



GUILDFORD
BOROUGH

James Whiteman
Managing Director

www.guildford.gov.uk

Contact Officer:

Sophie Butcher, Committee Officer
Tel no: 01483 444056

22 May 2018

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 30 MAY 2018 at 7.00 pm.**

Yours faithfully

James Whiteman
Managing Director

MEMBERS OF THE COMMITTEE

Chairman: Councillor David Elms
Vice-Chairman: Councillor Dennis Paul

Councillor Graham Ellwood
Councillor David Goodwin
Councillor Christian Holliday
Councillor Mike Hurdle
Councillor Michael Illman
Councillor Jennifer Jordan
Councillor Nigel Kearse

Councillor Nigel Manning
Councillor Marsha Moseley
Councillor Tony Phillips
Councillor David Quelch
Councillor James Walsh
Councillor David Wright

QUORUM 5



THE COUNCIL'S STRATEGIC FRAMEWORK

Vision – for the borough

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

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

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

Values for our residents

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

AGENDA

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

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.

3 MINUTES (Pages 1 - 2)

To confirm the minutes of the meeting of the Licensing Committee held on 26 March 2018.

4 ANNOUNCEMENTS

To receive any announcements from the Chairman of the Committee.

5 LICENSING COMMITTEE ITEMS

5.1 Gambling Act 2005 : Statement of Principles 2019-2022
(Pages 3 - 126)

The Committee is asked to approve the draft Gambling Act 2005 : Statement of Principles 2019 – 2022 for public consultation for a period of 12 weeks.

5.2 Licensing of Sex Establishments : Statement of Licensing Policy 2018 -2021 (Pages 127 - 236)

The Committee is asked to approve the draft Licensing of Sex Establishments Policy 2018-2021 for public consultation for a period of 6 weeks.

5.3 Charity Collections Policy (Pages 237 - 272)

The Committee is asked to approve the Charity Collections Policy.

6 LICENSING COMMITTEE WORK PROGRAMME (Pages 273 - 276)

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

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LICENSING COMMITTEE

- * Councillor David Elms (Chairman)
- * Councillor Mike Parsons (Vice-Chairman)

- | | |
|---------------------------------|-----------------------------|
| Councillor Graham Ellwood | * Councillor Marsha Moseley |
| * Councillor David Goodwin | * Councillor Dennis Paul |
| * Councillor Christian Holliday | * Councillor Tony Phillips |
| Councillor Mike Hurdle | * Councillor David Quelch |
| * Councillor Jennifer Jordan | * Councillor James Walsh |
| * Councillor Nigel Kearse | Councillor David Wright |
| Councillor Nigel Manning | |

*Present

L26 APOLOGIES

Apologies for absence were received from Councillors Graham Ellwood, Mike Hurdle and Nigel Manning.

L27 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

There were no declarations of interest.

L28 MINUTES

The minutes of the meeting held on 17 January 2018 were confirmed as a true record and signed by the Chairman.

L29 STREET TRADING POLICY 2018 - 2023

The Committee received a report on the draft Street Trading Policy 2018-2023 to be approved with effect from 27 March 2018.

The Committee at its meeting on 17 September 2017 approved the draft Street Trading Policy for consultation. The consultation was publicised through a number of forums as well as on the Guildford Borough Council website. Ten consultation responses were received, five from members of the public, two from responsible authorities, two from residents and one from Worplesdon Parish Council. The consultation results were supportive of the Street Trading Policy and therefore did not necessitate any changes to be made to it. The consultation indicated strong agreement with the criteria used to determine applications in the draft policy and with taking a light touch approach towards trading at community/charity events. The Committee was reminded that on the 17 January 2018, they adopted a new resolution designating all streets within the Borough as consent streets.

The Committee queried how in depth a Basic Disclosure Certificate was. The Licensing Team Leader confirmed that it was a basic criminal record check that was undertaken to ascertain if a street trader was a suitable person to hold a street trading consent. The Committee also queried whether condition no.24 in Appendix 1 of the Street Trading Policy would be readily enforced on a day-to-day basis. That condition required all traders to move their vehicle/stall at the end of each day's trading. The Licensing Team Leader confirmed that if a street trader persistently did not comply with condition 24 then applicable enforcement action would be taken. The Committee noted that the trading hours of each vendor would be assessed on a case-by-case basis.

Having considered the consultation results of the draft Street Trading Policy, the Committee

RESOLVED:

To adopt the new Street Trading Policy 2018-2023 with effect from 27 March 2018.

L30 OBJECTIONS TO THE TAXI AND PRIVATE HIRE FEES AND CHARGES 2018-19

The Committee received a report recommending that the Taxi and Private Hire Fees and Charges for 2018/19, were approved with effect from 1 April 2018.

The Committee noted that at its meeting on 17 January 2018, it approved the proposed taxi and private hire fees and charges for the financial year 2018/19. One objection had been received from a member of the trade; therefore, the advertised fees and charges could not come into effect until the objection had been formally considered. The objection from a Hackney Carriage proprietor objected to the proposed fees and charges, but did not give any reasons for the objection. The Committee noted that the fees and charges had been calculated using an approved, transparent methodology. The objector also referred to the setting of hackney carriage fares, which was unconnected to setting licence fees.

The Committee noted that the net increase for Hackney Carriage operator's fees was relatively small of £10.59. In addition, given that only one unparticularised objection had been received, the Committee

RESOLVED:

To approve the Taxi and Private Hire Fees and Charges for 2018/19, with effect from 1 April 2018.

L31 LICENSING COMMITTEE WORK PROGRAMME 2018-19

The Committee noted their work programme for 2018-19.
The meeting finished at Time Not Specified

Signed

Date

Chairman

Licensing Committee Report

Report of the Licensing Team Leader

Author: Mike Smith

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Email: mike.smith@guildford.gov.uk

Lead Councillor responsible: Graham Ellwood

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Date: 30 May 2018

Gambling Act 2005: Statement of Principles 2019-2022

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 2016 and is due for renewal by January 2019.

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

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

Following consultation, a further report will be presented to the Licensing Committee on 28 November 2018 with the results of the consultation and seeking approval to the draft Statement of Principles for adoption at Council on 4 December 2018.

Recommendation to Licensing Committee

That the Committee approves the draft Gambling Act 2005 Statement of Principles 2019-2022 for public consultation, and instructs officers to carry out the consultation over a 12 week period.

Reasons 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 2019-2022.

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

1. Purpose of Report

- 1.1 The report informs the Committee of the background and proposed statement of principles.

- 1.2 It asks the Committee to approve a public consultation exercise on the proposed statement of principles in Appendix 1.

2. Strategic Framework

- 2.1 The Gambling Act Statement of Principles 2019 -2022 will contribute to our fundamental themes and priorities as follows:

Economy – supporting business, growth and employment

Sustainability – safe borough

- 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 2015, with the renewal date being January 2019.

4. Proposed changes

- 4.1 There are a number of additions and amendments to the current Statement of Principles, to reflect the update in the Guidance published by the Gambling Commission (5th Edition, September 2015). The amendments to the previous statement are highlighted using track changes in Appendix 2.
- 4.2 There are no changes to the intent or direction of the Policy, which sets out how the Council seeks to regulate gambling activities under its control and provide a framework for consistent decision making.
- 4.3 The draft Policy includes a Local Area Profile for Guildford as endorsed by the latest guidance, which recommends improvement to the approach to gambling licensing and regulation by:
- Increased focus on risk and regulation
 - Greater attention to local area risk, and;
 - Encouragement of partnership and collaboration between stakeholders to mitigate risk
- 4.4 From April 2016, all industry operators have had 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. The Local Area Profile, acts as a guide which gambling operators can use when undertaking and preparing their local premises risk assessments.
- 4.5 The Statement includes a large new section on the Council's expectations around operators local risk assessments. This will enable the Council to regulate local gambling more effectively by being able to hold operators to account if their assessments fall short of the Council's expectations.
- 4.6 In November 2017, Licensing Committee decided not to adopt a local area profile following consultation due to concerns over the wording in the accompanying officer report. The draft policy, local area profile and accompanying report have now been reviewed including feedback from the Gambling Commission who endorse the local area profile. Similarly, the policy will be subject to consultation with stakeholders, with any comments received on the draft presented to Licensing Committee on 28 November 2018.

5. Consultation

- 5.1 Consultation is critical to ensure any changes to the Statement of Principles are clear and transparent for businesses, responsible authorities and the public.
- 5.2 The legislation specifies those persons and groups that the Council has a duty to consult with.

5.3 If the Committee approves the proposed Statement of Principles, we will follow our consultation standards over a 12 week period to ensure we consult with all the statutory consultees and will:

- Writing to the chief officer of police
- Publicising the consultation on the Council's website
- Writing to or email the responsible authorities listed in Appendix B of the Statement of Principles
- Writing to or email 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 social media to inform the public of the consultation.

5.4 We will then analyse the comments, prepare any changes considered appropriate to the Statement of Principles for final approval and present a further report to the Licensing Committee on 28 November 2018 for recommendation to Full Council on 4 December 2018.

6. Financial Implications

6.1 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.

6.2 The financial implications associated with the revision of the Statement of Principles can be financed from the Licensing budget.

7. Legal Implications

7.1 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.

7.2 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

7.3 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.
- 7.4 Upon recommendation from the Licensing Committee, the revised Statement of Principles will be presented for approval at Full Council on 4 December 2018.

8. Human Resource Implications

- 8.1 26 hours of officer time have been spent reviewing the Gambling Policy, although this does not include time spent by the Council's Development/GIS team updating the Local Area Profile maps.
- 8.2 Provided the draft is approved for consultation, there will not be any additional human resource implications associated with the revision of the Statement of Principles.

9. Conclusion

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

10. Background Papers

[Gambling Act 2005](#)

[Gambling Act 2005 Statement of Principles 2016-19](#)

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

[Gambling Commission Local Authority Bulletin January 2018 Statements of Policy 2019-2022](#)

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

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

[Minutes of Licensing Committee 22 November 2017](#)

11. Appendices

Appendix 1: Guildford Borough Council draft Statement of Gambling Principles 2019-2022

Appendix 2: Guildford Borough Council draft Statement of Gambling Principles 2019-2022 with tracked changes from previous version

12. Consultation

Service	Sign off date
Finance / 151 Officer	<i>30 April 2018</i>
Legal / Governance	<i>23 April 2018</i>
HR	<i>27 April 2018</i>
Equalities	<i>27 April 2018</i>
Lead Councillor	<i>4 May 2018</i>
CMT	<i>24 April 2018</i>
Committee Services	<i>17 May 2018</i>



Gambling Act 2005 Statement of Principles

2019 - 2022

<u>DOCUMENT INFORMATION</u>	
Origination/author:	Mike Smith, Licensing Team Leader
This document replaces:	Statement of Principles (Gambling Act 2005) 2019-2022
Date/detail of consultation:	2018
Date of Council approval:	TBC
Last reviewed:	December 2018
Next review date:	January 2022

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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 ##dates in 2018##. 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 licensing@guildford.gov.uk
- 2.11 The Full Council approved The Statement of Principles at a meeting on ##date 2018 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 and in particular, that it is not permissible to locate sixteen Category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.
- 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.

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

30. Provisional Statements

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

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

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

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

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

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

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

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

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

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

31. Reviews

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

Agenda item number: 5a

Appendix 1

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

PART C: Permits / Temporary and Occasional Use Notices

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

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

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

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

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

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

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

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

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

Automatic entitlement: 2 machines

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

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

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

Permit: for 3 or more machines

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

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

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

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

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

34. Prize Gaming Permits

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

35. Club Gaming and Club Machines Permits

- 35.1 Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance.
- 35.2 Members Clubs and Miner’s welfare institutes (and Commercial Clubs) may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). Please note that Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.
- 35.3 The Commission’s Guidance states: "The Act states that members’ clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is restricted to that of a prescribed kind (currently bridge and whist). Members’ club must be permanent in 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:

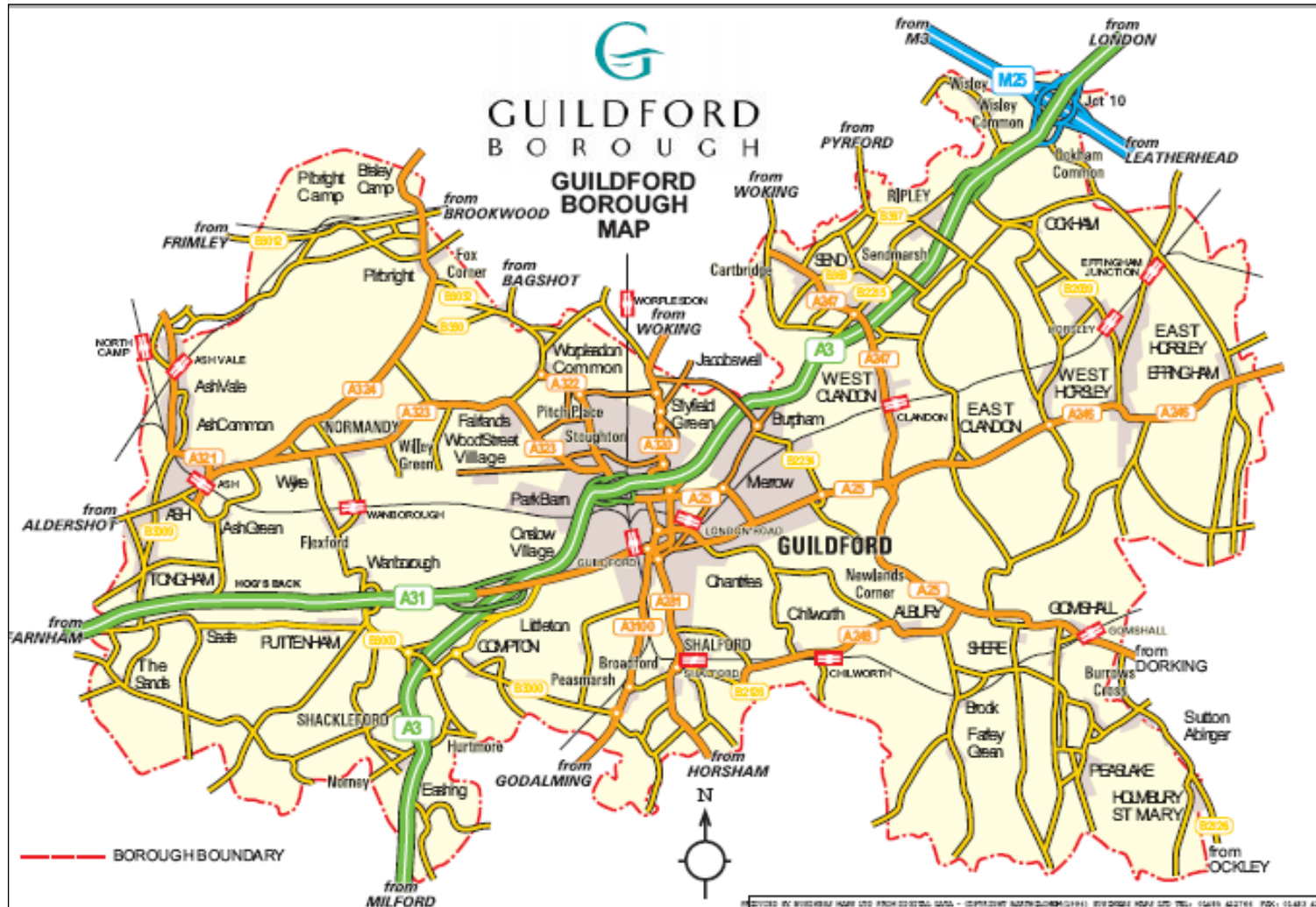
- Submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- Submission of incomplete or incorrect returns
- Breaches of the limits for small society lotteries

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 licensing@quildford.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@galacoral.com
Done Brothers (Cash Betting) Ltd	support@betfred.com
Experience Guildford	amanda@experienceguildford.com
Federation of Licensed Victuallers	admin@flva.co.uk
Gamblers Anonymous (UK)	sr.pro@gamblersanonymous.org.uk
GamCare	info@gamcare.org.uk
Gamestec Leisure Ltd	enquiries@gamestec.co.uk
Kossway Automatics Ltd	admin@kossway.com
Ladbrooks Betting & Gaming Ltd	richard.royal@ladbrokes.co.uk
Gala Coral Group	New Castle House, Castle Boulevard, Nottingham, NG7 1FT
Surrey Chambers of Commerce	louise.punter@surrey-chambers.co.uk
Guildford Pubwatch	guildfordpubwatch@ymail.com
Residents Associations	
Racecourse Association Ltd	info@racecourseassociation.co.uk
Remote Gambling Association	chawkswood@rga.eu.com
Responsibility in Gambling Trust	info@responsiblegamblingtrust.org.uk
Crime & Disorder Reduction Partnership	Lyndsey.Armitage@guildford.gov.uk
Surrey County Council Trading Standards Service	business.advice@surreycc.gov.uk
Security Industry Authority	info@sia.homeoffice.gov.uk
Star Oyster Ltd	michelh@staroyster.co.uk
Society for the Study of Gambling	ssqtreasurer@aol.com
The Bingo Association	info@bingo-association.co.uk
The Environment Agency	enquiries@environment-agency.gov.uk
The Lotteries Council	tina@lotteriescouncil.org.uk
The Working Men's Club & Institute Union	253/254 Upper Street, London N1 1RY
William Hill Plc	jnorris@williamhill.co.uk
Guildford Baptist Church	office@guildfordbaptist.org
Emmanuel Church	parish.office@emmanuelchurch.co.uk
Samaritans	admin@samaritans.org

Appendix D **Local Area Profile**

1. Introduction

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

The licensing objectives are:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Social responsibility code provision 10.1.1
Assessing local risk

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

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

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

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

Ordinary code provision 10.1.2
Sharing local risk assessments

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

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

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

2. Guildford Area Profile

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

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

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

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

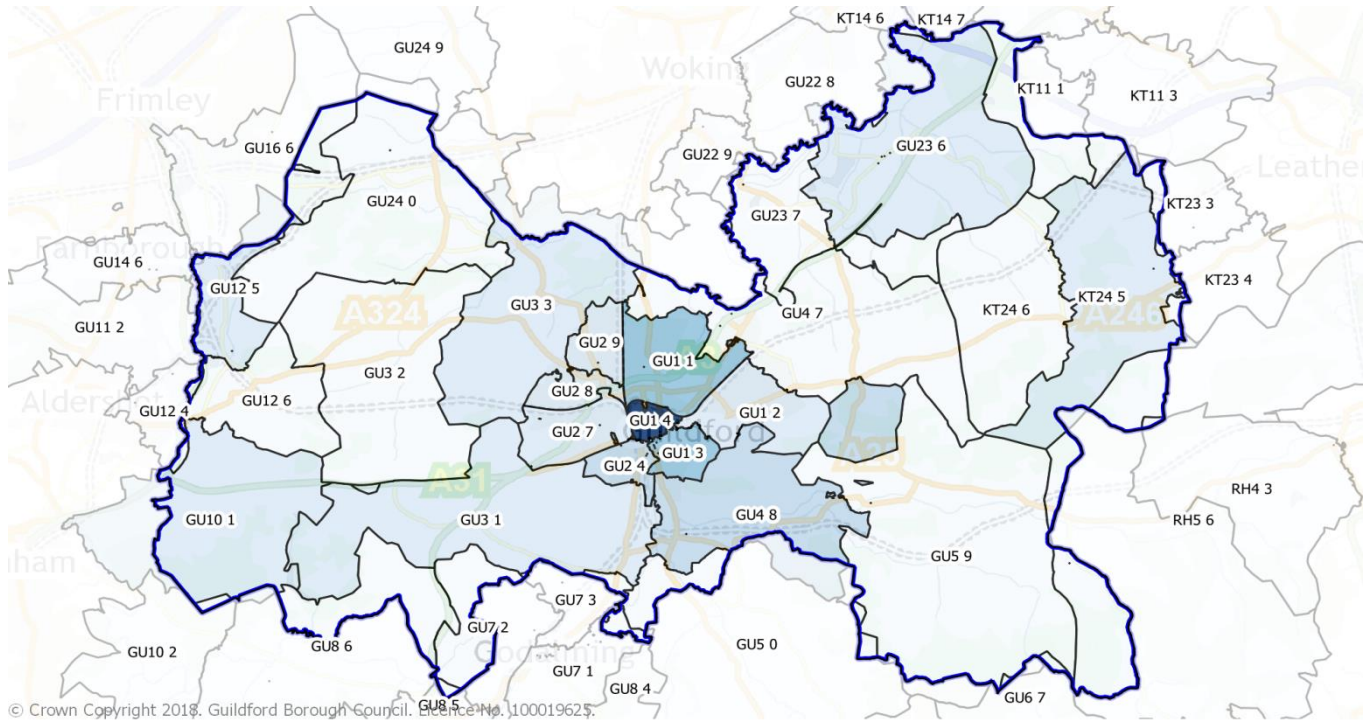
The town centre is a focus for major commercial and administrative functions and is a principal regional shopping destination, with a vibrant night time economy. In 2014 the town was awarded Purple Flag, recognising excellence in the management of the town centre at night. This prestigious award demonstrates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

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

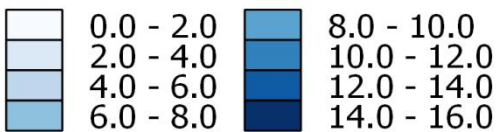
- 11 licensed betting premises, operated by national bookmakers
- 1 Family entertainment centre at Spectrum leisure centre
- Club Gaming permits at Members Clubs
- Club machine permits at Members Clubs
- Licensed premises gaming machine permits at alcohol licensed premises
- 44 Licensed premises gaming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

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

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



Number of gambling premises



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

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

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

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

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

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

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

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

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

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

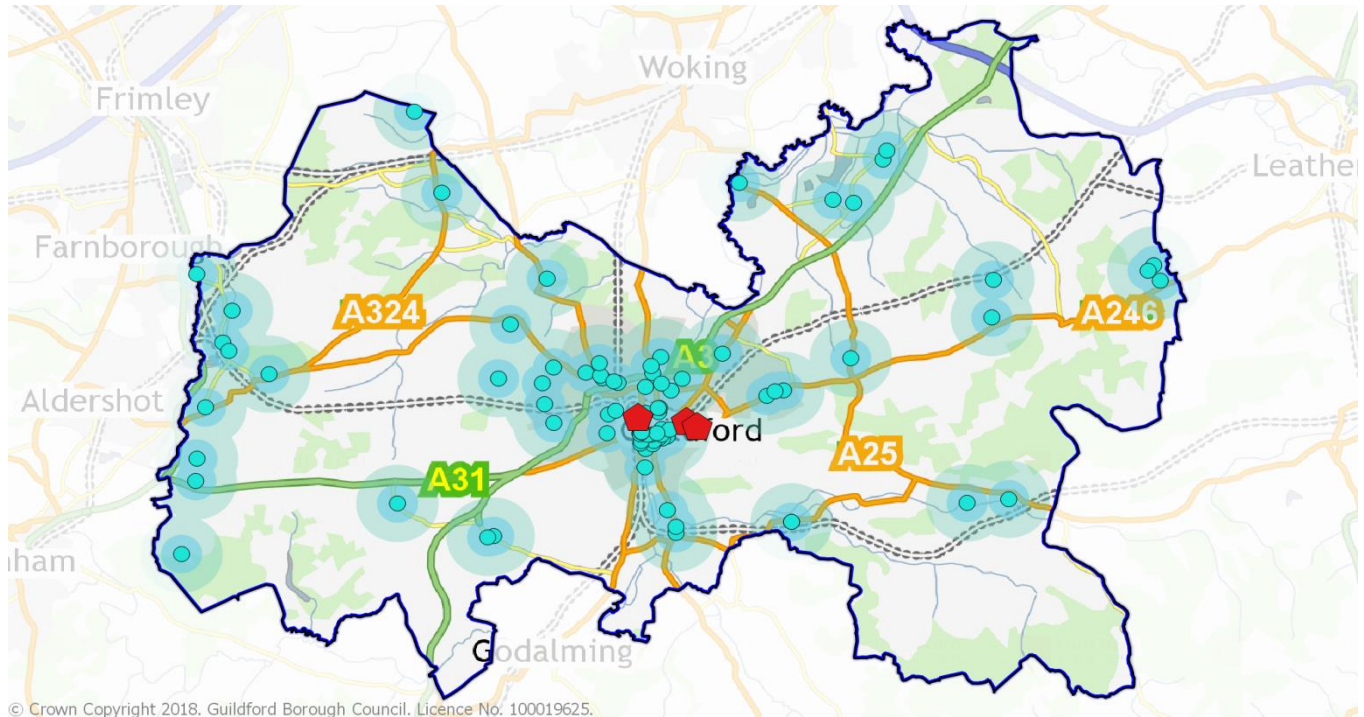
Further information about the potential risk factors and exact data used are now discussed:

Risk factor: problem gamblers seeking treatment

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

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

MAP 2: Location of gambling premises and gambling treatment centres



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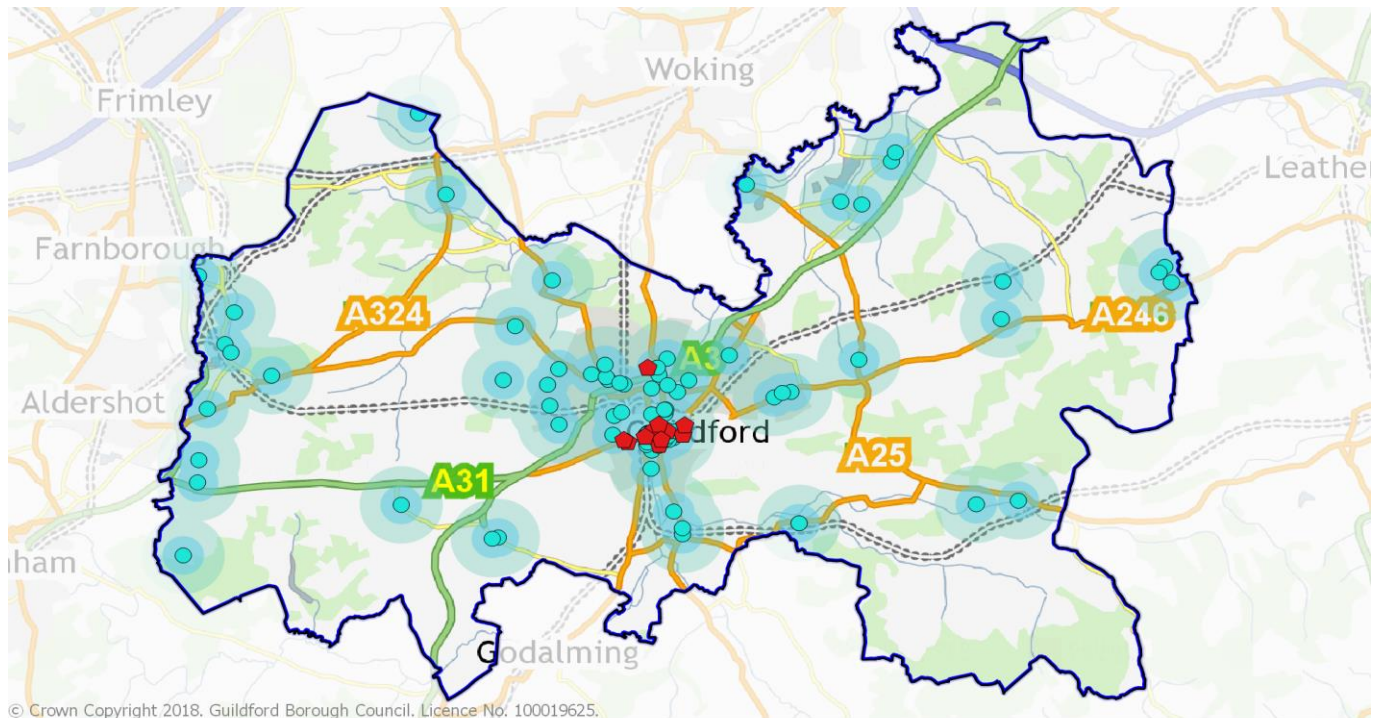
-  Gambling Treatment Locations
-  Gambling Premises
-  200m distance
-  500m distance
-  1km distance

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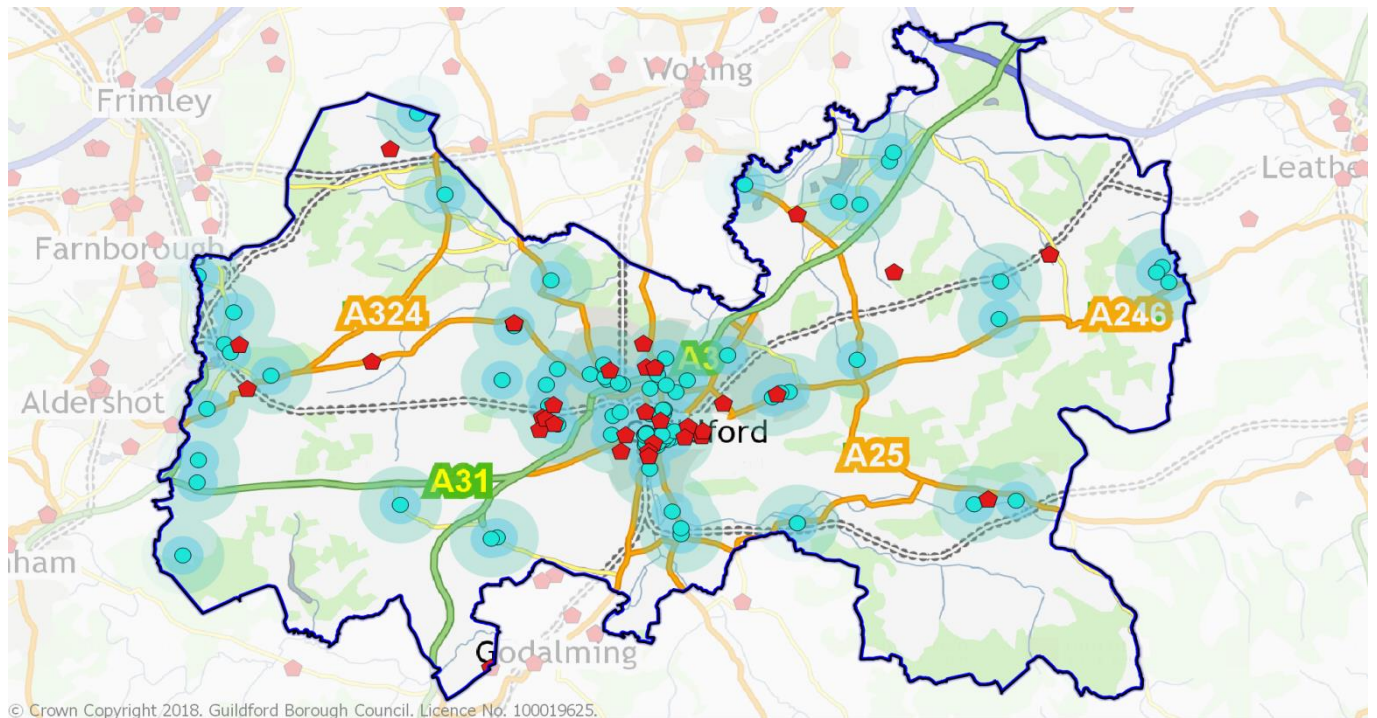
- ◆ Substance Misuse Treatment Centres
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance

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

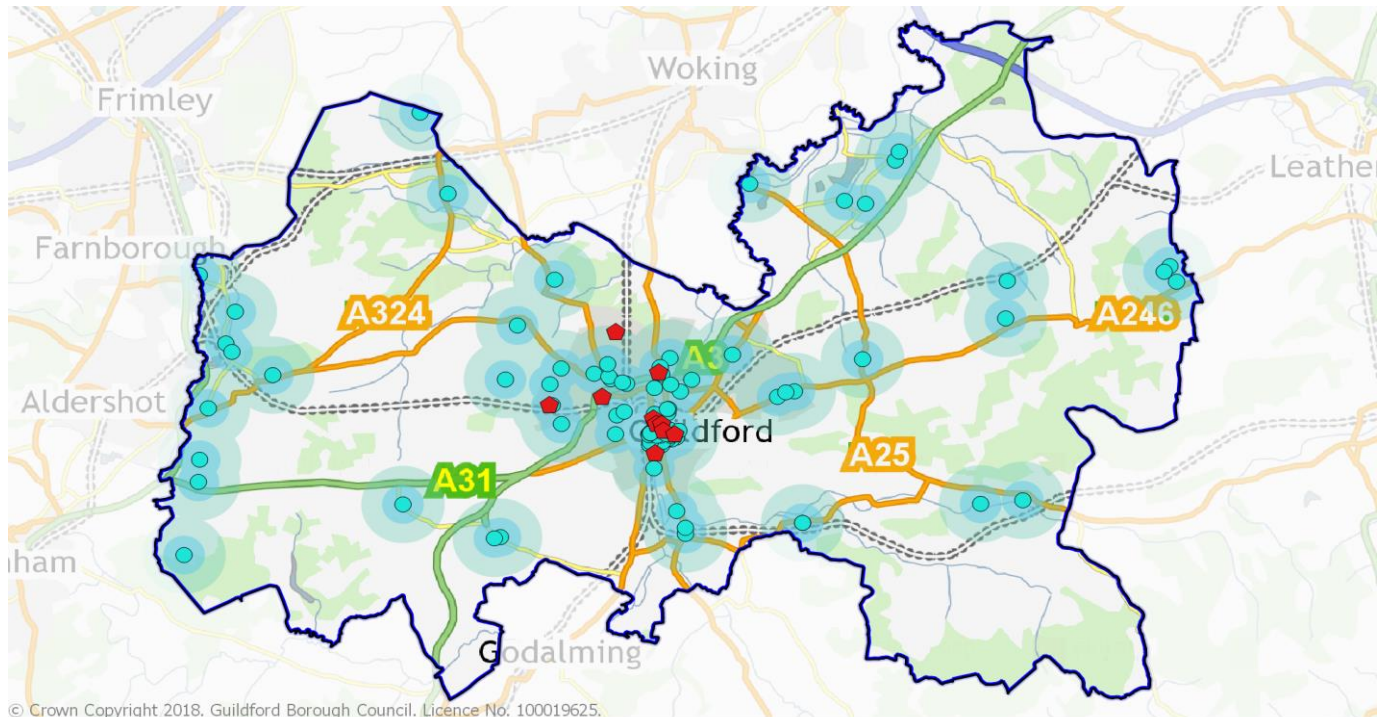
Risk factor: Unemployment and those with financial difficulties and/or debt

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



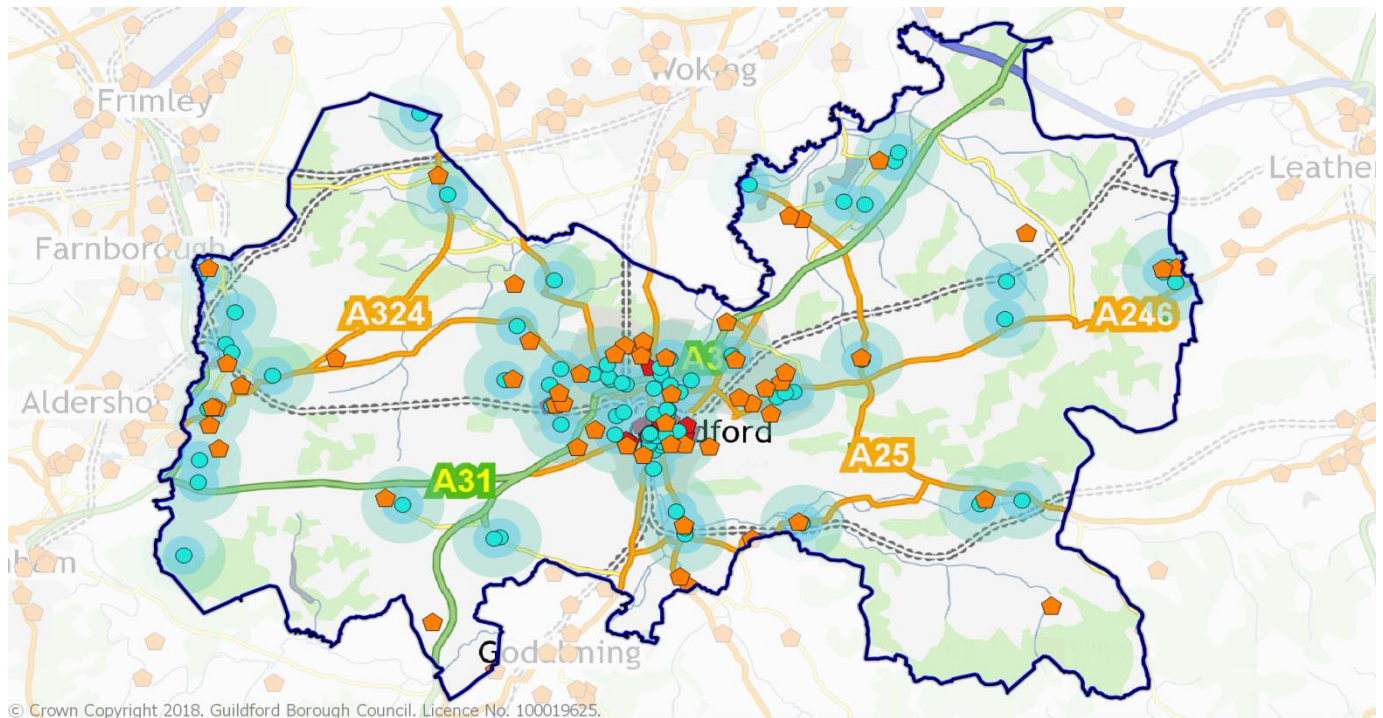
- ◆ Unemployment and Financial Support Locations
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance

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



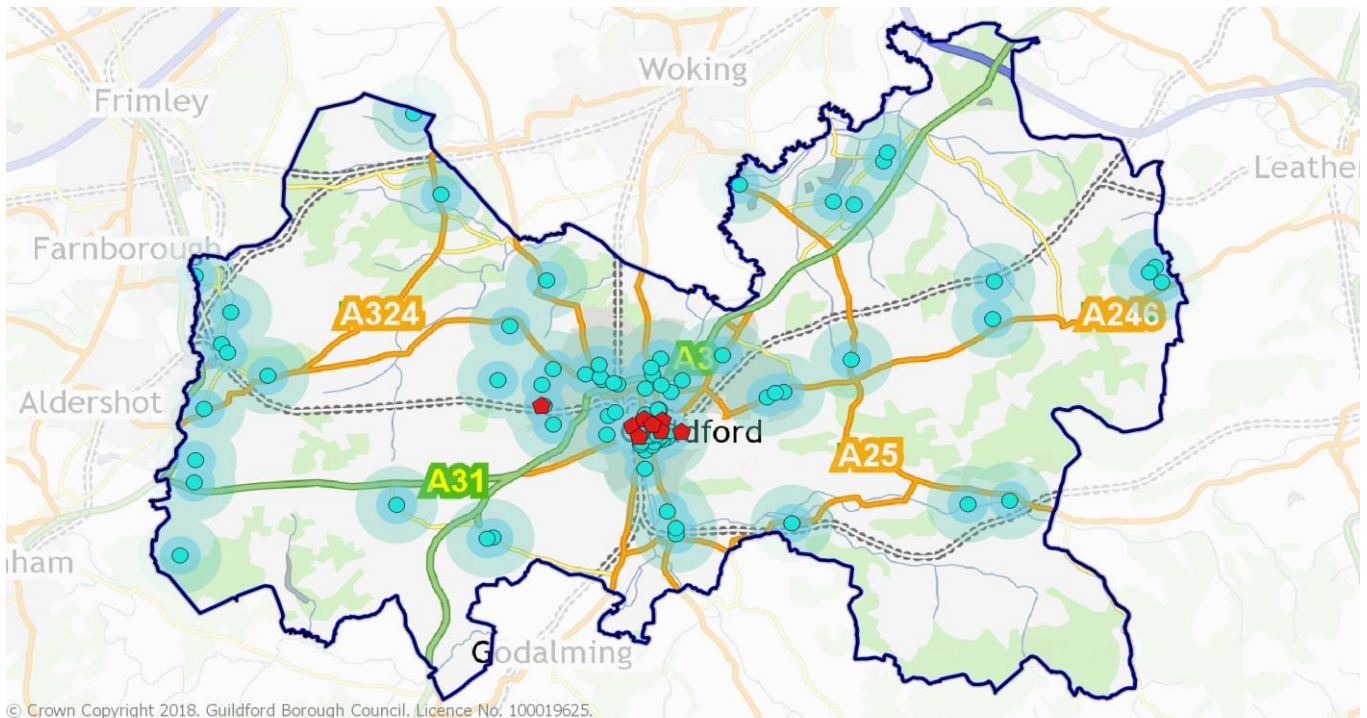
- ◆ Educational Institutions
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance

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



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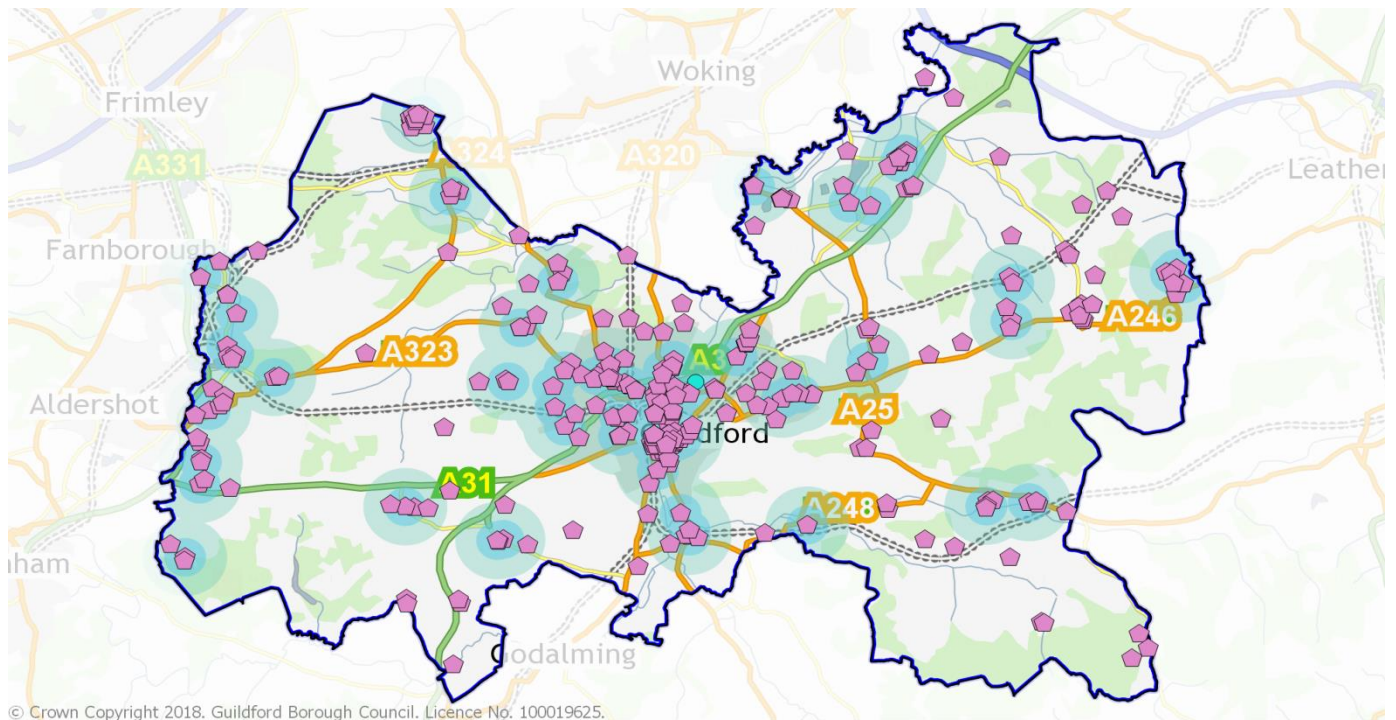
- ◆ Homeless Support Locations
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance

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



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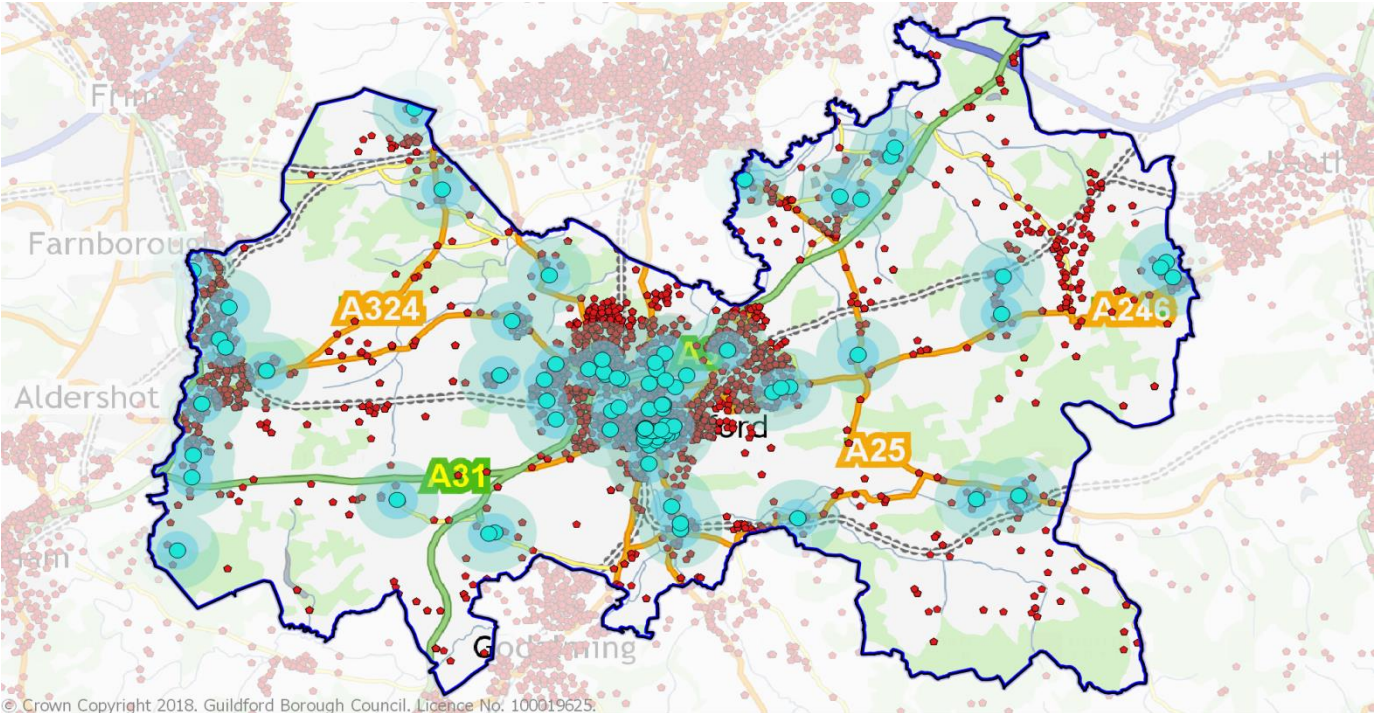
-  Licensed Alcohol Premises
-  Gambling Premises
-  200m distance
-  500m distance
-  1km distance

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.

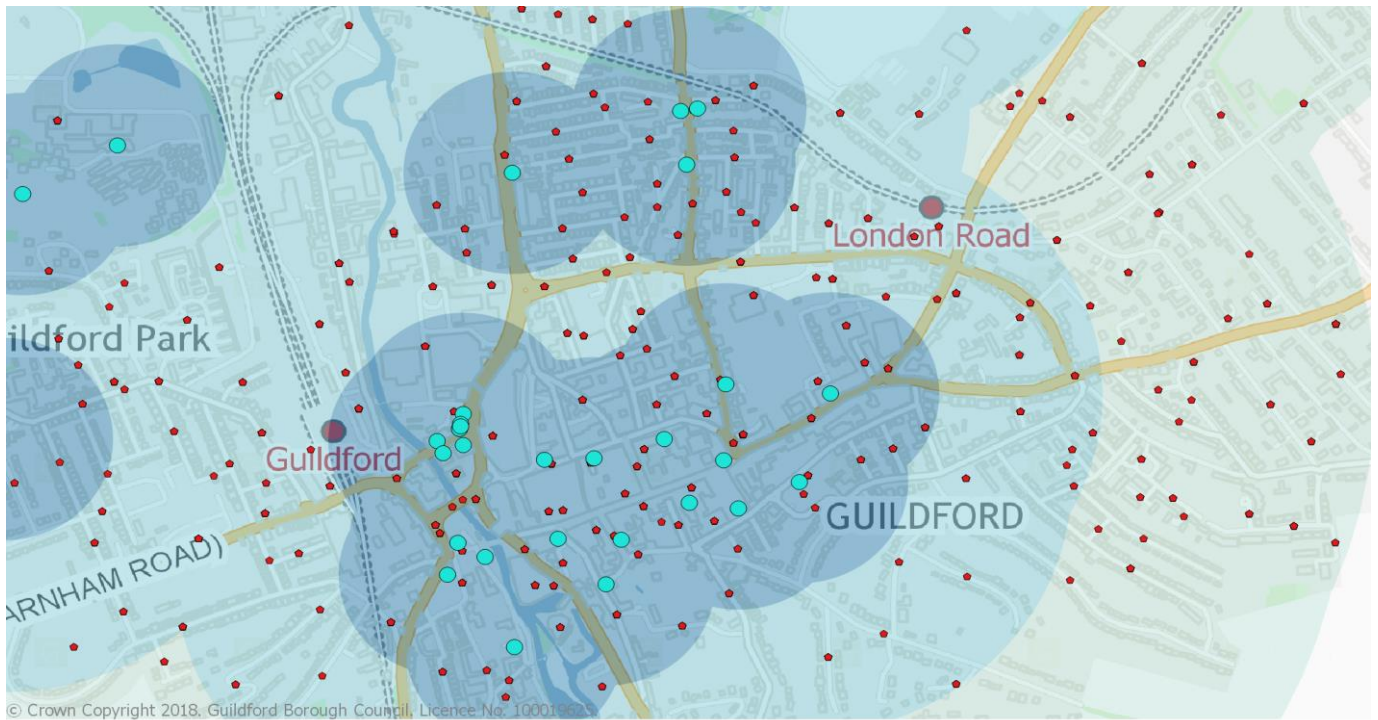
MAP 9: Location of gambling premises and reported crimes in 2017



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

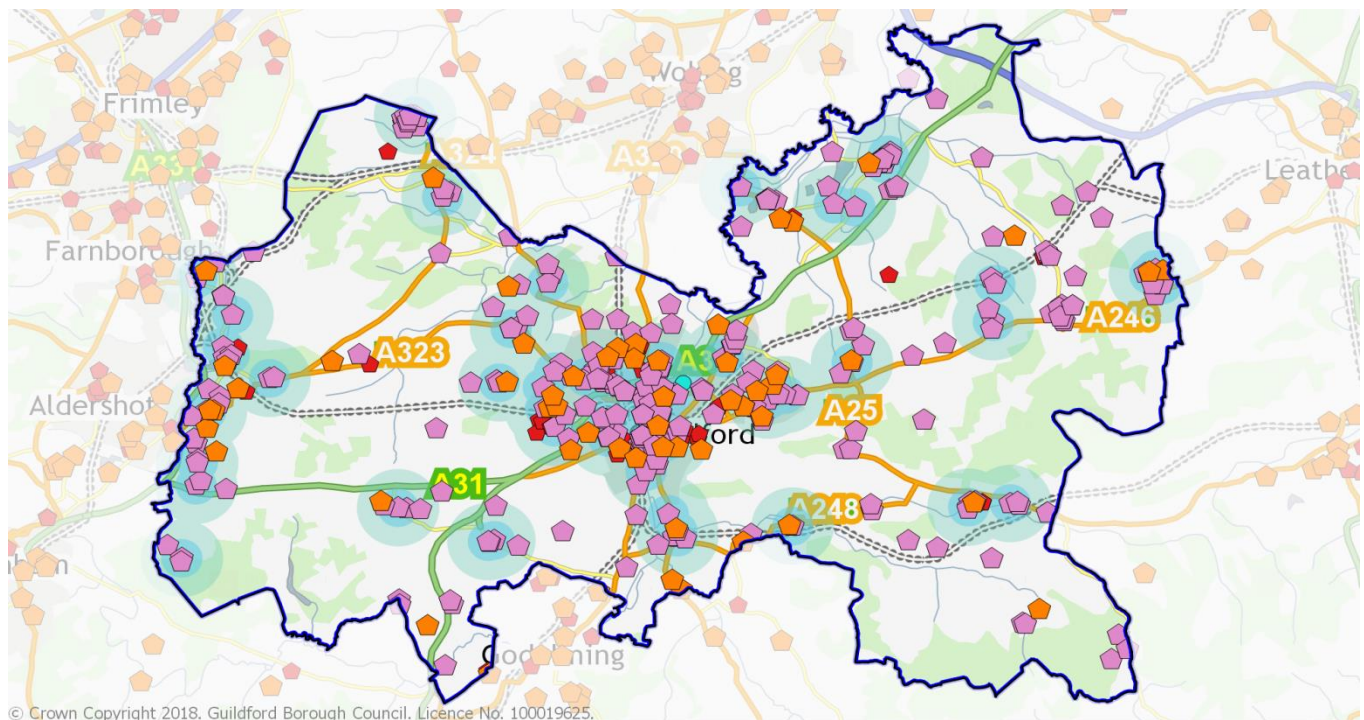
MAP 10: Location of gambling premises and reported crimes in 2017 focussed on the town centre



- 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



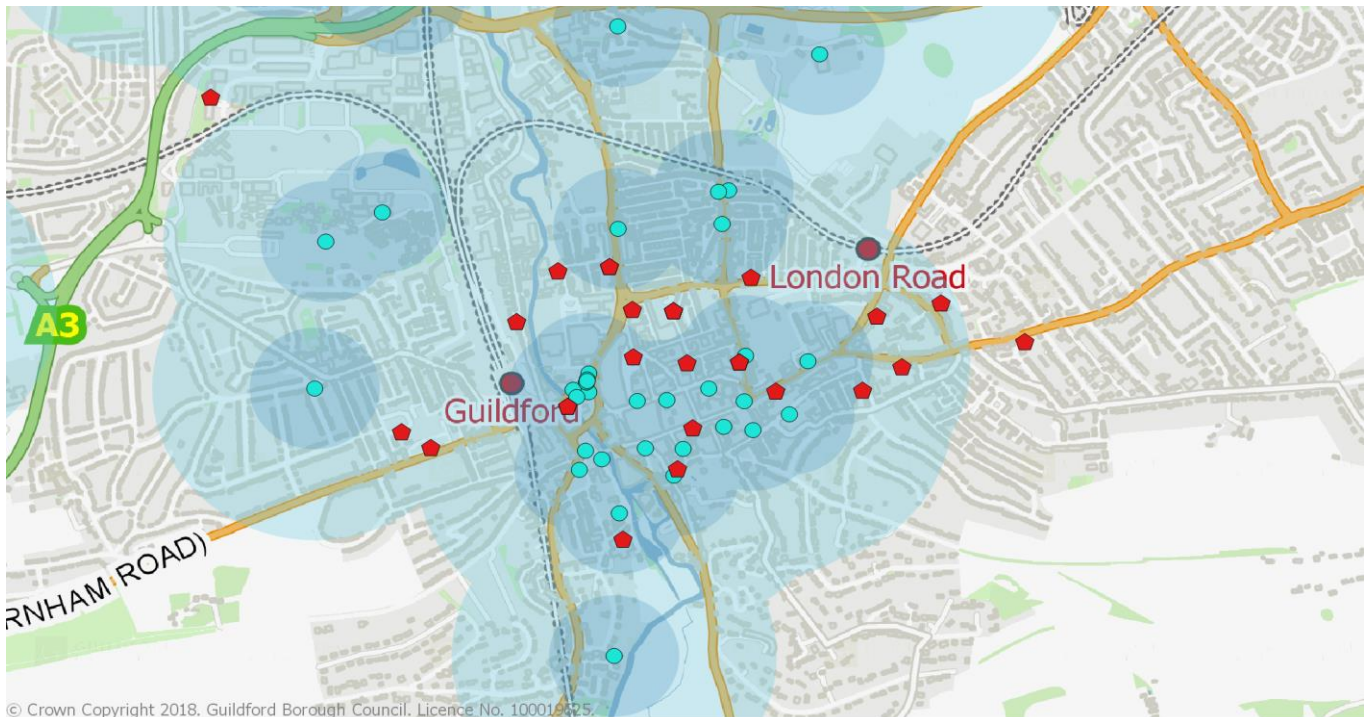
- ◆ Medical centres for mental health
- ◆ Gambling Premises
- ◆ Educational Institutions
- 200m distance
- 500m distance
- 1km distance

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



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- ◆ 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).



Gambling Act 2005 Statement of Principles

~~2016~~ - 2019 - 2022

DOCUMENT INFORMATION	
Origination/author:	Justine Fuller, Environmental Health Manager <u>Mike Smith, Licensing Team Leader</u>
This document replaces:	-Statement of Principles (Gambling Act 2005) 2013-2016 <u>2019-2022</u>
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Date of Council approval:	9 December 2015 <u>TBC</u>
Last reviewed:	9 December 2015 <u>2018</u>
Next review date:	January 2019 <u>2022</u>

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~~STATEMENT OF PRINCIPLES~~
~~Gambling Act 2005~~

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Appendix C	List of ConsulteesList of Consultees	3036
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PART A – Introduction and Scope

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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

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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”.

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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

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2. Introduction

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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 ~~the minimum of amendments and~~ 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.

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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.

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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, 4th5th Edition, published September 20122015.

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2.4 The borough is the second highest populated district in Surrey with 439,700146,800 residents in 20122016. 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.

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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 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 31 July 2015 and 23 October 2015. ~~##dates in 2018##~~. 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:

2.9 - <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 licensing@guildford.gov.uk

2.11 The Full Council approved The Statement of Principles at a meeting on 9 December 2015. ~~##date 2018~~ and we published the Statement via our website. ~~We will place copies in the public libraries of the area as well as making it available in the Council Offices.~~

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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 8.449 to 8.4917. 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.

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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.

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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:](#)

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- [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.

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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](#)

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[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.

~~6.7 If we establish any protocols with regard information exchange with other bodies then we will make them available.~~

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.](#)

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7.7 Bearing in mind the principle of transparency, ~~we will make~~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.

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~~PART B: Part B – Promotion of the Licensing Objectives~~
~~(consideration of applications)~~ **Premises licences**

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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:

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- 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

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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.

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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.

9.4 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.

(i) decision 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

9.2 When making decisions about premises licences ~~we will~~ 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.

9.3 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~~ 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.

9.4 13.2 We will not consider ~~unless~~ 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.

(ii) definition of "premises"

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

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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"

9.5 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.

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9.6 14.1 The Commission states in its Guidance at ~~paragraph~~paragraphs 7.14: "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 ~~officer. However, the 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."

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9.7—14.2 The Council takes particular note of the Commission's Guidance, which states that licensing authorities should ~~take pay~~ pay particular ~~care~~ 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 we will be 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 following:~~

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- 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

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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.

- ~~• entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context, it should normally be possible to access the premises without going through another licensed premises or premises with a permit.~~
- ~~• customers should be able to participate in the activities named on the premises licence.~~

~~9.8 The Guidance also gives a list of factors which the Council should be aware of, which may include:~~

- ~~• do the premises have a separate registration for business rates?~~
- ~~• is the premises’ neighbouring premises owned by the same person or someone else?~~
- ~~• can each of the premises be accessed from the street or a public passageway?~~
- ~~• can access to the premises be obtained from any other gambling premises?~~

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.

9.9 14.5 The Council will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

9.10 14.6 The Commission’s relevant access provisions for each premises type are reproduced below:

Guidance to Licensing Authorities Paragraph 14.7.26:

Casinos

- the principal access entrance to the premises must be from a street (as defined at 7.2421 of the Guidance)
- no entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons

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- no customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

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14.8 Adult Gaming Centre

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

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14.9 Betting Shops

- access must be from a street (in line with paragraph 7.2421 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.

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14.10 Tracks

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

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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

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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

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9.14 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.

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(iii) premises 15. Premises "ready for gambling"

9.12 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.

9.13 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.

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9.14 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.

9.15 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.

9.16 15.5 Detailed examples of the circumstances in which the Council may grant such a licence are at paragraphs 7.6058-7.6765 of the Guidance.

(iv) location

16. Location

9.17 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. ~~Should we decide on any specific policy with regard to areas where gambling premises should not be located, we will update this statement. It is worth noting that any such policy does not preclude the applicant from making an application. We will decide each application on its merits, with the onus upon the applicant to show how they will overcome potential concerns.~~

(v) planning

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:

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- 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 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

9.18 17.1 The Commission's Guidance states at paragraph 7.6058: "In determining applications the licensing authority ~~has a duty to~~ should not take into consideration ~~all relevant~~ matters ~~and not to take into consideration any irrelevant matters, i.e. those 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..."

9.19 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 7.6765: "When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have ~~erto~~ 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 ~~and~~ building ~~regulation powers, and~~ other regulations and must not form part of the consideration for the premises licence. Section 210 of the ~~2005~~ Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence

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does not prejudice or prevent any action that may be appropriate under the law relating to planning or building”.

(vi) duplication 18. Duplication with other regulatory regimes

9.20 **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.

9.24 **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—Objectives

9.22 **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 ~~we make the comments below: have set out our policy in Part B.~~

~~9.23 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**—The Council is aware that the Commission takes a leading role in preventing gambling from being a source of crime. The Commission’s Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime we will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. We are aware of the distinction between disorder and nuisance. Issues that are merely a nuisance are not relevant considerations. The Gambling Commission has defined disorder as intending to mean activity that is more serious and disruptive than mere nuisance. We will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) to make that distinction.~~

~~9.24 **Ensuring that gambling is conducted in a fair and open way**—The Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks, which we have explained in more detail in the ‘tracks’ section.~~

~~9.25 **Protecting children and other vulnerable persons from being harmed or exploited by gambling**—The Council notes the Commission’s Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). We will therefore consider, as suggested in the~~

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~~Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas and so on.~~

~~9.26 The Council is also aware of the Commission Codes of Practice with regard this licensing objective, in relation to specific premises.~~

~~9.27 With regard the term 'vulnerable persons,' we note that the Commission does not seek to offer a definition. However, the Commission states: "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." We will consider this licensing objective on a case-by-case basis.~~

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 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.

~~9.28~~ 21.3 ~~Conditions~~ 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.

~~9.29~~ 21.4 The Council will make all decisions ~~upon~~ 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.

~~9.30~~ 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.

~~9.34~~ 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.

~~9.32~~ 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.

~~9.33~~ 21.8 We note that there are conditions which the Council cannot attach to premises licences which are:

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- 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.

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22. Door Supervisors

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9.34 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 entitled~~ to impose a condition on the premises licence to this effect.”

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9.35 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 the Guidance, Part 33).~~

part 33 of the Gambling Commission Guidance.

23. Adult Gaming Centres

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40.4 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.

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40.2 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.

40.3 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.

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44.24. Licensed Family Entertainment Centres

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41.1 [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.

41.2 [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.

41.3 [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

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41.4 [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.

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4225. 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.

42.1 [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.

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42.2 [-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.

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~~13~~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

43.1 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.

43.2 26.2 The Commission's Guidance states at paragraph 18.45: "Licensing authorities ~~will~~ 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".

43.3 26.3 The Council notes the Guidance at paragraph 18.89 regarding the unusual circumstances in which we might permit pre-existing premises to be split into two adjacent premises and in particular, that it is not permissible to locate sixteen Category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

43.4 26.4 The Council also notes the Guidance at paragraph 18.67, 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.

4427. Betting premises

~~Betting premises can offer facilities~~ 27.1 The Act contains a single class of licence for betting on 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 at racecourses as well as the outcome of a particular event. General/general betting premises licence holders can offer those facilities at a premises based bookmakers (off-course), or at a racecourse (on-course). This type of premises can provide a total of four gaming licences that track operators will require.

27.2 Betting machines for gambling ~~Section 181 of the Act states:~~
"A condition of a betting premises licence may relate to –
44.4 a) the number of machines used on the premises for the purpose of making or accepting bets;

~~Betting machines~~ The Council will follow b) the Commission's Guidance when considering the number, nature and of those machines;

c) the circumstances of betting in which those machines an operator wants are made available for use."

44.2 27.3 When considering whether to offer. We impose a condition on a licence the council will take into account the size of the premises, the number of

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counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines ~~by children and young persons or by vulnerable people.~~

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~~4527.4 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

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45.1 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.

45.2 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.

45.3 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.

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45.4 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:

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- 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

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45.5 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.

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45.6 28.6 Betting machines – The Council will ~~follow Part 6 of~~ 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.

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45.7 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. ~~(See the Guidance at paragraph 20.28).~~

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45.8 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. ~~(See the Guidance at paragraph 20.29).~~

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45.9 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 ~~(See the Guidance at paragraph 20.31).~~

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45.10 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 ~~(See the Guidance at paragraph 20.32).~~

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45.14 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 ~~(See the Guidance at paragraph 20.33).~~

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4629. Travelling Fairs

46.1 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.

46.2 29.2 We will also consider whether the applicant falls within the statutory definition of a travelling fair.

46.3 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.

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4730. Provisional Statements

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47.1 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.

47.2 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.

47.3 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.

47.4 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.

47.5 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.

47.6 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.

4831. **Reviews**

48.1 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

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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.

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48.2 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.

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48.3 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.

48.4 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.

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48.5 31.5 The Council will carry out the review as soon as possible after the 28-day period for making representations has passed.

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48.6 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:

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- _add, remove or amend a licence condition imposed by the licensing authority;
- _exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such exclusion;
- _suspend the premises licence for a period not exceeding three months; and
- _revoke the premises licence.

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48.7 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.

48.8 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.

48.9 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

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- Her Majesty's Commissioners for Revenue and Customs

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PART C: ~~PERMITS / TEMPORARY & OCCASIONAL USE NOTICE~~ Permits / Temporary and Occasional Use Notices

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

49.4 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.

49.2 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).

49.3 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 ~~under section 25.~~ The Commission's Guidance also states: "In ~~their three year its statement of policy, a~~ licensing ~~policy statement, licensing authorities may authority may~~ include a statement of principles that ~~they proposeit proposes~~ to apply when exercising ~~theirits~~ functions in considering applications for permits...., licensing authorities ~~will wantmay wish~~ to give weight to ~~childmatters relating to~~ protection ~~issues.~~ ~~of children from being harmed or exploited by gambling.....~~" (Paragraph 24.68)

49.4 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....~~Licensing authorities might wish to~~The licensing authority may also consider asking ~~applications~~applicants to demonstrate:

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- 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 ~~staffemployees~~ are trained to have a full understanding of the maximum stakes and prizes-." (Paragraph 24.79)

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

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49.5 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

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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.

2033. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

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Automatic entitlement: 2 machines

20.1 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.

20.2 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.

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Permit: for 3 or more machines

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20.3 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”.

20.4 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.

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20.5 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.

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20.6 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.

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20.7 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.

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21.34. Prize Gaming Permits

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21.4 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”.

21.2 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.

21.3 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)).

21.4 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:

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- 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.

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22.35. Club Gaming and Club Machines Permits

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22.4 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.

22.2 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.

22.3 35.3 The Commission’s Guidance states: "~~Members~~The Act states that members’ clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is ~~permitted by separate regulations. The Secretary~~restricted to that of State has made regulations and these cover a prescribed kind (currently bridge

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and whist ~~clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. 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."

22.4 35.4 The Commission's Guidance also notes that "~~licensing~~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.

22.5 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 ~~the~~his process may be refused are ~~that~~:

- a) ~~that~~ the club is established primarily for gaming, other than gaming prescribed ~~by regulations~~ under ~~schedule 12s266 of the Act~~;
- b) ~~that~~ in addition to the prescribed gaming, the applicant provides facilities for other gaming; ~~or~~
- c) ~~that~~ a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

22.6 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.

23.36. Temporary Use Notices

23.4 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.

23.2 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.

23.3 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

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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.

23.4 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".

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23.5 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.

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23.6 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.

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2437. Occasional Use Notices

24.4 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.

2538. Small Society Lotteries

25.1 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

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25.2 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:

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

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25.3 38.3 Charities and community groups should contact us on (01483) 444374505050 or email licensing@guildford.gov.uk to seek further advice.

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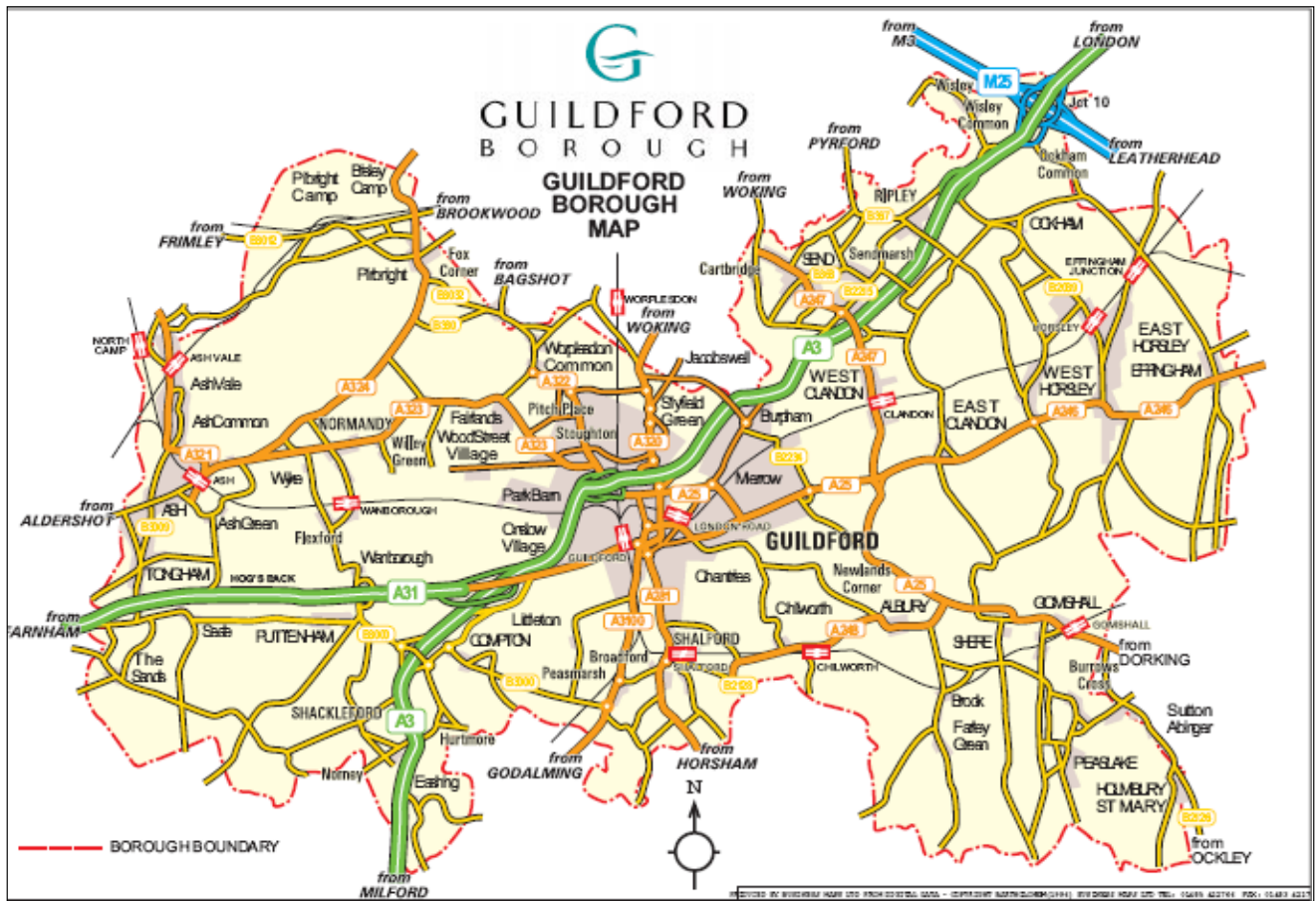
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Appendix A
Map of Guildford Borough



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**Appendix B
List of Responsible Authorities**

Licensing Authority

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

Chief Officer for Police

Surrey Police
The Licensing Unit

PO Box 101

Guildford

Surrey

GU1 9PE

Planning Authority

Guildford Borough Council
Planning Services

Millmead House

Millmead

Guildford

Surrey

GU2 4BB

Child Protection Authority

Surrey County Council
Safeguarding Children Unit

Quadrant Court

Gambling Commission

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Fire and Rescue Authority

Surrey Fire and Rescue Service
Fire Station

Guildford Road

Farnham

Surrey

GU9 9QB

Environmental Health Authority

Guildford Borough Council

Environmental Health Team
Millmead House

Millmead

Guildford

Surrey

GU2 4BB

HM Revenue and Customs

HM Revenue and Customs
National Registration Unit
Portcullis House
21 India Street

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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	ssgtreasurer@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

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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

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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.

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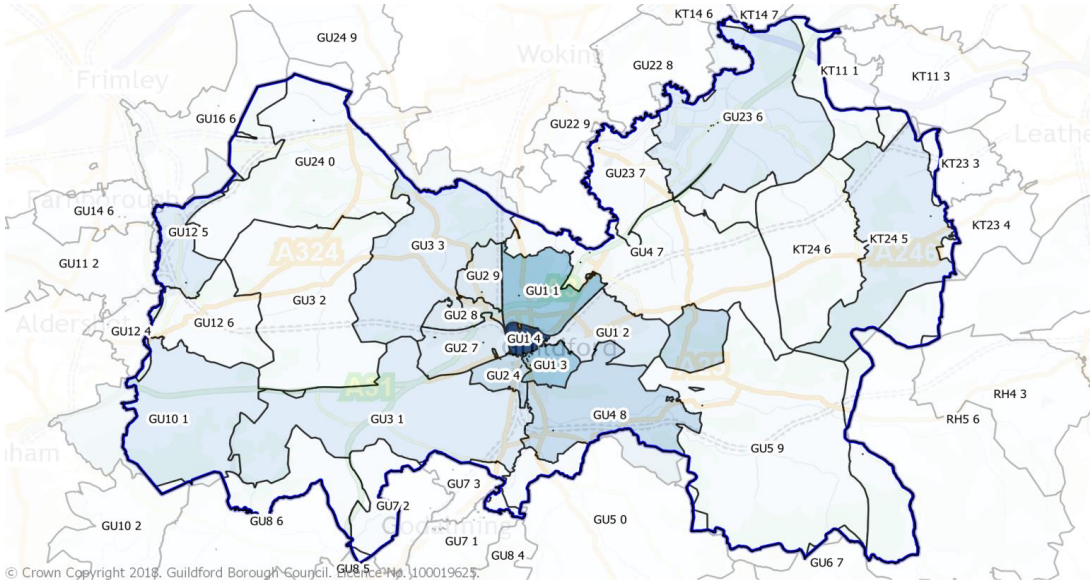
Guildford has the following currently licensed for Gambling. There are:

- 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.

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



Number of gambling premises

0.0 - 2.0	8.0 - 10.0
2.0 - 4.0	10.0 - 12.0
4.0 - 6.0	12.0 - 14.0
6.0 - 8.0	14.0 - 16.0

[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.](#)

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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:

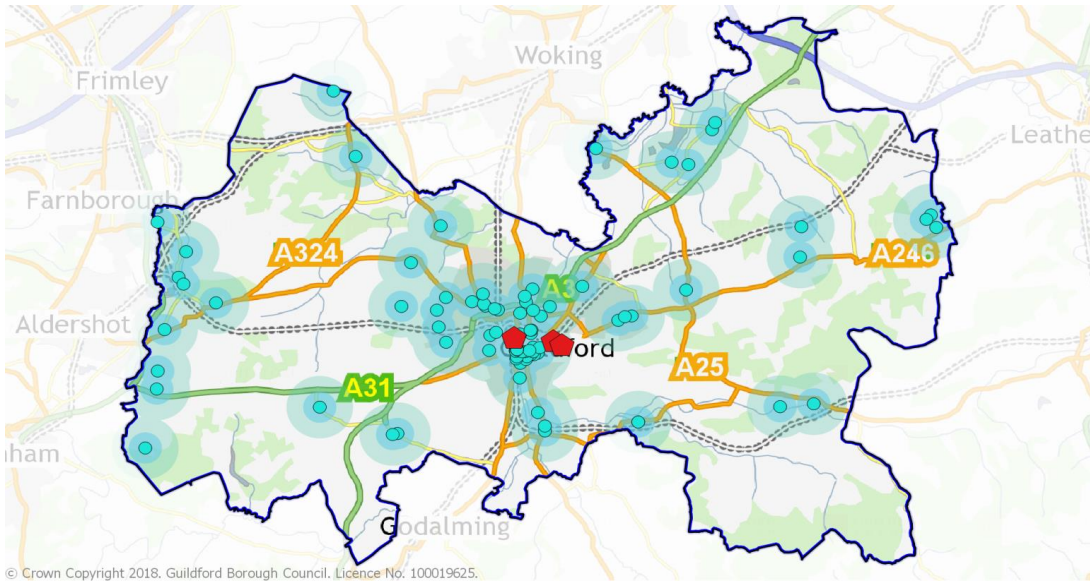
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[Risk factor: problem gamblers seeking treatment](#)

[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

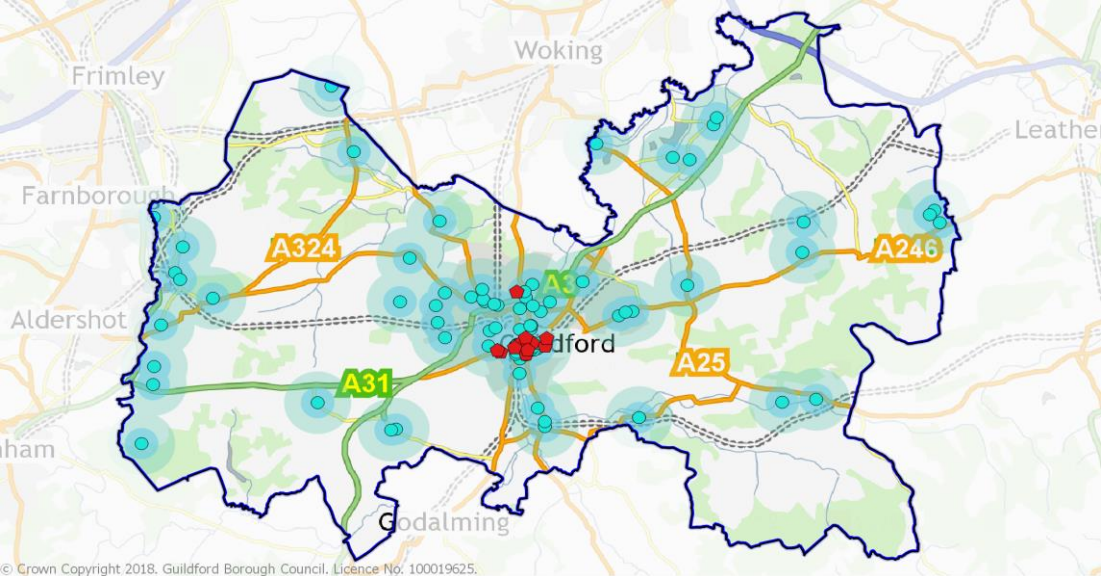
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Risk factor: people with substance abuse or misuse problems

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



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

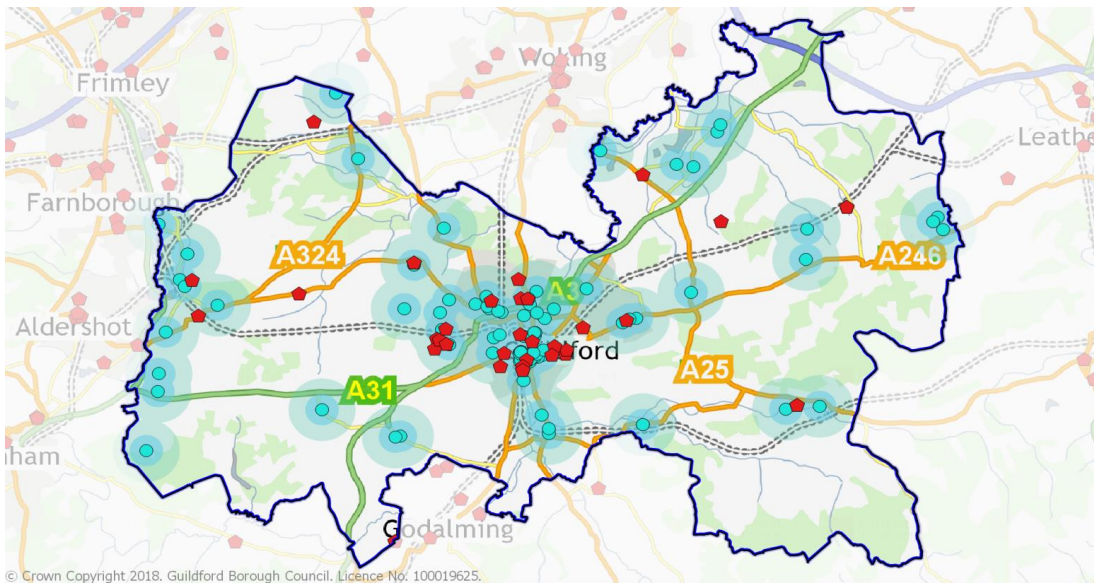
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Risk factor: people with poor mental health

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

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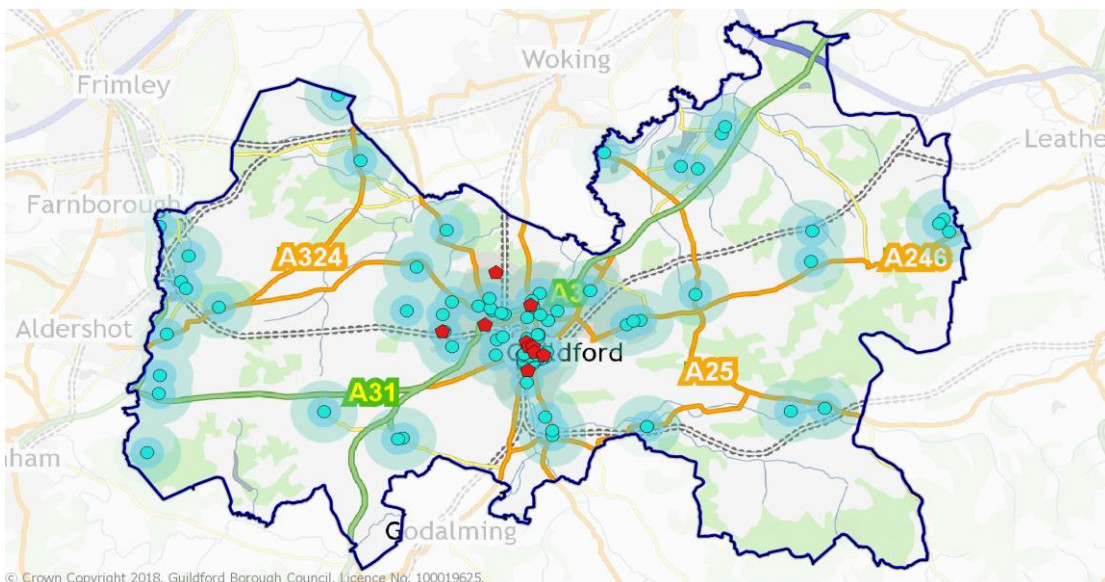
Risk factor: Unemployment and those with financial difficulties and/or debt

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

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

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

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



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

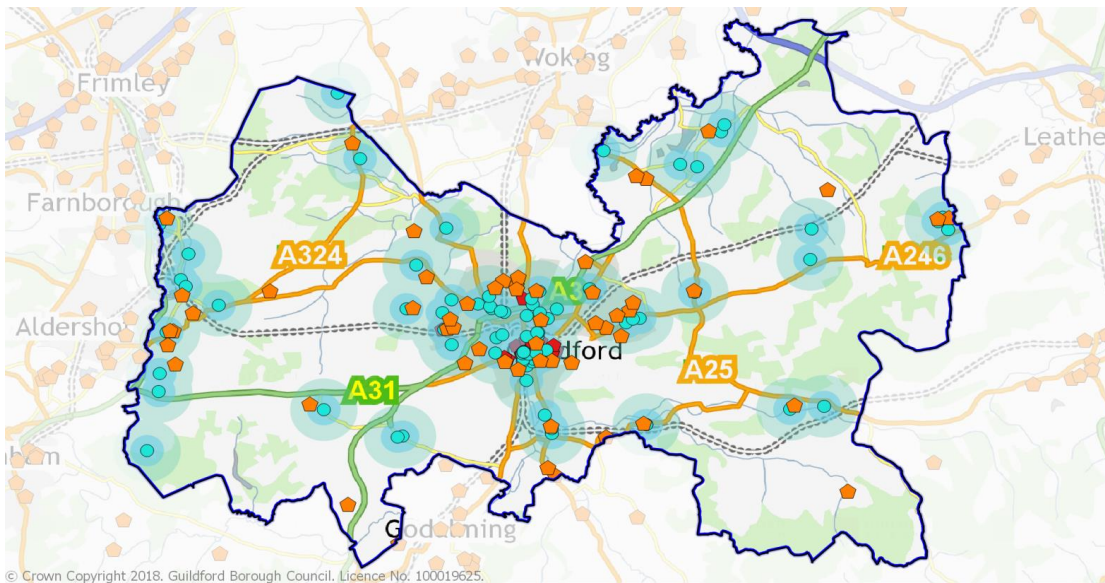
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Risk factor: Youth

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



- Orange diamond: Educational Institutions
- Blue circle: Gambling Premises
- Dark blue circle: 200m distance
- Light blue circle: 500m distance
- Light green circle: 1km distance

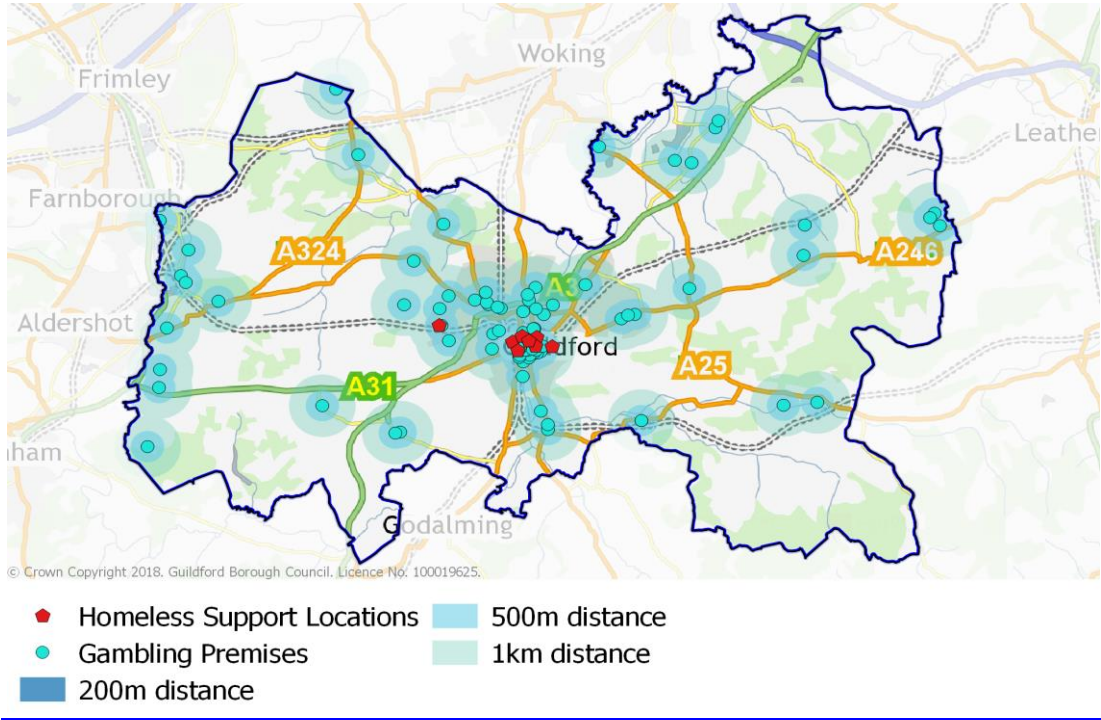
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Risk factor: Homelessness/housing instability

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



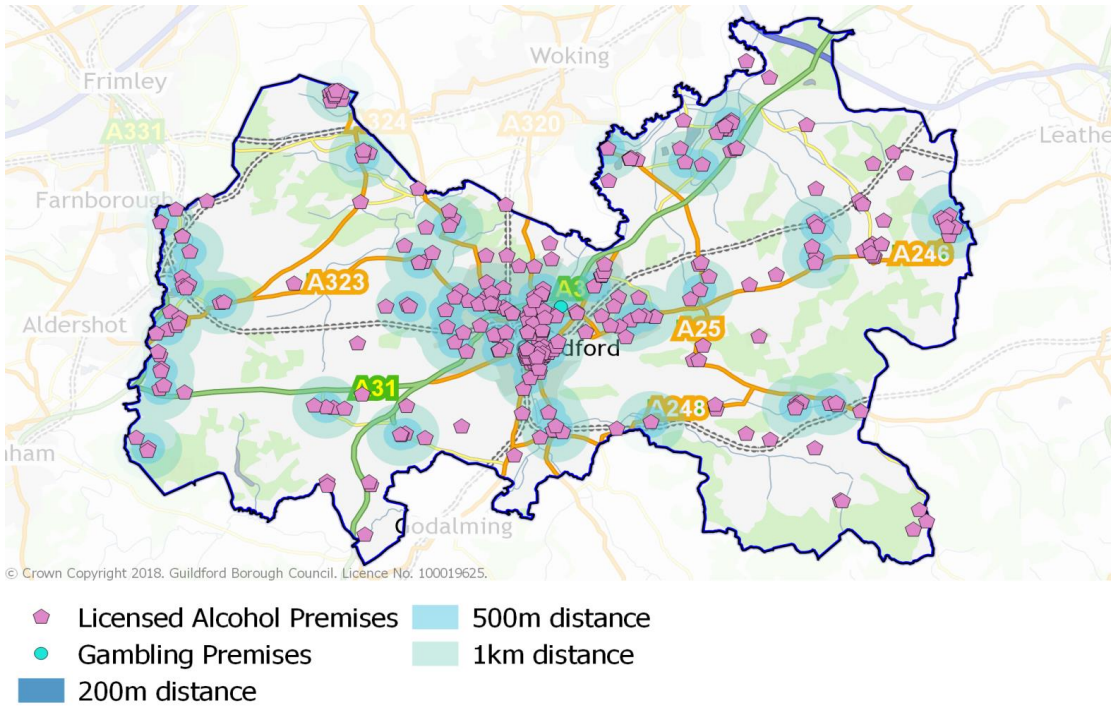
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Risk factor: Alcohol impairment

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



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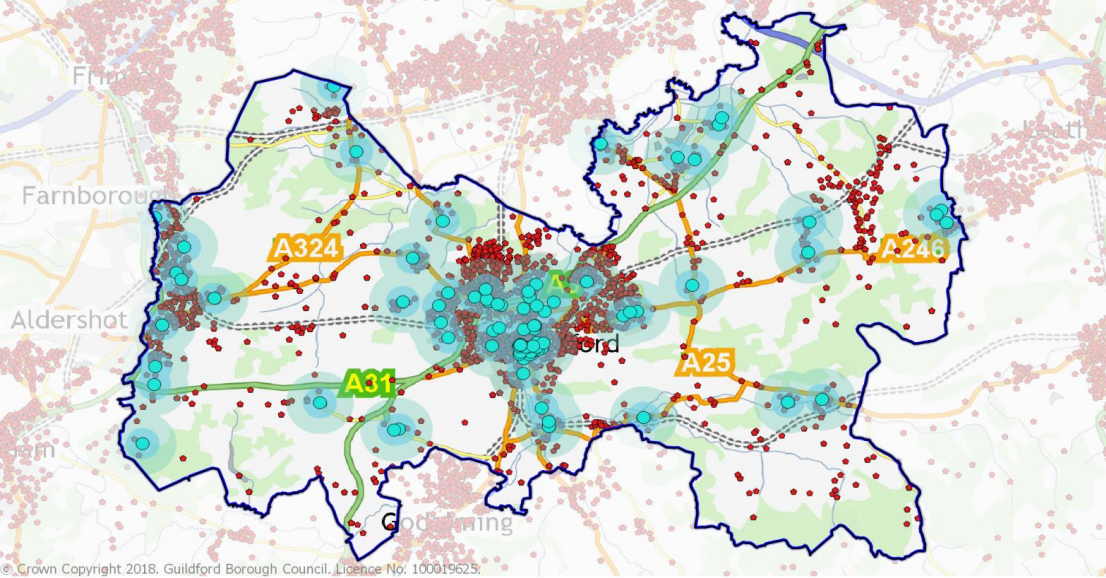
Risk factor: Crime

Dataset used: Surrey Police Crime Statistics

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

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

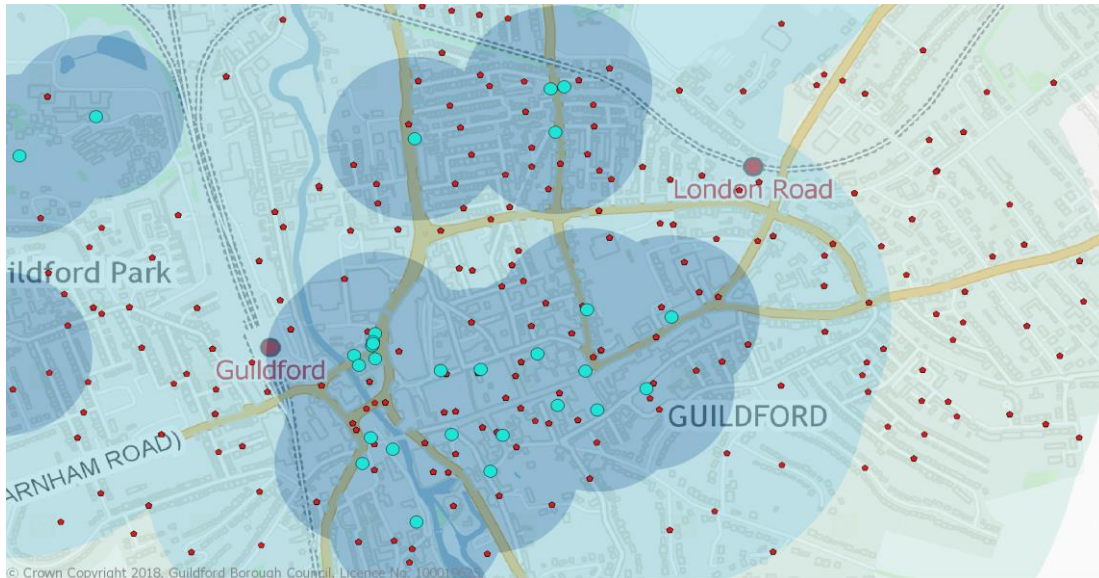
MAP 9: Location of gambling premises and reported crimes in 2017



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

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



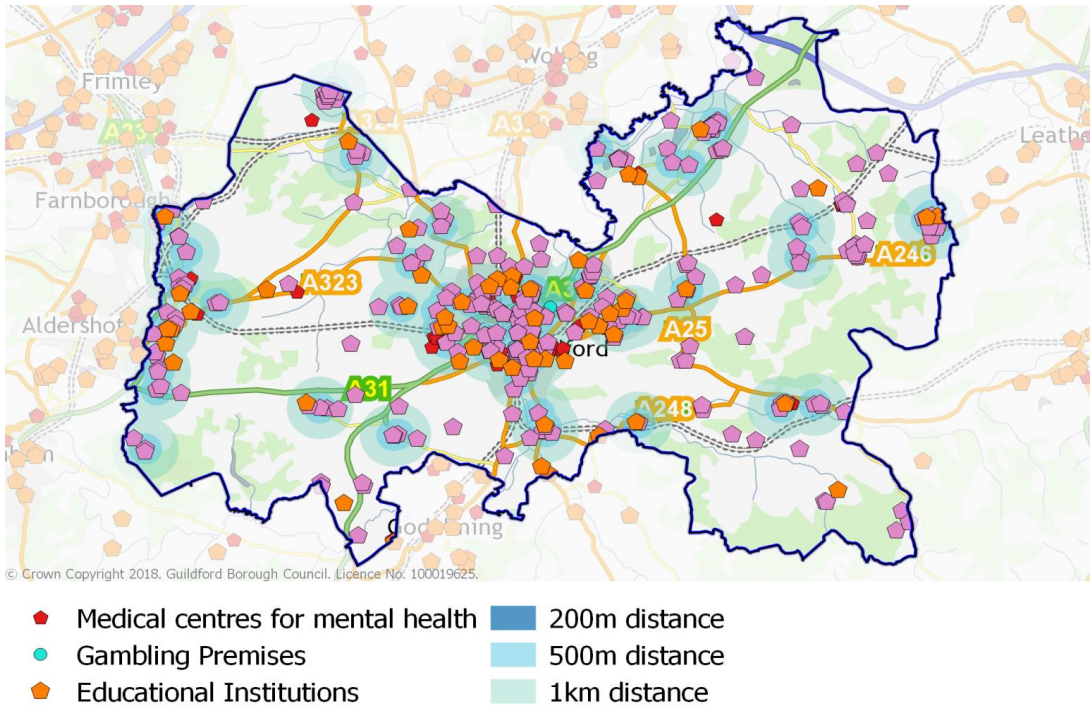
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- Reported Crime 2017
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance

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All risk factor comparison and Town Centre Focus

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



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.

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



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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

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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

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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

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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).

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Licensing Committee Report

Report of the Licensing Team Leader

Author: Mike Smith

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Lead Councillor responsible: Graham Ellwood

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Date: 30 May 2018

Licensing of Sex Establishments: Statement of Licensing Policy 2018-2021

Executive Summary

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

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

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

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

This report presents a revised policy to the Licensing Committee and seeks approval for public consultation.

Recommendation to Licensing Committee

That the Committee approves the draft Licensing of Sex Establishments Policy 2018-2021 for public consultation, and instructs officers to carry out the consultation over a 6 week period.

Reasons for Recommendation:

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

1. Purpose of Report

- 1.1 The report informs the Committee of the review of the current Sexual Entertainment Venues Licensing Policy.
- 1.2 It asks the Committee to approve a public consultation exercise on the proposed policy in Appendix 1.

2. Strategic Framework

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

Economy – supporting business, growth and employment

Sustainability – safe borough

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

3. Background

- 3.1 The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brought a new licensing regime into force for lap dancing, pole dancing and other “relevant entertainment”.
- 3.2 The provisions allow the Council to improve the regulation of sexual entertainment venues, as there are increased powers to control numbers and location of venues in the area.
- 3.3 Guildford Borough Council adopted the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 on 7 October 2014 with effect from 17 November 2014.
- 3.4 Guildford Borough Council adopted a policy and standard conditions on 14 April 2015 to be applied when determining applications for sex establishment licences in the Borough.
- 3.5 The policy is due for review every 3 years, to ensure that the policy reflects best practice and to ensure it contributes to the strategic direction of the Council.
- 3.6 There are currently no licensed sexual entertainment venues in the Borough. An SEV licence was held between August 2015 to August 2016 for a premises within a proposed development at the Quadrant, Bridge Street. This licence was however never used and subsequently expired without being renewed.

4. Proposed Changes

- 4.1 There are no changes to the intent or direction of the policy, which sets out how the Council seeks to regulate sexual entertainment venues under its control and provides a framework for consistent decision making.
- 4.2 The draft policy contains a minimum of changes to the previous version. The policy has been updated to reflect the new corporate strategy, and corporate aims to maintain a safe, diverse night-time economy and the Purple Flag award.

5. Consultation

- 5.1 Consultation is critical to ensure any changes to the policy are clear and transparent for businesses, responsible authorities and the public.
- 5.2 If the Committee approves the proposed policy, we will follow our consultation standards over a 6 week period by:
- Writing to the chief officer of police and other responsible authorities
 - Publicising the consultation on the Council's website
 - Using social media to inform the public of the consultation and direct them to the website.
- 5.4 We will then analyse the comments, prepare any changes considered appropriate to the policy for final approval and present a further report to the Licensing Committee on 26 September 2018.

6. Financial Implications

- 6.1 Under the adopted licensing regime, 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. The fee set and approved by Council for 2018-19 is £1,540.73.
- 6.2 The financial implications associated with the revision of the SEV Policy can be financed from the Licensing budget.

7. Legal Implications

- 7.1 The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brings into force for lap dancing, pole dancing and other "relevant entertainment" a new licensing regime.
- 7.2 The legislation enables local authorities to adopt a policy and standard conditions relating to sexual entertainment venues, sex shops and sex cinemas.
- 7.3 Guildford Borough Council adopted the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 on 7 October 2014 with effect from 17 November 2014.

7.4 The Home Office Guidance confirms that Local Authorities are not required to publish a licensing policy relating to sex establishments, and if they do so it must not prevent any individual application from being considered on its merits at the time the application is made.

7.5 The provisions of the legislation and the Home Office guidance were taken into account when drafting the current Licensing of Sex Establishments Policy.

8. Human Resource Implications

8.1 The revision of the Licensing of Sex Establishments Policy can be managed from within the current licensing resource.

9. Conclusion

9.1 It is considered good practice to review an SEV Licensing Policy every 3 years. A review of the Policy has been completed and is presented to Licensing Committee to approve public consultation.

9.2 There are only a minor number of amendments to the current policy, reflecting the Council's updated Corporate Strategy.

9.3 Following consultation, a further report will be presented to the Licensing Committee requesting adoption of the Policy.

10. Background Papers

[Minutes of Licensing Committee 18 March 2015](#)

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

[Policing and Crime Act 2009](#)

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

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

11. Appendices

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

Appendix 2: Licensing of Sex Establishments – Draft Statement of Licensing Policy (for consultation) with changes from 2015 Policy highlighted.

12. Consultation

Service	Sign off date
Finance / 151 Officer	<i>30 April 2018</i>
Legal / Governance	<i>24 April 2018</i>
HR	<i>27 April 2018</i>
Equalities	<i>27 April 2018</i>
Lead Councillor	<i>4 May 2018</i>
CMT	<i>24 April 2018</i>
Committee Services	<i>10 May 2018</i>

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Licensing of Sex Establishments

Statement of Licensing Policy 2018-2021

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

Further copies of this document can be obtained from:

Guildford Borough Council
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Guildford
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GU2 4BB

Tel: 01483 505050

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

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Executive Summary

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

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

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

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

This policy:

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

The policy deals with:

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

Section 1 The purpose of the licensing policy

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

Public consultation

- 1.7 Prior to the adoption of the policy in 2015, a full public consultation took place. The consultation on the current version of the Policy took place between ##dates## and a total of ## responses were completed. The following activities were conducted during the consultation period:
 - Press release and social media to publicise the consultation
 - Letter including the website link sent to key stakeholders in the Borough and in the industry including all County, Borough and Parish Councillors, Members of Parliament, resident associations and Surrey Police

Review

- 1.8 This latest draft of the policy contains only minor amendments and no changes to the intent or direction of the previous policy approved in April 2015.

Section 2 The scope of the licensing policy

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

Section 3 The Guildford Borough Council area

- 3.1 The borough is the second highest populated district in Surrey with 146,800 residents in 2016. The major urban areas are located in the town centre of Guildford and on the western fringes of the borough adjacent to Aldershot town.
- 3.2 Guildford Borough is also the second largest borough in the county, covering approximately 269 square kilometres (104 square miles) of which 89% is land designated as Green Belt. Outside the urban areas and villages, rural areas contain the Surrey Hills Area of Outstanding Natural Beauty covering 99 square kilometres, several sites of importance for nature protection and areas of special scientific interest. The borough also has a rich and varied architectural heritage, including 36 scheduled ancient monuments.
- 3.3 Guildford is mostly an affluent area with relatively low unemployment and low levels of crime. Most residents are healthy and enjoy well above average life expectancy. The workforce is generally well-educated and highly skilled.
- 3.4 The town centre is a focus for major commercial and administrative functions and is a principal regional shopping destination, with a vibrant night time economy.
- 3.5 In 2014 the town was awarded Purple Flag, recognising excellence in the management of the town centre at night. This prestigious award demonstrates the Council and the other Purple Flag Partners' ambitions to develop and improve the night time economy, encouraging a broad outlook on how the town is presented at night and tackling all aspects from cleanliness to access and transport, street lighting to signage, entertainment variety and choice of styles in bars, clubs and restaurants. In order to retain this award, the Council, corporately, is keen to encourage a diverse entertainment economy, and recognises that the SEV sector may contribute to this area.
- 3.6 The borough attracted over 4.9 million day visitors in 2016 and 351,000 staying trips, generating about £338.4 million in tourism income for local businesses, supporting around 6,167 actual jobs.
- 3.7 Guildford's successful economy measured against a range of indicators has made it a place where businesses want to locate and grow.
- 3.8 The Vision in The Corporate Plan 2015-2020 states the desire is for Guildford to be:
"The town and Borough that is the most desirable place to live, work and visit in South East England."
- 3.9 The fundamental themes which support this vision are:
- **Our Borough** - ensuring that proportional and managed growth for future generations meets our community and economic needs.
 - **Our Economy** - improving prosperity for all by enabling a dynamic, productive and sustainable economy that provides jobs and homes for local people.

- **Our Infrastructure** - working with partners to deliver the massive improvements needed in the next 20 years, including changes to tackle congestion issues.
- **Our Environment** - improving sustainability and protecting our countryside, balancing this with the needs of the rural and wider economy.
- **Our Society** - believing that every person matters and concentrating on the needs of the less advantaged.
- **Your Council** - ensuring a sustainable financial future to deliver improved and innovative services

3.10 This licensing policy seeks to promote licensing within the overall context of the five fundamental themes of the Corporate Plan 2015-2020.

Section 4 Integrating other guidance, policies, objectives and strategies

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

- Corporate Plan 2015 - 2020
- Visitor Strategy
- Economic Strategy
- Local Plan
- Public Health and Wellbeing Strategy
- Community Safety Strategy
- The Purple Flag Award

Other policies

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

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

Section 5 General principles

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

Mandatory grounds for refusal

- 5.2 Applications for sex establishment licences must be refused on the following mandatory grounds:
- if the applicant is under 18,
 - if the applicant has a disqualification following the revocation of a previous licence,
 - if the applicant is non-resident in an European Economic Area (EEA) state,
 - company not incorporated in an EEA state,
 - if the applicant has been refused a licence for the same premises within the previous 12 months.
- 5.3 These matters are considered by licensing officers with the appropriate delegations on determination of the licence.

Discretionary grounds for refusal

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

Suitability of applicant

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

whose benefit the business would be carried on. In considering the suitability of these persons the council will apply the principles at 5.5.

Appropriate numbers and localities

- 5.7 The council may set the upper and lower limit that it considers an appropriate number of SEVs for a particular locality and it can be set as nil. The Council may also refuse an application if we are satisfied that the number of sexual entertainment venues in the relevant locality at the time the application is made is equal to or exceeds the number, which we consider is appropriate for that locality.
- 5.8 In deciding the policy to adopt in relation to this discretionary ground, the council has taken into account the matters set out in sections 2 to 6 of this policy. It has been influenced by the following considerations.
- 5.9 The Council has taken account of its own corporate strategies and priorities as represented by its Corporate Plan 2015-2020, Visitor Strategy and Economic Strategy. The council believes that, in taking these strategies into consideration, SEVs are not in accordance with a culturally rich and diverse Borough. In particular SEVs tend not to be inclusive facilities, appeal only to a narrow sector of the community and are unlikely to enhance the cultural reputation of the Borough.
- 5.10 It recognises that a nil per locality policy may reduce the employment opportunities for dancers. However it also recognises that those working in SEVs are often peripatetic and self-employed and will retain the opportunity to find employment as performers in other venues in Surrey or in other roles in the entertainment industry. The council believes that, on clear balance, in gender equality terms, its policy is both supportable and correct. The Council have decided not to set an upper or lower limit but to consider each application on its merits.
- 5.11 The council believes that the types of premises listed below are sensitive and that SEVs are generally not appropriate near them.
- Schools and other areas of education
 - Play areas/parks
 - Youth facilities
 - Residential areas
 - Women's refuge facilities/ rape and sexual assault counselling venues
 - Family leisure facilities such as cinemas, theatres and concert halls
 - Places of worship
 - Places used for celebration or commemoration
 - Cultural leisure facilities such as libraries, museums

Agenda item number: 5b

Appendix 1

- Retail shopping areas
- Historic buildings
- Hotels

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

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

Human Rights

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

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

The Provision of Services Regulations

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

These regulations ensure that any refusal of a licence is:

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

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

Crime and Disorder Act 1998

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

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

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

prevent them.

Equality Act 2010

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

Planning

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

Staff Training

- 5.27 The council recommends that all persons employed on licensed premises be encouraged to attend training programmes to raise awareness of their responsibilities

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

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

Advertising

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

Exemptions

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

Section 6 Application Procedure

The application process

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

Third Party Beneficiaries

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

Fees

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

Notices

6.10 The applicant must advertise the application in three ways:

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

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

Objections

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

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

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

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

Hearings

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

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

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

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

The hearing will normally take place in public.

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

Reasons for decisions

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

Conditions

- 6.25 The council will normally impose standard conditions on all licences. However, if deemed necessary in any particular case, the council may change, alter or replace the standard conditions or any of them with conditions that are specific to the application before them. Please see Appendix 2 for the standard conditions.
- 6.26 If the standard conditions are changed, the revised conditions will be applied to existing licences when they are renewed or transferred.
- 6.27 The Home Office document “Sexual Entertainment Venues – Guidance for England and Wales” discusses the interplay between conditions on a premises licence granted under the Licensing Act 2003 and those applied to a sex establishment licensed under the Local Government (Miscellaneous Provisions) Act 1982. It states at Paragraph 4.16 that:
- “In cases where conditions on a premises licence or clubs premises certificate are inconsistent with, and less onerous than, the condition in the licence granted under the 1982 Act they shall likewise be read as though they have been deleted.”*
- 6.28 Therefore if there are any conditions on the sex establishment licence which conflict with and are more onerous than a condition on the Licensing Act premises licence, the Licensing Act condition will cease to apply.

- 6.29 Conditions on the Licensing Act premises licence which only apply to relevant entertainment shall be read as if they were deleted. This is to avoid duplication.

Right of Appeal

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

Period of licence

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

Renewal, Transfer

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

Variation

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

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

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

Revocation

- 6.35 If information is received by the council that circumstances have changed in such a way that the licence holder is deemed unsuitable or that the manager or person for whose benefit the business is carried on is unsuitable such that an application for a new licence would be refused, the council may revoke the sex establishment licence.
- 6.36 Should the council consider revocation of the licence to be appropriate the licensee will be provided an opportunity to appear before the Licensing Sub-Committee and be heard by them.
- 6.37 If the licensee so requests, the licensee will be given a statement in writing of the reasons for revocation within seven days of the request being made.

- 6.38 The revocation will take effect once the appeal period has expired, or if an appeal is lodged after the determination or abandonment of the appeal.

Waiver

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

Section 7 Enforcement

7. Enforcement principles

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

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

proportionate: regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and costs should be identified and minimised;

accountable: regulators must be able to justify decisions, and be subject to public scrutiny;

consistent: rules and standards must be joined up and implemented fairly;

transparent: regulators should be open, and keep regulations simple and user friendly; and

targeted: regulation should be focused on the problem, and minimise side effects.

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

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

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

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

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

Appendix 1 - Consultation

To be updated following public consultation

Appendix 2 Standard Conditions

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

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

Sexual Entertainment Venues

General

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

Exhibition of the licence

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

Hours of opening (to be tailored to individual licences)

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

Thursday
Friday
Saturday
Sunday

Conduct on the premises

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

External appearance

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

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

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

Advertising

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

Layout of premises

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

Management of the premises

26. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue (“the manager”) shall have personal responsibility for and be present on the premises whilst relevant entertainment is being performed. Any such nomination shall be produced on demand to an authorised officer of the council or a police constable.
27. The licensee shall ensure that any person nominated by him/her in accordance with Condition 28:
 - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
 - b) is in possession of the written nomination referred to above at all times when they are in charge of and present on the premises.
28. Where the licensee is a body corporate, or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the council within 14 days of such change. Such details as the council may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the council.
29. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue (“the manager”), is convicted of an offence, they must, as soon as practicable after the conviction, inform the council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.
30. The licensee shall retain control over all parts of the premises and shall not let,

licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises is affected by the termination of a lease or other event affecting the licensee's control of the premises.

31. The licensee shall ensure that the public is not admitted to any part or parts of the premises which have not been approved by the council for the purposes of public access.
32. No persons under the age of 18 shall be admitted to the premises.
33. The licensee shall operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 shall be displayed on the premises.
34. The licence holder shall not employ any person under the age of 18 in any capacity.

Safety and security

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

picture footage for the purpose of detecting, investigating and preventing crime. It must be possible to replay exported files immediately e.g. no re-indexing of files or verification checks shall be required.

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

Staff welfare

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

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

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

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

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

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

46. Dancers shall only be present in the licensed area in a state of nudity when they are

performing on stage or providing a private dance.

47. Any person on the premises who can be observed from outside the premises shall be properly and decently dressed.
48. The licensee shall ensure that dancers have secure dressing rooms, facilities to secure valuables and proper sanitation facilities available to them.
49. Panic alarms shall be fitted to all booths and VIP performance areas and shall be operational at all times.

Vessels, stalls and vehicles

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

Sex Shops

General

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

Exhibition of licence

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

Hours of opening (to be tailored to individual licences)

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

Monday
Tuesday
Wednesday
Thursday
Friday
Saturday
Sunday

Conduct on the premises

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

External appearance

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

<p>Strictly No Admittance to Persons Under 18 Years of Age This premises operates a Challenge 25 policy. Persons under the age of 25 will be required to show proof of age.</p>
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7. The external appearance of the premises must be approved by the council in writing.

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

Advertising

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

Layout of premises

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

Management of the premises

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

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

Video recordings

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

Vessels, stalls and vehicles

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

Sex Cinemas

General

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

Exhibition of licence

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

Hours of opening (to be tailored to individual licences)

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

Conduct on the premises

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

External appearance

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

<p>Strictly No Admittance to Persons Under 18 Years of Age This premises operates a Challenge 25 policy Persons under the age of 25 will be required to show proof of age</p>
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7. The external appearance of the premises must be approved by the council in writing.
8. Any change to the external appearance of the premises must be approved by the council. The operator must inform the Council of any proposed change in writing and

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

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

Advertising

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

Layout of premises

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

Management of the premises

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

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

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

Vessels, stalls and vehicles

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

Appendix 3 Contacts details

Licensing

Guildford Borough Council
Millmead House
Millmead
Guildford
Surrey
GU2 4BB

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

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

Surrey Police

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

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

Appendix 4 Interpretation

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

Audience includes an audience of one.

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

The council means Guildford Borough Council.

Display of nudity means:

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

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

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

Licensee means the holder of a sex establishment licence.

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

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

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

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

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

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

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

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

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



Licensing of Sex Establishments

Statement of Licensing Policy 2018-2021

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

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Further copies of this document can be obtained from:

Guildford Borough Council
Millmead House
Millmead
Guildford
Surrey
GU2 4BB

Tel: 01483 [444371505050](tel:01483444371505050)

Email: licensing@guildford.gov.uk

Web: www.guildford.gov.uk/licensing

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| ~~Appendix 4 – Interpretation~~ 46

| ~~Licensing of Sex Establishments – Statement of Licensing Policy~~
~~Sexual Entertainment Venues Licensing Policy – Draft for consultation~~

Page 4

47

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~~1.8 Appendix 1 provides a summary of results and a full analysis of the Public Consultation is available on request.~~

Review

~~1.8 This latest draft of the policy contains only minor amendments and no changes to the intent or direction of the previous policy approved in April 2015.~~

Section 2 The scope of the licensing policy

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

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Section 3 The Guildford Borough Council area

- 3.1 The borough is the second highest populated district in Surrey with ~~139,700~~146,800 residents in ~~2012~~2016. The major urban areas are located in the town centre of Guildford and on the western fringes of the borough adjacent to Aldershot town.
- 3.2 Guildford Borough is also the second largest borough in the county, covering approximately 269 square kilometres (104 square miles) of which 89% is land designated as Green Belt. Outside the urban areas and villages, rural areas contain the Surrey Hills Area of Outstanding Natural Beauty covering 99 square kilometres, several sites of importance for nature protection and areas of special scientific interest. The borough also has a rich and varied architectural heritage, including 36 scheduled ancient monuments.
- 3.3 Guildford is mostly an affluent area with relatively low unemployment and low levels of crime. Most residents are healthy and enjoy well above average life expectancy. The workforce is generally well-educated and highly skilled.
- 3.4 The town centre is a focus for major commercial and administrative functions and is a principal regional shopping destination, with a vibrant night time economy.
- 3.5 In 2014 the town was awarded Purple Flag, recognising excellence in the management of the town centre at night. This prestigious award demonstrates the Council and the other Purple Flag Partners' ambitions to develop and improve the night time economy, encouraging a broad outlook on how the town is presented at night and tackling all aspects from cleanliness to access and transport, street lighting to signage, entertainment variety and choice of styles in bars, clubs and restaurants. In order to retain this award, the Council, corporately, is keen to encourage a diverse entertainment economy, and recognises that the SEV sector may contribute to this area.
- 3.6 The borough attracted over ~~three~~4.9 million day visitors in ~~2011~~2016 and ~~351,000~~ staying trips, generating about ~~£285~~ £338.4 million in tourism income for local businesses, supporting around ~~5,000~~6,167 actual jobs.
- 3.7 Guildford's successful economy measured against a range of indicators has made it a place where businesses want to locate and grow.
- 3.8 The Vision in The Corporate Plan ~~2013-2016~~2015-2020 states the desire is for Guildford to be ~~a town and borough~~:
- ~~with strong infrastructure~~
 - ~~world class businesses with capacity to expand and deliver growth~~
 - ~~an evolving and vibrant economy~~
- "The town and Borough that is the most desirable place to live, work and visit in South East England."
- 3.9 The fundamental themes which ~~creates a progressive~~ support this vision are:

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- Our Borough - ensuring that proportional and sustainable environment managed growth for people today and future generations living in an evermeets our community and economic needs.
- Our Economy - improving society prosperity for all by enabling a dynamic, productive and sustainable economy that provides jobs and homes for local people.
- Our Infrastructure - working with partners to deliver the massive improvements needed in the next 20 years, including changes to tackle congestion issues.
- Our Environment - improving sustainability and protecting our countryside, balancing this with the needs of the rural and wider economy.
- Our Society - believing that every person matters and concentrating on the needs of the less advantaged.
- Your Council - ensuring a sustainable financial future to deliver improved and innovative services

3.9-10 This licensing policy seeks to promote licensing within the overall context of the five fundamental themes of the Corporate Plan 2013-2016.

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Section 4 Integrating other guidance, policies, objectives and strategies

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

- Corporate Plan ~~2013-2016~~2015 - 2020
- Visitor Strategy
- Economic Strategy
- Local Plan
- Public Health and Wellbeing Strategy
- Community Safety Strategy
- The Purple Flag Award

Other policies

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

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

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- Retail shopping areas
- Historic buildings
- Hotels

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

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

Human Rights

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

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

The Provision of Services Regulations

5.15 5.15 The Provision of Services Regulations 2009 implements the European Services Directive. These regulations ensure that any refusal of a licence is:

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

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

Crime and Disorder Act 1998

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

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

5.18 5.18 The council will have particular regard to the likely effect of the determination of

6.43 6.42 The decision on the application for a waiver will be taken at the next available licensing sub-committee hearing or by officers with the appropriate delegation and, if granted, a Notice of Waiver will be issued.

6.44 6.43 Unsuccessful applicants for waivers will be notified accordingly and provision will be made for them to make a formal application for a sex establishment licence.

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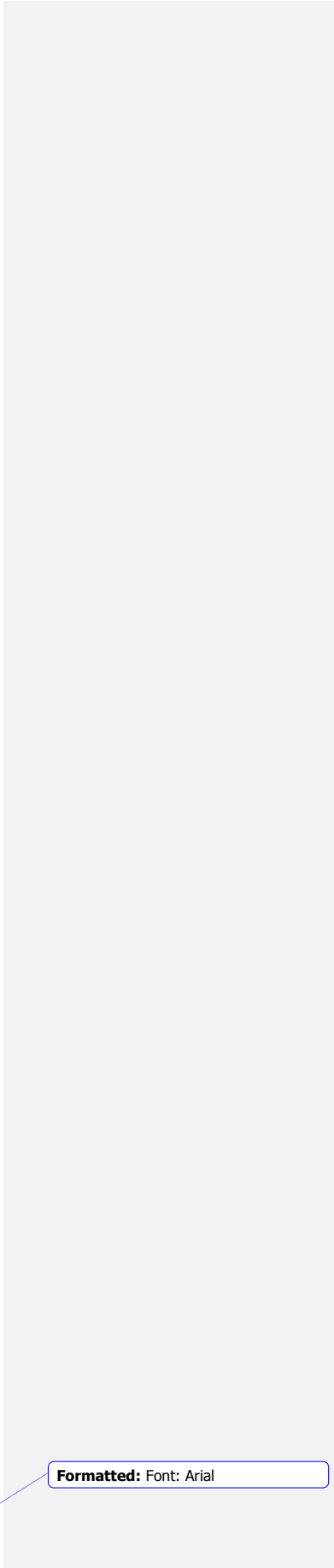
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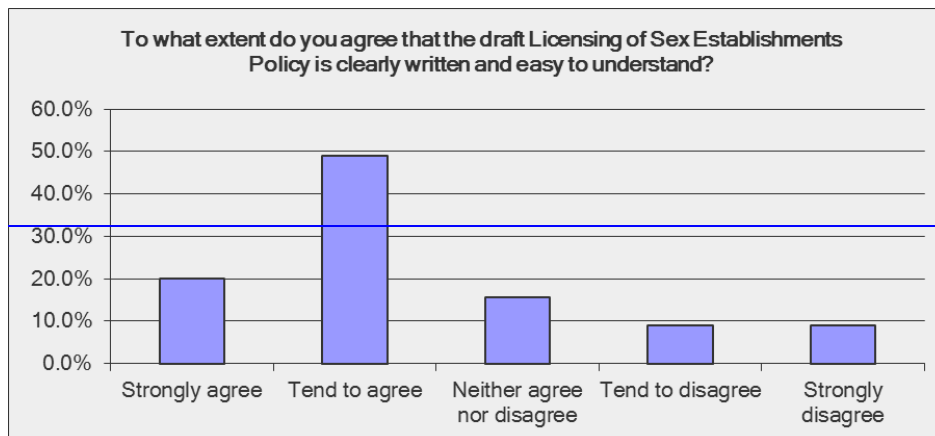
Appendix 1

Consultation

Question 1

To what extent do you agree that the draft Licensing of Sex Establishments Policy is clearly written and easy to understand?

Answer Options	Response-Percent	Response-Count
Strongly agree	20.0%	9
Tend to agree	48.0%	22
Neither agree nor disagree	15.6%	7
Tend to disagree	8.0%	4
Strongly disagree	8.0%	4
Comments		10
<i>answered question</i>		45
<i>skipped question</i>		2



Question 2

To what extent do you agree that the draft Licensing of Sex Establishments Policy is fair to both residents and licensed premises?

Answer Options	Response-Percent	Response-Count
Strongly agree	2.3%	1
Tend to agree	47.7%	21
Neither agree nor disagree	13.6%	6
Tend to disagree	25.0%	11
Strongly disagree	11.4%	5
Comments		15
<i>answered question</i>		44
<i>skipped question</i>		3

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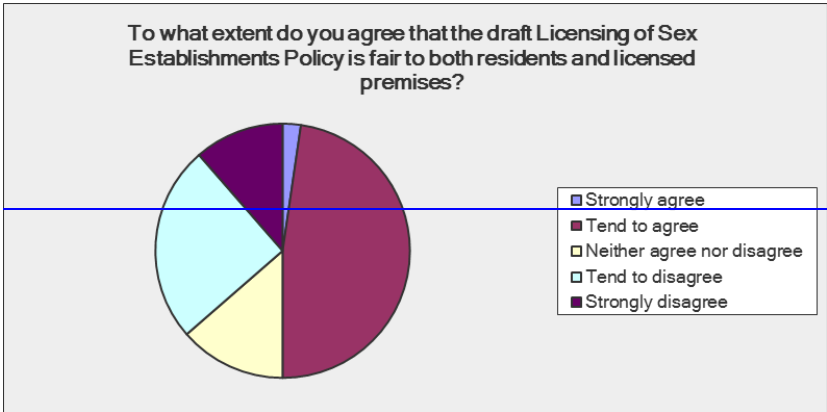
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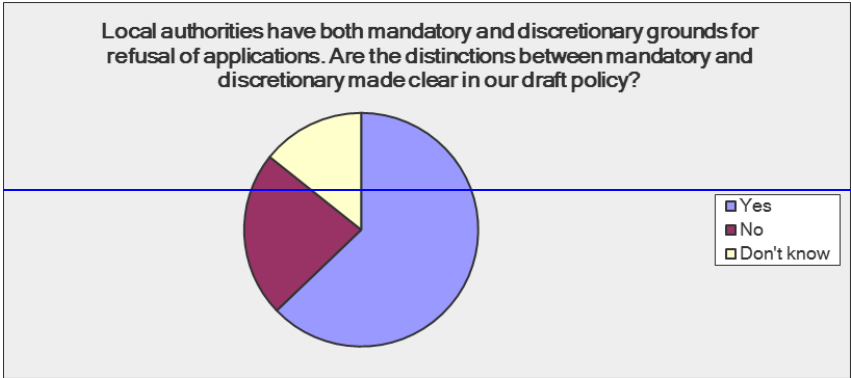
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Question 3

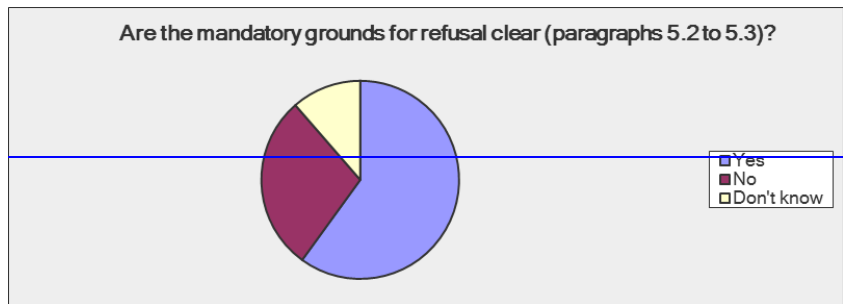
~~Local authorities have both mandatory and discretionary grounds for refusal of applications. Are the distinctions between mandatory and discretionary made clear in our draft policy?~~

Answer Options	Response-Percent	Response-Count
Yes	62.9%	22
No	22.9%	8
Don't know	14.3%	5
Comments		6
<i>answered question</i>		35
<i>skipped question</i>		12



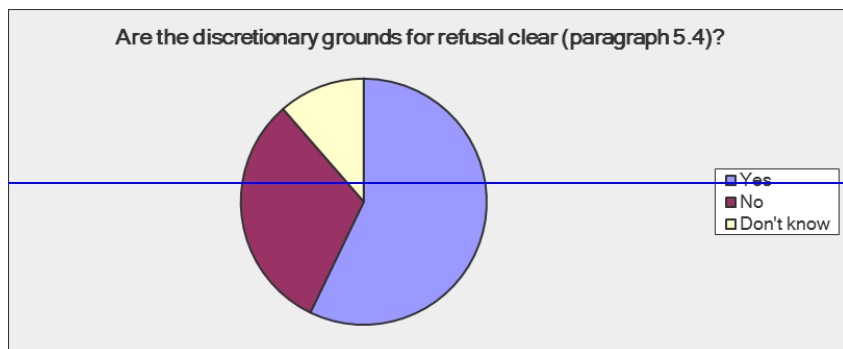
Question 4

Are the mandatory grounds for refusal clear (paragraphs 5.2 to 5.3)?		
Answer Options	Response-Percent	Response-Count
Yes	60.0%	21
No	28.6%	10
Don't know	11.4%	4
Comments		8
<i>answered-question</i>		35
<i>skipped-question</i>		12



Question 5

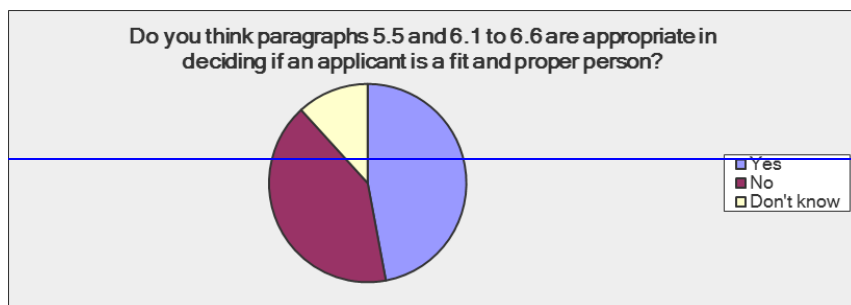
Are the discretionary grounds for refusal clear (paragraph 5.4)?		
Answer Options	Response-Percent	Response-Count
Yes	57.1%	20
No	31.4%	11
Don't know	11.4%	4
Comments		9
<i>answered-question</i>		35
<i>skipped-question</i>		12



Question 6

Do you think paragraphs 5.5 and 6.1 to 6.6 are appropriate in deciding if an applicant is a fit and proper person?

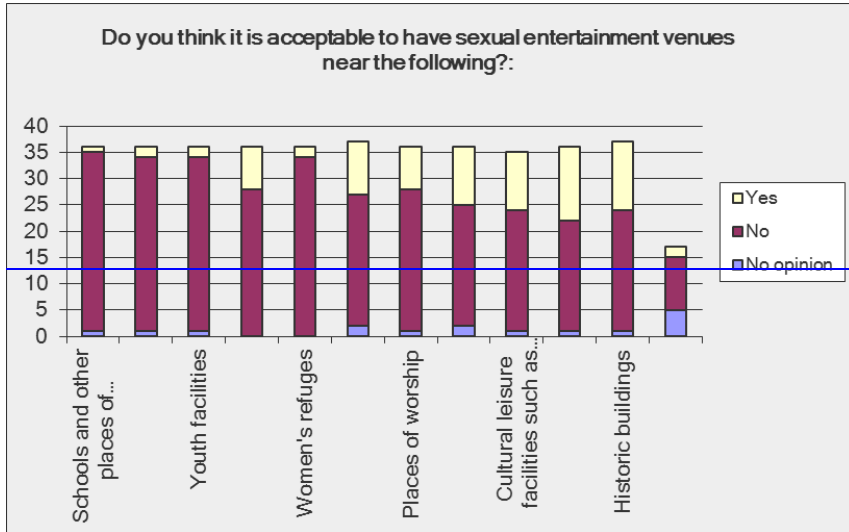
Answer Options	Response Percent	Response Count
Yes	47.1%	16
No	41.2%	14
Don't know	11.8%	4
Comments		12
<i>answered question</i>		34
<i>skipped question</i>		13



Question 7

Do you think it is acceptable to have sexual entertainment venues near the following?:

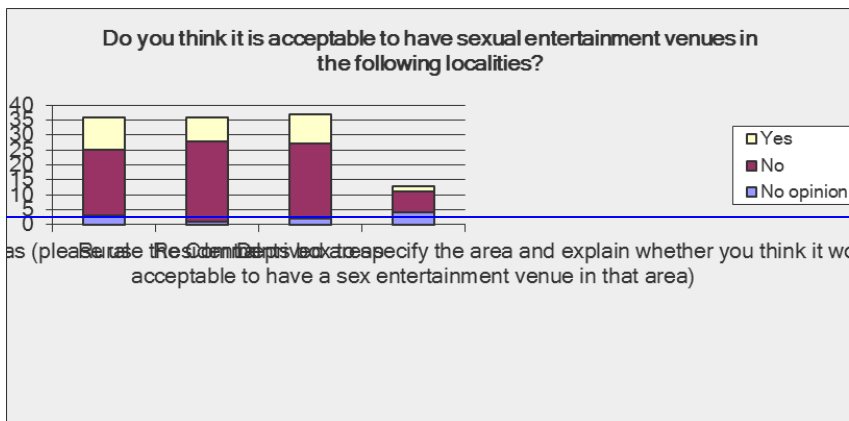
Answer Options	Yes	No	No opinion	Response Count
Schools and other places of education	1	34	1	36
Play areas and parks	2	33	1	36
Youth facilities	2	33	1	36
Residential areas	8	28	0	36
Women's refuges	2	34	0	36
Family leisure facilities, such as cinemas, theatres and concert halls	10	25	2	36
Places of worship	8	27	1	36
Places used for celebration or commemoration	11	23	2	36
Cultural leisure facilities such as libraries and museums	11	23	1	35
Shopping areas	14	21	1	36
Historic buildings	13	23	1	37
Other location (please specify in the Comments box and explain if you think it would be acceptable or not to have a sexual entertainment venue near this location)	2	10	5	17
Comments				19
<i>answered question</i>				37
<i>skipped question</i>				10



Question 8

Do you think it is acceptable to have sexual entertainment venues in the following localities?

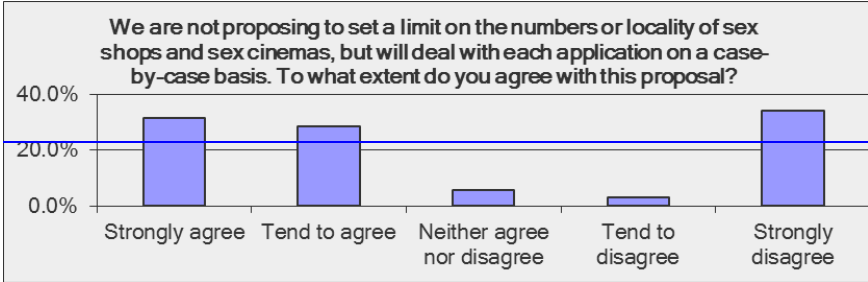
Answer Options	Yes	No	No opinion	Response Count
Rural	11	22	3	36
Residential	8	27	1	36
Deprived areas	10	25	2	37
Other areas (please use the Comments box to specify the area and explain whether you think it would be acceptable to have a sex entertainment venue in that area)	2	7	4	13
Comments				15
<i>answered question</i>				37
<i>skipped question</i>				10



Question 9

We are not proposing to set a limit on the numbers or locality of sex shops and sex cinemas, but will deal with each application on a case-by-case basis. To what extent do you agree with this proposal?

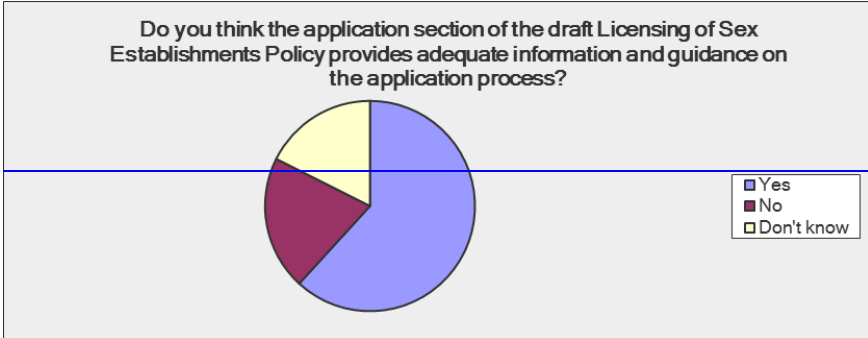
Answer Options	Response Percent	Response Count
Strongly agree	31.4%	11
Tend to agree	28.6%	10
Neither agree nor disagree	5.7%	2
Tend to disagree	2.9%	1
Strongly disagree	31.3%	12
<i>answered question</i>		35
<i>skipped question</i>		12



Question 10

Do you think the application section of the draft Licensing of Sex Establishments Policy provides adequate information and guidance on the application process?

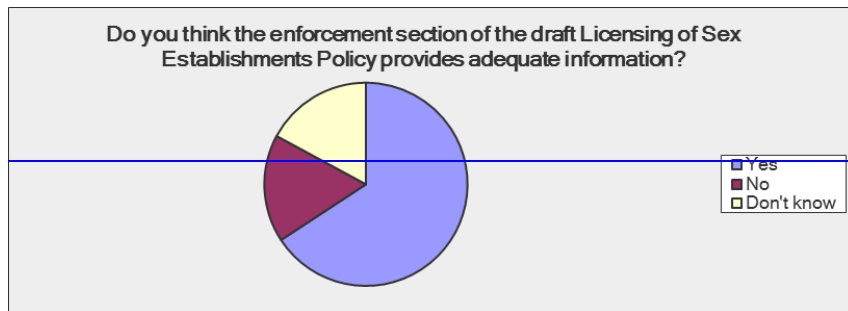
Answer Options	Response Percent	Response Count
Yes	61.8%	21
No	20.6%	7
Don't know	17.6%	6
Comments		6
<i>answered question</i>		34
<i>skipped question</i>		13



Question 11

Do you think the enforcement section of the draft Licensing of Sex Establishments Policy provides adequate information?

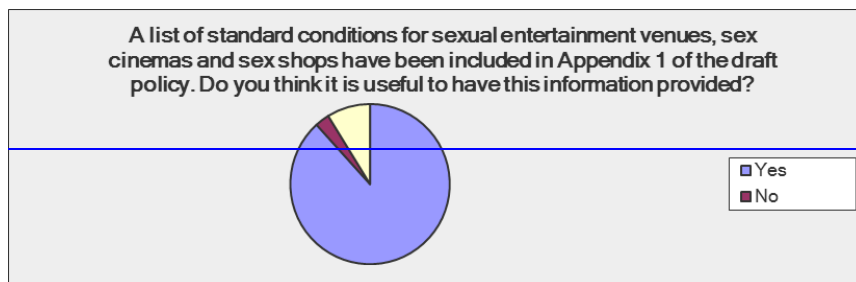
Answer Options	Response-Percent	Response-Count
Yes	65.7%	23
No	17.1%	6
Don't know	17.1%	6
Comments		2
		<i>answered-question</i> 35
		<i>skipped-question</i> 12



Question 12

A list of standard conditions for sexual entertainment venues, sex cinemas and sex shops have been included in Appendix 1 of the draft policy. Do you think it is useful to have this information provided?

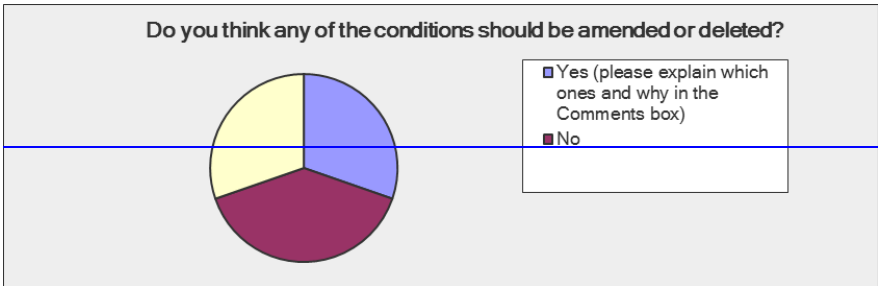
Answer Options	Response-Percent	Response-Count
Yes	88.2%	30
No	2.0%	1
Don't know	8.8%	3
Comments		3
		<i>answered-question</i> 34
		<i>skipped-question</i> 13



Question 13

Do you think any of the conditions should be amended or deleted?

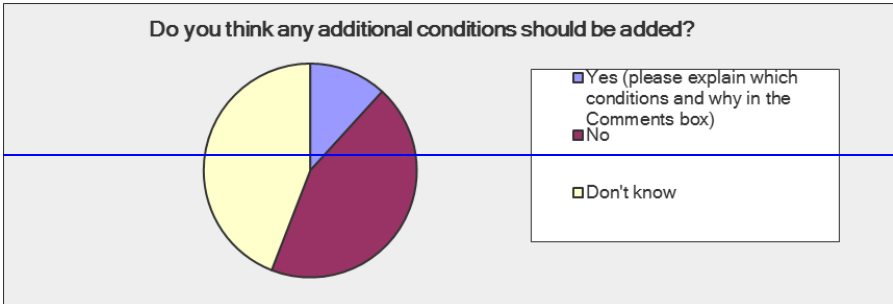
Answer Options	Response-Percent	Response-Count
Yes (please explain which ones and why in the Comments box)	30.3%	10
No	39.4%	13
Don't know	30.3%	10
Comments		13
<i>answered-question</i>		33
<i>skipped-question</i>		14



Question 14

Do you think any additional conditions should be added?

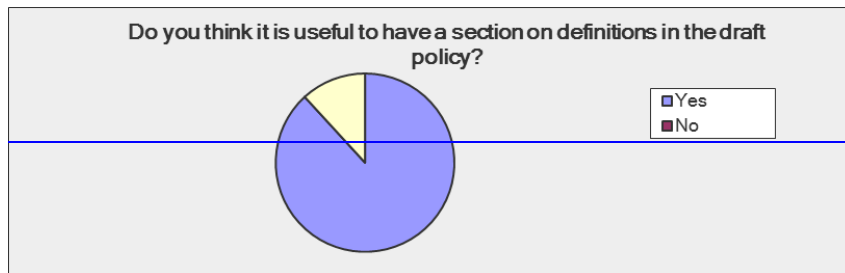
Answer Options	Response-Percent	Response-Count
Yes (please explain which conditions and why in the Comments box)	11.8%	4
No	44.1%	15
Don't know	44.1%	15
Comments		7
<i>answered-question</i>		34
<i>skipped-question</i>		13



Question 15

Do you think it is useful to have a section on definitions in the draft policy?

Answer Options	Response-Percent	Response-Count
Yes	88.2%	30
No	0.0%	0
Don't know	11.8%	4
Comments		5
<i>answered-question</i>		34
<i>skipped-question</i>		13



Question 16

Do you have any further comments on our draft policy? If so, please add them in this Comments box.

Answer Options	Response-Count
-	15
<i>answered-question</i>	
15	
<i>skipped-question</i>	
32	

Question 17

Thank you for taking the time to complete the questionnaire. To allow us to monitor the effectiveness of this consultation and to evaluate the responses, please indicate if you are responding as, or on behalf of, the following (tick all that apply):

Answer Options	Responding as	Responding on behalf of	Response Count
Local resident (permanent)	26	1	26
Local resident (temporary)	0	0	0
Working in the Guildford borough area	9	0	9
Student	1	0	1
Visitor	2	0	2
Business	3	0	3
Trade association (please specify the name in Comments box)	0	0	0
Community group (please specify the name in Comments box)	3	0	3
Police	1	0	1
Fire and rescue service	0	0	0
Councillor	2	0	2
Other (please specify the name in Comments box)	0	0	0
Comments			5
	<i>answered question</i>		34
	<i>skipped question</i>		13

Question 18

Gender		
Answer Options	Response Percent	Response Count
Male	54.8%	17
Female	48.4%	15
	<i>answered question</i>	31
	<i>skipped question</i>	16

Question 19

Age		
Answer Options	Response Percent	Response Count
Under 18	0.0%	0
18-24	6.5%	2
25-44	22.6%	7
45-64	45.2%	14
Over 64	25.8%	8
	<i>answered question</i>	31
	<i>skipped question</i>	16

Question 20

Please add your details:

Answer Options	Response-Percent	Response-Count
Name:	90.9%	20
Company:	31.8%	7
Address 1:	90.9%	20
Address 2:	50.0%	11
City/Town:	86.4%	19
State/Province:	54.5%	12
ZIP/Postal Code:	90.9%	20
Country:	68.2%	15
Email Address:	68.2%	15
Phone Number:	63.6%	14
	<i>answered question</i>	22
	<i>skipped question</i>	25

To be updated following public consultation

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Appendix 2 Standard Conditions

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

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

Sexual Entertainment Venues

General

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

Exhibition of the licence

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

General

- Unless stated otherwise, the licence hereby granted shall operate for one year from the date on the licence, after which it shall cease to be in effect, unless an application for renewal is submitted in the manner prescribed by the council.

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2. The licensee shall operate a code of practice for dancers and code of conduct for customers. These documents must be approved by the Council and Surrey Police and shall be made available to any police officer or authorised officer of the Council on request.

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3. Price lists for both drinks and sexual entertainment and the code of conduct for customers shall be clearly displayed at each table and at each entrance to the premises.

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4. Price lists and the code of conduct for customers must be printed in a manner which is clear and easy to read.

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5. Suitable and sufficient training is to be provided to all staff including the responsible person as described in condition 28. A training record shall be kept for each member of staff and the training record shall be made available upon request to any police constable or authorised officer of the Council.

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6. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the council in writing.

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Exhibition of the licence

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

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Hours of opening (to be tailored to individual licences)

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

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

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Conduct on the premises

9. Dancers shall only perform on the stage area, or in booths/areas for VIPs, as identified on the plan attached to the licence.

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10. Relevant entertainment shall only be performed by the dancer. There must be no audience participation.

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11. There must be no physical contact between dancers.

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12. There must be no physical contact between the dancer and the customer at any time.

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13. Any performance shall be restricted to dancing and the removal of clothes. There shall

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not be any other form of sexual activity or stimulation which, for the avoidance of doubt, includes kissing.

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14. Sex toys must not be used and penetration of the genital area by any means must not take place.

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15. Customers shall not be permitted to throw money at the dancers.

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External appearance

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

Hours of opening (to be tailored to individual licences)

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

Monday	Friday
Tuesday	Saturday
Wednesday	Sunday
Thursday	

Conduct on the premises

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

External appearance

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

Strictly No Admittance to Persons Under 18 Years of Age

This premises operates a Challenge 25 policy.

Persons who appear to be under the age of 25 will be required to show proof of age.

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

18. ~~Any change to the external appearance must be approved by the council. The operator must notify the Council in writing of any proposed change and shall provide a drawing of the existing and proposed street elevation. This must be approved by the council before any work is undertaken.~~

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~~19. Access to the licensed area of the premises shall be through a lobby area which is constructed in such a way that the inside of the licensed premises where relevant entertainment takes place is not visible to passing members of the public when the doors of the premises are opened.~~

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

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18. Any change to the external appearance must be approved by the council. The operator must notify the Council in writing of any proposed change and shall provide a drawing of the existing and proposed street elevation. This must be approved by the council before any work is undertaken.

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19. Access to the licensed area of the premises shall be through a lobby area which is constructed in such a way that the inside of the licensed premises where relevant entertainment takes place is not visible to passing members of the public when the doors of the premises are opened.

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20. Signage shall only be illuminated between 10pm and 6am, and movable signs placed outside the premises shall be removed between 6am and 10pm.

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Advertising

21. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, shall not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.

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22. Staff employed or subcontracted by the premises shall not verbally or otherwise promote, tout or advertise the premises, except by way of flyers.

23. Leafleting/distribution of flyers shall only be permitted as long as it does not cause public offence. The licensee shall remove any leaflets from the Highways within a 100 metre radius of the premises by 6am. The licensee shall operate a flyer distribution policy which must be approved by the Council.

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Layout of premises

24. No access shall be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.

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25. No alterations (including temporary alterations) shall be made to the structure and installations on the premises, without the prior written consent of the council. This condition does not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

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Management of the premises

26. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue ("the manager") shall have personal responsibility for and be present on the premises whilst relevant entertainment is being performed. Any such nomination shall be produced on demand to an authorised officer of the council or a police constable.

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27. The licensee shall ensure that any person nominated by him/her in accordance with Condition 28:

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a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and

b) is in possession of the written nomination referred to above at all times when they are in charge of and present on the premises.

28. Where the licensee is a body corporate, or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the council within 14 days of such change. Such details as the council may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the council.

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29. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue ("the manager"), is convicted of an offence, they must, as soon as practicable after the conviction, inform the council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.

30. The licensee shall retain control over all parts of the premises and shall not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises is affected by the termination of a lease or other event affecting the licensee's control of the premises.

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31. The licensee shall ensure that the public is not admitted to any part or parts of the premises which have not been approved by the council for the purposes of public access.

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32. No persons under the age of 18 shall be admitted to the premises.

33. The licensee shall operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 shall be displayed on the premises.

34. The licence holder shall not employ any person under the age of 18 in any capacity.

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Safety and security

35. A suitable Closed-Circuit Television (CCTV) system shall be operational at the premises at all times when licensable activities are being carried out and at any other times when members of the public are present on the premises. The CCTV system shall cover all areas of the premises to which the public are permitted to have access, including corridors and stairways (excluding WCs). The CCTV system shall cover the main entrances and exits and designated emergency exit routes from the premises. The CCTV system shall cover all external areas of the premises accessed by the public, including queuing areas, beer gardens, smoking areas and car parks. The location of the CCTV cameras shall be identified on the site plan of the premises. No amendments to the locations of the cameras shall be made without prior consultation with Surrey Police/British Transport Police and the Licensing Authority.

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36. The CCTV system shall be of a sufficient resolution quality to enable the identification of persons and activities, and other details such as vehicle registration number plates. The CCTV system shall contain the correct time and date stamp information. The CCTV

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system shall have sufficient storage retention capacity for retention of a minimum of 31 days' continuous footage, which shall be of good quality. The CCTV footage shall be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record shall be kept of who has accessed the system, the reason why and the date and time of access.

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37. The data controller, under the Data Protection Act 1998, who is responsible for any CCTV images captured on cameras on the premises shall, on the lawful request of an authorised officer or an officer of Surrey Police/British Transport Police, cause any required footage to be downloaded immediately, or where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer. Where the CCTV images are not supplied at the time of the request being made, the data controller shall ensure that they are secured to prevent any overwriting.

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38. The CCTV system shall be adequately maintained and be capable of transporting recorded material onto a removable media. The CCTV system replay software must allow an authorised officer or an officer of Surrey Police/British Transport Police to search the picture footage effectively and see all the information contained in the picture footage for the purpose of detecting, investigating and preventing crime. It must be possible to replay exported files immediately e.g. no re-indexing of files or verification checks shall be required.

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

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Staff welfare

40. Dancers shall be aged 18 years or over.

41. Before a dancer is permitted to work on the premises the licensee shall ensure that the dancer:

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a) has not been convicted of theft, drug offences or prostitution

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b) has the right to work in the UK

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

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42. The Licensee shall provide new dancers with a pack of information. This pack shall include:

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a) A copy of the Sex Establishment Licence, including the conditions applied by the Licensing Committee.

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b) Details of any other conditions applied by the management of the premises

c) Details of how to report crime to the relevant authority

d) Details of the premises public liability insurance

e) Information on how dancers can obtain personal liability insurance

f) Details of unions, trade organisations or other bodies that represent the interests of dancers

g) A copy of the code of conduct for dancers

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- h) A copy of the code of conduct for customers
- i) Price lists for drinks and sexual entertainment

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

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

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

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46. Dancers shall only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.

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47. Any person on the premises who can be observed from outside the premises shall be properly and decently dressed.

48. The licensee shall ensure that dancers have secure dressing rooms, facilities to secure valuables and proper sanitation facilities available to them.

49. Panic alarms shall be fitted to all booths and VIP performance areas and shall be operational at all times.

Vessels, stalls and vehicles

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

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20. Sex Shops

Advertising

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Layout of premises

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Management of the premises

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General

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~~Any unlit window display must not be of a sexual nature, and must not contain images or text of a sexually explicit, obscene or indecent nature. The licensee must notify the council in writing.~~

Staff employed or subcontracted by the licensee must not tout or advertise the premises, except for the purposes of the licence.

~~Leafletting/distribution of flyers shall not be permitted on the premises at any time of the day. The licensee shall remove any flyers or leaflets from the premises by 6am. The licensee shall notify the council in writing of any leafletting or distribution of flyers approved by the Council.~~

~~No access shall be permitted through the premises except in the case of an emergency.~~

~~No alterations (including temporary alterations) to the premises, without the written consent of the council, shall be permitted. This condition does not require notice to be given to the council. Where there is any doubt the licensee shall consult the council.~~

The licensee, or a responsible person nominated by the licensee managing the venue ("the manager") shall ensure that a copy of the licence is displayed on the premises whilst relevant entertainment is being provided. The licensee shall be produced on demand to an authorised person.

The licensee shall ensure that any person entering the premises is provided with a copy of the licence. ~~Condition 28:~~

- a) has been provided with a copy of the licence and is conversant with them; and
- b) is in possession of the written nomination of a responsible person in charge of and present on the premises.

Where the licensee is a body corporate, the licensee shall ensure that the company secretary or other person responsible for the management of the licensee is notified in writing to the council within 14 days of the change of management. The licensee may require in respect of the change of management to provide a request in writing from the council.

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

Exhibition of licence

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

Hours of opening (to be tailored to individual licences)

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

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- Monday
- Tuesday
- Wednesday
- Thursday
- Friday
- Saturday
- Sunday

Conduct on the premises

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

External appearance

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

- 29. ~~Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue ("the manager"), is convicted of an offence, they must, as soon as practicable after the conviction, inform the council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.~~
- 30. ~~The licensee shall retain control over all parts of the premises and shall not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises is affected by the termination of a lease or other event affecting the licensee's control of the premises.~~
- 31. ~~The licensee shall ensure that the public is not admitted to any part or parts of the premises which have not been approved by the council for the purposes of public access.~~
- 32. ~~No persons under the age of 18 shall be admitted to the premises.~~

33. ~~The licensee shall operate~~ **Strictly No Admittance to Persons Under 18 Years of Age. This premises operates a Challenge 25 age verification policy. People who appear to be Persons under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 shall be displayed on the premisesage,**

34. ~~The licensee holder shall not employ any person under the age of 18 in any capacity.~~

Safety and security

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

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

Advertising

11. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, shall not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
12. Leafleting/distribution of flyers shall only be permitted as long as it does not cause public

offence. The licensee shall remove any leaflets from the highways within a 100 metre radius of the distribution point. Flyers must not be distributed by and to persons under the age of 18 years of age. The licensee shall operate a flyer distribution policy which shall be approved by the council.

Layout of premises

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

Management of the premises

15. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue ("the manager"), shall have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination shall be produced on demand to an authorised officer of the council or a police constable.
16. The licensee shall ensure that any person nominated by him/her under Condition 16 above:
- a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
 - b) is in possession of the written nomination at all times when they are in charge of and present on the premises.
17. Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the council within 14 days of such change. Such details as the council may require in respect of the change in personnel shall be furnished within 14 days of a request in writing from the council.
18. The licensee shall retain control over all parts of the premises and shall not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises is affected by the termination of a lease or other event affecting the licensee's control of the premises.
19. The licensee shall ensure that the public are not admitted to any part or parts of the premises that have not been approved by the council for the purposes of public access.
20. The licensee shall keep a record of all employees who are asked to work on the premises. The record shall include their full name, date of birth, current and previous addresses and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).
21. A certified copy of the personnel record kept in accordance with Condition 21 or a record relating to a specified individual shall be produced on demand to an authorised officer of the council or the police.

22. No persons under the age of 18 shall be admitted to the premises.

23. The licensee shall operate a Challenge 25 age verification policy and customers under the age of 25 shall be required to show proof of ID. A notice to this effect in accordance with condition 7 shall be displayed on the outside of the premises.

24. The licence holder shall not employ any person under the age of 18 in any capacity.

Video recordings

25. No moving picture shall be provided on display at the licensed premises unless it is for the purposes of advertising videos on a loop system or allowing a prospective purchaser a short preview of films upon request, being no longer than 3 minutes in length.

26. Items sold, supplied for hire or exchange or used in any promotion/advertising must not contravene any current legislation i.e. Section 12 Video Recordings Act 1984, (as amended).

Vessels, stalls and vehicles

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

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~~38. The CCTV system shall be adequately maintained and be capable of transporting recorded material onto a removable media. The CCTV system replay software must allow an authorised officer or an officer of Surrey Police/British Transport Police to search the picture footage effectively and see all the information contained in the picture footage for the purpose of detecting, investigating and preventing crime. It must be possible to replay exported files immediately e.g. no re-indexing of files or verification checks shall be required.~~

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

Staff welfare

~~40. Dancers shall be aged 18 years or over.~~

~~41. Before a dancer is permitted to work on the premises the licensee shall ensure that the dancer:~~
a) ~~has not been convicted of theft, drug offences or prostitution~~
b) ~~has the right to work in the UK~~

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

~~42.~~

~~to the Sex Cinemas. Licensees shall provide new dancers with a pack of information. This pack shall include:~~

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

~~43.~~

~~44.~~

~~45.~~

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~~46.~~

~~47. Any person on the premises who can be observed from outside the premises shall be properly and decently dressed.~~

~~48. The licensee shall ensure that dancers have secure dressing rooms, facilities to secure valuables and proper sanitation facilities available to them.~~

~~49. Panic alarms shall be fitted to all booths and VIP performance areas and shall be operational at all times.~~

~~Vessels, stalls and vehicles~~

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

~~Dancers shall only be present in the lic stage or providing a private dance.~~

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Sex Shops

General

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

Exhibition of licence

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

Hours of opening (to be tailored to individual licences)

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

Monday	Friday
Tuesday	Saturday
Wednesday	Sunday
Thursday	

Conduct on the premises

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

External appearance

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

~~Strictly No Admittance to Persons Under 18 Years of Age~~

~~This premises operates a Challenge 25 policy.
Persons under the age of 25 will be required to show proof of age.~~

7. ~~The external appearance of the premises must be approved by the council in writing.~~
8. ~~Any change to the external appearance of the premises must be approved by the council. The operator must inform the Council of any proposed change in writing and provide a drawing of the existing and proposed street elevation. This must be approved by the council before work is undertaken.~~

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

Advertising

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

Layout of premises

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

Management of the premises

15. ~~The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue ("the manager"), shall have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination shall be produced on demand to an authorised officer of the council or a police constable.~~
16. ~~The licensee shall ensure that any person nominated by him/her under Condition 16 above:~~
 - a) ~~has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and~~
 - b) ~~is in possession of the written nomination at all times when they are in charge of and present on the premises.~~
17. ~~Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the council within 14 days of such change. Such details as the council may require in respect of the change in personnel shall be furnished within 14 days of a request in writing from the council.~~

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

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- ~~26. Items sold, supplied for hire or exchange or used in any promotion/advertising must not contravene any current legislation i.e. Section 12 Video Recordings Act 1984, (as amended).~~

Vessels, stalls and vehicles

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

Sex Cinemas

General

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

Exhibition of licence

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

Hours of opening (to be tailored to individual licences)

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

Monday	Friday
Tuesday	Saturday
Wednesday	Sunday
Thursday	

Conduct on the premises

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

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This premises operates a Challenge 25 policy. Persons under the age of 25 will be required to show proof of age.

- 7. ~~The external appearance of the premises must be approved by the council in writing.~~
- 8. ~~Any change to the external appearance of the premises must be approved by the council. The operator must inform the Council of any proposed change in writing and provide a drawing of the existing and proposed street elevation. This must be approved by the council before work is undertaken.~~
- 9. ~~The frontage of the licensed premises shall be of such a nature that the interior of the licensed premises shall not be visible from outside and the contents of the licensed premises shall not be visible when the doors of the licensed premises are open.~~
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Layout of premises

~~13. No access shall be permitted through the premises to any other adjoining or adjacent premises, except in the case of an emergency.~~

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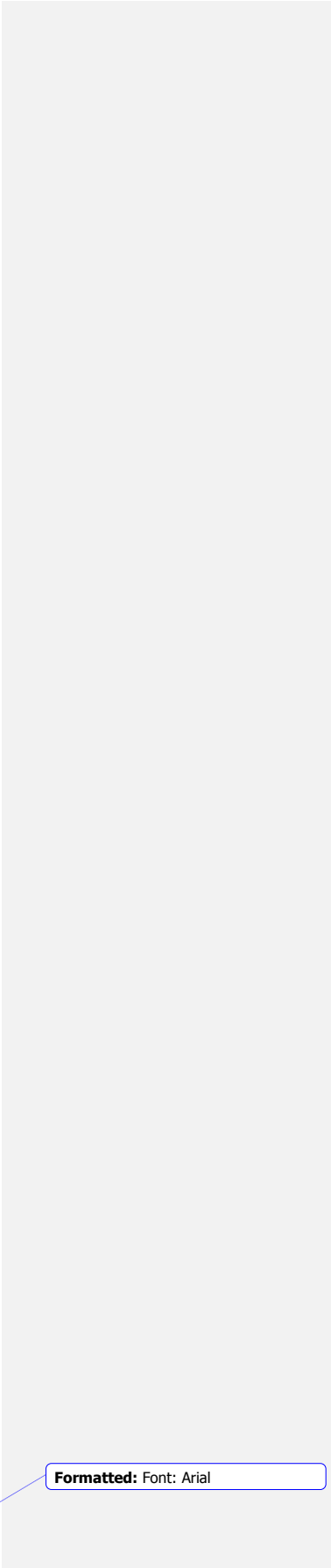
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- ~~16. The licensee holder shall ensure that any person nominated by him/her under Condition 16:
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Vessels, stalls and vehicles

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

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Management of the premises

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Vessels, stalls and vehicles

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

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Appendix 3 ~~Contact~~ Contacts details

**Licensing Guildford
Borough Council**

Millmead House
Millmead
Guildford
Surrey
GU2 4BB

T: 01483 505050

~~Licensing@guildford.gov.uk~~

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

Surrey Police

Licensing Unit
Guildford Police Station
Margaret Road
Guildford, Surrey

T: 01483 639473

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

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Licensing

Guildford Borough Council
Millmead House
Millmead
Guildford
Surrey
GU2 4BB

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

[Application form, plan, fee, policies, notices and declaration](#)

Surrey Police

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

T: 01483 639473
[Application form, plan, policies, notices and declaration](#)

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

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

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

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

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Licensing Committee Report

Report of the Licensing Team Leader

Author: Mike Smith

Tel: 01483 444387

Email: mike.smith@guildford.gov.uk

Lead Councillor responsible: Graham Ellwood

Tel: 07899 846626

Email: graham.ellwood@guildford.gov.uk

Date: 30 May 2018

Charity Collections Policy

Executive Summary

The Council is the Licensing Authority for Charitable Street Collections under Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and Charitable House to House Collections under the House to House Collections Act 1939.

On 22 November 2017 Licensing Committee agreed public consultation on a draft Charitable Collections Policy for the Guildford Borough. This report seeks to advise the Licensing Committee on the results of the public consultation exercise, and seeks that Licensing Committee approve the Policy in Appendix 1 with immediate effect.

Recommendation to Licensing Committee

That the Committee approve the Charity Collections Policy with immediate effect.

Reasons for Recommendation:

Adopting a Charity Collections Policy will provide guidance to applicants and a framework to enable the Council to make consistent and transparent decisions when determining applications for charity collections.

1. Purpose of Report

- 1.1 The report informs the Committee of the results of the public consultation to the proposed introduction of a Policy concerning Charitable Collections taking place in the Borough.
- 1.2 It asks the Committee to consider the results of the public consultation exercise and approve the proposed draft Charity Collections Policy in Appendix I with immediate effect.

2. Strategic Framework

- 2.1 Charitable collections are regulated by the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and the House to House Collections Act 1939. The Council is the licensing authority for the purposes of administering charitable collections taking place in the Borough. Charities must obtain a permit or licence from the Council before a charitable collection takes place.
- 2.2 Currently the Council does not have a Policy covering Charitable Collections in the Borough. As such, decisions on permit or licence applications, for example limiting one collection per day in the town centre, or refusing a House to House collection application due to insufficient amounts going to the charity are based upon historical practices.
- 2.3 Therefore, an approved Policy will assist applicants for a charitable collection permit/licence, and provide guidance to enable the Council to make consistent decisions when determining applications.
- 2.4 As such, adopting a Charitable Collections Policy will contribute to our fundamental themes and priorities as follows:

Our Borough – ensuring that proportional and managed growth for future generations meets our community and economic needs

Our Economy – supporting business, growth and employment

Our Environment – improving sustainability and protecting our countryside, balancing this with the needs of the rural and wider economy

3. Background

- 3.1 Charitable collections generally take place in one of two ways, either:
- A collection of donations in the street, or
 - A collection of donations at a person's property.
- 3.2 Charitable street collections are regulated by the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and house to house collections are regulated by the House to House Collections Act 1939. The Council is the licensing authority for the purposes of administering charitable collections taking place in the Borough. Charities must obtain either a permit under the 1916 Act or a licence under the 1939 Act from the Council before a charitable collection takes place.
- 3.3 Whilst the exact requirements will differ depending on the relevant legislation, the principles of both regimes are the same, in that the collection must be for a charitable purpose. The Council also limits the numbers of street collections taking place. This is to ensure that the public are not inundated by request for donations, and to ensure that charities receive a reasonable opportunity to raise funds.
- 3.4 Currently, there is no policy concerning Charitable Collections, with decisions on applications based upon historical previous decisions and practices.

- 3.5 In order to provide applicants with guidance and the Council with a framework for consistent decision making, a policy covering charitable collections has been drafted and consulted upon.

4. Proposed Changes

- 4.1 The objectives of the draft charity collection policy are to ensure that:
- Charity collections are treated in a fair and consistent way and are well run and regulated
 - each application is considered on its merits
 - the public is not exposed to an excessive number of street collections
 - relevant objectives of the Council's Corporate Business Plan are supported
 - that the obligations of the Council's Public Sector Equality duty under the Equality Act 2010, section 149 are fulfilled by eliminating discrimination, harassment, victimisation and other conduct prohibited by the Act, advancing equality of opportunity and fostering good relations between persons who share and those who do not share protected characteristics.
 - collections are for the public benefit and in line with a charitable purpose as defined by the Charities Act 2011.
- 4.2 In addition, the reasons for limiting the number of street collections to one area per day are laid out in the form of a written policy.
- 4.3 The Council is entitled to refuse an application for a house to house collection if the percentage of proceeds donated to a charitable cause, after paying expenses, is insufficient. It is recommended that a minimum of 80% of the value of the proceeds of a collection should be donated to the charitable cause.

5. Consultation

- 5.1 Consultation is critical to ensure that a new Charitable Collections Policy is clear and transparent for charities, responsible authorities and the public.
- 5.2 Following the approval of the Licensing Committee consultation was carried out over a 12 week period between 29 January and 22 April 2018. Officers consulted with all interested parties by:
- Writing to all current and previous holders of a charity collection permit/licence.
 - Writing to people who represent the interests of charitable organisations
 - Writing to persons considered Responsible Authorities
 - Publicising the draft Policy on the Council's website
 - Using social media to inform the public of the consultation and direct them to the website.

Agenda item number: 5c

- 5.4 During the consultation period twelve (12) consultation responses were received. The responses are attached in Appendix 2.
- 5.5 Eleven responses were received from current/previous licence/permit holders. The responses were mainly supportive with some questions about the operation of the application process and conduct of collectors. One response was received from Ash Parish Council.
- 5.6 The proposed comments about the policy, with comment from Officers were as follows:

Comment no:	Comment	Response
1.	However, there is one area where it seems bureaucracy could undermine individual support of charities, namely 3.5 and 3.6 concerning collection from the sale of items. We sometimes receive donations from individuals who have sold items at car boot sales or from outside their own houses and I think if people knew they had to apply for a licence to do so they probably wouldn't bother, so it could have a small adverse impact on our fundraising.	Sections 3.5 and 3.6 of the Policy concern a Charity selling items in the street for a charitable purpose. If the public sell items at a car boot (for example) and donate some/all of the proceeds to charity then this would not require a licence.
2.	[Are] identification labels for each collector necessary if charities already have identifying tabards or clothing?	The requirement to wear a badge comes from the adopted Regulations. It is considered necessary for official identification.
3.	It would be helpful if all licenced collectors were told not to shout and harrass people walking up the high street.	This is a requirement under the Street Collection Regulations.
4.	I would also add that the range of qualified persons permitted under the current regulations to countersign a statement of return is very limited and calls for a level of qualification that, given the simplicity of the return paperwork, is analogous to using a sledgehammer to crack a nut.	The Street Collection Regulations state that returns must be signed by a qualified accountant or an independent responsible person acceptable to the licensing authority.
5.	Guildford is clearly seen as a soft touch or pocket of money as there are several charities who collect	National and Local charities are able to collect in Guildford, as the public may

	here which are neither national nor local	wish to donate to either.
6.	There appears to be little due diligence done by GBC on some of the charities before giving them the right to collect.	The regulation of charities is the role of the Charity Commission.
7.	The rules about collectors standing together and then the distance between the next collector/collectors being 25 metres is often ignored	This requirement can be waived.
8.	Checking of permits/enforcement of rules seems extremely lax.	Enforcement is carried out by both the Council and other agencies on a risk and priority basis.
9.	The appearance of collectors bearing an ID issued elsewhere. They look kosher, are probably collecting for a good cause but are on commission and they have not been authorised by GBC as they don't have GBC permits and witness the fact that authorised collectors with a GBC permit might well be in the vicinity.	These would either fall within the scope of unlicensed charitable collecting or street trading. Enforcement is carried out if required and complaints are responded to.
10.	The requirement for application 28 days before date of the collection: does it have to be 'special circumstances' for this to be waived - could it not be waived simply at the discretion of GBC, for example if there is ample time to process the application?	The requirement to apply one month in advance is in the Regulations. It can be waived at the discretion of the Council.
11.	Cannot apply more than 6 months in advance: it is quite nice to fix collections for the full year often; any special reason for the 6 months limit? Make it 12 months?	The paragraph (4.3) states that dates can be booked and an application made in advance. However it would be sensible from an administrative perspective to issue permits upon processing of the application as such this has been updated.
12.	The need to publish the total collected in a paper; unlikely to apply to us, as we have never got anywhere near £150; but how is the decision of GBC to be communicated on this; can we just have a blanket waiver if it is under	The requirement to publish the total collected in a newspaper is in the Regulations. The Council may waive this requirement if the total collected is under £150 and each case is

	£150?	treated on its merits.
13.	Would have been useful to have a list of main changes from the existing policy	There is no existing policy.
14.	Whilst agreeing that the public should not be exposed to an excessive number of collections it would be helpful if the policy gave a clear idea of what constitutes an 'area' for these purposes. The examples given are 'Guildford town centre' and the Friary. So, for this purpose, are the Tunsgate Quarter and White Lyon Walk separate areas or part of the 'town centre'. In my view, the Railway Station and supermarkets such as Tesco or Sainsbury's at Burpham should be regarded as separate areas.	The difficulty with having a number of defined 'areas' particularly around the town centre (such as the Station, White Lion Walk, Tunsgate, High Street, Friary etc.) may mean that the public may become exposed to an excessive number of collections. As such, the current practice of limiting collections to all areas of the town centre and the Friary is recommended.
15.	The policy should also make clear in the case of events raising funds for a number of charities whether one or several licences will be required. I hope the latter is not the case - it would be extremely onerous for organisers. As this is a new provision, I hope that reasonable steps will be taken to make event organisers aware of it before implementation. These new provisions will cover a large number of events. Has a calculation be made of the extra staff hours required to process them within a reasonable period?	Only one licence per charity/event would be required. This is no different to current practice and as such should not have any additional resource implications.

5.6 As stated above, one minor change to the draft Policy approved for consultation is suggested based upon the consultation responses received. This is at Paragraph 4.3 where the issue of permits may be up to 12 months in advance.

5.7 The final version for approval by Licensing Committee is attached as Appendix I.

6. Financial Implications

6.1 The Council cannot make a charge for the issue of either a Street Collection permit or House to House Collection licence. As such, the cost of administering the scheme cannot be recovered.

- 6.2 The financial implications associated with the recommendation of adopting a Charity Collection Policy for the Guildford Borough can be financed from existing resources.

7. Legal Implications

- 7.1 Street collections are governed by the Police, Factories, etc (Miscellaneous Provisions) Act 1916. This Act allows the Council to make regulations with respect to the places where and the conditions under which collections may be permitted. The Council has made regulations, which require the promoter to obtain a permit from the Council before the collection can take place.
- 7.2 House to House collections are regulated by the House to House Collections Act 1939. This Act requires the promoter to obtain a licence from the Council before a collection can be carried out. The Council must grant a licence on application unless one of the grounds set out in the Act for refusing the licence apply.
- 7.3 There is no requirement to have a Charitable Collections Policy; however, it is good practice for the Council, as a licensing authority, to have a policy, which provides the framework for consistent decision making.

8. Human Resource Implications

- 8.1 There will not be any additional human resource implications associated with the adoption of a Charitable Collections Policy for Guildford.

9. Conclusion

- 9.1 Adopting a Charity Collections Policy will provide guidance to applicants and a framework to enable the Council to make consistent and transparent decisions when determining applications for charity collections.
- 9.2 The Policy attached in Appendix I is presented to the Licensing Committee following public consultation. Licensing Committee is asked to approve the Policy with immediate effect.

10. Background Papers

[Guildford Borough Council Street Collection Regulations](#)

[Guildford Borough Council Guidance on the House to House Collection Regulations](#)

11. Appendices

Appendix I: Charity Collections Policy
Appendix II: Consultation Responses Received

12. Consultation

Service	Sign off date
Finance / 151 Officer	<i>30 April 2018</i>
Legal / Governance	<i>26 April 2018</i>
HR	<i>27 April 2018</i>
Equalities	<i>27 April 2018</i>
Lead Councillor	<i>4 May 2018</i>
CMT	<i>24 April 2018</i>
Committee Services	<i>10 May 2018</i>



Charitable Collections Policy 2018

DRAFT

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1. Introduction
2. Policy Objectives
3. Permitted locations
4. Application Process
5. Supplementary guidance for House to House Clothing Collections
6. Grounds for refusal of a House to House Collections Licence
7. Appeals
8. Fee Structure
9. Enforcement
10. Busking/Street Entertainment
11. Appendices

1. Introduction

- 1.1 This policy sets out how the Council will exercise its functions under Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, the House to House Collections Act 1939 and the House to House Collections Regulations 1947 .
- 1.2 This policy will be reviewed every 5 years and/or to reflect significant changes in relevant legislation or other relevant policy and practice of the Council.

2. Policy Objectives

2.1 The Policy is designed to ensure that:-

- Charity collections are treated in a fair and consistent way and are well run and regulated
- each application is considered on its merits
- the public is not exposed to an excessive number of street collections
- relevant objectives of the Council's Corporate Business Plan are supported
- that the obligations of the Council's Public Sector Equality duty under the Equality Act 2010, section 149 are fulfilled by eliminating discrimination, harassment, victimisation and other conduct prohibited by the Act, advancing equality of opportunity and fostering good relations between persons who share and those who do not share protected characteristics:
- collections are for the public benefit and in line with a charitable purpose as defined by the Charities Act 2011. See Appendix 'A'.

2.2 The Council will not issue permits or licences to an individual or organisation whose aims do not appear to comply with the definition of charitable purpose under the Charities Act 2011. Applications to raise funds for the purpose of financing or sponsorship for personal expeditions are not usually permitted, even where a proportion of the funds raised is donated to charity. However, each case will be treated on its merits.

3. Permitted Locations

- 3.1 Charity Collections may take place in any location within the Guildford Borough.
- 3.2 The Council will only permit one Street Collection per area, per day in Guildford town centre, the Friary Centre or any other location within the Borough.
- 3.3 Appeals for cash and/or direct debit pledges to a charity cannot take place in any public place without a street collection permit or house to house collections licence. This includes collections which are part of a procession but does not include collections taken at a meeting in the open air.

- 3.4 Any collection will require the permission of the land owner, with the exception of a collection taking place on the public highway.
- 3.5 In addition to any highways and pedestrianised areas in the borough, residential streets and those places which, at the time of the appeal, members of the public have or are permitted access, public places are those that are not within a building or if within a building is in a public area to which the public has unrestricted access. A public place that is privately owned is also a public place for the purposes of this policy. For example railway stations, supermarket car parks and shopping centres.
- 3.6 Car boot sales, fetes, fairs, carnivals or other similar event where any of the 'stall holders' are selling goods where the proceeds are directed to a charitable purpose or collecting money or other property will need to be licensed by the Council unless the Regulations exempt such events as local and short term collections.
- 3.7 Applicants and collectors are required to comply with 'no cold calling', 'door step trading' or similar advisory notices which are displayed at a residential address or commercial property.

4. **Application Process**

- 4.1 Applications should be submitted on the forms used by Guildford Borough Council and received at least 28 days before the proposed collection, although there is discretion to waive this where appropriate, for example, for emergency appeals or other special circumstances. Tacit approval does **not** apply. Application forms must be signed by the applicant. Electronic signatures will be accepted. A valid permit or licence must be in place prior to any licensable activity.
- 4.2 Each application will be considered on its merits. However, the number and location of street collections may be limited to avoid clashes and/or an excessive number of collections.
- 4.3 Applications can be made at any time during the year and date(s) may be booked in advance. However, a permit or licence will not be issued earlier than 12 months before the first collection date.
- 4.4 A Charity, or an organisation acting on its behalf, which does not hold a National Exemption Order issued by the Department for Culture, Media and Sport (DCMS), must apply for a House to House Collections licence for any type of house to house fundraising activity. This includes Direct Debit and Commercial Clothing Collections and also collections made in licensed or other business premises, where more than one such premises is included in the collection.
- 4.5 Applicants must provide adequate information in order for their application to be considered properly. This includes the provision of any additional information which might be requested by the Council following submission of the application form. Should any additional information requested by the Council not be provided within the timescale required, then any application is likely to be refused.

- 4.6 All applications must be accompanied by a letter of authorisation from the charity, giving permission for the collection on behalf of the charity.
- 4.7 The Council will comply with relevant Data Protection and Freedom of Information duties. Where it is lawful to do so, the Council will share and take into account information supplied by the applicant, or another enforcement body. The Council may be required by law to supply any information provided to other bodies exercising functions of a public nature, for the prevention and detection of crime. The type of information that may be taken into account includes, submission of 'nil' returns, repeated cancellation of collections without good cause, holding an unauthorised collection or otherwise failing to comply with the Guildford Borough Council Street Collection Regulations or the House to House Collections Regulations 1947.
- 4.8 The Council will not issue permits or licences to an individual or organisation whose collectors are paid more than it considers to be 'reasonable expenses' or who do not comply with the provisions made under the Charities Act 1992 (as amended), with regard to remuneration and solicitation statements. In accordance with the Street Collections Regulations, there should be no payment made out of the proceeds of any collection to any collector or promoter of a collection.
- 4.9 All Collectors must wear an appropriate badge authorising the collection; issued by Guildford Borough Council (Street Collections), or obtain the official badge(s) from The Stationery Office (House to House Collections).
- 4.10 Within one month of the collection a 'schedule of return' must be submitted. This is an official declaration to the Council stating how much money (or equivalent value), has been collected and how much is going to be given to the charity.
- 4.11 The schedule of return should be countersigned as independent evidence that the amount raised is correct and has been paid over to the charity. This should be accompanied, where possible, with a paying in slip to the relevant bank for that charity, or other evidence of receipt by the charity.
- 4.12 Applicants are no longer required to pay for an advert stating the amount collected in the local newspapers; a letter to the Editor of the Surrey Advertiser (for example) or other local news publication thanking residents for their donations totalling £x is sufficient.

5. **Supplementary guidance for House to House clothing collections**

- 5.1 Where no National Exemption Order is held by the charity, supplementary guidance is set out below.
- a) a named contact within the benefiting charity will be required to submit a statement of due diligence and confirm awareness of legal requirements, and evidence that the collection will raise the maximum possible benefit to be applied for charitable purposes
 - b) the proportion of the proceeds allocated to the charitable purpose should be clear, and the Council must be satisfied that the amount given to the charitable purpose is adequate in relation to the proceeds

received. The following formula may be applied: profits applied for charitable purpose = revenue generated (through sales of clothing) – total costs incurred through collections.

- c) Commercial participators are required to communicate their name and company status on both sides of the charity appeal bag. If the bag features a charity's name, it must not be given greater prominence than the name of the company undertaking the collection.
- d) Any agency operating a collection on behalf of a charity must hold a valid Waste Carriers Licence

6. Grounds for the refusal or revocation of a House to House Collections Licence

(in accordance with the House to House Collections Act 1939 and House to House Collections Regulations 1947 (as amended)).

- 6.1 A Licensing Authority may refuse to grant a House to House Collection licence, or, where such a licence has been granted, may revoke it, if it appears to the authority that:
 - a) the total amount likely to be applied for charitable purposes as the result of the collection (including any amount already so applied) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received)
 - b) remuneration which is excessive in relation to the total amount aforesaid is likely to be, or has been, retained or received out of the proceeds of the collection by any person
 - c) the grant of a licence would be likely to facilitate the commission of an offence under Section 3 of the Vagrancy Act 1824, or that an offence under that section has been committed in connection with the collection
 - d) the applicant or the holder of the licence is not a fit and proper person to hold a licence by reason of the fact that he has been convicted in the UK of certain offences relating to dishonesty, fraud or theft
 - e) the applicant or holder of the licence has failed to exercise due diligence to ensure that the collectors are fit and proper or to secure compliance with the regulations or to prevent the prescribed badges or certificates being obtained by unauthorised persons
 - f) the applicant has refused or neglected to furnish the authority with such information they may reasonably require for the purpose of informing themselves as to any of the foregoing matters
- 6.2 Guildford Borough Council considers that an appropriate percentage of the proceeds which should be donated to the Charity is 80%, with no more than 20% of the value of the collection used to cover the costs of the collection, including any remuneration paid to collectors.
- 6.3 However, the Council acknowledges previous successful appeals against

decisions by local authorities to refuse collections where a lower figure was donated to the charitable cause. For this purpose, any application where the charity agrees to a lower percentage, and where the percentage donated to the charity is clearly communicated to the public on any collection material (such as charity bags), the Council will consider the application on its merits.

- 6.4 The applicant will also be required to declare that they do not have any conviction relating to dishonesty, fraud or theft. Applicants will also be expected to hold collectors to the same standard, and declare that they have taken reasonable steps to ensure that any collector does also not have any similar conviction. In cases where an applicant does have a relevant conviction, or has not taken steps to ensure the suitability of collectors, then the application is likely to be refused
- 6.5 Applicants must provide adequate information in order for their application to be considered properly. This includes the provision of any additional information which might be requested by the Council following submission of the application form. This information may include, but is not limited to:
- information seeking clarification of the charitable purpose
 - amounts donated to the charity
 - remuneration paid to collectors
 - any costs of collection or income received arising from the collection
 - the suitability of the applicant and/or collectors
 - or any information required in order to assist the Council in determining the application.
- 6.6 Should any additional information requested by the Council not be provided within the timescale required, then any application is likely to be refused in line with the regulations above.

7. **Appeals**

- 7.1 There is no statutory right of appeal against any decision made by the Council to grant or refuse a Street Collections Permit. However, if an individual or organisation/charity wishes to lodge a request for a decision to be reviewed then the matter should be put in writing to the Head of Health and Community Care Services.
- 7.2 In respect of the refusal or revocation of a House to House Collections Licence there is a right of appeal to the Minister for Civil Society, DCMS, 4th Floor, 100 Parliament Street, London. SW1A 2BQ. An appeal must be lodged within 14 days of the date on which notice of refusal or revocation was received by the applicant, or the holder of a licence.

8. **Fee Structure**

- 8.1 There is no provision for the Council to charge a fee for making an application and no fee payable on being granted a street collection permit or house to house collection licence.

9. **Enforcement**

- 9.1 Any person who contravenes the Regulations for Street Collections, as attached at Appendix 'B' to this policy is guilty of an offence, which on

conviction, is punishable by a fine not exceeding Level One on the Standard Scale (currently £200).

- 9.2 Any person who contravenes the [House to House Collections Regulations 1947](#), the guidance to which is attached at Appendix 'C' to this policy, whether in their capacity as promoter or collector, is committing a criminal offence. Offences are punishable by penalties ranging from a maximum fine of £200 up to six months imprisonment and a fine of up to £1,000.
- 9.3 If anyone undertaking a street collection on behalf of a charity does not give a police officer their name, address and signature when asked to, they could be fined up to £200.
- 9.4 Charities and third party fundraisers acting on their behalf are expected to also comply with the Fundraising Regulator Code of Fundraising Practice and guidance issued by other compliance related bodies such as the Charity Commission, Committee of Advertising Practice, Advertising Standards Authority and Trading Standards.

10. **Busking and Street Entertainment**

- 10.1 Individuals wishing to busk or provide street entertainment for a charitable purpose are asked to abide by Guildford Borough Council's Street Entertainment Policy Code of Conduct, (available on the Council's website) to this Policy, in addition to applying for a street collection permit or house to house collection licence as appropriate. Any appropriate Licensing requirements must also be met.

Appendix A

Charitable Purpose for the public benefit as defined by the Charities Act 2011

1. The prevention or relief of poverty.
2. The advancement of:
 - education
 - religion
 - health or the saving of lives
 - citizenship or community development
 - the arts, culture, heritage or science
 - amateur sport,
 - human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity
 - environmental protection or improvement
 - animal welfare
3. The relief of those in need by reason of youth, age, ill-health, disability, disadvantage, financial hardship or other disadvantage.
4. The promotion of the efficiency of the armed forces of the Crown or of the police, fire and rescue services or ambulance services.
5. Other purposes currently recognised as charitable and any new charitable purposes which are similar to another charitable purpose.

STREET COLLECTION REGULATIONS

In pursuance of Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, section 251 and schedule 29 of the Local Government Act 1972, the Charitable Collections (Transitional Provisions) Order 1974 and the Charities Act 2006, Guildford Borough Council has made the following regulations with respect to Street Collections for the benefit of charitable or other purposes.

1. In these Regulations, unless the context otherwise requires -

"collection" means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word "collector" shall be construed accordingly;
"promoter" means a person who causes others to act as collectors;
"the licensing authority" means Guildford Borough Council; "permit" means a permit for collection;
"contributor" means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes;
"collecting box" means a box or other receptacle for the reception of money from contributors.
2. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within the Guildford Borough unless a promoter shall have obtained from the licensing authority a permit.
3. Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection. Provided that the licensing authority may reduce the period of one month if satisfied that there are special reasons for doing so.
4. No collection shall be made except upon the day and between the hours stated in the permit and in the area specified in the permit.
5. The licensing authority may, in granting a permit, limit the collection to such localities, streets or public places or such parts thereof as it thinks fit.
6. (1) No person may assist or take part in any collection without the written authority of a promoter. The licensing authority may require a copy of such permission.

(2) Any person authorised under paragraph (1) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the licensing authority or any constable, or member of the public.
7. No collection shall be made in any part of the carriageway of any street which has a footway. Provided that the licensing authority may, if it thinks fit, allow a collection to take place on the said carriageway where such collection has been authorised to be held in connection with a procession.
8. (1) No collection shall be made in a manner likely to inconvenience or annoy any person.

- (2) The licensing authority may limit the frequency of collections by an organisation within its area if it considers that the number of collections proposed by that organisation is likely to inconvenience or annoy any person.
- (3) The licensing authority may prevent two or more organisations collecting in the same locality and on the same day if it considers that it is likely to inconvenience or annoy any person.

Provided that the licensing authority may, if it thinks fit, allow two or more organisations to collect in the same location and on the same day if such collections have been authorised to be held in connection with a procession or similar event.

9. No collector shall importune any person to the annoyance of such person.

10. While collecting -

- (a) a collector shall remain stationary; and
- (b) a collector or two collectors together shall not be nearer to another collector than 25 metres
- (c) a collector shall not obstruct the flow of pedestrian or other traffic by display or distribution of information about their charity or organisation.

Provided that the licensing authority may, if it thinks fit, waive the requirements of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.

11. No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector. Provided that the licensing authority may permit persons of fourteen years of age or more to act as collectors where it is satisfied that it is reasonable in the circumstances of a particular collection and that collectors under sixteen years of age will be accompanied by an adult.

- 12. (1) Every collector shall carry a collecting box, and shall wear an official badge of authorisation, where such a badge has been issued by the licensing authority.
- (2) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.
- (3) All money received by a collector from contributors shall immediately be placed in a collecting box.
- (4) Every collector shall deliver, unopened, all collecting boxes in his possession to the promoter.

13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon the name of the charity or fund which is to benefit, nor any collecting box which is not duly numbered.

14. (1) Subject to paragraph (2) below, a collecting box shall be opened in the presence of a promoter and another responsible person.
- (2) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.
- (3) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list which shall be certified by that person.
15. (1) No payment shall be made to any collector
- (2) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any other person connected with the promotion or conduct of such collection for, in respect of, services connected therewith, except such payments as may have been approved by the licensing authority.
16. (1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to the licensing authority -
 - (a) a statement in the form set out in the schedule to these Regulations, or in a form to the like effect, showing the amount received and the expenses and payments incurred in connection with such a collection and certified by that person and either a qualified accountant or an independent responsible person acceptable to the licensing authority;
 - (b) a list of the collectors;
 - (c) a list of the amounts contained in each collecting box;

and shall if required by the licensing authority, satisfy it as to the proper application of the proceeds of the collection.

- (2) The said person shall also, within the same period, at the expense of the person and after the certificate under paragraph (1) (a) above has been given, publish in such newspaper or newspapers as the licensing authority may direct a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection, the amount collected and the amount of expenses and payments incurred in connection with such collection. Provided that the licensing authority may if it thinks fit, waive the requirements of the sub-paragraph in respect of a collection in which the total amount collected does not exceed £150.
- (3) The licensing authority may, if satisfied there are special reasons for so doing, extend the period of one month referred to in paragraph (1) above.
- (4) For the purpose of this Regulation "a qualified accountant" means a member of one or more of the following bodies:-

The Institute of Chartered Accountants in England and Wales;
The Institute of Chartered Accountants of Scotland;
The Association of Certified Accountants;
The Institute of Chartered Accountants in Ireland.

17. These Regulations shall not apply -
 - (a) in respect of a collection taken at a meeting in the open air; or
 - (b) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.
18. If a collection is held by an organisation and the regulations contravened, the licensing authority may if it thinks fit, revoke any permits already granted for future collections by that organisation and refuse permission for future collections to be held within their area by that organisation or the individuals concerned.

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Appendix C

HOUSE TO HOUSE COLLECTIONS ACT 1939 House to House Collections Regulations 1947 (as amended)

The above Act and the Regulations made there under contain important provisions for THE REGULATION OF HOUSE TO HOUSE COLLECTIONS FOR CHARITABLE PURPOSES, and prescribe FINES AND/OR IMPRISONMENT for offences against the Act or the Regulations.

1. Except in the cases specified in Paragraphs 3 and 4:-

No collection in any locality for a charitable purpose may be made unless the promoter is licensed by the Licensing Authority for the area comprising that locality, and the collectors are authorised by the promoter.

2. Application for a licence must be made in the prescribed manner. The Licensing Authority cannot grant a licence for a period longer than twelve months and may refuse a licence, or where granted, may revoke it, in circumstances specified in the Act.

There is a right of Appeal to the Secretary of State against the refusal or the revocation of a licence, within fourteen days from the date on which notice is given of the refusal or the revocation.

3. Where the Secretary of State is satisfied that *a person pursues a charitable purpose throughout the whole, or a substantial part, of England and Wales, and is desirous of promoting collections for that purpose*, the Secretary of State may by Order direct, in effect, that such person shall be exempt from the requirement to obtain licences from the Licensing Authority, as respects all collections for that purpose in such localities as may be described in the Order.
4. *If the Chief Constable for the Police Area comprising a locality in which a collection for a charitable purpose is being, or proposed to be, made is satisfied that the purpose is local in character, and that the collection is likely to be completed within a short period*, he may grant to the person who appears to him to be principally concerned in the promotion of the collection a *Certificate* in the prescribed form; and where a Certificate is so granted, a Licence from the Licensing Authority is not required, and the provisions of the Regulations (as to which see Paragraph 5 below) shall not apply to a collection made in conformity with such Certificate.
5. Regulations have been made by the Secretary of State under the Act. The Regulations include the following, amongst other provisions –
 - a) Every promoter of a collection must exercise all due diligence to secure that persons authorised to act as collectors are fit and proper persons; and to secure compliance by collectors with the Regulations.
 - b) *No promoter of a collection shall permit any person to act as a collector unless he has issued to that person –*

- i) a prescribed Certificate of Authority; (ii) a prescribed Badge; and (iii) if money is to be collected, a Collecting Box marked, or a Receipt Book (with receipts and counterfoils or duplicates consecutively numbered) marked on every receipt, with a general indication of the purpose of the collection, and a distinguishing number.*
- c) In the case of a collection in respect of which a Licence has been granted, *every prescribed Certificate of Authority shall be given on a form obtained from The Stationery Office, and every prescribed Badge shall be so obtained.*
- d) No person *under the age of 16 years*, shall act or be authorised to act as a collector of money.
- e) No collector shall importune any person to the annoyance of such person or remain in, or at the door of, any house if requested to leave by any occupant thereof.
- f) The promoter of a collection must, within one month of the expiry of the licence, furnish an account of the collection in the form prescribed to the licensing authority or the Secretary of State, as the case may be.

DEFINITIONS

6. *'Charitable Purpose'* means any charitable, benevolent, or philanthropic purpose.
- 'Collection'* means an appeal to the public, made by means of visits from house to house to give, *whether for consideration or not*, money or other property; and *'Collector'* means a person who makes the appeal in the course of such visits.
- 'Collection costs'* includes cost of purchasing bags/leaflets, distribution costs, vehicle costs including fuel, hire, insurance and other costs, collection staff and other associated staff salaries, warehouse/storage costs and any other tangible cost that can be attributed to the door to door collection.
- 'House'* includes a place of business.
- 'Proceeds'* means, in relation to a collection, all money *and all other property given, whether for consideration or not*, in response to the appeal.
- 'Promoter'* means a person who causes others to act as collectors for the purposes of the collection.

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From: DEEKS, Nerissa
Sent: 29 January 2018 10:39
To: Licensing Unit
Subject: Draft policy consultation

We have no objections to most of this draft policy as it seems fair and clear for both charities and the public. However there is one area where it seems bureaucracy could undermine individual support of charities, namely 3.5 and 3.6 concerning collection from the sale of items.

We sometimes receive donations from individuals who have sold items at car boot sales or from outside their own houses and I think if people knew they had to apply for a licence to do so they probably wouldn't bother, so it could have a small adverse impact on our fundraising.

Regards,

Nerissa Deeks
Manager, GUTS Fighting Bowel Cancer

Agenda item number: 5c
Appendix 2

Sent: 29 January 2018 20:54

To: Licensing Unit

Subject: Consultation on the Draft Guildford Borough Council Charity Collection Policy

Dear Mr Smith,

Thank you for your letter advising me of the consultation. Having read the document I would comment that it is a fair Policy which will ensure maximum benefit for Charities whilst protecting the public.

The only question I have from experience of carrying out collections is whether the identification labels for each collector are necessary if charities already have identifying tabards or clothing? If so could the labels be upgraded as the current ones do not stick on anything for very long.

Please also note that I received two letters notifying of the consultation - one as Miss T Fox and one as Miss T F Fox. Perhaps you could update your records so I don't receive duplicate mailings in the future.

Thank you once again for your correspondence.

Yours sincerely,

Miss T Fox

From: Margaret Murray
Sent: 06 February 2018 11:14
To: Licensing Unit
Subject: Re: Consultation on the Draft Guildford Borough Council Charity Collection Policy [UNC]

Good morning,

I have read the draft GBC charity collection policy, all looks very sensible to me.

Margaret Murray

Agenda item number: 5c
Appendix 2

From: Barry Williams
Sent: 06 February 2018 09:46
To: Licensing Unit
Subject: Consolation on the Draft Borough Council Charity Collection Policy

Hello

Thank you for your letter dated 22 January inviting comment on this draft policy. I have now read through this document and have no questions or concerns nor have my predecessors in this post.

From my experience to date I only have one comment that your downloadable pdf documents do not easily lend themselves to completion on a computer. Hence, I have always completed by hand. A form that was easier for computer completion or could be filled in on-line would be good.

Barry Williams - Voluntary Fundraiser Citizens Advice Guildford.

Anonymous feedback via the website on 9 February 2018:

As a long term street collector for two local charities, I would like a restriction to one charity a day. Also it would be helpful if all licenced collectors were told not to shout and harrass people walking up the high street. We often stand quietly whilst big issue sellers do as they like!

Agenda item number: 5c
Appendix 2

From: Bob & Marilyn Jarrett
Sent: 17 February 2018 16:57
To: Licensing Unit
Subject: Views on the draft policy for street collections for charity

Dear Sir/Madam,

I would just like to send my approval of the Council's proposed Charity Collections Policy.

Thank you for giving me the opportunity of giving my views as part of your consultation,

Yours faithfully,

Marilyn Jarrett (Secretary of Amnesty International Guildford Group)

-----Original Message-----

From: Manny Kemp

Sent: 19 February 2018 14:15

To: Licensing Unit

Subject: Feedback to consultation on draft street collection policy

Hello,

I am emailing to give some feedback to the consultation I was kindly invited to participate in. As a non-resident of Guildford acting over the years for a range of different charities I greatly appreciate being asked to take part in the process.

Overall I think the general move to limit collections to one per area per day is a good one and in line with what I've experienced with other local authorities. Although this is presented in terms of not exposing the public to an excessive number of collectors I would add that as a collection organiser it can be very challenging to share a location with another simultaneous collection, especially if the other collection is more successful with volunteer recruitment. This is therefore a good measure for ensuring that individual collections have a fair chance at being successful.

I think not having tacit approval is a good idea - I've seen a number of local authorities use tacit approval, and I've seen even more local authorities miss the occasional communication and not reply to something in error - a recipe for trouble if they also use a tacit approval arrangement.

One observation about the draft policy section 4.9 is that the requirement to wear badges issued by the local authority is not one I have seen in most other local authorities. I don't know how much of a problem this might cause small volunteer groups with limited resources e.g. for stationery (lanyards, plastic badge holders etc.).

I would also add that the range of qualified persons permitted under the current regulations to countersign a statement of return is very limited and calls for a level of qualification that, given the simplicity of the return paperwork, is analogous to using a sledgehammer to crack a nut.

Full ACA/ACCA qualification or equivalent seems to be the norm - I don't know if the Council has any flexibility on this if it comes from the national regulations, but the list of qualifications needed to conduct independent examination for larger charities seems like a relevant reference, as IE is much more complex but this list is far more permissive:

<https://www.gov.uk/government/publications/independent-examination-of-charity-accounts-trustees-cc31/independent-examination-of-charity-accounts-trustees#how-to-select-your-examiner>

Best regards,
Immanuel Kemp

From: Mike and Chris Evans
Sent: 23 February 2018 15:20
To: Licensing Unit
Subject: Consultation on the Draft Borough Council Collection Policy

Thank you for the opportunity to comment on the draft policy. I have collected for Guildford Sea Cadets for 15+ years and also for Seafarers UK more recently, and assisted with Macmillan Nurses Appeal.

Comments/observations based on my experience:

- a. The current process of applying is easy, well set out and well administered and with no undue delays.
- b. Guildford is clearly seen as a soft touch or pocket of money as there are several charities who collect here which are neither national nor local – an example might be for ex greyhounds etc.
- c. There appears to be little due diligence done by GBC on some of the charities before giving them the right to collect. For example I saw a while ago 2 miniature Shetland ponies being used as a “prop” for collecting money and on my return home I looked up the charity’s accounts to discover that the horses were kept over 100 miles from Guildford and that the money raised appeared to be used mostly for the upkeep of the horses, or for travelling to fundraising venues – in other words there appeared to be little that passed the public benefit test! The accounts on Charity Commission website should be a mandatory check by GBC: it only takes a couple of minutes.
- d. The rules about collectors standing together and then the distance between the next collector/collectors being 25 metres is often ignored and amongst the worst offenders are the Salvation Army Band or any of the choirs that collect in the Tunsgate/Guildhall area making it a running the gauntlet experience. I should add that I have nothing against the Salvation Army and have supported their work by a monthly direct debit for 20+ years but I dislike seeing well set out and sensible rules so flagrantly ignored!
- e. Checking of permits/enforcement of rules seems extremely lax. I have been asked for my permit twice (by the same PCSO) in 15+ years of collecting. Perhaps there is a role for the Town Wardens?
- f. Also on the subject of enforcement one thing that seems to blight Guildford is the appearance of collectors bearing an ID issued elsewhere (usually London) who collect in the Friary/White Lion Walk area of North Street. They look kosher, are probably collecting for a good cause but are on commission and they have not been authorised by GBC as they don’t have GBC permits and witness the fact that authorised collectors with a GBC permit might well be in the vicinity. Again perhaps a role for Town Wardens? They can also be quite aggressive when challenged about their legitimacy and I suspect that their location in the town at the bottom of North Street is to facilitate a quick get a way if challenged.

Regards

Mike Evans

From: Carole Olive
Sent: 27 February 2018 12:22
To: Licensing Unit
Subject: Consultation on the Draft Guildford Borough Council Charity Collection Policy

Good afternoon

The consultation of the Draft Guildford Borough Council Charity Collection Policy was considered by Ash Parish Council's Amenities Finance and Administration Committee at the meeting held on 26 February 2018.

The Committee had no observations to make.

Kind regards

Carole Olive

Carole Olive
Clerk to the Council
Ash Parish Council

Agenda item number: 5c

Appendix 2

From: Canon Peter Bruinvels
Sent: 29 March 2018 18:02
To: Licensing Unit
Subject: Draft Charity Collection Policy

Dear Mr Smith

Thank you for alerting me about the above and your consultation I have read the draft Charity Collections Policy and find myself strongly in favour of its aims As the Regional Fundraiser for ABF The Soldiers' Charity Surrey, I have an especial interest in it I have undertaken a number of charity collections in Guildford It does work very well and I am very grateful for the professional advice that I receive from your team of Officers I therefore write now formally to support the revised policy on behalf of myself and that of my charity - ABF The Soldiers' Charity Surrey With kind regards Canon Peter Bruinvels

Canon Peter Bruinvels CC
Governor of The Church Commissioners

Regional Fundraiser Surrey
ABF The Soldiers' Charity

Armed Forces Champion 11 Infantry Brigade SE and aHQ

Surrey and Kent CC Civilian-Military Liaison Adviser

From: richard myers
Sent: 24 March 2018 17:24
To: Licensing Unit
Subject: consultation on the draft Guildford BC charity collection policy

1. The requirement for application 28 days before date of the collection: does it have to be 'special circumstances' for this to be waived - could it not be waived simply at the discretion of GBC, for example if there is ample time to process the application?
2. 28 days for this are stated in 4.1 but Appendix B says a month.
3. We often have a table with leaflets and a collection box at each end of the table, often with a 'collector' standing at each end handing out leaflets. Not sure this set up is covered in the policy; the need for 25m between collectors does not seem applicable.
4. cannot apply more than 6 months in advance: it is quite nice to fix collections for the full year often; any special reason for the 6 months limit? Make it 12 months?
5. the need to publish the total collected in a paper; unlikely to apply to us as we have never got anywhere near £150; but how is the decision of GBC to be communicated on this; can we just have a blanket waiver if it is under £150?
6. would have been useful to have a list of main changes from the existing policy
7. I am not quite clear if having a collection licence allows you to sell e.g. Xmas cards in the street - sorry if I have missed this somewhere.
8. We do not do house-to-house collections so I have not read those sections.

Thanks
Richard Myers
Compassion in World Farming - Surrey Group Co-ordinator

From: Jan Chapman
Sent: 19 April 2018 22:31
To: Licensing Unit
Subject: Consultation on Draft Guildford BC Charity Collection Policy

Dear Sir/Madam,

Thank you for inviting me to comment on the draft Charity Collection Policy.

I am commenting as a private individual although I have in the past made applications on behalf of the West Surrey WaterAid Group.

I support the objectives of the draft policy but have the following comments on the detail.

3.2

Whilst agreeing that the public should not be exposed to an excessive number of collections it would be helpful if the policy gave a clear idea of what constitutes an 'area' for these purposes. The examples given are 'Guildford town centre' and the Friary. So, for this purpose, are the Tunsgate Quarter and White Lyon Walk separate areas or part of the 'town centre'.

In my view the Railway Station and supermarkets such as Tesco or Sainsbury's at Burpham should be regarded as separate areas.

3.3

I strongly support the inclusion of appeals for direct debit pledges as well as cash.

3.6

I hope that where a licence has been granted for a street collection in the 'town centre' area this would not prevent a licence being granted for an event benefitting a different charity to be held in a town centre location such as Holy Trinity Church or the Guildhall.

It appears from the draft that the organisers of events rather than stall holders will be responsible for obtaining the licence. The position should be made explicit. The policy should also make clear in the case of events raising funds for a number of charities whether one or several licences will be required. I hope the latter is not the case - it would be extremely onerous for organisers.

As this is a new provision I hope that reasonable steps will be taken to make event organisers aware of it before implementation.

These new provisions will cover a large number of events. Has a calculation been made of the extra staff hours required to process them within a reasonable period?

4.4 and 5.0

The explicit inclusion of Direct Debit and Commercial Clothing Collections in house to house fundraising activity is to be welcomed.

6.2 and 6.3

I agree with these provisions although I hope the 80% will be the normal minimum.

Thank you for inviting me to give my view.

Jan Chapman

Licensing Committee Report
Report of Director of Resources
Author: Sophie Butcher
Tel: 01483 444056
Email: sophie.butcher@guildford.gov.uk
Date: 30 May 2018

Licensing Committee work programme: 2018-19

Recommendation to Licensing Committee

The Committee is invited to review and approve its current work programme for the remainder of the 2018-19 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: 2018-19

Licensing Committee
Draft Work Programme 2018-19

25 July 2018		
Item	Details of decision to be taken	Officer
	No Business currently	

26 September 2018		
Item	Details of decision to be taken	Officer
Purple Flag and Best Bar None	The Committee to receive a verbal update on Purple Flag and Best Bar None.	Mike Smith, Licensing Team Leader 01483 444387
Sexual Entertainment Venues Policy	The Committee to consider the Sexual Entertainment Venues Policy consultation results and approve the policy.	Mike Smith, Licensing Team Leader 01483 444387

28 November 2018		
Item	Details of decision to be taken	Officer
Gambling Policy	The Committee to consider the consultation results and approve the Gambling Policy.	Justine Fuller, Environmental Health Manager 01483 444370

7 January 2019

Item	Details of decision to be taken	Officer
Taxi and Private Hire fees and charges 2019-20 – for consultation	To consider for consultation the Taxi and Private Hire fees and charges 2019-20.	Mike Smith, Licensing Team Leader 01483 444387

25 March 2019

Item	Details of decision to be taken	Officer
Taxi and Private Hire fees and charges 2019-20 – objections	To consider any objections received in relation to the Taxi and Private Hire fees and charges.	Mike Smith, Licensing Team Leader 01483 444387

UNSCHEDULED ITEMS

Item	Details of decision to be taken	Officer
Review of Licensed Vehicle Test Standards	To consider consultation results and make recommendations to full Council, which shall determine whether the Taxi and Private Hire Licensing Policy should be amended to adopt any revised vehicle test standards	Mike Smith, Licensing Team Leader 01483 444387

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