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Contact Officer:

Sophie Butcher, Committee Officer.
Tel: 01483 444056

16 November 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 24 NOVEMBER 2021 at 7.00 pm.**

Yours faithfully

James Whiteman
Managing Director

MEMBERS OF THE COMMITTEE

Chairman: Councillor David Goodwin
Vice-Chairman: The Deputy Mayor, Councillor Dennis Booth

Councillor Tim Anderson
Councillor Gillian Harwood
Councillor Nigel Manning
Councillor Ted Mayne
Councillor Ann McShee
Councillor Bob McShee
Councillor Masuk Miah

The Mayor, Councillor Marsha Moseley
Councillor Maddy Redpath
Councillor Will Salmon
Councillor James Steel
Councillor Keith Witham
Councillor Catherine Young

QUORUM 5

THE COUNCIL'S STRATEGIC FRAMEWORK (2021- 2025)

Our Vision:

A green, thriving town and villages where people have the homes they need, access to quality employment, with strong and safe communities that come together to support those needing help.

Our Mission:

A trusted, efficient, innovative, and transparent Council that listens and responds quickly to the needs of our community.

Our Values:

- We will put the interests of our community first.
- We will listen to the views of residents and be open and accountable in our decision-making.
- We will deliver excellent customer service.
- We will spend money carefully and deliver good value for money services.
- We will put the environment at the heart of our actions and decisions to deliver on our commitment to the climate change emergency.
- We will support the most vulnerable members of our community as we believe that every person matters.
- We will support our local economy.
- We will work constructively with other councils, partners, businesses, and communities to achieve the best outcomes for all.
- We will ensure that our councillors and staff uphold the highest standards of conduct.

Our strategic priorities:

Homes and Jobs

- Revive Guildford town centre to unlock its full potential
- Provide and facilitate housing that people can afford
- Create employment opportunities through regeneration
- Support high quality development of strategic sites
- Support our business community and attract new inward investment
- Maximise opportunities for digital infrastructure improvements and smart places technology

Environment

- Provide leadership in our own operations by reducing carbon emissions, energy consumption and waste
- Engage with residents and businesses to encourage them to act in more environmentally sustainable ways through their waste, travel, and energy choices
- Work with partners to make travel more sustainable and reduce congestion
- Make every effort to protect and enhance our biodiversity and natural environment.

Community

- Tackling inequality in our communities
- Work with communities to support those in need
- Support the unemployed back into the workplace and facilitate opportunities for residents to enhance their skills
- Prevent homelessness and rough-sleeping in 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 - 6)

To confirm the minutes of the meeting of the Licensing Committee held on 29 September 2021.

4 ANNOUNCEMENTS

To receive any announcements from the Chairman of the Committee.

5 LICENSING COMMITTEE ITEMS

5.1 **Gambling Act 2005: Statement of Principles 2022-25** (Pages 7 - 80)

5.2 **Fit and Proper Testing for Managers of Licenced Caravan Sites**
(Pages 81 - 110)

6 LICENSING COMMITTEE WORK PROGRAMME (Pages 111 - 112)

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AN ALTERNATIVE FORMAT**

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LICENSING COMMITTEE

- * Councillor David Goodwin (Chairman)
- * The Deputy Mayor, Councillor Dennis Booth (Vice-Chairman)

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

*Present

L1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Will Salmon and Catherine Young.

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 26 May 2021 were approved and signed by the Chairman.

L4 ANNOUNCEMENTS

The Chairman had no announcements to make.

L5 LICENSING OF SEX ESTABLISHMENTS: STATEMENT OF LICENSING POLICY 2022-25

The Committee noted that the Licensing of Sex Establishments: Statement of Licensing Policy 2022-25 went to consultation for a 6-week period between 5 July and 20 August 2021. One consultation response was received during that time and no changes were required to be made to the policy as a result.

The Committee having considered the report;

RESOLVED to recommend that the Executive approved the draft Licensing of Sex Establishments Statement of Licensing Policy 2022-25 at its meeting on 26 October 2021.

L6 EXTENSION OF PAVEMENT LICENSING

The Committee noted that the Business and Planning Act 2020 enacted in July 2020 sought to assist the hospitality industry recover from the first Covid 19 lockdown by making it easier for premises to serve food and drink outdoors through temporary changes to planning procedures and alcohol licensing.

On 20 July 2021, the Government extended the Pavement Licences until 30 September 2022 under the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021.

The Committee noted that in Guildford, the provision of outdoor food had become very popular with some 40 pavement licences being issued for the town. The Government was also committed to making pavement licences a more permanent feature so that the application process was governed by Boroughs and Districts rather than at County level as had been the case previously. Bars and restaurants had to renew their pavement licence by 30 September 2021 and Guildford had therefore experienced an influx of applications to process. The Committee agreed that the pavement licences had introduced a new vibrancy to Guildford and was therefore fully supportive of the Pavement Licence extension.

The Committee having discussed the report;

RESOLVED to note the extension of the Business and Planning Act for the licenced trade and approved the extension of the current Pavement Licensing Policy.

L7 LICENSING COMMITTEE WORK PROGRAMME

The Committee discussed its work programme and noted that the item in relation to Best Bar None may need to be re-scheduled from November owing to the fact that it might not be running at that point.

The Chairman requested that the item regarding 'The Fit and Proper Test for Managers of Licensed Caravan Sites', also scheduled for November, included additional background information as the Committee had not considered this issue previously.

The meeting finished at 7.20 pm

Signed

Date

Chairman

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: 24 November 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.

The current Statement is due to expire and an updated draft, albeit with no changes, was approved for public consultation by Licensing Committee on 26 May 2021. This report seeks to inform Licensing Committee of the results of the consultation and asks that the Committee recommends that Council approves the draft Statement of Principles at Appendix 1.

Recommendation to Licensing Committee

That the Committee recommends Full Council on 7 December 2021 approve the draft Gambling Act 2005 Statement of Principles 2022-25, as set out in Appendix 1 to this report.

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.

1. Purpose of Report
 - 1.1 The report informs the Committee of the results received during the consultation of the review of the statement of principles.
 - 1.2 It asks the Committee to recommend Council on 7 December approve 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** – regenerating and improving Guildford town centre and other areas across the Borough through well-regulated licensed establishments.
- **Community** – enhancing sporting, cultural, community and recreational facilities.
- **Innovation** – Encouraging sustainable and proportionate economic growth to help provide the prosperity and employment that people need.

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. Whilst there has been a further update in Guidance from the Commission, there has been no material change to the Guidance affecting Local Authority Statements of Principles. 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 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 Following the approval of the Licensing Committee, consultation was carried out over a 12 week period between 5 July and 1 October 2021. Officers consulted with interested parties by:
- 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 During the consultation period three (3) consultation responses were received, which are shown in full in Appendix 2.
- 5.5 Relevant consultation comments, together with Officer's responses are presented for ease in the table below:

Consultee and Comment:	Officer Response:
<p>Mrs J Hogg, member of St Saviours Church, Woodbridge Road. We do not see the need for any further changes to the current position</p>	<p>Comment noted.</p>
<p>Gambleaware: Due to resource constraints on a small charity, we are not able to offer specific feedback on your policy. GambleAware is also fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk for any reason. In particular we support those who also include additional licence requirements to mitigate the increased level of risk. Areas where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling harms include children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.</p>	<p>Comment noted. The Local Area Profiles contained within the Statement seek to identify areas where there may be a likelihood of increased risk to gambling harms.</p>
<p>The Betting and Gaming Council: We note that it is not proposed to update the existing (2019-2022) Statement of Principles and the comments below therefore follow a review of that policy. Part B is headed, "Promotion of the Licensing Objectives." This should be amended to delete the reference to "promotion" as there needs to be a clear distinction between the Licensing Act 2003 regimes and that deal with by the Statement of Principles. Neither the licensing authority nor operators have a duty to promote the licensing objectives. The only body upon whom Gambling Act 2005 confers such a duty is the Gambling Commission itself. The first sentence of paragraph 16.3 appears to be incomplete. This reads, "<i>The council will need to be satisfied that there is sufficient evidence that the particular location would be harmful to</i></p>	<p>The three licensing objectives guide the way in which the Gambling Commission and Licensing Authorities perform their functions, and the way in which businesses carry on their activities. The Commission and Licensing Authorities have a duty to pursue the objectives, and the Commission expects that businesses deliver them. Officers consider that the paragraph read as a whole is clear: If there is evidence of a risk to harm in a location, operators will need to ensure this is reflected in their risk</p>

<p><i>the licensing objectives</i>” but it does not go on to state what the consequence of being so satisfied would be. This sentence needs redrafting/supplementing in order that its meaning is clear.</p> <p>Paragraph 16.6 contains a list of matters that the licensing authority recommends are considered by operators when conducting risk assessments. This list should be redrafted to delete matters that are not relevant to any assessment of risk to the licensing objectives.</p> <p>SR Code Provisions 10.1.1 and 10.2.2 provide for <i>“relevant matters identified in the licensing authority’s statement of licensing policy”</i> to be taken into account. The examples of matters that the licensing authority recommends be considered needs therefore only to reflect matters that are relevant to the licensing objectives.</p> <p>It is impossible to see how issues such as <i>“known problems in the area such as street drinkers, youths participating in anti-social behaviour, drug dealing activities etc”</i> could pose a risk to the licensing objectives.</p> <p>Similarly, <i>“gaming trends that may mirror reflect benefit payments”</i> can only be relevant to an assessment of risk to the licensing objectives if the authority’s view is that anyone in receipt of benefits is deemed vulnerable or likely to commit crime as a result of gambling. This cannot be correct and references to any issue that is not relevant to the licensing objectives should be removed.</p> <p>Paragraph 20.2 needs to be redrafted. This states that applicants will be expected to explain in their applications how their proposals will not exacerbate problems to individuals living in the vicinity or exacerbate any crime</p>	<p>assessment.</p> <p>The Council considers all of the identified list to be relevant for operators to consider as each has clear links to the licensing objectives.</p> <p>As above.</p> <p>These examples are linked to deprivation and potential vulnerability to gambling harms.</p> <p>As above comment.</p> <p>Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:</p> <ul style="list-style-type: none"> • when applying for a variation of a premises licence
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<p>problems within the vicinity generally. Furthermore, this paragraph expects “tailored applications” and to propose licence conditions. This appears to conflate requirements of Licensing Act 2003 applications and those under Gambling Act 2005 and needs amending so that there is no confusion.</p> <p>Gambling Act 2005 applications do not require an explanation of how the proposals will not exacerbate any problems to individuals or general crime in the vicinity. Relevant matters are for the local area risk assessment in which an applicant will identify risks to the licensing objectives (rather than problems of crime in the area generally) posed by the provision of the gambling facilities proposed and detail policies, procedures and control measures in place to mitigate the risk.</p> <p>Furthermore, an applicant will not need to tailor an application nor propose licence conditions as is expected under Licensing Act 2003. The default conditions that attach to all premises licences are designed to be, and usually are, sufficient to ensure operation that is consistent with the licensing objectives. Additional conditions would only be required where there is evidence that the policies, procedures and control measures contained within the risk assessment do not adequately address the risk posed by the provision of gambling facilities proposed.</p> <p>Appendix D is overly long and refers to matters outside any consideration of risk to the licensing objectives. Maps 5, 8,9,10 all have no relevance as far as an assessment of risk to the licensing objectives is concerned and should therefore be removed.</p>	<ul style="list-style-type: none">• to take account of significant changes in local circumstances, including those identified in a licensing authority’s policy statement• when there are significant changes at a licensee’s premises that may affect their mitigation of local risks. <p>Where a licensing authority’s policy statement sets out its approach to regulation with clear reference to local risks, it will facilitate operators being able to better understand the local environment and therefore proactively mitigate risks to the licensing objectives. In some circumstances, it might be appropriate to offer the licensee the opportunity to volunteer specific conditions that could be attached to the premises licence</p> <p>As above.</p> <p>Map 5 shows gambling premises and support centres assisting people with financial difficulties an unemployment. These are clear risk factors for being vulnerable to gambling harms as these centres 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.</p>
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	<p>Map 8 shows gambling premises and alcohol licensed premises. There is evidence to suggest that persons impaired by the influence of alcohol may be at risk of gambling related harm and as such this is a relevant consideration for assessment by operators.</p> <p>Maps 9 and show gambling premises and reported crimes. The gambling objectives aim to prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime and the maps are provided in order to assist operators with their risk assessments.</p>
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- 5.6 Following consideration of the consultation responses received, Officers do not consider any changes to the draft Statement of Principles Consulted upon are required.

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 has been 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 Policy is recommended for approval by Licensing Committee, 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. recommend Council approve the Statement of Principles at Appendix 1,
 - or
 2. approve the Statement with amendments.

12. Conclusion

- 12.1 The Act requires the Council to prepare and publish its Statement of Gambling Principles every 3 years and requires that we consult on the proposed statement of principles. The Statement for the next three year period has been prepared and the draft consulted upon.
- 12.2 Following consultation the Licensing Committee are requested to recommend the adoption of the Statement of Principles at Full Council on 7 December in order to comply with our statutory duty.

13. Background Papers

[Gambling Act 2005](#)

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

[Gambling Commission Guidance to licensing authorities 6th edition May 2021](#)

[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

Appendix 2: Consultation Response Received

Service	Sign off date
Finance / 151 Officer	<i>2 November 2021</i>
Legal / Governance	<i>2 November 2021</i>
HR	<i>5 November 2021</i>
Equalities	<i>5 November 2021</i>
Lead Councillor	<i>15 November 2021</i>
CMT	<i>2 November 2021</i>
Committee Services	<i>3 November 2021</i>



Gambling Act 2005 Statement of Principles

2022 - 2025

DOCUMENT INFORMATION

Origination/author:	Mike Smith, Senior Specialist for Licensing and Community Safety
This document replaces:	Statement of Principles (Gambling Act 2005) 2019-2022
Date/detail of consultation:	5 July to 1 October 2021
Date of Council approval:	7 December 2022
Last reviewed:	7 December 2021
Next review date:	January 2025

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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 5 July to 1 October 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 7 December 2021 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

- 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

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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

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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

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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.

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- 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:

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- 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 nature But 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:

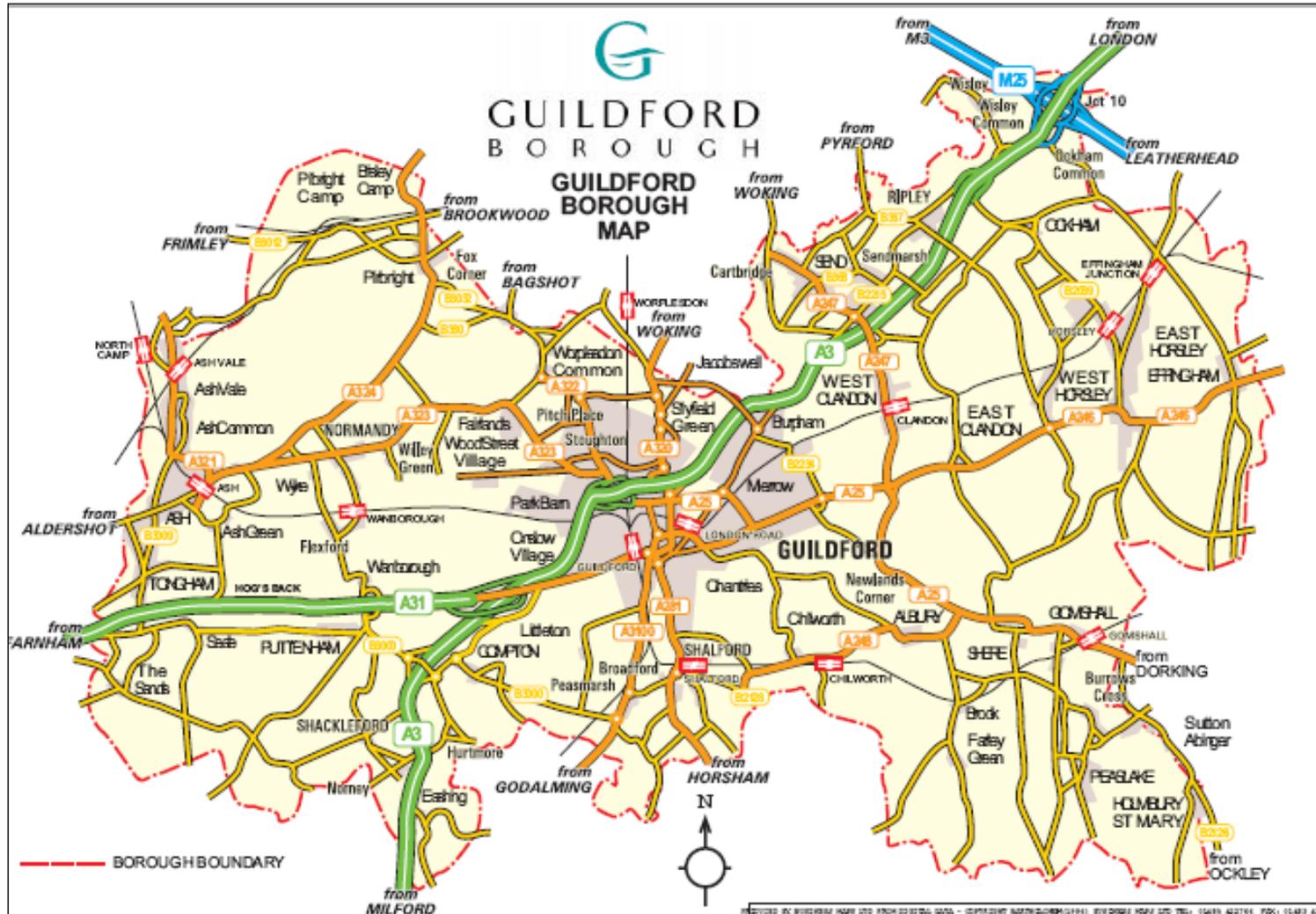
- Submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- Submission of incomplete or incorrect returns
- Breaches of the limits for small society lotteries

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 A
Map of Guildford Borough



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@qalacoral.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.

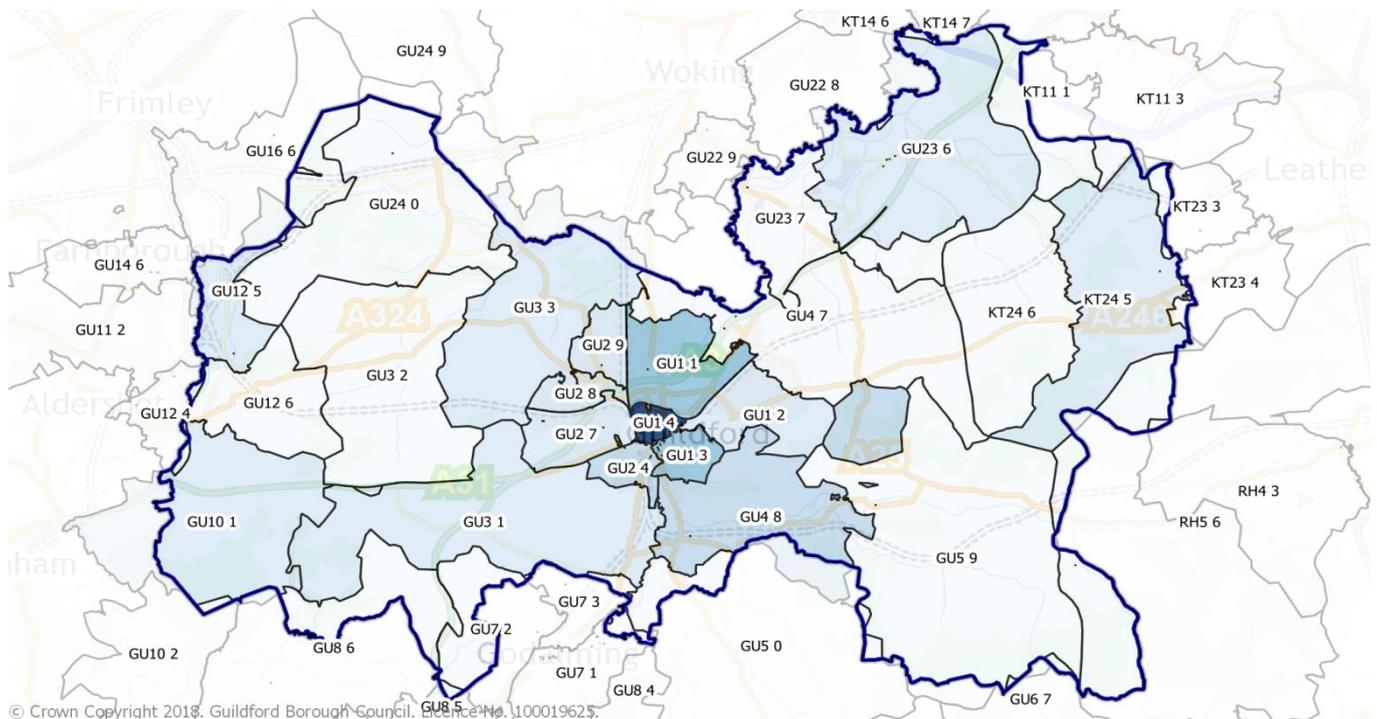
The town centre is a focus for major commercial and administrative functions and is a principal regional shopping destination, with a vibrant night time economy. In 2014 the town was awarded Purple Flag, recognising excellence in the management of the town centre at night. This prestigious award demonstrates 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:

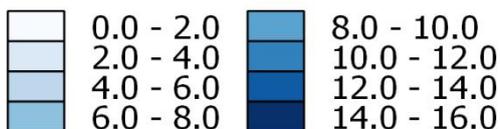
- 11 licensed betting premises, operated by national bookmakers
- 1 Family entertainment centre at Spectrum leisure centre
- Club Gaming permits at Members Clubs
- Club machine permits at Members Clubs
- Licensed premises gaming machine permits at alcohol licensed premises
- 44 Licensed premises gaming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

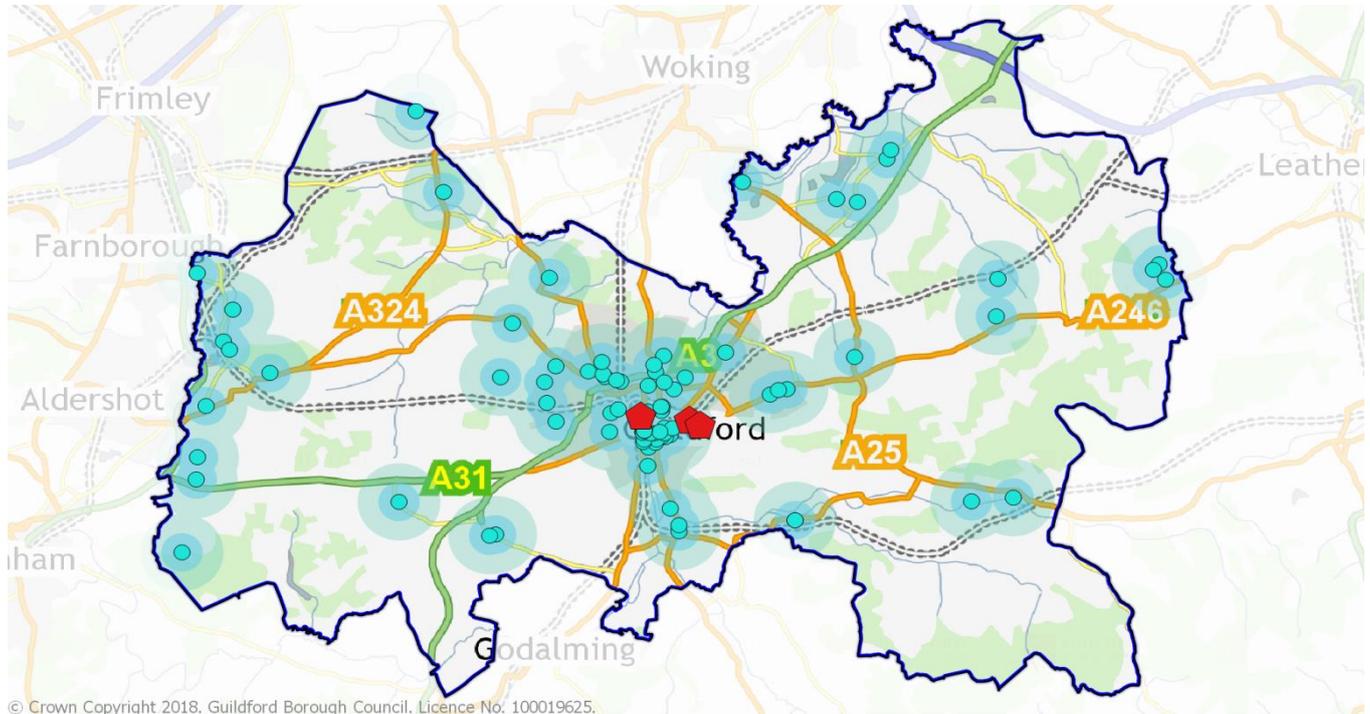
Further information about the potential risk factors and exact data used are now discussed:

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



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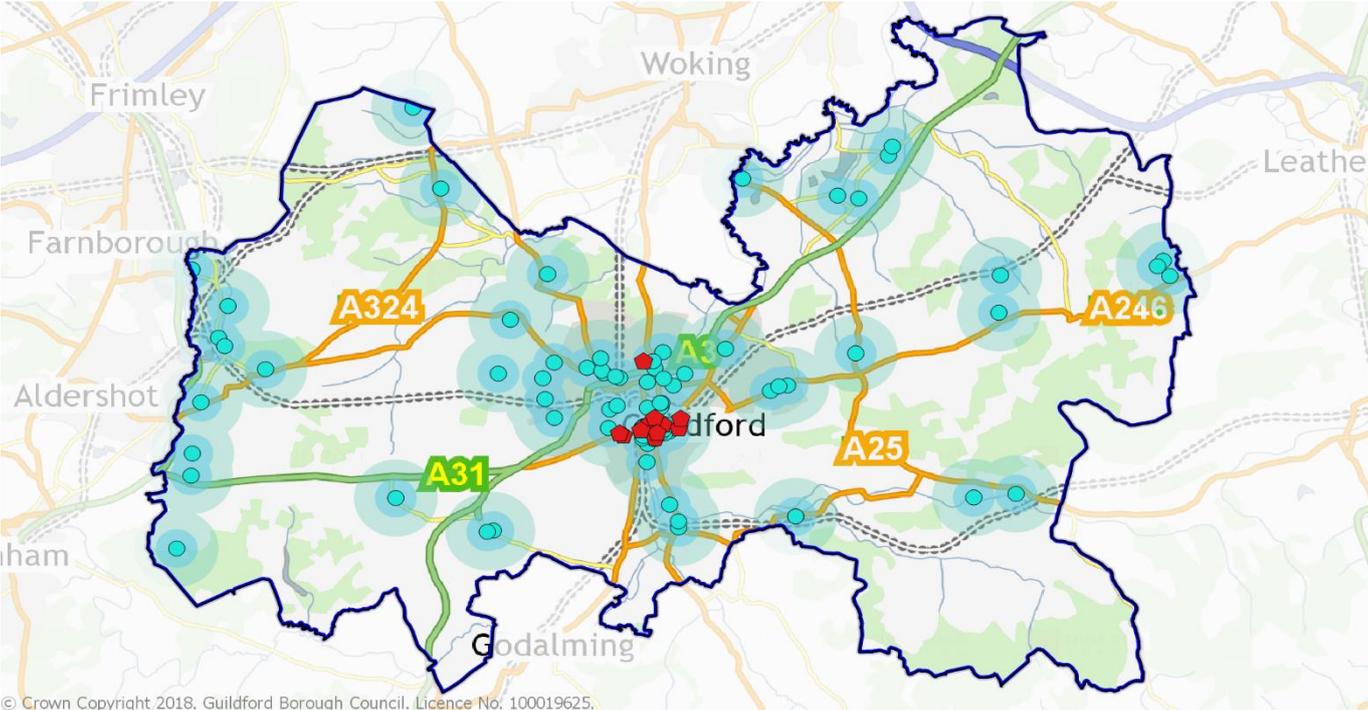
-  Gambling Treatment Locations
-  Gambling Premises
-  200m distance
-  500m distance
-  1km distance

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



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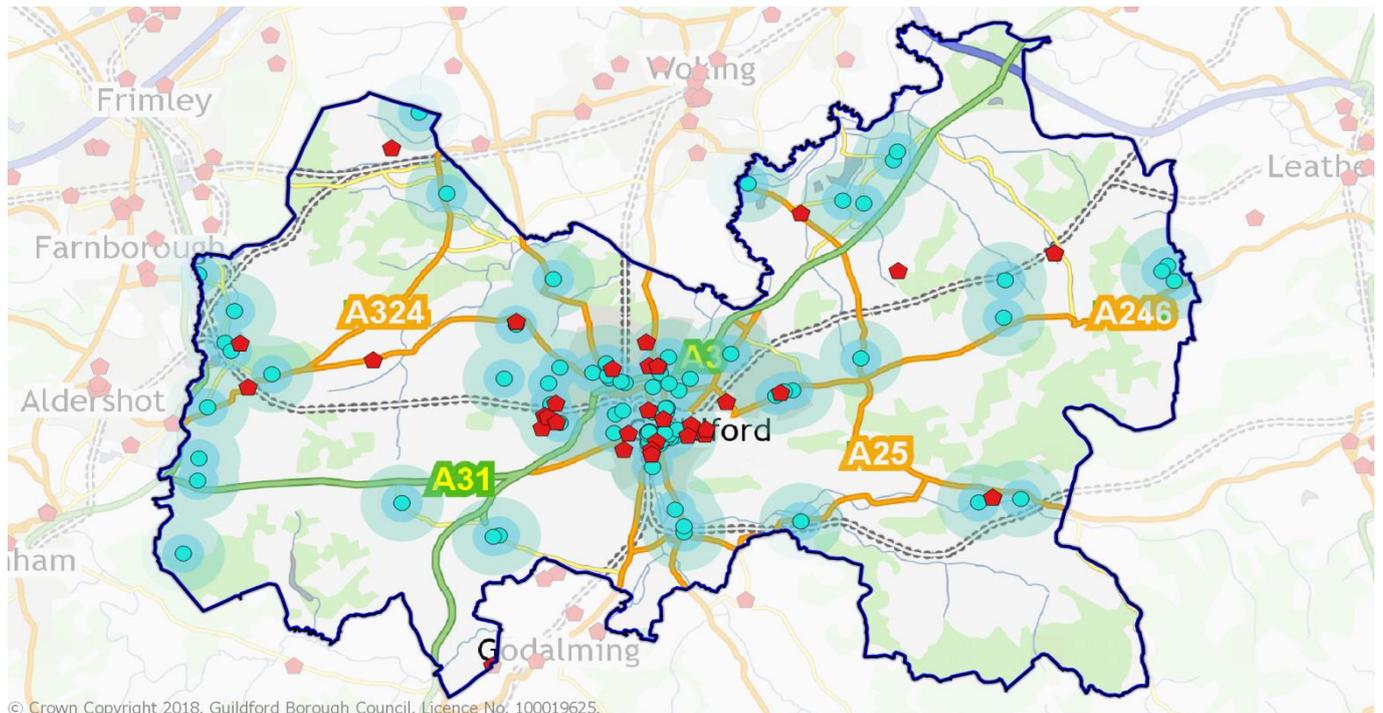
- ◆ Substance Misuse Treatment Centres
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance

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



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

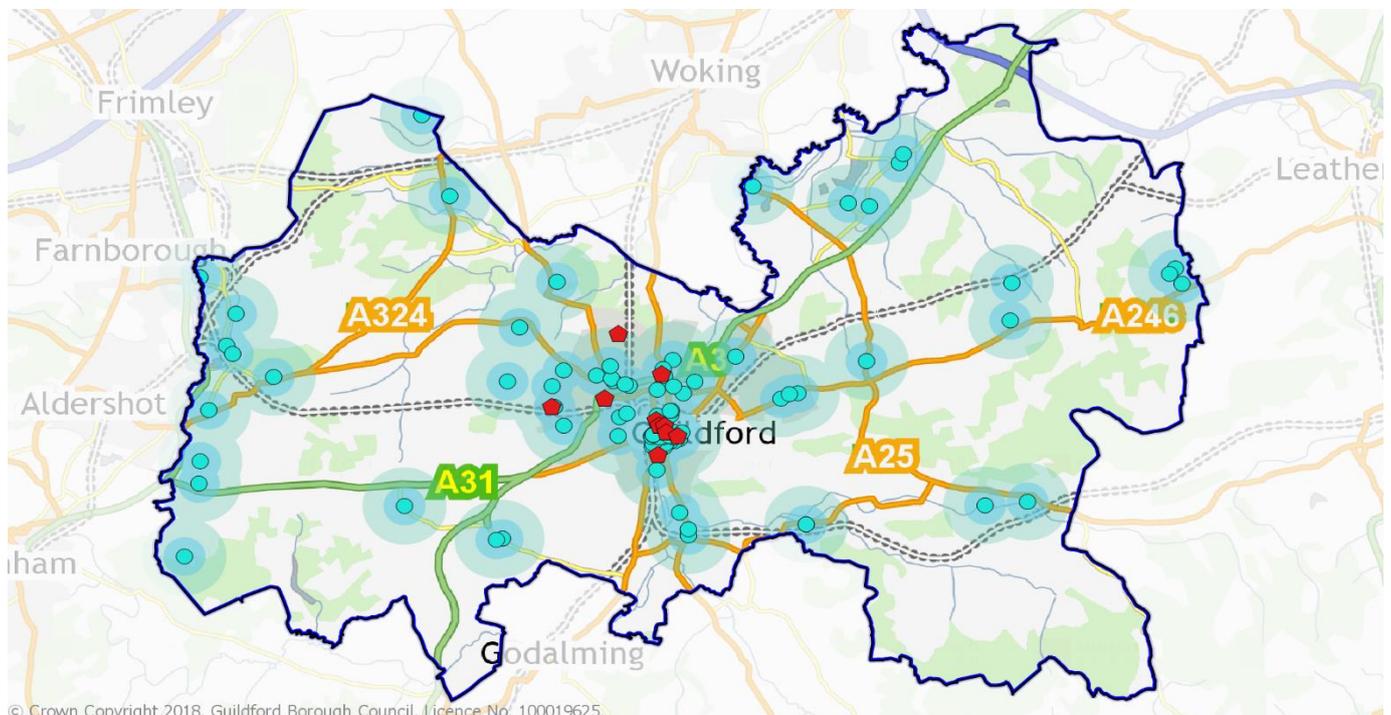
Risk factor: Unemployment and those with financial difficulties and/or debt

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



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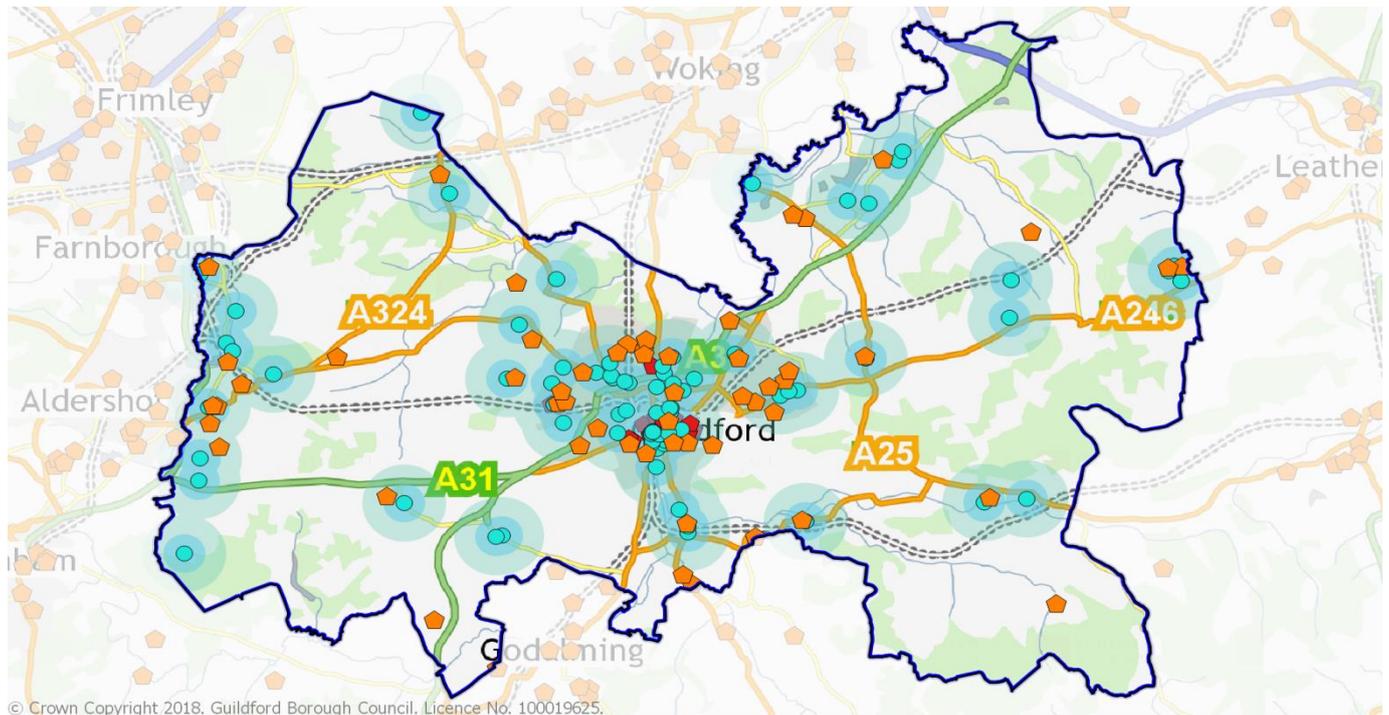
- ◆ Unemployment and Financial Support Locations
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance

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



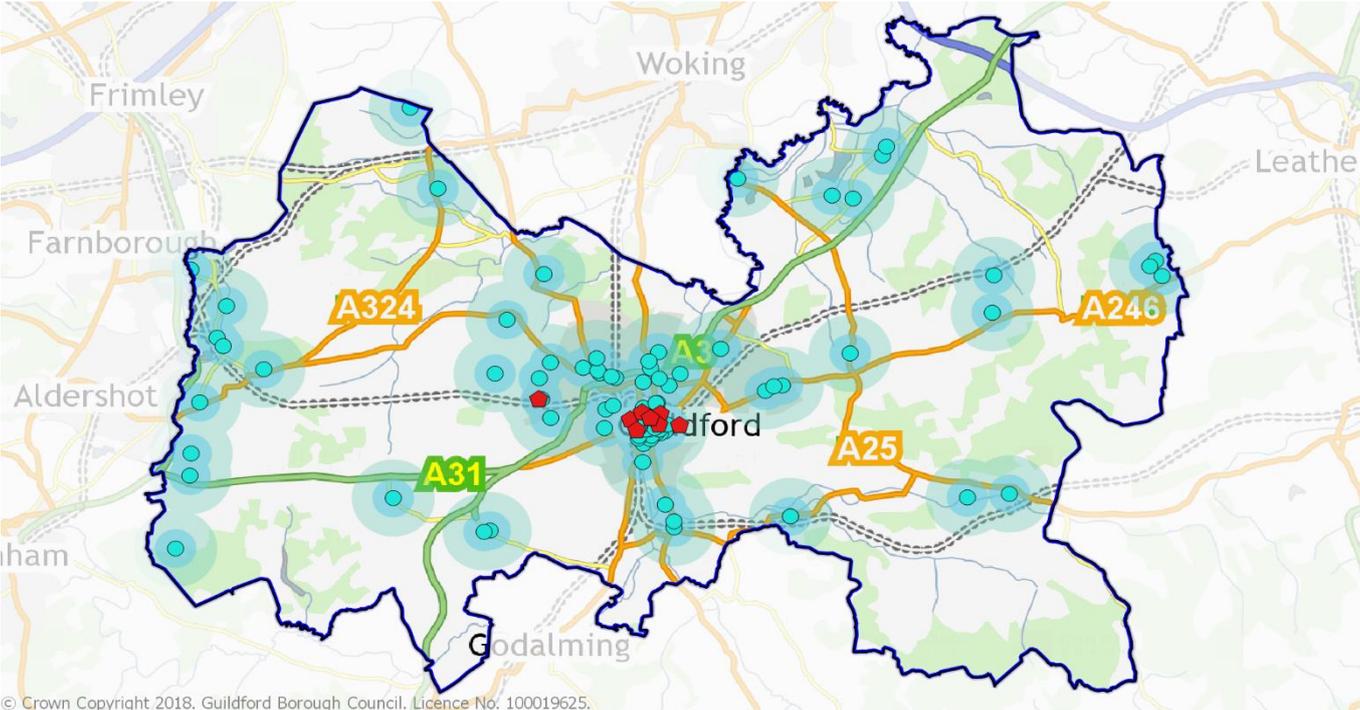
-  Educational Institutions
-  Gambling Premises
-  200m distance
-  500m distance
-  1km distance

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



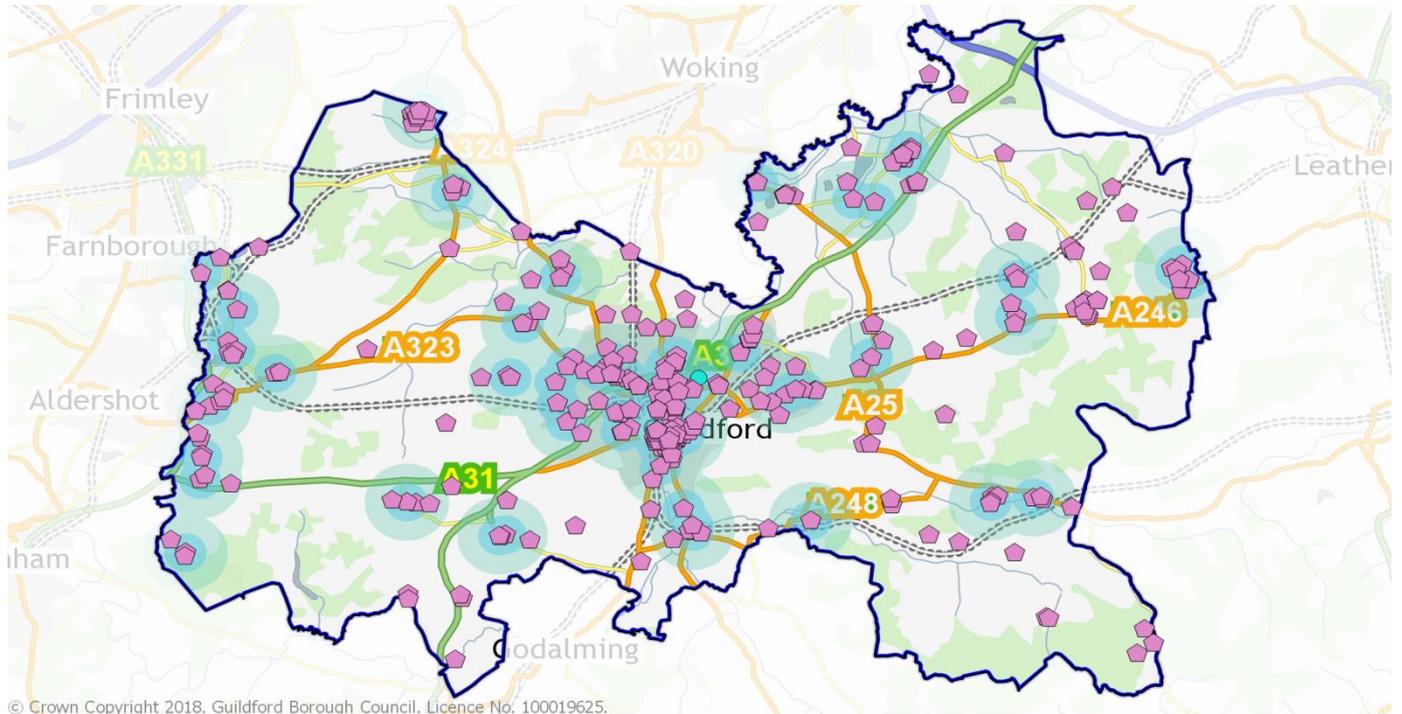
- ◆ Homeless Support Locations
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance

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



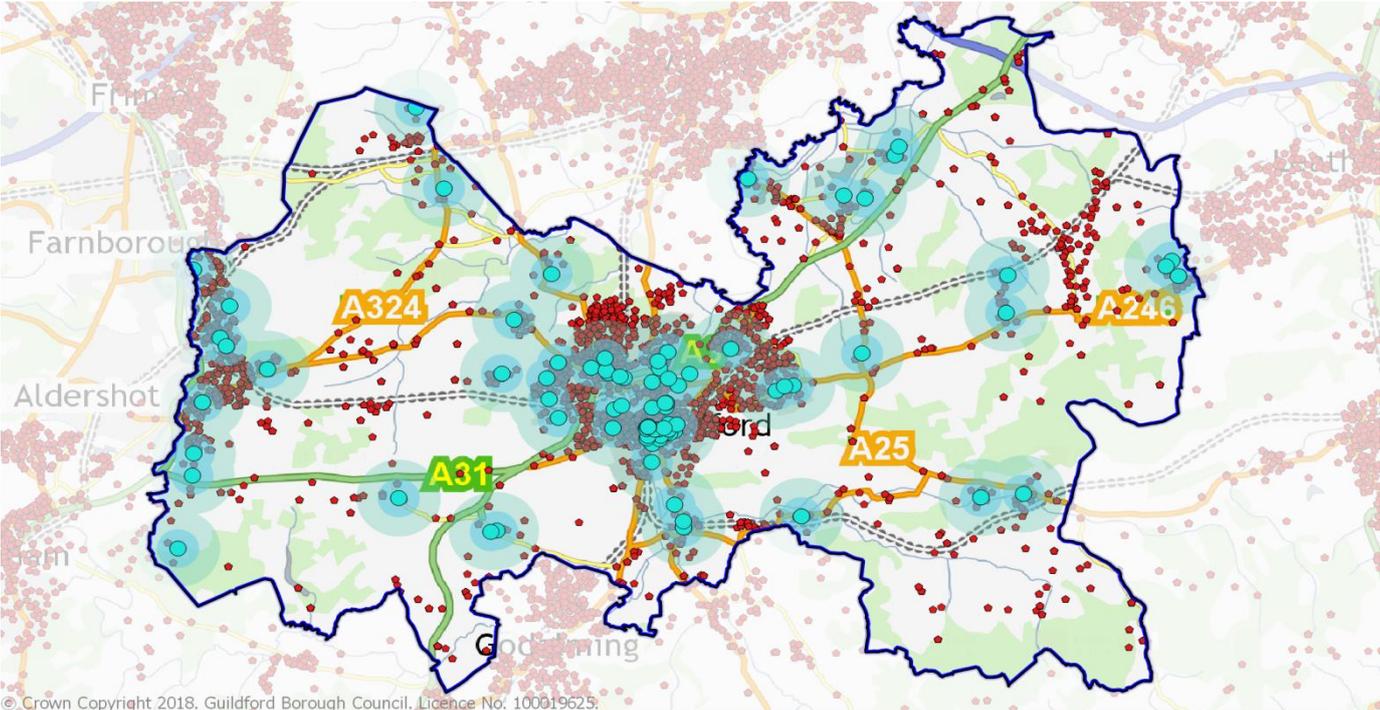
-  Licensed Alcohol Premises
-  Gambling Premises
-  200m distance
-  500m distance
-  1km distance

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.

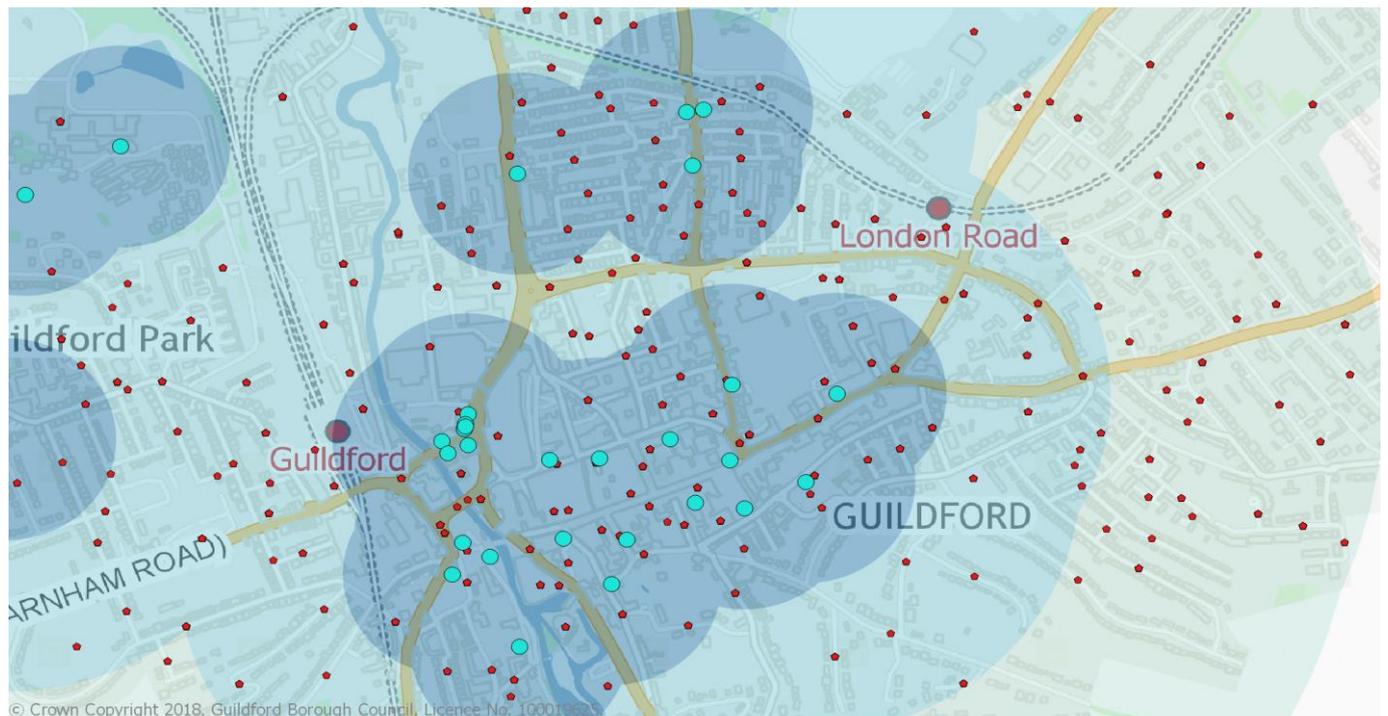
MAP 9: Location of gambling premises and reported crimes in 2017



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

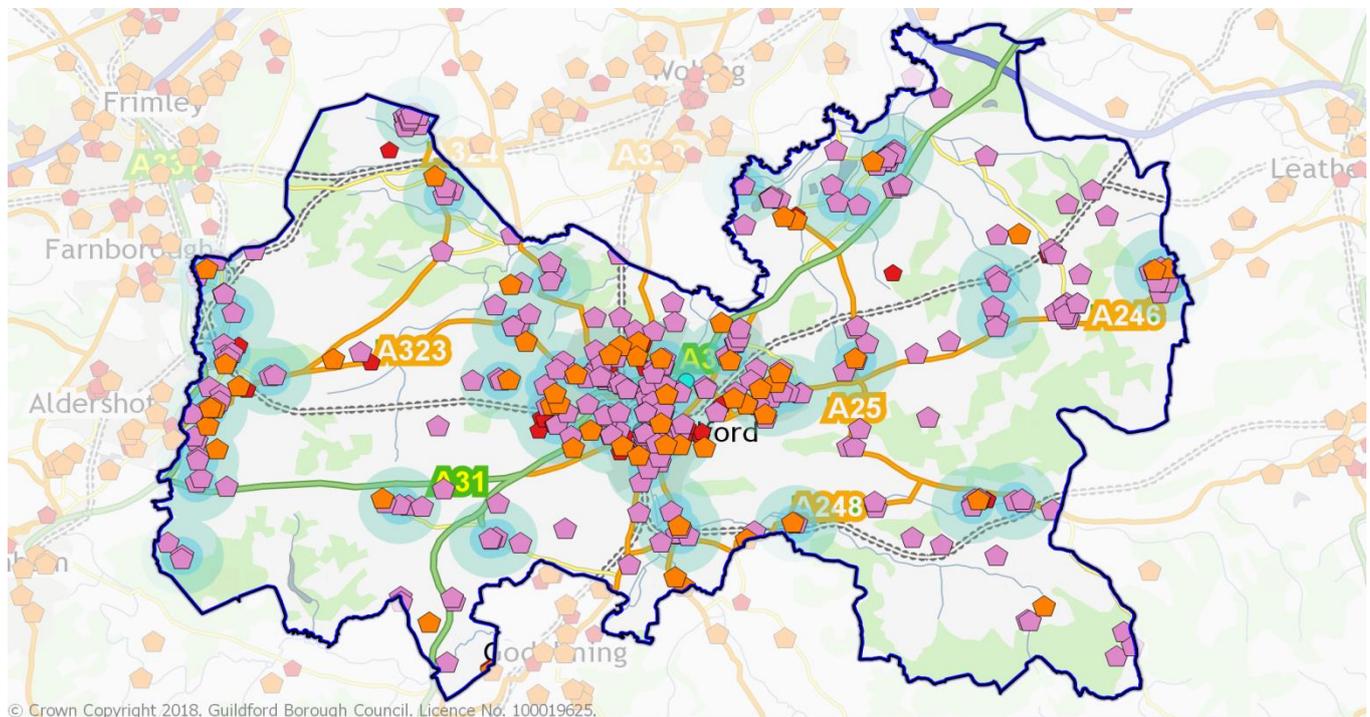
MAP 10: Location of gambling premises and reported crimes in 2017 focussed on the town centre



- 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



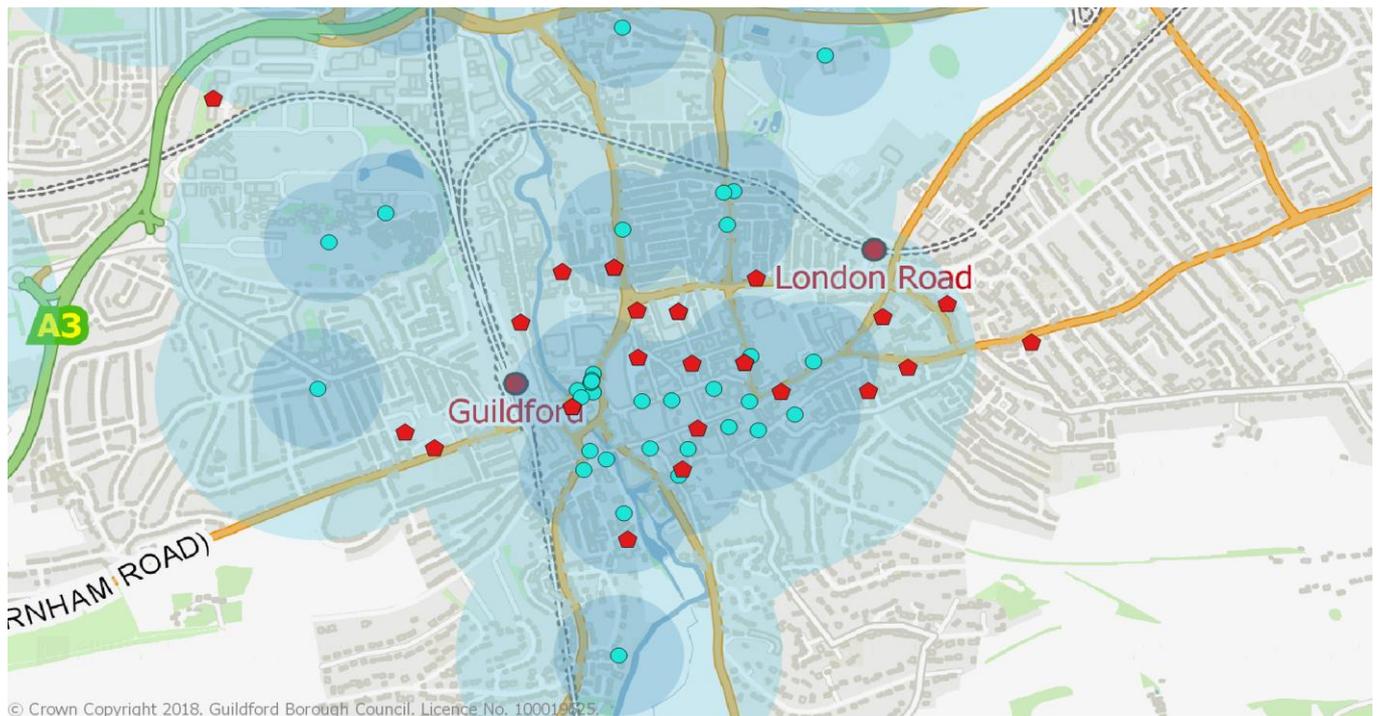
- ◆ Medical centres for mental health
- ◆ Gambling Premises
- ◆ Educational Institutions
- 200m distance
- 500m distance
- 1km distance

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).

Appendix 2 – Consultation Responses Received

From: J Hogg

Sent: 14 July 2021 09:04

To: Regulatory Services <regulatoryservices@guildford.gov.uk>

Subject: Consultation on gambling and sexual entertainment venues

Dear Sir/Madam,

Thank you for your hard work keeping local regulation of these matters in order.

I have lived in Guildford for decades. In the early 2000s, I led a loose coalition of church bodies who campaigned against the liberalisation of casinos and their presence in Guildford, which was a key issue in the development of the 2005 Gambling Act, on which I gave evidence to the parliamentary committee for pre-legislative scrutiny.

I welcome the opportunity to contribute to this year's consultation and review, locally.

I speak for a wide range of church members who are all very committed to the health of the community in Guildford Borough.

We do not see the need for any further changes to the current position, and especially, we would not wish to see any sexual entertainment venues opening in Guildford, as they are of no benefit to public health, in our view.

Many thanks again for your work.

Yours sincerely,

Mrs Jennifer Hogg

Member of St Saviour's Church

Woodbridge Road

Guildford

GU1 4QD

Dear Mike,

Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005.

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

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

- <https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach>
- <https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales>

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

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

Best regards,

Natalie

Natalie Simpson

Company Secretary

Websit begambleaware.org
e

GambleAware processes personal information for certain legitimate business interests and records sensitive personal information when necessary to meet its duty of care. To learn more about these interests, when we may process your information in this way, and your rights please [click here](#).

BY EMAIL ONLY
LICENSING SECTION
GUILDFORD BOROUGH COUNCIL

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 123267.00001
#GS4117608
Your ref:
Date: 27 September 2021

Dear Sirs,

Re: Gambling Act 2005 Policy Statement Consultation

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

The Betting and Gaming Council

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

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

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

The BGC has four principal objectives. These are to –

- **create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable**
- **ensure future changes to the regulatory regime are considered, proportionate and balanced**

- **become respected as valuable, responsible and engaged members of the communities in which its members operate**
- **safeguard and empower the customer as the key to a thriving UK betting and gaming industry**

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

Betting and Gaming in the UK

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

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

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

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. Covid 19 had a devastating effect on the betting industry. The number of betting offices in June 2020 was down to 6461.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

Problem Gambling

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

This is termed statistically stable but is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the

industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

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

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

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

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

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

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

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

Working in partnership with local authorities

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

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its

regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

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

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called “Think 21”. This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

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

Considerations specific to the proposed (unchanged) Gambling Act 2005 Statement of Principles

We note that it is not proposed to update the existing (2019-2022) Statement of Principles and the comments below therefore follow a review of that policy.

Part B is headed, “Promotion of the Licensing Objectives.” This should be amended to delete the reference to “promotion” as there needs to be a clear distinction between the Licensing Act 2003 regimes and that deal with by the Statement of Principles. Neither the licensing authority nor operators have a duty to promote the licensing objectives. The only body upon whom Gambling Act 2005 confers such a duty is the Gambling Commission itself.

The first sentence of paragraph 16.3 appears to be incomplete. This reads, “*The council will need to be satisfied that there is sufficient evidence that the particular location would be harmful to the licensing objectives*” but it does not go on to state what the consequence of being so satisfied would be. This sentence needs redrafting/supplementing in order that its meaning is clear.

Paragraph 16.6 contains a list of matters that the licensing authority recommends are considered by operators when conducting risk assessments. This list should be redrafted to delete matters that are not relevant to any assessment of risk to the licensing objectives.

SR Code Provisions 10.1.1 and 10.2.2 provide for “*relevant matters identified in the licensing authority’s statement of licensing policy*” to be taken into account. The examples of matters that the licensing authority recommends be considered needs therefore only to reflect matters that are relevant to the licensing objectives.

It is impossible to see how issues such as “*known problems in the area such as street drinkers, youths participating in anti-social behaviour, drug dealing activities etc*” could pose a risk to the licensing objectives.

Similarly, “*gaming trends that may mirror reflect benefit payments*” can only be relevant to an assessment of risk to the licensing objectives if the authority’s view is that anyone in receipt of benefits is deemed vulnerable or likely to commit crime as a result of gambling. This cannot be correct and references to any issue that is not relevant to the licensing objectives should be removed.

Paragraph 20.2 needs to be redrafted. This states that applicants will be expected to explain in their applications how their proposals will not exacerbate problems to individuals living in the vicinity or exacerbate any crime problems within the vicinity generally. Furthermore, this paragraph expects “*tailored applications*” and to propose licence conditions. This appears to conflate requirements of Licensing Act 2003 applications and those under Gambling Act 2005 and needs amending so that there is no confusion.

Gambling Act 2005 applications do not require an explanation of how the proposals will not exacerbate any problems to individuals or general crime in the vicinity. Relevant matters are for the local area risk assessment in which an applicant will identify risks to the licensing objectives (rather than problems of crime in the area generally) posed by the provision of the gambling facilities proposed and detail policies, procedures and control measures in place to mitigate the risk.

Furthermore, an applicant will not need to tailor an application nor propose licence conditions as is expected under Licensing Act 2003. The default conditions that attach to all premises licences are designed to be, and usually are, sufficient to ensure operation that is consistent with the licensing objectives. Additional conditions would only be required where there is evidence that the policies, procedures and control measures contained within the risk assessment do not adequately address the risk posed by the provision of gambling facilities proposed.

Appendix D is overly long and refers to matters outside any consideration of risk to the licensing objectives. Maps 5, 8,9,10 all have no relevance as far as an assessment of risk to the licensing objectives is concerned and should therefore be removed.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



GOSSCHALKS LLP

Licensing Committee

Ward(s) affected: All

Report of Director of Service Delivery

Author: Sean Grady

Tel: 01483 444392

Email: sean.grady@guildford.gov.uk

Lead Councillor responsible: Julia McShane

Tel: 07803 204 433

Email: Julia.McShane@guildford.gov.uk

Date: 24 November 2021

Caravan Site Licensing: Fit & Proper Regulations

Executive Summary

The report advises the Licensing Committee of new legislation that requires relevant and responsible persons of relevant protected caravan sites (caravan sites that require a licence to operate lawfully) to be fit and proper. The Mobile Homes Requirement for Manager of Site to be Fit and Proper Person (England) Regulations 2020 ("The Regulations") requires those managing or in control of relevant protected sites to make application for inclusion on the Fit and Proper (F&P) Register. The Regulations also require the Council to assess Fit and Proper applications, Publish/maintain a public register and to publish a fees policy (found in the Caravan licensing Fees Policy in Appendix 1) that justifies the costs charged for Fit and Proper applications. Within Schedule 1, the F&P fee calculation can be observed along with a variation to the annual caravan site licensing fees.

Recommendation to Executive

That the Executive:

Are recommended to approve a proposed charging structure for Fit and Proper applications.

The committee are recommended to approve the following;

- Caravan Licensing Fees Policy (Appendix 1)
- Amended Annual Caravan Site Licensing Fee (Schedule 1; Table 1)
- Fit & Proper Application Fee for Inclusion on the Register (Schedule 1; Table 2)
- Annual Fit & Proper Fee (Schedule 1; Table 3)

Reason for Recommendation:

To enable the Council to approve the caravan site licensing policy so that fees are charged to managers of relevant protected sites in reflection of the legislation and the costs that will be incurred by the Council to undertake new statutory duties. In addition, to approve the amended caravan site licensing annual fee that enables this fee to be charged from financial year 2022 that is more reflective of the Councils corporate fee setting methodology.

1. Purpose of Report

1.1 The purpose of the report is to provide the committee with the information to approve the Fit & Proper charging structure, policy and fee - that will enable the Council to cover its costs whilst undertaking its duties to require managers of relevant protected caravan sites to be fit and proper. In addition, the report presents a variation to the generic caravan site licensing fee (seen in table 1; Schedule 1) that requires approval.

2. Strategic Priorities

2.1 The new Regulations that this report concerns impose another layer of regulation to relevant protected caravan sites (those that require a licence from the Council), that the site manager is assessed as being Fit and Proper. The Regulations exempt holiday parks and some residential sites (that are operated by 1x family only and not run for profit). The new Fit and Proper requirements may serve to increase site licence compliance/management and reduce poor site managers.

2.2 Enabling residents to have access to safe and suitable homes that are compliant with legislation supports the objectives of the current Housing Strategy. Protecting the most vulnerable people from noncompliant housing conditions that emanate from poor site management will inaugurate the community aims of the Councils Corporate Plan 2018-2023.

2.3 Residential caravan sites are often occupied by elderly residents who are captured into the vulnerable group for many of the most serious housing hazards to health and wellbeing. The Fit and Proper Regulations will further protect the residents of caravan sites from poor site managers and increase resident safety and wellbeing.

3. Background

3.1 Private sector housing regulation includes the licensing of relevant protected caravan sites, as defined by The Caravan Sites and Control of Development Act 1960 and the Mobile Homes Act 2013. The Council currently regulates over 50 of protected sites that require a site licence to operate lawfully. Such sites range in size and nature, from residential to recreational. Sites that do not require a licence and are exempt from the above legislation are also exempt from the Fit and Proper Person (England) Regulations 2020.

3.2 Sites that are exempted by the Fit and Proper Person (England) Regulations 2020 are those that are only occupied by members of the same family and are not being run as commercial residential sites.

3.3 Unless exempted from the Fit and Proper Person (England) Regulations 2020, relevant persons from both residential and mixed use (holiday and residential) parks are bound by the Regulations.

3.4 Relevant protected sites require a licence from the Council to operate and are subject to additional site licensing requirements. The site licence is permanent and

ultimately provides a mechanism to require conditions to be set/varied for site safety. These sites are inspected routinely for compliance with the site licence and this resource is captured by the annual site licence fee charged to relevant protected sites. The frequency of routine inspections is dependent on a sites size and the sites past history of compliance. Existing legal framework enables Compliance Notices and prosecutions to be enacted in response to noncompliance with a site licence.

- 3.4 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020, introduce a fit and proper person test for mobile home site owners or the person appointed to manage the site. The purpose of the fit and proper person test is to improve the standards of park home site management.
- 3.5 The new Regulations impose a duty on relevant/responsible persons responsible for relevant protected caravan sites to be fit and proper and creates an offence where this is not the case. The Regulations also impose duties upon the Council to fulfil elements of the Regulations.
- 3.6 The implementation of the Regulations is split into two stages. The first stage requires the Council to prepare and publish its register of fit and proper applications by the 1st July 2021. The register has been compiled and was published on time.
- 3.7 The Regulations came into full commencement on 1st October 2021, when the second stage of the Regulations came into force. By this date, all relevant/responsible persons responsible for relevant protected caravan sites should have made application for inclusion of the Council's fit and proper register.
- 3.8 The site owner (or appointed site manager) must apply to the local authority to be included on a register of fit and proper persons. A site owner may only apply if they hold or have applied for a site licence for the site. The same requirements apply where the owner or the site manager is a non-natural person (such as a company).
- 3.9 The Council will consider the application in order to satisfy itself that the relevant person is a fit and proper person to manage the site. They will then make a decision whether to place the person on the register with or without conditions, or not to place them on the register. A site owner will have a right of appeal against a final decision or condition. Appeals will not be assessed by the same officer that processed the initial application.
- 3.9.1 Decisions to grant or refuse applications will be based on the information supplied within the application form in addition to the required supporting evidence documentation; such as funding arrangements, a Disclosure and Barring document (DBS) that does not contain recorded criminal offences listed in paragraph 3.9.2 (or any other relevant offences), satisfactory management arrangements, including proof of interest in the land (land registry or lease agreement).
- 3.9.2 Relevant criminal offences in considering a DBS certificate include but are not limited to;

- a) Whether the applicant has committed any offence involving fraud or other dishonesty, violence, arson or drugs or listed in [Schedule 3 to the Sexual Offences Act 2003](#) (offences attracting notification requirements);
 - b) Whether the named person has contravened any provision of the law relating to housing, caravan sites, mobile homes, public health, planning or environmental health or of landlord and tenant law;
 - c) Whether the named person has contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business;
 - d) Whether the named person has harassed any person in, or in connection with, the carrying on of any business;
 - e) Whether the named person is, or has been within the past 10 years, personally insolvent;
 - f) Whether the named person is, or has been within the past 10 years, disqualified from acting as a company director; and
 - g) Whether the named person has the right to work in the United Kingdom.
- 3.9.3 Where a site owner or their manager fails a test and they are also unable to identify and appoint a suitable alternative manager who must also undergo the fit and proper assessment, the local authority could appoint a person to manage the site, with the consent of the site owner.

Scope

- 4.1 The legislation will apply to all existing site owners and any person who has applied to the local authority for a new licence or for the transfer of an existing licence.
- 4.2 The test will apply to all relevant protected sites (those where a site licence is legally required) unless exempted by the Regulations.
- 4.3 Sites that are exempted by the Regulations are those that are only occupied by members of the same family and are not being run as commercial residential sites.
- 4.4 In determining whether a site is a “non-commercial family-occupied site”, the Council will take the considerations prescribed in the government guidance into account before making a decision.

Framework

F&P Application

- 5.1 Applications will only be accepted once they are deemed full and valid. Full and valid applications are those where all relevant information and required

supplementary documentation have been supplied, inclusive of all signatures having been obtained and/or completed – applications must be legible.

Documents Required to be Supplied Along with Application

5.2 Relevant supplementary documents that are required to be included with application are compulsory. Applications will not be deemed “full and Valid” until all compulsory documents are received. The documents to be included with application are:

- i. DBS (also known as Criminal Records Certificate) for each individual in relation to whom the applicant is required to provide information. The certificate must have been issued no more than six months before the date of the application. It is for the site owner to ensure that any certificate they provide with an application meets this requirement.
- ii. Freeholders are required to supply the current land registry search document
- iii. Leaseholders are required to supply the current lease agreement.
- iv. Satisfactory management plan that details the management arrangements and personnel.
- v. Satisfactory funding arrangements that detail the funding amounts, frequency and personnel.

Inclusion on Fit and Proper Register

6.1 Fit and Proper (hereafter F&P) application is made for inclusion on the F&P register that is maintained by the Council. The register will be published on the Council's website as downloadable content, in the same manner the current HMO register is published. However, the Government response to consultation details the Council will also have to keep a hard copy of the register in the Council offices, so that those without internet access do not suffer a disadvantage.

6.2 The Register will contain only the information that the legislation prescribes must be included on the register.

F&P Conditions and Refused Applications

7.1 F&P applications can be refused, granted unconditionally or granted subject to conditions, such as requiring a current manager to undertake a management course. Making a F&P application assessment includes both considering an application for inclusion on the F&P register and also deciding whether it is appropriate to apply conditions to the F&P applicant(s) of the site. Applying conditions to any site will be made in consideration of the application, supplementary documents and the sites history of compliance with the F&P Regulations and its site licence. F&P conditions imposed on relevant applications may also be varied, where circumstances change. All legislation and statutory guidance will be followed when imposing site conditions.

7.2 The Fit and Proper test is aimed at ensuring that the person managing the site is competent to do so. Conditions set against any application shall relate to the person's ability to secure the proper management of the site. The factors that will be considered are;

- i. The relevant person's competence to manage the site.
- ii. The management structure or funding arrangements for the site.
- iii. An associated person's influence.
- iv. Any other relevant factors.

7.3 The Council will assess whether to grant with/without conditions or refuse each application based on the above points by examining the information in the F&P application form and documentation that must accompany the F&P application. These documents are listed in paragraph 5.2.

7.4 The Council may alter the conditions attached to an entry on the F&P register by adding new conditions or changing or deleting existing ones. This will only be undertaken following a review of the specific case at hand and any material changes to the original application. Where conditions are to be altered the Council must notify the site owner of its interim decision (except in the case where it is deleting a condition) and consider any representations made by the site owner, before reaching a final decision. If a site owner wishes to challenge a decision to alter or not alter any conditions, they will have a right of appeal to the Tribunal.

F&P Assessments & Decisions

8.1 F&P assessments will be considered in consultation with government guidance and on a case-by-case basis in consideration of the information in the application & supplementary documents, site/management past history, previous compliance and any other relevant matters. Delegated officers will undertake the assessment of applications and issue decisions.

8.2 F&P assessment decisions will be made in consideration of the following points prescribed in the Regulations:

- Named applicants ability to secure the proper management of the site;
Specifically:
 - i. Compliance with the site licence,
 - ii. The long-term maintenance of the site,
 - iii. Whether the relevant person has a sufficient level of competence to manage the site,
 - iv. The management structure and funding arrangements for the site or proposed management structure and funding arrangements – (as supplied in the supplementary documents along with F&P application)

- Responsible and Relevant Persons shall not have committed any of the prescribed crimes or offences in the Regulations nor have had an application under these Regulations rejected by any other local authority. The Guidance specific to these Regulations identifies that the burden is upon the applicant(s) to specify that they have not had a F&P application rejected by another local authority.
- Having regard to the conduct of any person associated or formerly associated with the responsible and/or relevant person(s).
- Having regard to any evidence as to any other relevant matters.

8.3 Decisions to grant or refuse a F&P application will be made on a case-by-case basis, in light of the information and supporting documentation supplied with application. Conditions will not be applied to F&P applications where there are serious and significant concerns over the information supplied – such applications will be refused and investigated.

8.4 The Council is required to have considered the F&P application as soon as reasonably practicable once a full and valid F&P application has been received. The Council must serve both an Initial Decision Notice and then after a 28 day consultation period, serve a Final Decision Notice to formalise its decision upon processing the application. The initial decision notice and the final decision notice may either grant (unconditionally or subject to conditions) or refuse the application.

8.5 Between the service of an Initial Decision Notice an applicant has the right to representation within 28 days of the Council serving such an Interim Decision Notice. An applicant may appeal the Council's final decision to refuse an application or grant an application subject to conditions or reduced terms. The Council must consider any representations received before issuing a Final Decision Notice.

Rejected Applications

9.1 Where a local authority has rejected an application, the local authority must include the following information in the register:

- i. The name and address of the site to which the application relates.
- i. That an application in respect of the site has been rejected.
- ii. The date on which the application was rejected.

9.2 Information about a rejected application will remain in the register until a successful fit and proper person application is made in respect of the owner or manager of the site.

9.3 For privacy reasons, the name of the rejected applicant will not be included on the register. Local authorities will however be able to consider requests for further information about the entry on the register, for example the details of the specific conditions attached and any additional information, on a case-by-case basis and in accordance with data protection legislation.

Revocation of Site Licence

10.1 In certain circumstances the Council can apply to a court or tribunal for an order to revoke a site licence. These are;

- i. If a site owner (or an appointed manager) is convicted twice or more for operating a site without having been assessed by the Council as a fit and proper person. The Council may apply to the magistrates court for an order to revoke the site licence.
- ii. If a site owner (or an appointed manager) is convicted for operating a site without having been assessed by the local authority as a fit and proper person, the Council may apply to the First-tier Tribunal for an order to revoke a licence.

10.3 The Council is enabled to apply to the Tribunal for an order to revoke a site licence without any requirement of a prior conviction. This provision is reserved for the most extreme of cases. Where there is an urgent need to protect the safety and security of residents, the Council may revoke a site licence without any requirement of a prior conviction.

10.4 The Council is expected to use other powers first where appropriate and in line with the Regulatory Service enforcement policy. The power to revoke a licence without any prior convictions shall be used as a last resort where there is imminent risk to residents and/or the public.

Appeals

11.1 A person on whom a final decision notice is served may appeal to the First-tier Tribunal against the following;

- i. Any decision to include the relevant person on the register for an effective period of less than 5 years,
- ii. Any decision to include the relevant person on the register subject to conditions,
- iii. Any decision to reject the application

Notices of Action

11.2 The local authority must serve a notice of proposed action on the occupier if it intends to withdraw or amend a preliminary or final decision notice.

Enforcement

12.1 The Council will ensure that all specific Guidance and the current specifics prescribed in the legislation are followed. Any enforcement decisions will be

consulted with the Council's legal department before significant enforcement action or decisions based upon significant appeals/representations are made/taken.

12.2 Any enforcement will be aligned with the Council's enforcement policy.

Fees

Annual Site Licensing Fee

13.1 The annual site licensing fee (seen in Schedule 1) has been amended and recalculated to be in line with the corporate fee setting methodology that is based on officer time spent regulating licensed caravan sites. The caravan licensing annual fee is separate to the Fit and Proper annual fee. The caravan licensing annual fee recovers the costs of routine caravan site inspections and running the service by including all relevant aspects of the caravan licensing procedure – such as travel, inspection and document issuing. The relevant factors can be seen in Table 1; Schedule 1.

Fit and Proper Fees

14.1 F&P applications must be accompanied by a fee set by the local authority as appropriate. The fee levied will cover the council's costs for this area of work. The fee will not run at a profit and serves to cover the costs of running the service.

14.2 There are two fees that the Council may charge in relation to the F&P Regulations.

- i. Application fee - (Inclusive of inclusion on the F&P register)
- ii. Annual fee – (Inclusive of additional costs incurred from implementing the F&P Regulations)

Annual Fee

15.1 The Annual fee will not be charged. The option to introduce an annual fee is optional and a method to further cover costs to the Council from undertaking its duties under the F&P Regulations. Introducing annual fees will only be considered if the Council spends significant additional time (not captured by the application fee) regulating F&P legislation. Annual fees will not even be considered until 12-months after the Regulations come into full effect. After 12-months there may be evidence that caravan park sites are broadly non-compliant with the F&P Regulations - in full review of any F&P enforcement.

15.2 The conditions which may be imposed upon any F&P application may include conditions requiring additional payments to be made to the local authority by way of annual fee to cover costs incurred monitoring compliance with any specific conditions.

15.3 The government guidance details that annual fees are to be calculated in consideration of two possible methods that the Council may choose to adopt:

- i. Based on the number of conditions applied to F&P applications that relate to specific sites. In other words, sites that require more Council resources, will require a higher annual fee.

This method will be adopted (if appropriate after 12-month review) specific to individual sites that have conditions imposed upon their F&P applications.

Or

- ii. Based on the average time the Council has spent on F&P compliance and monitoring on a site.

This method will not be considered due to the difficulty and inaccuracy of evaluating officer time spent enforcing a specific activity at caravan sites. It will not be practicable to split time spent enforcing F&P, when site visits may be undertaken by a range of officers on a range of salary grades – undertaking a range of routine/enforcement activities.

15.4 The decision to levy an annual fee will only apply to sites where conditions are applied to a site F&P application. The burden of additional annual site fees will act as a deterrent to poor site management and reward sites where adequate management arrangements are already in place.

15.5 The Council will not charge an annual fee to any sites until full review that will take place after the Regulations have been in force for a minimum of 12 months. The annual fee is only to be charged based on additional Council time spent delivering the F&P service. After 12-months the Council will be aware of sites that have conditions attached to their F&P application and will therefore be able to charge for this additional resource in 2022-2023. The Council will consider if an annual fee is proportionate to the nature and number of conditions applied on a case-by-case basis.

15.6 The Council will not charge annual fees, if after 12-months, all sites have no conditions applied to applications for inclusion on the register and are also complying with the Regulations.

15.7 Where conditions are applied to a F&P application, these conditions must be monitored for compliance by the Council. Private Sector Housing Compliance Officers will be required to check compliance. Where sites have accrued conditions, these sites will require more monitoring than sites that do not have conditions applied to their F&P applications. This additional cost to the Council will be reflected by way of an annual fee – where appropriate.

15.8 In setting the level of annual fee, the Council may take into account the following matters on which costs are incurred;

- i. Letter writing/ telephone calls etc to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the fit and proper process;

- ii. Handling enquiries and complaints;
- iii. Updating files/ computer systems and website if appropriate;
- iv. Processing the annual fee;
- v. Time for reviewing necessary documents and certificates;
- vi. Preparing reports on breaches of conditions attached to an entry;
- vii. Review any representations from an applicant or third parties, including reviews carried out by manager or lawyers
- viii. Carrying out risk assessment where considered necessary
- ix. Time spent on consulting the site owner and third parties
- x. Time spent on meetings/discussions and in giving informal advice and assistance to site owners
- xi. Officer time can be considered as it may be necessary to visit a site to ascertain whether or not the condition(s) has been met

Fit and Proper Application Fee

16.1 The Council has determined its fee policy and levy (seen in Table 2; Schedule 1) in consideration of the following areas prescribed in the government guidance, in relation to applications for entry on a fit and proper register.

- i. Initial enquiries; Publicity/Advertising of new FPP requirements
- ii. Letter writing/ telephone calls etc to make appointments and requesting any Documents or other information from the site owner or from any third party in Connection with the fit and proper process;
- iii. Sending out forms;
- iv. Updating files/ computer systems and websites;
- v. Processing the application fee;
- vi. Land registry searches;
- vii. Time for reviewing necessary documents and certificates;
- viii. Preparing preliminary and final decision notices;
- ix. Review by manager or lawyers; review any representations made by applicants or responses from third parties;
- x. Updating the public register;
- xi. Carrying out any risk assessment process considered necessary;
- xii.** Reviews of decisions or in defending appeals.

Pre-Application Advice

17.1 The fee applied to F&P applications may also include a charge for pre-application advice. The F&P application fee will be considered for review after 12-months, if a significant proportion of sites are requesting detailed pre-application advice.

Frequency of the Fees

- 18.1 The Council will require renewal F&P application and charge Fit & Proper application fees every 5 years - the minimum frequency enabled by the Regulations.
- 18.2 The Council will review if any annual fee(s) are to be implemented to specific sites after 12-months of the Regulations coming into force in October 2022.

Fee Review

- 19.1 The F&P Application fee and the option to levy Annual fees will be reviewed after 12-months of the legislation coming into force.
- 19.2 The fee review will include a review of the following;
- i. A review of the accuracy of charges levied - The actual time and resources spent assessing F&P applications.
 - ii. Any surplus or deficit charges of fees. The guidance requires discrepancies from previous years to be levelled with site owners upon renewal of F&P – where they have been over or under charged.
 - iii. Review of additional costs incurred delivering the service, whether these have been significant and/or whether an annual fee is required for specific sites.

F&P Application Fee Calculation

- 20.1 The Council will follow its corporate fee setting policy/methodology and have full regard to the prescribed legislation/guidance. The fee has been calculated by estimating the probabilistic time spent processing applications by the number of named persons in each F&P application related to a site. Each named person requires several documents to be assessed against the application form itself. It is envisioned that this method will be the most accurate to estimate and in addition the fairest method to site owners alike. Increasing named relevant persons in each application is akin to increased time spent assessing such applications. This should result in a higher fee that is reflective of sites with multiple named persons in a F&P application. The fee is calculated per relevant person for inclusion on the register and as such sites with multiple named persons for inclusion on the register will be calculated by multiplying the fee amount for each applicant by the number of applicants. When the F&P fee is reviewed, time recording data will be analysed to ensure the actual time spent processing applications is equal to the probabilistic estimations of likely time spent assessing F&P applications in relation to the elements in paragraph 16.1.
- 20.2 To assess the F&P application fee the legislation requires the Council to have considered to the following areas:
- The Council may fix different fees for different cases or descriptions of case. The time taken to assess F&P applications may vary in consideration of the type and number of responsible and/or relevant

person(s) who are making an application. Applications made in the name of multiple persons will take longer to process due to the additional checks required – such as multiple Directors, managers, personnel and stakeholders.

- The Council may calculate F&P fees to account for specific activities listed in the guidance and in paragraph 16.1.
- The Council must act in accordance with its published fees policy. The fees have been constructed in line with the Councils published fees policy.
- The Council may determine that no fee is required to be paid in certain cases or descriptions of case. No fee will be applied only to exempt relevant sites – such as those controlled by non-commercial family-occupied sites.
- The Regulations require the Local Authority to establish, publish and keep up to date a register of persons they are satisfied are fit and proper persons to manage protected sites in their area, ensuring a fee is charged to applications for inclusion on the register. The fit and proper application fee will be reflective of this requirement.
- Where the local authority have, with an occupier's consent, appointed a person to manage a site, the local authority may recover from the occupier the reasonable costs incurred or to be incurred in making the appointment. It is envisioned this will be a last resort for the Council after informal and formal enforcement has been made.

20.3 The fees will be reviewed annually to ensure they reflect any changes.

F&P Policy

- 21.1 The new Regulations require a policy to be published regarding F&P applications that is approved by the Licensing Committee and Executive. This has been inaugurated into the updated caravan site licensing fee policy seen in Appendix 1.
- 21.2 The new Regulations require the F&P fee to be approved by the Licensing Committee and Executive. The fees for assessing F&P applications are attached to this report in Schedule 1.
- 21.3 The legislation provides a mechanism for the Council to review its fees and, where they do so, must publish the revised policy.

Consultations

- 22.1 The Government consulted local authorities regarding the imposition of The Mobile Homes Requirement for Manager of Site to be Fit and Proper Person) (England)

Regulations 2020 proposed charges to caravan site licensing legislation. Guildford Borough Council along with 21 other Councils made constructive representation.

22.2 The requirements that these Regulations impose on the Council are statutory and therefore public and/or stakeholder consultation is not appropriate.

22.3 There is no requirement to consult with site owners or homeowners on setting fees but a local authority may consider doing so. The fee will be set in line with the Corporate fee setting methodology and only account for time spent delivering the service and processing each application. As such, consultation in relation to a fee level is not proportionate. For the Council to comply with its duties to fulfil the legislation, if the recovery of costs incurred were not charged in the form of a fee, the cost of the service would have to be subsidised by Council taxpayers.

Equality and Diversity Implications

23.1 There may be circumstances where Officers will be dealing with responsible persons/parties for whom English is not their first language or have a hearing or visual impairment. In such circumstances Officers will ensure that applications are translated and/or the legal requirements and consequences of non-compliance are fully understood. Where necessary appropriate translation services will be used to ensure the requirements are fully understood.

Financial Implications

24.1 Where a fee becomes overdue for payment, the council may apply to a residential property tribunal for an order requiring the licence holder to pay the council the amount due by the date specified in the order. If the licence holder has still not paid the fee within three months from the date specified in the order, the council may apply to the tribunal for an order revoking the site licence. Noncompliance with the F&P Regulations may also result in a level 5 fine (up to £5,000) being issued by the courts upon prosecution of a noncompliant site - after full investigation by the Council.

24.2 F&P applications will be assessed within the current resourcing within Regulatory Services (Private Sector Housing). The F&P applications will be received every 5 years and only at these points in time will resources be required to deliver the service. Upon renewal application (around 2026) Case Services Officers will be trained to receive the F&P applications in 2026 and the fee reviewed and adjusted to account for this; This will reduce the Regulatory Services resources required to assess each application, as Case Services Offices will undertake the initial receipt and checking of F&P applications.

24.2 The F&P applications with conditions (if any are entered onto the register with conditions attached) will require follow up and compliance checking. Regulatory Services will utilise the new Future Guildford model and train Compliance Officers to undertake this element of work, along with and supported by Private Sector Housing Officers. An annual fee may then be levied against such sites with conditions applied to their entries on the register which will recover the costs

of any enforcement visits and repercussions. The initial fee for inclusion on the F&P register cannot be inclusive of enforcement and cannot generate a profit to the Council.

Legal Implications

25.1 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 sets out the framework for site licence holders or persons appointed to manage relevant protected sites in England to provide the Council with a fit and proper person test application for inclusion on a public register.

The framework set out in the Regulations include;

- i. Powers for local authorities to charge fees in respect of “relevant protected sites” unless exempted, for considering applications to be included in a fit and proper register and for the administration and monitoring of the fit and proper person test.
- ii. Powers to appoint a person to manage a site with the site owner’s consent and recover costs they incur, or which will be incurred, in appointing a person to manage a site.
- iii. Powers to attach conditions to an entry on a register. The conditions may include those that require additional payments to be made to the local authority by way of annual fee.
- iv. That fees must be reasonable, that the authority must prepare and publish a fees policy before they can charge a fee and that an authority may revise their fees policy and, where they do so, they must publish the revised fee policy.
- v. When fixing the application fee and deciding the amount and frequency of additional payments by way of annual fee, the local authority;
 - i. Must act in accordance with their published fees policy;
 - ii. May fix different fees for different cases or descriptions of case;
 - iii. May determine that no fee is required to be paid in certain cases or descriptions of case.

25.2 A person guilty of an offence to which the new Regulations apply is liable on summary conviction to an unlimited fine (level 5), set by the courts by way of a local authority perusing a prosecution for noncompliance with the Regulations.

25.3 All legal enforcement action will be taken in accordance with the Council’s adopted regulatory enforcement policy and case consultation with the Council’s legal department.

Relevant Offences

- 26.1 An occupier of land may not cause or permit any part of the land to be used as a relevant protected site unless the relevant local authority;
- i. Are satisfied that the occupier is a fit and proper person to manage the site,
 - ii. Are satisfied that a person appointed by the occupier to manage the site is a fit and proper person to do so,
 - iii. Have, with the occupier's consent, appointed a person to manage the site.
 - iv. Are satisfied the land is not used as a non-commercial family-occupied site.
- 26.2 An applicant commits an offence if the applicant;
- i. Withholds information from a registration application,
 - ii. Includes false or misleading information in a registration application.
- 26.3 An occupier of land commits an offence if the occupier fails to comply with a condition imposed on the F&P registration application, removal or variation.

Human Resource Implications

- 27.1 There are human resource implications as a result of this legislation. As many as 50 applications will need to be processed by case services and/or Private Sector Housing Compliance Officers. All applications will need to be assessed on a case-by-case basis by Officers. Case services will need full training before this function can be transferred and will be aligned with the current Future Guildford transition procedure(s).
- 27.2 It is predicted that each application will vary in its complexity and in turn the length required to process and the assess it, due to the mixed nature of individual sites across the Borough.
- 27.3 The work captured by this new statutory function will be fed into the Service Plan for Environment and Regulatory Services to enable the 5-yearly influx of renewal applications to be appropriately prioritised and resourced.

Summary of Options

- 28.1 The Council has a statutory duty to enforce and comply with the provisions in The Mobile Homes Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020. The committee has two decisions;
1. To adopt or reject the F&P Policy – Specifically;
 - a) Adopt the F&P policy in Appendix 1.

- b) Reject the F&P policy in Appendix 1.
- c) Adopt the F&P policy in Appendix 1 - in an amended form.

And/Or...

2. To adopt or reject the F&P proposed fee; - Specifically;

- a) Adopt the F&P proposed fees in Schedule 1.
- b) Reject the F&P proposed fees in Schedule 1.
- c) Adopt the F&P fees in Schedule in – in an amended form.

Conclusion

29.1 The new legislation adds to the tools that exist to regulate relevant protected caravan sites, ensuring relevant/responsible persons are fit and proper to undertake site management - Ultimately helping improving standards and compliance. It is expected that the majority of site managers/owners/occupiers in the Borough will meet their obligations and responsibilities and make a full and valid F&P application and remain in compliance with any conditions it may impose. Where there is non-compliance, officers will continue to use a combination of informal and formal means to secure compliance in accordance with the Council's Regulatory Enforcement Policy.

Background Papers

[The Mobile Homes \(Requirement for Manager of Site to be Fit and Proper Person\) \(England\) Regulations 2020](#)

[Mobile homes: a guide for local authorities on the fit and proper person test - GOV.UK \(www.gov.uk\)](#)

[Mobile homes: a fit and proper person test for park home sites: Summary of consultation responses and Government response](#)

[Corporate Regulatory Enforcement Policy](#)

Appendices

Appendix 1: Caravan Site Licensing Fee Policy 2021

Please ensure the following service areas have signed off your report. Please complete this box and do not delete

Service	Sign off date
<i>Finance / 151 Officer</i>	<i>12.10.2021</i>
<i>Legal / Governance</i>	<i>12.10.2021</i> <i>Delwyn Jones</i> <i>11/10/2021</i>
<i>HR</i>	<i>12.10.2021</i>
<i>Equalities</i>	<i>12.10.2021</i>
<i>Lead Councillor</i>	<i>13.10.2021</i>
<i>CMT</i>	<i>12.10.2021</i>
<i>Committee Services</i>	<i>12.10.2021</i>

APPENDIX 1

Caravan Site Licensing Fee Policy

Scope/Purpose

This policy sets out the fee structure for the processing of applications for the issue, variation/transfer of caravan site licences, annual fees for administration, monitoring of site licences and Fit and Proper Person assessments, together with the fee for holding a register of site rules.

Relevant Legislation

The provision for charging fees was introduced by the Mobile Homes Act (MHA) 2013. The parts of the Act amending the Caravan Sites and Control of Development Act 1960, which is the principal legislation covering the licensing and control of caravan sites, came into force on 1 April 2014. The Act came into effect on 26 May 2013 with respect to amendments to the Mobile Homes Act 1983, which regulates the agreements between site owners and occupiers. The Mobile Homes Requirement for Manager of Site to be Fit and Proper Person (England) Regulations 2020 has amended the MHA 2013 and places new duties on site owners and managers.

The Licence Fee Structure

The annual fee includes all administrative costs in ensuring that each site complies with the site licence conditions. It does not include any costs associated with enforcement action, as these must be recovered separately under a demand for recovery notice.

Exemptions

The licence fee requirement does not apply to the following sites:

- i. Sites for holiday use only
- ii. Sites where conditions require that there are times of the year when no caravan may be stationed on the land for human habitation
- iii. Sites that are occupied only by the site owner and his/her family or by a person employed by the site owner except where under an agreement to which the Mobile Homes Act 1983 applies.

Calculation of licence fees

In setting its fees policy and the fees to be charged, the council has had regard to the Councils corporate fee charging procedure and the Guide for Local Authorities on Setting Site Licensing Fees issued by the Department for Communities and Local Government (2014).

In determining those fees, the council has taken into account administrative costs incurred in the licensing process, officer visits to sites, travel costs, consultations, meetings, monitoring of sites/investigation of complaints and the giving of informal advice. The charges are set out in Schedule 1.

Payment

Once a fee policy has been published, the Council requires application fees to accompany any application in relation to a new site licence, Amending a site licence, Fit and proper persons tests, Fit and proper annual fees or for transferring a site licence. The council will not commence the application process until the fee is received.

Once a fee policy has been published, The Fit and Proper Regulations state that a local authority is not required to consider an application for entry on the register unless that application is accompanied by the correct fee. If the correct fee is not paid, the application will not be valid and the site owner could be in breach of the Regulations.

Refunds

Application fees are not refundable if the application is not approved, or if a decision is delayed. All application & Annual fees are not refundable unless in exceptional circumstances and are at the discretion of the Director of Service Delivery or Officers authorised to act on their behalf.

Fit & Proper fees will become due every 5-years starting on 1st October 2021.

Fit & Proper Annual fees, (where applicable) will become due on 1 October 2022. The request for payment will be accompanied by information detailing what matters the council took into account in fixing the annual fee and the extent to which it had regard to deficits and surpluses from the previous year.

Site licence Annual fees, (where applicable) will become due on 1st April. The request for payment will be accompanied by information detailing what matters the council took into account in fixing the annual fee and the extent to which it had regard to deficits and surpluses from the previous year.

Where a fee becomes overdue for payment, the council may apply to a residential property tribunal for an order requiring the licence holder to pay the council the amount due by the date specified in the order. If the licence holder has still not paid the fee within three months from the date specified in the order, the council may apply to the tribunal for an order revoking the site licence.

Review

The policy for fee calculation will be reviewed periodically to assess any changes that need to be made. However, the fee levels can be reviewed, each year to take into account the effect of inflation and any surpluses or deficits incurred on the predicted level of expenditure in the previous year.

In setting annual fees each year the council will inform the site owner of the extent to which they have had regard to any surpluses/deficits from the previous year and will confirm to the site owner the annual fee for the forthcoming year.

Other Charges

Fit and Proper (F&P) Persons Testing

All provisions in The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020, as enabled by the MHA 2013, will come into force by 1st October 2021.

The Regulations will, unless an exemption applies, makes it an offence for a site owner to manage a relevant protected site if the Local Authority does not consider them to be a fit and proper person.

A site owner under the *Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (SI 2020/1034)* (“the Regulations”) must apply to their local authority for the relevant person (themselves or their appointed manager) to be added to the register of fit and proper persons managing sites in their area (“the register”).

The site owner may only apply to be added to the register if they hold, or have applied for, a site licence for the site. This provision also applies where the site owner or site manager is a registered company.

The Regulations permit the local authority to determine the fee for an application or registration for someone to be added to the register. It is imperative that the fee is included with the application and failing to include this may mean that the site owner is in breach of the requirements of the Regulations.

Site owners will be required to submit a completed application from 1 July until October 2021. Fees will become chargeable (which will also include any additional fees such as an annual site fee) once the fee(s) are approved.

A site is exempted from a fee only if it is occupied by members of the same family and is not being run as a commercial residential site.

The Secretary of State has published guidance for Local Authorities in relation to the charging of Fit and Proper applications fees. Local Authorities must consider the following points in deciding the level and frequency of fee...

- i. Must act in accordance with their published fees policy;
- ii. May fix different fees for different cases or descriptions of case; and
- iii. May determine that no fee is required to be paid in certain cases or descriptions of case.

The Council will require application and charge Fit & Proper fees every 5 years (from enactment of the Regulations), the minimum frequency enabled by the Regulations.

The Council will apply different fees for different cases/descriptions of cases. A higher fee will be charged for F&P applications containing multiple named personnel, due to the increased checks that will be required – as seen in Schedule 1.

Fee Calculation

The local authority will take into account the following matters on which costs are incurred, or likely to be incurred, when determining its fee policy for consideration of applications for entry on a fit and proper person register:

- (a) Initial enquiries;
- (b) letter writing/ telephone calls etc to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the fit and proper process;
- (c) sending out forms;
- (d) updating files/ computer systems and websites;
- (e) processing the application fee;
- (f) land registry searches;
- (g) time for reviewing necessary documents and certificates;
- (h) preparing preliminary and final decision notices;
- (i) review by manager or lawyers; review any representations made by applicants or responses from third parties;
- (j) updating the public register;
- (k) carrying out any risk assessment process considered necessary and
- (l) reviews of decisions or in defending appeals.

It is important that charges must be limited to recovering the costs of exercising the fit and proper person test function only.

Please see Table 2 found in Schedule 1 (also referring to the note) which outlines the above and provides transparent justification for the fee to be imposed upon receipt of the initial application. The purpose of this table is to demonstrate that the fees imposed are fair and transparent providing justification as to why a site is required to pay a specific fee.

The fee has been calculated by estimating the probabilistic time spent processing applications by the number of named persons in each F&P application related to a site. Each named person requires several documents to be assessed against the application form itself. It is envisioned that this method will be the most accurate to estimate and in addition the fairest method to site owners alike. Increasing named relevant persons in each application is akin to increased time spent assessing such applications. This should result in a higher fee for sites with multiple named persons in a F&P application. The fee is calculated per relevant person for inclusion on the register and as such sites with multiple named persons for inclusion on the register will be calculated by multiplying the fee amount for each applicant by the number of applicants.

After 12 months of the Regulations coming into full effect, the Council will review the application fees. This review will include a review of the available data relating to actual officer time spent assessing fit and proper applications.

Full and valid applications will be assessed as soon as is practicable. The Council will aim to issue a final decision within 3 months of a full and valid F&P application – although in some instances it may take longer.

Assessing F&P Applications

Applications must be deemed full and valid. A full and valid application consists of...

- i. The Guilford Borough Council application form fully completed (including all required signatures).
- ii. Provision of a DBS certificate dated within 6 months of application – for each named relevant person.
- iii. Proof of interest in the land; Lease agreement for leaseholders and a land registry search for landowners.
- iv. Provision of a satisfactory management plan that may consist of but is not limited to; Documented procedures (such as complaints procedures) and management reporting lines.
- v. Provision/evidence of satisfactory financial arrangements and funding sources.
- vi. Full & correct payment made at the same time as the application form is submitted.

Missing Information

Where missing information is identified in applications, applicants will be written to informing them that more information is required to class the application full and valid. If the satisfactory provision of missing information is not supplied within 28 days of the Council sending such a missing information letter/communications, the Council will refuse the application and inform the applicant(s) of this decision.

Register

The Regulations also require the Local Authority to establish, publish and keep up to date a register of persons they are satisfied are fit and proper persons to manage protected sites in their area, enabling a fee to be charged for applications for inclusion on the register. The fit and proper application fee will be inclusive of this.

F&P Decisions

Fit & Proper applications may be granted unconditionally or with conditions. Making a F&P application assessment includes both considering an application for inclusion on the F&P register and also deciding whether it is appropriate to apply conditions to the F&P applicant(s) of the site. Applying conditions to any site will be made in consideration of the legislation/guidance, the information within the F&P application, consultation with other local authorities, supplementary documents and the sites history of compliance with the F&P Regulations/site licence.

It is important to note that there is no prescribed standard or criteria that sites must meet to be accepted as fit and proper. Decisions will be made on a case-by-case basis in review of all documentation provided, the guidance and legislation.

Refused Applications

Applications will be refused where the F&P application is missing information, and the site owner does not supply the required documentation/information within 28 days of being notified.

Refusals are likely to be issued where the information provided identifies serious/significant and/or obvious challenges to effective management based on the evidence within the application form. Refusal decisions may be made on the basis of significant concerns regarding effective funding arrangements, management arrangements, personnel or anything else that is prescribed in the Regulations.

Appointed Manager Fee

This is where the local authority is provided with the site owner's consent to appoint an individual to manage a site. This may occur where an application or specific named personnel in the application have been refused. The costs associated with this should be reasonable and are recoverable from the site owner.

Additional Fees (Annual Fit & Proper Fee)

The Council will not consider charging an annual fee to relevant sites until after the Regulations have been in force for a minimum of 12 months. The annual fee is only to be charged based on additional Council time spent delivering the F&P service and will only be charged to sites with conditions attached to their F&P application. After 12-months of the Regulations coming into full effect, the Council will be aware of sites that have conditions attached to their F&P application and will therefore be able to charge for this additional resource in 2022-2023 – as seen in Schedule 1. The Council will consider if an annual fee is proportionate to the nature & number of conditions applied on a case-by-case basis.

The Fit & Proper Application fee and the option to levy Fit & Proper Annual fees will be reviewed after 12-months of the Fit & Proper legislation coming into force.

The annual fee must be set as a condition to any entry being added to the register. The condition should state the amount and date by which the annual fee payment is due, also stating that failure to make such payment will be a breach of the condition and may lead to legal proceedings being issued.

Revising Fit and Proper Fees

The local authority may revise its fees policy and will be required to publish the revised policy. The Council will review its Fit and Proper fees policy and fee periodically from the date the Regulations come into full effect.

The items that can be included in calculating the application fee and annual fee are set out in the published guidance and legislation.

The revision of fees in line with inflation will be undertaken annually and will not require republishing of the fit and proper person fee policy.

Fit and Proper Conditions

Applying conditions to any site will be made in consideration of the application, supplementary documents and the sites history of compliance with the F&P Regulations and its site licence. F&P conditions imposed on relevant applications may also be varied, where circumstances change.

The Fit and Proper test is aimed at ensuring that the person managing the site is competent to do so. Conditions set against any application shall relate to the person's ability to secure the proper management of the site. The factors that will be considered are;

- i. The relevant person's competence to manage the site.
- ii. The management structure or funding arrangements for the site.
- iii. An associated person's influence.
- iv. Any other relevant factors.

The Council will assess whether to grant with/without conditions or refuse each application on a case-by-case basis and based on the above points by examining the information in the F&P application form and documentation that must accompany the F&P application.

Amending conditions attached to an entry on a register

The Council may alter the conditions attached to an entry on a register (by adding new conditions or changing or deleting existing ones), following a review. The local authority must notify the site owner of its interim decision (except in the case where it is deleting a condition) and consider any representations made by the site owner, before reaching a final decision. If the site owner is unhappy with the decision to alter, or not to alter, the conditions, they will have a right of appeal to the First-tier Tribunal (Property Chamber).

There are no requirements for a site owner to make an application for a condition to be altered. Any costs involved with amending existing conditions, or adding new conditions to an entry, must also be factored into the cost of calculating the annual fee.

Enforcement

Local authorities are responsible for enforcing the Regulations. A site owner found guilty of any of the above offences will be liable on summary conviction to a level 5 (unlimited) fine.

The Council will follow its enforcement policy and consult the guidance/legislation and the internal legal department prior to enacting any formal enforcement proceedings. Enforcement proceedings will be taken on a case-by-case basis.

Enforcement Expenses

The Council will recover expenses incurred in carrying out enforcement action involved in the service of a compliance notice. These expenses include costs incurred in deciding

whether to serve a notice, site inspections, preparing the notice and obtaining expert advice.

Where appropriate, we will also seek to recover expenses incurred:

- In taking action following conviction of the site owner for failure to carry out actions required by a compliance notice; or
- In taking emergency action where there is an imminent risk of serious harm to any person on the site as a result of the site owner's failure to comply with licence conditions.

Interest may be charged on any sums to be recovered because of enforcement action. The Council will also be able to register any of the debts to be recovered for enforcement actions as a local land charge against the site.

Schedule 1: New and Revised Fees Charged related to Caravan Sites

Table 1: Caravan Licensing Annual Fee

Caravan Licensing - Annual	Environmental Health Officer	Environmental Health Officer	Environmental Health Officer	Environmental Health Officer
Step	No of Pitches 1-5	No of Pitches 6-15	No of Pitches 16-45	No of Pitches 46+
History Check	0:30:00	0:35:00	0:45:00	0:45:00
Booking Inspection	0:05:00	0:05:00	0:05:00	0:05:00
Travel to and from (average)	0:40:00	0:40:00	0:40:00	0:40:00
Inspection / Site Visit	0:30:00	0:45:00	1:15:00	2:00:00
Completion of inspection scoring in Tascomi	0:05:00	0:05:00	0:05:00	0:05:00
Creation of post inspection letter (average)	1:30:00	1:30:00	1:30:00	1:30:00
Follow up correspondence to check compliance	0:15:00	0:15:00	0:30:00	0:30:00
Follow Up Inspection Inc travel time	0:45:00	1:00:00	1:30:00	1:30:00
Post Inspection correspondence & Update Tascomi	0:30:00	1:00:00	1:30:00	1:30:00
Creation of Debtors Form	2:00:00	2:00:00	2:00:00	2:00:00
Visit Frequency	5	4	3	2
Total time	1:22:00	1:58:45	3:16:40	5:17:30
Average Hourly rate	£62.88	£62.88	£62.88	£62.88
Fee	£85.94	£124.45	£206.11	£332.74
Grand Total:	£85.94	£124.45	£206.11	£332.74
Proposed Fee	£86.00	£124.00	£206.00	£333.00

Table 2: Caravan Licensing - Fit & Proper – Application & Inclusion on the F&P Register Fee

Note: Fees will be charged per relevant person for inclusion on the register. I.e: 5x applicants will be charged 5x the application fee for 1x named person.

Caravan Licensing - Fit & Proper	Environmental Health Officer
Step	1 named person
Receipt of fee and checking of applications.	01:00:00
Enter onto Tascomi	00:30:00
acknowledgement letter	00:15:00
Consulting with other LA's	00:30:00
Inclusion on register & issuing Decision Notices	01:00:00
Total time	03:15:00
Average Hourly rate	£62.88
Fee	£204.36
Grand Total:	£204.36
Proposed fee	£204.00

Table 3: Caravan Licensing - Fit & Proper - Annual Fee (Where Applicable)

Caravan Licensing - Fit & Proper	Environmental Health Officer 1x Condition	Environmental Health Officer 2x Conditions	Environmental Health Officer 3+ Conditions
Step			
Letter writing/ telephone calls etc to make appointments and requesting any documents	00:15:00	00:30:00	00:30:00
Updating files/ computer systems	00:15:00	00:30:00	00:30:00
Processing the annual fee	00:30:00	00:30:00	00:30:00
Reviewing necessary documents	00:30:00	00:45:00	01:00:00
Preparing reports on breaches or confirming compliance	00:30:00	00:45:00	01:00:00
Reviewing any representations	00:30:00	00:45:00	01:00:00
Time spent on consulting the site owner	00:30:00	00:45:00	00:45:00
Officer Site Visits	00:30:00	00:45:00	01:00:00
Total time	03:30:00	05:15:00	06:15:00
Average Hourly rate	£62.88	£62.88	£62.88
Fee	£220.08	£220.08	£220.08
Grand Total:	£220.88	£330.12	£393.00
Proposed fee	£221.00	£330.00	£393.00

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Licensing Committee Report
Report of Strategic Services Director
Author: Sophie Butcher
Tel: 01483 444056
Email: sophie.butcher@guildford.gov.uk
Date: Wednesday 25 November 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

January 2022		
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
Taxi and Private Hire Fees and Charges 2022-23	The Committee to consider and approve the Taxi and Private Hire Fees and Charges 2022-23 for consultation.	Mike Smith, Licensing Team Leader 01483 444387

March 2022		
Item	Details of decision to be taken	Officer
Taxi and Private Hire Fees and Charges 2022-23	The Committee to consider the consultation responses and approve the Private Hire Fees and Charges 2022-23.	Mike Smith, Licensing Team Leader 01483 444387

UNSCHEDULED ITEMS		
Item	Details of decision to be taken	Officer
Best Bar None Update	The Committee to receive an update in relation to Best Bar None.	Mike Smith, Licensing Team Leader 01483 444387