 1980;
- Trading as a news vendor;
- Trading which is carried on at premises used as a petrol filling station;
- Trading which is carried on at premises used as a shop or in a street adjoining premises used as a petrol filling station and as part of the business of the shop;
- Selling things, or offering or exposing them for sale, as a roundsman (i.e. a milkman);
- Trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway;
- The operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
- The doing of anything authorised by regulations made under section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916.

2.3 A 'street' includes any road, footway, beach or other area to which the public have access without payment, and any service area as defined in section 329 of the Highways Act 1980.

2.4 A 'consent street' is a street in which street trading is prohibited without the consent of the Council. The Council has designated a number of consent streets in the Borough, shown at Appendix 2 to this Policy.

2.5 A 'prohibited street' is a street in which street trading is prohibited. The Council currently has no prohibited streets in the Borough.

3 Consultation

3.1 In determining this Policy, the Council has undertaken public consultation and has consulted the following stakeholders and organisations:

- Hampshire Constabulary
- Hampshire and IOW Fire and Rescue Service
- Hampshire County Council Highways
- Property Services
- Environmental Health
- All current consent holders

The Council has considered and taken into account the views of all consultees.

4 Review

4.1 This Policy will be reviewed at least every five years or sooner if there are relevant legislative changes or significant issues arise in the area.

5 Information sharing

- 5.1 The Council may use the information submitted on any application form for any consent(s) for the purpose of its statutory function(s). Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR).
- 5.2 The Council is under a duty to protect the public funds it administers, and to this end may use the information provided for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.
- 5.3 The Council may also be required to disclose personal information to third parties (such as Police, Department for Work and Pensions or for the National Anti-Fraud Initiative) for the purposes of preventing or detecting crime or apprehending or prosecuting offenders.
- 5.4 If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer via dp@havant.gov.uk. Further information is also available at www.havant.gov.uk/data-protection.
- 5.5 You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>

6 Delegation of Functions

6.1 This section of the Policy sets out how the Council deals with applications for street trading consent in the Borough. The Council aims to provide a transparent and consistent licensing service for all customers, protect the safety of highway users, and prevent nuisance or annoyance.

6.2 Delegation is laid out in the Council's Constitution as follows:

a) Full Council

- Designating streets for street trading under the Local Government (Miscellaneous Provisions) Act 1982;
- Adopting the Council's policy for administrating and determining applications for street trading consent.

b) Licensing Sub-Committee

- Determining whether an application for street trading consent should be granted, including attaching necessary conditions, where referred by an Authorised Officer for determination.
- Determining whether conditions attached to any street trading consent should be varied, where referred by an Authorised Officer for determination.
- Determining whether street trading consent should be revoked, where referred by the Environmental Health Manager for determination.

c) Environmental Health Manager

- Determining whether street trading consent should be revoked.
- Suspend a consent for a period of up to 28 days pending referral to the Licensing Committee / Licensing Sub-Committee, when serious food safety issues are found or for any other reasonable cause.

d) Authorised Officers

- Granting street trading consent where no representations are received, including attaching necessary conditions.
- Granting street trading consent, where representations have been received that can be sufficiently mitigated by the attachment of conditions.
- Refusing street trading consent, where the application is considered unsuitable under this Policy or where there are objections from any of the following consultees (Police, Fire Service or Highways) on the grounds of public or highway safety.
- Refer applications and consent holders to the Licensing Committee / Licensing Sub-Committee for determination, when considered in the public interest.

7 Applications for Street Trading Consent

7.1 An application for street trading consent must be made to the Council's Licensing Department in writing, using the form prescribed by the Council. The following is required for an application to be considered:

- a) Completed application form.
- b) Payment of the full application fee, as per the Council's approved fees and charges.
- c) Where the proposed trading is from a fixed position, a scale map of at least 1:1250 scale, clearly identifying the proposed site location with the site boundary marked with a red line.
- d) Colour photographs or brochure images of the stall or vehicle that will be used for the street trading activity.
- e) Proof of the applicant's right to work in the UK.
- f) Basic Disclosure and Barring Service (DBS) certificate.
- g) A certificate of public liability insurance that cover the street trading activity for third party and public liability risk. The minimum insurance cover shall be £5,000,000.
- h) Evidence of registration with the relevant local authority as a food business, if applicable.
- i) Evidence of a suitable commercial waste removal contract, including oil, if applicable.
- j) If a peripatetic street trader (see section 10), a map or list of all streets included on the trader's route(s).

7.2 Street trading consent may be granted for a period of 6 or 12 months. Temporary street trading consent may be granted for a maximum of 7 days.

7.3 Before the outcome of an application for street trading consent is determined, the Council will carry out a consultation process with various stakeholders, including:

- Hampshire County Council Highways & Parking
- Hampshire Constabulary
- Property Services

- Environmental Health
- Communities Team
- Regeneration and Economy
- Ward Councillors

7.4 The consultation period will last for 28 days, after which time representations will not be considered.

7.5 The Council may consult with additional stakeholders when considered necessary in the circumstances of the specific application. Written observations from stakeholders consulted will be taken into consideration when determining the application.

7.6 Street trading consent will not normally be granted where:

- a) A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site.
- b) Where there is a conflict with Traffic Orders, such as waiting restrictions.
- c) The site or pitch obstructs pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes.
- d) The trading unit obstructs the safe passage of users of the footway or carriageway.
- e) The site or pitch interferes with sight lines for any road users, such as at roundabouts, road junctions or pedestrian crossings.
- f) The trading activity proposed would be in direct competition with the established shop traders in the same location; provided that the Council is satisfied that there is adequate provision of the trading activity proposed.
- g) The site or pitch is not sufficiently flexible to ensure no adverse impact on special events.

7.7 The Council will not grant street trading consent to any individual aged less than 17 years old.

7.8 The Council will not normally allow the sale of:

- Tobacco
- Items made of animal fur

- Items that cause or contribute to crime and disorder
- Alcohol or energy drinks
- Pharmaceuticals or medical supplies

7.9 In the absence of any representations received, the application will be determined by an Authorised Officer, who will use the criteria in this Policy to make their determination.

7.10 Where representations are received, an Authorised Officer may grant street trading consent where representations can be sufficiently mitigated by applying conditions to the consent. The Environmental Health Manager may refuse the application using their delegated powers, or refer the application to the Licensing Sub-Committee for determination when considered in the public interest.

7.11 In considering applications for the grant or renewal of street trading consent, the following criteria will be considered:

a) Public safety

Whether the street trading activity represents, or is likely to represent, a substantial risk to the public. Factors to be considered will include obstruction, fire hazard, unsatisfactory hygiene processes or dangers associated with site access.

b) Public order

Where the street trading activity represents, or is likely to represent, a substantial risk to public order.

c) Public nuisance

Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to nearby residents and/or businesses, particularly in residential areas.

d) Appearance

The stall, vehicle or other form of trading must be maintained in good condition, be of smart appearance and appropriate to the area in which the street trading activity is taking place.

e) Needs of the area

The demand for the proposed articles for sale in the geographical location of the proposed site.

f) Environmental sustainability

Measures to minimise the impact of the street trading activity on the local environment are recommended. For example, measures that consider power

supply, carbon footprint, packaging, waste minimisation, recycling and waste disposal.

g) Food safety

Individuals proposing to trade food or drink, whether hot or cold, must be able to demonstrate that they are registered as a food business with the relevant local authority.

h) Highway safety

The proposed site and operating times will be such that the highway can be maintained in accordance with Hampshire County Council's requirements, and that there are no dangers to those who have a right to use the highway and no obstruction for emergency access.

7.12 There is no statutory right of appeal against refusal to issue street trading consent.

7.13 The type of goods allowed to be sold will be considered on a case-by-case basis and will be specified in the consent. Consent holders must seek prior approval from the Council prior to making any significant changes to the type of goods offered for sale under the consent.

8 Suitability of Applicant

8.1 When determining an application for the grant or renewal of street trading consent, the Council will consider relevant information relating to the suitability of the applicant including:

- Whether they have been cautioned or convicted of any offences of violence, dishonesty, drug-related offences, sexual offences, public order, food safety or health and safety, or any offence resulting in a sentence of imprisonment.

Applicants will be required to make a declaration on their application form, to confirm their status relating to any unspent cautions or convictions under the Rehabilitation of Offenders Act 1974.

The Council reserves the right to request a basic DBS certificate where it considers that there is a risk to children and/or vulnerable people.

- Failure to pay the Council's street trading consent fees (including dishonoured cheques).
- An applicant's history of street trading, including whether previous consents have been used appropriately.

9 Advertisements

- 9.1 The use of A-boards is prohibited on the highway unless express permission from Hampshire County Council's Highways Team has been given.
- 9.2 Advertisements must relate only to the goods offered for sale at the site to which the consent relates. Third party advertisements are not permitted.

10 Peripatetic Street Trading

- 10.1 Traders that meet the following criteria will be considered peripatetic:
- Move from location to location.
 - Move at least 50 metres from the last trading location, and do not return to that location within four hours.
 - Do not wait in one location for more than 20 minutes.
 - Does not trade within 100 metres of any entrance to any school or college (without formal invitation from the establishment).
- 10.2 For example, an ice cream van that travels from street to street would be deemed a peripatetic street trader. Street trading consent is required where the trader's route(s) include consent streets.

11 Renewal Applications

- 11.1 Street trading consent may only be renewed where they were initially granted for either 6 or 12 months. Temporary street trading consent cannot be renewed; a new application will be required for each trading period.
- 11.2 It is recommended that renewal applications are submitted at least 30 days prior to the expiry of any current consent, to prevent there being a gap in the street trading consents.
- 11.3 If a renewal application is not received prior to the expiry of the current consent, a new application must be made. In this situation, trading will not be permitted until new consent is issued.
- 11.4 The following is required for a renewal application to be considered:
- a) Completed application form.
 - b) Payment of the full renewal fee, as per the Council's approved fees and charges.
 - c) Proof of the applicant's right to work in the UK (where leave for remain is for a finite period).

- d) A certificate of public liability insurance that covers the street trading activity for third party and public liability risk. The minimum insurance cover shall be £5,000,000.
- e) Evidence of registration with the relevant local authority as a food business, if applicable.
- f) Evidence of a suitable commercial waste removal contract, including oil, if applicable.

11.5 Applications for the renewal of street trading consent, where no substantial changes have been made to the proposed activity or trading hours, will be subject to a 14 day consultation period. An Authorised Officer may use their discretion to determine what constitutes 'substantial changes' on a case-by-case basis.

11.6 Where a renewal application has been made and there have been complaints, enforcement issues or unpaid fees during the period of the current consent, an Authorised Officer shall consider all relevant information prior to determining the application or referring to Licensing Committee / Licensing Sub-Committee for determination.

12 Transfers

12.1 Street trading consent cannot be transferred or sold to another person. The sub-letting of a pitch or site is prohibited.

13 Markets

13.1 Traders that operate as part of a market do not require street trading consent, where the right to hold that market was acquired by virtue of a grant (including presumed grant) or acquired or established by virtue of an enactment or order.

13.2 Should a potential applicant be unsure whether street trading consent is required to trade as part of a market, they should contact the Licensing Department for advice.

14 Forecourt Displays and Trading

14.1 Trading on the highway as part of a business or premises adjoining the highway is excluded from the definition of street trading, and therefore consent cannot be given by the Council.

- 14.2 It is for Hampshire County Council to determine whether displaying goods for sale outside a business or premises adjoining the highway constitutes an unlawful obstruction. For example, if a business takes up the majority of the width of the footway by displaying their goods, this may restrict lawful access by pedestrians to that footway.
- 14.3 The Council have no enforcement powers to deal with unlawful obstructions in these circumstances but may refer cases to Hampshire County Council's Highways Team for consideration where there is a risk to public safety.
- 14.4 The Council may require forecourt displays, where items are only displayed and no trading takes place on the street, to be authorised by means of a permit under the Highways Act 1980.

15 Street Trading at Events

- 15.1 The Council recognises the value that events bring to the Borough. These events may involve street trading on consent streets, and will therefore require street trading consent from the Council.
- 15.2 In order to minimise the administrative burden on the organisers of these events, the Council will accept one application for street trading consent for multiple traders. The following will be required for an application to be considered:
- a) Completed application form, detailing the number of stalls applying for.
 - b) Payment of the application fee, as per the Council's approved fees and charges. The Council's fees for temporary street trading apply, with one fee due for the whole event and not per individual trader.
 - c) A register of all stallholders who will be present at the event, including the name of the individual or business and the nature of items being sold.
 - d) A scale map of at least 1:1250 scale, clearly identifying the proposed event location, the location of each stall for street trading, and the site boundary marked with a red line.
 - e) A certificate of public liability insurance that covers the event, including the street trading activities. The minimum insurance cover shall be £10,000,000.
 - f) Evidence of each stallholder's registration with the relevant local authority as a food business, if applicable.

- g) Evidence of a commercial waste removal contract for each vehicle or stall, including cooking oil, if applicable. A commercial waste removal contract applying to the whole site may also be accepted.

15.3 An application will not be considered valid until the above evidence has been supplied with the application form and fee.

15.4 Trading at charity or community events, where the entirety of the profits from individual stalls are donated to charity, is exempt from the Council's street trading licensing requirements. Any traders donating their profits to charity will require a street collection permit from the Council. Any traders attending for commercial gain will still require street trading consent.

16 Fees

16.1 Fees will be set and reviewed annually on a full cost recovery basis. The level of fees applicable takes into account the duration of the consent and administration involved. Details of the current fees can be found on the Council's website.

16.2 Fees must be paid in advance of consent being granted. Payment by instalments is not permitted.

16.3 A consent holder may terminate street trading consent by written notice to the Licensing Team. No refund, or pro-rata refund, will be issued where a consent holder terminates their consent during the period of the consent.

17 Conditions

17.1 The Council applies standard conditions to street trading consents, as per Appendix 1.

17.2 Additional conditions may be applied to individual consents when deemed appropriate, for example to mitigate concerns raised by representations.

18 Enforcement

18.1 Any enforcement action undertaken relating to street trading will be done so in line with the Environmental Health Enforcement Policy.

18.2 The Council will investigate any complaints relating to street trading activities, e.g., trading without consent or breach of conditions. The Council will aim to resolve complaints informally by liaising with the consent holder but may take further action where this does not resolve the issue(s) raised.

- 18.3 Failure to comply with one or more of the conditions attached to street trading consent may result in the revocation or non-renewal of that consent.
- 18.4 The Council may revoke street trading consent at any time, on any reasonable grounds. This may be for a variety of reasons, including breach of conditions, non-payment of fees, or when a site or location is no longer suitable for the street trading activity.
- 18.5 The Council will liaise with partner agencies, such as Parking Enforcement and the Police, to assist in gathering evidence for enforcement proceedings.

19 Contacts

The street trading function is part of the Licensing Team, within the Environmental Health Service.

Licensing Team
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

Tel: 02392 446660

Email: licensing@havant.gov.uk

For details of how to apply for street trading consent, please visit <https://www.havant.gov.uk/>

Appendix 1

Standard Street Trading Conditions

1. The consent holder shall ensure that street trading takes place only between the dates specified on the consent, and only during the operational hours specified on the consent.
2. The consent holder shall be the principal operator and have day-to-day control of the trading site and any vehicle or stall connected with the street trading activity. The consent holder may employ any other person to assist in the street trading activity.
3. The consent holder shall not change the vehicle or stall, or significantly alter the appearance of the vehicle or stall, authorised for street trading under the consent without prior written consent from the Council.
4. The consent holder shall, during any trading period, display a copy of the street trading consent issued by the Council within the trading area in such a way that it can be seen clearly by members of the public.
5. The consent holder shall ensure that any vehicle used in connection with the street trading activity is maintained in a safe and roadworthy condition, taxed, insured and with a current MOT certificate.
6. The consent holder shall ensure that any vehicle movements connected with the trading activity are carried out legally and do not present a risk to other users of the highway. The consent holder shall ensure that any vehicle used in connection with the trading activity is parked lawfully.
7. The consent holder shall keep the trading area clean, tidy, and free from any litter or debris attributable to the street trading activity. This shall include the removal of any litter or debris attributable to the street trading activity at the end of each trading period.
8. The consent holder shall ensure that they dispose of any waste produced from the street trading activity in a lawful and appropriate manner, i.e., by a licensed waste carrier. No water or waste material shall be discharged on to the highway or any adjacent property. Commercial waste may not be disposed of in domestic waste receptacles.
9. During the permitted times of trading, the consent holder shall ensure that adequate receptacles for litter in the vicinity of the trading area are provided.
10. The consent holder shall comply with any relevant legislation relating to single-use plastic, namely regarding food containers and cutlery.

11. The consent holder shall remove any objects from the highway immediately when required to do so by the Havant Borough Council, Hampshire County Council, the Police, Fire and Ambulance Services, any statutory undertaker or telecommunications operator, for the purposes of permitting works on the highway or use of the highway by any of the aforementioned authorities.
12. The consent holder shall, when requested to do so by an Authorised Officer of the Council, relocate to such alternative trading location as may be specified by such Authorised Officer.
13. The consent holder shall ensure that no A-boards or similar free-standing advertising is placed on the highway without the express consent of Hampshire County Council's Highways Team.
14. The consent holder shall ensure that any advertising within the trading area relates only to the goods offered for sale at the site to which the consent relates. Third party advertisements are not permitted.
15. The consent holder shall ensure that the highway is not unlawfully obstructed by the trading activity, and shall ensure that the visibility of highway users is not obstructed by any object used in connection with the trading activity.
16. The consent holder shall ensure that where seating is provided for customers on the highway, these are appropriately licensed by means of a Pavement Licence or other authorisation from the Council.
17. Should the consent holder require the supply of any service (electricity, gas or water) or any form of drainage to undertake the authorised trading, the consent holder shall ensure that such supply or drainage is properly obtained, authorised and installed, in all respects and at all times, by agreement with and to the full satisfaction of the relevant service supplier or drainage provider (including the highway authority).
18. The consent holder shall ensure that any structures, vehicles or other equipment used for the trading activity are sited so that they do not obstruct drainage outlets, access to utility apparatus or emergency exit routes.
19. The consent holder shall ensure that any structures, vehicles or other equipment used for the trading activity are removed from the highway at the end of each trading period.
20. The consent holder shall maintain public liability insurance (to the minimum sum specified by the Council in its Street Trading Policy) in respect of the trading activity and shall produce evidence of such insurance cover to the Council on request.

21. The consent holder shall ensure that they comply with any relevant statutory or lawful requirements applicable to the type of trading activity in question.
22. The consent holders shall pay particular attention to the requirements of the Health & Safety at Work etc. Act, 1974 and the Food Safety and Hygiene (England) Regulations 2013 (where relevant). Advice on these requirements is available from Environmental Health.
23. The consent holder shall take all reasonable precautions to prevent the risk of fire in the trading area, and follow any recommendations made by Hampshire and IOW Fire and Rescue Service.
24. The consent holder shall take reasonable steps to ensure gas safety where gas appliances are used in connection with the street trading activity. Gas appliances must be maintained and serviced in accordance with manufacturer's instructions and must be checked at regular intervals by a competent gas safety engineer. The consent holder shall ensure that any faults or concerns relating to gas safety are reported and appropriately investigated by a competent gas safety engineer.
25. The consent holder shall not cause any nuisance or annoyance to neighbouring residential properties, business premises or any other user of the highway by undertaking the street trading activity.
26. The consent holder shall not play music, or allow music to be played, within the trading area at any time. This includes the use of portable radios.
27. The consent holder shall not transfer or sell the street trading consent to another person. Sub-letting of a street trading site or pitch is prohibited.
28. The consent holder shall comply with any additional conditions imposed on their street trading consent by the Council.

Conditions Specific to Peripatetic Traders

1. The consent holder is required to comply with the Code of Practice on Noise from Ice-Cream Van Chimes Etc. in England 2013, or any modification or re-enactment thereof.
2. The consent holder shall ensure that no trading takes place within 100 metres of the boundary of any school or college between the hours of 07:30 and 18:00 (except with formal invitation from the establishment).
3. The consent holder shall not trade or wait in one location for more than 20 minutes.

4. The consent holder shall move at least 50 metres from the last trading location, and shall not return to that location within four hours.

Appendix 2

Consent Streets

Definition of Consent Street: "...the effect of which is to prohibit the selling or exposing or offering for sale of any article in a street without consent of the said council."

To trade on streets listed below, street trading consent must be obtained from the Council. Applications should be made to the Licensing Team, complete with the fee and any other required information as per the Council's Street Trading Policy.

A27, along its whole length within the Borough
A3, along its whole length within the Borough
Aldermoor Road East

Barncroft Way, Leigh Park
Bartons Road
Baybridge Road
Beach Road, Hayling Island
Beaufort Road
Bedhampton Road, B2150,
Bedhampton Way
Bellevue Lane, Emsworth
Blendworth Crescent, Leigh Park
Bridgefoot Path, Emsworth
Broadmere Avenue, Leigh Park
Brockhampton Road, Havant
Burnside
Bursledon Road

Chapel Lane
Chilcombe Close, Leigh Park
Church Road, Hayling Island
Colemore Square
Cornelius Drive
Creek Road, Hayling Island
Crookhorn Lane
Curzon Road

Dunsbury Way

Eagle Avenue
Electra Avenue, Waterlooville
Elizabeth Road

Ferry Road, Hayling Island
Forest End (including access to the doctors' surgery)
Foxcote Grove
Frazer Road
Greywell Precinct, Leigh Park

Hambledon Road, B2150
Hart Plain Avenue (A3 to Milton Road)
Havant Road , A259, from the Warblington roundabout to the boundary with West
Sussex
Havant Road, Hayling Island, A3023
Hazleton Way
High Lawn Way, Leigh Park
High Street, Emsworth
Hollybourne Road, Leigh Park
Hooks Lane
Horndean Road, Emsworth, B2148
Hulbert Road, B2150,
Hulbert Road Spur (nos 2 to 40)

Juniper Square

Kentidge Road
King Street, Emsworth
Kingsclere Avenue

Langstone Road, Langstone, A3023
Liddiards Way
Littlegreen Avenue
London Road Precinct, Waterlooville
London Road (Stakes Hill Road to Forest End roundabout)

Manor Road, Hayling Island
Marples Way, Havant
Market Parade
Middle Park Way
Mill Road
Milton Road

New Lane
Nile Street, Emsworth
North Street, Emsworth

Padnell Avenue
Padnell Road

Palmerston Road, Hayling Island
Park Lane, Cowplain
Park Avenue, Widley
Park Road South
Park House Farm Way
Park Parade Precinct, Leigh Park
Park Lane, Cowplain
Park Lane, Bedhampton
Petersfield Road, B2149
Portland Road
Prospect Lane
Purbrook Chase Precinct (2 car parks situated on western side of Crookhorn Lane)
Purbrook Way

Queen Street, Emsworth

Rails Lane, Hayling Island
Relay Road, Waterlooville
Ridgway, Havant
Rockville Drive

St. Peter's Square, Emsworth
Sandleford Road
Scratchface Lane (Purbrook)
Sea Front, Hayling Island
Sharps Road
Silverthorne Way, Waterlooville
Silvester Road
Solent Road, Havant
Somborne Drive
South Street, Emsworth
Southleigh Road
Sparshalt Close
Springwood Avenue
Spur Road
St George's Avenue
St Alban's Road
St Mary's Road, Hayling Island
Stakes Hill Road
Stockheath Lane
Stockheath Way
Stockheath Road
Stone Square
Street in front of shops at nos 1 to 13 Middle Park Way, Leigh Park
Swiss Road

Talbot Road
Tempest Avenue, Waterlooville
The Dale
Tower Street, Emsworth

Victoria Road, Emsworth

Wakefords Way (including the access road to Staunton Park Community School)
Warfield Crescent
Warfield Avenue
Waterberry Drive, Waterlooville
Wellington Way Precinct
Wellington Way Car park Service Road
Wellington Way Precinct Service Road (North & South)
West Lane, Hayling Island
West Street, Emsworth
West Street Precinct, Havant
Westfield Avenue
Westside View, Waterlooville
Winscombe Avenue
Woodcroft Lane
Woodlands Grove

Zeus Lane

All other streets within the Borough can be used for the purpose of trading without the need for consent from the Council, providing that no obstruction is caused and trading does not take place where vehicular waiting is prohibited by a Traffic Regulation Order (e.g. double yellow lines, etc). Trading on privately-owned land requires the landowner's consent.