



www.guildford.gov.uk

Contact Officer:

Sophie Butcher, Democratic Services Officer
sophie.butcher@guildford.gov.uk

18 May 2021

Dear Councillor

Your attendance is requested at a meeting of the **LICENSING COMMITTEE** to be held in the Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB on **WEDNESDAY 26 MAY 2021 at 7.00 pm**.

Whilst Committee members and key officers will be in attendance in person for the meeting, registered speakers, non-committee members as well as ward councillors registered to speak, may also join the meeting via MSTeams. Ward Councillors, please use the link in the Outlook Calendar invitation. Registered speakers will be sent the link upon registration. If you lose your wi-fi connectivity, please re-join using the telephone number +44 020 3855 4748. You will be prompted to input a conference ID: 439 530 177#.

Members of the public may watch the live webcast here: <https://guildford.public-i.tv/core/portal/home>

If you wish to attend the meeting in person, please consider the following:

You may wish to have a Covid-19 test prior to attending the meeting. The test centre at Millmead is open from 8am – 7:30pm and there are also various other centres offering the test facility within the town and some villages. Follow the link below:

[Find where to get rapid lateral flow tests - NHS \(test-and-trace.nhs.uk\)](https://www.nhs.uk/test-and-trace)

You may also obtain a test through the post, but the lead time is longer for the result.

If you should receive a positive result you will not be permitted to attend the meeting and you should isolate as required under public health guidance.

If you have Covid symptoms you should not attend the meeting.

[When to self-isolate and what to do - Coronavirus \(COVID-19\) - NHS \(www.nhs.uk\)](https://www.nhs.uk/coronavirus)

If your test is negative please arrive at the Council Offices, Council Chamber, Millmead by at least 6:45pm so that you can be seated. Seating will be socially distanced and those sharing a household will be sat together.

Please note that a limited number of socially distanced seats will be available. Please contact the Democratic Services Officer to confirm. If registered speakers wish to attend in person, the seating will be allocated to them first.

Face masks will be required to enter the Council building and Council Chamber. You may wish to wear a facemask for the duration of the meeting, except for when speaking, however, as long as a 2 metre social distance is maintained, the wearing of a facemask is not required.

Hand sanitisers will be available on arrival and departure, please use them regularly.

Yours faithfully

James Whiteman, Managing Director



MEMBERS OF THE COMMITTEE

The membership of the Licensing Committee will be confirmed at the Annual/Selection Meeting of Council scheduled on Wednesday 19 May 2021.

QUORUM 5

THE COUNCIL'S STRATEGIC FRAMEWORK

Vision – for the borough

For Guildford to be a town and rural borough that is the most desirable place to live, work and visit in South East England. A centre for education, healthcare, innovative cutting-edge businesses, high quality retail and wellbeing. A county town set in a vibrant rural environment, which balances the needs of urban and rural communities alike. Known for our outstanding urban planning and design, and with infrastructure that will properly cope with our needs.

Three fundamental themes and nine strategic priorities that support our vision:

- | | |
|---------------------|--|
| Place-making | Delivering the Guildford Borough Local Plan and providing the range of housing that people need, particularly affordable homes |
| | Making travel in Guildford and across the borough easier |
| | Regenerating and improving Guildford town centre and other urban areas |
| Community | Supporting older, more vulnerable and less advantaged people in our community |
| | Protecting our environment |
| | Enhancing sporting, cultural, community, and recreational facilities |
| Innovation | Encouraging sustainable and proportionate economic growth to help provide the prosperity and employment that people need |
| | Creating smart places infrastructure across Guildford |
| | Using innovation, technology and new ways of working to improve value for money and efficiency in Council services |

Values for our residents

- We will strive to be the best Council.
- We will deliver quality and value for money services.
- We will help the vulnerable members of our community.
- We will be open and accountable.
- We will deliver improvements and enable change across the borough.

A G E N D A

1 APOLOGIES FOR ABSENCE

2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, the councillor must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

Councillors are further invited to disclose any non-pecuniary interest which may be relevant to any matter on this agenda, in the interests of transparency, and to confirm that it will not affect their objectivity in relation to that matter.

3 MINUTES (Pages 5 - 10)

To confirm the minutes of the meeting of the Licensing Committee held on 24 March 2021.

4 ANNOUNCEMENTS

To receive any announcements from the Chairman of the Committee.

5 LICENSING COMMITTEE ITEMS

5.1 Licensing of Sex Establishments: Statement of Licensing Policy 2022-25 (Pages 11 - 52)

The Committee is asked to approve the draft licensing of Sex Establishments Policy 2022-25 for public consultation and instruct officers to carry out the consultation over a 6-week period.

5.2 Gambling Act 2005: Statement of Principles 2022-25 (Pages 53 - 114)

The Committee is asked to approve the draft Gambling Act 2005 Statement of Principles 2022-25 for public consultation and instructs officers to carry out the consultation over a 12-week period.

6 LICENSING COMMITTEE WORK PROGRAMME (Pages 115 - 118)

**PLEASE CONTACT US TO REQUEST THIS DOCUMENT IN
AN ALTERNATIVE FORMAT**

LICENSING COMMITTEE

- * Councillor David Goodwin (Chairman)
- * Councillor Dennis Booth (Vice-Chairman)

- | | |
|------------------------------|------------------------------|
| * Councillor Tim Anderson | * Councillor Masuk Miah |
| * Councillor Gillian Harwood | * Councillor Marsha Moseley |
| * Councillor Nigel Manning | Councillor Maddy Redpath |
| * Councillor Ted Mayne | Councillor Will Salmon |
| * Councillor Ann McShee | * Councillor James Steel |
| * Councillor Bob McShee | * Councillor Catherine Young |

*Present

L1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Maddy Redpath and Will Salmon.

L2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

There were no disclosures of interest declared.

L3 MINUTES

The minutes of the Licensing Committee held on 25 November 2020 were approved and signed by the Chairman.

L4 ANNOUNCEMENTS

The Chairman had no announcements.

L5 REVIEW OF THE TAXI AND PRIVATE HIRE LICENSING POLICY

The Licensing Team Leader reported that the Committee had approved a draft Taxi and Private Hire Policy for a three-month public consultation at its meeting in September 2020. The licensing department encouraged all interested parties, including members of the trade to make comments via an online survey, the results of which were presented in the report. A high number of respondents agreed with the recommendations and a high proportion of respondents considered that there were elements of the Policy which were unfair or unreasonable. The final version of the policy was presented for the Committee's discussion and approval.

Prior to consideration of the policy, the following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b). (The Committee noted that the Chairman had permitted Mr Soper a total of five minutes to speak to accommodate his dyslexia. Mr Rostron had been permitted three minutes to speak in total as per the speaking procedure rules):

- Mr Paul Soper (to object) and;
- Mr Mark Rostron (to object)

The Committee noted concerns raised by Mr Soper that the Taxi and Private Hire Policy should not change owing to the associated requirement and costs of installing CCTV into taxis. Given

the Licensing Authority had saved money by not having to inspect pubs, bars and nightclubs during lockdown, the money saved from this, it was felt, should have been passed onto the taxi trade. Funding had been made available to small businesses and distributed to local councils, but the Licensing department only notified taxi drivers of this grant with a two-week deadline in which to apply. The Council's phones were not working in this time and it was difficult to obtain the appropriate help and guidance. Wages for taxi drivers had been significantly reduced, owing to the lack of taxi fares during the Covid-19 pandemic and had consequently placed considerable strain upon their family's finances. In addition, Uber was taking money away from the licenced Guildford taxi trade and action should be taken in that regard by the Licensing Authority.

In response to the concerns raised by Mr Soper, the Licensing Team Leader agreed that the taxi and private hire trade was important to Guildford. The pandemic had caused difficult circumstances for many businesses, including the Local Authority itself. The Council had signposted businesses, wherever possible, to the types of assistance available, including the government's self-employment grant, and had provided considerable advice and answered a large number of queries from businesses looking for assistance. However, the allocation and distribution of grant funding was not something which the Licensing Authority itself had any input of control over.

In terms of the costs of installing a CCTV unit into a taxi, it was estimated to cost approx. £600 - £700, which was equivalent to replacing a full set of tyres on a vehicle. It was envisaged that a CCTV system would last longer than the cost of a full set of tyres. The introduction of CCTV into taxi's was intended to be of benefit to taxi drivers as well as the public, in terms of safety. CCTV units in taxi's would also potentially reduce insurance premiums for drivers. CCTV was a natural part of our everyday lives, employed as public safety tool. The Council may only access the data held on a CCTV camera where there was a valid reason to and would not access the information for anything else. There was the additional functionality to enable drivers to turn off the CCTV when the vehicle was in private use, as per the Information Commissioner's Guidance. In relation to Uber and cross-border hire issues, the government legislation was out of date, and the taxi trade in addition to the Council was encouraged to lobby government and their local MP to change legislation in this regard.

The Committee noted comments made by Mr Soper that he had managed to have all of his tyres replaced and vehicle tracking done for a total of £275 which was significantly less than the £600 - £700 proposed expenditure for CCTV.

The Committee also noted concerns raised by the second speaker, Mr Rostron, that the Council should only do the minimum required to meet any statutory obligation and according to the Acts of Parliament that applied, the Local Government Act, the Regulatory Reform Act 2006 and the Regulator's Code, it seemed that every regulation should have a full cost benefit justification. The Council should be able to show and prove why something was necessary and what the benefit was to the public both in financial terms and safety terms. No evidence had been provided to demonstrate that taxi livery (which was adopted in 2015) had given any benefit to the public in Guildford. People in the surrounding boroughs were no less safe than they were in Guildford and did not have livery on their taxis. The Council was still reliant upon an example cited in Rotherham as a justification for taxi livery safety, but the taxi's in Rotherham were already liveried, and was as irrelevant as it was then.

In relation to the taxi licenced conditions under Section 47 of the Local Government Miscellaneous Provisions Act, it stated that the Council could only impose a condition which it believed was reasonably necessary but there was no evidence to support the livery of taxi's. Mr Rostron stated that *"the Council could not possibly have believed there was good reason to livery taxi's"*.

In relation to the types of vehicle licences that were issued, Section 48 of the Local Government Miscellaneous Provisions Act provided that the Council shall not grant a licence unless they are satisfied that the vehicle was safe and comfortable. However, there were too many vehicles being licenced now that were under-powered, rendering them unsafe, when they had four passengers and a full load of luggage onboard which was difficult to navigate in Guildford exacerbated by hilly roads, going up slip roads in the rush hour and being expected to go from stop to 50 mph very quickly. Lastly, concern was raised at not giving drivers the benefit of the doubt at regulatory hearings.

The Licensing Team Leader was invited to respond to Mr Rostron's comments and stated that a number of the points raised were historical, for example, regarding the adoption of a livery in 2015, was not a decision challenged at the time and was still being implemented today. In relation to the issue raised that the Council should do the minimum in order for the vehicles to be licenced and that there should be a cost benefit justification it was noted that the Statutory Guidance issued in July 2020 focussed very much upon the work that Licensing Authorities must do in relation to the licenced trade to ensure the safety of all passengers, particularly vulnerable passengers. The statutory guidance stated that taxis were a high-risk environment and that Local Authorities were expected by the Department of Transport to review and implement the standards without any further delay.

With regard to the point made regarding under-powered vehicles, the policy requirement for vehicle propulsion had not changed. A relatively small engine capacity did not necessarily mean the vehicle would be underpowered, for example if a vehicle had a small engine but was fitted with a turbo. However, the Licensing Department had not received any complaints from members of the public, nor members of the trade in response to the consultation, regarding taxi's being under-powered.

With regard to giving drivers the benefit of the doubt, there was very clear statutory guidance, which the Local Authority must have regard to, that drivers should not be given the benefit of the doubt.

The Committee discussed the policy and requested clarification as to whether any grants were available to drivers to meet the cost of the CCTV units and installation into their cabs. In the report, it was noted that the Police and Crime Commissioner may potentially be able to offer a grant. In addition, did the Council have any controls over how Uber operated in Guildford?

The Licensing Team Leader confirmed that Guildford Borough Council had made an application to the Police and Crime Commissioner for Surrey for a grant to cover the cost of CCTV units for taxi drivers. If the policy were approved by the Committee, the outcome of the decision would be announced at the end of April. However, there was no guarantee that the costs would be met in full or in part. The Council also had its own financial position to consider but would remain open to potential funding opportunities that could help the taxi trade with CCTV implementation. In response to the first speaker's remarks that he had managed to replace all of his tyres for under £300, this was acknowledged as very good value. It was also acknowledged that the Licensing Authority had given until April 2023 as the deadline by which taxi drivers had to comply with the purchase of a CCTV unit and its installation into their cabs which was considered a reasonable period of time, of two years, for drivers to become compliant, should no financial assistance become available.

In relation to Uber, they were a licenced private hire operator and its vehicles and drivers were licenced by Transport for London (TFL). There was currently case law that stated that a licenced vehicle could travel anywhere. The taxi legislation was very much out-of-date and in need of urgent reform. Cross-border hire was a concern for Licensing Authorities across the UK be it Uber or any other operator. Joint warranting across Surrey was currently being sought so that the Licensing Authority would be able to take enforcement action where necessary and agreement had also been sought with TFL. Private hire vehicles were licenced under the 1976

Act which was well before the introduction of mobile phones and apps. The Local Government Association had also been contacted to take action to support urgent changes in legislation.

The Committee welcomed the action which the Licensing Authority had taken in relation to addressing legislating Uber vehicles and tackling cross-border hire issues. In addition, the 2030 date set for the introduction of low ultra- low emission vehicles was agreed to be a very positive move, given it gave drivers the ability to run down their existing vehicles and make the transition to greener vehicles in order to tackle the climate emergency. It was also pleasing to see that all drivers would undergo a rolling 6-month DBS check to ensure that they were trustworthy and safe drivers.

The Committee noted further comments from Mr Soper that he had been cited as an Ambassador of the Taxi Trade when he returned an item of value to a customer, which had been left in his cab. He also had a criminal record but was given a second chance by the Licensing Sub-Committee at that time, which he hugely appreciated. He asked the Committee to strongly consider the policy they were about to vote on given the concerns he had previously raised.

In response to a query regarding the CCTV unit, the Licensing Team Leader confirmed that the CCTV unit was the size of a decent sized textbook that fitted onto a side panel in the boot of the car. The data was retained for approx. 2-3 months and was recorded over again.

The Committee having considered the report;

RESOLVED to recommend that Council on 13 April 2021, approved the updated Hackney Carriage and Private Hire Licensing Policy following consideration of the consultation responses received.

L6 TAXI AND PRIVATE HIRE FEES AND CHARGES 2021-22

The Licensing Team Leader reported that in line with the Executive decision made in November 2020, to freeze all fees and charges, it was therefore recommended that the Taxi and Private Hire Fees and Charges for 2021-22 remained at the current level but were planned to be reviewed again for 2022-23.

Prior to consideration of the Taxi and Private Hire Fees and Charges 2021-22, the following person addressed the Committee in accordance with Public Speaking Procedure Rules 3(b). (The Committee noted that the Chairman had permitted Mr Soper a total of five minutes to speak to accommodate his dyslexia):

- Mr Paul Soper (to object)

The Committee noted concerns raised by Mr Soper that the Council, owing to not spending monies on officer duties inspecting pubs, bars and clubs, due to the lockdown, had saved money this year and that those monies should be passed onto the taxi trade so to reduce hire fees and charges this year, in order to assist the taxi drivers in increasing their customer base. Birmingham City Council had been cited as an example where taxi drivers were given £1500. Freezing charges and fees was not perceived as helpful to the taxi trade and Guildford Borough Council was requested to help more.

The Committee, having considered the report;

RESOLVED to approve the freezing of the Taxi and Private Hire Fees and Charges for 2021-22, so that they remained at the current level and would review the fees and charges planned for 2022-23.

L7 LICENSING COMMITTEE WORK PROGRAMME

The Committee noted its work programme.

The meeting finished at 7.50 pm

Signed

Date

Chairman

This page is intentionally left blank

Licensing Committee Report

Ward(s) affected: All

Report of the Director of Service Delivery

Author: Mike Smith

Tel: 01483 444387

Email: mike.smith@guildford.gov.uk

Lead Councillor responsible: James Steel

Tel: 07518 995615

Email: james.steel@guildford.gov.uk

Date: 26 May 2021

Licensing of Sex Establishments: Statement of Licensing Policy 2022-25

Executive Summary

The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brought lap dancing, pole dancing and other “relevant entertainment” under a licensing regime.

The legislation enables local authorities to adopt a policy and standard conditions relating to sexual entertainment venues, sex shops and sex cinemas.

Guildford Borough Council adopted the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 on 7 October 2014 with effect from 17 November 2014.

Guildford Borough Council adopted a policy and standard conditions on 14 April 2015 to be applied when determining applications for sex establishment licences in the Borough. The Policy is reviewed every 3 years and an updated policy is presented to Licensing Committee at Appendix 1.

The Council has a duty to consult on the proposed policy and officers are seeking approval to conduct the consultation.

Following consultation, a further report will be presented to the Licensing Committee on 24 November 2021 with the results of the consultation and seeking the Committee's recommendation that the Executive approve to the draft Policy for adoption.

Recommendation to Licensing Committee

That the Committee approves the draft Licensing of Sex Establishments Policy 2022-2025 for public consultation and instructs officers to carry out the

consultation over a 6-week period.

Reason for Recommendation:

To obtain the views of interested parties on the proposed policy and use these views to formulate any changes to the policy.

1. Purpose of Report

1.1 The report informs the Committee of the review of the current Sex Establishment Licensing Policy.

1.2 It asks the Committee to approve a public consultation exercise on the proposed policy in Appendix 1.

2. Strategic Priorities

2.1 Reviewing the Licensing of Sex Establishments Policy will contribute to our fundamental themes and priorities as follows:

- **Place making** – ensuring safe gambling activities in the Borough through a well-regulated provision.
- **Innovation** – using new ways of working to improve efficiency.

2.2 It is best practice to publish a policy setting out our general approach to the licensing of sex establishments. The policy will assist a business making an application as it provides a background and rationale around granting a licence. The Council will use the policy in making a decision whether to grant a licence.

3. Background

3.1 The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brought a new licensing regime into force for lap dancing, pole dancing and other “relevant entertainment”.

3.2 The provisions allow the Council to improve the regulation of sexual entertainment venues, as there are increased powers to control numbers and location of venues in the area.

3.3 Guildford Borough Council adopted the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 on 7 October 2014 with effect from 17 November 2014.

3.4 Guildford Borough Council adopted a policy and standard conditions on 14 April 2015 to be applied when determining applications for sex establishment licences in the Borough.

- 3.5 The policy is due for review every 3 years, to ensure that the policy reflects best practice and to ensure it contributes to the strategic direction of the Council.
- 3.6 There are currently no licensed sexual entertainment venues in the Borough. An SEV licence was held between August 2015 to August 2016 for a premises within a proposed development at the Quadrant, Bridge Street. This licence was however never used and subsequently expired without being renewed.

4. Proposed changes

- 4.1 There have been no applications under the Policy since its last review and there has not been any update in legislation or guidance which would change the intent or direction of the policy, which sets out how the Council seeks to regulate sexual entertainment venues under its control and provides a framework for consistent decision making. As such, there are no changes proposed to the current Policy.
- 4.2 In addition, due to the demands on the Council in transitioning under the Future Guildford review, responding to the Covid-19 pandemic and other current pressures on the licensing service any significant changes to the Policy would be difficult to implement under the current circumstances.

5. Consultation

- 5.1 Whilst there are no changes proposed to the Policy, the Council still has a duty to consult and it is important that consultation takes place to ensure the Policy is clear and transparent for businesses, responsible authorities and the public and so that consultees can suggest any appropriate amendments.
- 5.2 If the Committee approves the proposed policy, we will follow our consultation standards over a 6-week period by:
- Writing to the chief officer of police and other responsible authorities
 - Publicising the consultation on the Council's website
 - Using social media to inform the public of the consultation and direct them to the website.
- 5.4 We will then analyse the comments, prepare any changes considered appropriate to the policy for final approval and present a further report to the Licensing Committee on 24 November 2021.

6. Equality and Diversity Implications

- 6.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.
- 6.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and

sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.

- 6.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty.
- 6.4 There are no equality and diversity implications arising from the review of the SEV Licensing Policy, which will be subject to public consultation with all stake holders.

7. Financial Implications

- 7.1 Under the Act, the Council has the power to recover its costs and set fees and charges at such a level that the licensing process is cost neutral to the Council.
- 7.2 The financial implications associated with the revision of the Policy can be financed from the Licensing budget.

8. Legal Implications

- 8.1 The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brings lap dancing, pole dancing and other “relevant entertainment” under the licensing regime.
- 8.2 The legislation enables local authorities to adopt a policy and standard conditions relating to sexual entertainment venues, sex shops and sex cinemas.
- 8.3 Guildford Borough Council adopted the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 on 7 October 2014 with effect from 17 November 2014.
- 8.4 The Home Office Guidance confirms that Local Authorities are not required to publish a licensing policy relating to sex establishments, and if they do so it must not prevent any individual application from being considered on its merits at the time the application is made.
- 8.5 The provisions of the legislation and the Home Office guidance were taken into account when drafting the current Licensing of Sex Establishments Policy.

9. Human Resource Implications

- 9.1 The Future Guildford review has introduced wider changes to the Council's structure, including a reduction in the current Licensing resource, although the creation of a number of other potential resources yet to be realised in the Case Services or Compliance Team to potentially assist with Licensing work although it

remains to be seen what effect this will have on the effective operation of the service, which remains busy in transitioning to the new structure. In addition, this work has come at a time when the Licensing Service is busy assisting with the Council's response to the coronavirus pandemic, which has seen implications for other areas of Licensing, including relaxations to alcohol licensing restrictions.

- 9.2 Provided the draft is approved for consultation, there will not be any additional human resource implications associated with the revision of the SEV Licensing Policy.

10. Climate Change/Sustainability Implications

- 10.1 There are no climate change or sustainability implications.

11. Summary of Options

- 11.1 After considering the report and the consultation responses, the Committee may either:
1. approve the draft Policy at Appendix 1 for public consultation, or
 2. approve the draft with amendments for consultation.

12. Conclusion

12. It is considered good practice to review an SEV Licensing Policy every 3 years. A review of the Policy has been completed and is presented to Licensing Committee to approve public consultation.
- 12.2 There are no amendments to the current policy and following consultation, a further report will be presented to the Licensing Committee requesting Committee recommend adoption of the Policy by the Executive.

13. Background Papers

[Local Government \(Miscellaneous Provisions\) Act 1982](#)

[Policing and Crime Act 2009](#)

[Sexual Entertainment Venues, Guidance for England and Wales, Home Office](#)

[Open for business, LGA guidance on local set fees, Local Government Association](#)

14. Appendices

- Appendix 1: Licensing of Sex Establishments – Draft Statement of Licensing Policy (for consultation).

Service	Sign off date
Finance / 151 Officer	<i>19 April 2021</i>
Legal / Governance	<i>20 April 2021</i>
HR	<i>20 April 2021</i>
Equalities	<i>20 April 2021</i>
Lead Councillor	<i>25 April 2021</i>
CMT	<i>27 April 2021</i>
Committee Services	<i>17 May 2021</i>



Licensing of Sex Establishments

Statement of Licensing Policy 2022-2025

Local Government (Miscellaneous Provisions) Act
1982 as amended by the Policing and Crime Act 2009

Further copies of this document can be obtained from:

Guildford Borough Council
Millmead House
Millmead
Guildford
Surrey
GU2 4BB

Tel: 01483 505050

Email: licensing@guildford.gov.uk
Web: www.guildford.gov.uk/licensing

Contents

Executive Summary		4
Section 1	The purpose of the licensing policy	5
Section 2	The scope of the licensing policy	7
Section 3	The Guildford Borough Council area	8
Section 4	Integrating other guidance, policies, objectives and strategies	10
Section 5	General principles	11
Section 6	Application Procedure	16
Section 7	Enforcement	20
Appendices	Appendix 1 – Standard conditions	21
	Appendix 2 – Contact details	33
	Appendix 3 – Interpretation	34

Executive Summary

The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brings into force for lap dancing, pole dancing and other “relevant entertainment” a new licensing regime.

The legislation enables local authorities to adopt a policy and standard conditions relating to sexual entertainment venues, sex shops and sex cinemas.

Guildford Borough Council adopted the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 on 7 October 2014 with effect from 17 November 2014.

Guildford Borough Council adopted this policy and standard conditions on ##date## to be applied when determining applications sex establishment licences in the Borough.

This policy:

- Sets out the council’s approach for the benefit of operators
- Guides and reassures the public and other public authorities
- Ensures transparency
- Ensures consistency
- Guides and focuses the Licensing Committee when making determinations under this legislation.

The policy deals with:

- The mandatory and discretionary grounds for refusal
- Standard conditions
- The application process
- Waiver

Section 1 The purpose of the licensing policy

- 1.1 This policy is prepared under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009. It was approved by Guildford Borough Council as the licensing authority for the Guildford Borough Council area on ##date## with immediate effect. It will be reviewed every three years.
- 1.2 This policy is concerned with the regulation of sex establishments, namely sexual entertainment venues, sex shops and sex cinemas.
- 1.3 The council's licensing regime aims to ensure that sex establishments in the Borough operate in a safe, fair and discreet manner and are sensitive to the local area in which they are situated. Specific attention has been given to advertising, staff welfare, external appearance, locality and the number of licensed premises.
- 1.4 This policy also has regard to the guidance issued by the Home Office.
- 1.5 The council adopts the overall approach of encouraging the responsible promotion of licensed activities. However, in the interests of all its residents, it will not tolerate irresponsible licensed activity. The council will impose conditions where necessary to promote responsibility and will use effective enforcement to address premises where there are problems, in partnership with key agencies such as:
 - Surrey Police/ British Transport Police
 - Surrey Fire and Rescue Service
 - Health and Safety Executive
 - Safer Guildford Partnerships
 - Surrey Trading Standards
 - UK Border Agency
- 1.6 The council will monitor the effectiveness of this policy by way of regular meetings with key agencies and by regular open dialogue with the industry.

Public consultation

- 1.7 Prior to the adoption of the policy in 2018, a full public consultation took place. The consultation on the current version of the Policy took place between ##dates##.

Review

- 1.8 This latest draft of the policy contains only minor amendments and no changes to the intent or direction of the previous policy approved in September 2018.

Section 2 The scope of the licensing policy

- 2.1 This policy covers licensable premises and activities as defined by the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 (the Act) within the Guildford Borough Council area. Schedule 3 of the Act is concerned with the control of sex establishments. A sex establishment means a sexual entertainment venue, sex cinema or sex shop.
- 2.2 A sexual entertainment venue (SEV) is a premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer. Relevant entertainment means any live performance or any live display of nudity which is provided solely or principally for the purpose of sexually stimulating any member of the audience. The full legal definition of a sexual entertainment venue can be found at paragraph 2A of Schedule 3 to the Act.
- 2.3 A sex cinema is a premises used to a significant degree for the exhibition of moving pictures which primarily portray sexual activity or acts of force or restraint which are associated with sexual activity. A full legal definition of a sex cinema can be found in paragraph 3 of Schedule 3 to the Act.
- 2.4 A sex shop is a premises used to a significant degree for the selling, etc. of sex articles or other items intended for use for the purpose of stimulating sexual activity or acts of force or restraint. A full legal definition of a sex shop can be found at paragraph 4 of Schedule 3 to the Act.
- 2.5 Advice on whether a licence is required can be obtained from the Licensing team, Guildford Borough. Contact details are set out in Appendix 2.
- 2.6 Throughout this policy the wording will refer to ‘applicants’ for licences. However it should be noted that the principles set out within this policy apply equally to new applications, renewals and transfers.
- 2.7 This policy seeks to provide guidance to applicants about the approach they should take to making applications and the view the council is likely to take on certain key issues.
- 2.8 The Council will take this policy into account when determining applications, however each application will be considered on its merits at the time the application is made.

Section 3 The Guildford Borough Council area

- 3.1 The borough is the second highest populated district in Surrey with 146,800 residents in 2016. The major urban areas are located in the town centre of Guildford and on the western fringes of the borough adjacent to Aldershot town.
- 3.2 Guildford Borough is also the second largest borough in the county, covering approximately 269 square kilometres (104 square miles) of which 89% is land designated as Green Belt. Outside the urban areas and villages, rural areas contain the Surrey Hills Area of Outstanding Natural Beauty covering 99 square kilometres, several sites of importance for nature protection and areas of special scientific interest. The borough also has a rich and varied architectural heritage, including 36 scheduled ancient monuments.
- 3.3 Guildford is mostly an affluent area with relatively low unemployment and low levels of crime. Most residents are healthy and enjoy well above average life expectancy. The workforce is generally well-educated and highly skilled.
- 3.4 The town centre is a focus for major commercial and administrative functions and is a principal regional shopping destination, with a vibrant night time economy.
- 3.5 In 2014 the town was awarded Purple Flag, recognising excellence in the management of the town centre at night. This prestigious award demonstrates the Council and the other Purple Flag Partners' ambitions to develop and improve the night time economy, encouraging a broad outlook on how the town is presented at night and tackling all aspects from cleanliness to access and transport, street lighting to signage, entertainment variety and choice of styles in bars, clubs and restaurants. In order to retain this award, the Council, corporately, is keen to encourage a diverse entertainment economy, and recognises that the SEV sector may contribute to this area.
- 3.6 The borough attracted over 4.9 million day visitors in 2016 and 351,000 staying trips, generating about £338.4 million in tourism income for local businesses, supporting around 6,167 actual jobs.
- 3.7 Guildford's successful economy measured against a range of indicators has made it a place where businesses want to locate and grow.
- 3.8 The Vision in The Corporate Plan 2018-2023 states the desire is for Guildford to be:

"..a town and rural borough that is the most desirable place to live, work and visit in South East England."

- 3.9 The fundamental themes and strategic priorities which support this vision are:

Place-making Delivering the Guildford Borough Local Plan and providing the range of housing that people need, particularly affordable homes

Making travel in Guildford and across the borough easier

Regenerating and improving Guildford town centre and other urban areas

Community

Supporting older, more vulnerable and less advantaged people in our community

Protecting our environment

Enhancing sporting, cultural, community, and recreational facilities

Innovation

Encouraging sustainable and proportionate economic growth to help provide the prosperity and employment that people need

Creating smart places infrastructure across Guildford

Using innovation, technology and new ways of working to improve value for money and efficiency in Council services

- 3.10 This licensing policy seeks to promote licensing within the overall context of the three fundamental themes of the Corporate Plan 2018-2023.

Section 4 Integrating other guidance, policies, objectives and strategies

4.1 In preparing this licensing policy the council has had regard to, and sought to integrate the licensing policy with, the following strategies:

- Corporate Plan 2018 - 2023
- Visitor Strategy
- Economic Strategy
- Local Plan
- Public Health and Wellbeing Strategy
- Community Safety Strategy
- The Purple Flag Award

Other policies

4.2 The council (through its Licensing Committee) may, from time to time receive reports on other policies, strategies and initiatives that may impact on licensing activity within the remit of the committee. Subject to the general principles set out in Section 7 it may have regard to them when making licensing decisions.

4.3 The Committee may, after receiving such reports, make recommendations to the council or other bodies about the impact of the licensing policy on such policies, strategies and initiatives. Equally the Committee may make recommendations relating to the impact of such policies, strategies and initiatives on the licensing policy. This may include recommendations to amend the licensing policy itself.

Section 5 General principles

- 5.1 In determining a licensing application the overriding principle will be that each application will be determined on its own merit, taking into account local knowledge, this licensing policy and the guidance issued by the Home Office. Where it is necessary to depart from the guidance or this Policy the council will give clear and cogent reasons for doing so.

Mandatory grounds for refusal

- 5.2 Applications for sex establishment licences must be refused on the following mandatory grounds:
- if the applicant is under 18,
 - if the applicant has a disqualification following the revocation of a previous licence,
 - if the applicant does not have the required right to work,
 - if the applicant has been refused a licence for the same premises within the previous 12 months.
- 5.3 These matters are considered by licensing officers with the appropriate delegations on determination of the licence.

Discretionary grounds for refusal

- 5.4 There are also a number of discretionary grounds. These are:
- if the applicant is considered unsuitable,
 - if the business would be managed by or for the benefit of a third party who would be refused a licence in their own right,
 - that the number of sex establishments or of sex establishments of a particular kind in the locality equals or exceeds the number considered appropriate,
 - if the grant is inappropriate having regard to:
 - the character of the relevant locality
 - the use of any premises in the vicinity
 - the layout, character, or condition of the premises.

Suitability of applicant

- 5.5 In considering whether the applicant is suitable to hold a licence, the council will take into account such matters as it considers to be relevant, including but not limited to whether the applicant:
- is honest
 - has a clear understanding of the conditions that may be attached to the licence
 - has a suitable business plan which will deliver compliance with the standard conditions.
 - has no unspent convictions of a nature that deem him/her unsuitable.
 - Suitability of manager or person for whose benefit the business would be carried on
- 5.6 The council will require the applicant to identify the proposed manager or person for whose benefit the business would be carried on. In considering the suitability of these

persons the council will apply the principles at 5.5.

Appropriate numbers and localities

- 5.7 The council may set the upper and lower limit that it considers an appropriate number of SEVs for a particular locality and it can be set as nil. The Council may also refuse an application if we are satisfied that the number of sexual entertainment venues in the relevant locality at the time the application is made is equal to or exceeds the number, which we consider is appropriate for that locality.
- 5.8 In deciding the policy to adopt in relation to this discretionary ground, the council has taken into account the matters set out in sections 2 to 6 of this policy. It has been influenced by the following considerations.
- 5.9 The Council has taken account of its own corporate strategies and priorities as represented by its Corporate Plan 2018-2023, Visitor Strategy and Economic Strategy. The council believes that, in taking these strategies into consideration, SEVs are not in accordance with a culturally rich and diverse Borough. In particular SEVs tend not to be inclusive facilities, appeal only to a narrow sector of the community and are unlikely to enhance the cultural reputation of the Borough.
- 5.10 It recognises that a nil per locality policy may reduce the employment opportunities for dancers. However it also recognises that those working in SEVs are often peripatetic and self-employed and will retain the opportunity to find employment as performers in other venues in Surrey or in other roles in the entertainment industry. The council believes that, on clear balance, in gender equality terms, its policy is both supportable and correct. The Council have decided not to set an upper or lower limit but to consider each application on its merits.
- 5.11 The council believes that the types of premises listed below are sensitive and that SEVs are generally not appropriate near them.
- Schools and other areas of education
 - Play areas/parks
 - Youth facilities
 - Residential areas
 - Women's refuge facilities/ rape and sexual assault counselling venues
 - Family leisure facilities such as cinemas, theatres and concert halls
 - Places of worship
 - Places used for celebration or commemoration
 - Cultural leisure facilities such as libraries, museums

Agenda item number: 5(1)

Appendix 1

- Retail shopping areas
- Historic buildings
- Hotels

5.12 The Council has determined that rural and residential are particularly unacceptable as localities for SEVs to be located in.

5.13 The council has not determined a limit on numbers or locality in relation to sex shops or sex cinemas. These applications will be dealt with on a case by case basis but applicants can be guided by the criteria mentioned at 5.4 to 5.6.

Human Rights

5.14 The European Convention on Human Rights makes it unlawful for a public authority to act in a way that is incompatible with a Convention right. The council will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- **Article 6** that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- **Article 8** that everyone has the right to respect for his home and private life.
- **Article 10** that everyone has the right to freedom of expression.
- **Article 1 of the first protocol** that every person is entitled to the peaceful enjoyment of his or her possessions, including for example a licence.

The Provision of Services Regulations

5.15 The Provision of Services Regulations 2009 implements the European Services Directive.

These regulations ensure that any refusal of a licence is:

- **non-discriminatory** in regard to nationality,
- **necessary** for reasons of public policy, public security, public health or the protection of the environment and
- **proportionate** with regard to the objective pursued by the legislation.

5.16 The council will consider these three issues in relation to the refusal of licence applications.

Crime and Disorder Act 1998

5.17 The Crime and Disorder Act 1998 places a duty on the council to exercise its functions with due regard to:

- Crime and disorder in its area (including anti-social and other behavior) adversely affecting the local environment;
- The misuse of drugs, alcohol and other substances.
- Re-offending in its area.

5.18 The council will have particular regard to the likely effect of the determination of licence applications on these issues and the need to do all that it reasonably can to prevent them.

Equality Act 2010

- 5.19 The Equality Act 2010 places a duty on the council to exercise its functions with due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010;
 - Advance equality or opportunity between persons who share relevant protected characteristics and person who do not;
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 5.20 The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 5.21 The council is aware that sex establishments tend to be predominantly marketed to men and that the licensing of these establishments must not encourage discrimination against women especially in regard to women who work at the premises, women who may wish to visit the premises or women who are using the area for other purposes but who may feel intimidated by the presence of such premises.
- 5.22 Accordingly, due regard has already been and will continue to be given during the review of this policy, to the determination of licences and the attaching of conditions.

Planning

- 5.23 The use of premises is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.
- 5.24 In general, all premises which are the subject to an application should have the benefit of appropriate planning permission, or be deemed permitted development. The onus will be on the applicant to demonstrate that planning permission has been granted or that the premises have the benefit of permitted development rights. Failure to do so may result in objections and the licence being refused or granted subject to conditions which take account of the planning permissions in existence.
- 5.25 In addition, all new developments and premises which have been subject to structural alterations since 1994 will have building control approval in the form of a Building Regulations Completion Certificate. The onus will be on the applicant to demonstrate that any structural alterations have been approved by building control. Failure to do so may result in objections and the licence being refused or granted subject to conditions.
- 5.26 Any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building consent was lawful or correct.

Staff Training

- 5.27 The council recommends that all persons employed on licensed premises be encouraged to attend training programmes to raise awareness of their responsibilities and particularly of the offences contained within the Act and the conditions of the

licence. Where recognised training programmes are not available employers should ensure that their employees are advised of their responsibilities and the offences under the Act.

- 5.28 All persons employed on licensed premises should be provided with in-house training on basic public safety and the housekeeping arrangements relative to those premises. Depending on their job role, this may include training in first aid, age verification policies, basic health and safety, fire safety and so on.
- 5.29 Licensed premises will be required to record training undertaken by staff in their staff records. These records will be made available for inspection on request to an authorised officer or the police.

Advertising

- 5.30 As part of the standard conditions attached to licences there is a requirement that all advertising and the external appearance of the premises must be approved by the council.
- 5.31 This approval will be considered at a sub-committee hearing or officer with appropriate delegated authority. Applicants will be entitled to attend the hearing. Please contact Licensing for further information on how to submit changes to advertising material and external appearance. Planning permission may also be required which is a separate process.

Exemptions

- 5.32 Under the Act there is an exemption from the licensing requirements for sexual entertainment venues which provide relevant entertainment on an infrequent basis. These are defined as premises where:
- relevant entertainment has been provided on no more than 11 occasions within a 12 month period;
 - no such occasion has begun within a period of one month beginning with the end of any previous occasions and
 - no such occasion has lasted longer than 24 hours
- 5.33 This exemption does not apply to sex shops or sex cinemas.

Section 6 Application Procedure

The application process

- 6.1 Applications must be made to the council in the form prescribed. Guidance is available to applicants setting out the detail of the process.
- 6.2 An operator's suitability will be checked before a licence for a sex establishment is granted. Depending on the individual circumstances this may be achieved by the following means:
- Application form
 - Disclosure and Barring Service check (basic or enhanced)
 - Personal interview either in person, at a hearing, by phone or in writing
- 6.3 In the first instance, the application will be sent to Surrey Police who may conduct a check. The operator's suitability will be checked using the application form and the personal information forms. Applicants may be asked to provide basic or enhanced DBS checks, or attend an interview, to support their application.
- 6.4 The suitability of the applicant is important to ensure that the interests of the public are protected. The council will use the methods described above to ensure that the proposed operator:
- is honest
 - has a clear understanding of the conditions that may be attached to the licence
 - has a suitable business plan which will deliver compliance with the standard conditions.
 - has no unspent convictions of a nature that deem him/her unsuitable.
- 6.5 Applicants for sexual entertainment venue licences will also need to show they have:
- a clear employees' welfare policy
 - a clear code of conduct for employees
 - a clear code of conduct for customers
 - a clear policy on pricing, and
 - protect the interests of their customers
- 6.6 The council will take all of these criteria into account when determining the licence. Non-compliance with one or more of the criteria will not necessarily exclude the operator from holding a sex establishment licence, providing the applicant is able to prove to the council that the interests of the public are protected.

Third Party Beneficiaries

- 6.7 In order to protect the public interest it is important to establish the hierarchy of the operator's business. Information will be sought and enquiries made into the operator's company structure to ensure that the operator is not working on behalf of an individual or company that would not be granted a licence in their own right.
- 6.8 Enquiries may be made via the application form, checks with Companies House, Surrey Police, British Transport Police, personal interview or applicants may be asked to provide business records.

Fees

6.9 The council has set a reasonable fee. The fee is based on the recovery of costs incurred by the council in determining the application.

Notices

6.10 The applicant must advertise the application in three ways:

- Advertisement in a local newspaper within 7 days of making the application
- Advertisement at the premises by way of a site notice for 21 consecutive days
- Notice of the application must be sent to the Chief Officer of Police for Surrey within 7 days of making the application (unless the application is made electronically).

6.11 Proof that the applicant has advertised the application will be required.

Objections

6.12 Anyone can object to an application for a sex establishment licence. Objections must be received by the council no later than 28 days after the date of the application. These objections can be received from individuals or businesses and should be relevant to the grounds on which a licence can be refused set out in Section 7. The Council cannot take into account objections based on moral values.

6.13 Guidance on making an objection can be found on the council's website.

6.14 The council will notify the applicant in writing of the general terms of any objection it receives. However objectors will remain anonymous, unless they agree that their identity may be revealed and efforts will be made to ensure that the contents of the objection do not disclose the objector's identity.

6.15 If objectors wish for their details to be released to the applicant they should make this clear in their objection.

Hearings

6.16 The council has appointed a licensing committee of 15 Councillors. Licensing functions will often be delegated to a licensing sub committee of 3 councillors or, in appropriate cases, to officers of the council such as applications where there are mandatory grounds for refusal.

6.17 All new, renewal and transfer applications will be determined by a sub-committee of three members of the Licensing Committee or officers with the appropriate delegation.

6.18 It is the council's practice to provide notice of the hearing to all interested parties (applicants and objectors) five days before the hearing.

6.19 This notice will give the date of the hearing, the procedure for the hearing, state any points on which the council requires clarification at the hearing, and will require the addressee to confirm their attendance and the attendance of any witnesses they may wish to call.

The hearing will normally take place in public.

- 6.20 Councillors will have regard to the Guildford Borough Council Code of Conduct for Councillors. Where a Councillor who is a member of the Licensing Committee or sub-committee has a prejudicial interest in the application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision making process in respect of that application. Wherever possible, members will not hear applications from within their own ward to avoid any appearance of bias.
- 6.21 The Licensing Committee will refer an application to the council where it is unable to deal with the application because of the number of members unable to vote on the matter in question.

Reasons for decisions

- 6.22 In determining licence applications under the Act the council will take into consideration the application before it and any relevant objections received, as well as local knowledge including knowledge as to local issues and cultural sensitivities.
- 6.23 Every decision to refuse a licence will be accompanied by clear reasons for the decision.
- 6.24 Every effort will be made to provide an oral decision at the sub-committee hearing, with the written reasons to follow in due course. However if the Sub-Committee feel that they need further time to consider the matter fully, they may reserve their decision, in which case the parties will be notified of the decision and reasons for it in writing as soon as possible after the conclusion of the hearing.

Conditions

- 6.25 The council will normally impose standard conditions on all licences. However, if deemed necessary in any particular case, the council may change, alter or replace the standard conditions or any of them with conditions that are specific to the application before them. Please see Appendix 1 for the standard conditions.
- 6.26 If the standard conditions are changed, the revised conditions will be applied to existing licences when they are renewed or transferred.
- 6.27 The Home Office document “Sexual Entertainment Venues – Guidance for England and Wales” discusses the interplay between conditions on a premises licence granted under the Licensing Act 2003 and those applied to a sex establishment licensed under the Local Government (Miscellaneous Provisions) Act 1982. It states at Paragraph 4.16 that:
- “In cases where conditions on a premises licence or clubs premises certificate are inconsistent with, and less onerous than, the condition in the licence granted under the 1982 Act they shall likewise be read as though they have been deleted.”*
- 6.28 Therefore if there are any conditions on the sex establishment licence which conflict with and are more onerous than a condition on the Licensing Act premises licence, the Licensing Act condition will cease to apply.
- 6.29 Conditions on the Licensing Act premises licence which only apply to relevant

entertainment shall be read as if they were deleted. This is to avoid duplication.

Right of Appeal

- 6.30 Only the applicant has the right to appeal the council's decision to the Magistrates' Court and only then on limited grounds. There is no right of appeal for objectors. Applicants and objectors are referred to paragraph 27 of Schedule 3 to the Act for further details.

Period of licence

- 6.31 A sex establishment licence will remain in force for a fixed period, which shall be no more than one year, unless brought to an end earlier as a result of the licence being surrendered or revoked. A fee is due with the application.

Renewal, Transfer

- 6.32 The process for applying for a renewal or transfer of the licence is the same as when applying for a new licence. Guidance for applicants is available on the council's website. A fee is due with the application.

Variation

- 6.33 At any time, a holder of a licence can apply to vary the terms, conditions or restrictions of a licence. There are some matters, required under the standard conditions, for which the premises licence holder is required to notify the council. These matters may include:

- Minor internal structural changes (moving of existing fixed furniture, etc.)
- Change in personnel
- Amendment of the approved advertising material
- Change of name of premises

- 6.34 However as there is no requirement to advertise a variation, licence holders should contact Licensing before making their application to discuss if a new application is more suitable. In general any variation which affects the matters mentioned in Section 1 will require a new application.

Revocation

- 6.35 If information is received by the council that circumstances have changed in such a way that the licence holder is deemed unsuitable or that the manager or person for whose benefit the business is carried on is unsuitable such that an application for a new licence would be refused, the council may revoke the sex establishment licence.

- 6.36 Should the council consider revocation of the licence to be appropriate the licensee will be provided an opportunity to appear before the Licensing Sub-Committee and be heard by them.

- 6.37 If the licensee so requests, the licensee will be given a statement in writing of the reasons for revocation within seven days of the request being made.

- 6.38 The revocation will take effect once the appeal period has expired, or if an appeal is

lodged after the determination or abandonment of the appeal.

Waiver

- 6.39 Should the council decide that the requirement to hold a licence would be unreasonable or inappropriate, it may waive the need for a licence. Examples of cases where such waivers could be applied could include a medical book shop, sex clinic, in borderline cases, or for minor or temporary events.
- 6.40 The council would only waive the need for a licence where the activity is low risk and/or temporary. A waiver will not be granted in cases where it is appropriate for the activity to be covered by licence conditions.
- 6.41 The application for a waiver should be on the same form as an application for a new licence; however it should be accompanied by a letter which describes the circumstances in which the request for a waiver is made. There will be no requirement to advertise the application. Further information can be found on the council's website, or by contacting Licensing.
- 6.42 The decision on the application for a waiver will be taken at the next available licensing sub-committee hearing or by officers with the appropriate delegation and, if granted, a Notice of Waiver will be issued.
- 6.43 Unsuccessful applicants for waivers will be notified accordingly and provision will be made for them to make a formal application for a sex establishment licence.

Section 7 Enforcement

7. Enforcement principles

7.1 The council will work closely with partners in accordance with a locally established joint enforcement protocol and will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation.

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

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

7.3 The council will endeavour to avoid duplication with other regulatory regimes so far as possible.

7.4 The council will also adopt a risk-based inspection programme in line with government recommendations around better regulation and the principles of the Hampton Review.

7.5 The main enforcement and compliance role for the council in terms of the Act will be to ensure compliance with the conditions placed upon the licence and investigate and take appropriate action on unlicensed premises.

7.6 The council will also keep itself informed of developments as regards the work of the Better Regulation Delivery Office in its consideration of the regulatory functions of local authorities.

7.7 The council's enforcement policy is available on www.guildford.gov.uk.

Appendix 1 Standard Conditions

These conditions will generally be attached to all licences granted under the Act. These conditions may be dispensed with, added to or modified by the council where appropriate. Where, in these conditions, there is a reference to the consent of the council being required, the consent may be subject to terms, conditions and restrictions as appropriate.

In accordance with Home Office guidance, where a condition is inconsistent with and is more onerous than a condition in a Licensing Act premises licence, the Licensing Act condition shall cease to apply.

Sexual Entertainment Venues

General

1. Unless stated otherwise, the licence hereby granted shall operate for one year from the date on the licence, after which it shall cease to be in effect, unless an application for renewal is submitted in the manner prescribed by the council.
2. The licensee shall operate a code of practice for dancers and code of conduct for customers. These documents must be approved by the Council and Surrey Police and shall be made available to any police officer or authorised officer of the Council on request.
3. Price lists for both drinks and sexual entertainment and the code of conduct for customers shall be clearly displayed at each table and at each entrance to the premises.
4. Price lists and the code of conduct for customers must be printed in a manner which is clear and easy to read.
5. Suitable and sufficient training is to be provided to all staff including the responsible person as described in condition 28. A training record shall be kept for each member of staff and the training record shall be made available upon request to any police constable or authorised officer of the Council.
6. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the council in writing.

Exhibition of the licence

7. The licence, or a clear copy, shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, and authorised officers of the council. A copy of the conditions attached to the licence shall be kept on the premises and be available for inspection by an authorised officer of the council, or a police officer.

Hours of opening (to be tailored to individual licences)

8. The premises shall only be open to the public during the following hours:
Monday
Tuesday

Wednesday
Thursday
Friday
Saturday
Sunday

Conduct on the premises

9. Dancers shall only perform on the stage area, or in booths/areas for VIPs, as identified on the plan attached to the licence.
10. Relevant entertainment shall only be performed by the dancer. There must be no audience participation.
11. There must be no physical contact between dancers.
12. There must be no physical contact between the dancer and the customer at any time.
13. Any performance shall be restricted to dancing and the removal of clothes. There shall not be any other form of sexual activity or stimulation which, for the avoidance of doubt, includes kissing.
14. Sex toys must not be used and penetration of the genital area by any means must not take place.
15. Customers shall not be permitted to throw money at the dancers.

External appearance

16. There shall be a notice displayed inside each entrance or doorway to the premises, which shall clearly be visible to any person entering the premises, which states the following:

Strictly No Admittance to Persons Under 18 Years of Age
This premises operates a Challenge 25 policy.
Persons who appear to be under the age of 25 will be required to show proof of age.

17. The external appearance of the premises must be approved by the council in writing.
18. Any change to the external appearance must be approved by the council. The operator must notify the Council in writing of any proposed change and shall provide a drawing of the existing and proposed street elevation. This must be approved by the council before any work is undertaken.
19. Access to the licensed area of the premises shall be through a lobby area which is constructed in such a way that the inside of the licensed premises where relevant entertainment takes place is not visible to passing members of the public when the doors of the premises are opened.
20. Signage shall only be illuminated between 10pm and 6am, and movable signs placed outside the premises shall be removed between 6am and 10pm.

Advertising

21. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, shall not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
22. Staff employed or subcontracted by the premises shall not verbally or otherwise promote, tout or advertise the premises, except by way of flyers.
23. Leafleting/distribution of flyers shall only be permitted as long as it does not cause public offence. The licensee shall remove any leaflets from the Highways within a 100 metre radius of the premises by 6am. The licensee shall operate a flyer distribution policy which must be approved by the Council.

Layout of premises

24. No access shall be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
25. No alterations (including temporary alterations) shall be made to the structure and installations on the premises, without the prior written consent of the council. This condition does not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

Management of the premises

26. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue (“the manager”) shall have personal responsibility for and be present on the premises whilst relevant entertainment is being performed. Any such nomination shall be produced on demand to an authorised officer of the council or a police constable.
27. The licensee shall ensure that any person nominated by him/her in accordance with Condition 28:
 - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
 - b) is in possession of the written nomination referred to above at all times when they are in charge of and present on the premises.
28. Where the licensee is a body corporate, or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the council within 14 days of such change. Such details as the council may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the council.
29. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue (“the manager”), is convicted of an offence, they must, as soon as practicable after the conviction, inform the council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.

30. The licensee shall retain control over all parts of the premises and shall not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises is affected by the termination of a lease or other event affecting the licensee's control of the premises.
31. The licensee shall ensure that the public is not admitted to any part or parts of the premises which have not been approved by the council for the purposes of public access.
32. No persons under the age of 18 shall be admitted to the premises.
33. The licensee shall operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 shall be displayed on the premises.
34. The licence holder shall not employ any person under the age of 18 in any capacity.

Safety and security

35. A suitable Closed-Circuit Television (CCTV) system shall be operational at the premises at all times when licensable activities are being carried out and at any other times when members of the public are present on the premises. The CCTV system shall cover all areas of the premises to which the public are permitted to have access, including corridors and stairways (excluding WCs). The CCTV system shall cover the main entrances and exits and designated emergency exit routes from the premises. The CCTV system shall cover all external areas of the premises accessed by the public, including queuing areas, beer gardens, smoking areas and car parks. The location of the CCTV cameras shall be identified on the site plan of the premises. No amendments to the locations of the cameras shall be made without prior consultation with Surrey Police/British Transport Police and the Licensing Authority.
36. The CCTV system shall be of a sufficient resolution quality to enable the identification of persons and activities, and other details such as vehicle registration number plates. The CCTV system shall contain the correct time and date stamp information. The CCTV system shall have sufficient storage retention capacity for retention of a minimum of 31 days' continuous footage, which shall be of good quality. The CCTV footage shall be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record shall be kept of who has accessed the system, the reason why and the date and time of access.
37. The data controller, under the Data Protection Act 1998, who is responsible for any CCTV images captured on cameras on the premises shall, on the lawful request of an authorised officer or an officer of Surrey Police/British Transport Police, cause any required footage to be downloaded immediately, or where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer. Where the CCTV images are not supplied at the time of the request being made, the data controller shall ensure that they are secured to prevent any overwriting.
38. The CCTV system shall be adequately maintained and be capable of transporting recorded material onto a removable media. The CCTV system replay software must

allow an authorised officer or an officer of Surrey Police/British Transport Police to search the picture footage effectively and see all the information contained in the picture footage for the purpose of detecting, investigating and preventing crime. It must be possible to replay exported files immediately e.g. no re-indexing of files or verification checks shall be required.

39. A minimum of two Security Industry Authority registered door staff shall be present on the premises during the performance of relevant entertainment. In addition, the licensee shall provide such additional SIA registered door staff as shall be reasonably required by Surrey Police or the Licensing Authority.

Staff welfare

40. Dancers shall be aged 18 years or over.
41. Before a dancer is permitted to work on the premises the licensee shall ensure that the dancer:
- a) has not been convicted of theft, drug offences or prostitution
 - b) has the right to work in the UK

The licensee shall keep records of the checks made, including copies of any documentation such as a basic disclosure, passport, visa, driving licence or national insurance number provided by the dancer.

42. The Licensee shall provide new dancers with a pack of information. This pack shall include:
- a) A copy of the Sex Establishment Licence, including the conditions applied by the Licensing Committee.
 - b) Details of any other conditions applied by the management of the premises
 - c) Details of how to report crime to the relevant authority
 - d) Details of the premises public liability insurance
 - e) Information on how dancers can obtain personal liability insurance
 - f) Details of unions, trade organisations or other bodies that represent the interests of dancers
 - g) A copy of the code of conduct for dancers
 - h) A copy of the code of conduct for customers
 - i) Price lists for drinks and sexual entertainment

43. The information required in accordance with Condition 42 shall be provided in the dressing rooms or alternatively a sign shall be placed in the dressing rooms advising that the information pack is available on request.

44. All booths and VIP areas used for private dances must be visible to supervisors and must not have closing doors, curtains or coverings of any description .

45. All booths and VIP areas used for private dances must be directly supervised by either a SIA registered door supervisor, or a member of staff who has direct contact with the SIA registered door supervisors working on the premises, at all times when the booths/areas are in use. Direct supervision does not include remote supervision by CCTV.

46. Dancers shall only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.
47. Any person on the premises who can be observed from outside the premises shall be properly and decently dressed.
48. The licensee shall ensure that dancers have secure dressing rooms, facilities to secure valuables and proper sanitation facilities available to them.
49. Panic alarms shall be fitted to all booths and VIP performance areas and shall be operational at all times.

Vessels, stalls and vehicles

50. Vehicles must not be used for personal solicitation, touting or advertising.

Sex Shops

General

1. Unless stated otherwise, the licence hereby granted will operate for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
2. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the council in writing.

Exhibition of licence

3. The licence, or a clear copy, shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police and authorised officers of the council. A copy of the conditions attached to the licence shall be kept on the premises and be available for inspection by an authorised officer of the council, or a police constable.

Hours of opening (to be tailored to individual licences)

4. The premises shall only be open to the public during the following hours:

Monday
Tuesday
Wednesday
Thursday
Friday
Saturday
Sunday

Conduct on the premises

5. The licensee, or any other person concerned in the conduct or management of the premises, shall ensure that any personal solicitation or touting from the premises to obtain custom does not cause nuisance or annoyance to the public. Any literature used shall not contain images or text of a sexually explicit, obscene or offensive nature.

External appearance

6. There shall be a notice displayed on each entrance or doorway to the premises which states the following:

<p>Strictly No Admittance to Persons Under 18 Years of Age This premises operates a Challenge 25 policy. Persons under the age of 25 will be required to show proof of age.</p>
--

7. The external appearance of the premises must be approved by the council in writing.

8. Any change to the external appearance of the premises must be approved by the council. The operator must inform the Council of any proposed change in writing and provide a drawing of the existing and proposed street elevation. This must be approved by the council before work is undertaken.
9. The frontage of the licensed premises shall be of such a nature that the interior of the licensed premises shall not be visible from the outside and the contents of the licensed premises shall not be visible when the doors of the licensed premises are open.
10. There shall be no illuminated or protruding signs fixed to the premises and no signs placed outside the premises.

Advertising

11. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, shall not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
12. Leafletting/distribution of flyers shall only be permitted as long as it does not cause public offence. The licensee shall remove any leaflets from the highways within a 100 metre radius of the distribution point. Flyers must not be distributed by and to persons under the age of 18 years of age. The licensee shall operate a flyer distribution policy which shall be approved by the council.

Layout of premises

13. No access shall be permitted through the premises to any other adjoining or adjacent premises, except in the case of an emergency.
14. No alterations (including temporary alterations) shall be made to the structure and installations on the premises without the prior written consent of the council. This condition does not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

Management of the premises

15. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue (“the manager”), shall have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination shall be produced on demand to an authorised officer of the council or a police constable.
16. The licensee shall ensure that any person nominated by him/her under Condition 16 above:
 - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
 - b) is in possession of the written nomination at all times when they are in charge of and present on the premises.

17. Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the council within 14 days of such change. Such details as the council may require in respect of the change in personnel shall be furnished within 14 days of a request in writing from the council.
18. The licensee shall retain control over all parts of the premises and shall not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises is affected by the termination of a lease or other event affecting the licensee's control of the premises.
19. The licensee shall ensure that the public are not admitted to any part or parts of the premises that have not been approved by the council for the purposes of public access.
20. The licensee shall keep a record of all employees who are asked to work on the premises. The record shall include their full name, date of birth, current and previous addresses and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).
21. A certified copy of the personnel record kept in accordance with Condition 21 or a record relating to a specified individual shall be produced on demand to an authorised officer of the council or the police.
22. No persons under the age of 18 shall be admitted to the premises.
23. The licensee shall operate a Challenge 25 age verification policy and customers under the age of 25 shall be required to show proof of ID. A notice to this effect in accordance with condition 7 shall be displayed on the outside of the premises.
24. The licence holder shall not employ any person under the age of 18 in any capacity.

Video recordings

25. No moving picture shall be provided on display at the licensed premises unless it is for the purposes of advertising videos on a loop system or allowing a prospective purchaser a short preview of films upon request, being no longer than 3 minutes in length.
26. Items sold, supplied for hire or exchange or used in any promotion/advertising must not contravene any current legislation i.e. Section 12 Video Recordings Act 1984, (as amended).

Vessels, stalls and vehicles

27. Vehicles must not be used for personal solicitation, touting or advertising.

Sex Cinemas

General

1. Unless stated otherwise, the licence hereby granted will operate for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
2. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the council in writing.

Exhibition of licence

3. The licence, or a clear copy, shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, and authorised officers of the council. A copy of the conditions attached to the licence shall be kept on the premises and be available for inspection by an authorised officer of the council, or a police constable.

Hours of opening (to be tailored to individual licences)

4. The premises shall only be open to the public during the following hours:
Monday
Tuesday
Wednesday
Thursday
Friday
Saturday
Sunday

Conduct on the premises

5. The licensee, or any other person concerned in the conduct or management of the premises, shall ensure that any personal solicitation or touting from the premises to obtain custom does not cause nuisance or annoyance to the public. Any literature used shall not contain images or text of a sexually explicit, obscene or offensive nature.

External appearance

6. There shall be a notice displayed on each entrance or doorway to the premises which states the following:

<p style="text-align: center;">Strictly No Admittance to Persons Under 18 Years of Age This premises operates a Challenge 25 policy Persons under the age of 25 will be required to show proof of age</p>
--

7. The external appearance of the premises must be approved by the council in writing.
8. Any change to the external appearance of the premises must be approved by the council. The operator must inform the Council of any proposed change in writing and

provide a drawing of the existing and proposed street elevation. This must be approved by the council before work is undertaken.

9. The frontage of the licensed premises shall be of such a nature that the interior of the licensed premises shall not be visible from outside and the contents of the licensed premises shall not be visible when the doors of the licensed premises are open.
10. There shall be no illuminated or protruding signs fixed to the premises and no signs placed outside the premises.

Advertising

11. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, shall not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
12. Leafleting/distribution of flyers shall only be permitted as long as it does not cause public offence. The licensee shall remove any leaflets from the highways within a 100 metre radius of the distribution point. Flyers must not be distributed by and to persons under the age of 18 years of age. The licensee shall operate a flyer distribution policy which shall be approved by the council.

Layout of premises

13. No access shall be permitted through the premises to any other adjoining or adjacent premises, except in the case of an emergency.
14. No alterations (including temporary alterations) shall be made to the structure and installations on the premises without the prior written consent of the council. This condition does not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

Management of the premises

15. The licensee, or a responsible person nominated by him/her for the purpose of managing the venue (“the manager”), shall have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination shall be produced on demand to an authorised officer of the council or a police constable.
16. The licensee holder shall ensure that any person nominated by him/her under Condition 16:
 - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
 - b) is in possession of the written nomination at all times when they are in charge of and present on the premises.
17. Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the

body shall be notified in writing to the council within 14 days of such change. Such details as the council may require in respect of the change in personnel shall be furnished within 14 days of a request in writing from the council.

18. The licensee shall retain control over all parts of the premises and shall not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises is affected by the termination of a lease or other event affecting the licensee's control of the premises.
19. The licensee shall ensure that the public are not admitted to any part or parts of the premises that have not been approved by the council for the purposes of public access.
20. The licensee shall keep a record of all employees who are asked to work on the premises which shall include their full name, date of birth, current and previous addresses and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).
21. A certified copy of the full personnel record kept in accordance with Condition 21 or a record relating to a specified individual shall be produced on demand to an authorised officer of the council or a police constable.
22. No persons under the age of 18 shall be admitted to the premises.
23. The licensee shall operate a Challenge 25 age verification policy and customers under the age of 25 shall be required to show proof of ID. A notice to this effect in accordance with condition 7 shall be displayed on the outside of the premises.
24. The licence holder shall not employ any person under the age of 18 in any capacity.

Vessels, stalls and vehicles

25. Vehicles must not be used for personal solicitation, touting or advertising.

Appendix 2 Contacts details

Licensing

Guildford Borough Council
Millmead House
Millmead
Guildford
Surrey
GU2 4BB

T: 01483 505050
Email: licensing@guildford.gov.uk

Application form, plan, fee, policies, notices and declaration

Surrey Police

Licensing Unit
Guildford Police Station
Margaret Road
Guildford, Surrey
GU1 9PE

T: 01483 639473
Application form, plan, policies, notices and declaration

Appendix 3 Interpretation

Advertisement means any word, letter, image, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or partly for the purposes of, advertisement or announcement.

Audience includes an audience of one.

Authorised officer means an officer employed by Guildford Borough Council and authorised by the council to act in accordance with provisions of the Act.

The council means Guildford Borough Council.

Display of nudity means:

- a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
- b) in the case of a man, exposure of his pubic area, genitals or anus.

Dancer means dancer, entertainer, performer or other such person employed, or otherwise engaged, to provide relevant entertainment.

Licence means any sex establishment licence that the council can grant under the Act. This includes any associated consent or permission.

Licensee means the holder of a sex establishment licence.

Licensed area means the part of the premises marked on the plan where licensable activities are to take place.

Premises includes any vehicle, vessel or stall but does not include any private dwelling to which the public is not admitted.

Relevant entertainment means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

Sex shop means any premises used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity.

Sexual entertainment venue means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser (i.e. a person who is responsible for the organisation or management of the entertainment or the premises).

Standard conditions means any terms, conditions or restrictions which the Council has prescribed as conditions subject to which all licences under the Act are in general to be granted, renewed or transferred..

The Act means the Local Government (Miscellaneous Provisions) Act 1982.

Unsolicited (in relation to advertising) means any material that is unasked for, not looked for or unsought, i.e. newspaper advertising, flyers, posters, radio advertisements, television advertising, advertising hoardings etc.

Vehicle means a vehicle intended or adapted for use on roads.

This page is intentionally left blank

Licensing Committee Report

Ward(s) affected: All

Report of the Director of Service Delivery

Author: Mike Smith

Tel: 01483 444387

Email: mike.smith@guildford.gov.uk

Lead Councillor responsible: James Steel

Tel: 07518 995615

Email: james.steel@guildford.gov.uk

Date: 26 May 2021

Gambling Act 2005: Statement of Principles 2022-25

Executive Summary

The Gambling Act 2005 requires the Council as licensing authority to prepare and publish a Statement of Principles every three years. The existing Statement of Principles was published in January 2019 and is due for renewal by January 2022.

A Statement of Principles has been prepared and is included in Appendix 1.

The Council has a duty to consult on the proposed policy and officers are seeking approval to conduct the consultation.

Following consultation, a further report will be presented to the Licensing Committee on 24 November 2021 with the results of the consultation and seeking approval to the draft Statement of Principles for adoption at Council on 7 December 2021.

Recommendation to Licensing Committee

That the Committee approves the draft Gambling Act 2005 Statement of Principles 2022-25 for public consultation and instructs officers to carry out the consultation over a 12-week period.

Reason for Recommendation:

To comply with the requirements of the Gambling Act 2005 the Council must prepare and consult on a statement of principles for the period 2022-25.

To obtain the views of interested parties on the proposed statement of principles and use these views to formulate any changes to the policy.

1. Purpose of Report

- 1.1 The report informs the Committee of the background and proposed statement of principles.
- 1.2 It asks the Committee to approve a public consultation exercise on the proposed statement of principles in Appendix 1

2. Strategic Priorities

- 2.1 Reviewing the Gambling Act 2005 Statement of Principles will contribute to our fundamental themes and priorities as follows:
 - **Place making** – ensuring safe gambling activities in the Borough through a well-regulated provision.
 - **Innovation** – using new ways of working to improve efficiency.
- 2.2 The statement of principles balances the right of an applicant to make an application under the Gambling Act 2005 (the Act) and to have the application considered on its merits, against the right of any person to make representation on an application or to seek a review of an existing licence.
- 2.3 An appropriate balance will ensure that gambling businesses are provided with a framework within which to operate whilst providing assurance to the public and protecting children and vulnerable persons.

3. Background

- 3.1 The Council is the licensing authority for the purposes of the Act which requires the Council to prepare a Statement of Gambling Principles that it proposes to apply in exercising its functions under the Act.
- 3.2 The Statement of Principles sets out the general approach the Council will take when carrying out its regulatory role under the Act and promoting the three licensing objectives:
 - preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
 - ensuring that gambling is conducted in a fair and open way
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.3 The Act was designed to be a light touch piece of legislation covering a wide range of licensable activities such as adult gaming centres and betting premises.
- 3.4 The Act specifies that Local Authorities should “aim to permit” gambling, provided it is in accordance with the Code of Practice and guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives and in

accordance with the Statement of Principles. The effect of this duty is that Licensing Authorities must approach their functions in a way that seeks to regulate gambling by using their powers to promote the licensing objectives rather than by starting out to prevent it altogether.

- 3.5 The current Statement was adopted by Council in December 2018, with the renewal date being January 2022.

4. Proposed changes

- 4.1 The current statement was comprehensively reviewed in 2018 to reflect the updated Guidance published by the Gambling Commission (5th Edition, September 2015) and to include a Local Area Profile for Guildford. There has not been any further update in Guidance from the Commission since this publication. As such, there are no changes proposed to the current Policy.
- 4.2 In addition, due to the demands on the Council in transitioning under the Future Guildford review, responding to the Covid-19 pandemic a lack of resource available in the Council to update the GIS maps in the Local Area Profile and other current pressures on the licensing service any significant changes to the Policy would be difficult to implement under the current circumstances.

5. Consultation

- 5.1 Whilst there are no changes proposed to the Statement of Principles, the Council still has a duty to consult on the revision and it is important that consultation takes place to ensure to the Statement of Principles is clear and transparent for businesses, responsible authorities and the public, and to seek views on any suggestions for amendments that consultees may have.
- 5.2 The legislation specifies those persons and groups that the Council has a duty to consult with.
- 5.3 If the Committee approves the proposed Statement of Principles, we will follow our consultation standards over a 12-week period to ensure we consult with all the statutory consultees and will be:
- Writing to the chief officer of police
 - Publicising the consultation on the Council's website
 - Writing to or emailing the responsible authorities listed in Appendix B of the Statement of Principles
 - Writing to or emailing the consultees listed in Appendix C of the Statement of Principles who are either people representing the interests of persons carrying on gambling businesses or persons who may be affected.
 - Using the Council's website and social media to inform the public of the consultation.
- 5.4 We will then analyse the comments, prepare any changes considered appropriate to the Statement of Principles for final approval and present a further

report to the Licensing Committee on 24 November 2021 for recommendation to Full Council on 7 December 2021.

6. Equality and Diversity Implications

- 6.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.
- 6.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.
- 6.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty.
- 6.4 There are no equality and diversity implications arising from the review of the Gambling Act Policy, which will be subject to public consultation with all stake holders.

7. Financial Implications

- 7.1 Under the Act, the Council has the power to recover its costs and set fees and charges at such a level that the licensing process is cost neutral to the Council.
- 7.2 The financial implications associated with the revision of the Statement of Principles can be financed from the Licensing budget.

8. Legal Implications

- 8.1 Section 349(1) of the Gambling Act 2005 requires the Council, as licensing authority, to prepare and publish a statement of principles to cover each successive period of three years. Section 349(2) requires the Council to review the statement from time to time, revise the statement if thought necessary as a result of the review and publish the revision before giving effect to it.
- 8.2 In preparing the statement, the Council must consult the following people for its area:
 - a) The chief officer of police
 - b) People representing the interests of persons carrying on gambling businesses

- c) Persons who represent the interests of persons who are likely to be affected by the Council exercising its functions under the Act
- 8.3 Before a statement or revision comes into effect, the regulations require licensing authorities to publish a notice of their intention to publish a statement or revision. The notice must:
- specify the date on which the statement or revision is to be published
 - specify the date on which the statement or revision will come into effect
 - specify the internet address where the statement or revision will be published and the address of the premises at which it may be inspected
 - be published on the authority's website and in/on one or more of the following places for at least four weeks before it comes into effect:
 - a local newspaper circulating in the area covered by the statement
 - a local newsletter, circular, or similar document circulating in the area covered by the statement
 - a public notice board in or near the principal office of the authority
 - a public notice board on the premises of public libraries in the area covered by the statement.
- 8.4 Upon recommendation from the Licensing Committee, the revised Statement of Principles will be presented for approval at Full Council on 7 December 2021.

9. Human Resource Implications

- 9.1 The Future Guildford review has introduced wider changes to the Council's structure, including a reduction in the current Licensing resource, although the creation of a number of other potential resources yet to be realised in the Case Services or Compliance Team to potentially assist with Licensing work although it remains to be seen what effect this will have on the effective operation of the service, which remains busy in transitioning to the new structure. In addition, this work has come at a time when the Licensing Service is busy assisting with the Council's response to the coronavirus pandemic, which has seen implications for other areas of Licensing, including relaxations to alcohol licensing restrictions.
- 9.2 Provided the draft is approved for consultation, there will not be any additional human resource implications associated with the revision of the Statement of Principles.

10. Climate Change/Sustainability Implications

- 10.1 There are no climate change or sustainability implications.

11. Summary of Options

- 11.1 After considering the report and the consultation responses, the Committee may either:
1. approve the draft Policy at Appendix 1 for public consultation, or
 2. approve the draft with amendments for consultation.

12. Conclusion

- 12.1 The Act requires the Council to review its Statement of Gambling Principles every 3 years and requires that we consult on the proposed statement of principles. A review of the Statement has been completed and presented for approval of public consultation.
- 12.2 Following consultation, a further report will be presented to the Licensing Committee requesting a recommendation to adopt the Statement of Principles at Full Council.

13. Background Papers

[Gambling Act 2005](#)

[Gambling Act 2005 Statement of Principles 2019-21](#)

[Gambling Commission Guidance to licensing authorities 5th edition September 2015](#)

[Gambling Commission – Participation and Perceptions Report February 2018](#)

[Gambling Regulation: Councillor Handbook – Local Government Association \(2018\)](#)

14. Appendices

Appendix 1: Guildford Borough Council draft Statement of Gambling Principles 2022-25

Service	Sign off date
Finance / 151 Officer	<i>19 April 2021</i>
Legal / Governance	<i>20 April 2021</i>
HR	<i>20 April 2021</i>
Equalities	<i>20 April 2021</i>
Lead Councillor	<i>25 April 2021</i>
CMT	<i>27 April 2021</i>
Committee Services	<i>17 May 2021</i>



Gambling Act 2005 Statement of Principles

2022 - 2025

DOCUMENT INFORMATION

Origination/author:	Mike Smith, Licensing Team Leader
This document replaces:	Statement of Principles (Gambling Act 2005) 2019-2022
Date/detail of consultation:	# to # 2021
Date of Council approval:	December 2021
Last reviewed:	December 2021
Next review date:	January 2025

Contents

Item		Page
Part A	Introduction and Scope	
1	The licensing objectives	4
2	Introduction	4
3	Declaration	6
4	Responsible Authorities	6
5	Interested parties	6
6	Exchange of information	7
7	Compliance	8
8	Licensing authority functions	8
Part B	The Licensing Objectives	
9	Preventing gambling from being a source of crime or disorder	10
10	Ensuring that gambling is conducted in a fair and open way	10
11	Protecting children and other vulnerable persons from harm	10
Part C	Premises licences	
12	General principles	13
13	Decision Making	13
14	Definition of “premises”	14
15	Premises “ready for gambling”	16
16	Location	16
17	Planning	18
18	Duplication with other regulatory regimes	19
19	The Licensing Objectives	19
20	Local Area Profile	19
21	Conditions	20
22	Door Supervisors	21
23	Adult Gaming Centres	21
24	(Licensed) Family Entertainment Centres	22
25	Casinos	23
26	Bingo	23
27	Betting premises	23
28	Tracks	24
29	Travelling Fairs	25
30	Provisional Statements	26
31	Reviews	27
Part D	Permits, Temporary and Occasional Use Notices	
32	Unlicensed Family Entertainment Centre gaming machine permits	29
33	(Alcohol) Licensed premises gaming machine permits	30
34	Prize Gaming Permits	30
35	Club Gaming and Club Machine Permits	31
36	Temporary Use Notices	32
37	Occasional Use Notices	33
38	Small Society Lotteries	33

PART D	Appendices	
Appendix A	Map of Guildford Borough	34
Appendix B	List of Responsible Authorities	35
Appendix C	List of Consultees	36
Appendic D	Local Area Profile	37

PART A – Introduction and Scope

1. The Licensing Objectives

1.1 Guildford Borough Council (the Council) is the licensing authority for the purposes of the Gambling Act 2005 (the Act).

1.2 In exercising most of our functions under the Act, we must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- ensuring that gambling is conducted in a fair and open way
- protecting children and other vulnerable persons from being harmed or exploited by gambling

1.3 The Gambling Commission (the Commission) states: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

1.4 The Council in making decisions about premises licences and temporary use notices will aim to permit the use of premises for gambling in so far as we think it:

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

2. Introduction

2.1 This is our Statement of Principles (Statement) in relation to our licensing functions under the Act. This latest draft of the policy contains no changes to the intent or direction of the previous policy, which is that the Council seeks to ensure that premises licensed for gambling uphold the licensing objectives. The statement includes the addition of a Local Area Profile, which has been developed as a guide which gambling operators can use when undertaking and preparing their local premises risk assessments; and sets out the Council’s expectations of operator’s risk assessments.

2.2 We will publish this Statement at least every three years and we will review it from time to time and consult on any proposed amendments. If we make any changes, we will then re-publish the Statement.

2.3 This Statement follows the format issued by the Local Authorities Coordinators of Regulatory Services (LACORS). All references to the ‘Guidance’ refer to the Commission’s Guidance to Licensing Authorities, 5th Edition, published September 2015.

2.4 The borough is the second highest populated district in Surrey with 146,800 residents in 2016. The major urban areas are located in the town centre of Guildford and Ash and surrounding areas on the western fringes of the borough adjacent to Aldershot town.

- 2.5 Guildford Borough is also the second largest borough in the county, covering approximately 269 square kilometres (104 square miles) of which 89% is land designated as Green Belt. Outside the urban areas and villages, rural areas contain the Surrey Hills Area of Outstanding Natural Beauty covering 99 square kilometres, several sites of importance for nature protection and areas of special scientific interest. The borough also has a rich and varied architectural heritage, including 36 scheduled ancient monuments.
- 2.6 Guildford is mostly an affluent area with relatively low unemployment and low levels of crime. Most residents are healthy and enjoy well above average life expectancy. The workforce is generally well-educated and highly skilled. The borough attracted over 4.9 million day visitors in 2016 and 351,000 staying trips, generating about £338.4 million in tourism income for local businesses, supporting around 6,167 actual jobs.
- 2.7 The town centre is a focus for major commercial and administrative functions and is a principal regional shopping destination, with a vibrant night time economy. In 2014 the town was awarded Purple Flag, recognising excellence in the management of the town centre at night. This prestigious award demonstrates the Council's and the other Purple Flag Partners' ambitions to develop and improve the night time economy, encouraging a broad outlook on how the town is presented at night and tackling all aspects from cleanliness to access and transport, street lighting to signage, entertainment variety and choice of styles in bars, clubs and restaurants. We have attached a map of Guildford Borough at Appendix A.
- 2.8 The Act requires the Council to consult the following parties:
- the Chief Officer of Police;
 - one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
 - one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 2.9 Our consultation on this statement of principles took place between (date) 2021. We have attached a list of councils and partner organisations in Appendix B and a list of the persons we consulted at Appendix C. We followed the HM Government Code of Practice on Consultation (published July 2008), which is available at: <https://www.gov.uk/government/publications/consultation-principles-guidance>
- 2.10 We will make the full list of comments available by request to the Licensing Team, Guildford Borough Council, Millmead House, Millmead, Guildford, Surrey, GU2 4BB. If you have any comments about this Statement please send them via letter or email regulatoryservices@guildford.gov.uk
- 2.11 The Full Council approved The Statement of Principles at a meeting on (date) and we published the Statement via our website.
- 2.12 This Statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as we will consider each on its own merits and according to the statutory requirements of the Act.

3. Declaration

- 3.1 In producing the final Statement, Guildford Borough Council declares that we have had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Commission, and any responses from those consulted on the Statement.

4. Responsible Authorities

- 4.1 Regulations require the Council to state the principles we will apply in exercising our powers under Section 157(h) of the Act to designate, in writing, a body, which is competent to advise us about the protection of children from harm. The principles are:

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

- 4.2 In accordance with the suggestion in the Commission's Guidance, we designate the Surrey Safeguarding Children Board for this purpose.

- 4.3 We have published the contact details of all the Responsible Authorities under the Act on our website and at Appendix B of this Statement.

5. Interested parties

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

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

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

- 5.2 The principles we will apply to determine whether a person is an interested party are:

Each case will be decided upon its merits. We will not apply a rigid rule to our decision making. We will consider the examples provided in the Commission's Guidance at 8.9 to 8.17. We will also consider the Commission's Guidance that the term "has business interests" will be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- 5.3 Interested parties include democratically elected persons such as councillors and MPs. We will not require the councillor or MP to provide specific evidence of an interested party asking them to act as their representative as long as they represent the potentially affected ward. Likewise, we will consider potentially affected parish councils as interested parties. Other than these however, we

will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- 5.4 If individuals wish to approach councillors to ask them to represent their views then they should take care that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Team.

6. Exchange of Information

- 6.1 The Act requires the Council to include the principles we will apply in exercising our functions under sections 29 and 30 of the Act regarding the exchange of information between the Commission and us. This also applies in relation to the functions under section 350 of the Act with respect to the exchange of information between us and the other persons listed in Schedule 6 to the Act. Those persons or bodies are listed in Schedule 6(1) as:

- a constable or police force
- an enforcement officer
- a licensing authority
- HMRC
- the first tier tribunal
- the Secretary of State.

- 6.2 In this regard, we will act in accordance with the provisions of the Act in our exchange of information, which includes the provision that we will not contravene the Data Protection Act 1998 or General Data Protection Regulations. We will also have regard to any Guidance issued by the Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

- 6.3 Details of applications and representations which are referred to a Licensing Sub-Committee for determination will be published in reports that are made publicly available. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the licensing authority is asked to do so and is satisfied that it is appropriate to do so.

- 6.4 The authority will ensure that the information on the returns is accurate and sent to the Commission within agreed timescales.

- 6.5 We recognise the need to share information with other agencies about our inspections and compliance activities. The Council has various policies relating to 'information governance', which will be considered when deciding what information to share and the process for doing so. The Council is also a signatory to the Surrey Multi Agency Information Sharing Protocol, which allows the sharing of information between Agencies for the purpose of the prevention and detection of crime and for public protection.

- 6.6 Information can be accessed by data subjects via a number of routes including a Freedom of Information Request or Subject Access Request.

7. Compliance

- 7.1 The Act requires the Council to state the principles we will apply in exercising our functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of specified offences.
- 7.2 Our principles are that we will have regard to the Commission's Guidance and will endeavour to be:
- proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
 - consistent: rules and standards must be joined up and implemented fairly;
 - transparent: regulators should be open, and keep regulations simple and user friendly; and
 - targeted: regulation should focus on the problem, and minimise side effects.
- 7.3 We will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 We have adopted and implemented a risk-based inspection programme, based on:
- the licensing objectives
 - relevant codes of practice
 - guidance issued by the Commission, in particular at Part 36
 - the Council's Local Area Profile
 - the principles set out in this statement of principles
- 7.5 Our main enforcement role in terms of the Act is to ensure compliance with the premises licences and other permissions, which we authorise. The Commission is the enforcement body for operating licences and personal licences. It is also worth noting that we do not deal with concerns about manufacture, supply or repair of gaming machines, or concerns about on-line or remote gambling because this is part of the Commission's role.
- 7.6 This licensing authority also keeps itself informed of developments with regard to the work of the Better Regulation Delivery Office in its consideration of the regulatory functions of local authorities, in particular, with regard to the Regulators Code (April 2014) which provides a regulatory framework that supports compliance and growth while enabling resources to be focused where they are most needed. We will make available our enforcement and compliance protocols and written agreements upon request.
- 7.7 Bearing in mind the principle of transparency, the Council has adopted an Enforcement Policy which sets out the Council's approach to securing compliance with regulatory requirements and applies to all our regulatory functions, including Gambling. The Policy is available on the Council's website.

8. Licensing authority functions

- 8.1 The Act requires the Council to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- issue *Provisional Statements*
- regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- issue *Club Machine Permits* to *Commercial Clubs*
- grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- register *small society lotteries* below prescribed thresholds
- issue *Prize Gaming Permits*
- receive and Endorse *Temporary Use Notices*
- receive *Occasional Use Notices*
- provide information to the Commission regarding details of licences issued (see section above in 6.1)
- maintain registers of the permits and licences that are issued under these functions

8.2 It is worth noting that we are not involved in licensing remote gambling at all, because this is the Commission's role via operating licences.

Part B – Promotion of the Licensing Objectives

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

9.1 The Gambling Commission will take the lead role in keeping gambling free from crime by vetting applicants for operator and personal licences. The Council will have to be satisfied that the premises will not adversely affect the licensing objective and is compliant with the Commission's Guidance, codes of practice and this policy statement.

9.2 The Council will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, a gambling premises. As part of the application, the applicant will provide evidence to demonstrate that in operating the premises they will promote this licensing objective.

9.3 Examples of the specific steps the Council may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part D of this policy.

10. Ensuring that gambling is conducted in a fair and open way

10.1 The Gambling Commission is the body primarily concerned with ensuring that operators conduct gambling activities in a fair and open way, except in the case of tracks.

10.2 The Council will notify the Gambling Commission of any concerns about misleading advertising or absence of required game rules, or any other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.

10.3 Examples of the specific steps the Council may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part D of this policy.

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

11.1 Protection of Children: Persons under 18 cannot be admitted to many types of gambling premises. This objective means preventing children from taking part in most types of gambling.

11.2 Section 45 of The Act provides the following definition for child and young person:

Meaning of "child" and "young person"

1) In this Act "child" means an individual who is less than 16 years old.

2) In this Act "young person" means an individual who is not a child but who is less than 18 years old.

11.3 Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place as follows:

- casinos, betting shops and adult gaming centres are not permitted to admit anyone under 18;
 - bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo, or play category B or C machines that are restricted to those over 18;
 - family entertainment centres and premises licensed to sell alcohol for consumption on the premises can admit under 18s, but they are not permitted to play category C machines which are restricted to those over 18;
 - clubs with a club premises certificate can admit under 18s, but they must have policies to ensure those under 18 do not play machines other than category D machines;
 - All tracks can admit under 18s, but they may only have access to gambling areas on days where races or other sporting events are taking place, or are expected to take place. Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.
- 11.4 The Council will have regard to any code of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises.
- 11.5 The Council will consider whether specific measures are required at particular premises, with regard to this licensing objective. These measure may include supervision of entrances / machines, segregation of areas, etc. Examples of the specific steps the Council may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part D of this policy.
- 11.6 Where gambling premises are located in sensitive areas where young and/or vulnerable persons may be present, for example near schools, this Licensing Authority will consider imposing restrictions on advertising the gambling facilities on such premises where it is considered relevant and reasonably consistent with the Licensing Objectives.
- 11.7 Protection of vulnerable people: It is difficult to define the term “vulnerable person”. The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition, but will, for regulatory purposes assume that this group includes people:
- “who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs.”
- 11.8 The Gambling Commission’s Code of Practice clearly describes the policies and procedures that operators should put in place regarding:
- combating problem gambling
 - access to gambling by children and young persons
 - information on how to gamble responsibly and help for problem gamblers
 - customer interaction
 - self exclusion
 - employment of children and young persons

Appendix 1

- 11.9 The Council may consider any of the measures detailed below as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant:
- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet
 - training for staff members which focuses on an employee's ability to detect a person who may be vulnerable and providing support to vulnerable persons
 - self exclusion schemes
 - operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
 - posters and leaflets with GamCare Helpline and website displayed in prominent locations
 - external advertising to be positioned or designed not to entice passers-by.
- 11.10 It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 3, that licensees must have and put into effect policies and procedures intended to promote socially responsible gambling.
- 11.11 The LCCP say that licensees must make an annual financial contribution to one or more organisation(s) which between them research into the prevention and treatment of gambling-related harm, develop harm prevention approaches and identify and fund treatment to those harmed by gambling.

PART C: Premises Licences

12. General Principles

- 12.1 The Council will issue premises licences to allow those premises to be used for certain types of gambling. These are:
- a) casino premises,
 - b) bingo premises"
 - c) betting premises including tracks and premises used by betting intermediaries,
 - d) adult gaming centre premises, or
 - e) family entertainment centre premises.
- 12.2 Premises licences are subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions, which the Secretary of State has detailed in regulations. The Council will exclude default conditions and attach others, where we believe it to be appropriate due to evidence of a risk to the licensing objectives.
- 12.3 The Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The Council will also have regard to these Codes of Practice.

13 Decision-making

When making decisions about premises licences the Council is under a statutory duty by virtue of s.153 of the Act to aim to permit the use of premises for gambling in so far as we think it:

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

- 13.1 We will not accept moral objections to gambling as a valid reason to reject applications for premises licences (except with regard to any 'no casino resolution' - see section on Casinos). Issues of nuisance, planning permission and building regulation are not issues that can be taken into account when considering an application for a premises licence.
- 13.2 We will not consider whether there is demand for gambling as valid criteria when deciding whether to grant or reject applications for premises licences. Each application must be considered on its merits without regard for demand, reflecting the statutory 'aim to permit' principle outlined above.
- 13.3 However, we will consider the location of a premises so far as it relates to the licensing objectives and whether there is need for condition(s) to mitigate risks in respect of gambling in a particular location.
- 13.4 This Council has reviewed its constitution and scheme of delegation to officers to ensure effective implementation of the Act. The Licensing Committee and Sub-Committee have been set up to deal with licensing issues and the determination of applications in certain cases, ie those where representations have been made or where premises licences require review. Non contentious applications (ie those where no representations have been made) will be delegated to officers.

- 13.5 Where representations are received the Council will consider whether they are vexatious, frivolous or if they would influence the Council's determination of the application.

14. Definition of "premises"

The Act defines "premises" as including "any place". Section 152 of the Act therefore prevents more than one premises licence applying to any place. However, a single building could be subject to more than one premises licence, provided they are for different parts of the building and provided we can reasonably regard different parts of the building as being different premises. The legislation takes this approach to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, we will pay particular attention if there are issues about sub-divisions of a single building or plot and will ensure that licence holders observe mandatory conditions relating to access between premises.

- 14.1 The Commission states in its Guidance at paragraphs 7.6 - 7.8 : "7.6 In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing authority. 7.7 The Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If a premises is located within a wider venue, a licensing authority should request a plan of the venue on which the premises should be identified as a separate unit. 7.8 The Commission recognises that different configurations may be appropriate under different circumstances but the crux of the matter is whether the proposed premises are genuinely separate premises that merit their own licence - with the machine entitlements that brings – and are not an artificially created part of what is readily identifiable as a single premises."

- 14.2 The Council takes particular note of the Commission's Guidance, which states that licensing authorities should pay particular attention in considering applications for multiple licences for a building, and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular this Authority is aware that 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. The Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Additionally, the third licensing objective seeks to protect children from being harmed by gambling. In practice, this means not only preventing children from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, licence holders should configure premises so that they do not invite children to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.

14.3 Clearly, there will be specific issues that the Authority will consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition, an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would be prohibited under the Act.

14.4 This Authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities relating to the artificial sub-division of premises. It also takes note of section 152 (1) of the Act and will look very carefully at any application that may appear to breach these provisions.

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

14.6 The Commission's relevant access provisions for each premises type are reproduced below:

14.7 Casinos

- the principal access entrance to the premises must be from a street (as defined at 7.21 of the Guidance)
- no entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- no customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

14.8 Adult Gaming Centre

- no customer must be able to access the premises directly from any other licensed gambling premises

14.9 Betting Shops

- access must be from a street (in line with paragraph 7.21 of the Guidance) or from another premises with a betting premises licence
- no direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect, there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

14.10 Tracks

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

14.11 Bingo Premises

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

14.12 Family Entertainment Centre

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

14.13 Part 7 of the Commission's Guidance contains further guidance on this issue, which we will also take into account in our decision-making.

15. Premises "ready for gambling"

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

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

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

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

15.4 Applicants should note that the Council is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

15.5 Detailed examples of the circumstances in which the Council may grant such a licence are at paragraphs 7.58-7.65 of the Guidance.

16. Location

16.1 The Council will not consider demand issues with regard to the location of premises but we will consider the potential impact of the location on the licensing objectives in our decision-making. In line with the Commission's Guidance to Licensing Authorities, we will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

16.2 With regards to these licensing objectives it is the Council's policy, upon receipt of any relevant representation to look at specific location issues which include:

- the possible impact that a gambling premises may have on any sensitive premises that provide services to children or young people or vulnerable people; eg a school, vulnerable adult centre;

- the possible impact a gambling premises may have on a residential area where there is a high concentration of families with children;
 - the nature and size of the gambling activities taking place;
 - any levels of crime in the area.
- 16.3 The Council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. 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 policy statement
- 16.4 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 policy 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.
- 16.4 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 subject to high levels of crime and/or disorder.
- 16.5 Local risk assessments should show how vulnerable people, including people with gambling dependencies are protected.
- 16.6 The Council would also strongly recommend that the following matters are considered by operators when making their risk assessment, and they have taken action in the form of conditions where the operators have not demonstrated that they are sufficiently mitigating the risks. This list is not exhaustive and other factors not in this list that are identified must be taken into consideration:
- Information held by the licensee regarding self-exclusions and incidences of underage gambling
 - Gaming trends that may reflect benefit payments
 - Arrangement for localised exchange of information regarding self-exclusions and gaming trends
 - Urban setting such as proximity to schools, commercial environment, factors affecting footfall
 - Assessing staffing levels when a local college closes and the students begin to vacate the grounds.
 - Proximity of machines to the entrance door
 - Age verification policies including 'Think 21' and 'Think 25'
 - Consideration of line of sight from the counter to gambling machines.
 - Larger operators (William Hill, Coral, Ladbrokes, Betfred and Paddy Power) are responsible for conducting/taking part in underage testing, results of

Appendix 1

which are shared with the Gambling Commission. However, operators are urged to also make the results available to licensing authorities. Where the licensing authority receives intelligence in relation to failed 'Think 21' test purchases, the licensing authority would encourage the consideration of additional tasking over the standard once a year visits as a means of assessing risk.

- Providing the licensing authority with details when a child or young person repeatedly attempts to gamble on their premises. This may provide the Licensing authority with an opportunity to consider safeguarding concerns. The Crime, Enforcement and Regulation Service continue to raise awareness in cooperation with the Metropolitan Police of child sexual exploitation via Operation Makesafe amongst the business community. To date efforts have been focussed on providing awareness to hotels, taxi companies and licensed premises, nonetheless, extending such an approach to operators where there is a specific issue in relation to child safeguarding would be considered.
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
- Known problems in the area, such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.

16.7 The Council would expect a risk assessment to be tailored to each premises and not solely based on a 'standard' template. The Council would also expect that each assessment is completed by a suitably competent person.

16.8 It will be the responsibility of the gambling operator to assign the assessor for assessing the local risks for their premises. The person assigned as the assessor must be competent to undertake this role as failure properly to carry out this function could result in a breach of the provisions of the LCCP. The Gambling Commission has not produced any guidance on the competencies of assessors, however the Council would expect the assessor to understand how the premises operate or will operate, its design, and where it is located. The assessor will need to understand the local area and can use staff or area managers to assist in gaining an understanding of that local area. The assessor should also be suitably experienced in assessing gambling related risk and identification of appropriate controls

16.9 The Council expects that local risk assessments are kept on the individual premises and are available for inspection.

16.10 It should be noted that this policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant to show how potential concerns can be overcome.

17. Planning

17.1 The Commission's Guidance states at paragraph 7.58: "In determining applications the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing Authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the

licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future...”.

- 17.2 The Council will not take into account irrelevant matters in line with the above guidance. In addition, we note the following excerpt from the Guidance at paragraph 7.65: “When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations and must not form part of the consideration for the premises licence. Section 210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building”.

18. Duplication with other regulatory regimes

- 18.1 The Council seek to avoid any duplication with other statutory or regulatory systems where possible, including planning. When we consider a licence application, we will not consider whether we will award planning permission or building regulations approval through the planning process. We will though, listen to, and consider carefully, any concerns about conditions which licensees are unable to meet due to planning restrictions, should such a situation arise.
- 18.2 When dealing with a premises licence application for finished buildings, we will not take into account whether those buildings have to comply with the necessary planning or buildings consents. We will not take fire or health and safety risks into account, as these matters do not form part of the consideration for the premises licence. We will deal with those matters under relevant planning control, buildings and other regulations.

19. The Licensing Objectives

- 19.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, we have considered the Commission’s Guidance and have set out our policy in Part B.

20. Local Area Profile

- 20.1 **Local Area Profile** – a map of this Local Authority’s area has been attached as **Appendix D**. The map contains the location of all schools, hostels and homes for vulnerable people, hotspots of reported crime, and centres for people with gambling addictions. This Authority will pay particular attention to applications for the new grant of, or variations to existing, premises licences where those premises lie within areas with a concentration of schools, crime, hostels/homes for vulnerable people and centres for people with a gambling addiction.
- 20.2 The Council will expect applicants to fully explain in their applications how their proposal will not exacerbate any problems to individuals living in the vicinity, or exacerbate any crime problems within the vicinity generally. Applicants will be expected to tailor their application, and have policies, procedures and control measures to mitigate any risks. They should have the appropriate numbers of

Appendix 1

trained staff, and propose licence conditions, to cater for the local area in which they propose to run their business.

- 20.3 Applicants should also be aware of areas with concentrations of hostels and other types of accommodation for vulnerable people. Where they propose to make an application for the new grant of a premises licence, or a variation to an existing licence, in such areas they should explain fully in their risk assessments how they will mitigate any risks of operating gambling premises in close proximity to concentrations of housing for vulnerable people.
- 20.4 Other publicly available sources of information are available to assist in operators completing a Local Area Profile.
- 20.5 This Authority will expect applicants for the new grant of, or variation to an existing, licence to include full details of their risk assessment in compliance with Social Responsibility code 10.1.1 and Ordinary code provision 10.1.2.

21. Conditions

- 21.1 The Secretary of State has set mandatory and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice on Operator's Licences which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the Council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with.
- 21.2 If the Council is minded to impose conditions because there are regulatory concerns of an exceptional nature, then any additional licence conditions must relate to the licensing objectives.
- 21.3 Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises; and
 - reasonable in all other respects.
- 21.4 The Council will make all decisions on individual conditions on a case-by-case basis, although there will be a number of measures we will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas and so on. We have made some specific comments in this regard under some of the licence types below. The Council will also expect the licence applicant to offer his/her own suggestions as to the way in which he/she can effectively meet the licensing objectives.
- 21.5 We will also consider specific measures, which may be required for buildings subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Commission's Guidance.

- 21.6 The Council will also ensure that where category C or above machines are on offer in premises to which children are admitted (including buildings where multiple premises licences are applicable):
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where these machines are located;
 - access to the area where the machines are located is supervised;
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 21.7 The Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In line with the Commission's Guidance, we will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 21.8 We note that there are conditions which the Council cannot attach to premises licences which are:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
 - conditions relating to gaming machine categories, numbers, or method of operation;
 - conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
 - conditions in relation to stakes, fees, winning or prizes.

22. Door Supervisors

- 22.1 The Commission advises in its Guidance: "If a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access, for example by children and young persons, then it may require that the entrances to the premises are controlled by a door supervisor. and the licensing authority is able to impose a condition on the premises licence to this effect."
- 22.2 Where we decide that supervision of entrances/machines is appropriate for particular cases, a consideration of whether the supervisors should be SIA licensed or not will be necessary. We will not automatically assume that the supervisors need to be licensed, as the statutory requirements for different types of premises vary, in line with part 33 of the Gambling Commission Guidance.

23. Adult Gaming Centres

- 23.1 An Adult Gaming Centre (AGC) is one of three types of amusement arcade. This type of arcade can provide higher payout gaming machines (Category B3 and B4) and access is restricted to persons who are aged 18 years or over.

- 23.2 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 23.3 We may consider measures to meet the licensing objectives. This list is not mandatory, nor exhaustive, and is merely indicative of example measures:
- proof of age schemes
 - CCTV Supervision of entrances / machine areas
 - physical separation of areas
 - location of entry Notices / signage
 - specific opening hours
 - self-exclusion schemes
 - provision of information leaflets / helpline numbers for organisations such as GamCare.

24. Licensed Family Entertainment Centres

- 24.1 A Licensed family entertainment centre (LFEC) is the second type of amusement arcade. This type of arcade can provide the lowest two categories of gaming machine (category C and D). Children can enter an LFEC but they can only gamble on category D machines. All category C machines must be located in a separate area, which can only be accessed by persons who are aged 18 years or over.
- 24.2 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 24.3 We may consider measures to meet the licensing objectives. This list is not mandatory, nor exhaustive, and is merely indicative of example measures such as:
- CCTV
 - supervision of entrances / machine areas
 - physical separation of areas
 - location of entry
 - notices / signage
 - specific opening hours
 - self-exclusion schemes
 - provision of information leaflets / helpline numbers for organisations such as GamCare
 - measures / training for staff on how to deal with suspected truant school children on the premises
- 24.4 In line with the Commission's guidance, the Council will refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. We will also be aware of any mandatory or default conditions on these premises licences, when we have published them.

25. Casinos

- 25.1 The Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games. Casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines. Large and small casinos can also provide betting machines.
- 25.2 No casinos resolution – The licensing authority previously passed a ‘no casino’ resolution under Section 166 of the Gambling Act 2005 however this resolution expired on 31 January 2010 and was not renewed.
- 25.3 The Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 specifies which authorities may issue large and small casino premises licences. As Guildford Borough Council is not one of the local authorities permitted to issue these casino licences, it is therefore not necessary to consider making a further ‘no casino’ resolution.
- 25.4 Should legislation change and/or the council decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

26. Bingo premises

- 26.1 A Bingo Hall is a place in which Bingo is played. There is no legal definition of Bingo but it is a game in which players mark off numbers on cards as the numbers are drawn randomly by the caller, the winner being the first person to mark off all the numbers on their card.
- 26.2 The Commission’s Guidance states at paragraph 18.5: “Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence”. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.
- 26.3 The Council notes the Guidance at paragraph 18.9 regarding the unusual circumstances in which we might permit pre-existing premises to be split into two adjacent premises. In making any decision, The Council will have regard to the limit for B3 gaming machines in licensed bingo premises which is 20% of the available machine estate.
- 26.4 The Council also notes the Guidance at paragraph 18.7, that children and young people are allowed into bingo premises; however, they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

27. Betting premises

- 27.1 The Act contains a single class of licence for betting premises however within this single class there are different types of premises which require licensing such as high street bookmakers, bookmakers located in self contained facilities

Appendix 1

at racecourses as well as the general betting premises licences that track operators will require.

- 27.2 Betting machines – Section 181 of the Act states:
“A condition of a betting premises licence may relate to –
a) the number of machines used on the premises for the purpose of making or accepting bets;
b) the nature of those machines;
c) the circumstances in which those machines are made available for use.”
- 27.3 When considering whether to impose a condition on a licence the council will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.
- 27.4 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commissions Codes of Practice or by the applicant, the council may consider licence conditions to address such issues,

28. Tracks

- 28.1 Guildford does not currently have a track in the Borough however, history shows a previous point-to-point track which could be reinstated.
- 28.2 The Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The Council will follow the Commission’s Guidance and consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling). We will consider the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 28.3 The Council will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 28.4 We may consider measures to meet the licensing objectives. This list is not mandatory, nor exhaustive, and is merely indicative of example measures such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry Notices / signage
 - Specific opening hours
 - Self-exclusion schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare

- 28.5 Gaming machines - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 28.6 Betting machines – The Council will the Commission’s Guidance and take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons, or by vulnerable people, when considering the number, nature and circumstances of betting machines an operator proposes to offer.
- 28.7 Applications and plans. Applicants are required by regulations made under section 159 of The Gambling Act to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. We will use the plan to prepare future premises inspection activity.
- 28.8 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.
- 28.9 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.
- 28.10 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases, betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.
- 28.11 The Council appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information so that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

29. Travelling Fairs

- 29.1 Where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the Council is responsible for deciding whether the statutory requirement that facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 29.2 We will also consider whether the applicant falls within the statutory definition of a travelling fair.

Appendix 1

- 29.3 We note that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. We will work with our neighbouring councils to ensure that we all monitor land, which crosses our boundaries so that the statutory limits are not exceeded.

30. Provisional Statements

- 30.1 Developers may wish to apply to us for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

- 30.2 Section 204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she expects to:

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

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

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

- 30.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Council will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties will be taken into account unless:

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

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

- which could not have been raised by objectors at the provisional statement stage;
- which in our opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the

plan and we will discuss any concerns we have with the applicant before making a decision.

31. Reviews

- 31.1 Interested parties or responsible authorities can make requests for a review of a premises licence; however, it is for the Council to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;
- in accordance with any relevant Code of Practice issued by the Commission;
 - in accordance with any relevant guidance issued by the Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the authority's statement of principles.
- 31.2 The Council will consider whether the request is frivolous, vexatious, or whether it will cause us to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 31.3 The Council can also initiate a review of a particular premises licence, or a particular class of premises licence based on any reason, which we think, is appropriate.
- 31.4 Once a valid application for a review has been received, responsible authorities and interested parties can make representations during a 28-day period. This period begins 7 days after we receive the application and we will publish notice of the application within 7 days of receipt.
- 31.5 The Council will carry out the review as soon as possible after the 28-day period for making representations has passed.
- 31.6 The purpose of the review will be to determine whether the Council should take any action in relation to the licence. If action is justified, the options open to us are:
- (a) add, remove or amend a licence condition imposed by the licensing authority;
 - (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such exclusion;
 - (c) suspend the premises licence for a period not exceeding three months; and
 - (d) revoke the premises licence.
- 31.7 We will have regard to the principles set out in section 153 of the Act, as well as any relevant representations in determining what action, if any, we should take following a review.
- 31.8 In particular, we may also initiate a review of a premises licence if a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 31.9 Once the review has been completed, we will, as soon as possible, notify our decision to:

Agenda item number: 5(2)

Appendix 1

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

PART C: Permits / Temporary and Occasional Use Notices

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

32.1 An unlicensed family entertainment centre (UFEC) is the third type of amusement arcade. The category of machine in this type of arcade is restricted to the lowest category D and children can enter and gamble.

32.2 Where a person does not hold a premises licence but wishes to provide gaming machines, he/she may apply to us for this permit. The applicant must show that the premises will be wholly or mainly, used for making gaming machines available for use (Section 238).

32.3 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission. The Commission's Guidance also states: "In its statement of policy, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits...., licensing authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling....." (Paragraph 24.8)

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

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that employees are trained to have a full understanding of the maximum stakes and prizes." (Paragraph 24.9)

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

32.4 Statement of Principles: The Council expects the applicant to show that he/she has policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. We will consider the efficiency of such policies and procedures on their merits, however, they may include appropriate measures / training for staff with regard to suspected truant schoolchildren on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. We will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

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

Automatic entitlement: 2 machines

33.1 The Gambling Act provides for premises licensed to sell alcohol for consumption on the premises, to have an automatic entitlement to 2 gaming machines, of categories C and/or D. The premises merely need to notify the Council in writing.

33.2 We can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

Permit: for 3 or more machines

33.3 If a person wishes to have more than two machines on the premises, then he/she must apply for a permit and we will consider that application based upon the licensing objectives; any guidance issued by the Commission issued under Section 25 of the Gambling Act 2005, and “such matters as we think relevant”.

33.4 This Council will consider “such matters” on a case-by-case basis. In general we will have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy us that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. We will be satisfied that there will be no access by measures which may include such things as the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. With regard to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

33.5 We recognise that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. The applicant would most likely need to apply for (and be dealt with) as an Adult Gaming Centre premises licence.

33.6 The Council can decide to grant the application with a condition to provide a lesser number of machines and/or a different category of machines than requested in the application. We cannot attach other conditions.

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

34. Prize Gaming Permits

- 34.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.
- 34.2 We have not prepared a statement of principles. Should we decide to do so, we will include details in a revised version of the Statement.
- 34.3 In making our decision on an application for this permit we may (but do not need to) have regard to the licensing objectives but we must have regard to any Commission guidance (Gambling Act 2005, Schedule 14 paragraph 8(3)).
- 34.4 The Gambling Act 2005 provides conditions with which the permit holder must comply, but the licensing authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

35. Club Gaming and Club Machines Permits

- 35.1 Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance.
- 35.2 Members Clubs and Miner’s welfare institutes (and Commercial Clubs) may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). Please note that Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.
- 35.3 The Commission’s Guidance states: "The Act states that members’ clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is restricted to that of a prescribed kind (currently bridge and whist). Members’ club must be permanent in natureBut there is no need for a club to have an alcohol licence.” Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.
- 35.4 The Commission’s Guidance also notes that "Licensing authorities may only refuse an application on the grounds that:

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

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

- a) the club is established primarily for gaming, other than gaming prescribed by regulations under s266 of the Act;
- b) in addition to the prescribed gaming, the applicant provides facilities for other gaming;
- c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

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

36. Temporary Use Notices

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

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

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

36.4 There are a number of statutory limits with regard to Temporary Use Notices. You can see discussion around the meaning of "premises" in Part 7 of the Commission's Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. The Act defines "premises" as including "any place".

36.5 In considering whether a place falls within the definition of "a set of premises", the Council will look at, amongst other things, the ownership/occupation and control of the premises.

36.6 The Council will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Commission's Guidance to Licensing Authorities.

37. Occasional Use Notices

37.1 The Council has very little discretion with regard to these notices but we will ensure that the applicant does not exceed the statutory limit of 8 days in a calendar year. We will also consider the definition of a 'track' and whether the Act permits the applicant to avail him/herself of the notice.

38. Small Society Lotteries

38.1 The Council will adopt a risk-based approach towards our compliance responsibilities for small society lotteries. We consider the following list, although not exclusive, could affect the risk status of the operator:

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

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

- By, or on behalf of, a charity or for charitable purposes
- To enable participation in, or support of, sporting, athletic or cultural activities.

38.3 Charities and community groups should contact us on (01483) 505050 or email regulatoryservices@guildford.gov.uk to seek further advice.

Appendix B
List of Responsible Authorities

Licensing Authority

Guildford Borough Council
Licensing Team
Millmead House
Millmead
Guildford
Surrey
GU2 4BB

Gambling Commission

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Chief Officer for Police

Surrey Police
The Licensing Unit
PO Box 101
Guildford
Surrey
GU1 9PE

Fire and Rescue Authority

Surrey Fire and Rescue Service
Fire Station
Guildford Road
Farnham
Surrey
GU9 9QB

Planning Authority

Guildford Borough Council
Planning Services
Millmead House
Millmead
Guildford
Surrey
GU2 4BB

Environmental Health Authority

Guildford Borough Council
Environmental Health Team
Millmead House
Millmead
Guildford
Surrey
GU2 4BB

Child Protection Authority

Surrey County Council
Safeguarding Children Unit
Quadrant Court
35 Guildford Road
Woking
Surrey
GU22 7QQ

HM Revenue and Customs

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

Appendix C

List of Consultees

All responsible authorities at Appendix B	
All Guildford Borough Councillors	
All Parish Councils	
Association of British Bookmakers	mail@abb.uk.com
Association of Licensed Multiple Retailers (ALMR)	info@almr.org.uk
British Amusement & Catering Trades Association	info@bacta.org.uk
British Beer & Pub Association	contact@beerandpub.com
National Casino Industry Forum	director@nci-forum.co.uk
British Greyhound Racing Board	Greyhound Board of Great Britain Procter house 1 Procter Street WC1V 6DW
British Horseracing Authority	info@britishhorseracing.com
British Institute of Innkeeping	BII and BIIAB, Wessex House, 80 Park Street, Camberley, Surrey, GU15 3PT
Canal and River Trust	customer.services@canalrivertrust.org.uk
Casino Operators Association	gensec@coa-uk.org.uk
Citizens Advice Bureau	15-21 Haydon Place, Guildford, GU1 4LL
Coral Racing Ltd	coral.licensing@galacoral.com
Done Brothers (Cash Betting) Ltd	support@betfred.com
Experience Guildford	amanda@experienceguildford.com
Federation of Licensed Victuallers	admin@flva.co.uk
Gamblers Anonymous (UK)	sr.pro@gamblersanonymous.org.uk
GamCare	info@gamcare.org.uk
Gamestec Leisure Ltd	enquiries@gamestec.co.uk
Kossway Automatics Ltd	admin@kossway.com
Ladbrooks Betting & Gaming Ltd	richard.royal@ladbrokes.co.uk
Gala Coral Group	New Castle House, Castle Boulevard, Nottingham, NG7 1FT
Surrey Chambers of Commerce	louise.punter@surrey-chambers.co.uk
Guildford Pubwatch	guildfordpubwatch@ymail.com
Residents Associations	
Racecourse Association Ltd	info@racecourseassociation.co.uk
Remote Gambling Association	chawkswood@rga.eu.com
Responsibility in Gambling Trust	info@responsiblegamblingtrust.org.uk
Crime & Disorder Reduction Partnership	Lyndsey.Armitage@guildford.gov.uk
Surrey County Council Trading Standards Service	business.advice@surreycc.gov.uk
Security Industry Authority	info@sia.homeoffice.gov.uk
Star Oyster Ltd	michelh@staroyster.co.uk
Society for the Study of Gambling	ssqtreasurer@aol.com
The Bingo Association	info@bingo-association.co.uk
The Environment Agency	enquiries@environment-agency.gov.uk
The Lotteries Council	tina@lotteriescouncil.org.uk
The Working Men's Club & Institute Union	253/254 Upper Street, London N1 1RY
William Hill Plc	jnorris@williamhill.co.uk
Guildford Baptist Church	office@guildfordbaptist.org
Emmanuel Church	parish.office@emmanuelchurch.co.uk
Samaritans	admin@samaritans.org

Appendix D **Local Area Profile**

1. Introduction

The Gambling Act 2005 (the Act) gave Local Authorities (LAs) responsibility for issuing premises licenses for gambling venues. The Act states that LAs should '*aim to permit*' the use of premises for gambling so long as applications for premises licences are reasonably consistent with the Gambling Commission's code of practice, the Gambling Commission guidance, the licensing objectives and the Council's Statement of Principles.

The licensing objectives are:

- Preventing gambling from being a source of crime and 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

Recently, there have been changes in the recommended approach to gambling licensing and regulation, as expressed in the guidance published by the Gambling Commission (the Commission). These changes can be summarised into three broad themes:

- Increased focus on risk and regulation
- Greater attention to local area risk, and;
- Encouragement of partnership and collaboration between stakeholders to mitigate risk

All industry operators have to undertake local area risk assessments to explore what risks gambling venues pose to the licensing objectives, including the protection of young and vulnerable people.

Guildford Borough Council (the Council) has developed this document as a guide which gambling operators can use when undertaking and preparing their local premises risk assessments. This guide is intended for all gambling operators and has not been designed with a specific gambling sector in mind.

The Gambling Commission introduced new provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. This change in national policy is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.

The introduction of new provisions in the social responsibility code within the LCCP encourages local authorities, the Commission and the industry to work in partnership to address local issues and concerns. This movement towards increased partnership working is something that Guildford has been doing for a number of years and continues to support. We have found that a risk-based approach to regulation is beneficial for businesses and the authority to prioritise their actions in response to the identified risk.

The risk based approach provides a better understanding of, and enables a proportionate response, to risk. This approach includes looking at future risks and thinking about risks in a probabilistic way. Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening and the likely impact of that event. In this case it is the risk of the impact on the licensing objectives.

This guide provides a framework for the local risk assessment process that will provide the necessary frame work to comply with the LCCP requirements. Local risk assessments will be beneficial to the Council as Licensing Authority under the Act, as well as responsible authorities and interested parties when considering new and variation applications. A well thought out and complete risk assessment will

benefit gambling operators in the process of applying for new and varying existing premises licences by reducing the need for additional information or possibly the imposition of conditions.

Gambling operators are required to undertake a risk assessment for all of their existing premises and must also undertake a review of those assessments when certain triggers are met. These triggers, along with the Council's views on what may instigate either a new assessment or the review of an existing one are detailed within this guidance document.

The Council considers that these local risk assessments are a key component of the overall assessment and management of the local risks. The Council would expect a risk assessment to be tailored to each premises and not solely based on a 'standard' template. The Council would also expect that each assessment is completed by a suitably competent person.

This local risk assessment process is not the same as other forms of risk assessment undertaken by gambling operators, such as Health and Safety at Work, Fire Safety and Food Hygiene, etc. These local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the local area and the local community.

The Licensing Authority will set out how it intends to carry out its functions under the Act in this Statement of Licensing Principles, also known as Licensing Policy. This statement is kept under review and is updated every three years (as a minimum).

The Commission is responsible for issuing operating licences to gambling operators who are deemed suitable and competent to provide facilities for gambling. As a requirement of these operating licences, gambling operators must ensure that they comply with and meet the requirements of the LCCP.

In February 2015, the Commission introduced a new social responsibility code provision making it a requirement for certain gambling operators to assess the local risks to the licensing objectives posed by each of their premises based gambling operations. The Commission also introduced an ordinary code provision relating to sharing local risk assessments. The relevant provisions of the code state:

Social responsibility code provision 10.1.1

Assessing local risk

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.

1. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.

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

to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;

when there are significant changes at a licensee's premises that may affect their mitigation of local risks;

when applying for a variation of a premises licence; and

in any case, undertake a local risk assessment when applying for a new premises licence.

Ordinary code provision 10.1.2

Sharing local risk assessments

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences

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

These code provisions came into effect on 6th April 2016. As a result, all premises that provide facilities for gambling within Guildford must be assessed to identify the local risks posed by the provision of gambling facilities in their respective locations. This guidance will assist operators in complying with these code provisions.

2. Guildford Area Profile

Although gambling is a legal entertainment activity it can, in some locations have a negative impact on individuals and the wider community. The Council is keen to understand how gambling can affect its residents and visitors.

The Borough is the second highest populated district in Surrey with 139,700 residents in 2012. The major urban areas are located in the town centre of Guildford and Ash and surrounding areas on the western fringes of the borough.

Guildford Borough is also the second largest borough in the county, covering approximately 269 square kilometres (104 square miles) of which 89% is land designated as Green Belt. Outside the urban areas and villages, rural areas contain the Surrey Hills Area of Outstanding Natural Beauty covering 99 square kilometres, several sites of importance for nature protection and areas of special scientific interest. The borough also has a rich and varied architectural heritage, including 36 scheduled ancient monuments.

Guildford is mostly an affluent area with relatively low unemployment and low levels of crime. Most residents are healthy and enjoy well above average life expectancy. The workforce is generally well-educated and highly skilled. Guildford is home to the University of Surrey.

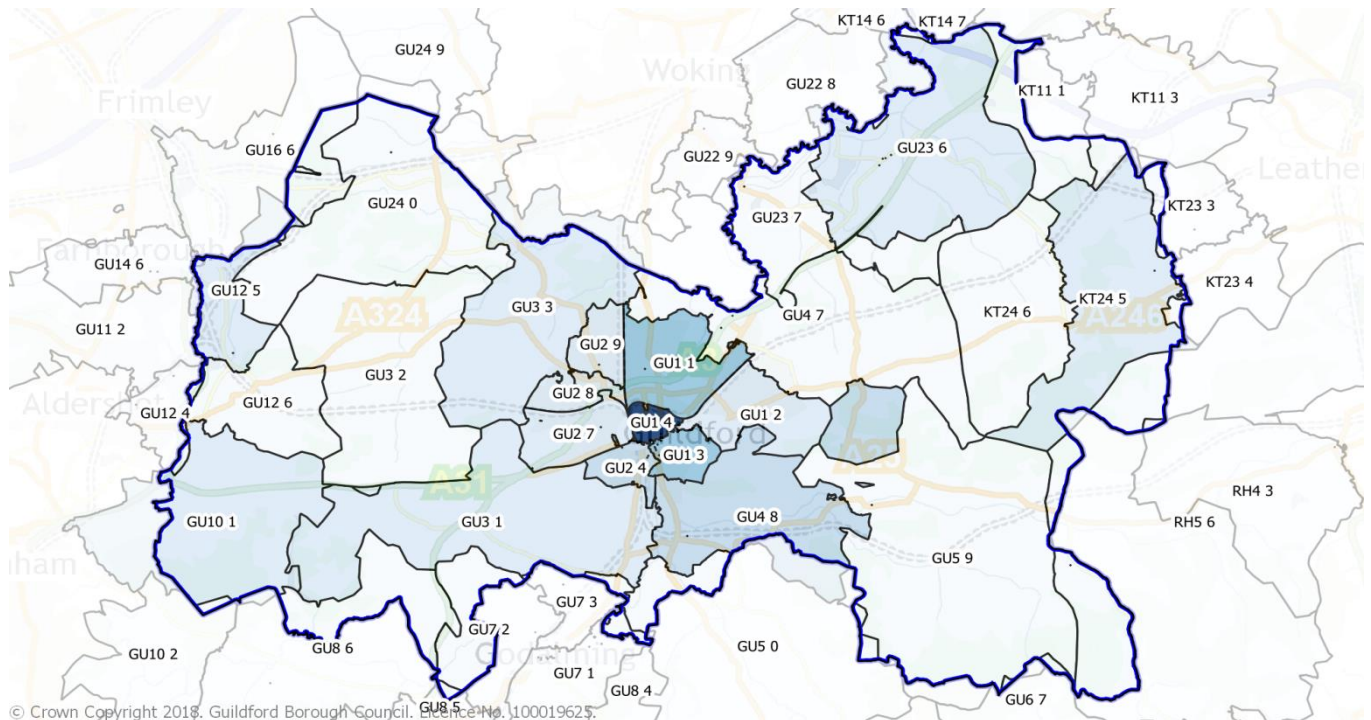
The town centre is a focus for major commercial and administrative functions and is a principal regional shopping destination, with a vibrant night time economy. In 2014 the town was awarded Purple Flag, recognising excellence in the management of the town centre at night. This prestigious award demonstrates the Council's and the other Purple Flag Partners' ambitions to develop and improve the night time economy, encouraging a broad outlook on how the town is presented at night and tackling all aspects from cleanliness to access and transport, street lighting to signage, entertainment variety and choice of styles in bars, clubs and restaurants. In order to retain this award, the Council, corporately, is keen to encourage a diverse entertainment economy, and recognises that the gambling sector contributes to this area.

Guildford has the following currently licensed for Gambling. There are:

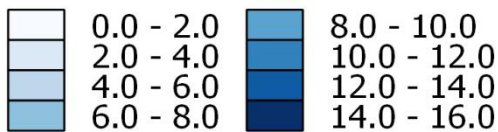
- 11 licensed betting premises, operated by national bookmakers
- 1 Family entertainment centre at Spectrum leisure centre
- Club Gaming permits at Members Clubs
- Club machine permits at Members Clubs
- Licensed premises gaming machine permits at alcohol licensed premises
- 44 Licensed premises gaming machine notifications at alcohol licensed premises
- 85 Small Society Lotteries

The majority of gaming premises are concentrated around the area of the town centre. Map 1 below shows the number and distribution of premises licensed for gambling per postcode sector of the Borough.

MAP 1: Distribution of premises licensed for gambling per postcode sector



Number of gambling premises



Despite the 2015 guidance from the Commission detailing the requirement for a local area profile, there is little guidance available about what should be contained within a local area profile. Westminster and Manchester Councils have been seen to lead the way in this area and commissioned research in 2015 to identify individuals in their local areas who were potentially vulnerable to gambling-related harm. The results of this research were published in two reports:

- Exploring area-based vulnerability to gambling-related harm: Who is vulnerable? Findings from a quick scoping review – 13th July 2015
- Exploring area-based vulnerability to gambling-related harm: Developing the gambling related harm risk index – 9th February 2016

Additional research by Leeds Beckett University (July 2016) into ‘problem’ gambling reports that national evidence shows that problem gambling can affect anyone at any time. ‘Problem’ gambling is defined as “gambling to a degree that compromises, disrupts or damages family, personal or recreational pursuits”.

Even when defined this way, the term ‘problem gambling’, is in fact not without its difficulties and needs careful explanation. The licensing objectives for gambling premises, emerging from the 2005 Gambling Act, call for vulnerable people to be protected from harm from gambling, not to be protected from problem gambling. This is an important distinction. Some people may experience harm from their gambling that is short lived, or episodic, or correspondingly they may experience harm whilst not considered to be ‘problem gamblers’. At the same time, some people who do not gamble or who do so responsibly and sustainably may experience harm because of the consequences of the gambling behaviour of others.

In short, the concept of *gambling related harm* is broader than that of *problem gambling*. There is an increasing expectation that policy makers (nationally and locally), industry regulators and operators in the industry consider this broader perspective and develop strategies to mitigate gambling related harm.

Rates of 'problem' gambling among all adults in Britain tends to be low although there are some groups who are more likely to experience problems. The research identified the following characteristics where there is evidence to support inclusion as being "at risk" from gambling related harm:

- Problem gamblers who are seeking treatment
- Substance abuse/misuse
- Poor mental health
- People with poorer intellectual functioning and learning disabilities
- Unemployment
- People from certain minority ethnic groups
- Younger people (including students)
- Adults living in constrained economic circumstances; particularly, those on very low incomes and benefits
- Homeless people and those living in areas of greater deprivation
- Offenders and ex-offenders, (including those on probation and some custodial circumstances)
- Immigrants
- People under the influence of alcohol

The groups listed above are also more likely to be vulnerable to debt and other problems, although little is known about why these groups are more vulnerable.

The 2018 Annual Report by the Gambling Commission into Gambling Participation and Perception found that overall, gambling participation has decreased since 2016 with 45% of people aged 16+ having participated in at least one form of gambling in the past four weeks in 2017 (48% in 2016). This is predominantly driven by participation in the National Lottery draws, as when people who have only gambled in the National Lottery draws are excluded, participation is at 31%. By contrast, online gambling participation has increased, with 18% of people have gambled online in the past four weeks (17% in 2016).

Overall perceptions and attitudes towards gambling are more negative than in 2016 with 33% of respondents thinking that gambling is fair and can be trusted and 41% thinking that gambling is associated with criminal activity. Theft and fraud are the crimes people associate the most with gambling. In addition, 80% of people think there are too many opportunities for gambling nowadays and 71% think that gambling is dangerous for family life, however 64% of respondents thought that people should have the right to gamble whenever they want.

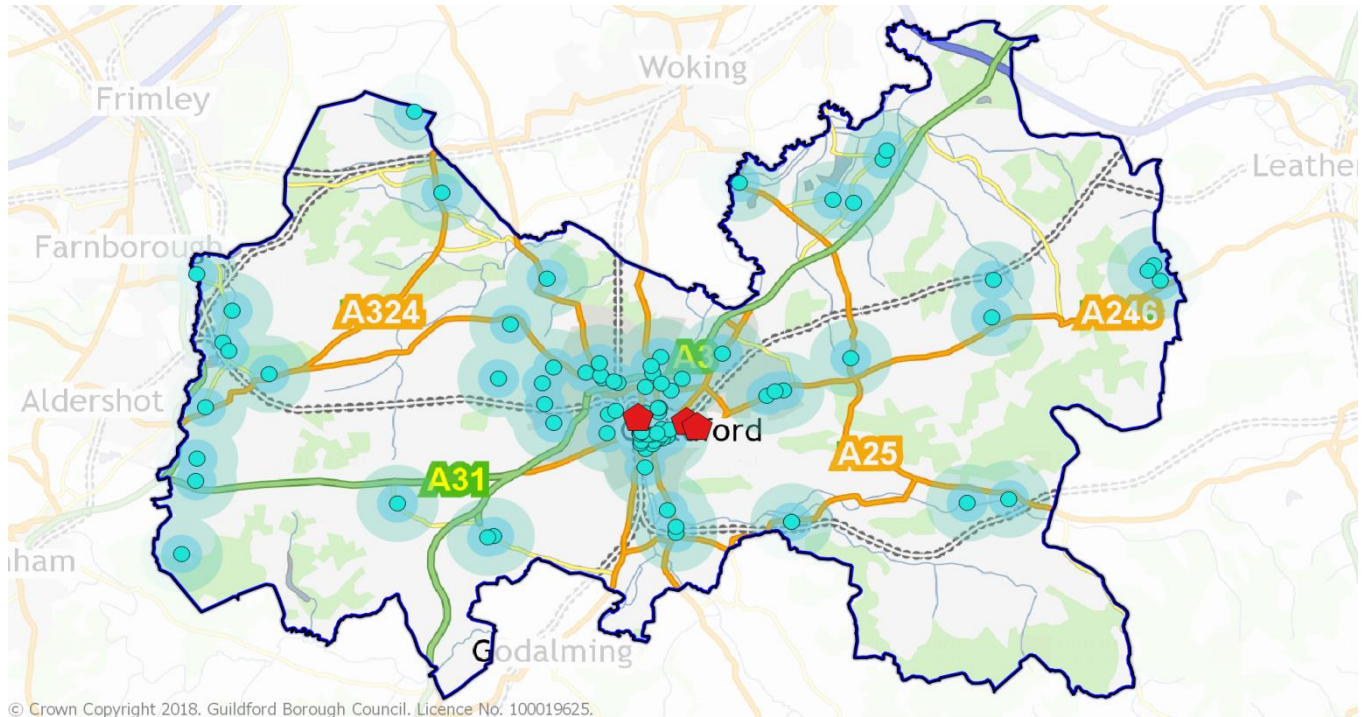
Further information about the potential risk factors and exact data used are now discussed:

Risk factor: problem gamblers seeking treatment

Dataset used: *Gamblers Anonymous meetings, and Gamcare counselling locations*

These locations are derived from lists provided by Gamcare and the Gamblers Anonymous website. These locations show the places where people with gambling problems will be visiting and hence 'pull' this potentially vulnerable group to this location.

MAP 2: Location of gambling premises and gambling treatment centres



© Crown Copyright 2018. Guildford Borough Council. Licence No. 100019625.

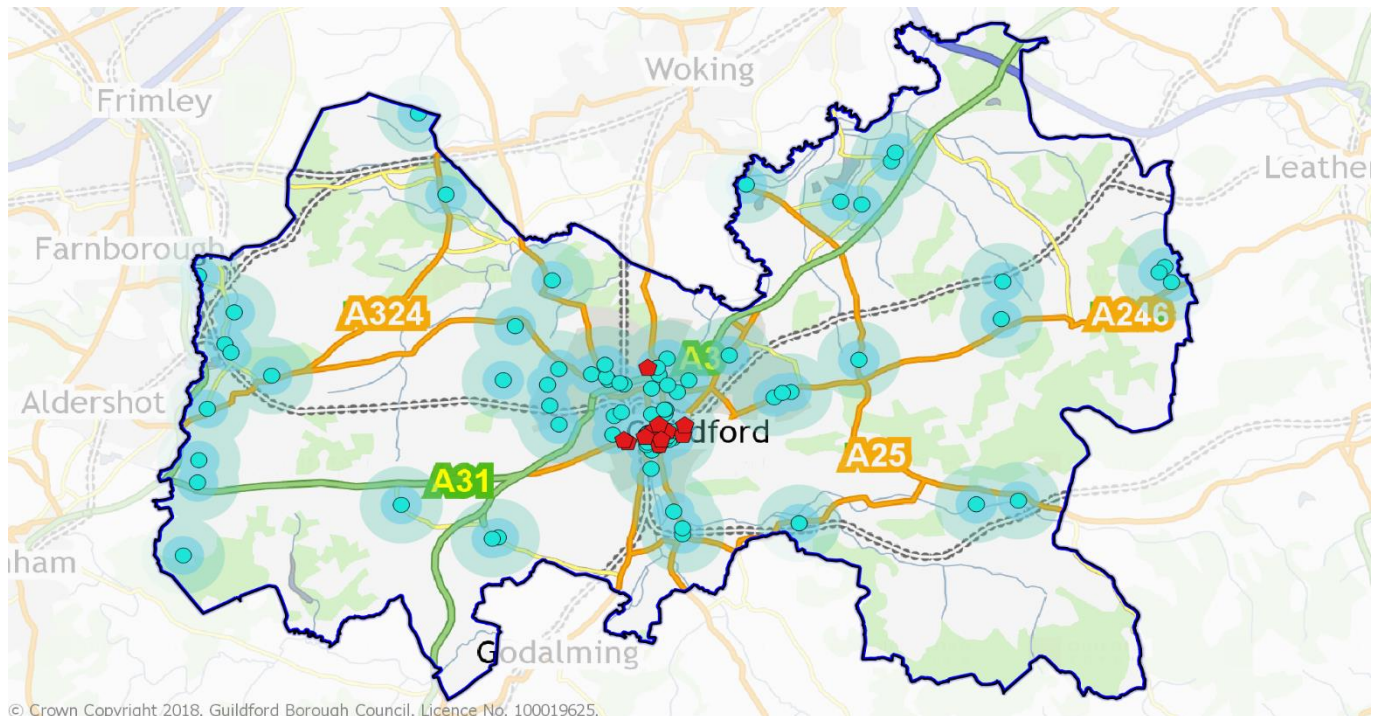
-  Gambling Treatment Locations
-  Gambling Premises
-  200m distance
-  500m distance
-  1km distance

Risk factor: people with substance abuse or misuse problems

Dataset used: *Drug and alcohol treatment and recovery centres/clinics and clinics within GP surgeries, needle exchanges, accommodation for persons who require treatment for substance misuse*

As with problem gambling treatment centres, these clinics are likely to act as ‘pull’ for potentially vulnerable people to these locations. This dataset is an amalgamation of LA internal lists supplemented by web searches for any possible missing data on government websites (public health departments, LAs, NHS, Care Quality Commission).

MAP 3: Location of gambling premises and substance misuse treatment centres



© Crown Copyright 2018. Guildford Borough Council. Licence No. 100019625.

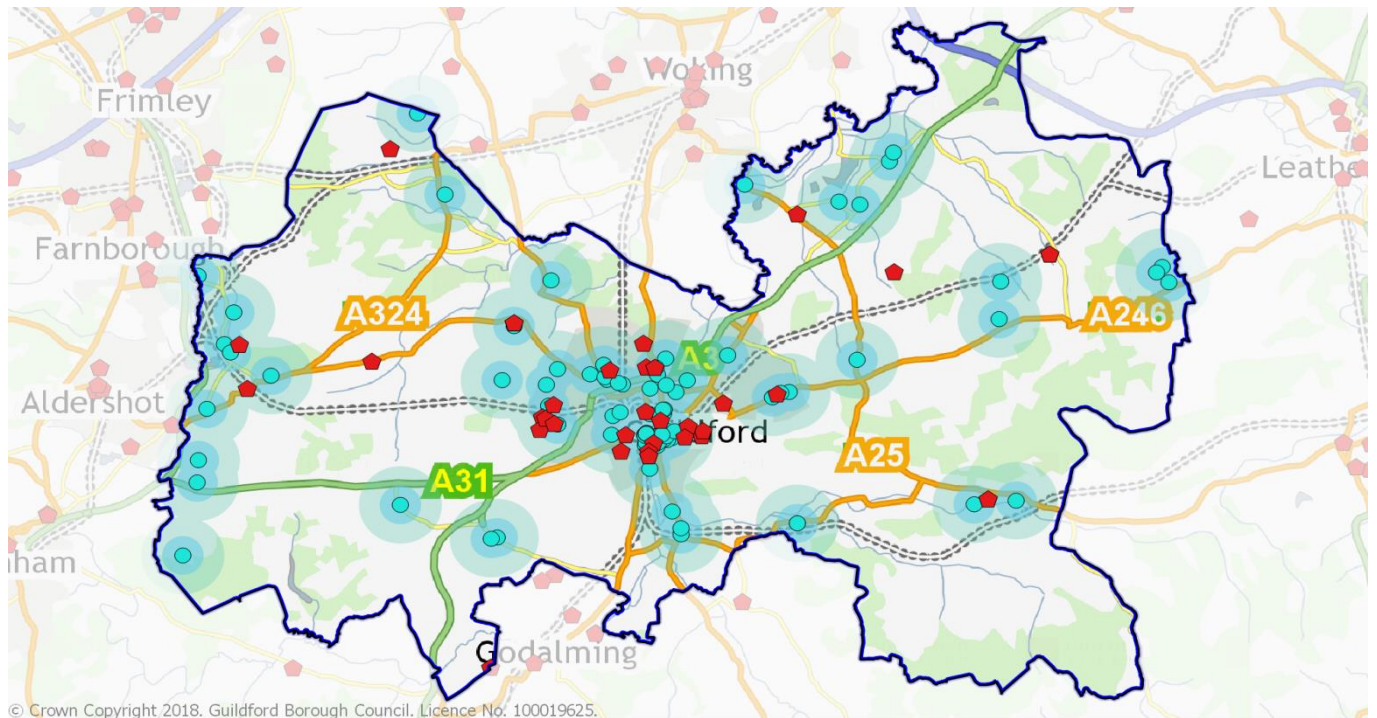
- ◆ Substance Misuse Treatment Centres
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance

Risk factor: people with poor mental health

Datasets used: *Mental health treatment and recovery centres/clinics and clinics within GP surgeries, accommodation for persons who require treatment.*

As with problem gambling treatment centres, these clinics are likely to act as ‘pull’ for potentially vulnerable people to these locations. This dataset is an amalgamation of LA internal lists supplemented by web searches for any possible missing data on government websites (public health departments, LAs, NHS, Care Quality Commission).

MAP 4: Location of gambling premises and medical centres



© Crown Copyright 2018. Guildford Borough Council. Licence No. 100019625.

- ◆ Medical centres for mental health
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance

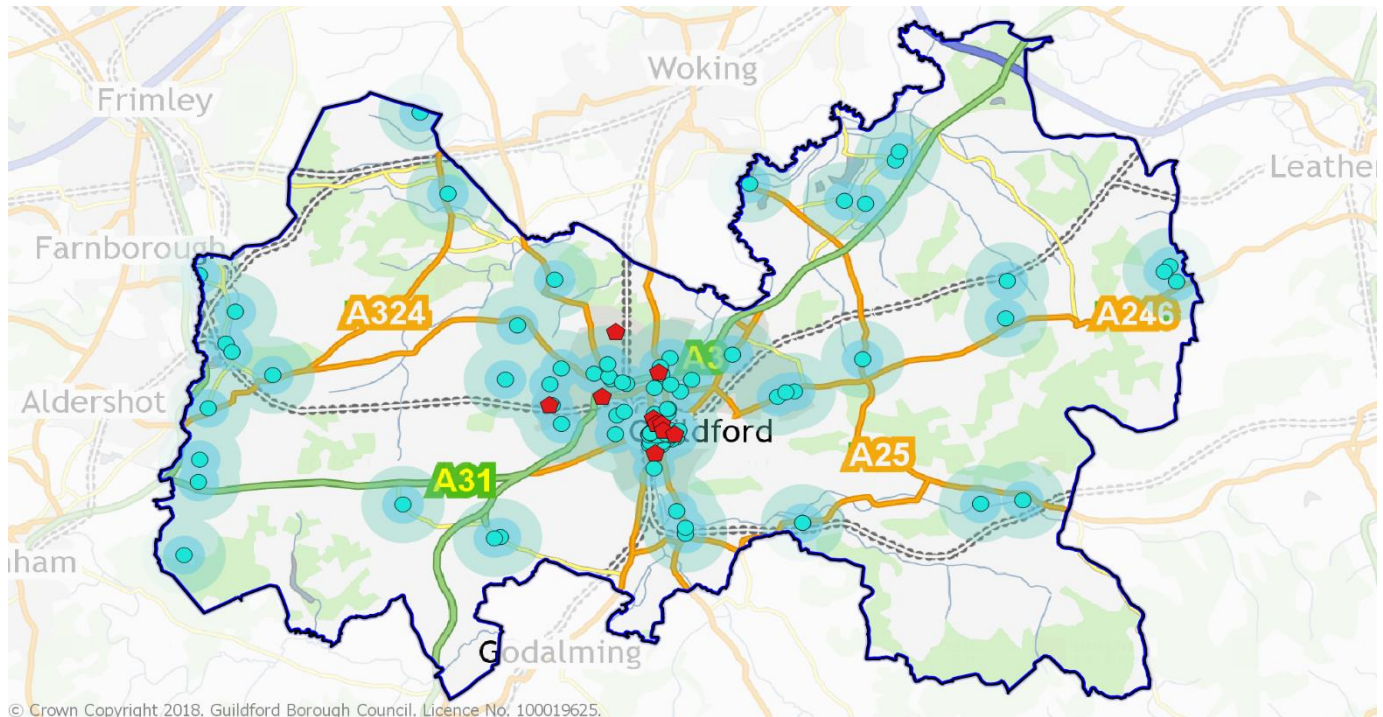
Risk factor: Unemployment and those with financial difficulties and/or debt

Datasets used: Location of job centres, CABs, payday loan shops, pawn brokers, CABs, food banks, soup kitchens etc.

Job centres and CABs will be accessed by members of the population who are likely to be unemployed and considered likely to have a combination of very low income and a large amount of personal disposable time. The Directgov website should provide a complete and current list of job centre locations.

These data represent locations where those with financial difficulties and debt problems are more likely to be present, visiting places where credit is accessed through less secured means, or places where people are so severely financially constrained they cannot afford to buy food. Although pay day loan shops may be accessed by many members of the population, these locations may serve to pull vulnerable populations with financial and debt problems into an area by providing them with access to unsecured and easy-access finance. These data are therefore derived from local web searches.

MAP 5: Location of gambling premises and unemployment and finance support centres



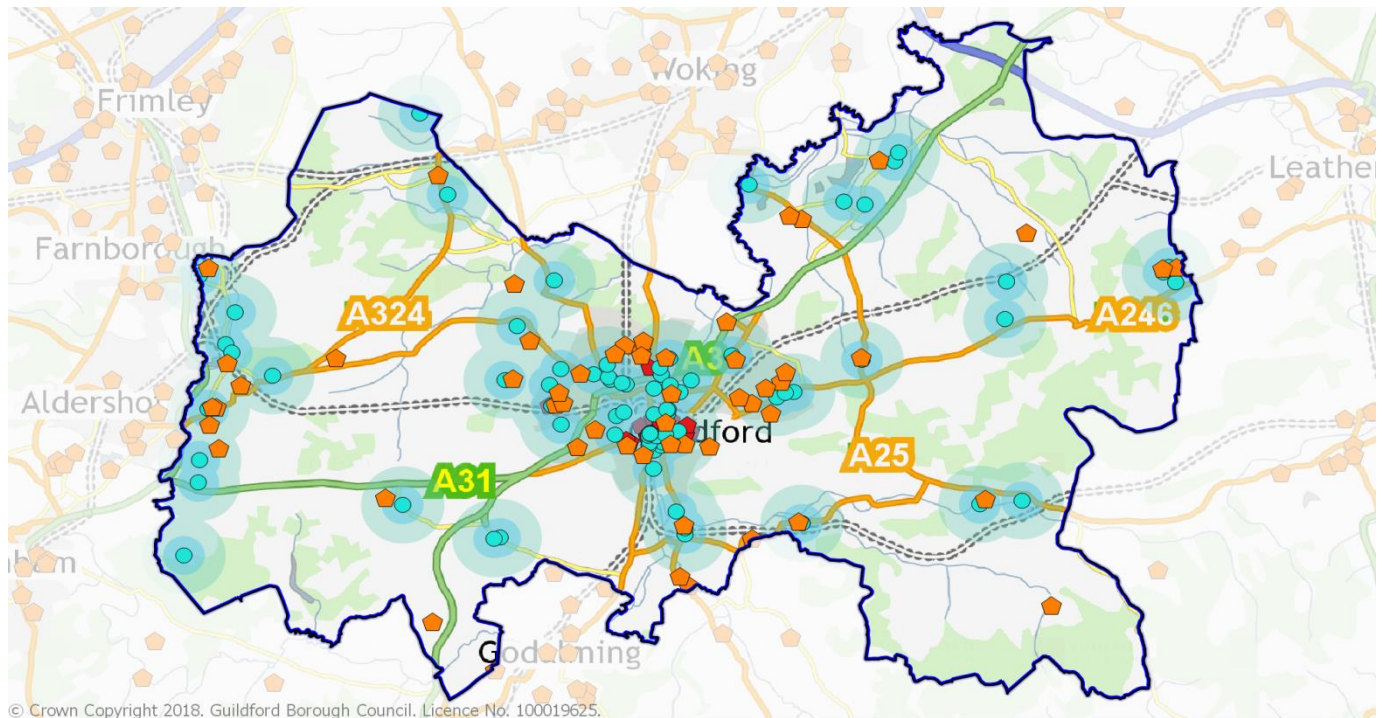
- ◆ Unemployment and Financial Support Locations
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance


Risk factor: Youth

Datasets used: *Education institutions*

These data list all known educational institutions and are derived from a complete and current government database. These locations have been included as they represent areas where younger people will be present in greater numbers at certain points of the day. Many educational institutions can have catchment areas much broader than their immediate locale and they reflect the daytime population. In the case of higher educational institutes, this will also reflect greater night-time populations too.

MAP 6: Location of gambling premises and educational institutions



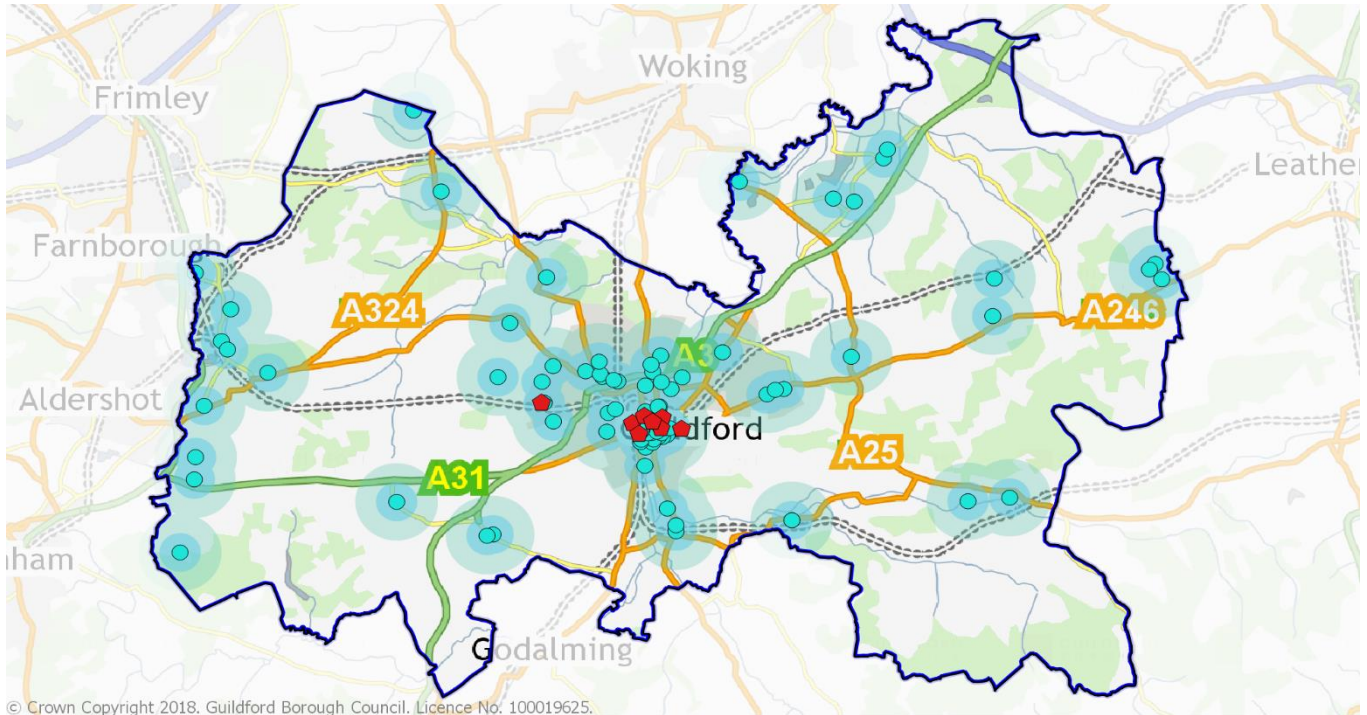
-  Educational Institutions
-  Gambling Premises
-  200m distance
-  500m distance
-  1km distance

Risk factor: Homelessness/housing instability

Dataset used: *The location of homeless accommodation from Local Authority lists/Homeless UK*

There are a variety of accommodation provision types for the homeless, ranging from emergency shelters to more mid to long-term support representing broader 'housing instability'. Data on the location of accommodation for homeless have been derived from online lists available at Homeless UK which give key locations. However, this database may not include sensitive locations not fit for publishing in the public domain (for example, women's refuges), as well as smaller accommodation provision.

MAP 7: Location of gambling premises and homeless support centres



© Crown Copyright 2018. Guildford Borough Council. Licence No. 100019625.

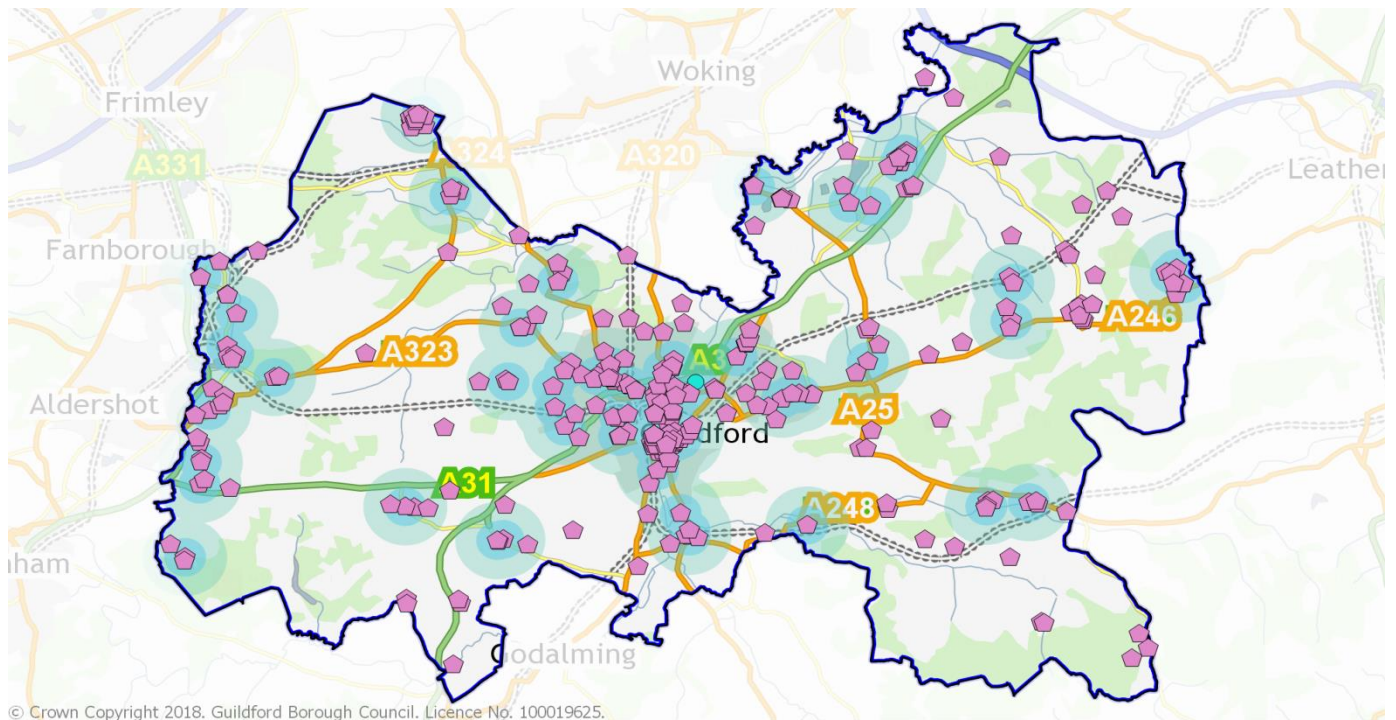
- ◆ Homeless Support Locations
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance






Risk factor: Alcohol impairment

Dataset used: Location of premises licensed by Guildford Borough Council for the sale of alcohol

There is evidence to suggest that persons impaired by the influence of alcohol may be at risk of gambling related harm. The data used is from the Council's register of licensed premises.

MAP 8: Location of gambling premises and alcohol licensed premises



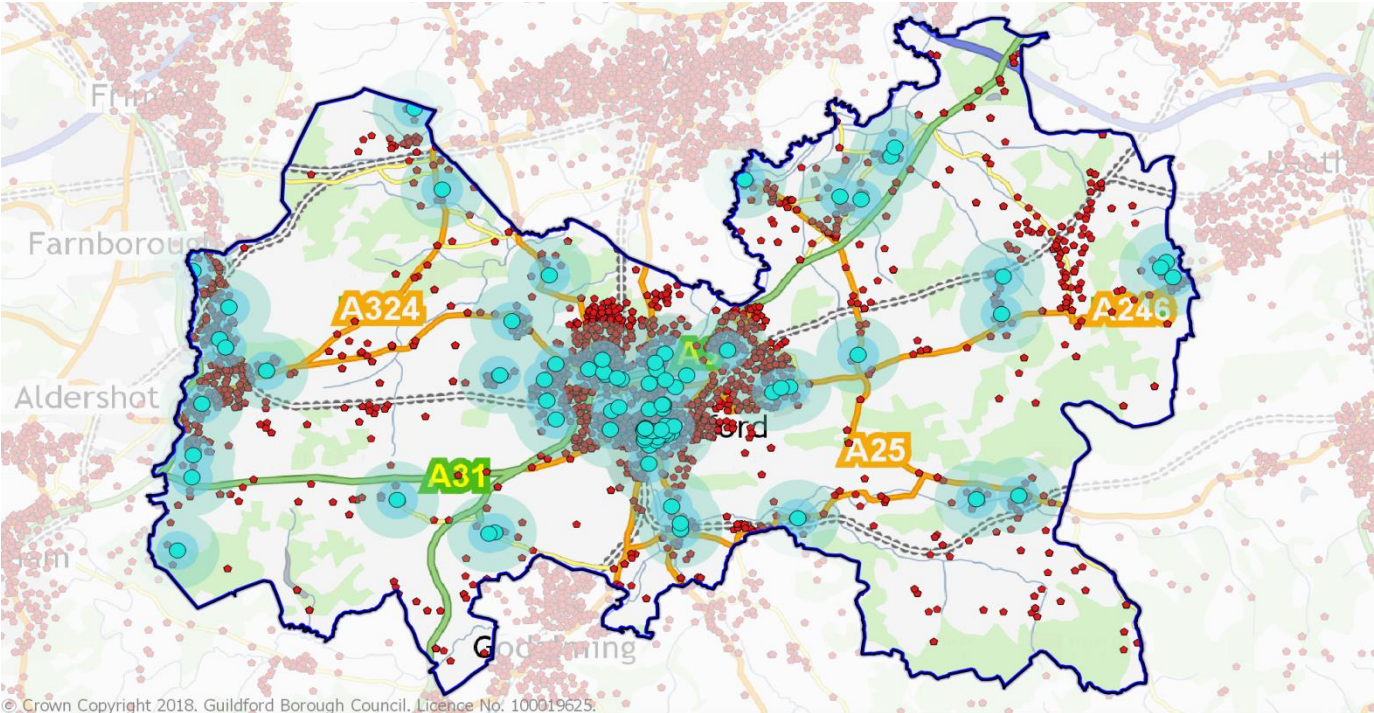
-  Licensed Alcohol Premises
-  Gambling Premises
-  200m distance
-  500m distance
-  1km distance

Risk factor: Crime
Dataset used: *Surrey Police Crime Statistics*

The gambling objectives also aim to prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

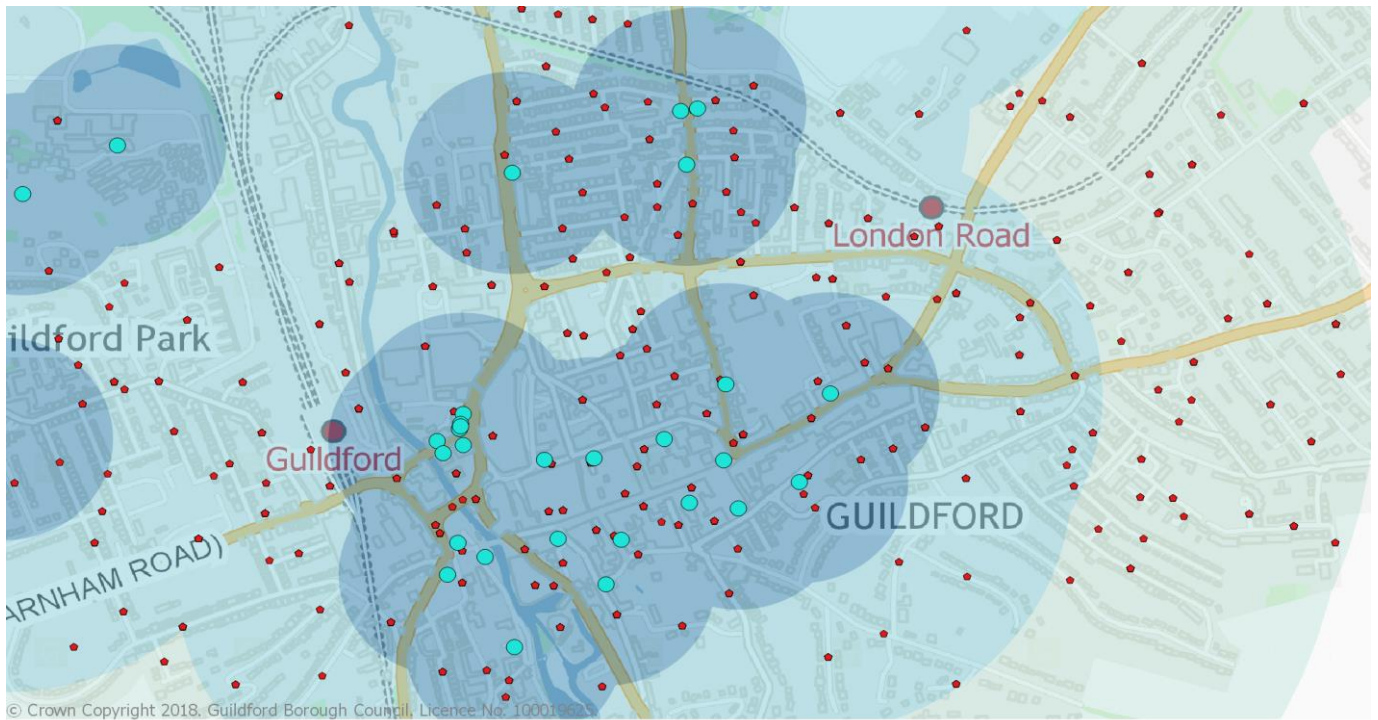
In order to assist operators with their assessments, crime patterns associated with the Borough for the year 2017 have been included in the Guildford area profile.

MAP 9: Location of gambling premises and reported crimes in 2017



- Reported Crime 2017
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance

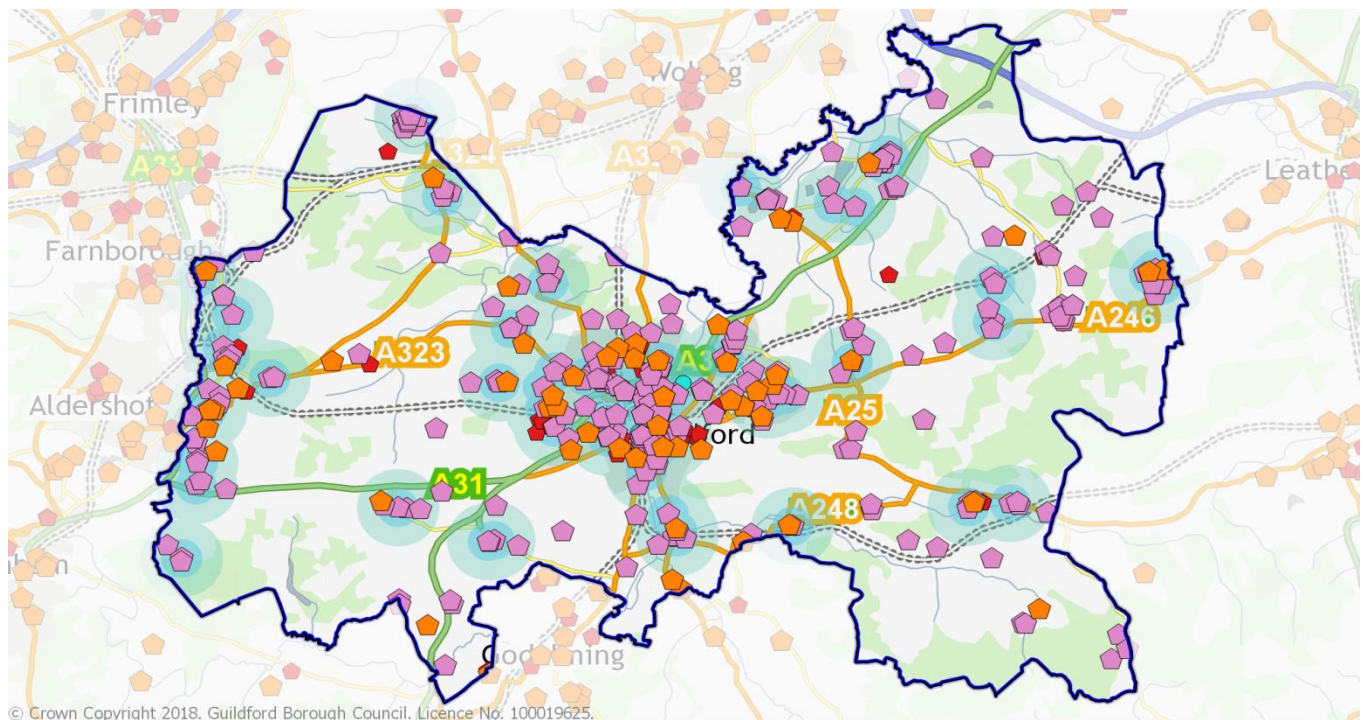
MAP 10: Location of gambling premises and reported crimes in 2017 focussed on the town centre



- Reported Crime 2017
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance

All risk factor comparison and Town Centre Focus

MAP 11: Location of gambling premises, alcohol licensed premises and other identified risk groups



© Crown Copyright 2018. Guildford Borough Council. Licence No. 100019625.

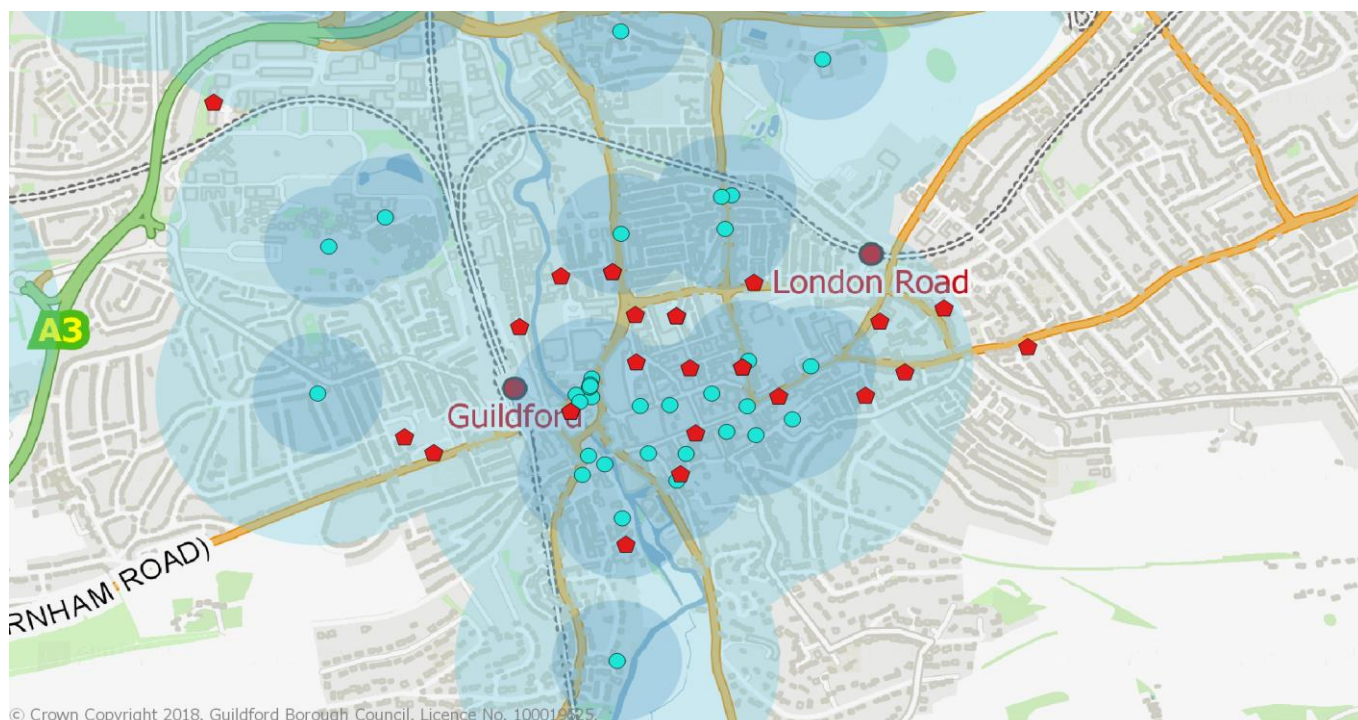
- ◆ Medical centres for mental health
- ◆ Gambling Premises
- ◆ Educational Institutions
- 200m distance
- 500m distance
- 1km distance

Map 11, showing the location of gambling premises against all risk groups indicates a close proximity of gambling premises and likely locations of vulnerable groups, particularly around Guildford town centre. Map 12 shows a zoom of the town centre and compares gambling premises and likely vulnerable groups.

Whether such proximity is that significant a factor is open to argument given that gamblers like anyone else can move around easily. Additionally, the increase in online gambling means that a person can effectively gamble wherever they are on their mobile device. Nonetheless, the Council would expect operators, particularly those in the town centre, to have identified the close proximity to vulnerable groups and have sufficient controls included in their risk assessment.

There is also a close correlation between premises licensed for gambling and for the sale of alcohol, mainly due to a number of licensed premises and clubs providing facilities for gaming. The Council would therefore expect operators to have identified alcohol consumption as a risk factor and have sufficient controls included in their risk assessment.

MAP 12: Location of gambling premises support centres for vulnerable groups in the town centre



- ◆ Support Centres- Addiction, Homelessness and Unemployment
- Gambling Premises
- 200m distance
- 500m distance

3. Risk assessment triggers

The local risk assessment code provisions provide a number of triggers for when a new assessment is required and for when an existing one requires review. The Gambling Commission has not provided any further detail on these triggers and it will be ultimately down to gambling operators, the Commission and the Council to assess when these triggers have been met.

In order to assist gambling operators this section sets out the Licensing Authority's views on what these triggers may be and when operators should provide a copy of their assessments to the Licensing Authority.

3.1 New premises

If an operator intends to apply for a new premises licence under Part 8 of the Act then a local risk assessment must be carried out as required by the Commissions LCCP social responsibility code provision 10.1.1. That assessment should be based on how the premises are proposed to operate at the premises location and must take into account the local area. The completed assessment should be provided with the application for a new premises licence upon submission to the Licensing Authority.

3.2 Significant changes in local circumstances

Operators are required to review their local risk assessment if significant changes in local circumstances occur. Changes to local circumstances happen frequently and can be either temporary or permanent depending on the change, how long that change will remain in place and how it affects the local area. However, the requirement for review of the risk assessment is only applicable when that change is significant.

The review of the premises risk assessment may simply mean that after review no action is necessary as the measures and systems already in place will mitigate any risk associated with that significant change. In this case gambling operators may record that a review has taken place, why it had occurred and that no action was necessary. This would enable the gambling operator to maintain an appropriate audit trail so as to demonstrate that action had been taken.

However, on occasions the significant change in local circumstances may require a need to update and amend the existing risk assessment. In those cases gambling operators may wish to ensure that their assessments are updated adequately and that any relevant control measures are introduced correctly.

As the Gambling Commission has not set out what a significant change in local circumstances is it will be the gambling operator's responsibility to identify these changes and take the appropriate action in reviewing their risk assessments. The Council, in an attempt to assist gambling operators has produced the following lists of examples that may be considered to be significant changes in local circumstances:

- The local area is classified or declassified by the Licensing Authority as being an area of heightened risk within its Statement of Licensing Principles.
- Any new pay day loan or pawn brokers open in the local area
- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment.
- The local area is identified as a crime hotspot by the police and/or Licensing Authority.
- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/support facilities are opened in the local area).

The list above is not an exhaustive list of examples of what could be considered as significant changes in local circumstances. The Council will provide information to gambling operators when it feels a significant change has occurred in the local area to enable them to take any necessary steps in

reviewing their risk assessments. The Council may inform gambling operators when it feels that a significant change has occurred in the area. The Council may also include any specific concerns that it feels may be considered as part of any review of the local area risk assessment for that premises. The notification of any significant changes from the Council should be a prompt to gambling operators to consider carrying out a review of their local risk assessments and having regard to any specific concerns raised by the Council.

3.3 Significant changes to the premises

From time to time operators will undertake changes to the premises' layout and décor, which is unlikely to prompt a review of the risk assessment for that premises. However, where there is a significant change at the premises that may affect the mitigation of local risks, then an operator must review its risk assessment and if necessary update it, taking into account the change and how it may affect one or more of the licensing objectives.

It is expected that gambling operators will undertake this risk assessment process as a matter of course for any premises refit, changes to layout or internal control measures. If any changes do require a review of the risk assessments for that premises gambling operators should ensure that they have a system in place to record and action any measures identified in that review.

The gambling operator will be responsible for identifying when a significant change to the premises has occurred. In order to assist gambling operators the Council has provided the following list of examples of what could be classified as a significant change to the premises (some of which may also require a variation to the existing premises licence).

- Any building work or premises refit where gambling facilities are relocated within the premises.
- The premises licence is transferred to a new operator who will operate the premises with its own procedures and policies which are different to those of the previous licensee.
- Any change to the operator's internal policies which as a result requires additional or changes to existing control measures; and/or staff will require retraining on those policy changes.
- The entrance or entrances to the premises are changed, for example, the door materials are changed from metal with glazing to a full glass door or doors are reallocated from egress to ingress or vice versa.
- New gambling facilities are made available on the premises which were not provided previously, for example, bet in play, handheld gaming devices for customers, Self Service Betting Terminals, or a different category of gaming machine is provided.
- The premises operator makes an application for a licence at that premises to provide an activity under a different regulatory regime, for example, to permit the sale of alcohol or to provide sexual entertainment on the premises.

As with the examples of significant changes in local circumstances set out in paragraph 3.7, the list above is not an exhaustive list of significant changes to premises.

The Council will not, as general practice, request a copy of the reviewed risk assessment if a significant change to the licensed premises has occurred, unless the change is one that will necessitate a variation application.

3.4 Variation of the premises licence

Variations to premises licences are only those required to be made under section 187 of the Act and will not include changes of circumstances such as a change of premises' name or a change of licensee's address, etc.

The Commissions LCCP social responsibility code provision 10.1.1 requires that gambling operators must undertake a review of the local risk assessment and update it if necessary when preparing an

application to vary the premises licence. Operators submitting a variation application to the Council may consider submitting a copy of the reviewed local risk assessment when submitting the application. This will then negate the need for the Council requesting to see a copy of this risk assessment and could potentially reduce the likelihood of a representation being made to the application.

If an operator wishes to vary a converted casino premises licence from one premises to another then the gambling operator should consider producing a new risk assessment for that premises. It is advisable that a copy of that assessment is submitted to the Council with the application form.

3.5 Regular review of risk assessment

As a matter of best practice the Council recommends that operators establish a regular review regime in respect of their local risk assessments. This review programme can be carried out alongside other reviews on Health and Safety risk assessments for the premises. This review programme would ensure that, regardless of whether or not any of the trigger events set out above have occurred, these risk assessments are considered at regular intervals and updated if necessary.

It will be up to the gambling operator as to the frequency of these reviews but it is recommended that no more than three years should pass before these assessments are reviewed. Operators may wish to synchronise their reviews of the local risk assessments with the publication of the Council's Statement of Licensing Principles for Gambling. This would enable gambling operators to consider the Local Area Profile, which has been published in the Council's Statement of Licensing Principles for Gambling.

4. Undertaking a local risk assessment

A local risk assessment of gambling premises should be carried out through a step-by-step approach. Gambling operators may first assess the local area and identify the relevant risk factors, then assess the gambling operation, and finally assess the premises design, both internal and external. Once the risk factors have been identified, the control measures to mitigate the risks should be considered. These control measures will either already be in place or will need to be implemented.

Who should undertake the assessment

It will be the responsibility of the gambling operator to assign the assessor for assessing the local risks for their premises. The person assigned as the assessor must be competent to undertake this role as failure properly to carry out this function could result in a breach of the provisions of the LCCP. The Gambling Commission has not produced any guidance on the competencies of assessors, however the Council would expect that the assessor must understand how the premises operate or will operate, its design, and where it is located. The assessor will need to understand the local area and can use staff or area managers to assist in gaining an understanding of that local area. The assessor should also be suitably experienced in assessing gambling related risk and identification of appropriate controls.

Step 1: The local area

Operators should start by identify the local risk factors surrounding the premises. The risk factors will differ from location to location so an understanding of the specific characteristics of the local area and the people who live, work or visit that area is important.

The Guildford Local Area Profile (section 2) will set out the demographic profile of areas of the Borough, and the specific concerns and risks that the Licensing Authority has identified in relation to gambling in those areas.

Step 2: Gambling operation and physical design

In assessing the risk factors associated with a gambling operation the assessor should take into account the local risks which are commonly accepted by broader stakeholders and how that gambling operation may affect that risk.

The physical design of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. In assessing the risk factors associated with the premises design and layout reference is needed to the local area risks factors already identified to ensure the design doesn't add to that risk. The design, both internal and external should be considered and specific risk factors identified and noted.

Step 3: Control measures

Once the risk factors have been identified, the assessor should seek to identify control measures that would mitigate the identified risks. Such control measures will relate to one of the three categories of control measures mentioned above (systems, design and physical). Some risk factors may require a combination of control measures to adequately mitigate the risk.

Step 4: Action Plan

Once the assessment has been carried out an action plan should be completed so that any identified actions are documented and a deadline for completing the required piece of work is set and agreed.

Completed assessment

The control measures must be implemented on the premises and, if applicable, staff on the premises should be trained in their use or trained on the new policy or procedure. The assessment must be retained and should be reviewed whenever a trigger occurs or as part of a regular review regime (see part 3 above).

Licensing Committee Report
Report of Strategic Services Director
Author: Sophie Butcher
Tel: 01483 444056
Email: sophie.butcher@guildford.gov.uk
Date: Wednesday 26 May 2021

Licensing Committee work programme: 2021-22

Recommendation to Licensing Committee

The Committee is invited to review and approve its current work programme for the remainder of the 2021-22 municipal year.

Reason for Recommendation:

To ensure that the Licensing Committee has an opportunity to review its work programme.

1. Purpose of Report

- 1.1 The work programme is presented to enable necessary changes to be made and to provide updated information on items for future meetings. Appendix 1 to this report sets out the Committee's work programme to date, including any items currently unscheduled.

2. Financial Implications

- 2.1 There are no specific financial implications arising from this report.

3. Human Resource Implications

- 3.1 There are no specific human resources implications arising from this report.

4. Legal Implications

- 4.1 There are no specific legal implications arising from this report.

5. Background papers

None

6. Appendices

Appendix 1: Licensing Committee - Draft Work Programme: 2021-22

Licensing Committee
Draft Work Programme 2021-22

July 2021		
Item	Details of decision to be taken	Officer

September 2021		
Item	Details of decision to be taken	Officer
Purple Flag Update	The Committee to receive an update in relation to Purple Flag.	Mike Smith, Licensing Team Leader 01483 444387
Best Bar None Update	The Committee to receive an update in relation to Best Bar None.	Mike Smith, Licensing Team Leader 01483 444387
Sexual Entertainment Venue (SEV) Policy Approval	The Committee to consider and approve a Sexual Entertainment Venue (SEV) Policy	Mike Smith, Licensing Team Leader 01483 444387

November 2021

Item	Details of decision to be taken	Officer
Gambling Policy Approval	The Committee to consider and approve a Gambling Policy.	Mike Smith, Licensing Team Leader 01483 444387

January 2022

Item	Details of decision to be taken	Officer

March 2022

Item	Details of decision to be taken	Officer

UNSCHEDULED ITEMS

Item	Details of decision to be taken	Officer

This page is intentionally left blank