



Public Document Pack
**LICENSING AND HEALTH AND
SAFETY ENFORCEMENT SUB-
COMMITTEE
AGENDA**

TUESDAY 28 JULY 2015 AT 7.30 PM

COUNCIL CHAMBER - CIVIC CENTRE

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Membership

Councillor Hearn (Chairman)	Councillor Sutton
Councillor Fantham (Vice-Chairman)	Councillor Whitman
Councillor Mrs Bassadone	Councillor Link
Councillor Conway	

Substitute Members:
Councillors

For further information, please contact Trudi Coston ext 2224 or Member Support ext 2209

AGENDA

- 1. MINUTES**
To confirm the minutes from the previous meeting
- 2. APOLOGIES FOR ABSENCE**
To receive any apologies for absence
- 3. DECLARATIONS OF INTEREST**

To receive any declarations of interest

A member with a disclosable pecuniary interest or a personal interest in a matter who attends a meeting of the authority at which the matter is considered -

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent

and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial

- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct For Members

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting]

4. PUBLIC PARTICIPATION

An opportunity for members of the public to make statements or ask questions in accordance with the rules as to public participation

5. PUBLIC HEALTH IN LICENSING PRESENTATION

A presentation will be delivered by Dawn Morrish, Hertfordshire County Council.

6. REVIEW OF LICENSING POLICIES FOR ALCOHOL, ENTERTAINMENT AND GAMBLING LICENCES (Pages 1 - 100)

7. FILM CLASSIFICATION GUIDELINES (Pages 101 - 106)

8. ANIMAL BOARDING ESTABLISHMENT LICENCE CONDITIONS (Pages 107 - 108)

9. LICENSING SUB-COMMITTEE PROCEDURES (Pages 109 - 118)

10. DEREGULATION ACT 2015 - PRIVATE HIRE SERVICES (Pages 119 - 124)



AGENDA ITEM: 6

SUMMARY

Report for:	Licensing, Health & Safety and Enforcement Committee
Date of meeting:	28 July 2015
PART:	I
If Part II, reason:	

Title of report:	Review of licensing policies for alcohol, entertainment and gambling licences
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To present draft revisions to the Council's Statement of Licensing Policy under the Licensing Act 2003, and the Statement of Principles under the Gambling Act 2005.
Recommendations	That officers commence consultation with responsible authorities, representatives of licence-holders and other persons on the proposed revisions to the Council's Statement of Licensing Policy under the Licensing Act 2003, and the Statement of Principles under the Gambling Act 2005, and report the results to a future meeting of the Committee.
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> • Maintain a clean and safe environment <p>Dacorum Delivers</p> <ul style="list-style-type: none"> • Performance excellence • Reputation and profile delivery
Implications:	<p><u>Equalities</u> A Community Impact Assessment will be presented with the consultation results.</p> <p><u>Financial / Value for Money / Risk / Health & Safety</u> None arising.</p>
Consultees:	This is a pre-consultation report. If the recommendation is approved, the results of public consultation will be reported to a future meeting of the Committee.

Background papers:	Draft Statement of Licensing Policy 2016-2021 Draft Statement of Principles 2016-2019 <i>(both circulated separately)</i>
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. Two of the major regulatory regimes under which the Council has statutory responsibilities are the licensing of alcohol supplies, regulated entertainment and late night refreshment under the Licensing Act 2003; and of non-remote gambling activities such as betting, prize gaming (including bingo and poker), provision of gaming machines and promotion of lotteries under the Gambling Act 2005.
- 1.2. Both of these Acts require licensing authorities (district councils or unitary authorities) to publish written policies, setting out how they intend to exercise the licensing and enforcement powers conveyed to them under the Acts, the principles that they will follow, and their expectations of licensees. These policies must be periodically reviewed, so as to ensure that they reflect the current legislation, and are relevant to the issues arising in the authority's area.
- 1.3. Dacorum last reviewed its licensing policies in 2010 (Licensing Act 2003) and 2012 (Gambling Act 2005). Both policies are due for review and replacement by January 2016, in order to satisfy the statutory requirements in the Acts.
- 1.4. Officers have prepared revised licensing policy documents under both Acts to take into account recent legislative change and case law, and also to reflect the experiences of the licensing authority and address issues which have emerged in this period. These documents have been circulated under separate cover. The major changes are summarised below, and in addition both documents have undergone comprehensive reformatting and rearrangement, to make them more 'user-friendly'.
- 1.5. The Committee are asked to approve consultation on the revised policies. Both Acts specify a number of requirements for consultation on policy change, including lists of the categories of people who should be consulted, and the consultation on the revised policies will be carried out with regard to these requirements, and to the Government's consultation principles.
- 1.6. An 8-week consultation period is proposed, in order to bring the results to the Committee's October meeting and Full Council in November.
- 1.7. The final decision to adopt or revise a licensing policy under these Acts must be made by Full Council. Following consultation, the Committee will be asked to resolve to recommend the adoption of the revised policies (with any additional revisions after considering the consultation responses) by the Council later this year.

2. CHANGES TO STATEMENT OF LICENSING POLICY (LICENSING ACT 2003)

- 2.1. The 2003 Act has seen significant change since the Statement of Licensing Policy was last reviewed, and the licensing authority has been involved in a number of cases which it would be appropriate to reflect within its policy statement.
- 2.2. This has meant that the proposed draft Statement has undergone a thorough rewrite, with almost every section undergoing some form of amendment. It is therefore not considered appropriate to offer a list of changes here, as this is essentially an entirely new document rather than an incremental evolution from the present version.
- 2.3. That said, there are no major changes proposed to the policies adopted by the licensing authority, nor the approach that will be taken to the exercise of functions under the Act. The amendments made aim to reflect the experience of the authority gained over the last 5 years, and to improve the advice and statements of expectations made to licensed businesses, current and prospective, and to other persons affected by those businesses.

3. CHANGES TO STATEMENT OF PRINCIPLES (GAMBLING ACT 2005)

- 3.1. The gambling legislation has seen far fewer changes in recent years, with the majority of amendments affecting the regulation of remote gambling, regulated by the Gambling Commission, rather than non-remote gambling which falls to licensing authorities. As a consequence, fewer changes have been proposed to the Statement of Principles.
- 3.2. The major areas of change which have been proposed include:
 - Clearer statements around moral objections to gambling, and demand issues
 - A reference to the Hertfordshire LEP's ' Better Business For All' business regulation charter, of which Dacorum is a signatory
 - A new principle highlighting that the authority will not accept CCTV as a replacement for an adequate staff presence in licensed premises
 - Highlighting that email is now our preferred means of communication, reflecting the paperless office environment adopted by the Council
 - A reference to primary authority partnerships in the gambling sector
 - Greater information about the provision and use of gaming machines, and the authority's expectations in this area
 - A note about the ongoing controversy around category B2 gaming machines (FOBTs)
 - Update on primary gambling activity issues (now referred to as appropriate licensing environment)
- 3.3. A new section has been added in respect of the local area profile and local risk assessments. These are new provisions included within the (as-yet-unpublished) 5th edition of the Gambling Commission's guidance to licensing authorities, which suggests that licensing authorities compile the results of a comprehensive assessment, to help influence the future positioning of gambling premises within their areas. By referencing rather than including

this with the policy statement, the authority will have more flexibility to update this as new data becomes available. It is intended that this document will be developed, in conjunction with the responsible authorities and other partner agencies, with a view to publication alongside the Statement of Principles next year.

4. RECOMMENDATION

- 4.1. That officers commence consultation with responsible authorities, representatives of licence-holders and other persons on the proposed revisions to the Council's Statement of Licensing Policy under the Licensing Act 2003, and the Statement of Principles under the Gambling Act 2005, and report the results to a future meeting of the Committee.**



Statement of Licensing Policy

under the Licensing Act 2003

2016 – 2021



Date of publication	7 January 2016
Version no.	4.0 DRAFT
Date of expiry	6 January 2021

Working in partnership, to create a Borough which enables the communities of Dacorum to thrive and prosper

Affordable Housing ♦ Regeneration ♦ Building Community Capacity ♦ Safe and Clean Environment ♦ Dacorum Delivers

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This draft policy statement has been comprehensively amended and rewritten from the current version, and as such it is not considered practicable to produce a direct comparison between the two.

For reference purposes, the current statement can be viewed at

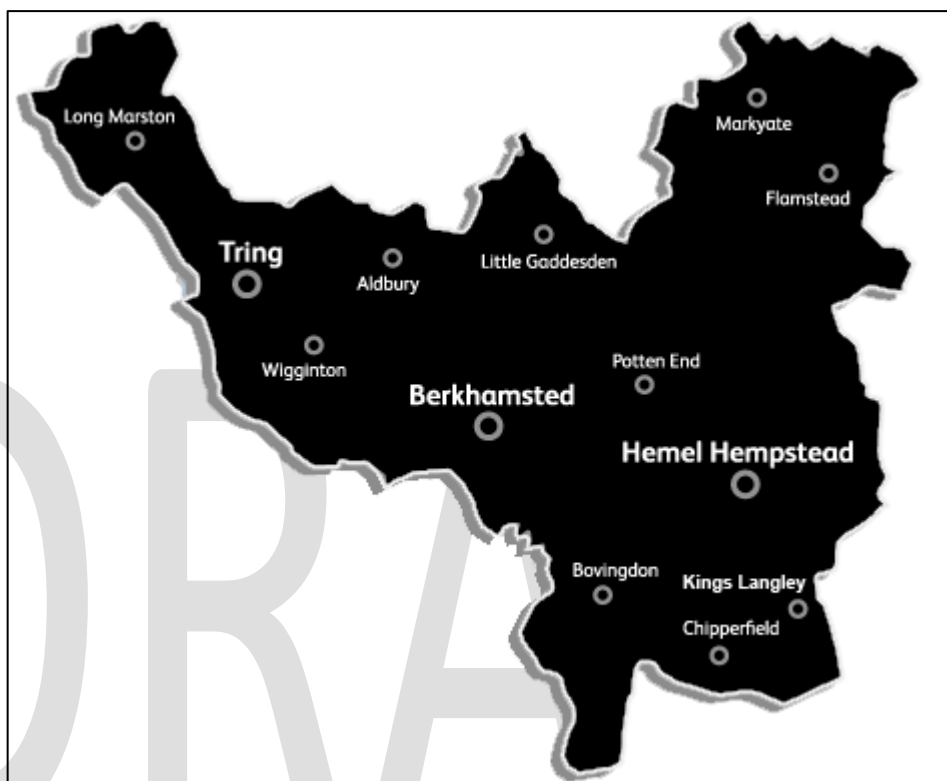
www.dacorum.gov.uk/home/environment-street-care/licensing/alcohol-entertainment-licensing/statement-of-licensing-policy

Introductory information



1. About Dacorum

- 1.1. Situated in western Hertfordshire, Dacorum is a borough with a mixture of strong urban and rural identities. It includes the towns of Hemel Hempstead, Berkhamsted and Tring as well as a number of villages, from Long Marston in the west to Flaunden in the south-east. Over a third of the borough's 210 square kilometres have been designated as part of the Chilterns Area of Outstanding Natural Beauty, while most of the rest has high landscape quality and potential.



- 1.2. One of the first 'New Towns' built after the Second World War, Hemel Hempstead's development reflects the original concept of the new town as a series of integrated communities with individual identity and neighbourhood focus. The rapid growth of Hemel Hempstead is reflected in the large number of buildings of similar age and appearance.
- 1.3. Much of the rest of the borough is rural, including two market towns: Berkhamsted and Tring. Although agriculture is no longer a major employment sector in Dacorum, our communities value their rural heritage, and the conservation of historic buildings and landscapes are important considerations. We know that our communities expect good, modern services and thriving town centres. Dacorum Borough Council works closely with the town and parish councils which represent communities in rural areas of the borough, to deliver these aims.
- 1.4. Dacorum has a population of 144,800¹, the largest of the Hertfordshire districts. Further information about Dacorum and the demographics of its populace can be found in the 'Statistics about Dacorum' area of the council's website².
- 1.5. The majority of the borough's licensed premises fall in and around the main urban areas, with particularly high concentrations of licences in Hemel Hempstead in the historic Old Town, and the Jarman Fields leisure complex, as well as around the High Streets of Berkhamsted and Tring.

¹ Office of National Statistics, Census 2011 (published July 2012)

² www.dacorum.gov.uk/home/community-living/statistics-about-dacorum

- 1.6. Licensed premises can also be found in many of the community centres in outlying areas of Hemel Hempstead, while village pubs and shops are prevalent in many of the more rural communities.
- 1.7. Dacorum is also home to a number of nationally recognised destinations and historic sites, with places such as the Ashridge Estate, Berkhamsted Castle, the Snow Centre in Hemel Hempstead, and Champneys in Tring attracting visitors from across the region.
- 1.8. The borough is continuing to develop, and with significant regeneration planned for much of the borough and Hemel Hempstead in particular over the coming years, it is an exciting time for those who live and work in the area. Licensed premises are expected to form a key part of these regeneration plans³, and while it falls outside the remit of this document to specify exactly how those plans will be achieved, the principles and policies set out within this document will give details of the council's expectations on how licensing applications will be viewed and considered, and of how we will seek to preserve the balance between economic development and the protection of residents and businesses from issues arising from the operation of licensed premises.

DRAFT

³ <http://www.dacorum.gov.uk/home/regeneration/hemel-evolution>

2. About this document

- 2.1. This document is Dacorum Borough Council's statement of licensing policy in respect of the regulation of alcohol supplies, regulated entertainment and late night refreshment, and publication of it fulfils the authority's statutory obligation under section 5 of the Licensing Act 2003 ("the Act"). It sets out the policies and principles that we will follow when exercising our powers under that Act, particularly in respect of considering applications in respect of licences and other authorisations. It also gives details of our expectations of applicants and licence-holders. This statement must be published on at least one occasion in each five-year period. The statement must also be kept under review during its validity period, and revised if required, with any revisions published prior to taking effect.
- 2.2. This statement of licensing policy was adopted by the Council on the xx xxxx 2015, and was published via our website, at www.dacorum.gov.uk/licensing. The statement will have effect from **7 January 2016** to **6 January 2021**. Any applications in progress on the first date will be considered under the previous version of the policy statement.
- 2.3. Since the last version of this policy statement was published in early 2011, the licensing legislation has been subject to numerous, significant amendments, and this revised policy has been comprehensively reviewed and updated to reflect the statutory changes, major legal cases, and the authority's experiences in exercising its powers that have taken place in the intervening period.
- 2.4. We are required to exercise our licensing functions under the Act with a view to promoting the licensing objectives, which are discussed in greater detail in later chapters. We must also have regard to our published statement of licensing policy, and to the Guidance for licensing authorities published by the Secretary of State under section 182 of the Act.
- 2.5. The purpose of this statement is to provide guidance to committees and officers determining matters under delegated authority, to provide consistency to our decision-making. However, where the circumstances justify doing so, we may depart from any provision of this statement, or of the Government's Guidance, to make an appropriate decision based upon the individual circumstances of a particular case. In any such case we will give a clear explanation and reasons as to why we have done so.
- 2.6. This policy statement reflects the wide range of competing, and sometimes conflicting, considerations which we must take into account when exercising our powers, and aims to balance these insofar as is possible.

Our vision

- 2.7. Licensing authorities are encouraged to include a vision statement within their licensing policies, summarising the strategic aims and intentions that will guide the exercise of their licensing powers. Dacorum's vision statement is:

"To promote the operation of a diverse range of safe, well-managed and enjoyable licensed leisure and retail outlets throughout the Borough, offering a variety of entertainment, cultural and community activities while also ensuring the promotion of the licensing objectives".
- 2.8. The inclusion of such a statement in no way fetters the authority's discretion to determine cases on their individual merits, but rather seeks to guide applicants as to the authority's expectations of licensed premises.

Interpretation

2.9. Within this policy statement:

- a) “the Act” means the Licensing Act 2003,
- b) “licensing authority” means Dacorum Borough Council,
- c) “Guidance” means the guidance to licensing authorities published by the secretary of state under section 182 of the Act⁴.

Consultation

2.10. In producing this statement of licensing policy, the licensing authority has had regard to the licensing objectives of the Licensing Act 2003, the Guidance issued by the secretary of state, and any views expressed during our consultation upon the proposed statement.

2.11. We carried out consultation on a draft version of this statement of licensing policy, in accordance with the provisions of section 5 of the Act, between xx xxxx 2015 and xx xxxx 2015. The people and organisations we sought feedback from included:

- the responsible authorities, including Hertfordshire Constabulary, Hertfordshire Fire & Rescue Service and Hertfordshire Public Health,
- individuals and organisations who hold premises licences, club premises certificates and personal licences, issued by this authority,
- premises users who give temporary event notices (TEN’s) to this authority,
- representative bodies within the leisure and licensed retail trade industries,
- borough and county councillors,
- town and parish councils,
- the Members of Parliament for Hemel Hempstead and South West Hertfordshire,
- residents, businesses, and voluntary groups.

2.12. Views expressed in response to our consultation were considered prior to the determination of the final version of this statement.

⁴ <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Part A: Exercising our powers



3. General principles

- 3.1. The Act specifies a set of licensable activities, which may only be provided under an authorisation issued by the relevant local licensing authority (Dacorum Borough Council for all premises within the borough of Dacorum). The licensable activities, which are covered in greater detail within the next section of this statement, include supplying alcohol, providing regulated entertainment, and providing late night refreshment.
- 3.2. The types of authorisation which licensing authorities may issue to permit licensable activities include premises licences, club premises certificates, temporary event notices, and personal licences.
- 3.3. In exercising its licensing functions under the Act, the licensing authority shall:
 - aim to promote the licensing objectives,
 - have regard to this statement of licensing policy, and
 - have regard to the Government’s Guidance.
- 3.4. The licensing authority will not take into account any moral objections to the carrying on of licensable activities when exercising its powers. In particular, the supply of alcohol is expressly permitted under UK legislation, and the licensing authority has a duty to act fairly and in accordance with the legislation.
- 3.5. Every matter considered by the Council, in its role as a licensing authority, will be considered on its own merits and in accordance with the statutory requirements of the Act. Nothing in this statement of licensing policy shall:
 - a) prevent any person from making an application for authorisation or giving a notice under the Act;
 - b) prevent any person from making representation in respect of an application of a type where the Act provides for them to do so;
 - c) prevent any person from making an application for the review of a premises licence; or
 - d) restrict or fetter the Council’s discretion to consider and determine applications, or to initiate legal proceedings or other enforcement action, based upon the individual circumstances and merits of a particular case.
- 3.6. Typically, the licensing authority’s discretion over whether to refuse applications, to issue counter-notices or to impose additional licence conditions is only engaged if relevant representations or objection notices have been given to the authority within a prescribed period. For many of the application processes under the Act (with a small number of key exceptions), if no relevant representations or objection notices are received within the prescribed period, the licensing authority will be obliged to grant the application, subject only to any statutory conditions and conditions consistent with measures proposed by the applicant in their operating schedule.
- 3.7. The licensing authority also has a general duty under the Crime and Disorder Act 1998 “to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area”.
- 3.8. Dacorum Borough Council is a signatory of the Hertfordshire Local Enterprise Partnership’s ‘Better Business For All’ charter⁵, and we will follow the provisions of the charter when we exercise our regulatory powers in respect of licensable activities.

⁵ <http://www.hertfordshirelep.com/Better-Regulation.aspx>

4. Licensable activities

- 4.1. The Act regulates a set of broad 'licensable activities' relating to the leisure and retail industries, as follows:
- Supplies of alcohol, including:
 - Sale by retail of alcohol,
 - Supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
 - The provision of regulated entertainment, comprising:
 - Performances of plays,
 - Exhibitions of films,
 - Indoor sporting events,
 - Boxing and wrestling entertainments,
 - Performances of live music,
 - Playing of recorded music,
 - Performances of dance,
 - Entertainment which is similar to music or dance,
 - The provision of late night refreshment.
- 4.2. To be considered licensable, entertainment must be provided in the presence of an audience (which may comprise a single person), and either be open to the public or a section thereof, or provided for a consideration (e.g. admission fee, tickets) and with a view to profit. The definitions of these activities were left deliberately wide so as to account for future developments in the industries carrying on those activities – for example in recent years there has been an increase in the number of 'silent discos', which are considered to be regulated entertainment as they consist of recorded music, but which may not have been captured under a narrower definition.
- 4.3. In recent years, the Government has pursued a deregulatory agenda in respect of entertainment licensing for community events and lower-impact entertainments by introducing new exemptions. As a result, many smaller-scale entertainments now fall outside of licensing requirements. Where this is the case, it should be noted that we may be unable to use our licensing powers to regulate these events, although other regulatory schemes may be utilised to remedy any issues that arise.
- 4.4. Schedule 1 to the Act details the exemptions that apply to entertainment licensing requirements.
- 4.5. Late night refreshment is defined as the sale of hot food or hot drinks, between the hours of 11 p.m. and 5 a.m. Exemptions applying to late night refreshment are set out in schedule 2 to the Act.
- 4.6. Although the Act has fairly wide application, it does not control every activity which may be carried out in licensed premises, and some premises which are authorised under this Act may also need separate licences and authorisations for other activities carried on at those premises. Where the licensing authority is responsible for issuing such authorisations (for example, for gaming machines or prize gaming in licensed premises), we have published separate licensing policies to give details of how applications for those alternate licence types will be considered.

5. Licensing objectives

5.1. Licensing authorities must carry out their functions with a view to promoting the four licensing objectives, which are:

- the prevention of crime and disorder,
- public safety,
- the prevention of public nuisance, and
- the protection of children from harm.

Each objective has equal importance.

5.2. It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as a means for solving all local problems. The licensing authority will therefore continue to work in partnership with its neighbouring authorities, the police, local businesses and local people towards the promotion of the licensing objectives as outlined.

5.3. The licensing authority expects applicants to address the licensing objectives within their operating schedules, having regard to the nature of the premises, the licensable activities to be provided, operational procedures, the nature of the location and the needs of local communities. The operating schedule should contain sufficient information to enable the licensing authority, responsible authorities and other persons who may be affected by the operation of a licensed premises to assess whether the steps which will be taken to promote the licensing objectives are sufficient to negate any potential adverse impact.

5.4. The licensing authority is committed to empowering local community action, and meeting the needs of its communities through close partnership working with others. The licensing authority recognises that licensed entertainment can provide a valuable contribution towards the economy of the Borough, and seeks to balance the needs of the local business holders and licensees, whilst protecting those of local residents.

5.5. Further policy considerations in respect of each of the objectives are set out below.

Crime and disorder

5.6. When considering applications and reviews the licensing authority will give consideration to:

- whether the premises make or will make a significant contribution to levels of crime and disorder in the local area, and
- whether the operating schedule demonstrates that an adequate risk assessment of the likelihood of crime and disorder occurring as the result of the issue of an authorisation has been carried out by the applicant.

5.7. The authority will work closely with Hertfordshire Constabulary and the other members of the Dacorum Community Safety Partnership, both to monitor and investigate incidents of crime or disorder associated with licensable activities at and around licensed premises, and to identify emerging trends and patterns in such incidents.

5.8. To achieve the best results, the prevention of crime and disorder requires partnership working between statutory bodies and licensed premises. While there are a number of measures which licence-holders can, and will be expected to, implement in order to promote this objective within their premises, the authority also expects licence-holders to understand which issues they will not be

able to resolve themselves, and to liaise and co-operate with the licensing authority, police, and other bodies. In particular, incidents occurring outside of but in the vicinity of licensed premises, which do not involve the customers or staff from that premises, are likely to be outside of the direct control of licence-holders, but they may be able to provide evidence or intelligence allowing statutory bodies to investigate the incident in question.

Public safety

- 5.9. When considering this objective, the licensing authority will concern itself with the physical safety and wellbeing of the people who use licensed premises, and those who may be affected by the use of licensed premises (e.g. non-customers who happen to be in the immediate vicinity of a premises). This will include measures that seek to prevent accidents, injuries and short- or long-term illnesses to staff, customers or other persons.
- 5.10. There are several regulatory regimes concerned with public safety, and the licensing authority will seek to avoid duplication with these insofar as is possible. In particular, we will not duplicate obligations placed upon licence-holders under the Health and Safety at Work Act 1974 or the Regulatory Reform (Fire Safety) Order 2005 (which is discussed further later in this Statement). However, where representations are made by responsible authorities responsible for enforcing these regimes concerning the failure of a licence-holder to adhere to or comply with another regime, the licensing authority may consider whether this is indicative of a wider systemic failure on the part of the licence-holder to promote the licensing objectives.
- 5.11. Where a premises is providing high-risk activities ancillary to licensable activities, or is utilising special effects in conjunction with a licensable activity, such as the use of lasers, pyrotechnics, dry ice, smoke machines, foam machines or strobe lighting during an entertainment performance, the licensing authority expects that all necessary equipment and materials will be under the control of a suitably-trained and experienced individual, and for a suitable risk assessment to have been carried out prior to use.

Public nuisance

- 5.12. The licensing authority will interpret the term 'public nuisance' widely, and when considering this objective will take into account issues relating to noise, vibration, light, litter, offensive odours and anti-social behaviour arising from or in connection with the provision of licensable activities.
- 5.13. This objective does not mean the complete prevention of all of the above issues, but rather the prevention of such unreasonable levels of these as would constitute a nuisance to the public or a section thereof. A degree of noise, for example, is an inevitable consequence of the provision of most forms of regulated entertainment. The licensing authority will therefore seek to exercise its powers in a way which promotes the licensing objective, to discourage and eliminate the carrying on of licensable activities in a way that causes unreasonable inconvenience, upset or distress to others.
- 5.14. The authority notes that, as with other licensing objectives, other regulatory regimes exist which may be used by statutory bodies to control the adverse effects of these issues, and will seek to avoid duplication with these regimes. The Environmental Protection Act 1990 in particular allows environmental health officers to require the abatement of a statutory nuisance. However, the licensing authority also notes that this regime is largely reactive, whereas licensing may be used to establish proactive controls, preventing a nuisance from reaching a statutory level in the first instance.

- 5.15. Where representations are made by a responsible authority with nuisance prevention obligations, advising that restrictions may be necessary to prevent a nuisance from arising, the licensing authority will consider the imposition of conditions or the modification of operating schedules as it considers necessary to promote this licensing objective.
- 5.16. Nuisance may arise directly as a result of licensable activities (for example, noise from music), or indirectly (noise from customers at the premises). Applicants and licence-holders are strongly encouraged to consider all possible sources of nuisance when compiling operating schedules, and to implement appropriate measures for the promotion of this objective. For many types of nuisance, this process will begin in the initial design stages prior to the construction or redevelopment of premises. The Council's Regulatory Services officers may be consulted for informal advice, prior to the making of a licence application, on proposed measures likely to reduce or prevent the likelihood of public nuisance arising from the operation of licensed premises.
- 5.17. The licensing authority will have regard to best practice guidance when considering this licensing objective, including but not limited to:⁶
- Guidelines on Community Noise (World Health Organisation)
 - Effective Management of Noise from Licensed Premises (British Beer and Pub Association)
 - Code of Practice on Environmental Noise Control at Concerts (Noise Council)
- 5.18. Where premises which are the subject of licensing applications involving amplified musical entertainment beyond 11pm are in close proximity to residential properties, the licensing authority will expect to receive a comprehensive operating schedule listing measures that the applicant intends to implement to ensure the promotion of this licensing objective.
- 5.19. The licensing authority will also pay close regard to premises in close proximity to residential property proposing or permitted to trade after 11pm, where the premises includes one or more external areas for use by customers (for example, beer gardens, external dining areas, or smoking areas), as use of such areas by customers has the potential to lead to a public area if not closely controlled. Applicants are encouraged to include measures within their operating schedule setting out how they intend to control the use of such areas, in order to promote this licensing objective.

Protection of children

- 5.20. The licensing authority is aware that this objective relates primarily to preventing children from being exposed to or permitted to access age-restricted products, such as alcohol; or age-restricted services, such as films with content deemed suitable only for adults or relevant entertainment of a sexual nature. Considerations relating to the physical safety and welfare of children will also be taken into account as part of any action the authority takes to promote the public safety objective.
- 5.21. There is no reason why children should not be admitted to responsibly-run, family-oriented licensed premises (for example, restaurants, theatres, cinemas (showing age-appropriate films), supermarkets, community premises, etc), when accompanied by a suitable adult, such as a parent or guardian, and the Act allows for this. However, it is an offence under the Act:
- to admit children to exhibitions of films if they are below the minimum age recommended by the licensing authority or a film classification body,
 - to allow unaccompanied children under the age of 16 to be present at premises being used exclusively or primarily for the supply of alcohol for consumption on those premises, or
 - to allow unaccompanied children under 16 to be present between midnight and 5 a.m. at

⁶ See Annex B for links to these documents

licensed premises supplying alcohol for consumption on the premises.

- 5.22. The licensing authority will only look to impose further restrictions beyond those set out above prohibiting access to premises by children if it considers it appropriate to do so, to protect the child from a relevant type of harm.
- 5.23. The licensing authority will judge each application and the circumstances pertaining to each premises on the individual merits. Examples which may give rise to concern in respect of children would include premises:
- where entertainment or services of an adult or sexual nature are commonly provided,
 - where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking,
 - where there is a strong element of gambling on the premises (but not, for example the simple presence of a small number of gaming machines),
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises, or
 - where other concerns relating to this objective have arisen.
- 5.24. Alternative options to limiting access by children may include, but are not limited to:
- limits on the hours when children may be present,
 - limits or exclusions on children when particular activities are taking place,
 - limited access to parts of premises, or
 - full exclusion of under-18s from the premises when any licensable activities are taking place.
- 5.25. Where a large number of children are likely to be present at a licensed premises, the licensing authority will expect an appropriate number of suitably-trained adult staff to be present, to control access and egress of children, and ensure their safety and protection from harm.
- 5.26. Even if the age restrictions mentioned above do not apply and the licensing authority has not attached conditions restricting access by children, there is still no obligation for licence-holders to admit children to their premises. Ultimately access to premises will remain at the discretion of the licence-holder, who may choose to adopt any reasonable admission policy.
- 5.27. Child sexual exploitation is a significant concern for licensing authorities nationwide, as demonstrated by a number of high-profile reported cases which revolved around licensed premises. Where the operation of licensed premises is causally or demonstrably linked to child sexual exploitation, the licensing authority will not hesitate to use the full range of powers at its disposal to promote this licensing objective. Further details regarding this issue are given later in this document.

6. Licensing authority functions

6.1. Licensing authorities have statutory responsibilities under the Act for:

- the authorisation of premises where licensable activities are to take place, through the issue of premises licences;
- the preliminary authorisation of premises for proposed licensable activities, through the issue of provisional statements;
- the authorisation of club premises where qualifying club activities are to take place, through the issue of club premises certificates;
- the review of premises licence and club premises certificates, at the request of a responsible authority or other person;
- the authorisation of individuals to authorise supplies of alcohol at licensed premises, through the issue of personal licences;
- the receipt and endorsement of temporary event notices, authorising infrequent licensable activities;
- investigating and taking enforcement action in respect of allegations on unlicensed activities, or activities carried out otherwise than in accordance with an authorisation or the legislation;
- the exchange of information with Government regarding details of applications, licences and notices and enforcement issues; and
- the maintenance of registers of the applications and notices received, and licences and certificates issued, by the authority.

6.2. The licensing authority has delegated its functions under the Act to the Licensing, Health & Safety and Enforcement Committee. In turn the Committee has delegated the exercise of these functions as summarised in the table at Annex A, to:

- the Licensing of Alcohol and Gambling Sub-Committee, to consider contested applications and notices, and review proceedings, and
- licensing officers, to deal with the day-to-day administration of applications, the grant of uncontested applications, and compliance and enforcement issues.

6.3. The scheme of delegation does not preclude officers from referring a particular matter back to the Sub-Committee, nor the Sub-Committee from referring a matter back to the full Committee.

6.4. There are three functions which must be exercised by the Council, and cannot lawfully be delegated. These are the adoption of a statement of licensing policy (although the Committee may undertake preparatory work and make recommendations to Council), the making of an early morning alcohol restriction order, and the adoption of a late night levy requirement (discussed later).

6.5. Duplication of other regulatory regimes, such as health and safety or fire safety, will be avoided in so far as is possible. In particular, this authority will not consider whether a premises that is the subject of a licensing application is likely to be awarded planning permission or building regulations approval, in its consideration of that application. This authority will though, listen to, and consider carefully, any concerns about proposed conditions that would be contrary to pre-existing planning restrictions, should such a situation arise.

7. Responsible authorities and other persons

7.1. Responsible authorities and other persons can make representations about certain premises licence and club premises certificate applications, or apply for a review of an existing licence or certificate. They include statutory bodies with professional expertise relevant to the regulation of licensable activities, and local residents and businesses that may be affected by the provision of such activities.

Responsible authorities

7.2. Under the Act, a number of statutory bodies are specified as 'responsible authorities'. These bodies are ones whose duties and responsibilities may affect licensed businesses within the borough, or who have separate regulatory powers allowing for the control of one or more aspects of those businesses. They include:

- the licensing authority, and any other licensing authority responsible for part of a premises which lies across authority boundaries,
- Hertfordshire Constabulary
- Hertfordshire Fire & Rescue Service
- Hertfordshire Public Health
- Dacorum Regulatory Services
- Dacorum Planning
- Hertfordshire Trading Standards (weights and measures authority)
- Hertfordshire Safeguarding Children's Board
- Health & Safety Executive (for premises where HSE is the enforcing authority under the Health and Safety at Work Act 1974 only)
- Canal & Rivers Trust, Environment Agency, and the Secretary of State (for vessels only)

7.3. The licensing authority is required by sections 13(4)(f), 69(4)(f) and 172B(4)(i) of the Act to designate a body which represents those who are responsible for or interest in matters relating to the protection of children from harm, and which the authority considers competent to advise it about these matters. For the purposes of these sections, the licensing authority recognises the Hertfordshire Safeguarding Children's Board as a responsible authority in connection with any application for a premises licence or club premises certificate, or a proposal to make an early morning alcohol restriction order.

7.4. Where an application is made in respect of a vessel, additional responsible authorities will be consulted in respect of that application. These include navigation authorities for the waterway(s) where the vessel will be while it is used for the provision of licensable activities, the Environment Agency, the Canal and Rivers Trust, and the Secretary of State. Waterways running through Dacorum include the Grand Union Canal, and the Rivers Gade and Bulbourne, although the latter two are unnavigable.

Other persons

7.5. In addition to responsible authorities, any other person may make representation in respect of an application which is subject to public notice requirements, or apply for a review of a premises licence or club premises certificate. As well as people who live or work near licensed premises, this provision also allows any company, charity, community organisation or similar body, or elected representative, to make representations and apply for reviews.

- 7.6. The licensing authority will consider all representations or review applications received from persons other than responsible authorities, but may reject and disregard a representation or application, in whole or in part, if it believes that:
- a representation or ground for review is frivolous,
 - a representation or ground for review is vexatious,
 - a representation is not relevant to the likely effect of the grant of the application on the promotion of the licensing objectives,
 - a ground for review is not relevant to one or more of the licensing objectives;
 - a ground for review is a repetition of a ground for review or a representation made in respect of an earlier application for the same licence or certificate, where a reasonable interval has not elapsed since the earlier application.
- 7.7. For the purposes of the previous paragraph, the licensing authority will typically consider that a period of 12 months between review or other applications will constitute a reasonable interval, although the authority may consider evidence as to why it should use a shorter time period on a case-by-case basis.
- 7.8. When considering whether a representation or ground is frivolous or vexatious, the authority will consider the ordinary dictionary definitions of these terms. It is not possible to give an exhaustive list of what may cause the authority to exclude a representation or ground under these provisions, but examples may include relying on a matter with no relevance to the licensing objectives (for example, the effect of an application on nearby house prices) or a matter which is unrelated to the operation of the premises concerned (for example, litter repeatedly left on a pavement near a premises which is unconnected to that premises).
- 7.9. Persons with business interests within a similar trade sector as the subject of their representation (or review application) will be expected to satisfy the licensing authority that their representation (or application) is not made vexatiously with the intent of limiting competition to their own business. This will typically be by way of suitable and sufficient evidence within their representation or review application to support the claims that are being made and evidence how they are linked to the subject business.
- 7.10. The licensing authority will also reject any representation which was not given to the authority within the prescribed period for the associated application (typically 28 days for most applications, although minor variation applications and summary/closure order reviews are subject to shorter periods – in all cases, the final date for the submission of representations will be displayed on public notices at or near the premises and in a local newspaper, which will be checked by the authority).
- 7.11. Dacorum borough councillors who have agreed to represent a party to an application at a hearing, or who have made a representation in their own right, shall not sit on any Sub-Committee considering that application.

8. Representations and reviews

- 8.1. Where a right exists for a responsible authority or other person to make representations in respect of an application, any representation must be made in writing (whether by letter, fax or email), and must contain the name and address of the party making the representation, together with any relevant information to assist the licensing authority in determining their status. The grounds upon which the representation is made should also be clearly set out.
- 8.2. Our preferred means of receiving representations is by email, to licensing@dacorum.gov.uk. However, we will continue to accept any valid written representation submitted by alternate means.
- 8.3. Representations may encompass a variety of views about an application, and may include comments or grounds which are supportive of an application, objecting to an application, or neutral about an application. The licensing authority will treat all relevant representations in the same manner, regardless of their stance.
- 8.4. Applications for the review of a premises licence or club premises certificate may only be made in the prescribed form, and following the procedure set out in the Act. Licensing officers are able to offer further advice on this procedure to any party considering making an application for review of a licence.
- 8.5. The licensing authority must have reasonable grounds in order to take action to refuse, to revoke or to suspend a licence. This means that it will usually need to see evidence which substantiates the grounds cited in representations or review applications if it is to act upon those grounds. Speculative grounds which cannot be substantiated have previously been found by the courts to carry little weight in the decision-making process, and it is therefore likely that the licensing authority would be unable to take action of a type referred to above if such grounds are the only ones cited in respect of an application.

9. Applications

- 9.1. Every matter requiring determination by the licensing authority will be considered on its individual merits, and in doing so the authority shall have regard to this Statement, the Guidance, and the need to promote the licensing objectives. Where applicable, an evidentiary hearing will be conducted prior to the determination of the matter, in full accordance with Regulations made under the Act.
- 9.2. Many application types are subject to a statutory provision whereby they must be granted in the absence of relevant representations. In such cases, licences must be issued for the full range of licensable activities applied for, subject only to applicable mandatory conditions, and conditions which are consistent with measures set out by the applicant within their operating schedule.
- 9.3. Where the authority's discretion is engaged, following receipt of a relevant representation or an objection notice, or in the case of review or minor variation applications, the licensing authority will apply the considerations set out below.
- 9.4. Almost all of the decision-making powers under the Act require licensing authorities to take such action as they consider appropriate for the promotion of the licensing objectives. The Act was amended to substitute 'appropriate' for 'necessary', a move which may be regarded as having increased authorities discretion in respect of the determination of applications. The licensing authority will consider 'appropriate' in accordance with the standard dictionary definition: "suitable or proper in the circumstances".⁷
- 9.5. The licensing authority strongly encourages dialogue between applicants (or licence-holders) and persons affected or concerned about proposals within a licence application. In many cases, such concerns can be resolved informally, without the need for a hearing. Where parties give their consent, the licensing authority may facilitate mediation between parties to a prospective hearing, to explore whether an informal resolution can be achieved.
- 9.6. When considering applications for a new licence, or a variation of an existing licence, the options available to the authority will generally include: granting the application as applied for, granting the application with amendments to the operating schedule or additional conditions, or refusing the application. The last of these options is clearly the most serious, and the authority will only look to refuse applications where it is satisfied that the proposed activities could not be carried on, even with modifications or additional restrictions, without a detrimental effect to the licensing objectives.
- 9.7. The options available when considering premises licence or club premises certificate applications will include the restriction of licensed hours or the imposition of additional conditions, which may be considered appropriate for the promotion of the licensing objectives. These powers are considered in greater detail in the following chapters.

Minor variations

- 9.8. The Act provides a simplified method for making changes to an existing premises licence or club premises certificate which will not adversely impact upon the licensing objectives, and which do not involve:
 - a substantial variation to the applicable premises,
 - authorising alcohol supplies for the first time,
 - increasing the permitted hours for the supply of alcohol,

⁷ <http://www.oxforddictionaries.com/definition/english/appropriate>

- transposing permitted hours for the supply of alcohol to have effect between 11 p.m. and 7 a.m.,
- extending the validity period of a time-limited licence (this can only be achieved through the grant of a new licence),
- changing the individual specified as the designated premises supervisor (a dedicated application type is available for changes of this type), or
- substituting the alternate licence condition for community premises (a dedicated application type is available for changes of this type).

9.9. Changes of a type listed above, or which may bring about an adverse impact on the licensing objectives, are not eligible for a minor variation application and must instead be made via a full variation application (unless otherwise indicated).

9.10. The type of changes that the authority will generally consider appropriate to be made via a minor variation application will include, but are not limited to:

- Internal reorganisation of a premises, including the relocation or removal of fixed or static furniture, where there is no significant change to the overall size or location of the licensed area;
- Removal or modification of outdated, unclear or unenforceable conditions;
- Removal, modification or addition of other conditions, with the prior agreement of relevant responsible authorities;
- Amendment of opening hours, with no change to the times during which licensable activities may be provided (e.g. to allow a premises to carry on non-licensable activities during breakfast trade); or
- Reduction of permitted times for licensable activities, or removal of activities the premises no longer intends to provide.

9.11. The authority may consider accepting other types of change within a minor variation application on a case-by-case basis, so long as they will not contravene the principles set out at para 9.8. Applicants are welcome to contact licensing officers for pre-application advice.

9.12. Unlike other application types, the absence of relevant representations will not prevent the authority from exercising its discretion in respect of a minor variation application. Minor variations must be refused, irrespective of any representations received, if the authority believes that the proposed changes, individually or cumulatively, could have an adverse effect on any of the licensing objectives.

9.13. Where a minor variation application is refused on grounds that the proposed change may adversely affect the licensing objectives, the applicant may submit a full variation application in respect of the proposed change, for consideration by the authority following a full public consultation process.

9.14. The power to consider minor variation applications has been delegated to the authority's officers, who will determine all such applications. The short time periods which apply to applications of this type preclude the arrangement of Sub-Committee meetings to consider such matters.

10. Licensing hours

- 10.1. Flexible hours for licensable activities and particularly the sale of alcohol can help to ensure that large concentrations of customers leaving premises simultaneously are avoided. Requiring a number of similar premises to close at the same time could lead to friction at late night food outlets, taxi ranks, transport hubs and other 'pinch points'. By encouraging a staggered approach to closing times, it is possible to achieve a steadier dispersal of patrons from town centres, with fewer incidents of disorder and disturbance.
- 10.2. For this reason, the licensing authority will not seek to impose rigid terminal hours on premises in particular areas (a concept known as zoning), which is considered likely to increase the potential for crime, disorder and nuisance. That said, if the authority becomes aware of a proliferation in disorder or nuisance in a particular area linked cumulatively to the operations of licensed premises, it may consider imposing restrictions on opening hours through the use of its various powers, including early morning alcohol restriction orders.
- 10.3. Licensing hours should not inhibit the development of a thriving and safe evening and night time economy. This is important for investment, local employment, tourism and local services associated with the night time economy. Providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the licensing objectives and the interests of local residents.
- 10.4. The licensing authority expects that issues relating to licensing hours, and in particular measures to limit the potential for nuisance or disorder arising from later hours of trading, will be addressed by the applicant in their operating schedule.
- 10.5. In addition to their licensable activities, applicants are also expected to set out the proposed opening hours of their premises within their operating schedule. The licensing authority expects these times to be provided for all premises which may be accessed by members of the public, as these will inform the authority, responsible authorities and other persons of the full extent of the operation of the premises, and allow all parties to consider the application and the effect on the licensing objectives fully. The hours given should include all times when the premises may trade to the public (whether licensable activities are being provided or not), when individuals may be present on the premises.
- 10.6. At premises licensed to supply alcohol for consumption on the premises, the licensing authority encourages the inclusion of a 'cooling-off' or 'drinking-up' period between the terminal hour for supplies of alcohol, and the end of other licensable activities, typically of around 20 to 30 minutes. Inclusion of such a measure will ensure patrons have the opportunity to finish their drinks and gather their belongings prior to leaving the premises. This should be indicated within the timings given in the operating schedule for supplies of alcohol and opening hours. Where music is being played, applicants may also wish to consider a slower tempo of music within this period.
- 10.7. Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises throughout the normal hours they intend to open for shopping, unless there are good reasons, based on the licensing objectives, for restricting those hours; for example, a limitation may be appropriate following police representations in the case of shops known to be a focus of disorder and disturbance. Where alcohol hours are shorter than opening hours, premises should ensure that robust systems are in place to prevent the sale of alcohol before or after permitted times.
- 10.8. The licensing authority will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence, stricter conditions are more likely to be considered appropriate for the promotion of the public nuisance objective in the case of premises that are situated in predominantly residential areas.

11. Licence conditions

- 11.1. The licensing authority will seek to avoid imposing disproportionate conditions on premises. It will only impose conditions that it considers appropriate in order to promote the licensing objectives, and which are in themselves reasonable and proportionate.
- 11.2. Additionally, we will seek to ensure that conditions only pertain to matters which are within the direct control or the sphere of influence of the licence-holder.
- 11.3. When we set conditions, we will follow the SMART methodology, and aim to ensure that the conditions are:
- Specific – directly related to the premises and the licensable activities carried on; the condition will clearly and unambiguously state what is required of the licence-holder;
 - Measurable – that it is possible to confirm whether the condition is being met; if compliance with a condition cannot be readily verified, it is likely that a court will rule a condition is unenforceable;
 - Achievable – that the licence-holder is able to take the measures required to comply with the requirement;
 - Reasonable – that the condition does not place unreasonable, disproportionate or unrealistic requirements on the licence-holder;
 - Time-bound – where appropriate (for example, if new example will have to be purchased and installed) a time period will be stated for the licence-holder to achieve compliance with the requirement.
- 11.4. We will also have regard to the work undertaken by the Institute of Licensing with regards licence conditions, and any guidelines that they issue.⁸
- 11.5. Lengthy lists of licence conditions are not viewed as desirable, as they make it difficult for licence-holders and regulators alike to readily verify compliance with the licence. Where the authority is of the opinion that a substantial number of conditions are appropriate, consideration should be given whether the applicant is a suitable person to hold a licence, given that the effect of the numerous conditions will be to micromanage his business. In such circumstances, the authority must consider whether refusal of a licence would be a more appropriate decision to take.

Conditions on premises licences

- 11.6. Conditions on premises licences will fall into one of three categories, and will be contained in one of three annexes to the licence:
- Annex 1 contains mandatory conditions, which licensing authorities are required to add to licences if certain conditions are met. Mandatory conditions are all transposed directly from the legislation, and the authority may not modify or disapply these conditions.
 - Annex 2 contains conditions consistent with the operating schedule. These conditions will be compiled by the authority's officers (even if a case was ultimately determined by a Committee) based on the measures set out by the applicant within their operating schedule, including any modifications volunteered by the applicant following discussions with the licensing authority, responsible authorities, or other persons. When compiling conditions in this annex, the authority will not simply reproduce the operating schedule, but will convert the measures it contains into clear, relevant and enforceable conditions.

⁸ http://www.instituteoflicensing.org/content.aspx?page=GUIDANCE_ON_PREMISES_LICENCE_CONDITIONS

- Annex 3 contains any other conditions imposed by a licensing committee when it determines an application. These conditions comprise any requirements over and above the operating schedule that a committee decided were appropriate to promote the licensing objectives, when they determined the application.

11.7. The mandatory conditions are prescribed in legislation, and are subject to periodic change. The licensing authority has adopted an approach of not replacing licences following every change, but rather amending them on the next occasion that they are returned to the authority. A full schedule of the current mandatory conditions will be maintained on our website. Licence-holders should be aware that mandatory conditions will apply to their licence, even if they are not printed upon it, and as such are encouraged to periodically check for updates to the current conditions.

11.8. The licensing authority notes that it may not impose a condition which restricts the nature, content or manner of performances of plays provided under a premises licence, save to ensure the safety of the public.

Conditions on club premises certificates

11.9. Club premises certificates will generally be subject to similar conditions to premises licences, and the provisions set out above will apply equally to authorisations of this type.

11.10. The licensing authority notes that it may not impose a condition which prevents the sale of alcohol or the provision of regulated entertainment to associate members and their guests, where the club rules provide for such.

Conditions on temporary event notices

11.11. Where an objection notice is received in respect of a standard temporary event notice and neither is withdrawn, the licensing authority is obliged to conduct an evidentiary hearing into the proposed event and the objections raised by a responsible authority. At the end of the hearing, the authority must decide whether it is appropriate for the promotion of the licensing objectives to issue a counter-notice, which has the effect of cancelling the authorisation to carry on licensable activities conveyed by the temporary event notice.

11.12. Where the authority has decided not to issue a counter-notice, and the temporary event notice is in respect of premises authorised by a premises licence or club premises certificate, the licensing authority may resolve to bring forward conditions from the licence or certificate and impose them upon the temporary event notice, if it considers this appropriate for the promotion of the licensing objectives.

11.13. Any conditions brought forward will be replicated in the same form as used on the licence or certificate, and will be imposed only if they address issues raised within objection notices given to the authority. The authority will not utilise this power to condition or restrict aspects of the event which are not referenced within an objection notice or supplementary representations.

11.14. If the licensing authority is of the opinion that an event should not proceed, it will issue a counter-notice. The power to impose conditions will not be utilised to impose conditions which are inconsistent with the proposed event, or which are impossible for the premises user to comply with.

11.15. The licensing authority understands that it has no other power to impose conditions on temporary

event notices. Undertakings agreed between a premises user and a responsible authority to resolve objections to a notice are unenforceable, and are therefore discouraged.

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12. Enforcement

- 12.1. Licensing authorities are required to state the principles to be applied by the authority in exercising enforcement functions under the Act, both in terms of the inspection of premises and in instituting criminal proceedings in respect of specified offences.
- 12.2. The licensing authority will be led by the Guidance in respect of the inspection of premises and the powers to institute criminal proceedings, and will endeavour to ensure that enforcement and compliance actions are:
- **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;
 - **Targeted:** regulation should be focused on the problem, and minimise side effects.
- 12.3. The licensing authority may arrange for the inspection of premises, both licensed and otherwise, in response to specific complaints about those premises and the provision of unauthorised licensable activities therein. The licensing authority may also, from time to time, arrange a programme of risk-based inspections of licensed premises, consistent with the principles expressed throughout this document. Should officers witness offences or breaches of an authorisation during an inspection, appropriate action will be taken.
- 12.4. The licensing authority 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.
- 12.5. In addition to this statement of principles, the licensing authority also maintains a licensing enforcement policy, setting out further details of our methodologies. This can be viewed via our website, at www.dacorum.gov.uk/licensing, or a copy obtained by contacting us using the details given in Annex C. The licensing authority shall also have regard to any corporate enforcement policy published by Dacorum Borough Council.
- 12.6. Where the power to make representations or initiate reviews on behalf of the licensing authority is utilised, proper separation of functions will be ensured by having different officers conduct the different functions (for example, if a licensing enforcement officer makes a representation, they will have no involvement in the administration of the application itself).
- 12.7. A number of licence-holders with multiple outlets have formed primary authority partnerships, under which they receive 'assured advice' from a single local authority in respect of one or more regulated aspects of their business – for example, preventing underage sales of age-restricted products. Where we have concerns around a premises whose operator has formed a primary authority partnership relevant to the issue in question, we will consult with the primary authority prior to taking any formal action.

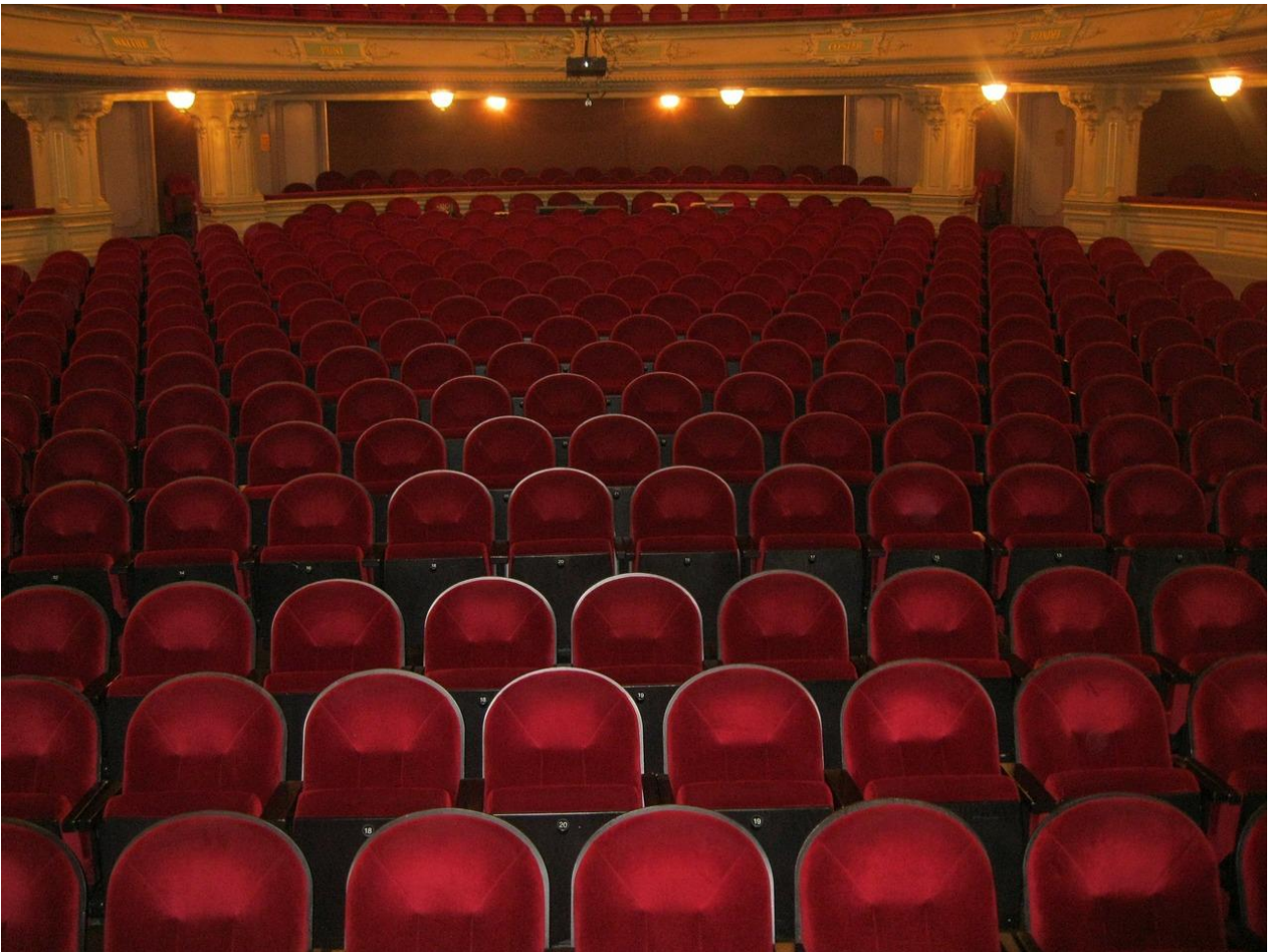
13. Exchange of information

- 13.1. From time to time, licensing authorities are required to exchange information with other bodies – whether this be the Government for the purpose of official statistics, responsible authorities and other statutory bodies in respect of intelligence about possible breaches of licence conditions or legislative requirements, or other persons following requests under data disclosure laws.
- 13.2. The principle that this licensing authority applies is that it will act in accordance with the provisions of applicable legislation when exchanging information, which includes the provision that the Data Protection Act 1998 will not be contravened.
- 13.3. Should any protocols be established as regards information exchange with other bodies then details will be made available via our website, and incorporated into a future revision of this document.
- 13.4. Where required by law applicants will receive copies of any representations made in respect of their application, although sensitive or personal information not required to be disclosed will usually be redacted.

14. Digital services

- 14.1. We will carry out our functions with regard to the EU Services Directive and the Provision of Services Regulations 2009, which give effect to the Directive within the UK. In particular we will:
 - provide clear and concise guidance on our website explaining what activities licences and permissions are required for, how they can be obtained and how we will consider applications for such,
 - encourage applications for licences which are in scope of the Directive to be made via our electronic application facility,
 - apply the same considerations and requirements to applications from applicants based in EEA member states other than the UK as we do for UK-based applicants.
- 14.2. Almost every type of application under the Act can be made online via our website, www.dacorum.gov.uk/licensing. The exceptions to this are applications for personal licences, and for reviews of premises licences and club premises certificate, which must be made using a paper application form.

Part B: Further considerations



15. Cumulative impact

- 15.1. Cumulative impact is the term used to describe the impact, potential or actual, of a large number of licensed premises concentrated in a single locality. In terms of the licensing objectives, this may be evidenced by an increase in incidents of crime, disorder or public nuisance, over and above the impact of the individual premises themselves.
- 15.2. The cumulative impact of licensed premises on the promotion of any of the licensing objectives is a matter that the licensing authority can take into account in determining its licensing policy. This should not, however, be confused with any question of 'need' which relates to the commercial demand for a particular type of premises (for example, a pub, restaurant or hotel). The issue of 'need' is a matter for market forces to influence and for the planning authority to regulate, and so does not form part of this policy statement.
- 15.3. The licensing authority will not seek to introduce quotas of licensed premises, nor will it seek to impose general limitations on trading hours in particular areas. Instead, consideration will be given to the individual characteristics of the premises concerned within a given area. It is recognised that a wide variety of venues sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. Proper regard will be had to those differences and the impact they are likely to have on the local community.
- 15.4. The licensing authority notes that, in accordance with the Guidance, it may adopt a special policy in response to a cumulative impact issue in a defined area. Consideration of such a policy may be prompted by submissions from responsible authorities or other persons, evidenced appropriately and linked to one or more of the licensing objectives. Where such a policy has been adopted, the issue of cumulative impact can be taken into account when considering the individual merits of any application within the area defined within that policy. Further details regarding this power are given in the Special licensing policies section of this Statement.
- 15.5. When dealing with cumulative impact issues, the licensing authority recognises that, as well as licensing functions, there are a number of other mechanisms for addressing issues of nuisance, disorder and anti-social behaviour occurring away from licensed premises. These may include:-
- planning controls;
 - measures to provide a safer and cleaner environment in partnership with local businesses, transport operators and other departments of the Council;
 - the provision of CCTV surveillance in town centres, ample taxi ranks, street cleaning and litter patrols;
 - powers for a local authority to protect public spaces from the effects of anti-social consumption of alcohol, enabling police and accredited persons to confiscate alcohol;
 - police enforcement of the law with regard to disorder and anti-social behaviour, including the issuing of fixed penalty notices or other sanctions under the Anti-Social Behaviour, Crime and Policing Act 2014;
 - the prosecution of any personal licence holder or member of staff at licensed premises who is selling alcohol to children or people who are drunk;
 - powers to close down instantly any premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from premises causing a nuisance;
 - the power for responsible authorities or other persons to apply for a review of a premises licence or club premises certificate; or
 - other local initiatives that similarly address these problems.
- 15.6. The licensing authority will address these issues through the Dacorum Community Safety Partnership in line with the strategic objectives for crime and disorder reduction within the Borough.

16. Public health

- 16.1. The Director for Public Health in Hertfordshire is a responsible authority under the Act, and may make representations in respect of applications for premises licences and club premises certificates, and apply to review licences and certificates.
- 16.2. At the time of writing, there is no licensing objective correlating purely to public health, and as such and representations or applications made by the Director for Public Health must be predicated upon one or more of the current licensing objectives. Representations relating solely to public health issues are not relevant under the Act.
- 16.3. The licensing authority will work with the Director of Public Health and his staff in order to identify and utilise relevant public health data within the licensing process. In particular, the authority may seek to rely upon public health data if it considers the introduction of a special licensing policy, such as a cumulative impact policy or an early morning alcohol restriction order.
- 16.4. Public Health may also hold (or have access to) health data concerning individual premises – for example, ‘Cardiff model’ data of alcohol-related admissions to hospital emergency departments. Such data may be of particular use to the licensing authority when it considers an application for review of an existing licence or certificate, and the licensing authority encourages responsible authorities who are bringing reviews to liaise with Public Health and examine whether any such data supports, or conflicts with, the grounds on which a review has been brought.
- 16.5. The licensing authority notes that there are limitations to such data – for example, the Cardiff model generally only specifies the last premises attended by a casualty, and may not detail any other premises where they consumed alcohol earlier in the evening, or any alcohol consumed at home (a practice widely known as ‘pre-loading’). For this reason, the licensing authority will carefully examine any such data presented in support of a representation or review. It is considered unlikely that action will be taken based solely on Cardiff model data – however, such data may act to reinforce other evidence presented in respect of a particular case, or may be indicative of an issue in a particular area requiring further investigation.
- 16.6. Health data relating to alcohol consumption by children will also be considered carefully by the authority, as it may indicate a particular geographic area where children are gaining access to alcohol. Such data may be correlated with complaints and reports of underage sales to inform and influence future enforcement operations undertaken by the licensing authority and responsible authorities.

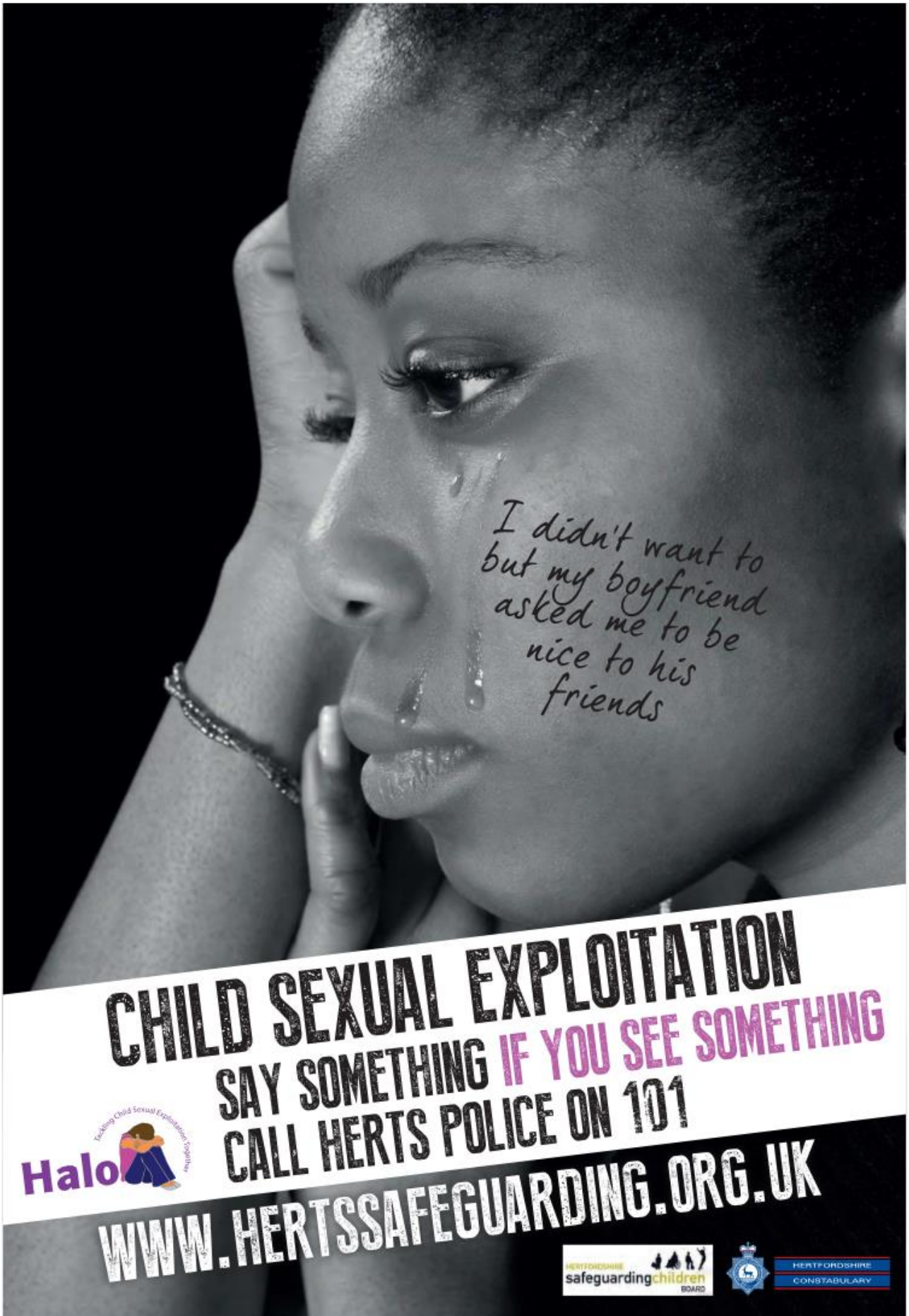
17. Drugs and new psychoactive substances

- 17.1. The licensing authority expects all licensed premises to adopt suitable measures to detect and discourage persons from using controlled drugs (which for the purposes of this section means substances which are proscribed under the Misuse of Drugs Act 1971) while on those premises. Examples of such measures may include, but are not limited to, the following:
- Ensuring a highly visible staff presence throughout the premises,
 - Regular checks by staff of ancillary areas such as lobbies, toilets, cloakrooms and corridors,
 - Redesigning toilet facilities to remove horizontal surfaces, and niches and other areas where illicit items could be concealed,
 - Ensuring that all staff, and door staff in particular, are trained to recognise visible signs that a person is under the influence of an illegal substance, and to refuse such persons entry to the premises,
 - Operating robust 'search on entry' policies, with procedures in place to confiscate controlled drugs found during searches and hand these to police at the earliest opportunity,
 - Carrying out testing on surfaces within the premises to detect the presence of traces of controlled drugs,
 - Enforcing a zero tolerance policy to the use or supply of controlled drugs within the premises, ejecting or refusing entry to persons known to be linked to the use or supply of controlled drugs, and reporting any person suspected of supplying controlled drugs to the police.
- 17.2. Where a licence-holder believes that there may be an issue with the illegal use or supply of controlled drugs within their premises, they are strongly encouraged to contact Hertfordshire Constabulary for advice and assistance in remedying that issue. This may involve a degree of 'target hardening' – redesigning parts of the premises or operating procedures to more easily detect and discourage such practices. Where premises are co-operating with the police to deal with such issues, the licensing authority is less likely to take action to remove or restrict the licence, than it would with premises which do not offer co-operation.
- 17.3. For the purposes of this part of the policy, the licensing authority will regard new psychoactive substances (widely referred to as 'legal highs') in the same way as it does controlled drugs, and will expect that the measures taken in licensed premises to detect and discourage the use of controlled drugs will also extend to these substances, which generally mimic the effect of a controlled drug.
- 17.4. The licensing authority expects that licensed premises will not engage in, sanction or condone the sale or supply of new psychoactive substances in or from their premises, and may seek to take enforcement action against premises that are found to be doing so.
- 17.5. The licensing authority recognises that Government has committed to strengthening the legislation around the supply and use of new psychoactive substances and welcomes such moves.

18. Child sexual exploitation

- 18.1. High-profile cases around the UK have acted to highlight the potential links between victims of child sexual exploitation and licensed premises. As licensing authorities have a statutory duty to ensure the protection of children from harm through the exercise of their licensing functions, it is important the licence-holders are aware of the potential for premises to be used by persons who are exploiting children for sexual purposes, and take appropriate measures to detect and discourage this.
- 18.2. Child sexual exploitation generally involves a young person being encouraged, coerced or forced into participating in a sexual relationship or activity by an adult. It frequently involves the victim being offered something in exchange for this, such as money, gifts, food, alcohol, cigarettes, drugs, involvement in adult situations, or sometimes just attention. Victims may have been subject to a grooming process lasting for weeks, months or years.
- 18.3. There is no single model of sexual exploitation – different cases will all have different circumstances. Similarly victims will not all come from the same mould – while some victims may have had troubled backgrounds, others may come from prosperous and loving families.
- 18.4. There are a number of indicators which may indicate possible child sexual exploitation. These include, but are not limited to:
- relationships which develop between a child and an adult;
 - children accompanied by a group of unrelated adults;
 - children regularly attending premises and meeting with a number of different adults, particularly if alcohol is being purchased for the child;
 - children outside of licensed premises who develop relationships with adults, particularly if alcohol is being purchased for the child;
 - children leaving the premises with unrelated adults, particularly with a group of adults;
 - children looking uncomfortable in the company of or leaving the premises with adults, or groups of adults.
- 18.5. It must be stated that not every instance of the behaviours listed above will indicate exploitation, and many interactions between children and adults will be perfectly innocent. However, if staff at licensed premises have reasonable grounds for suspicion (for example, if the child does not appear to know the adults they are with, or appears distressed) then they should be urged to report this.
- 18.6. The licensing authority expects licence-holders and applicants for new licences to be aware of the possibility of child sexual exploitation taking place in or around licensed premises, and to adopt suitable protective measures to assist in the detection and reporting of incidents of this. These may include:
- inclusion of child sexual exploitation issues within training programs for new and existing staff,
 - written management procedures for identifying and reporting suspicious behaviour to police,
 - frequent monitoring of all areas of the premises and immediate vicinity, including external areas, to detect behaviours of the types listed above.
- 18.7. Hertfordshire Safeguarding Children Board, in conjunction with Hertfordshire Constabulary, has produced information packs⁹, containing further relevant guidance to the management and staff of licensed premises, and of hotels. The licensing authority strongly recommends that licensed premises use these packs to raise awareness of child sexual exploitation among staff, and to formulate protocols for reporting any suspect behaviour observed by their staff.

⁹ <http://www.hertsdirect.org/services/healthsoc/childfam/childprotection/hertssafboard/childexplo/>



*I didn't want to
but my boyfriend
asked me to be
nice to his
friends*

CHILD SEXUAL EXPLOITATION

SAY SOMETHING IF YOU SEE SOMETHING
CALL HERTS POLICE ON 101



WWW.HERTSSAFEGUARDING.ORG.UK



HERTFORDSHIRE
CONSTABULARY

19. Security

- 19.1. Under a mandatory licence condition, any person engaged to work at a licensed premises carrying out a prescribed security activity, as specified under the Private Security Industry Act 2001, must be correctly licensed to carry out that function by the Security Industry Authority, or otherwise authorised under an approved contractor scheme or similar.
- 19.2. The licensing authority will expect applicants for licences to consider whether they may need to employ security personnel when compiling their operating schedules. This expectation will not just apply to premises licensed for the supply and consumption of alcohol, but any premises which may experience disorder.
- 19.3. Premises which are licensed for the supply of late night refreshment, which are located either in town centre locations or are on primary dispersal routes from such locations, and which cater primarily for the patrons of pubs and nightclubs after they have left such premises may in particular need to consider whether security personnel will be necessary, both to safeguard their premises against damage, and to prevent outbreaks of disorder among customers who may be intoxicated.
- 19.4. Where a premises experiences regular incidents of disorder and does not employ security personnel to guard against this, the licensing authority may consider the imposition of licence conditions mandating their provision, on receipt of an application to review a licence.
- 19.5. Where a premises has a policy of searching patrons prior to entry, searches should only be carried out by security personnel of the same gender as the customer who is being searched. This will mean that such premises will need to employ a minimum of one male and one female door supervisor.

CCTV

- 19.6. Where CCTV is in use in licensed premises, the licensing authority will expect its use to comply with the provisions of the Data Protection Act. In particular, this will mean that:
- the licence-holder must register with the Information Commissioner as a Data Controller,
 - clear signage is displayed advising of the usage of CCTV,
 - the CCTV is under the control of and accessible only by management and supervisory staff, who are conversant in its usage,
 - the licence-holder has a clear policy on the retention of recorded images, and disposes of them after a set period (typically around 28 days) unless an incident is reported.
- 19.7. To ensure that CCTV is used effectively, it is also encouraged that:
- the date and time is correctly set,
 - the system is kept operational at all times while the premises are open to the public,
 - there is camera coverage of the key parts of the premises, including all entrances/exits, bars, checkouts and dancefloors.
- 19.8. Hertfordshire Constabulary's crime prevention officers can offer advice on the installation and setup of CCTV systems to ensure best evidential quality.

20. Film classifications

- 20.1. Premises which are licensed for the exhibition of films are required by a mandatory licence condition to restrict admission to screenings in accordance with any age recommendation made by a film classification body, or by the licensing authority. Where recommendations have been made by both bodies, and the licensing authority has notified licence-holders of this, the licensing authority's recommendation will take precedence.
- 20.2. For the purposes of sections 20 and 74 of the Act, the licensing authority recognises the British Board of Film Classification (BBFC) as the film classification body, and will specify this body within the licences and certificates it issues.
- 20.3. The licensing authority views as good practice the inclusion within publicity materials of age-related admission restrictions arising from recommendations made by the BBFC or licensing authority. In any event, licence-holders must take appropriate measures to verify the age of persons being admitted to films which are subjected to age restrictions.
- 20.4. Details of the applicable recommendation in respect of a particular film should be exhibited prior to the commencement of that film. In the case of a BBFC recommendation this may be displayed on screen for at least 5 seconds prior to the feature. Details of a licensing authority recommendation should be displayed at or near the entrance to the screening.
- 20.5. The licensing authority anticipates that the BBFC's recommendations will apply to the vast majority of films shown at licensed premises within the borough. However in a small number of cases, the licensing authority may be called upon to exercise its powers and issue an overriding recommendation, which would only apply to licensed premises within the borough. Such situations can be approximately characterised in one of three groups:
- In cases where the licensing authority has concerns about a particular film, and has of its own volition made an alternate recommendation. This may allow admission of persons of a higher or lower age than the recommendation made by the BBFC, or in extreme circumstances may prevent the showing of a particular film. This power will be rarely, if ever, utilised.
 - In cases where a film has not been classified by the BBFC. This is likely to be the case with small, local, independent films, or foreign films, where a wider UK release is not intended.
 - In cases where the licensing authority is approached by a third party, asking the authority to override a recommendation made by the BBFC.
- 20.6. The third of these groups may include films intended to be shown at 'parent and baby' screenings, which have increased in popularity in recent years. The Act and Guidance are silent on the admission of babies to a film which is subject to an age-related recommendation – therefore on a strict interpretation of the Act, babies must be excluded from such screenings. The licensing authority is aware that some cinemas across the country have agreed schemes whereby the applicable licensing authority makes an alternate recommendation in respect of a specified film, expressly permitting the admission of babies and very young children to special screenings of that film with only parents of such children in attendance.
- 20.7. It is recommended that any premises considering the provision of such screenings contacts the licensing authority to discuss the proposals firstly. The authority will typically expect special provisions to be made for such screenings, including higher light levels and reduced sound levels, in order that parents can better ensure the safety of their children.

Issue of recommendations by the authority

- 20.8. When exercising powers under section 20 to issue an admission recommendation for a previously-unclassified film, it is proposed that the authority will adhere to the BBFC's Classification Guidelines (www.bbfc.co.uk/whatclassification/guidelines), and where possible will issue a recommendation which is in accordance with one of the standard classification bands. This approach is preferred as audiences will be familiar with this particular classification scheme and the meaning of the 'certificates'.
- 20.9. In such circumstances, the authority will require the organiser of the exhibition to provide a copy of the film for classification purposes, or to arrange a viewing for representatives of the licensing authority.

Alternate recommendations for parent and baby screenings

- 20.10. Where the licensing authority receives a request to override an existing recommendation made by the BBFC, or has concerns of its own in respect of a particular film, in the first instance the authority shall have regard to the BBFC's original classification decision, and the BBFC Insight record which describes the content of the film that led to the classification decision. If satisfied that the content will not present any issues if viewed by children under 24 months of age, then the authority may agree to issue an alternate recommendation, consistent with the BBFC's original classification but including a specific exemption for accompanied children below 24 months of age, at screenings advertised and restricted to 'parent and baby' only. Issues will be assessed on a film-by-film basis, but it is anticipated that scenes of strong violence and gore, sex and strong threat will lead to greater concern around viewing by children of that age than strong language, mild nudity and discriminatory content will.
- 20.11. Where concerns exist based on the BBFC Insight record that a film may not be suitable for viewing by young children below 24 months of age, the authority may request that the cinema facilitates a viewing of the film in question to make a full assessment of this. No alternate recommendation would be issued unless the authority is satisfied that allowing young children below 24 months of age to be admitted will not lead to the child protection licensing objective being undermined.

21. Outdoor events

- 21.1. The licensing authority recognises the contribution that well-run outdoor events bring to local communities, and is pleased to support events which are run in a manner that will promote the licensing objectives.
- 21.2. The organisation of outdoor events of any size is a significant undertaking, with a multitude of issues which must be taken into account. Licensing is only one aspect of the regulation and control of such events.
- 21.3. Generally we will expect the organisers of all outdoor events to follow the advice contained in the Purple Guide¹⁰ when planning their event. This document contains guidance written by and for the events industry in respect of safety and welfare aspects of event management, and replaced earlier guidance issued by the Health and Safety Executive.
- 21.4. For larger events, taking place under the authority of premises licences, it is recommended that organisers consider engaging professional advice and assistance, particularly with regards to issues which may affect public safety.
- 21.5. The authority will also expect the organisers of any large events (taking place under the authority of a premises licence) or events which include special risk factors to consult the Dacorum Safety Advisory Group while planning their event, and to implement any reasonable recommendations made by the group. The safety advisory group is a multi-agency body, which includes representatives of the licensing authority, responsible authorities and other statutory bodies who have involvement in the organisation and safe running of events.
- 21.6. Prior to applying for a licence, event organisers will need to secure permission from the appropriate landowner for the site on which they intend to hold their event. In the case of public land for which the Council is responsible for managing, including parks and common land, approaches should be made to the Outdoor Recreation Officer, within the Council's Estate department.
- 21.7. One of the major concerns arising from outdoor events is disturbance to local residents from noise associated with music entertainment at the event, or other noisy equipment such as generators, public announcement systems, fireworks, and so on. The licensing authority will expect to receive a comprehensive operating schedule from licence applicants, containing appropriate measures to control such issues and promote the public nuisance licensing objective.

¹⁰ www.thepurpleguide.co.uk

22. Other relevant considerations

- 22.1. Licensed premises are subject to many statutory requirements including fire safety, trading standards, food hygiene, health and safety, and planning. These different regulatory systems will be properly separated as described in the Guidance.
- 22.2. In addition, section 17 of the Crime and Disorder Act 1998 requires the Council when exercising its functions to do all it reasonably can to prevent crime and disorder.
- 22.3. By consulting widely prior to this policy statement being published the licensing authority will endeavour to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies.
- 22.4. Applicants are encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate, when formulating their operating schedule.
- 22.5. There are a number of wider issues which may need to be given due consideration when dealing with applications. The licensing authority may, when appropriate, receive reports on:
- the needs of the local tourist economy;
 - the cultural strategy for the area;
 - the employment situation in the area and the need for new investment and employment opportunities where appropriate;
 - planning considerations which might affect licensed premises

Live music, dance and theatre

- 22.6. The licensing authority will monitor the impact of its licensing decisions on the provision of regulated entertainment within the Borough, and particularly live music, dancing and plays.
- 22.7. Many events which consist solely of these activities will now fall outside of licensing requirements, following recent deregulation.
- 22.8. The licensing authority is aware of the Covenant on Economic, Social and Cultural Rights and the requirements of Article 15 which require that progressive measures be taken to ensure that everyone can participate in the cultural life of the community and enjoy the arts. Care will be taken to ensure that only appropriate, proportionate and reasonable licensing conditions impose any restriction on these events.
- 22.9. Account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the licensing authority's consideration will be balanced against the wider benefits to the community of these activities.
- 22.10. When attaching conditions the licensing authority will generally seek to avoid measures which might deter live music, dancing or theatre by imposing indirect costs of a substantial nature. However the licensing authority notes that on occasion it may have no choice but to impose such requirements in order to safeguard the licensing objectives – for example, requiring the installation of safety equipment to ensure the safety of persons attending an entertainment performance.

Transport

22.11. Where any protocols agreed with the police identify a particular need to disperse people from town centres swiftly and safely to avoid concentrations which could lead to disorder and disturbance, the licensing authority will inform and work with local transport providers to reduce the potential for problems to occur.

22.12. At present no issues have been identified with regard to transport and the dispersal of people from the town centres. The licensing authority will continue to liaise with the local police and licence-holders to review the transport situation and to report its findings.

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Part C: Other regulatory controls



23. Special licensing policies

23.1. There are several types of special licensing policy which a licensing authority is entitled to adopt, to help it regulate the provision of licensable activities within its area.

Cumulative impact policies

23.2. The authority may adopt a special policy, known as a cumulative impact policy, if it is satisfied that there is an adverse impact on one or more of the licensing objectives as a result of a significant number of licensed premises being concentrated in a defined locality. The effect of this impact will be, for example, a spike in incidents of crime, disorder or nuisance over and above what can be attributed to the operation of the individual premises.

23.3. By adopting a cumulative impact policy, a licensing authority creates a rebuttable presumption that future licence applications for premises within the area defined in the policy will be refused, unless applicants can demonstrate conclusively that their proposals will not adversely affect the issues being experienced. Policies may relate to any licensable activity, although the supply of alcohol is the most common subject of policies adopted nationwide.

23.4. Where a cumulative impact policy is adopted, the licensing authority's discretion to consider the rejection of an application is only engaged upon the receipt of relevant representations. In the absence of such representations, the duty to grant a licence in the terms applied for remains unchanged.

23.5. In determining whether to adopt a special policy for a particular area the licensing authority will:

- identify evidence of concerns about relating to a licensing objective;
- consider whether the evidence demonstrates that a cumulative impact caused by the customers of multiple licensed premises is adversely affecting a licensing objective;
- identify the precise area(s) where issues are occurring;
- undertake a public consultation on the proposed policy; and
- include and publish details of any special policy within this policy statement.

23.6. Having considered the available evidence, the licensing authority considers that there is no particular part of Dacorum experiencing cumulative impact on the promotion of any of the licensing objectives, at the present time, which would warrant the introduction of a cumulative impact policy.

23.7. The licensing authority will continue to monitor the entirety of the Borough for issues relating to cumulative impact, in conjunction with the responsible authorities and other members of the Dacorum Community Safety Partnership. Should evidence of a cumulative impact issue emerge during the validity of this policy, the licensing authority may look to adopt a cumulative impact policy by way of an interim revision.

Early morning alcohol restriction orders (EMARO's)

23.8. To promote the licensing objectives, a licensing authority may utilise powers under the Act to pass an early morning alcohol restriction order. Such an order would prohibit the sale of alcohol from any premises within an area defined in the order between specified times (which may extend from midnight until 6 a.m.) on specified days.

23.9. It is envisaged that this power will only be used in response to severe and recurring issues arising

from the supply of alcohol in the night-time economy, such as high levels of alcohol-related crime and disorder in specific areas at specific times, which cannot be attributed to an individual premises. The licensing authority views this as a 'last resort' option, for use after other tools have been unsuccessful in remedying the issue.

23.10. At the present time, Dacorum has not utilised the provisions of the Act to pass an early morning alcohol restriction order, and has no current plans to do so. Should this position change, full details will be published on our website and notified to all licensed premises that would be affected.

Late night levy

23.11. Part 2 of the Police Reform and Social Responsibility Act 2011 introduced a new power for licensing authorities to establish a 'late night levy'. Licensed premises within the area of a licensing authority which has adopted such a requirement will be required to pay an additional annual fee if they are licensed to supply alcohol within a late night period set by the authority (generally between midnight and 6 a.m., although shorter periods are permissible).

23.12. Where a levy requirement has been adopted, the licensing authority will be responsible for the collection of the appropriate amounts from licence-holders. After deduction of administration costs, not less than 70% of the net proceeds of the levy must be paid by the licensing authority to the local police force, which may be used (but is not required to be) to offset the costs incurred in policing the night time economy arising from the alcohol supplies permitted from affected licensed premises. The remaining amount may only be applied on purposes prescribed in Regulations, namely arrangements connected with the late night supply of alcohol for one or more of the following functions:

- The reduction or prevention of crime and disorder
- The promotion of public safety
- The reduction or prevention of public nuisance
- The cleaning of any relevant highway or relevant land in its area.

23.13. At the time of writing, Dacorum has not adopted the provisions of the 2011 Act relating to a late night levy, nor is it currently intended to do so.

24. Public space protection orders

- 24.1. Under the Anti-Social Behaviour, Crime and Policing Act 2014, local authorities may make orders to protect public spaces from specified forms of nuisance, including anti-social behaviour arising from the consumption of alcohol. This power replaced that under previous legislation for the creation of designated public place orders (DPPO's).
- 24.2. Where a public space protection order has effect and includes provisions relating to the consumption of alcohol, any person who is consuming alcohol in a street or public place and who is, in the opinion of a police officer or accredited person, creating disorder or behaving in an anti-social manner must cease drinking when requested to do so, and surrender any alcohol for disposal. It is a criminal offence to fail to comply with the instructions of a police officer or accredited person in this respect, and may result in a fixed penalty notice being issued, or arrest and prosecution.
- 24.3. A public space protection order will not apply to any premises within a specified area at which alcohol may be supplied and consumed under the authority of a premises licence, a club premises certificate or a temporary event notice.
- 24.4. Details of any such orders adopted by the Council will be published on our website.¹¹
- 24.5. Dacorum has previously adopted a number of DPPO's in response to issues around street drinking, which will continue to have effect for a limited time ahead of a review process. Following a review, the authority may replace these orders with a new public space protection order, or extinguish them.

25. Fire safety

- 25.1. The primary legislation in respect of fire safety in commercial premises is the Regulatory Reform (Fire Safety) Order 2005, which is enforced by fire and rescue authorities.
- 25.2. The licensing authority will seek to avoid duplication with this regulatory regime when exercising its licensing powers. In particular, we will not seek to attach conditions to licences and certificates which duplicate requirements under the Order, nor will we impose conditions which limit capacity within a licensed premises on fire safety grounds, although we may continue to set capacity limits if this is considered appropriate on another public safety ground.
- 25.3. The licensing authority expects all premises licence and club premises certificate holders to adhere fully to the requirements of the Order, in particular with regard to ensuring that a suitable fire risk assessment has been undertaken and any applicable measures implemented. We will work closely with Hertfordshire Fire & Rescue Service in this respect, as failure to fully adhere to fire safety legislation may be indicative of a more systemic management failure to promote the licensing objectives.
- 25.4. The fire and rescue authority is a responsible authority and can make representations on licensing applications. It can, however, only make representations which relate to one or more of the licensing objectives, and not solely based on a failure to adhere to fire safety legislative requirements.

¹¹ For alcohol-related orders, see www.dacorum.gov.uk/home/environment-street-care/licensing/alcohol-entertainment-licensing/statement-of-licensing-policy/special-licensing-policies

26. Planning and building control

- 26.1. The planning and licensing regimes involve the consideration of different (albeit partly-related) matters. For instance licensing considers public nuisance whereas planning considers amenity. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the Council's Development Control Committee. The licensing authority is not bound by the decisions made by the planning authority, and vice versa.
- 26.2. The granting by the licensing authority of a licence or a variation thereof, which involves a material alteration to a building, would not relieve the applicant of the need to apply for planning permission or building control approval where appropriate.
- 26.3. There are also circumstances when, as a condition of planning permission, a terminal hour has been set for the use of the premises for commercial purposes. Where these hours are different from the permitted licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of either their planning or licensing permissions would be liable to enforcement action under the applicable legislation.
- 26.4. The planning, building control and licensing regimes of the licensing authority will be properly separated to avoid duplication. Normally applications for premises licences for permanent commercial premises will be from businesses with planning consent for the premises concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority, or simultaneously.
- 26.5. The planning authority is a responsible authority and can make representations on licensing applications. It can, however, only make representations which relate to one or more of the licensing objectives, and are not solely based on a failure to adhere to planning or building control legislative requirements
- 26.6. The Council as a planning authority has adopted planning policies which relate to planning concerns, including the development and use of buildings and land. They contain criteria related to such matters as the size of premises and the use of premises, rather than to individual licensable activities.
- 26.7. Planning remains the regime that is concerned with the development of premises and their overall use. Licensing is directed at individual licensable activities and their management. The granting of planning permission for a premises or a finding that premises enjoy lawful use, will not prevent the licensing authority from considering in detail the licensable activities, their management and conditions appropriate to them.
- 26.8. The Council regards licensing as a key means of controlling nuisance and anti-social behaviour and part of the holistic approach to the management of the evening and night time economy.

27. Promotion of equality

27.1. The licensing authority recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and good relations between persons of different characteristics. The 2010 Act provides for a number of protected characteristics, as follows:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

27.2. The licensing authority expects that licensed premises will not discriminate against any person based solely on any of these characteristics – for example, refusing a person entry to a licensed premises on the basis of their race, gender or age.

27.3. The sole exception to this will be where such action is necessary to comply with legal requirements or licence conditions, particularly in respect of ensuring an individual's age in situations where licence-holders must restrict access to age-restricted goods or services to any person who is below the legal age for that good or service – for example, the sale of alcohol to under-18's, or admission of under 15's or under 18's to a film with a '15' or '18' certificate.

27.4. The licensing authority will also expect member's clubs to ensure that their membership rules do result in discrimination against a person on the basis of a protected characteristic – for example, maintaining different membership classes for persons of different genders.

28. Copyright restrictions

- 28.1. Premises which play music or exhibit films under the authority of a licence issued by Dacorum will need to ensure that they are not infringing upon the copyright of the creators, publishers or distributors of the applicable content, and hold appropriate permission authorising the commercial or public use of the songs or films in question. Premises licences, club premises certificates, and temporary event notices only authorise the physical act of playing music or exhibiting films in the presence of an audience, and do not convey any entitlement under copyright law.
- 28.2. It is beyond the remit of this document to provide a full breakdown of copyright laws. However, in essence, the vast majority of films and music purchased from consumer outlets are typically licensed for non-commercial private (or home) use only. Use for any other purpose, such as exhibition to an audience or use in conjunction with a commercial enterprise will not typically be compatible with the terms of the licence granted upon purchasing the music or video recording.
- 28.3. There may be several persons or bodies with legitimate copyright claims to every film or piece of music – for example, claims in respect of a recording of a song may be enforced by the singer, the songwriter, the producer and the publisher, as a minimum. Securing individual permissions from every such person would be a complex and costly undertaking. However, many copyright holders are represented by a smaller number of copyright collection societies or distributors, who often issue annual licences covering every song or film in their catalogues. These include:
- For music:
 - Performing Rights Society (PRS) – www.prsformusic.com
 - Phonographic Performance Ltd (PPL) – www.ppluk.com
 - For films:
 - British Film Institute (BFI) – www.bfi.org.uk/distribution/
 - Filmbank Distributors – www.filmbank.co.uk
 - Motion Picture Licensing Company – www.themplc.co.uk
- 28.4. The licensing authority expects premises licence and club premises certificate holders to ensure that they are correctly authorised by all relevant copyright holders or collection societies for every song played or film exhibited at licensed premises. The authority may be legally required to provide details of licences and licence-holders to rights-holders for use in legal proceedings in respect of copyright infringement.
- 28.5. Copyright restrictions also affect another activity frequently provided at licensed premises – the showing of televised sporting events. Although this activity will not typically require authorisation from the licensing authority (unless the original broadcast is recorded for later exhibition), licence-holders showing such broadcasts should ensure that they have a valid TV licence for their premises. If the sporting event is shown on a channel which is not free-to-air, or is broadcast on a pay-per-view basis, a valid commercial premises contract should be obtained from the appropriate broadcaster.
- 28.6. The primary means of enforcing copyright claims is by way of proceedings brought under the Copyright, Designs and Patents Act 1988 by rights-holders. As such, the licensing authority will not generally consider it appropriate to exercise its licensing powers in respect of claims of copyright infringement at licensed premises. However, convictions for certain offences under the 1988 Act are specified as relevant offences in respect of personal licences, and may be considered as grounds for the refusal of an application for a personal licence or forfeiture of an existing personal licence (to be ordered by the court upon conviction for a relevant offence).

Annexes



Annex A – Delegation of functions

Full details of the scheme of delegation adopted by Dacorum can be viewed in the Council’s Constitution, which is available on our website. The table below summarises the main delegations, and shows which functions will be exercised at which level.

Matter to be determined	Delegation level	
	Licensing of Alcohol & Gambling Sub-Committee	Officers
Premises licences		
Determination of an application for a provisional statement	Where relevant representations have been received and not withdrawn	Where relevant representations were not received or have all been withdrawn
Determination of an application for a premises licence	Where relevant representations have been received and not withdrawn	Where relevant representations were not received or have all been withdrawn
Determination of an application for variation of a premises licence	Where relevant representations have been received and not withdrawn	Where relevant representations were not received or have all been withdrawn
Determination of an application for minor variation of a premises licence	-	✓
Determination of an application to designate a premises supervisor	Where a police objection notice has been received and not withdrawn	Where a police objection notice was not received or has been withdrawn
Determination of an application for transfer of a premises licence	Where a police objection notice has been received and not withdrawn	Where a police objection notice was not received or has been withdrawn
Consideration of an interim authority notice	Where a police objection notice has been received and not withdrawn	Where a police objection notice was not received or has been withdrawn
Determination of an application for review of a premises licence (including summary reviews and reviews following closure orders)	✓	-
Consideration of interim steps on summary review application	✓	-
Suspension of premises licence for non-payment of annual fee	-	✓
Club premises certificates		
Determination of an application for a club premises certificate	Where relevant representations have been received and not withdrawn	Where relevant representations were not received or have all been withdrawn
Determination of an application for variation of a club premises cert.	Where relevant representations have been received and not withdrawn	Where relevant representations were not received or have all been withdrawn
Determination of an application for minor variation of a club premises certificate	-	✓
Determination of an application for review of a club premises certificate	✓	-
Withdrawal of club premises certificate from ex-qualifying club	-	✓
Suspension of club premises certificate for non-payment of annual fee	-	✓

Matter to be determined	Delegation level	
	Licensing of Alcohol & Gambling Sub-Committee	Officers
Temporary event notices		
Consideration of a standard temporary event notice	Where an objection notice has been received and not withdrawn <i>(includes imposition of conditions if no counter-notice is issued)</i>	Where an objection notice was not received or has been withdrawn
Consideration of a late temporary event notice	-	✓ <i>(includes issue of counter-notice where an objection notice was received)</i>
Issue of counter-notice where statutory limits exceeded	-	✓
Personal licences		
Determination of an application for a personal licence	Where a police objection notice has been received and not withdrawn	Where a police objection notice was not received or has been withdrawn
Consideration of convictions coming to light after grant of personal licence	Where a police objection notice has been received and not withdrawn	Where a police objection notice was not received or has been withdrawn
General		
Decisions to prosecute or issue cautions for offences under the Act	-	✓
Initiation of reviews and making of representations on behalf of the licensing authority	-	✓
Determination of relevancy of representations	-	✓
Issue of premises closure orders (Anti-social Behaviour, Crime and Policing Act 2014)	-	✓

Adoption of the statement of licensing policy, early morning alcohol restriction orders and a late night levy requirement are functions of the Full Council.

Annex B – Useful resources

Age verification

No ID No Sale campaign

- www.noidnosale.org

Alcohol promotions

Code of Practice of the Naming, Packaging and Promotion of Alcoholic Drinks (Portman Group)

- www.portmangroup.org.uk/codes/alcohol-marketing/code-of-practice

Child sexual exploitation

Operation HALO minisite (Hertfordshire Constabulary)

- www.herts.police.uk/advice/halo.aspx

Say Something If You See Something resources (Hertfordshire Safeguarding Children's Board)

- www.hertsdirect.org/services/healthsoc/childfam/childprotection/hertssafboard/childexplo/

Counter-terrorism

Protecting Crowded Places from Terrorism (National Counter-Terrorism Security Office)

- www.gov.uk/government/collections/crowded-places

Crowd safety

Managing Crowds Safely: a guide for organisers at events and venues (HSE Publications)

- www.hse.gov.uk/pubns/priced/hsg154.pdf

Film classification

Classification guidelines (British Board of Film Classification)

- www.bbfc.co.uk/what-classification

Fire safety

Fire safety advice documents (Department for Communities and Local Government)

- www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents

Noise control

Guidelines on Community Noise (World Health Organisation)

- www.who.int/docstore/peh/noise/guidelines2.html

Effective Management of Noise from Licensed Premises (British Beer and Pub Association)

- www.beerandpub.com/industry-briefings/bbpa-guidance-on-licensed-property-noise-control

Code of Practice on Environmental Noise Control at Concerts (Noise Council)

- www.cieh.org/policy/default.aspx?id=13870

Outdoor events

The Purple Guide to Health, Safety and Welfare at music and other events

- www.thepurpleguide.co.uk (subscription required)

The 'Can Do' guide to Organising a Voluntary Event (Cabinet Office)

- www.gov.uk/government/publications/can-do-guide-for-organisers-of-voluntary-events

Annex C – Contact details

For information on this statement of licensing policy, or for informal advice on making an application or whether a particular activity is likely to require authorisation, please contact:

**Licensing
Dacorum Borough Council
Civic Centre
Marlowes
Hemel Hempstead
HP1 1HH**

Phone: **01442 228000**
Email: licensing@dacorum.gov.uk
Web: www.dacorum.gov.uk/licensing

Many applications for licences can be made online – to do so, look for the ‘Do it online’ links on our website, at www.dacorum.gov.uk/licensing

Please note that, due to the complexity of the legislation that governs these activities, we can only give basic advice about which activities do and do not require authorisation, and about application processes. We cannot enter into discussions about complex or specialised proposals, nor are we able to give legal advice.

If you are unsure as to the legality of a particular activity, or require more detailed information or advice than we are able to offer, we recommend that you consult an independent specialist advisor or a legal representative.

Details of the responsible authorities, who are consultees for most applications and who may be able to give specific advice on their areas of expertise, can be viewed on our website.

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To make an application or for further guidance, please visit our website:
www.dacorum.gov.uk/licensing

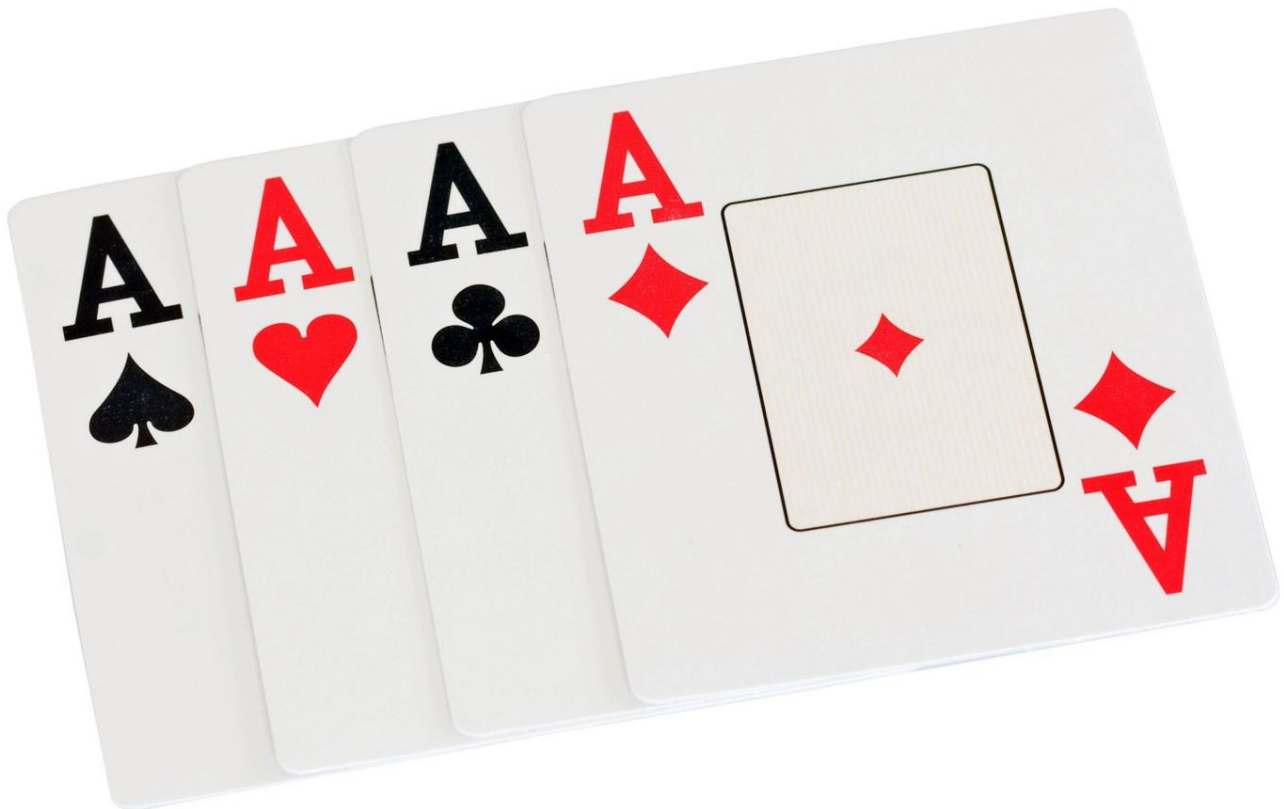
For informal advice or queries, please email:
licensing@dacorum.gov.uk



Statement of Principles

under the Gambling Act 2005

2016 – 2019



Date of publication	31 January 2016
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Date of expiry	30 January 2019

Working in partnership, to create a Borough which enables the communities of Dacorum to thrive and prosper

Affordable Housing ♦ Regeneration ♦ Building Community Capacity ♦ Safe and Clean Environment ♦ Dacorum Delivers

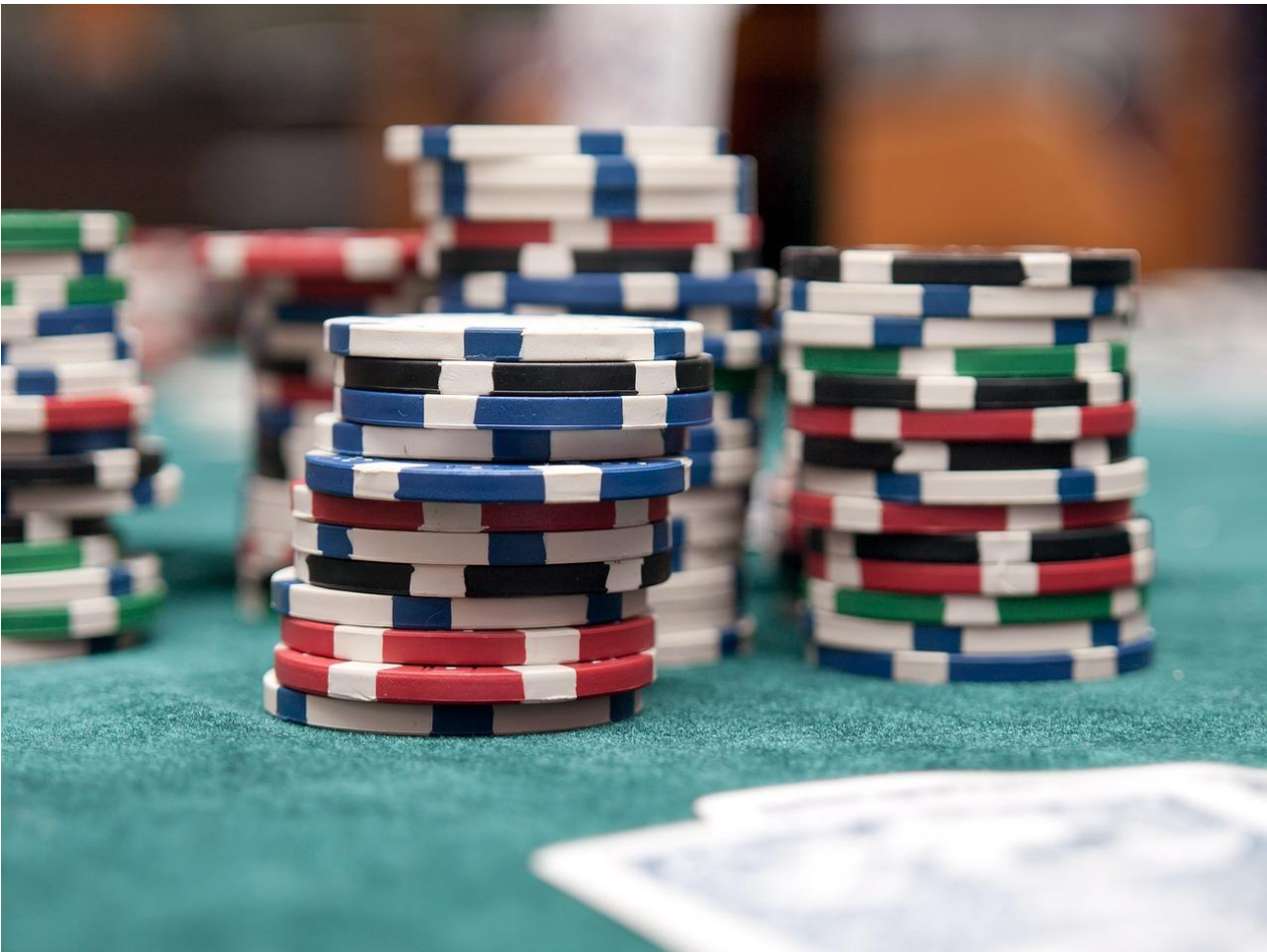
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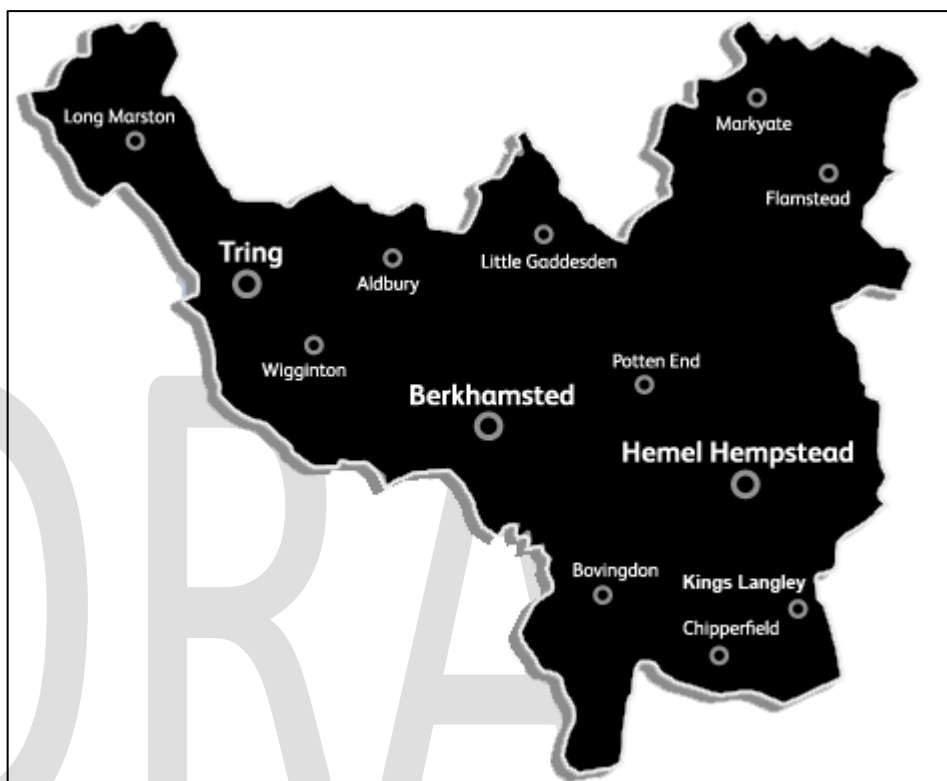
*Paragraphs which are new or have been substantially amended since the last version of the Statement of Principles are highlighted in this draft version in **yellow text**.*

Introductory information



1. About Dacorum

- 1.1. Situated in western Hertfordshire, Dacorum is a borough with a mixture of strong urban and rural identities. It includes the towns of Hemel Hempstead, Berkhamsted and Tring as well as a number of villages, from Long Marston in the west to Flaunden in the south-east. Over a third of the borough's 210 square kilometres have been designated as part of the Chilterns Area of Outstanding Natural Beauty, while most of the rest has high landscape quality and potential.



- 1.2. One of the first 'New Towns' built after the Second World War, Hemel Hempstead's development reflects the original concept of the new town as a series of integrated communities with individual identity and neighbourhood focus. The rapid growth of Hemel Hempstead is reflected in the large number of buildings of similar age and appearance.
- 1.3. Much of the rest of the borough is rural, including two market towns: Berkhamsted and Tring. Although agriculture is no longer a major employment sector in Dacorum, our communities value their rural heritage, and the conservation of historic buildings and landscapes are important considerations. We know that our communities expect good, modern services and thriving town centres. Dacorum Borough Council works closely with the town and parish councils which represent communities in rural areas of the borough, to deliver these aims.
- 1.4. Dacorum has a population of 144,800¹, the largest of the Hertfordshire districts. Further information about Dacorum and the demographics of its populace can be found in the 'Statistics about Dacorum' area of the council's website².
- 1.5. The borough is continuing to develop, and with significant regeneration planned for much of the borough and Hemel Hempstead in particular over the coming years, it is an exciting time for those who live and work in the area.

¹ Office of National Statistics, Census 2011 (published July 2012)

² www.dacorum.gov.uk/home/community-living/statistics-about-dacorum

2. About this document

- 2.1. This document is Dacorum Borough Council's statement of principles in respect of the regulation of non-remote gambling activities, and publication of it fulfils the authority's statutory obligation under section 349 of the Gambling Act 2005 ("the Act"). It sets out the policies and principles that we will follow when exercising our powers under that Act, particularly in respect of considering applications for licences and other types of authorisation. It also gives details of our expectations of applicants and licence-holders. This statement must be published on at least one occasion prior to every successive three-year period. The statement must also be kept under review during its validity period, and revised if required, with any revisions published prior to taking effect.
- 2.2. This statement of principles was adopted by the Council on the xx xxxx 2015, and was published via our website, at www.dacorum.gov.uk/licensing. The statement will have effect from **31 January 2016** to **30 January 2019**. Any applications in progress on the first date will be considered under the previous version of the statement of principles.
- 2.3. We are required to exercise our licensing functions under the Act with a view to promoting the licensing objectives, which are discussed in greater detail in later chapters. We must also have regard to this statement of principles, and to the Guidance for Licensing Authorities (GLA) and any relevant codes of practice issued by the Gambling Commission.
- 2.4. The purpose of this statement is to provide guidance to committees and officers determining matters under delegated authority, to provide consistency to our decision-making. However, where the circumstances justify doing so, we may depart from any provision of this statement, or of the Commission's Guidance, to make an appropriate decision based upon the individual circumstances of a particular case. In any such case we will give a clear explanation and reasons as to why we have done so.
- 2.5. This statement reflects the wide range of competing, and sometimes conflicting, considerations which we must take into account when exercising our powers, and aims to balance these insofar as is possible.

Interpretation

- 2.6. Within this statement:
 - a) "the Act" means the Gambling Act 2005,
 - b) "licensing authority" means Dacorum Borough Council,
 - c) "the Commission" means the Gambling Commission, and
 - d) "Guidance" means the guidance to licensing authorities published by the Gambling Commission under section 25 of the Act³.

Consultation

- 2.7. In producing this statement of principles, the licensing authority has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses received during our consultation upon the proposed statement.
- 2.8. Section 349 of the Act requires that, when preparing a statement of principles, the following parties be consulted by licensing authorities:
 - The chief officer of police for the licensing authority's area

³ www.gamblingcommission.gov.uk/Licensing-authorities/Licensing-authorities.aspx

- 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. We carried out consultation on a draft version of this statement of principles between xx xxxx 2015 and xx xxxx 2015. The people and organisations we sought feedback from included:

- the responsible authorities, including Hertfordshire Constabulary,
- individuals and organisations who hold gambling premises licences, or multiple gaming machine permits, issued by this authority,
- representative bodies within the gambling and leisure industry,
- borough and county councillors,
- town and parish councils,
- the Members of Parliament for Hemel Hempstead and South West Hertfordshire,
- residents, businesses, and voluntary groups (via our website).

2.10. Views expressed in response to our consultation were considered prior to the determination of the final version of this statement.

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Part A: General principles



3. General principles

- 3.1. Under the Act, gambling is defined as gaming (participating in a game of chance with the possibility of winning a prize if successful), betting (wagering on a specific outcome of an event) or participating in a lottery. Gambling can be based on the outcome of real world events (such as sporting fixtures, or a card game taking place in premises) or virtual events. Persons providing opportunities or facilities for gambling must hold appropriate licences or permissions, authorising them to do so.
- 3.2. The licences issued under the Act to authorise gambling activities include operating licences, personal licences, and premises licences, as well as a range of permits, notices and registrations for lower-value gambling activities. While operating and personal licences remain the preserve of the Gambling Commission, licensing authorities (which are district councils or unitary authorities) issue premises licences, permits, notices and small society lottery registrations.
- 3.3. In carrying out their functions under the Act, particularly with regard to premises licences and temporary use notices, licensing authorities must aim to permit the use of premises for gambling so long as it is:
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives, and
 - in accordance with the authority's statement of principles
- 3.4. The licensing authority will not take into account any moral objections to gambling when exercising its powers. The provision of gambling activities is expressly permitted under UK legislation, and the licensing authority has a duty to act fairly and in accordance with the legislation.
- 3.5. The likely demand for gambling facilities is not a criterion that a licensing authority may consider when exercising its powers, and will not be taken into account when the authority determines an application. However, issues relating to the use of facilities by children or vulnerable persons may be relevant, depending on the circumstances of a particular case. The Guidance cites as an example gambling which is located very close to a school or a centre for gambling addicts, which may lead the authority to consider additional measures to promote the licensing objective.⁴
- 3.6. Every matter considered by the Council, in its role as a licensing authority, will be considered on its own merits and in accordance with the statutory requirements of the Act. Nothing in this statement of principles shall:
- a) prevent any person from making an application for authorisation or giving a notice under the Act;
 - b) prevent any person from making representation in respect of an application of a type where the Act provides for them to do so;
 - c) prevent any person from making an application for the review of a premises licence; or
 - d) restrict or fetter the Council's discretion to consider and determine applications, or to initiate legal proceedings or other enforcement action, based upon the individual circumstances and merits of a particular case.
- 3.7. Dacorum Borough Council is a signatory of the Hertfordshire Local Enterprise Partnership's 'Better Business For All' charter⁵, and we will follow the provisions of the charter when we exercise our regulatory powers in respect of licensable activities.

⁴ Gambling Commission Guidance to Licensing Authorities, 5th edition, para 6.38

⁵ <http://www.hertfordshirelep.com/Better-Regulation.aspx>

4. Licensing objectives

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

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

4.2. The objectives do not include considerations in relation to health and safety or public nuisance, and the authority will not attempt to control such issues using gambling legislation.

4.3. Licensing authorities must exercise their powers in a way that is reasonably consistent with the promotion of the licensing objectives. The authority has considered each of the individual objectives as set out below.

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

4.4. The licensing authority notes that the Gambling Commission will take a leading role in preventing gambling from being a source of crime. The Gambling 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. Where an area is known to have high levels of crime the authority will consider carefully whether it is suitable for gambling premises to be located there and whether further conditions, such as the provision of door supervisors, may be appropriate.

4.5. The licensing authority will distinguish between disorder and nuisance, and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way

4.6. The licensing authority has noted the Gambling Commission's statement⁶ that it does not expect licensing authorities to deal frequently with ensuring that gambling is conducted in a fair and open way, as this will primarily be addressed via operating and personal licences. There is however, more of a role with regard to track premises, as outlined in the 'Betting (Tracks) Premises Licence' section below.

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

4.7. The licensing authority has noted the Gambling Commission's guidance that this objective means preventing children from taking part in gambling (as well as restricting advertising so that gambling products are not aimed at or are particularly attractive to children). The licensing authority will therefore consider, as suggested in the guidance, whether specific measures are required at particular premises, with regard to this licensing objective.

4.8. The licensing authority will expect applicants to take appropriate measures to promote this licensing objective, which may include proof of age schemes, supervision of entrances and gaming machine areas, physical separation of areas, self-exclusion schemes, and provision of information leaflets / helpline numbers for organisations such as GamCare. This list is not mandatory, nor exhaustive, but is

⁶ Gambling Commission Guidance to Licensing Authorities, 5th edition, para 5.11

merely indicative of example measures.

- 4.9. While the use of CCTV to monitor premises is generally encouraged (so long as such use is in accordance with the requirements and principles of the Data Protection Act 1998), it is unlikely to be sufficient on its own as a measure to prevent access to gaming facilities by children or vulnerable persons (including those who have registered in a self-exclusion scheme). At premises such as adult gaming centres, betting shops, bingo halls and family entertainment centres where category B or C gaming machines are operated, the licensing authority will expect that an appropriate number of staff will be present throughout opening hours who will ensure that children are not permitted to enter the premises or use age-restricted gaming facilities, as the case may be, and that self-excluded persons are not permitted to gamble.
- 4.10. The licensing authority also notes the Codes of Practice that the Gambling Commission has issued in respect of this licensing objective, in relation to specific categories of premises.
- 4.11. As regards the term “vulnerable persons” it is noted that the Gambling Commission has not sought to offer a definition but states that “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 mental health needs, learning disability or substance misuse relating to alcohol or drugs.”⁷ This licensing authority will consider the promotion of this licensing objective on a case by case basis. Should a practical definition emerge in future then this statement of principles will be updated, by way of a revision.

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⁷ Gambling Commission Guidance to Licensing Authorities, 5th edition, para 5.17

5. Licensing authority functions

5.1. Licensing authorities have statutory responsibilities under the Act for:

- the licensing of premises where gambling activities are to take place, through the issue of premises licences;
- the preliminary approval of premises for proposed gambling activities, through the issue of provisional statements;
- the regulation of members' clubs, commercial clubs and miners' welfare institutes who wish to undertake certain gaming activities, through club gaming permits and/or club machine permits;
- the receipt of notifications and the issue of permits for the provision of gaming machines, at premises licensed to supply alcohol for consumption on the premises under the Licensing Act 2003;
- the regulation of unlicensed family entertainment centre premises providing low-value gaming machines through the issue of permits;
- the regulation of non-exempt prize gaming through the issue of permits;
- the receipt and endorsement of temporary use notices, for infrequent gaming activities;
- the receipt of occasional use notices, for infrequent betting activities;
- the registration of non-commercial societies for the provision of small society lotteries;
- the exchange of information with the Gambling Commission regarding details of licences, permits and notices and enforcement issues (see section below on 'exchange of information'); and
- the maintenance of registers of the applications, licences, permits and notices received and issued by the authority.

5.2. The licensing authority has delegated its functions to the Licensing, Health & Safety and Enforcement Committee, the Licensing of Alcohol and Gambling Sub-Committee and to officers in accordance with the requirements of the Act, as summarised in the table at Annex A.

5.3. The licensing authority will generally concern itself only with matters relating to premises licences, and the permits, notices, notifications and registrations outlined above, concerning the use of premises in Dacorum for the provision of gambling activities. Any issues relating to operating and personal licences will be referred to the Gambling Commission, who are the lead regulatory body for such matters.

5.4. Similarly, the licensing authority will not involve itself in any matters relating to the regulation of remote gambling (for example, telephone betting or internet casino gaming), responsibility for which lies with the Gambling Commission.

5.5. Duplication of other regulatory regimes, such as health and safety or fire safety, will be avoided in so far as is possible. In particular, this authority will not consider whether a premises that is the subject of a licensing application is likely to be awarded planning permission or building regulations approval, in its consideration of that application. This authority will though, listen to, and consider carefully, any concerns about proposed conditions that would be contrary to pre-existing planning restrictions or operating licence conditions, should such a situation arise.

6. Responsible authorities and interested parties

6.1. Responsible authorities and interested parties can make representations about premises licence applications, or apply for a review of an existing licence. They include statutory bodies with professional expertise relevant to the regulation of gambling activities, and local residents and businesses that may be affected by the provision of non-remote gambling activities.

Responsible authorities

- 6.2. The licensing authority is required by regulations to state the principles it will apply in exercising its powers under section 157(h) of the Act, to designate a body which is competent to advise the authority about the protection of children from harm. Those 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, etc.
- 6.3. In accordance with the above principles, this authority designates the Hertfordshire Safeguarding Children's Board for this purpose.
- 6.4. Other responsible authorities include the licensing authority itself (and any other licensing authority in whose area a premises is partly situated, on a per application basis), the Gambling Commission, Hertfordshire Constabulary, HM Revenues & Customs, Hertfordshire Fire & Rescue Service, and Dacorum Borough Council's Planning and Regulatory Services groups (*N.B. Dacorum's Licensing team sits within the Legal Governance group, and is therefore separate from the Regulatory Services group which exercises many of the Council's safety and environmental protection functions*). Contact details for these responsible authorities are given in Annex B.
- 6.5. Where a premises licence application is made in respect of a vessel, additional responsible authorities will be consulted in respect of that application. These include navigation authorities for the waterway(s) where the vessel will be while it hosts gambling activities, the Environment Agency, the Canal and Rivers Trust, and the Secretary of State. Waterways running through Dacorum include the Grand Union Canal, and the Rivers Gade and Bulbourne, although the latter two are unnavigable.

Interested parties

- 6.6. Interested parties are defined in the Act as:
- a person who lives sufficiently close to premises that are the subject of either an application for a licence, or an existing licence, to be likely to be affected by the proposed or authorised gambling activities there,
 - a person who has business interests that might be affected by the authorised gambling activities at premises that are the subject of either an application for a licence, or an existing licence, or
 - a person who represents other persons in either of these categories.
- 6.7. The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. In Dacorum, each case will be decided upon its merits, and the licensing authority will not apply a rigid rule to its decisions on this matter. It will consider the examples of relevant factors provided in the Gambling Commission's guidance to licensing authorities.
- 6.8. The Commission suggest that when considering what "sufficiently close to the premises" means the

following factors may be relevant:⁸

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the location of the person making the representation;
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and
- the circumstances of the complainant. This is not the personal characteristics of the complainant, but the interests of the complainant that may be relevant to the distance from the premises.

6.9. For example, it could be reasonable for an authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for:

- a) a private resident
- b) a residential school for children, and
- c) a residential hostel for vulnerable adults.

6.10. When determining whether a person has business interests that may be affected the Commission suggest that factors that are likely to be relevant are:⁹

- the size of the premises;
- the ‘catchment’ area of the premises (i.e. how far people will travel to visit); and
- whether the person making the representation has business interests in that catchment area that might be affected.

6.11. The authority will look to give the term "business interests" a wide interpretation, and will generally consider organisations such as community groups, charities, faith groups, educational institutions and medical practices to fall within this meaning. Trade associations, trade unions, and residents and tenants’ associations will be viewed as interested parties if they represent members who can be classed as interested parties in their own right – i.e. who live sufficiently close to the premises to be likely to be affected by the activities being applied for.

6.12. Persons whose business interests are within the same gambling sector as the subject of their representation (or review application) will be expected to satisfy the licensing authority that their representation (or application) is not made with the intent of limiting competition to their own business, particularly given that the Act does not replicate the previous requirement for satisfaction of a ‘demand test’. The licensing authority will disregard representations that are thought to be vexatious, frivolous, or which will not influence the determination of the application.

6.13. Interested parties can be persons who are democratically elected, such as borough or county councillors or MP’s. No specific evidence of being asked to represent an interested person will be required as long as the councillor or MP represents the ward or constituency likely to be affected by the application in question. Town and parish councillors in an area like to be affected by the application in question will also be considered to be interested parties in their own right. Other than these however, this authority will require evidence that a person or body has been nominated to represent someone who is an interested party in their own right. A letter from such a person, requesting representation by the nominee, will generally be regarded as sufficient.

6.14. Dacorum borough councillors who have agreed to represent a party to an application at a hearing, or who have made a representation in their own right, shall not sit on any Sub-Committee considering that application.

⁸ Gambling Commission Guidance to Licensing Authorities, 5th edition, para 8.12

⁹ Gambling Commission Guidance to Licensing Authorities, 5th edition, para 8.15

7. Representations and reviews

- 7.1. Where a right exists for an interested party or a responsible authority to make representations in respect of an application, any representation must be made in writing (whether by letter, fax or email), and must contain the name and address of the party making the representation, together with any relevant information to assist the licensing authority in determining their status. The grounds upon which the representation is made should also be clearly set out.
- 7.2. Our preferred means of receiving representations is by email, to licensing@dacorum.gov.uk. However, we will continue to accept any valid written representation submitted by alternate means.
- 7.3. Applications for the review of a premises licence under the Act may only be made in the prescribed form, and following the procedure set out in the Act. Licensing officers are able to offer further advice on this procedure to any party considering making an application for review of a licence.
- 7.4. The licensing authority must have reasonable grounds in order to take action to refuse, to revoke or to suspend a licence. This means that it will usually need to see evidence which substantiates the grounds cited in representations or review applications if it is to act upon those grounds. Speculative grounds which cannot be substantiated have previously been found by the courts in other licensing schemes to carry little weight in the decision-making process, and it is therefore likely that the licensing authority would be unable to take action of a type referred to above if such grounds are the only ones cited in respect of an application.

8. Exchange of information

- 8.1. Licensing authorities are required to state the principles which will be applied by the authority in exercising functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 8.2. The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information, which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any guidance to licensing authorities issued by the Gambling 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.
- 8.3. Should any protocols be established as regards information exchange with other bodies then details will be made available via our website, and incorporated into a future revision of this document.
- 8.4. Where required by law applicants will receive copies of any representations made in respect of their application, although sensitive or personal information not required to be disclosed will usually be redacted.

9. Enforcement

- 9.1. Licensing authorities are required to state the principles to be applied by the authority in exercising enforcement functions under the Act, both in terms of the inspection of premises and in instituting criminal proceedings in respect of specified offences.
- 9.2. The licensing authority will be guided by the Gambling Commission's guidance to licensing authorities¹⁰ in respect of the inspection of premises and the powers to institute criminal proceedings, and will endeavour to ensure that enforcement and compliance actions are:
- **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;
 - **Targeted:** regulation should be focused on the problem, and minimise side effects.
- 9.3. The licensing authority may arrange for the inspection of premises, both licensed and otherwise, in response to specific complaints about those premises and the provision of unauthorised gambling activities therein. The licensing authority may also, from time to time, arrange a programme of risk-based inspections of licensed premises, consistent with the principles expressed throughout this document. Should officers witness offences or breaches of an authorisation during an inspection, appropriate action will be taken.
- 9.4. The main enforcement and compliance role for this licensing authority in terms of the Act will be to ensure compliance with the premises licences and the other permissions that it issues. The Gambling Commission will be the lead enforcement body for operating and personal licences. All issues relating to forms of remote gambling, as well as issues relating to the manufacture, supply or repair of gaming machines, will not be dealt with by the licensing authority but will be notified to the Gambling Commission.
- 9.5. The licensing authority 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.
- 9.6. In addition to this statement of principles, the licensing authority also maintains a licensing enforcement policy, setting out further details of our methodologies. This can be viewed via our website, at www.dacorum.gov.uk/licensing, or a copy obtained by contacting us using the details given in Annex B. The licensing authority shall also have regard to any corporate enforcement policy published by Dacorum Borough Council.
- 9.7. A number of gambling operators have formed primary authority partnerships, under which they receive 'assured advice' from a single local authority in respect of one or more regulated aspects of their business – for example, preventing underage sales of age-restricted products or services. Where we have concerns around a premises whose operator has formed a primary authority partnership relevant to the issue in question, we will consult with the primary authority prior to taking any formal action.

¹⁰ Gambling Commission Guidance to Licensing Authorities, 5th edition, part 36

10. Gaming machines

- 10.1. Within both the gambling legislation and this document, references are made to gaming machines as being within categories A, B, C or D, or in some cases, sub-categories such as B1, B2, B3 or B4.
- 10.2. Gaming machines are categorised according to the nature of their operation, the maximum charge to use, and the maximum prize available, and the legislation sets out the categories and sub-categories of machines that may be made available under each type of licence or permit. The Secretary of State is responsible for establishing the applicable values of each category and sub-category by way of statutory instrument.
- 10.3. As the values applicable to each category are prescribed in legislation, and may be changed at relatively short notice, it is not considered appropriate to include a list of the characteristics and values of each category within this document. However, a separate document containing the current values is available via our website, at www.dacorum.gov.uk/licensing
- 10.4. Persons under the age of 18 years are not permitted to use any gaming machine other than a category D machine, which are generally low-value machines located in family entertainment centres. Holders of licences and permits which allow the provision of higher-category machines in premises where children are present should take appropriate steps either to locate those machines in a segregated area with age-restricted access, or to locate the machines so that their usage can be monitored at all times – the appropriate action is dependent upon the nature of the premises and the authorisation held.
- 10.5. Some types of licence, permit or entitlement limit the number of gaming machines which may be made available for use in the authorised premises. The licensing authority notes the Commission's guidance on the meaning of 'available for use'¹¹, including the provision that a greater number of machines may be located in the premises so long as there is a mechanism in place to disable machines and prevent the number of gaming machines which are actively available for use from exceeding the limit. Simply switching the gaming machine off at an adjacent power socket will not be acceptable to the licensing authority if a customer is able to reactivate the machine by switching it back on. Where an operator or permit-holder wishes to provide a greater number of machines on their premises than may be made available for use under the licence or permit, the onus will be on that operator or permit-holder to demonstrate to the licensing authority that they have a sufficiently robust mechanism in place to prevent a breach of the licence or permit.
- 10.6. All gaming machines which are made available for use in premises must adhere to the appropriate technical standards set by the Gambling Commission, including bearing the correct categorisation markings and any other signage required.
- 10.7. A number of premises which are not entitled to provide gaming machines (including fast-food outlets, taxi booking offices, shopping centres and transport hubs) provide other types of machines, which operate differently to gaming machines. These may include skill machines (where the likelihood of winning a prize is dependent solely on the player's skill or knowledge, and not on chance), and non-prize machines (where players play for a high-score or for amusement only, and no prize can be won as a result). Such machines fall outside of the scope of the 2005 Act, and are not subject to control by the licensing authority. However the authority will investigate complaints where it is believed that a machine purporting to be a skill game or a non-prize machine is actually a (licensable) gaming machine. In determining whether such complaints are accurate we may seek advice from machine suppliers, manufacturers, and from the Gambling Commission.

¹¹ Gambling Commission Guidance to Licensing Authorities, 5th edition, para 16.17

Part B: Premises licences



11. Categories of premises licence

11.1. The Act makes provision for licensing authorities to issue a number of different categories of premises licence, each of which authorises an operator to provide a different combination of gambling activities at that premises. The licence categories are:

- Adult gaming centre premises licence
- Betting (track) premises licence
- Betting (other) premises licence
- Bingo premises licence
- Family entertainment centre premises licence
- Regional casino premises licence
- Large casino premises licence
- Small casino premises licence
- Converted casino premises licence

11.2. As described in a later section, only certain licensing authorities may issue casino premises licences, and Dacorum is not among this number. Therefore, we can only issue the first five categories of premises licence for premises within Dacorum.

11.3. The following sections detail the specific provisions to be applied by the licensing authority to each of the five permitted categories.

Adult gaming centre premises licences

11.4. The licensing authority 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 ensure that under 18 year olds do not have access to the premises, and that schemes to protect vulnerable persons are operated.

11.5. Further licence conditions may also be considered in respect of the following matters – however, it must be noted that this list is not exhaustive:

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

Betting (other) premises licences

11.6. The authority notes the difference between betting terminals, which are designed to receive bets on real events, and gaming machines such as fixed odds betting terminals (FOBTs), which are reliant upon the outcome of a virtual event. It is further noted that betting premises are entitled to offer up to four gaming machines in total, which may include category B2 FOBT machines.

11.7. There has been significant recent controversy around the issue of category B2 gaming machines, and

the licensing authority will continue to monitor this issue. Under the current legislative framework, no numeric limits on gaming machine numbers may be imposed by the licensing authority, beyond the standard prescribed limit applying to all betting (other) premises licences.

- 11.8. There are no statutory limits on the number of betting terminals that may be made available in betting premises, although the licensing authority may attach a condition to a licence limiting the number if concerns exist over the availability of machines to children or vulnerable persons which cannot be satisfied through alternative means.
- 11.9. The licensing authority will, as per the Commission's guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of betting terminals by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number, nature and circumstances of betting terminals an operator wants to offer.
- 11.10. Further licence conditions may also be considered in respect of the following matters – however, it must be noted that this list is not exhaustive:
- 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

Betting (track) premises licences

- 11.11. The licensing authority notes that tracks may be subject to one or more premises licences, provided that each licence relates to a discrete area of the track. As per the Gambling Commission's guidance, this licensing authority will consider the impact upon the third licensing objective (protection of children and vulnerable persons), and the need to ensure that entrances to each licensed area are distinct and that children are excluded from gambling areas which they are not permitted to enter.
- 11.12. The authority will expect the premises licence applicant to adopt 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.
- 11.13. Persons under the age of 18 years may be employed at track premises, in functions not associated with gambling (for example, as ticket checkers, concession kiosk staff, litter collectors, and so on). However, the offence under section 51, prohibiting the employment of children and young persons to provide facilities for gambling, is unaffected by this, and track proprietors must ensure that any persons under the age of 18 employed at their premises are not called upon to assist with the operation of betting facilities.
- 11.14. The entitlement to make up to four gaming machines available for use at the track premises may only be utilised if the holder of the premises licence also holds a pool betting operating licence. In situations where this is the case and it is proposed to make gaming machines available for use, any gaming machines (other than category D machines) should be located in areas from which children

are excluded. If the track premises is licensed for the sale of alcohol, a further two gaming machines may be made available by way of the automatic entitlement for alcohol-licensed premises, upon payment of the appropriate notification fee.¹²

11.15. Betting terminals may also be made available for use at track premises, and this licensing authority proposes to apply the same principles to track premises as set out in the betting (other) premises licence section, above.

11.16. A condition to track premises licences is that the track operator is to ensure that the terms for placing bets are prominently displayed in or near each betting area, or that other measures are taken to ensure that they are made available to the public.

11.17. Applicants are required 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. The plan will also be used for the licensing authority to plan future premises inspection activity. 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.

11.18. Some tracks may be situated on open land where the perimeter is not defined by an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, premises licence holders may erect temporary structures with restricted access. In rare cases where the site 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, those responsible for the provision of betting facilities may prefer to authorise those facilities by way of occasional use notices, which do not require the definition of a perimeter, rather than a premises licence.

11.19. It is noted that it is not always possible 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 that this authority can satisfy itself that the plan indicates the main area(s) where betting might take place.

Bingo premises licences

11.20. The licensing authority will need be satisfied that it is possible for bingo to be played in any premises for which a bingo premises licence is to be issued. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence and/or apply for new licences, as discussed in the division of premises and appropriate licensing environment section, below.

11.21. Where children are permitted to enter premises licensed for bingo, they may not participate in the bingo, nor may they make use of any category of gaming machine, other than those in category D. Where category B or C machines are made available in premises to which children are admitted it is expected that:

- all such machines will be located in an area of the premises 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 will be admitted to the area where the machines are located;
- access to the area where the machines are located will be supervised;

¹² Gambling Commission Guidance to Licensing Authorities, 5th edition, para 20.34

- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

Family Entertainment Centre Premises Licences

11.22. The licensing authority 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 adult only (category C) gaming machine areas.

11.23. Further licence conditions may also be considered in respect of the following matters – however, it must be noted that this list is not exhaustive:

- CCTV
- Supervision of entrances/ machine 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

11.24. This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website and make itself aware of any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated.

12. Conditions

- 12.1. Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions that have been detailed in regulations issued by the Secretary of State.¹³ The licensing authority, through the Licensing of Alcohol and Gambling Sub-Committee, may also impose further conditions in response to specific issues, which will be decided on a case-by-case basis.
- 12.2. Any conditions attached to licences will be proportionate, and:
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the category of licence applied for;
 - fairly and reasonably related to the scale and type of premises;
 - reasonable in all other respects; and
 - not duplicative of other regulatory regimes.
- 12.3. An applicant can request that default conditions are excluded from a licence, and in these circumstances the licensing authority may instead impose an appropriate condition that addresses a similar matter to the excluded condition (for example, if a default condition relating to permitted trading times is excluded, the licensing authority may attach a new condition permitting trading hours longer than the default hours). The licensing authority will give a full explanation of the rationale behind any decision to attach such an additional condition, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of door supervisors, appropriate signage for adult only areas etc. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.
- 12.4. It is noted that there are certain types of conditions that the licensing authority cannot attach to premises licences, including:
- any condition which would be incompatible with an operating licence condition;
 - conditions restricting gaming machine categories, numbers, or method of operation;
 - conditions which provide that membership of a club or body be required (the Act specifically removed 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.

Door supervisors

- 12.5. If the 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 that premises are controlled by door supervisors, and impose a condition to that effect. Consideration must also be given to whether that supervisor needs to be licensed under the Private Security Industry Act 2001, as the statutory requirements vary by premises type. This licensing authority notes the contents of part 33 of the Commission's guidance, which outlines a limited relaxation of the licensing requirement for door supervisors at licensed bingo and casino premises – however, the authority would encourage all operators employing door supervisors to use ones licensed by the Security Industry Authority, so as to ensure that all staff in these positions are fully trained and accredited.

¹³ Statutory Instrument 2007 No. 1409 - The Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007

13. Location of premises

13.1. The licensing authority notes that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. Particular attention will be paid to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

Local area profile¹⁴

13.2. A local area profile will be produced by the authority and published on our website. This will highlight areas within the borough which the licensing authority, in consultation with our responsible authorities and other partner agencies (in particular, the Public Health unit of Hertfordshire County Council), considers to present higher than normal risks for the location of a gambling premises. This may be due to large levels of vulnerable persons living in a particular locality, the proximity of a school, youth centre or medical facility, a high level of deprivation, or other factors which the authority believes should be taken into consideration.

13.3. We expect operators, both when applying for new premises licences and when reviewing their existing premises, to take account of our local area profile within their own local risk assessments (described below), and to implement suitable and sufficient measures to mitigate any risks identified which may arise as a result of the opening or continuation of trade at those premises.

13.4. Although as a borough Dacorum generally has low levels of deprivation, there are a number of small output areas (LSOA's) within the borough where deprivation is apparent. A list of the 10 areas within Dacorum where deprivation is highest can be found on our website.¹⁵ These areas are likely to include a greater number of residents who may be considered to be vulnerable persons, and for this reason the licensing authority will generally seek to discourage the opening of new gambling premises in these areas. Where an application is made for a premises licence within one of these areas, we will expect the operator to demonstrate a full range of measures that they intend to take to promote all of the licensing objectives, with particular attention to the protection of vulnerable persons.

Local risk assessments¹⁶

13.5. Under the Commission's Licence Conditions and Codes of Practice, operators are required to compile and maintain local risk assessments for each premises they operate, and to provide copies of these assessments to the licensing authority alongside any application for a new premises licence, to vary an existing premises licence, or otherwise at the request of the authority.

13.6. We do not intend to specify a format or mandatory content for these local risk assessments, as we believe that these will be decisions for the operator to take, and will be dependent upon the location, size, and operational nature of the premises in question.

13.7. However, we would expect that operators have considered the individual circumstances of each of their premises when compiling the risk assessments – a single generic risk assessment covering every premises in an operator's estate will not be considered by the authority to be suitable nor sufficient. We would also expect operators to take full account of our local area profile when compiling their risk assessments, and to reflect this in the control measures which they will implement.

¹⁴ Gambling Commission Guidance to Licensing Authorities, 5th edition, para 6.47 onwards

¹⁵ www.dacorum.gov.uk/home/community-living/statistics-about-dacorum/deprivation

¹⁶ Gambling Commission Guidance to Licensing Authorities, 5th edition, para 6.41 onwards

14. Division of premises and appropriate licensing environment

- 14.1. In the Act, 'premises' is defined as including "any place". Section 152 prevents more than one premises licence applying to any single place. But a single building could be subject to more than one premises licence, provided each licence is for a different and discrete part of the building, and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow businesses in large, multiple unit premises such as a pleasure park, tracks or shopping centres to obtain discrete premises licences, where appropriate safeguards are in place.
- 14.2. This licensing authority takes note of the Gambling Commission's guidance which states that licensing authorities should take particular care in considering applications for multiple licences within a single building, and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the authority is aware of the following:
- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
 - Entrances 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 identified on the premises licence.
- 14.3. The licensing authority will also consider specific measures that may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling areas and 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 Gambling Commission's guidance.
- 14.4. It is also noted that an issue has arisen in some parts of the country, where operators have sought to sub-divide existing single licensed premises, and obtain further premises licences in respect of each part of the divided premises. It has been observed that this practice has been used predominantly in respect of categories of premises licences which allow the operation of a small, fixed number of high-value gaming machines – in effect, using multiple premises licences in respect of different areas of a single business to artificially increase the permitted number of category B machines that can be made available.
- 14.5. The licensing authority notes the Commission's guidance¹⁷ that "in most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean that 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." When assessing whether premises can be regarded as separate, the licensing authority proposes to assess the following criteria:
- Does each premises have its own external entrance;
 - Does each premises trade as a separate entity;
 - Are the premises subject to separate non-domestic rateable valuations?
 - Is each premises operated by different persons;
 - What is the quality of separation (i.e. if dividing barriers are to be used, are they permanent,

¹⁷ Gambling Commission Guidance to Licensing Authorities, 5th edition, para 7.6

- opaque, floor-to-ceiling division?);
- Is there a genuine need to establish a division between premises, or is the division aimed solely at artificially increasing the permitted number of high-value gaming machines.

14.6. If it is proposed to utilise sterile, non-gambling areas to create sub-divisions, then the licensing authority will apply the following criteria to those areas:

- Is the non-gambling area proposed as a token separation;
- Is it genuinely an area to which the public would go for purposes other than gambling;
- Is it in effect introducing artificial separation, or genuinely a functionally separate area;
- Is there in effect direct access between the divided units, or is it a place from which access can be gained to two premises.

14.7. 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 gaming machine entitlements that brings; and are not artificially created as part of what is readily identifiable as a single premises. Poor quality or temporary divisions will not be viewed favourably.

14.8. The licensing authority notes that any premises subject to multiple discrete premises licences must be able to comply with the mandatory conditions restricting access to each licensed premises, as follows:

Premises type	Access restrictions
Adult gaming centre	No direct access from any other licensed gambling premises, or from premises with a family entertainment centre gaming machine permit, a club gaming/machine permit, or an alcohol-licensed premises gaming machine permit
Betting (other)	Access from a street or another betting premises only No direct access from any other premises used for retail sale of goods or services
Betting (track)	No direct access from licensed casino or adult gaming centre premises
Bingo	No direct access from licensed casino, adult gaming centre or betting (other) premises
Family entertainment centre	No direct access from licensed casino, adult gaming centre or betting (other) premises

14.9. In the case of some divided premises, it appears that the intended primary use of a premises licence had not been offered, with operators seeking solely to make use of any additional machine entitlement (for example, holding a bingo premises licence but not making any facilities for playing bingo available in the licensed premises). The Gambling Commission consulted on this issue in 2008, and subsequently issued a revision to the Licence Conditions and Codes of Practice affecting Bingo, Betting and Casino operating licences. Holders of these licences are now mandated to provide suitable and sufficient facilities for their primary licensable activity (e.g. provision of facilities for non-remote betting in a betting (other) licensed premises), now referred to in the Guidance as offering an appropriate licensing environment.

15. Access by children

15.1. When considering applications for premises to which children may be admitted, in cases where the issue of a licence would authorise the provision of gaming machines of categories C or higher, the licensing authority will expect the operator to ensure that:

- 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.

15.2. These considerations will apply equally to single premises and to buildings where multiple, discrete premises licences may have effect (for example, a multi-unit shopping centre, or a mixed use development with a number of retail and leisure units).

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16. Provisional Statements

- 16.1. The 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;
 - expects to be altered; or
 - expects to acquire a right to occupy.
- 16.2. Developers may wish to apply for a provisional statement 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, nor do they need to have formalised the right to occupy the premises in respect of which the application is made.
- 16.3. The process for considering an application for a provisional statement is similar to 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.
- 16.4. The holder of a provisional statement may subsequently apply for a premises licence. Where a provisional statement is in place, the licensing authority will be constrained in the matters it can consider when determining the premises licence application, and no representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
 - they reflect a change in the applicant's circumstances.
- 16.5. In the above circumstance, the authority may only refuse to grant the premises licence (or grant it on terms different to those attached to the provisional statement) with reference to matters:
- which could not have been raised by objectors at the provisional statement stage;
 - which in the authority's opinion reflect a change in the operator's circumstances; or
 - where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.
- 16.6. If an operator has already acquired a premises, has a right of occupation, and holds an appropriate operating licence, there is no requirement for them to obtain a provisional statement prior to making an application for a premises licence – this will simply be a matter of choice. However, where premises are likely to require construction or development work prior to being ready for use for gambling (and as such are not in a state where they can be inspected during the application process), the licensing authority may seek to attach the following additional condition to any premises licence granted:
- The premises are to be constructed in accordance with the deposited plans and shall not trade until such time as they have been inspected and approved by officers of the licensing authority.*

17. Reviews

- 17.1. Requests for a review of a premises licence can be made at any time by interested parties or responsible authorities. It is for the licensing authority to decide whether to accept any application for review of a licence, after considering whether the application is:
- frivolous, vexatious, will certainly not cause this authority to wish to alter/revoke/suspend the licence, or substantially the same as previous representations or requests for review;
 - in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the authority's statement of principles.
- 17.2. The licensing authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate. In particular, the licensing authority may initiate a review of a premises licence on the grounds that 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.
- 17.3. Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28-day period, to begin 7 days after receipt of the application. The licensing authority will publish notice of the application within this initial 7-day period.
- 17.4. The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 17.5. The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:
- to add, remove or amend a licence condition imposed by the licensing authority;
 - to exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - to suspend the premises licence for a period not exceeding three months; or
 - to revoke the premises licence.
- 17.6. In determining what action, if any, should be taken following a review, the licensing authority will have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 17.7. Following the completion of the review, the licensing authority will notify its decision in writing to the licence holder, the applicant for review (if not initiated by the authority), any person who made representations in respect of the review, and the responsible authorities designated in regulations made under the Act.

18. Casinos

- 18.1. Licensing authorities have discretion to pass a resolution, under section 166 of the Act, not to issue any casino premises licences. To date, the licensing authority has not passed such a resolution, but notes that it has the power to do so.
- 18.2. The Act only allows for a fixed number of 'regional', 'large' and 'small' casinos to be licensed nationally. Licensing authorities must be authorised by the Secretary of State to issue new licences for any of these categories, to ensure that the national limits are not exceeded. Dacorum is not amongst the authorities that have been so authorised, and had no casinos licensed under previous legislation for which converted casino licences were issued in the transitional period. As such, the effect of any resolution under section 166 would be largely academic at the present time, as no new licences can currently be awarded. The authority will however keep itself apprised of any future developments in this area.

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Part C: Permits and notices



19. Introduction

- 19.1. The proprietors of dedicated, high-value gambling outlets will generally be required to complete a comprehensive application process to obtain premises and operating licences. However, the Act also makes provision for simpler processes for incidental and low-value gambling activities, such as gaming machines in pubs, bars and clubs, and small-stakes prize gaming. This part of the statement outlines the principles that we will apply to applications for gaming and gaming machine permits, and notifications of temporary or occasional gambling usage.
- 19.2. It is noted that there is some potential overlap in the activities that may be authorised under premises licences and permits, particularly in respect of the provision of multiple gaming machines. Where such activities are provided under a permit, the licensing authority will monitor the provision of those activities to ensure that the permitting system is not being abused and used to authorised gambling as a sole or main business activity, and may seek to initiate proceedings to withdraw or cancel a permit, where such actions are provided for in legislation, if of the opinion that those activities should in fact be authorised by way of a premises licence.

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20. Alcohol-licensed premises gaming machine permits & notifications

- 20.1. There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically make up to 2 gaming machines, of categories C and/or D, available for use (so long as those premises satisfy the criteria in section 278(1) of the Act). The holder of the premises licence merely needs to notify the licensing authority that they intend to make use of this entitlement, and make payment of the prescribed notification fee.
- 20.2. The licensing authority may remove the automatic entitlement in respect of any particular premises if it is thought that:
- 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 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 Gambling 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 2005 has been committed on the premises.
- 20.3. If the proprietor of an alcohol-licensed premises wishes to make 3 or more gaming machines available for use, then an application must be made for a licensed premises gaming machine permit. When considering that application, the licensing authority must have regard to the licensing objectives and any guidance issued by the Gambling Commission. The licensing authority may also consider “such other matters as they think relevant.”
- 20.4. This licensing authority will decide upon the interpretation of “such other matters” on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. The licensing authority will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under-18 year olds do not have access to adult-only gaming machines (category C). Examples of measures to satisfy the authority may include the gaming machines being positioned in sight of the bar, or in the sight of staff who will monitor to ensure that the machines are not being used by those under 18. Notices and signage may also assist in this regard. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 20.5. It is recognised that some alcohol-licensed premises may apply for a premises licence for non-alcohol licensed areas. Any such application would most likely need to be made for, and dealt with as, an adult gaming centre premises licence.
- 20.6. It should be noted that the licensing authority can decide to grant the application for a smaller number of machines and/or a different category of machines than that applied for. Although licensing authorities cannot attach any further conditions beyond these matters, permit holders are obliged to operate any gaming machines in compliance with the Commission’s ‘Gaming Machine Permits Code of Practice’, which imposes binding requirements for the supervision of gaming machines and for their positioning away from ATM’s, as well as offering a number of examples of best practice in respect of the prevention of underage gambling and the protection of vulnerable persons.

21. Club gaming permits & Club machine permits

21.1. Members' clubs and miners' welfare institutes may apply for a club gaming permit or a club machine permit. A club machine permit will enable the club to provide gaming machines (3 machines of categories B, C or D) for use by its members. A club gaming permit bestows the same machine entitlement, and also allows the club to provide equal chance gaming and games of chance as set-out in regulations.

21.2. To qualify, members' clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming (excluding types of gaming specified in regulations – i.e. bridge and whist clubs¹⁸). A members' club must be permanent in nature and established and conducted for the benefit of its members and not as a commercial enterprise. Examples may include sporting clubs, working men's clubs, branches of Royal British Legion and clubs with political affiliations.

21.3. Commercial clubs are also entitled to apply for a club machine permit, but are not eligible for club gaming permits.

21.4. The Commission's guidance also notes that licensing authorities may only refuse an application on the grounds that:

- 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;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police.¹⁹

21.5. There is also a 'fast-track' procedure available under the Act for qualifying clubs that hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced to the following:

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

21.6. There are statutory conditions on club gaming permits, requiring that no child is permitted to use 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. However, no further conditions may be attached to a permit.

¹⁸ Statutory Instrument 2007 No. 1942 – The Gambling Act 2005 (Gaming in Clubs) Regulations 2007

¹⁹ Gambling Commission Guidance to Licensing Authorities, 5th edition, para 25.40

22. Family entertainment centre gaming machine permits

- 22.1. A proprietor of a family entertainment centre premises (FEC), who wishes to make only category D gaming machines available for use in those premises, can do so in reliance upon a family entertainment centre gaming machine permit. This category of permit provides an alternative to the family entertainment centre premises licences available under the Act, which allow the operation of higher-value gaming machines but are subject to more rigorous application procedures.
- 22.2. It should be noted that the premises must be wholly or mainly used for making gaming machines available for use, to be eligible for this type of permit.
- 22.3. Any application for a permit will be considered with regard to the licensing objectives and to any relevant guidance issued by the Commission. Particular weight will be given to child protection issues.
- 22.4. The applicant will be expected to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children 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. This licensing authority will also expect, as per Gambling Commission guidance²⁰, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant (or company directors if the applicant is a limited company) has no relevant convictions; and that staff are trained to have a full understanding of the maximum stakes and prizes.
- 22.5. Applicants will also be asked to supply a plan of the internal layout of the family entertainment centre, drawn to an appropriate scale, that shows the location of the area(s) where category D gaming machines will be made available for use.
- 22.6. 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.
- 22.7. It is noted that a licensing authority cannot attach conditions to this type of permit.
- 22.8. This licensing authority has produced a family entertainment centre gaming machine permit application form, but, so long as the required information is provided, will not require applications to be made exclusively in this format. The form can be downloaded from our website, at www.dacorum.gov.uk/licensing

²⁰ Gambling Commission Guidance to Licensing Authorities, 5th edition, para 24.9

23. Prize gaming permits

23.1. In any application for a prize gaming permit the applicant should set out the types of gaming that he or she is intending to offer, and should also be able to demonstrate:

- that they understand the limits on stakes and prizes that are set out in Regulations²¹;
- that the gaming offered is within the law; and
- that appropriate measures will be taken to ensure that children are protected from being harmed or exploited by gambling – in particular, the measures that will be taken to ensure that children cannot participate in the gambling offered.

23.2. In making its decision on an application for this type of permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

23.3. There are conditions in the Gambling Act 2005 with which the permit holder must comply, but the licensing authority cannot attach further 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.

²¹ Statutory Instrument 2009 No. 1272 – The Gambling Act 2005 (Limits on Prize Gaming) Regulations 2009

24. Temporary use notices

- 24.1. Temporary use notices allow a gambling operator to make infrequent use of unlicensed premises, to use the premises for a limited time to provide facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Guidance, may include hotels, conference centres and sporting venues.
- 24.2. The licensing authority can only accept a Temporary Use Notice from a person or company holding a relevant non-remote operating licence: i.e. a non-remote casino operating licence.
- 24.3. The types of gambling activities that may be authorised by a Temporary Use Notice are set out in Regulations made under the Act²². Currently, the only permitted activity is the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Possible examples of this could include gaming tournaments with such games as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.
- 24.4. Temporary Use Notices are subject to a statutory limit that a set of premises may be used for no more than 21 days in any 12 month period. 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. In considering whether a place falls within the definition of "a set of premises", the licensing authority will look at, amongst other things, the ownership/occupation and control of the premises.
- 24.5. This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could reasonably be described as one set of premises, as recommended in the Guidance, or in other cases where the proposed gaming would undermine the licensing objectives or be contrary to the Guidance or this Statement of Principles.

25. Occasional use notices

- 25.1. Occasional use notices may be used to authorise infrequent betting at track premises, on no more than 8 days in any calendar year. They cannot be used to authorise any other form of gambling activity (e.g. gaming machines). Providing that the 8-day limit is not breached, there is no provision for correctly-served notices to be refused by a licensing authority.
- 25.2. The licensing authority notes that the definition of track premises is not restricted to permanent premises, but can include any premises or land on which a race or sporting event is to take place. Consideration will therefore be given to the nature of the premises specified in a notice, in addition to whether the person giving the notice is an occupier of the track, or is responsible for the administration of events at the track.
- 25.3. It is further noted that occasional use notices do not relieve any person accepting bets at the track premises from the requirement to hold an appropriate betting operating licence, nor from the requirements of any conditions imposed upon that licence.
- 25.4. This licensing authority has produced a template form, suitable for giving an occasional use notice, but will not require notifications to be given exclusively in this format. The template form can be downloaded from www.dacorum.gov.uk/licensing

²² Statutory Instrument 2007 No. 3157 - The Gambling Act 2005 (Temporary Use Notices) Regulations 2007

26. Travelling fairs

- 26.1. It will fall to the licensing authority to decide whether, at travelling fairs where category D machines are to be made available for use and / or equal chance prize gaming without a permit is offered, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 26.2. The licensing authority will also consider whether the proprietor falls within the statutory definition of a travelling fair.
- 26.3. A statutory limit of 27 days per calendar year applies to gambling at each site used by travelling fairs, and this limit 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. Where concerns arise in respect of sites crossing the borough boundary, this licensing authority will work with its neighbouring authorities to ensure that the usage of such sites is monitored so as to ensure that the statutory limits are not exceeded.

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Part D: Lotteries



27. General principles

- 27.1. The Gambling Act 2005 regulates almost all forms of fund-raising lotteries promoted in the UK. With the exception of the National Lottery, which is not regulated under this Act, it is illegal to promote a lottery for private or commercial gain.
- 27.2. While the term 'lottery' is used within the legislation, these provisions are also likely to apply to raffles, prize draws, tombola's, sweepstakes, scratch-card sales, and so on – in short, any arrangement in which a payment is made for a random chance of winning a prize. For the sake of simplicity, 'lottery' is used to define all of these.
- 27.3. Broadly speaking, there are two categories of lottery established under the Act –
- **Licensed lotteries** include those run by societies that aim to raise more than £20,000 in a single draw, or £250,000 in a calendar year, as well as any lotteries promoted by a local authority. An operating licence must be held by the promoter(s) of these lotteries.
 - **Exempt lotteries** fall into one of four sub-categories, each with its own limits on the amounts that can be raised, the purposes for which it can be promoted, and the manner in which it must be run. These sub-categories comprise Incidental Non-Commercial Lotteries, Customer Lotteries, Private Lotteries, and Small Society Lotteries.

28. Licensed lotteries

- 28.1. The administration and enforcement of licensed lotteries is the responsibility of the Gambling Commission, although local authorities may provide information and intelligence to assist in the exercise of these functions.
- 28.2. Should a society registered with a licensing authority for the promotion of small society lotteries promote a lottery which causes either on the statutory limits on proceeds to be exceeded, then any subsequent lotteries promoted by that society in the current calendar year or any of the following three calendar years will be deemed to be large society lotteries, and will require the society to obtain a relevant operating licence from the Gambling Commission. The registration with the licensing authority will remain in force, but will not serve to authorise any lottery schemes during this period – it is open to the society as to whether to cancel the registration.
- 28.3. The Act provides a mechanism for local authorities to promote lotteries (or have lotteries promoted on their behalf) in order to raise funds for any item or service on which they may lawfully incur expenditure. Prior to doing so, an operating licence must be obtained from the Gambling Commission. A senior council officer must also hold a personal management licence, again issued by the Commission. At the time of writing, no such licences are in place, and accordingly lotteries may not be promoted by or on behalf of the authority.

29. Exempt lotteries

- 29.1. Of the four sub-categories of exempt lotteries, only Small Society Lotteries require registration with a local authority – no authorisation is required for the other three categories. Both the Commission and local authorities may carry out compliance checks to ensure that any exempt lotteries are carried on in accordance with the relevant legal restrictions.
- 29.2. Prior to registering a society, the licensing authority may consult informally with certain statutory partners, including the Gambling Commission and Hertfordshire Constabulary, in order to satisfy itself that the information given in the application for registration is correct, the applicant is a bona fide non-commercial society, an operating licence held by the society has not been refused or revoked in the preceding 5 years, and that no persons who will be connected with the promotion of lotteries for the society have been convicted of relevant offences. Where the authority cannot be so satisfied, it is open to it to refuse the application for registration, but only after the applicant has been given the opportunity to lodge representations in respect of the proposed refusal.
- 29.3. Registrations will remain in force indefinitely, incurring an annual fee in each year that they remain in force. Societies may request the cancellation of their registration, in writing, at any time. The licensing authority may also revoke a registration, upon any of the grounds outlined in paragraph 4.8, or cancel a registration for non-payment of annual fees. Revocation may only occur after the applicant has been given the opportunity to lodge representations.

30. Free prize draws & skill competitions

- 30.1. The Gambling Act 2005 does not include any measures to regulate prize draws where there is no charge to enter, nor any competition where the outcome relies significantly upon a participant's skill, judgement or knowledge. Generally, the licensing authority will not become involved in any matters relating to such schemes.
- 30.2. However, on some occasions, schemes that are presented as skill competitions will actually fall under the definition of lotteries or prize gaming, and would therefore need to comply with the statutory requirements. Alongside the Gambling Commission, licensing authorities are obliged to monitor the boundaries between lotteries and skill competitions, and will provide basic advice on ensuring that any competitions are run in compliance with the relevant laws. However, the licensing authority will not offer advice or approval of individual schemes, nor will it offer in depth advice as to the legality of a particular activity. It is ultimately the responsibility of the promoter to ensure that a scheme is compliant with statutory requirements, and to seek independent confirmation of this from a legal adviser where appropriate.
- 30.3. This licensing authority notes the criteria set out in section 14 of the Act relating to the characteristics of a skill competition, and will expect the promoter of any such scheme to ensure that the competition includes a suitable challenge of skill, judgement or knowledge that will:
- prevent a significant proportion of people who wish to participate from doing so; or
 - prevent a significant proportion of people who participate from receiving a prize.

Annexes



Annex A – Delegation of functions

Full details of the scheme of delegation adopted by Dacorum can be viewed in the Council’s Constitution, which is available on our website. The table below summarises the various delegations, and shows which functions will be exercised at which level.

Matter to be determined	Delegation level	
	Licensing of Alcohol & Gambling Sub-Committee	Officers
Determination of an application for a provisional statement	Where representations have been received and not withdrawn	Where representations were not received or have all been withdrawn
Determination of an application for a premises licence	Where representations have been received and not withdrawn	Where representations were not received or have all been withdrawn
Determination of an application for variation of a premises licence	Where representations have been received and not withdrawn	Where representations were not received or have all been withdrawn
Determination of an application for transfer of a premises licence	Where representations have been received and not withdrawn	Where representations were not received or have all been withdrawn
Determination of an application for reinstatement of a premises licence	Where representations have been received and not withdrawn	Where representations were not received or have all been withdrawn
Initiation of review of a premises licence by licensing authority	-	✓
Determination of an application for review of a premises licence	✓	-
Determination of an application for club gaming / club machine permit	Where representations have been received and not withdrawn	Where representations were not received or have all been withdrawn
Cancellation of club gaming / club machine permits	✓	-
Determination of applications for other permit types	-	✓
Cancellation of licensed premises gaming machine permits	-	✓
Determination of a temporary use notice	Where representations have been received and not withdrawn	Where representations were not received or have all been withdrawn
Acknowledgment of occasional use notice	-	✓
Registration of non-commercial societies for small society lotteries	-	✓
Revocation or cancellation of small society lottery registrations	-	✓
Decisions to prosecute or issue cautions for offences under the Act	-	✓

Adoption of the statement of principles, and resolutions not to issue casino licences, are functions of the Full Council.

Annex B – Contact details

For information on this statement of principles, or for informal advice on making an application or whether a particular gambling activity is likely to require authorisation, please contact:

**Licensing
Dacorum Borough Council
Civic Centre
Marlowes
Hemel Hempstead
HP1 1HH**

Phone: **01442 228000**
Email: licensing@dacorum.gov.uk
Web: www.dacorum.gov.uk/licensing

Please note that, due to the complexity of the legislation that governs these activities, we can only give basic advice about which activities do and do not require authorisation, and about application processes. We cannot give detailed advice about complex or specialised proposals, nor are we able to give legal advice.

If you are unsure as to the legality of a particular activity, or require more detailed information or advice than we are able to offer, we recommend that you consult an independent specialist advisor or legal representative.

Responsible authority contact details

The Gambling Commission

Phone: 0121 230 6666

Email: info@gamblingcommission.gov.uk

Website: www.gamblingcommission.gov.uk

HM Revenues and Customs (National Registration Unit)

Phone: 0141 555 3633

Email: nrubetting&gaming@hmrc.gsi.gov.uk

Hertfordshire Constabulary (Dacorum Licensing)

Phone: 01442 271601

Email: dacorumlicensing@herts.pnn.police.uk

Hertfordshire Fire and Rescue Service

Phone: 01707 292310

Email: administration.cfs@hertsc.gov.uk

Dacorum Planning

Phone: 01442 228000

Email: planning@dacorum.gov.uk

Dacorum Regulatory Services

Phone: 01442 228455

Email: environmentalhealth@dacorum.gov.uk

Hertfordshire Safeguarding Children Board

Phone: 01992 588757

Email: admin.lscb@hertsc.gov.uk

Full contact details for the above authorities including postal addresses, and additional authorities in respect of gambling activities on vessels, can be viewed on our website.

To make an application or for further guidance, please visit our website:
www.dacorum.gov.uk/licensing

For informal advice or queries, please email:
licensing@dacorum.gov.uk



AGENDA ITEM: 7

SUMMARY

Report for:	Licensing, Health & Safety and Enforcement Committee
Date of meeting:	28 July 2015
PART:	I
If Part II, reason:	

Title of report:	Film classification guidelines
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To approve guidelines for the classification of films by officers under section 20 of the Licensing Act 2003, pending adoption of revisions to the Statement of Licensing Policy
Recommendations	<ol style="list-style-type: none"> 1. That the Committee delegate to the Assistant Director (Chief Executive's Unit), the Group Manager (Legal Governance), and the Team Leader (Licensing) the power to make recommendations and notifications on behalf of the licensing authority in respect of the admission of children to films, under section 20 of the Licensing Act 2003; and 2. That the Committee approve the interim guidelines in section 3 of this report for use by officers when exercising the above power, until superseded by the publication of the Council's Statement of Licensing Policy (2016 – 2021).
Corporate objectives:	Dacorum Delivers <ul style="list-style-type: none"> • Efficiencies
Implications:	<p><u>Financial / Value for Money</u> Work will be carried out by budgeted licensing staff. If the volume of work undertaken reaches a significant level, it may be possible to look at introducing a charge for the discretionary service, following a review of costs incurred.</p> <p><u>Risk / Equalities / Health And Safety Implications</u> None identified</p>
Consultees:	None

Background papers:	BBFC Classification Guidelines (www.bbfc.co.uk/what-classification/guidelines)
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. The Council is responsible for licensing cinemas and other venues which exhibit films for the entertainment of an audience, under the Licensing Act 2003. Most venues showing films on a regular basis will hold a premises licence to authorise this.
- 1.2. The Act requires that every premises licence authorising exhibitions of films is issued subject to a mandatory condition, contained at section 20 of the Act, requiring admission to the film to be restricted in accordance with any age-restriction recommendation made either by a film classification body, or by the licensing authority. Licensing authority recommendations override any other certificate issued by the BBFC, within the local area only. The cinema operator would commit an offence under section 136 of the Act if they were to admit children or young people to film exhibitions in breach of the applicable admission recommendation.
- 1.3. The main film classification body in the UK is the British Board of Film Classification (BBFC), which is an independent body that makes admission recommendations on behalf of local licensing authorities. Almost all major theatrical releases screened in UK cinemas will have been classified by the BBFC, in accordance with classification guidelines adopted by that organisation. The BBFC's classification scheme includes 6 standard 'certificates' for film exhibitions (a slightly modified scheme applies to video recordings sold for home viewing):

Extracts from the BBFC Classification Guidelines 2014	
U	Universal – Suitable for all Suitable for audiences aged four years and over, although it is impossible to predict what might upset any particular child. U films should be set within a positive framework and should offer reassuring counterbalances to any violence, threat or horror.
PG	Parental Guidance – General viewing, but some scenes may be unsuitable for young children A PG film should not unsettle a child aged around eight or older. Unaccompanied children of any age may watch, but parents are advised to consider whether the content may upset younger, or more sensitive, children
12A	Suitable for 12 years and over Films classified 12A... contain material that is not generally suitable for children aged under 12. No one younger than 12 may see a 12A film in a cinema unless accompanied by an adult. Adults planning to take a child under 12 to view a 12A film should consider whether the film is suitable for that child.
15	Suitable only for 15 years and over No one younger than 15 may see a 15 film in a cinema.
18	Suitable only for adults No one younger than 18 may see an 18 film in a cinema.

Extracts from the BBFC Classification Guidelines 2014

R18	To be shown only in specially licensed cinemas, ... to adults only The R18 category is a special and legally-restricted classification primarily for explicit works of consenting sex or strong fetish material involving adults. Films may only be shown to adults in specially licensed cinemas... <i>[N.B. Exhibition of R18 films requires a sex establishment licence]</i>
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- 1.4. BBFC classifications for film exhibitions in cinemas are not legally binding in their own right, but become so under the mandatory condition which local licensing authorities are required to attach to premises licences and club premises certificates, as set out above, unless the authority has resolved to override a BBFC recommendation for a particular film and issue its own recommendation. As such, local authorities remain ultimately responsible for determining access restrictions to film exhibitions at licensed cinemas, although it is comparatively rare for local authorities to depart from the recommendations made by the BBFC.
- 1.5. Where the BBFC have classified a film as a '15' or an '18', the effect of the mandatory condition is to require the operators of licensed premises to exclude children under the age of 15 years from showings of 15-rated films, and children under the age of 18 years from 18-rated films. In line with the recommendations, under-18's may be admitted to U- and PG-rated films without restriction or accompaniment, and to 12A-rated films if they are accompanied by an appropriate adult.
- 1.6. The 2003 Act, the statutory Home Office guidance, and the BBFC guidelines are all silent on babies and toddlers being present during the exhibition of films, with no lower age threshold specified within the recommendation. The simplest interpretation of the mandatory condition is therefore that any child aged 0-14 must be excluded from a 15 film, and 0-17 from an 18 film.

2. PARENT AND BABY SCREENINGS

- 2.1. 'Parent and baby screenings' have become an increasingly common offering in UK cinemas in recent years, allowing parents with very young children to watch films in the company of similar parents without needing to make alternate childcare arrangements. Typically these screenings will involve reduced sound levels and brighter-than-normal ambient lighting within the auditorium, to provide a more comforting environment for babies or toddlers and to allow their parents to take care of the children while the film is playing. To comply with the mandatory condition, only U-, PG- or 12A-rated films may be shown during such events, as admission of babies or toddlers to 15- or 18-rated films would constitute a technical breach of the mandatory condition, and thus an offence under section 136 of the 2003 Act. Licensing officers have previously given advice to cinemas within Dacorum about this issue, after receiving complaints from members of the public about the admission of young children and their exposure to adult content.
- 2.2. A number of cinemas have experienced demand for higher-certificate films to be shown at such events. One licensed cinema in Dacorum has recently applied for the variation of their premises licence to allow the showing of higher-certificate films at such events, subject to the licensing authority agreeing to this on a film-by-film basis and issuing alternate recommendations. After an initial representation was made by licensing

officers on a technical issue, discussions led to a modification to the application, and the variation has since been granted under delegated authority.

2.3. The Committee has previously delegated authority to officers to issue admission recommendations in respect of unrated films. It is now proposed that this delegation be extended to any film, so that officers can respond quickly and efficiently to requests for alternate recommendations in the above scenario.

2.4. As the same time, officers are also asking the Committee to approve a set of interim guidelines for the classification of films in these situations. These will ultimately be contained within the revised Statement of Licensing Policy when it is published next year, and so these guidelines are intended simply as a stopgap until that time.

3. GUIDELINES FOR ALTERNATE CLASSIFICATIONS

3.1. When exercising powers under section 20 to issue an admission recommendation for a previously-unclassified film, it is proposed that officers will follow the BBFC's Classification Guidelines (www.bbfc.co.uk/what-classification/guidelines), and where possible will issue a recommendation which is in accordance with one of the standard 'certificates'. This approach is preferred as audiences will be familiar with this particular classification scheme and the meaning of the 'certificates'.

3.2. Where the licensing authority receives a request to override an existing recommendation to facilitate a 'parent and baby' screening, in the first instance officers will have regard to the BBFC's original classification decision, and the BBFC Insight record which describes the content of the film that led to the classification decision. If officers believe that the content will not present any issues if viewed by children under 24 months of age, then they may agree to issue an alternate recommendation, consistent with the BBFC's original classification but including a specific exemption for accompanied children below 24 months of age, at screenings advertised and restricted to 'parent and baby' only. Issues will be assessed on a film-by-film basis, but it is anticipated that scenes of strong violence and gore, sex and strong threat will lead to greater concern around viewing by children of that age than strong language, mild nudity and discriminatory content will.

3.3. Where concerns exist based on the BBFC Insight record that a film may not be suitable for viewing by young children below 24 months of age, officers may request that the cinema facilitates a viewing of the film in question to make a full assessment of this. No alternate recommendation would be issued unless officers are satisfied that allowing young children below 24 months of age to be admitted will not lead to the child protection licensing objective being undermined.

4. RECOMMENDATION

- 4.1. That the Committee delegate to the Assistant Director (Chief Executive's Unit), the Group Manager (Legal Governance), and the Team Leader (Licensing) the power to make recommendations and notifications on behalf of the licensing authority in respect of the admission of children to films, under section 20 of the Licensing Act 2003; and
- 4.2. That the Committee approve the interim guidelines in section 3 of this report for use by officers when exercising the above power, until superseded by the publication of the Council's Statement of Licensing Policy (2016 – 2021).

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AGENDA ITEM: 8

SUMMARY

Report for:	Licensing, Health & Safety and Enforcement Committee
Date of meeting:	28 July 2015
PART:	I
If Part II, reason:	

Title of report:	Animal Boarding Establishment Licence Conditions
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To inform the Committee of new types of business which are subject to licensing requirements under the Animal Boarding Establishments Act 1963
Recommendations	<ol style="list-style-type: none"> 1. That the Committee delegate authority to impose and vary animal boarding establishment licence conditions to the Assistant Director (Chief Executives Unit), the Group Manager (Legal Governance) and the Team Leader (Licensing); OR 2. That the Committee adopt new standard conditions for animal boarding establishments providing dog daycare in a home environment, and in an outdoor environment.
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> • Maintain a clean and safe environment <p>Dacorum Delivers</p> <ul style="list-style-type: none"> • Efficiencies
Implications:	<p><u>Financial / Value for Money</u> If condition-setting is delegated to officers, fewer applications will require determination by the Licensing Sub-Committee.</p> <p><u>Health And Safety</u> The legislation is centred on the need to ensure the safety and welfare of the animals being accommodated, the business proprietor/staff and the general public.</p> <p><u>Risk / Equalities</u> None identified</p>

Consultees:	Officers are liaising with applicable businesses to determine appropriate condition sets.
Background papers:	Animal Boarding Establishments Act 1963
Glossary of acronyms and any other abbreviations used in this report:	

At the time of publication, work is ongoing on this issue. This report will therefore be given verbally at the meeting.



AGENDA ITEM: 9

SUMMARY

Report for:	Licensing, Health & Safety and Enforcement Committee
Date of meeting:	28 July 2015
PART:	I
If Part II, reason:	

Title of report:	Licensing Sub-Committee Procedures
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To agree modified standard procedures for hearings conducted by the two Licensing Sub-Committees
Recommendations	That the revised procedures be adopted for use by the Licensing, Health & Safety and Enforcement Sub-Committee and the Licensing of Alcohol and Gambling Sub-Committee.
Corporate objectives:	Dacorum Delivers <ul style="list-style-type: none"> • Performance excellence
Implications:	<u>Financial / Value for Money / Risk / Equalities / Health And Safety Implications</u> None identified
Consultees:	None
Background papers:	Licensing Act 2003 (Hearings) Regulations 2005
Glossary of acronyms and any other abbreviations used in this report:	

1. COMMITTEE STATUS

- 1.1. The Committee is responsible for appointing two sub-committees to determine contested or controversial applications. These are:
 - a) The Licensing of Alcohol and Gambling Sub-Committee, consisting of 3 members drawn from the full Committee membership for each meeting, which is responsible for determining contested applications for alcohol, entertainment, late night refreshment, gambling and sex establishment licences; and
 - b) The Licensing, Health & Safety and Enforcement Sub-Committee, consisting of 7 members appointed annually by the full Committee, which is responsible for all other licensing matters.
- 1.2. The Committee is responsible for regulating the way in which it, and its Sub-Committees, conduct meetings and hearings, subject to compliance with the Council's Committee Rules, and in the case of the Alcohol and Gambling Sub-Committee, the Licensing Act 2003 (Hearings) Regulations 2005.
- 1.3. It is now proposed to amend the standard procedures followed by the Sub-Committees, to update them and ensure consistency in all of the hearings that the Sub-Committees conduct.
- 1.4. As part of this process, it is intended to amend the procedures so that the Alcohol and Gambling Sub-Committee has the discretion to deliberate in a closed session, as the Health & Safety Sub-Committee typically does. This will enable Members to discuss the evidence that they have heard more freely, and will allow Members to compile both their decision and their reasons fully, before announcing these.

2. RECOMMENDATION

- 2.1. That the Committee adopt the revised Sub-Committee procedures attached at Annexes A to D and apply these to all future meetings of the Licensing of Alcohol and Gambling Sub-Committee and the Licensing, Health & Safety and Enforcement Sub-Committee.**

**PROCEDURE FOR HEARINGS CONDUCTED BY THE
LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE
(PREMISES-RELATED APPLICATIONS)**

The Sub-Committee will follow the procedure below when conducting a hearing:

1. The Chairman will open the meeting by:
 - a) Introducing the Members of the Sub-Committee (indicating any substitutions) and the Officers present, to the parties and any other person in attendance, including any representative of the press;
 - b) Stating the nature of the matter to be considered (including a reference to the name of the premises or place concerned); and
 - c) Explaining the procedure to be followed.
2. The Chairman will ask the parties to the hearing who are present to introduce themselves:
 - a) The Chairman will establish whether any parties wish to nominate a spokesman to speak on behalf of several parties;
 - b) The Sub-Committee will consider:
 - i) any prior request made by a party for permission for any other person (witnesses) to address the Sub-Committee; and
 - ii) any request to provide late documentary or other information and will only take the same into account with the consent of all parties.
3. The Chairman will establish whether Members of the Sub-Committee:
 - a) have an interest to declare;
 - b) have visited the premises or place which is the the subject of the application;
 - c) have read the papers before them.
4. The Chairman will ask the Officers present to confirm whether there has been compliance with all relevant requirements and to present the report, highlighting any late withdrawal of applications or representations.
5. Members may ask any relevant question of any Officer.
6. The Chairman will ask the parties to address the Sub-Committee in the following order:
 - a) In the case of a review application:
 - i) The review applicant (or police/council officer, if the review follows a closure order);
 - ii) The licence-holder;
 - iii) Any responsible authority or other person who has made a relevant representation to the application.
 - b) In any other case:
 - i) The applicant;
 - ii) Any responsible authority or other person who has made a relevant representation to the application.
7. Parties may not introduce new issues when addressing the Sub-Committee – they may only speak on and around the matters contained in applications, representations or notices, or on any matter of which the licensing authority has requested clarification.

8. After each party has spoken, Members of the Sub-Committee may ask relevant questions of that party.
9. Requests from a party to question or cross-examine another party will be considered individually by the Sub-Committee, and will be permitted only if the Sub-Committee is of the view that it is required in order for Members to consider the representations, application or notice.
10. The Chairman will invite any party who has previously spoken to summarise their points if they wish to do so, in the reverse order to that followed previously.
11. Members of the Sub-Committee will discuss what has been said and written on the matter before them and make their decision. The Chairman may request that all persons other than the Members of the Sub-Committee and their legal adviser withdraw from the meeting room during this process – if any further clarification or information is required from any person, all parties will be recalled.
12. The legal adviser shall inform the hearing of any advice that they have given the Sub-Committee during their deliberations.
13. The Chairman will confirm the decision reached by the Sub-Committee, including any additional conditions imposed upon the licence, and the reasons for the decision. Written confirmation of the decision will be sent by the licensing authority to all parties after the hearing.

Absent parties

If a party is not present at the hearing, and the Sub-Committee proceed to hear the matter in their absence, the Sub-Committee will consider the written application, representation or notice given by that party, when determining the matter.

Time limits

The Sub-Committee will not generally limit the speaking time allowed to parties at a hearing, although it will be stressed that repetition or speaking about unrelated or irrelevant matters are not acceptable. However, in cases with a large number of parties in attendance and wishing to address the hearing, the Chairman may impose a maximum time limit applying equally to each individual party to the hearing. This will be discussed with the parties at the commencement of the hearing.

Exclusion

At any point during the hearing, the Sub-Committee may resolve to:

- exclude the public and press from all or part of the hearing under section 100A(4) of the Local Government Act 1972 on the basis that, in view of the nature of the proceedings or the nature of the business to be transacted, if members of the public were present during that item there would be disclosure to them of exempt information (a party to the hearing and any person assisting or representing a party can be treated as a member of the public for this purpose); or
- require any person who is being disruptive to be excluded from the hearing and not return, or only be permitted to return on such conditions as the Committee may specify. Such an excluded person may, before the end of the hearing, submit to the Committee in writing any information which they would have been entitled to give verbally had they not been required to leave.

**PROCEDURE FOR HEARINGS CONDUCTED BY THE
LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE
(PERSONAL LICENCE APPLICATIONS)**

The Sub-Committee will follow the procedure below when conducting a hearing:

N.B. Hearings relating to personal licences will typically be conducted under Part 2 rules. The Sub-Committee should resolve at the beginning of the meeting to exclude the public and press from the hearing under section 100A(4) of the Local Government Act 1972 on the basis that, in view of the nature of the proceedings or the nature of the business to be transacted, if members of the public were present during that item there would be disclosure to them of exempt information.

1. The Chairman will open the meeting by:
 - a) Introducing the Members of the Sub-Committee (indicating any substitutions) and the Officers present, to the parties and any other person in attendance, including any representative of the press;
 - b) Stating the nature of the matter to be considered (including a reference to the name of the individual concerned); and
 - c) Explaining the procedure to be followed.
2. The Chairman will ask the parties to the hearing who are present to introduce themselves:
3. The Sub-Committee will consider:
 - a) any prior request made by a party for permission for any other person (witnesses) to address the Sub-Committee; and
 - b) any request to provide late documentary or other information and will only take the same into account with the consent of all parties.
4. The Chairman will establish whether Members of the Sub-Committee:
 - a) have an interest to declare;
 - b) have read the papers before them.
5. The Chairman will ask the Officers present to confirm whether there has been compliance with all relevant requirements and to present the report, highlighting any late withdrawal of applications or representations.
6. Members may ask any relevant question of any Officer.
7. The Chairman will ask the parties to address the Sub-Committee in the following order:
 - a) The personal licence applicant;
 - b) The police
8. Parties may not introduce new issues when addressing the Sub-Committee – they may only speak on and around the matters contained in applications, representations or notices, or on any matter of which the licensing authority has requested clarification.
9. After each party has spoken, Members of the Sub-Committee may ask relevant questions of that party.

10. Requests from a party to question or cross-examine another party will be considered individually by the Sub-Committee, and will be permitted only if the Sub-Committee is of the view that it is required in order for Members to consider the representations, application or notice.
11. The Chairman will invite any party who has previously spoken to summarise their points if they wish to do so, in the reverse order to that followed previously.
12. Members of the Sub-Committee will discuss what has been said and written on the matter before them and make their decision. The Chairman may request that all persons other than the Members of the Sub-Committee and their legal adviser withdraw from the meeting room during this process – if any further clarification or information is required from any person, all parties will be recalled.
13. The legal adviser shall inform the hearing of any advice that they have given the Sub-Committee during their deliberations.
14. The Chairman will confirm the decision reached by the Sub-Committee, including any additional conditions imposed upon the licence, and the reasons for the decision. Written confirmation of the decision will be sent by the licensing authority to all parties after the hearing.

Absent parties

If a party is not present at the hearing, and the Sub-Committee proceed to hear the matter in their absence, the Sub-Committee will consider the written application, representation or notice given by that party, when determining the matter.

Time limits

The Sub-Committee will not generally limit the speaking time allowed to parties at a hearing, although it will be stressed that repetition or speaking about unrelated or irrelevant matters are not acceptable. However, in cases with a large number of parties in attendance and wishing to address the hearing, the Chairman may impose a maximum time limit applying equally to each individual party to the hearing. This will be discussed with the parties at the commencement of the hearing.

Exclusion

At any point during the hearing, the Sub-Committee may resolve to:

- exclude the public and press from all or part of the hearing under section 100A(4) of the Local Government Act 1972 on the basis that, in view of the nature of the proceedings or the nature of the business to be transacted, if members of the public were present during that item there would be disclosure to them of exempt information (a party to the hearing and any person assisting or representing a party can be treated as a member of the public for this purpose); or
- require any person who is being disruptive to be excluded from the hearing and not return, or only be permitted to return on such conditions as the Committee may specify. Such an excluded person may, before the end of the hearing, submit to the Committee in writing any information which they would have been entitled to give verbally had they not been required to leave.

**PROCEDURE FOR HEARINGS CONDUCTED BY THE
LICENSING, HEALTH & SAFETY AND ENFORCEMENT SUB-COMMITTEE
(PREMISES-RELATED APPLICATIONS)**

The Sub-Committee will follow the procedure below when conducting a hearing:

1. The Chairman will open the meeting by:
 - a) Introducing the Members of the Sub-Committee (indicating any substitutions) and the Officers present, to the parties and any other person in attendance, including any representative of the press;
 - b) Stating the nature of the matter to be considered (including a reference to the name of the individual concerned); and
 - c) Explaining the procedure to be followed.
2. The Chairman will ask the parties to the hearing who are present to introduce themselves:
 - a) The Chairman will establish whether any parties wish to nominate a spokesman to speak on behalf of several parties;
 - b) The Sub-Committee will consider:
 - i) any prior request made by a party for permission for any other person (witnesses) to address the Sub-Committee; and
 - ii) any request to provide late documentary or other information and will only take the same into account with the consent of all parties.
3. The Chairman will establish whether Members of the Sub-Committee:
 - a) have an interest to declare;
 - b) have visited the premises or place which is the the subject of the application;
 - c) have read the papers before them.
4. The Chairman will ask the Officers present to confirm whether there has been compliance with all relevant requirements and to present the report, highlighting any late withdrawal of applications or representations.
5. Members may ask any relevant question of any Officer.
6. The Chairman will ask the parties to address the Sub-Committee in the following order:
 - a) The applicant;
 - b) Any other person who has made a relevant representation to the application.
7. Parties may not introduce new issues when addressing the Sub-Committee – they may only speak on and around the matters contained in applications, representations or notices, or on any matter of which the licensing authority has requested clarification.
8. After each party has spoken, Members of the Sub-Committee may ask relevant questions of that party.
9. Requests from a party to question or cross-examine another party will be considered individually by the Sub-Committee, and will be permitted only if the Sub-Committee is of the view that it this required in order for Members to consider the representations, application or notice.

10. The Chairman will invite any party who has previously spoken to summarise their points if they wish to do so, in the reverse order to that followed previously.
11. Members of the Sub-Committee will discuss what has been said and written on the matter before them and make their decision. The Chairman may request that all persons other than the Members of the Sub-Committee and their legal adviser withdraw from the meeting room during this process – if any further clarification or information is required from any person, all parties will be recalled.
12. The legal adviser shall inform the hearing of any advice that they have given the Sub-Committee during their deliberations.
13. The Chairman will confirm the decision reached by the Sub-Committee, including any additional conditions imposed upon the licence, and the reasons for the decision. Written confirmation of the decision will be sent by the legal advisor to all parties after the hearing.

Absent parties

If a party is not present at the hearing, and the Sub-Committee proceed to hear the matter in their absence, the Sub-Committee will consider the written application, representation or notice given by that party, when determining the matter.

Time limits

The Sub-Committee will not generally limit the speaking time allowed to parties at a hearing, although it will be stressed that repetition or speaking about unrelated or irrelevant matters are not acceptable. However, in cases with a large number of parties in attendance and wishing to address the hearing, the Chairman may impose a maximum time limit applying equally to each individual party to the hearing. This will be discussed with the parties at the commencement of the hearing.

Exclusion

At any point during the hearing, the Sub-Committee may resolve to:

- exclude the public and press from all or part of the hearing under section 100A(4) of the Local Government Act 1972 on the basis that, in view of the nature of the proceedings or the nature of the business to be transacted, if members of the public were present during that item there would be disclosure to them of exempt information (a party to the hearing and any person assisting or representing a party can be treated as a member of the public for this purpose); or
- require any person who is being disruptive to be excluded from the hearing and not return, or only be permitted to return on such conditions as the Committee may specify. Such an excluded person may, before the end of the hearing, submit to the Committee in writing any information which they would have been entitled to give verbally had they not been required to leave.

**PROCEDURE FOR HEARINGS CONDUCTED BY THE
LICENSING, HEALTH & SAFETY AND ENFORCEMENT SUB-COMMITTEE
(INDIVIDUAL LICENCE APPLICATIONS)**

The Sub-Committee will follow the procedure below when conducting a hearing:

N.B. Hearings relating to licences for individuals will typically be conducted under Part 2 rules. The Sub-Committee should resolve at the beginning of the meeting to exclude the public and press from the hearing under section 100A(4) of the Local Government Act 1972 on the basis that, in view of the nature of the proceedings or the nature of the business to be transacted, if members of the public were present during that item there would be disclosure to them of exempt information.

1. The Chairman will open the meeting by:
 - a) Introducing the Members of the Sub-Committee (indicating any substitutions) and the Officers present, to the parties and any other person in attendance, including any representative of the press;
 - b) Stating the nature of the matter to be considered (including a reference to the name of the individual concerned); and
 - c) Explaining the procedure to be followed.
2. The Chairman will ask the parties to the hearing who are present to introduce themselves:
3. The Sub-Committee will consider:
 - a) any prior request made by a party for permission for any other person (witnesses) to address the Sub-Committee; and
 - b) any request to provide late documentary or other information and will only take the same into account with the consent of all parties.
4. The Chairman will establish whether Members of the Sub-Committee:
 - a) have an interest to declare;
 - b) have read the papers before them.
5. The Chairman will ask the Officers present to confirm whether there has been compliance with all relevant requirements and to present the report, highlighting any late withdrawal of applications or representations.
6. Members may ask any relevant question of any Officer.
7. The Chairman will ask the parties to address the Sub-Committee in the following order:
 - a) The applicant (or licence-holder, if suspension or revocation is proposed);
 - b) Any other person who has made a relevant representation to the application.
8. Parties may not introduce new issues when addressing the Sub-Committee – they may only speak on and around the matters contained in applications, representations or notices, or on any matter of which the licensing authority has requested clarification.
9. After each party has spoken, Members of the Sub-Committee may ask relevant questions of that party.

10. Requests from a party to question or cross-examine another party will be considered individually by the Sub-Committee, and will be permitted only if the Sub-Committee is of the view that it is required in order for Members to consider the representations, application or notice.
11. The Chairman will invite any party who has previously spoken to summarise their points if they wish to do so, in the reverse order to that followed previously.
12. Members of the Sub-Committee will discuss what has been said and written on the matter before them and make their decision. The Chairman may request that all persons other than the Members of the Sub-Committee and their legal adviser withdraw from the meeting room during this process – if any further clarification or information is required from any person, all parties will be recalled.
13. The legal adviser shall inform the hearing of any advice that they have given the Sub-Committee during their deliberations.
14. The Chairman will confirm the decision reached by the Sub-Committee, including any additional conditions imposed upon the licence, and the reasons for the decision. Written confirmation of the decision will be sent by the legal advisor to all parties after the hearing.

Absent parties

If a party is not present at the hearing, and the Sub-Committee proceed to hear the matter in their absence, the Sub-Committee will consider the written application, representation or notice given by that party, when determining the matter.

Time limits

The Sub-Committee will not generally limit the speaking time allowed to parties at a hearing, although it will be stressed that repetition or speaking about unrelated or irrelevant matters are not acceptable. However, in cases with a large number of parties in attendance and wishing to address the hearing, the Chairman may impose a maximum time limit applying equally to each individual party to the hearing. This will be discussed with the parties at the commencement of the hearing.

Exclusion

At any point during the hearing, the Sub-Committee may resolve to:

- exclude the public and press from all or part of the hearing under section 100A(4) of the Local Government Act 1972 on the basis that, in view of the nature of the proceedings or the nature of the business to be transacted, if members of the public were present during that item there would be disclosure to them of exempt information (a party to the hearing and any person assisting or representing a party can be treated as a member of the public for this purpose); or
- require any person who is being disruptive to be excluded from the hearing and not return, or only be permitted to return on such conditions as the Committee may specify. Such an excluded person may, before the end of the hearing, submit to the Committee in writing any information which they would have been entitled to give verbally had they not been required to leave.



AGENDA ITEM: 10

SUMMARY

Report for:	Licensing, Health & Safety and Enforcement Committee
Date of meeting:	28 July 2015
PART:	I
If Part II, reason:	

Title of report:	Deregulation Act 2015 – Private Hire Services
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	<ol style="list-style-type: none"> 1. To advise the Committee of upcoming deregulation affecting the regulation of private hire services 2. To approve necessary amendments to licensing procedures arising from these changes
Recommendations	<p>That Committee approve the following changes to licensing procedures, with effect from the 1st October 2015:</p> <ol style="list-style-type: none"> a) That the option of applying for a 1-year hackney carriage driver, private hire driver, or dual driver licence be withdrawn; b) That use of the DBS Update service will be permitted for drivers, in place of the requirement to obtain a new DBS Enhanced Disclosure certificate (the original disclosure certificate must state the applicant's occupation as either a taxi driver, private hire driver or similar, and must be an enhanced disclosure. Where an update cannot be obtained, a new enhanced disclosure must be supplied); c) That the standard duration of private hire operator's licences granted shall increase to 5 years; d) That the fee payable for a private hire operator's licence for applications be set for the period 1st October 2015 to 31st March 2016 at: <ol style="list-style-type: none"> i. £378.00, for operators with 1-3 private hire vehicles ii. £636.00, for operators with 4+ private hire vehicles
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> • Maintain a clean and safe environment

Implications:	<p><u>Financial</u> There will be a reduction of income as a result of the changes to licence duration.</p> <p><u>Value for Money</u> Licences will be valid for a longer duration, and with less frequent administration will represent better value for money.</p> <p><u>Risk / Health And Safety Implications</u> No new powers have been given to licensing officers to stop or question out of borough drivers who may now be working legitimately in this area.</p> <p>There is an increased likelihood of customer confusion, as out-of-borough vehicles may arrive to fulfil a job booked through a Dacorum operator.</p> <p><u>Equalities Implications</u> This report details a change in the law, for which the Government produced an impact assessment.</p>
Consultees:	Changes to fees will be subject to a public notice and objection process after being set.
Background papers:	
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. One of the last pieces of legislation passed by the Coalition Government was the Deregulation Act 2015. This is a particularly wide-ranging statute covering a whole host of issues, which included a number of changes to licensing legislation affecting taxi and private hire licensing, and alcohol and entertainment licensing. This report focusses on the changes to taxi and private hire licensing.
- 1.2. Changes to taxi legislation were a fairly late addition to the Act during its progress through Parliament, with the Government originally bringing forward three proposals from the draft reform Bill put forward in 2014 by the Law Commission. These were:
 - a) To standardise the licence duration for hackney carriage and private hire driver's licences as three years, and for private hire operator's licences as five years (with discretion to issue a shorter licence if the circumstances warrant this – currently councils may set the duration as any period up to three or five years, respectively);

- b) To allow unlicensed persons to drive 'off-duty' private hire vehicles for social, domestic or pleasure purposes (currently only licensed private hire drivers may drive a private hire vehicle);
 - c) To permit sub-contracting of private hire bookings between licensed private hire operators across council boundaries (currently bookings may only be sub-contracted to another operator within the same licensing area, to be fulfilled by a driver and vehicle licensed by the same council).
- 1.3. The 'off-duty' proposal was dropped in the face of opposition from the Local Government Association, safety charities and campaigners. The other two proposals have become law, to be commenced on the 1st October 2015.
- 1.4. The full range of measures proposed by the Law Commission, including additional enforcement powers for licensing authorities to prevent abuse of the cross-border sub-contracting relaxation, have not been taken forward at this time. We await the Government's decision as to how to progress the much-needed reform to the legislative framework for this area.

2. CHANGES TO DRIVER LICENCES

- 2.1. At the present time, the Council issues hackney carriage driver, private hire driver and dual driver licences for a duration of 3 years. This means that the Council is already complying with the revised legislation for the vast majority of our licences.
- 2.2. The Council currently offers the option of applying for a 1-year driver's licence, where the driver wishes to utilise this (for example, if they are planning to retire within the next year), and charges a loss-making fee for such licences. This is viewed as incompatible with the amended legislation, which states that licences should last for 3 years in all but exceptional circumstances. It is therefore proposed to withdraw this option, although Sub-Committees will retain the option of issuing a shorter licence, if a particular circumstance of a case warrants this (e.g. medical issues). It is believed that the 1-year licence option has only been used once in the last 2 years, so this should have a minimal impact.
- 2.3. Although not arising from the Deregulation Act, a further change to driver licensing procedures is also proposed – to begin accepting use of the Disclosure and Barring Service's (DBS) Update Service as an alternative to requiring a new disclosure certificate. The Update Service was launched around 18 months ago, and allows an individual who has received a criminal record disclosure certificate to pay an annual subscription fee, in return for ongoing monitoring of their criminal record status. With the subject's consent, licensing authorities or prospective employers can verify that the data held on the original certificate remains correct, several years after it was issued (providing that the subscription has been maintained continuously). If any changes (e.g. new convictions) are detected, then the system will state this, and the driver will be obliged to obtain a new certificate (at which point they can resubscribe). The system has been in use for around 18 months and feedback from licensing authorities who have used it is generally positive. The biggest benefit would be for drivers who are licensed by several different authorities, as it would save them from having to apply for multiple disclosure certificates (at a cost of £44 a time). There would be a smaller benefit to

drivers licensed by a single authority – over a 3-year licence duration, the Update subscription would cost £39, as opposed to £44 to obtain a new certificate.

2.4. Use of the Update service would remain discretionary – drivers would not be obliged to subscribe, and will still be asked to complete a new enhanced disclosure certificate on each application if they have not subscribed.

3. CHANGES TO OPERATOR LICENCES

3.1. At the present time, the Council issues private hire operator licences for a duration of 2 or 3 years, dependent upon the amount of vehicles that the operator (intends to) provide bookings for. Following the changes, this duration will need to increase to 5 years (although Sub-Committees will retain the option of issuing a shorter licence, if a particular circumstance of a case warrants this).

3.2. The changes to sub-contracting rules are summarised in the box below:

<ul style="list-style-type: none">• Operator licensed by ABC Council receives a booking.• He can either:<ul style="list-style-type: none">○ fulfill that booking using an ABC Vehicle and ABC Driver; or○ sub-contract that booking to an Operator licensed by ABC Council, to fulfil using an ABC Vehicle and ABC Driver.○ sub-contract that booking to an Operator licensed by XYZ Council, to fulfil using an XYZ Vehicle and XYZ Driver.
<p>However:</p> <ul style="list-style-type: none">• ABC Officers will be able to inspect ABC Operator's records, which will show that the booking was sub-contracted to another Operator, but not the vehicle/driver who undertook the fare.• ABC Officers will not have powers to inspect XYZ Operator's records (unless joint delegations are in place).• ABC Officers will not have specific powers to stop or inspect the XYZ Vehicle (unless joint delegations are in place).• There is no requirement for ABC Operator to tell the customer to expect an XYZ Vehicle, although this will be recommended as good practice.• The Act stipulates that ABC Operator and XYZ Operator can be the same person/company, holding licences from both councils.• The Act is silent on the issue of commissions or booking fees payable to the first operator.• The Act is also silent on what constitutes a sub-contract – there would appear to be nothing to stop an agreement that every booking received by ABC Operator will be fulfilled by XYZ Operator, so that ABC Operator would not employ any drivers or vehicles directly.

- 3.3. The longer duration licences mean that it is necessary to review the fees charged for those licences. Fees are set on a cost-recovery basis, and include components for both the administrative processes involved in issuing a licence, and the ongoing enforcement and compliance work undertaken to inspect records, resolve complaints and general supervise and control the vehicle fleet. Although a longer-duration licence will mean that the administrative work is undertaken less frequently, it will be necessary to reflect the additional enforcement and compliance work carried out over the longer licence duration.
- 3.4. Having examined costings, it is therefore recommended that the fee levels be set, for the period from 1st October 2015 to 31st March 2016 at
- i. £378.00, for operators with 1-3 private hire vehicles
 - ii. £636.00, for operators with 4+ private hire vehicles
- 3.5. Officers have reviewed the standard conditions applied to operators licences, and believe that no amendments are necessary to these as a result of the legislative changes.

4. RECOMMENDATIONS

- 4.1. That Committee approve the following changes to licensing procedures, with effect from the 1st October 2015:
- a) That the option of applying for a 1-year hackney carriage driver, private hire driver, or dual driver licence be withdrawn;
 - b) That use of the DBS Update service will be permitted for drivers, in place of the requirement to obtain a new DBS Enhanced Disclosure certificate (the original disclosure certificate must state the applicant's occupation as either a taxi driver, private hire driver or similar, and must be an enhanced disclosure – where an update cannot be obtained, a new enhanced disclosure must be supplied);
 - c) That the standard duration of private hire operator's licences granted shall increase to 5 years;
 - d) That the fee payable for a private hire operator's licence for applications be set for the period 1st October 2015 to 31st March 2016 at:
 - i. £378.00, for operators with 1-3 private hire vehicles
 - ii. £636.00, for operators with 4+ private hire vehicles

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