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**Steve Atkinson** MA(Oxon) MBA FIoD FRSA  
*Chief Executive*

Date: 18 August 2015

Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

To: **Members of the Licensing Committee**

Mrs H Smith (Chairman)	Mr MA Hall
Mrs J Kirby (Vice-Chairman)	Mrs L Hodgkins
Mr Bessant	Mr C Ladkin
Mr MB Cartwright	Mr K Nichols
Mrs MA Cook	Mr M Nickerson
Mr DS Cope	

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

There will be a meeting of the **LICENSING COMMITTEE** in the De Montfort Suite, Hinckley Hub on **WEDNESDAY, 26 AUGUST 2015** at **6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen  
Democratic Services Officer

**LICENSING COMMITTEE - 26 AUGUST 2015**

**A G E N D A**

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES (Pages 1 - 2)

To confirm the minutes of the meeting held on 15 December 2014.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting (to be taken at item 8 on the agenda).

4. DECLARATIONS OF INTEREST

To receive verbally from Members any disclosures which they are required to make in accordance with the Council's Code of Conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

5. QUESTIONS

To hear any questions in accordance with Council Procedure Rule 10.

6. LICENSING POLICY REFRESH (Pages 3 - 58)

Report of the Deputy Chief Executive (Community Direction).

7. GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES (Pages 59 - 94)

Report of the Deputy Chief Executive (Community Direction).

8. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

Urgent

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### LICENSING COMMITTEE

15 DECEMBER 2014 AT 6.30 PM

PRESENT: Mr K Nichols - Chairman

Mr PR Batty, Mr MB Cartwright, Mr R Mayne (for Mr MS Hulbert), Mr LJP O'Shea and Ms BM Witherford

Officers in attendance: Mark Brymer, Rebecca Owen.

#### 277 APOLOGIES AND SUBSTITUTIONS

Apologies were submitted on behalf of Councillors Hulbert, Moore, Richards, Smith and Sprason, with the substitution of Councillor Mayne for Councillor Hulbert authorised in accordance with Council Procedure Rule 4.

#### 278 MINUTES

It was moved by Councillor Cartwright, seconded by Councillor Witherford and

RESOLVED – the minutes of the meeting held on 4 September 2013 be confirmed and signed by the Chairman.

#### 279 DECLARATIONS OF INTEREST

No interests were declared at this stage.

#### 280 DRAFT STATEMENT OF LICENSING POLICY

The Licensing Officer presented the draft Statement of Licensing Policy as required by the Licensing Act 2003. During discussion, the following points were raised:

- Paragraph 1.3.1 of the policy referred to the provision of late night refreshment between 9pm and 5am. It was noted that this should have read 11pm and 5am.
- With regard to paragraph 2.1.3, a member asked how 'reasonable rights' could be defined. In response it was noted that it was left quite vague as it was usually defined as a result of high court cases and resulting changes to legislation.
- The definition of 'Irresponsible Drinks Promotions' was discussed (paragraph 3.3) and it was noted that a promotion could only be considered irresponsible if a problem occurred which could be linked to a particular promotion at a particular premises on a particular date and would be a Police matter.
- Due to a crossover of two pieces of legislation, some licensable activities may be carried out up to eleven times per year without having to obtain a licence.
- The Saturation Policy was currently under review in conjunction with the Police as the current policy (agreed in 2004) restricted numbers to 25 licensed premises in a defined area. There were now far less than 25 premises in that area, but there was evidence to show that a policy was still required. It was suggested that the reference in 8.4.6 be amended to reviewing the Saturation Policy every five years in line with the review of the Licensing Policy.
- Concern was expressed that, under the new policing arrangements, the Police would not have the resources to cover town centres at night and that they may need to introduce a late night levy in order to raise the funds to provide the

policing support. It was reiterated that areas in a Business Improvement District may not wish to introduce a levy as businesses would be paying twice.

- A change to the definition of 'other persons' (paragraph 9.2.3) meant that anyone could make representations on an application, not just people living nearby.
- New parts of the policy were explained, including Community Ancillary Notices (CAN), which were intended to help small businesses or community groups who may wish to sell alcohol occasionally.
- A member requested that in section 10.4, and references to boxing and wrestling also include 'fighting'.

It was moved by Councillor Cartwright, seconded by Councillor O'Shea and

RESOLVED – the Licensing Policy be approved for consultation.

(The Meeting closed at 7.21 pm)

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CHAIRMAN



## LICENSING COMMITTEE – 26 AUGUST 2015

### STATEMENT OF LICENSING POLICY

#### REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)

#### WARDS AFFECTED: [ALL WARDS]

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#### 1. PURPOSE OF REPORT

- 1.1 This report seeks approval for the Council's Statement of Licensing Policy 2015, which has been consulted upon.
- 1.2 The Council's current Policy Statement took effect from 7 January 2011 and this will be our fourth edition which must be published before the 7<sup>th</sup> January 2016.

#### 2. RECOMMENDATION

- 2.1 It is recommended that Members approve the Licensing Policy for adoption by the Council.

#### 3. BACKGROUND TO THE REPORT

- 3.1 In its role as the licensing authority under the Licensing Act 2003 the Council has a duty to prepare, and keep under review its Statement of Licensing Policy. This sets out how the authority approaches its responsibilities under the Act. There has been a range of legislative and other changes that have prompted a review of this policy, which must be publicly consulted upon before it can be adopted.

- 3.2. Section 5 of the Licensing Act 2003 (the Act) states that –

5 (1) each Licensing Authority must in respect of each 5 year period

(a) determine its policy with respect to the exercise of its licensing functions and;

(b) publish a statement of that policy before the beginning of that period.

- 3.3 Underpinning that obligation are the four Licensing Objectives which are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

- 3.4 Equal weight is given to all four licensing objectives and the policy must seek to secure the promotion of those licensing objectives throughout the licensing process.

- 3.5 The existing policy has been reviewed in regard to its application, suitability and effectiveness since the implementation of the Act in 2003. The current policy had

worked reasonably well in the past and had provided a basis for the consideration and determination of less contentious applications.

- 3.6 Since the current policy was approved there has been a range of amendments to the Licensing Act 2003 including Early Morning Alcohol Restriction Orders (EMROs) which allow Licensing Authorities to set an end time for the sale of alcohol between midnight and 6am at all or specific locations within the borough. The new Police Reform and Social Responsibility Act 2011 implemented some new initiatives such as the Late Night Levy (LNL). This allows Licensing Authorities to charge an additional levy to all alcohol licensed premises who wish to open after midnight with 70% of that income which is collected by the Licensing Authority going to the police authority to spend as they wish. As detailed at sections 13 and 14 of the policy there is currently no evidence to support the implementation of either of these schemes in the Borough. These amendments were reported to the Licensing Committee on 28 February 2012.
- 3.7 Also the Live Music Act 2012 and the Licensing Regulatory Reform Order 2013 has resulted in the deregulation of some elements of live music and other regulated entertainment up to 11pm. We await the details of further deregulation of Schedule 1 of the Licensing Act 2003 in 2015 in respect of regulated entertainment and introduction of setting fees locally rather than centrally.
- 3.8 The policy in its current format does not reflect the Licensing Authority's approach to the new initiatives or legislative changes for example the new Temporary Events processes or relaxation of the DPS requirement in community premises. It therefore provides limited direction to support decisions on contentious applications heard by a licensing sub-committee relevant to the aforementioned changes.
- 3.9 The policy should provide greater clarity to applicants and other parties to enhance the application process, to create efficiencies and manage and demonstrate expectations. It should ensure that applicants have a clear understanding of the impacts of their licensed business or proposed activities on others and what they must do to enhance the positive impacts and mitigate any detrimental impacts through their operating schedules and self-imposed licence conditions.
- 3.10 The Licensing Authority must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 when drafting its policy. The latest version has been referred to during the drafting of this policy.

## SUMMARY

- 3.11 Improved advice to the licensed businesses and the public to improve knowledge and understanding of the Act and the options available to businesses and residents in relation to applications for licences.
- 3.12 Recognising the introduction of the Live Music Act 2012 and how this can promote an increase in live music venues whilst at the same time maintaining a balance to protect residents.
- 3.13 Detailing the Authority's stance on the Late Night Levy (LNL), Early Morning Alcohol Restriction Orders (EMRO's) and Cumulative Impact whilst allowing flexibility in that approach should those matters need consideration for implementation in the future.

- 3.14 Clarity on the application process for all licence types including the Authority's approach to suspension of licences/certificates for non payment of annual fees.
- 3.15 Clarity on the Authority's stance in relation to applications to remove a Designated Premises Supervisor (DPS) from community premises licensed for alcohol sales to allow the sales to be authorised by a management committee. This is to ensure that alcohol sales are responsibly managed in community premises following a relaxation of the requirement to have a DPS.
- 3.16 Clarity and advice on the role, purpose and requirements for clear licence conditions to promote all of the licensing objectives. This will ensure licensees better understand the restrictions on their licences. It will aid residents affected by licensed premises activities to identify and report if breaches and to allow for effective enforcement by the Licensing Authority to ensure promotion of the licensing objectives.
- 3.17 Changes to the process for submitting temporary event Notices (TENS) and the inclusion of Environmental Health as a statutory consultee to improve the knowledge of persons submitting TENS and the authority's expectations of them to promote the Licensing objectives at their temporary event. Changes in the law in relation to Community Ancillary Notices (CAN).
- 3.18 Clarity on the rules around the provision of adult entertainment including exempt sexual entertainment and the relationship between the Licensing Act 2003 and the Local Government (Miscellaneous Provisions) Act 1982. This is to ensure that exempt entertainment (under the LG (MP) Act 1982) is properly regulated under the LA2003 where licences permit it. Also updated text under the Protection of Children from harm and information to raise awareness of child sexual exploitation.
- 3.19 The Cumulative Impact Policy has been reviewed to now not include the area of the new Crescent development.

#### 4. FINANCIAL IMPLICATIONS [AG]

- 4.1 None arising directly from this report.

#### 5. LEGAL IMPLICATIONS [MR]

- 5.1 Set out in the report.

#### 6. CORPORATE PLAN IMPLICATIONS [RP]

- 6.1 Will help improve public safety, protect children from harm and prevent public nuisance and crime and disorder within the Borough and thereby contribute towards the Council aims of creating a safe vibrant place to work and live.

#### 7. CONSULTATION [MB]

7.1 The Act sets out a list of statutory consultees and also makes provision for other persons/bodies to be consulted as necessary and as requested.

The statutory consultees are:-

- The chief officer of police for the Licensing Authority's area,
- The fire and rescue authority,
- The local authority's Director of Public Health.
- Persons/bodies representative of premises licence holders.
- Persons/bodies representative of club premises certificate holders.
- Persons/bodies representative of personal licence holders.
- Persons/bodies representative of businesses and residents in its area.

7.2 All statutory consultees have been consulted along with all Parish Councils and Ward Members. The draft Policy was also published on the Council website. Four responses were received.

## 8. RISK IMPLICATIONS

8.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

8.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

8.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Reputation, Legal, Regulatory	Procedures have been put in place to ensure that the Statement of Licensing Policy is reviewed and subsequently published.	Mark Brymer

## 9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS [RP]

9.1 The Licensing Act 2003 will have equal impact on all areas of the Borough.

9.2 An Equality Impact Assessment has been undertaken and can be viewed on the Councils website.



## 10. CORPORATE IMPLICATIONS

10.1 Community Safety Implications [SS] A robust policy will support and have a positive impact on supporting the reduction of alcohol related crime, disorder and anti-social behaviour in the Borough.

10.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

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Background papers:            Home Office Guidance to Local Authorities  
   The Licensing Act 2003

Contact Officer:        Mark Brymer, ext 5645

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DRAFT



**Hinckley & Bosworth  
Borough Council**

*A Borough to be proud of*

***Statement of  
Licensing Policy***

**(As required by section 5 of the  
Licensing Act 2003)**

## **CONTENTS PAGE**

### **PART I**

1.0 OVERVIEW / INTRODUCTION

### **PART II – LICENSING OBJECTIVES & KEY THEMES**

2.0 PREVENTION OF PUBLIC NUISANCE

3.0 PREVENTION OF CRIME & DISORDER

4.0 PUBLIC SAFETY

5.0 PROTECTION OF CHILDREN FROM HARM

6.0 ADULT ENTERTAINMENT

7.0 LICENSING HOURS

8.0 CUMULATIVE IMPACT

9.0 DETERMINING APPLICATIONS

### **PART III - REGULATED ENTERTAINMENT & EXEMPTIONS**

10.0 LIVE MUSIC, PRIVATE EVENTS, BOXING, CIRCUSES

### **PART IV – INTEGRATING STRATEGIES**

11.0 OTHER MEASURES

12.0 ENFORCEMENT

13.0 EARLY MORNING RESTRICTION ORDERS

14.0 LATE NIGHT LEVY

### **APPENDIX A**

MAP OF CUMULATIVE IMPACT AREA IN TOWN CENTRE

### **APPENDIX B**

CONTACT LIST OF TRADE BODIES

### **APPENDIX C**

OTHER POLICIES, LEGISLATION AND GUIDANCE DOCUMENTS

## 1.0 OVERVIEW

### 1.1 Introduction

1.1.1 The Borough of Hinckley & Bosworth is situated in the south of Leicestershire and covers an area of 29,735 hectares. The Borough has a population of 105,078 the vast majority live within the south-east of the Borough, living in the larger towns and villages of Hinckley, Burbage, Earl Shilton, and Barwell.

1.1.2 Hinckley & Bosworth Borough Council ("the Council") is the Licensing Authority, as defined by section 3(1) of the Licensing Act 2003 (for the Borough).

1.1.3 The aim of this policy is to promote the Licensing Objectives as set out in the Licensing Act 2003 (the Act). These are:

- The Prevention of crime and disorder
- Public safety
- The Prevention of public nuisance
- The Protection of children from harm

### 1.2 Overview of licensing

1.2.1 The Act makes provision for the licensing of individuals for the sale of alcohol (**personal licences**) and the licensable activities of the sale of alcohol, regulated entertainment and late night refreshment (**premises licences**). The supply of alcohol or the provision of regulated entertainment in certain clubs (**club premises certificates**) and the permitting of licensable activities on an occasional basis (**temporary event notices**).

1.2.2 The Council has responsibility under the Act for licensing any premises for licensable activities. Under this legislation there will be more local consultation and elected representatives (Councillors) will decide all applications where relevant representations are made, with rights of appeal for applicants and any party who feels aggrieved by the Licensing Authority's decision to the Magistrates Court.

### 1.3 Licensable activities

1.3.1 Any premises where the following activities are carried out will require a premises licence:

- the retail sale of alcohol
- the supply of alcohol by or on behalf of a club, or to the order of a member of the club
- The provision of late night refreshment (hot food or drink between 11 p.m. and 5 a.m.)
- the provision of "regulated entertainment"

1.3.2 "Regulated entertainment" requires a licence when it takes place in the presence of an audience and is provided for the purpose of entertaining that audience, subject to the conditions, definitions and the exemptions referred to in Schedule 1, the types of entertainment regulated by the 2003 Act (as amended by the Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013) are:

- a performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment;
- a contest, exhibition or display which combines boxing or wrestling with one or more martial arts ("combined fighting sports");
- a performance of live music;
- any playing of recorded music;
- a performance of dance;
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

## **1.4 Policy**

1.4.1 The Act requires the Licensing Authority to publish a licensing policy statement after consultation with responsible authorities and other persons and to review the policy every five years.

1.4.2 The purpose of this document, is to set out the policies the Licensing Authority will normally apply to meet the licensing objectives when making decisions on any licence application under the Act.

1.4.3 In general, unless otherwise stated, a reference in this policy to a licence will also include a club premises certificate and/or a temporary event notice. Unless the context clearly requires to the contrary, the term "licensee" means the holder of a premises licence, club premises certificate, provisional statement or interim authority. The term "applicant" should be similarly construed.

1.4.4 Any reference in this policy to guidance or regulations includes those where the Secretary of State has used his powers contained in the Act to make regulations (Sec. 5) and issue guidance (Sec. 182).

1.4.5 This policy must be read in conjunction with the Act, the various statutory instruments issued under the Act and the national guidance issued under section 182. These other documents are not reproduced in full here and any summary of the law in this policy statement should not be taken as definitive.

1.4.6 While this policy will be used as a general local guide, any policy must allow for exceptions. All licensing decisions will be made on the merits of the individual case, having regard to this policy, statutory guidance, and the Act.

## 1.5 Purpose of the policy

1.5.1 This policy deals with how the Licensing Authority will promote each of the four fundamental licensing objectives and how it will deal with the other key themes such as flexible licensing hours and the cumulative impact of a concentration of licensed premises in an area.

1.5.2 This Statement of Licensing Policy is designed to provide guidance for everyone who is involved in or affected by the licensing of alcohol, regulated entertainment and late night refreshment in the Licensing Authority's area. This includes:

- **applicants for all types of licence** (Premises/Personal/CPC/CAN/TEN) - to help applicants to understand the process, the considerations to be taken into account and what the Licensing Authority is trying to achieve.
- **applicants for premises licences** - to help applicants to draft an appropriate operating schedule with conditions and measures which the Licensing Authority is likely to find acceptable.
- **organisations or individuals planning events** - to indicate whether a licence is likely to be needed and how to go about obtaining one.
- **statutory agencies** (police, fire, relevant council departments etc.) - to indicate how the Licensing Authority and the other statutory agencies will co-operate to achieve their respective objectives in areas of common concern, particularly in the areas of prevention, monitoring and enforcement; to indicate which of the agencies will "lead" on each of the four fundamental licensing objectives.
- **residents and businesses in the neighbourhood** of premises which have an existing licence or require a licence, and their **representatives** (e.g. ward councillors) - to inform local people of their rights to be consulted, to make representations, to apply for reviews of existing licences; to indicate those types of representations which are likely to be relevant and those which are not; to explain how the Licensing Authority and the other relevant statutory agencies will work together on licensing issues for the benefit of the local community, and to outline the limits of the licensing regime.
- **licensing decision-makers** - to provide guidance to all the relevant Council officers dealing with applications and to the Licensing Committee and Licensing Sub Committees deciding contentious applications.

1.5.3 It should be noted that applications without operating schedules, or incomplete applications, will be returned to the applicant and the period for determination will not commence until a valid application has been submitted. A pragmatic approach will be taken wherever possible in respect of applications containing only minor errors.

- 1.5.4 The Licensing Authority encourages all applicants to contact the appropriate responsible authorities prior to submission of an application. This will ensure that the operating schedule is adequate to promote the four licensing objectives, which could prevent later negotiations, representations and hearings.

## **1.6 Consultation about this policy**

- 1.6.1 The Licensing Authority is required by law to consult with the following organisations under section 5 (3) of the Act before adopting a Statement of Licensing Policy (and on any review of the policy):

- the Chief Officer of Police for the licensing authority's area,
- the Fire Authority for this area,
- the local authority's Director of Public Health in England (DPH)
- bodies representing local holders of premises licences,
- bodies representing local holders of club premises certificates,
- bodies representing local holders of personal licences,
- bodies representing businesses and residents in the area that the Licensing Authority considers appropriate

## **1.7**

### **Revision & Review**

- 1.7.1 The Statement of Licensing Policy is valid for a five year period from 1<sup>st</sup> October 2015. During that period, the Licensing Authority will keep the policy under review and may make such changes, as it thinks appropriate. Before making any changes, the Licensing Authority will carry out consultation.



## **PART 2 – LICENSING OBJECTIVES & KEY THEMES**

Preventing crime, disorder, public nuisance, ensuring public safety and protecting children (those aged under 18) from harm are ongoing responsibilities for all licence holders. Premises operators should address the risks relating to the activities their premises provides. Failure to do so may result in the licence being reviewed and subsequently suspended or revoked.

### **2.0 PREVENTION OF PUBLIC NUISANCE**

- 2.1.1 A recent case has established that there is no distinction between the meaning of public nuisance under the Licensing Act 2003 and its meaning in common law.
- 2.1.2 The Licensing Authority intends to interpret “loss of personal amenity” in its widest sense, including such issues as noise, light, odour, litter and anti-social behaviour. Where these matters impact on the community at large living, working or otherwise engaged in normal activity in the area. Where an application is opposed or a review has been applied for the Licensing Authority may seek to attach conditions to licences and certificates where necessary in order to prevent it. Any such conditions imposed will be appropriate and proportionate and tailored to the style and characteristics of the premises and the type of activities expected to take place there.
- 2.1.3 The Licensing Authority will seek to protect the reasonable rights of residents and businesses in the vicinity of licensed premises from disturbance arising from licensable activities. In determining such applications, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Licensing Authority recognises that licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and therefore beyond the direct control of the individual, club or business holding the licence.
- 2.1.4 The Licensing Authority considers that a noise assessment should be carried out by applicants for premises licences and club premises certificates to determine the potential effect on neighbouring premises. Advice and assistance in undertaking this task should be sought from The Council’s Environmental Health Officers. Steps which may be appropriate to prevent public nuisance include:
- Limitation on hours of operation where necessary to prevent nuisance and disturbance
  - Measures to reduce noise and vibration emissions from premises
  - Measures to prevent noxious smells
  - Measures to reduce light pollution
  - Steps to prevent noise, disturbance and anti-social behaviour from people arriving at and leaving the premises
  - Stricter controls will be supported in areas in closer proximity to residential accommodation.

- 2.1.5 The Licensing Authority will need to be satisfied that the type of Regulated Entertainment provided will be suitable for the location in which the premises is situated.
- 2.1.6 Any change to the categories of entertainment to be provided at a premise will require a formal variation of the licence.
- 2.1.7 In considering an application, the Licensing Authority may take into account previous noise and nuisance complaints, but will consider all applications on their own merits.
- 2.1.8 Where applicable, following a representation and hearing in order to control access to and egress from the premises, the Licensing Authority may attach a condition to the licence requiring the use of Door Supervisors, licensed by the Security Industry Authority or other national governing body.

#### Outdoor Music Events

- 2.1.9 The Licensing Authority and the relevant responsible authorities would normally expect licence holders to consider the following matters when compiling their operating schedules where events include outdoor music events in relation to the public nuisance objective:
  - 1. Identify potential noise sources likely to arise from the event (e.g. Amplified music, noise from patrons etc).
  - 2. Prepare a site layout plan detailing the location of speakers taking note of speaker orientation and any “reflective” walls etc. Speakers should point away from residential areas.
  - 3. Monitoring points should be defined and should give an idea of how noise will breakout to the nearest noise sensitive premises.
  - 4. Identify noise control measures and procedures in place to minimise disturbance.
  - 5. Prepare a plan if more than one band is to play to ensure finishing times are strictly adhered to.
  - 6. Designate a responsible person to respond positively to complaints and to monitor noise levels throughout the event. This should include a system to log details of any complaints received in relation to the event and any action taken.
  - 7. Consider how low frequency and bass beat noise will be dealt with.
  - 8. Detail remedial actions that will be taken if noise levels are found to be causing complaints.
  - 9. The timing of the event, considering the day of the week and finish time;
  - 10. The size of the event and expected number of attendees.
  - 11. The proximity of the event to local residents.

### **3.0 PREVENTION OF CRIME & DISORDER**

- 3.1.1 The Licensing Authority is committed to reducing crime and disorder across the Borough through its statutory duty under section 17 of the Crime and Disorder Act 1998.
- 3.1.2 The Licensing Authority and Leicestershire Police through partnership working will monitor and review crime statistics within the Borough and their association with alcohol.
- 3.1.3 The Licensing Authority will work in partnership with local Pubwatch Schemes in supporting licence holders to prevent crime and disorder issues and to form strategies to reduce current levels by attending the local pubwatch meetings when invited. The strategies seek to address matters such as under-age sales, problems associated with drunken individuals, prevention of use of drugs and violent and anti-social behaviour.

### **3.2 CCTV**

- 3.2.1 The presence of CCTV cameras can be an important means of deterring and detecting crime at, and immediately outside, licensed premises. If a premises decides to install a CCTV system it is recommended that the CCTV system is maintained in accordance with the Information Commissioner's CCTV Code of Practice and will operate at all times.
- 3.2.2 Where a system is installed it is recommended that the premises licence holder and designated premises supervisor will ensure that staff will be fully trained in the operation of the CCTV system with images from the system being retained for a minimum of 31 days and made available to Police and other responsible authorities upon request.

### **3.3 Irresponsible Drinks Promotions**

- 3.3.1 The Licensing Authority will support an approach to the marketing of alcohol and the management of licensed premises that promotes responsibility in the consumption of alcohol.
- 3.3.2 An irresponsible promotion is one that fits one of the descriptions below (or is substantially similar), is carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises and carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children. The aim of the condition is to prohibit or restrict promotions which encourage people to drink more than they might ordinarily do and in a manner which does not promote the licensing objectives.
- Drinking Games
  - Large quantities of alcohol for free or for a fixed price
  - Prizes and rewards
  - Discounted Prices in relation to a Sporting Event shown on a premises

- Posters and Flyers which condone, encourage or glamorise anti-social behaviour or refer to the effects of drunkenness a favourable manner.
- Dispensing Alcohol directly into the mouth.

### **3.4 Dance Venues**

3.4.1 The “culture” of dance venues requires that special consideration be given to the steps required to prevent crime and disorder and promote public safety.

3.4.2 The Licensing Authority would support the following steps to promote the licensing objectives in pubs and clubs opening beyond midnight that provide dance facilities in accordance with the Home Office Safer Clubbing Guide. Other pubs and clubs, depending on circumstances, may also benefit from these steps:

- Searching of customers before entry in accordance with the Leicestershire Police Code of Practice on Searching and Licensed Premises. This will be aimed at preventing drugs and offensive weapons being brought into premises.

### **3.5 Other Steps to Promote the Prevention of Crime and Disorder**

3.5.1 There is a wide range of other steps which may be appropriate in particular circumstances including:

- Prohibiting the sale of alcohol in bottles for consumption on the premises, to prevent their use as weapons.
- Requiring drinking vessels to be plastic or toughened glass.
- Requiring the provision of text pagers, mobile phones, walkie-talkie radio or face book and twitter links to connect premises supervisors in town centres to the police.
- Appropriate measures to prevent overcrowding in parts of the premises.
- The provision of staff to control admission and to control customers inside the premises.
- An age determination policy such as Challenge 21 or Challenge 25 to prevent underage sales.

## **4.0 PUBLIC SAFETY**

- 4.1.1 Members of the public have the right to expect when visiting licensed premises that due consideration has been taken of needs with respect to public safety. Licensees, as providers of premises for the sale of alcohol or regulated entertainment, must be able to demonstrate that they have considered and put into effect measures to protect members of the public and the commercial interests of neighbouring premises.
- 4.1.2 The Licensing Authority is committed to ensuring public safety across the Borough, by working in close partnership with the local authority, Leicestershire Police, Fire and Rescue, Licensees, CCTV control centre and local pub-watch schemes. The Licensing Authority recommends membership of the pub-watch and/or retail radio schemes by licence holders.
- 4.1.3 Where applicable, e.g. large-capacity premises remaining open after midnight, the Licensing Authority will consider the attachment of a condition to the licence requiring the use of Door Supervisors, licensed by the Security Industry Authority to control the access and egress from the premises during events to ensure public safety, following a relevant written representation and a licensing hearing.
- 4.1.4 Premises licensed for regulated entertainment, including cinemas and theatres, are subject to a range of legislative requirements and regulatory regimes such as the Health and Safety at Work etc Act 1974 and fire safety legislation, aimed at protecting public safety. The Licensing Authority does not intend to duplicate requirements of existing statutory provisions. However, premises will be expected to ensure a level of compliance that promotes public safety.
- 4.1.5 Premises providing regulated entertainment have particular safety issues associated with their ability to attract significant numbers of people to a venue. The Licensing Authority will support measures designed to promote public safety in this context. This will include:
- Setting of a capacity limits for all, or separate parts, of the premises.
  - The provision of staff to control admission and to control customers inside premises and at outdoor events.
- 4.1.6 The Licensing Authority will consider attaching conditions to licences and certificates to promote public safety. Any such conditions will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.

## **5.0 PROTECTION OF CHILDREN FROM HARM**

### **5.1 General**

- 5.1.1 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). "Children" for these purposes means individuals aged under 18.
- 5.1.2 Leicestershire Police are the lead authority for child protection issues acting as "gatekeeper" for Leicestershire's Local Safeguarding Children's Board. Consultees should not rely on other responsible authorities to put forward representations, if they have concerns. Unless a relevant representation is made, the Licensing Authority must grant the licence subject to conditions consistent with the operating schedule.
- 5.1.3 Licences will be sought for a wide variety of premises including theatres, cinemas, restaurants, concert halls, cafes, late night take-away, pubs, bars and nightclubs. It is not possible for a licensing policy to anticipate every situation where children are at risk. The licensing authority will not therefore impose general conditions that apply to all premises, but will consider how the licensing objectives can be best promoted in each particular case.
- 5.1.4 Areas that may give rise to particular concern in respect of children include premises:
- (a) where there have been convictions of members of the current staff for serving alcohol to minors, with a reputation for underage drinking or where the Portman Group Code of Practice on Naming, Packaging and Promotion of Alcoholic Drinks is not being followed;
  - (b) with a known association with drug taking or dealing;
  - (c) where there is a strong element of gambling on the premises;
  - (d) where entertainment of an adult or sexual nature is commonly provided (e.g. topless bar staff, striptease, lap/table/pole dancing, strong and offensive language).
- 5.1.5 It is acknowledged that complete exclusion of children will be rare but the options to be considered by the Council for limiting access of children, where regarded as necessary for the prevention of harm to children, may include any of the following:
- (a) limitations on the hours when children may be present;
  - (b) limitations or exclusions when certain activities are taking place;
  - (c) restrictions or exclusions in respect of parts of premises;
  - (d) requirements for an accompanying adult;
  - (e) full exclusion of people under 18 from the premises when any licensable activities of an adult nature are taking place.
- 5.1.6 The Council cannot impose conditions requiring the admission of children to any premises. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club.

## **5.2 Licensing for Alcohol on the Premises and Unaccompanied Children on the Premises**

- 5.2.1 It is an offence under section 145 of the Act to permit an unaccompanied child aged under 16 to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises. It is also an offence to permit the presence between midnight and 5 a.m. of children under 16 who are not accompanied by an adult at any premises open for the supply of alcohol for consumption there.

## **5.3 Children and Cinemas**

- 5.3.1 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated).
- 5.3.2 Licence holders will be expected to prevent children from viewing films that are unsuitable because of the age classification of the film.

## **5.4 Children and Regulated Entertainment**

- 5.4.1 The Licensing Authority will expect that where a significant number of unaccompanied children will be present during a public entertainment event, the licence holder should have a Child Protection Policy in place to carry out suitable checks on volunteers and staff before they take up employment. In addition, they will ensure that an adequate number of adult staff is present to control the access, egress and safety in and around the premises.
- 5.4.2 The number of staff required should be assessed by the licence holder, taking into account the number of children to be present, the type of entertainment, the characteristics of the premises and any other relevant factor. Any premises which have Internet access facilities must have adequate control settings put in place so that web sites which are not suitable for use by children are permanently blocked.

## **5.5 Proof of Age Cards**

- 5.5.1 The Licensing Authority supports the adoption of proof of age cards as a means of preventing underage drinking. Challenge 21 requires that any customer that looks under 21 is asked for proof of age to prove that they are 18 or over and old enough to buy alcohol. Staff should only accept accredited proof of age cards – Validate UK, ONEID4U, Citizen Card, Age Entitlement Card and Young Scot. Other than these, only a UK Passport, Military Identification Card or UK Photo driver licence (Full or Provisional) should be accepted. Student union cards should NOT be accepted.

The above ID cards must show a date of birth, a photograph and a hologram.

## **5.6 The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks**

5.6.1 The Licensing Authority supports the Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.

5.6.2 The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until there has been compliance with the decision.

## **5.7 Child Sexual Exploitation**

5.7.1 The licensing authority is committed to protecting children from harm and views this as an important licensing objective. Intelligence sharing and the exchange of information developed by the Police and Local Safeguarding Children Board (Leicestershire & Rutland) ensure that the protection of children from harm remains key.

5.7.2 Alcohol is also often a factor in child sexual exploitation, where young people may be encouraged or coerced to drink, or alcohol may be a factor in risk taking behaviour by young people who drink irresponsibly and then get involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises, or licensed premises being used for the purposes of grooming and enticement.

5.7.3 The Local Safeguarding Children Board (LSCB) works with the Police, the Licensing Authority and the licensed trade to promote risk management in relation to child sexual exploitation. The LSCB can provide advice to assist licensees to identify risk and report concerns at different types of licensed premises so that children remain safe and businesses operate responsibly.

5.7.4 The Licensing Authority encourages licence holders and operators of licensed premises:

- To ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime and
- To raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas.



## **Advice for Licensed Premises**

5.7.5 Child sexual exploitation is broadly defined as Vulnerable Young people under 18 who are manipulated into a sexual relationship or situation by an adult. It is known for children as young as 11 to be subjected to this process known as 'Grooming'.

- It involves young people being offered something in return for performing sexual acts.
- Alcohol, Cigarettes, Mobile Phones, Gifts, Money, Drugs, Love.

### **5.7.6 Potential Issues**

Under the Protection of children from harm, and Health & Safety issues think about your booking policy (young unaccompanied guests)

- Negative media attention – reputation.
- We all have a moral responsibility to protect children.
- There may be legal implications for Hotels if activity of CSE is taking place on their premises and they are failing to act or do not have safeguards in place.

### **5.7.7 How to Protect Your Business**

- Age verification checks
- Refusal records
- Incident logs
- Police reporting protocols
- Patrol records/CCTV checks
- Staff training records

### **5.7.8 Training Your Staff**

- Checklist of what staff need to know
- Up-to-date records for individual employees
- Regular refresher sessions
- Incentivised schemes for employee training
- Training should include: Age verification; CSE awareness;
- Premises monitoring.

The main thing to remember is **Say Something if you See Something.**

## **6.0 Adult Entertainment**

- 6.1.1 The potential for the provision of adult entertainment to impact on the licensing objectives is recognised in the prescribed application form and all applicants are required by the prescribed form to indicate in their operating schedules whether they intend to provide any such entertainment which may give rise to concerns in respect of children.
- 6.1.2 The Policing and Crime Act 2009 provides an additional licensing requirement for operators who provide “sexual entertainment venues” to licence them as sex establishments under the Local Government (Miscellaneous Provisions) Act 1982. These are essentially premises which provide live entertainment or performances to a live audience which either involves nudity (such as lap or pole dancing establishments,) or which are for the purpose of sexually stimulating any member of the audience. Hinckley & Bosworth Borough Council adopted these provisions on 4<sup>th</sup> April 2011 to give the Council more control including the power to refuse an application.
- 6.1.3 Where a business wishes to operate as a sexual entertainment venue it will still need to be licensed under the Licensing Act 2003 for the sale of alcohol and the provision of regulated entertainment. The provision of sexual entertainment will however be regulated under the terms of any sex establishment licence which may be granted under the 1982 Act. The Licensing Act 2003 licence will then continue to regulate any other licensable activities.
- 6.1.4 There is one exemption from SEV licensing where a premises can provide sexual entertainment on no more than 11 times a year. The exemption states:
- a) no relevant entertainment can be provided on more than 11 occasions within a 12 month period;
  - b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
  - c) no such occasion has lasted longer than 24 hours.
- 6.1.5 The provision of adult entertainment on premises will mean that access to the premises by anyone under the age of 18 will not be permitted during periods when such entertainment is taking place. Where such entertainment is to be provided under the terms of a Premises Licence or Club Premises Certificate the Authority expects applicants in to include arrangements for protecting performers and restricting anyone under 18 from viewing any adult entertainment in their licence operating schedule.
- 6.1.6 The Authority expects licensees to ensure that any age restrictions for shows or entertainment of an adult or sexual nature are properly complied with. In addition it may be appropriate to impose age restrictions for persons working in the premises, and applicants are advised to also consider the wider crime and disorder issues which can be associated with such forms of entertainment such as issues relating to drugs and prostitution.

## **7.0 LICENSING HOURS**

### **7.1 General**

- 7.1.1 The government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The Act gives the Council the power to make decisions regarding licensed opening hours based on local knowledge and in consultation with other responsible authorities.
- 7.1.2 In some circumstances, staggered licensing hours with regards to the sale of alcohol are important to ensure that the concentration of customers leaving premises simultaneously is reduced. The intention behind this is to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which currently lead to disorder and disturbance.
- 7.1.3 The council supports the development of a wide ranging and culturally diverse night-time economy where this can be achieved whilst promoting the four licensing objectives and without compromising the ability to resource local services associated with the night-time economy such as street cleansing.
- 7.1.4 Under the Act there are no permitted hours for the sale of alcohol. Applicants are able to suggest in their operating schedule the hours they wish to open and to apply to vary their existing licences if they wish to open beyond their current permitted hours. However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives will be the paramount consideration at all times.
- 7.1.5 If relevant representations are made the council will only grant the hours of use proposed where the operating schedule and any risk assessment adequately demonstrates that the applicant has properly considered what is appropriate for the local area when considering:-
- what hours and activities to apply for.
  - the potential effect on the licensing objectives is not significant.
  - the agreed operating schedule demonstrates that the applicant is taking appropriate steps to minimise any adverse impact on local residents and businesses.
- 7.1.6 Restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so. The council will take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not impact on the licensing objectives, given the potential for neighbouring premises to seek the same additional hours to prevent rivals gaining a commercial advantage.

7.1.7 As a general rule shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

## **8.0 CUMULATIVE IMPACT**

### **What is cumulative impact?**

The words “Cumulative impact” are not mentioned specifically in the Act but means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

Cumulative impact policies may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises, and the provision of late night refreshment. This includes late night fast food outlets which are not licensed to sell alcohol.

### **8.1 Adopting a special saturation policy**

8.1.1 In certain situations the number, type and density of premises selling alcohol or providing late night refreshment is high, serious problems of nuisance and disorder may arise outside the premises or some distance from those premises. Where the impact on surrounding areas of customers taken together may be greater than the usual impact of customers from individual areas the licensing authority may consider that an area has become ‘saturated’. In these circumstances, where representations are made by a responsible authority such as the police or other person, such as local residents, the licensing authority may consider whether the grant of any further premises licences or club premises certificates containing the licensable activities mentioned above would undermine one or more of the licensing objectives. If this is the case it may adopt a special saturation policy, which would allow it to refuse new licences because the area in question is already saturated with licensed premises.

8.1.2 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also increase the incidence of other criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport services, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.

### **8.2 Representations**

8.2.1 The Licensing Authority has received a representation from the Leicestershire Police that the circumstances described above exist in relation to parts of Hinckley town centre, and that the grant of further alcohol licensed and late night refreshment premises licences would undermine the crime prevention objective.

In response to this representation the Licensing Authority has:

- Considered evidence about the extent of the problem of crime and disorder;
- Considered evidence about the likely association of the problem with the number and density of licensed premises in the town centre;

- Consulted on the proposal for a special policy in relation to new licences and variations to existing ones within the town centre;
- Considered the outcome of that consultation; and
- Resolved to declare the special policy described in section 8.4.1

### **8.3 Other mechanisms available**

8.3.1 The authority recognises that once away from licensed premises, there is always a risk that some people will behave badly and unlawfully. In these circumstances, there are other mechanisms available for addressing such issues, including:

- Planning controls.
- Creation of a safe, clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority.
- The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly.
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
- The confiscation of alcohol from adults and children in designated public places.
- Police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance under the Licensing Act 2003 and the Anti-Social Behaviour, Crime and Policing Act 2014.
- The power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.
- Early Morning Restriction Orders.
- Other local initiatives that similarly address these problems.

### **8.4 Saturation Policy**

8.4.1 The proposed area is shown on the following page and is described as the area being bounded by and includes the following roads or streets and all streets within in it.

Trinity Lane to its junction with Mansion St, Mansion St. King St, Stockwell Head to its junction with The Borough. The Borough, Market Place, Station Rd to its junction with Lancaster Rd. Lancaster Rd, Rugby Rd to its junction with Trinity Lane.

- 8.4.2 The area of the Saturation Policy is marked on the map attached (**Appendix A**).
- 8.4.3 The Licensing Authority recognises, however, that this policy cannot be absolute and it will continue to consider each application on its own merits. In the event of a relevant representation the application will be determined by the Licensing Sub-Committee.
- 8.4.4 The effect of this special policy will be to create a rebuttable presumption that application for a new premises licence or club premises certificate or variations will normally be refused. It will be for the applicant to demonstrate in their application that the premises will not add to the existing cumulative impact. Applicants will need to address this matter in their application.
- 8.4.5 The authority acknowledges that the impact will be different for premises with different styles and characteristics e.g. a family friendly restaurant and recommends applicants discuss their proposals prior to submitting an application.
- 8.4.6 If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.
- 8.4.7 The authority will review the special policy at least every 5 years and if it considers that it needs to be amended will undertake appropriate consultation before any amendment is made.
- 8.4.8 The special policy will not be used to:
- remove a licence when representations are received about problems with an existing licensed premises; or to
  - justify the rejection of modifications to a licence except where those modifications are directly relevant to the special policy; or to
  - adopt quotas or set terminal hours in a particular area that pre-determine the individual merits of any application.

## **9.0 DETERMINING APPLICATIONS**

The following matters will be determined by either the Licensing Committee or one of its sub-committees:

- Application for a personal licence where there are relevant unspent convictions;
- The review of a premises licence or club premises certificate;
- Decision to object when the local authority is the consultee and not the relevant authority considering the application;
- Determination of an objection to a temporary event notice.

The following matters will be determined by the Licensing sub-committee where a relevant representation has been made:

- Application for a personal licence
- Application for a premises licence or club premises certificate (CPC)
- Application for a provisional statement
- Application for variation to a premises licence or CPC
- Application for a minor variation to a premises licence or CPC
- Application to vary a designated premises supervisor
- Application for an interim authority notice
- Determination of a temporary event notice (TEN)
- Disapplication Of Certain Mandatory Conditions for Community Premises
- Application for transfer of a premises licence
- Application for a Community Ancillary Notice (CAN)

### **9.1 Personal Licences**

- 9.1.1 The Licensing Authority recognises the important role that personal licence holders have to play in the promotion of the licensing objectives at premises selling alcohol. For this reason new personal licence holders are required to hold a relevant qualification and not have any unspent relevant convictions that would indicate their unsuitability.
- 9.1.2 There is no discretion to refuse an application for a personal licence made in accordance with the Act, except where the applicant has been convicted of a relevant or foreign offence, as defined by law. The list of relevant offences is maintained by the Secretary of State, and a foreign offence will be taken into account if it is similar in nature to one of the specified "relevant offences". Convictions which are "spent" under the Rehabilitation of Offenders Act 1974 cannot be taken into account.
- 9.1.3 Every sale of alcohol at a licensed premise is required to be authorised by a personal licence holder. Because of the importance of their role, the Licensing Authority considers it to be good practice for personal licence holders to have significant operational involvement in the sale of alcohol rather than to undertake a remote, periodic authorisation of other staff. In practical terms this would mean authorisation on at least a monthly basis, and to be available on the premises whenever possible to deal with circumstances requiring their expertise and authority.



- 9.1.4 Where no relevant representations have been received and the application for a personal licence has been properly made, the licence must be granted. The Licensing Authority will therefore expect Leicestershire Police, to make representation upon being notified that the applicant has an unspent conviction.
- 9.1.5 In accordance with the Secretary of State's advice the Licensing Authority will normally refuse applications where the police have issued an objection notice unless there are, in the opinion of the Licensing Authority, exceptional and compelling reasons which justify granting the application.

## **9.2 Representations the Power to have your Say**

- 9.2.1 Having your say in licensing terms is called 'making a representation' but not everyone has the right to have their say in respect of all applications/notifications. There is a prescribed period from the time the Licensing Authority receive the application for representations to be received. This is usually 28 consecutive days but varies depending on the type of application under consideration. Representations can include positive / supportive representations as well as "objections".
- 9.2.2 "Responsible Authorities" (certain statutory bodies defined by the Act,) and other persons , can have their say whenever the Licensing Authority receive an application for a new licensed premises, for a full variation to an existing authorisation or an application for a review. In addition certain Responsible Authorities (but not other persons) can also make representations on other types of applications and notifications such as applications for personal licences, notifications for temporary events or community ancillary notices. If no representations are received then the application must be granted as applied for (including where appropriate any conditions volunteered by the applicant,) and events become authorised.
- 9.2.3 'Other Persons' - As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious.
- 9.2.4 Whilst any of these persons may act in their own right, they may also request that a representative makes the representation to the licensing authority on their behalf. A representative may include a legal representative, a friend, a Member of Parliament, or a local ward or parish councillor who can all act in such a capacity.

9.2.5 'Relevant representations' are representations:

- a) About the likely effect of the licence or certificate on the promotion of the licensing objectives;
- b) Made by an 'other person' or a responsible Authority, have not been withdrawn and, in the case of representations made by another person are not in the Licensing Authority's opinion frivolous or vexatious

### **Frivolous, Vexatious and Repetitious Requests**

9.2.6 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

9.2.7 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

9.2.8 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.

9.2.9 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure.

9.2.10 The Licensing Authority does however emphasise that it will not conclude that a representation or request is frivolous, vexatious or repeated unless there are sound grounds for such a decision, and other persons will be notified of the grounds for any such decision.

### **9.3 Temporary Event Notices**

- 9.3.1 The Licensing Authority will not seek to attach any terms, limitations or conditions on such events other than those set down in the legislation following an objection notice and subsequent hearing. Part 5 of the Act allows licensing activities to be carried out in specified circumstances on a temporary basis, subject to a temporary event notice being served on the Licensing Authority, with a copy served on the Chief Officer of Police and Environmental Health, a minimum of ten working days before the event for a standard TEN. The Chief Officer of Police or Environmental Health may object to the event if they are satisfied that any of the four licensing objectives may be undermined.
- 9.3.2 The possibility of intervention by one of these Responsible Authorities is another reason why event organisers are encouraged by the Licensing Authority not to rely on giving the minimum amount of notice and to contact local Force Licensing Officers and Environmental Health at the earliest possible opportunity about their proposals. The Licensing Authority recommends one month's minimum notice.
- 9.3.3 Since 25 April 2012 it has been possible for individuals to serve a very limited number of "late" temporary event notices each year, providing that these are served on all relevant parties at least five working days before the day on which the event is due to begin.
- 9.3.4 However event organisers should be aware that a late temporary event notice can be prevented by a single objection from the Police or Environmental Health and there is no right to a hearing in such circumstances.
- 9.3.5 Therefore late temporary event notices should normally only be served in exceptional circumstances, such as when an event has to be postponed and rearranged at short notice due to adverse weather conditions. The Licensing Authority does not expect late temporary event notices to be served simply on the basis that the event organiser has been disorganised in addressing the licensing arrangements for their event.
- 9.3.6 The Licensing Authority, on receiving temporary event notices, will also check that other requirements of the Act are met. For example, a temporary event notice would be void unless there is a minimum of 24 hours between events notified by the premises user in respect of the same premises. This is to prevent evasion of the 168-hour limit on such events, and emphasise the need to obtain full premises licence for more major events.

### **9.4 Provisional Statements**

- 9.4.1 To avoid difficulties facing those who wish to invest in a new venture but do not have the security of knowing that a premises licence will be granted, the Act provides for the making of an application for a 'provisional statement'.
- 9.4.2 The basis of the application is that premises are being, or are about to be, constructed for the purpose of being used for one or more licensable activities, or are being, or are about to be, altered or extended for the same

purposes (whether or not they are being used for a licensing purpose already).

9.4.3 If:

- (a) a Provisional Statement has been issued, and
- (b) the person subsequently applies for a Premises Licence in respect of the relevant premises, or a part of them or premises that are substantially the same as the relevant premises (or part of them) and
- (c) the application is in the same form as the application described in the schedule of works accompanying the application for the provisional statement and
- (d) the work described in the schedule of works accompanying the provisional statement has been satisfactorily completed
- (e) then any representations made by a person shall not be taken into account if:
  - given the information in the application for a Provisional Statement the person objecting could have made the same, or substantially the same, representations about the application but had failed to do so without reasonable excuse; and
  - there has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises.

## **9.5 Variations of Premises Licences & Club Premises Certificates**

9.5.1 Applications to vary a Premises Licence follow a similar procedure to applications for a new Premises Licence. If relevant representations are not received the application for variation will be granted.

9.5.2 If relevant representations are made and not withdrawn the Licensing Authority will hold a hearing and at that hearing the Licensing Authority may approve the application, grant it with modifications, refuse to specify a person as the DPS or reject the whole or part of the application.

## **9.6 Transfer of a Premises Licence**

9.6.1 The 2003 Act provides for any person who may apply for a premises licence, which includes a business, to apply for a premises licence to be transferred to them. Where the application is made in writing, the applicant must give notice of the application to the chief officer of police. Where it is made electronically via the licensing authority's electronic facility, the licensing authority must notify the police no later than the first working day after the application is given. However, the responsibility to notify the DPS remains with the applicant.

9.6.2 In the vast majority of cases, it is expected that a transfer will be a very simple administrative process. Section 43 of the 2003 Act provides a mechanism which allows the transfer to come into immediate interim effect as soon as the licensing authority receives it, until it is formally determined or withdrawn. This is to ensure that there should be no interruption to normal business at the premises.

If the police raise no objection about the application, the licensing authority must transfer the licence in accordance with the application, amend the licence accordingly and return it to the new holder.

- 9.6.3 In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. Such objections are expected to be rare and arise because the police have evidence that the business or individuals seeking to hold the licence or business or individuals linked to such persons are involved in crime (or disorder). Such objections (and therefore such hearings) should only arise in truly exceptional circumstances.

## **9.7 Interim Authority Notices and Transfers**

- 9.7.1 Following the death or other incapacity of the premises licence holder, in the normal course of events, the licence will lapse. However, there may also be some time before, for example, the deceased person's estate can be dealt with or an administrative receiver appointed. This could have a damaging effect on those with interests in the premises, such as an owner, lessor or employees working at the premises in question; and could bring unnecessary disruption to customers' plans. The 2003 Act therefore provides for the licence to be capable of being reinstated in a discrete period of time in certain circumstances.
- 9.7.2 The applicant must be either the personal representative, in the case of the death of the former licence holder, or have an enduring power of attorney, or be an insolvency practitioner, or have a prescribed interest in the premises.
- 9.7.3 In such circumstances, an "interim authority" notice may be given to the licensing authority within 28 consecutive days beginning the day after the licence lapsed.
- 9.7.4 Interim Authority Notices must be served on the Licensing Authority and also on the Police. If the Police consider that the grant of an Interim Authority Notice would undermine the prevention of crime objective the Licensing Authority will arrange a hearing to consider the Notice.
- 9.7.5 In addition under section 50 of the 2003 Act, where the premises licence lapses (because of death, incapacity or insolvency of the holder) or by its surrender, but no interim authority notice has effect, a person who may apply for the grant of a premises licence under section 16(1) may apply within 28 consecutive days of the lapse for the transfer of the licence to them with immediate effect pending the determination of the application. This will result in the licence being reinstated from the point at which the transfer application was received by the licensing authority. Where the application is made in writing, the person applying for the transfer must copy their application to the chief officer of police. If the application is made electronically the licensing authority must copy the application to the police.

## **9.8 Review and Suspension of a Premises Licence & CPC's**

- 9.8.1 At any stage following the grant of a premises licence or club premises certificate a Responsible Authority or other person may apply for a review.

Evidence will however be required to show that a specific concern exists relating to one or more of the Licensing Objectives.

- 9.8.2 Where a review hearing is held the Licensing Authority has a variety of options that it may take ranging from taking no action at all, to varying conditions or suspending or revoking the licence. The Guidance reminds the Authority that the powers of review are to be used in the interests of the wider community and not that of the individual licence/certificate holder. Whilst the financial circumstances of the licence/certificate holder will be a consideration for the Licensing Authority the promotion of the Licensing Objectives will be the Authority's primary concern.

### **Reviews Arising in Connection With Crime**

- 9.8.3 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 9.8.4 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.
- 9.8.5 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
  - for the sale and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - for prostitution or the sale of unlawful pornography;
  - by organised groups of paedophiles to groom children;
  - as the base for the organisation of criminal activity, particularly by gangs;
  - for the organisation of racist activity or the promotion of racist attacks;

- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

9.8.6 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

#### **'Other Persons'**

9.8.7 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises.

- a person living near the premises in question;
- a body representing persons, for example, a residents' association, or a parish or town council;
- a person involved in a business;
- a body representing persons involved in such businesses, for example, a trade association; and
- a member of the relevant licensing authority i.e. elected councillors of the licensing authority for the area in which a premises is situated.

9.8.8 The Licensing Authority can, of its own motion, instigate the review of a premises licence or club premises certificate, but will rely on the responsible authorities such as the Police and Environment Health to be proactive in seeking a review where they consider it appropriate. Requests by responsible authorities will not be treated as vexatious or frivolous.

9.8.9 The Licensing Act 2003 requires Licensing Authorities to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due unless an administrative error or dispute has been notified to the Licensing Authority. In such cases there will be a grace period of 21 days to allow the matter to be resolved. If the matter is not resolved within grace period the licence must be suspended.

9.8.10 Where such a suspension takes place the Licensing Authority must give a minimum of two days' notice and may inform the police and other responsible authorities of the suspension. All licensable activities must cease when the suspension takes effect. The suspension will only cease on payment of the outstanding fee irrespective of any transfer or hearing which may take place.

## **9.9 Appeals Against Licensing Sub-Committee Decisions**

- 9.9.1 Following the hearing of an application by a Licensing Sub Committee the applicant or any objector has the right to appeal against the decision to Hinckley Magistrates Court within 21 days.
- 9.9.2 Where the appeal is brought by an applicant it will be the Licensing Authority's usual policy to defend the Sub Committee's decision. This is because the applicant is asking the Court to grant more than the Council deemed appropriate for the promotion of the licensing objectives.
- 9.9.3 Where an appeal is lodged by an objector following a Sub Committee hearing, the Licensing Authority will always be a "respondent" along with the licence holder. In such cases the Licensing Authority may choose not to be legally represented at the hearing of the appeal at the Magistrates Court. The licence holder as co-respondent may appoint legal representation.
- 9.9.4 The Court makes a charge to lodge an appeal (currently£400) but the appellant may be liable to pay the legal costs of the respondent if the appeal is unsuccessful.
- 9.9.5 Where an appeal to the Magistrates Court is not brought by an objector following a Licensing Sub Committee decision and problems relating to the promotion of the Licensing Objectives do subsequently arise residents can seek a formal Review of the licence. Anyone who wishes to consider this is advised to contact the Licensing service for further advice

## **9.10 Disapplication of Certain Mandatory Conditions for Community Premises**

- 9.10.1 Where an application has been made by the management committee of a community premises (Church Hall, Village Hall etc) and the Chief Officer of Police issues a notice seeking the refusal of the application to include the alternative licence condition, the Licensing Authority must hold a hearing in order to reach a decision on whether to grant the application.
- 9.10.2 Where the Chief Officer of Police has made relevant representations against the inclusion of the alternative licence condition, or given a notice under section 41D(6) which was not withdrawn, the Chief Officer of Police can appeal the decision of the Licensing Authority to allow the inclusion of the alternative licence condition. Similarly, a community premises can appeal a decision by the Licensing Authority to refuse to include the alternative licence condition following a hearing triggered by relevant representations or by a notice given under section 41D(6).

## **9.11 Variation of Licence to add a new Premises Supervisor**

- 9.11.1 Every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder. The only exception is for community premises which have successfully made an application to remove the usual mandatory conditions set out in the 2003 Act.



9.11.2 Only one DPS may be specified in a single premises licence, but a DPS may supervise two or more premises as long as the DPS is able to ensure that the licensing objectives are properly promoted and that each premises complies with licensing law and licence conditions.

9.11.3 The police may object to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where, for example, where a personal licence holder has been allowed by the courts to retain their licence despite convictions for selling alcohol to children (a relevant offence) and then transfers into premises known for underage drinking.

9.11.4 Where the police do object, the licensing authority must arrange for a hearing at which the issue can be considered and both parties can put forward their arguments. The 2003 Act provides that the applicant may apply for the individual to take up post as DPS immediately and, in such cases, the issue would be whether the individual should be removed from this post. The licensing authority considering the matter must restrict its consideration to the issue of crime and disorder and give comprehensive reasons for its decision. Either party would be entitled to appeal if their argument is rejected.

## **9.2 Community Ancillary Notice (CAN)**

9.12.1 The Government is introducing two new proposals around “ancillary sellers” of alcohol. Ancillary sellers are businesses selling alcohol as a small or subsidiary part of a wider business contract. The provision of a “complimentary” gift of alcohol in a business context also constitutes a sale in law.

9.12.2 The CAN is therefore aimed at two eligible groups:

- “Ancillary sellers” (e.g. bed & breakfast providers) that would like to sell (or provide as part of a wider business contract) minimal amounts of alcohol to customers. The definition of ancillary seller will be covered by the parameters that will apply to the amounts and the context.
- “Community groups” (e.g. charities; church choirs; the Women’s Institute) that may regularly hold small “one-off” events at which they wish to sell alcohol.

9.12.3 It is not possible to simply exempt these groups from licensing altogether given the risks of abuse and loopholes and the need to retain licensing controls, including rights of entry for police and LAs, and powers to prevent such activity.

It is envisaged that key elements of the new authorisation will be:

- A prospective CANs user will give notice to the LA (either on a simple form or via email/letter) that they are going to operate either as (i) an “ancillary” or (ii) “community” seller.
- Notification will specify the relevant premises at which they intend to sell alcohol: in the case of an ancillary seller this can be just one premises; community groups could name up to three premises within their local area.

- The LA may reject or revoke a CAN at any point under a light-touch process to be triggered by an objection from the police or EHA on grounds of the licensing objectives (the prevention of crime and disorder; the prevention of public nuisance, public safety, protection of children from harm).
- Local discretion: LAs can reject CANs in their own cumulative impact policy (CIP) areas.
- CAN users need not hold personal licences (which many consider will be a risk and unfair to the licensed trade) but they could be named as “responsible persons” who could be prosecuted for certain criminal offences under the 2003 Act. It is already the case that community premises such as village and church halls are exempt from the requirements to have a PLH and DPS.
- Licensing costs are recovered from the fees so there will need to be an administration fee.

The operation of activities (alcohol sales under a CAN) would be subject to certain parameters to provide safeguards against loopholes that could be exploited by unscrupulous operators. At this stage, the Government envisages that they would include the following:

- All sales of alcohol between “low risk” prescribed times, for example, 7am to 11pm.
- “Ancillary sellers” to be strictly defined by reference to business types, for example small Bed and Breakfasts, guest houses and self-catering accommodation providers.
- Ancillary sellers may only supply limited amounts of alcohol to their customers (e.g. up to three units per individual customer over 18 in a 24 hour period) possibly explained in user friendly language e.g. one 175ml “standard” glass of wine), one 75ml bottle of wine in a room per two night stay or between two adults with a meal.
- Alcohol sale must take place within the public facing area of the business which directly relates to the main service being provided.
- A cap on the size of community event (e.g. up to 300 people) and tickets must be sold to the event either before or on the door.
- “Community sellers” are defined as non-profit making bodies, voluntary sector etc.
- Alcohol sold by community sellers must be ancillary to a wider event e.g. a performance or flower show or talk or meal. Only the equivalent of an average of up to three units of alcohol per person over the aged of 18 attending the event and in any 24 hour period may be sold by the community Group.

## **10.0 PART 3 - REGULATED ENTERTAINMENT & EXEMPTIONS**

### **10.1 The Live Music Act 2012 & Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013**

10.1.1 Subject to the conditions, definitions and the exemptions referred to in Schedule 1 of the Act, the types of entertainment regulated by the 2003 Act (as amended by the Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013) are:

- a performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment;
- a contest, exhibition or display which combines boxing or wrestling with one or more martial arts (“combined fighting sports”);
- a performance of live music;
- any playing of recorded music;
- a performance of dance;
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

10.1.2 More generally, to be licensable, one or more of these activities needs to be provided (at least partly) to entertain that audience; has to be held on premises made available (again, at least in part) for the purpose of enabling that activity; and must also take place either:

- in the presence of a public audience, or
- in private, where a charge is made with a view to profit.

10.1.3 This Policy cannot give examples of every eventuality or possible entertainment activity. However, the following activities are examples of entertainment which are not licensable:

- education – teaching students to perform music or to dance;
- activities which involve participation as acts of worship in a religious context;
- activities that take place in places of public religious worship;
- the demonstration of a product – for example, a guitar – in a music shop;
- the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit (including raising money for charity);
- games played in pubs, youth clubs etc. (e.g. pool, darts, table tennis and billiards);
- stand-up comedy;

- the provision of entertainment facilities (such as dance floors, which were previously licensable under the 2003 Act before its amendment by the 2012 Act).

10.1.4 As a result of amendments to the 2003 Act by the 2012 Act and the 2013 and 2014 Orders, no licence is required for the following activities to the extent that they take place between 08:00-23:00 on any day:

- a performance of a play in the presence of any audience of no more than 500 people;
- an indoor sporting event in the presence of any audience of no more than 1,000 people;
- most performances of dance in the presence of any audience of no more than 500 people; and live music, where the live music comprises:

a performance of unamplified live music;

a performance of live amplified music in a workplace with an audience of no more than 500 people; or any playing of recorded music.

10.1.5 A performance of live or recorded music on licensed premises which takes place in the presence of an audience of no more than 500 people, provided that a number of important conditions are satisfied. So, for example, an indoor sporting event that takes place between 07:00 and 23:30 on a particular day is licensable in respect of activities taking place between 07:00-08:00 and 23:00-23:30.

10.1.6 Similarly, where the audience for a performance of dance fluctuates, those activities are licensable if, and for so long as, the number of people in the audience exceeds 500.

## 10.2 Private Events

10.2.1 Events held in private are not licensable unless those attending are charged for the entertainment with a view to making a profit (including raising money for charity). For example, where a party is held for friends in a private dwelling featuring amplified live music, if a charge or contribution is made solely to cover the costs of the entertainment, the activity is not regulated entertainment. Similarly, any charge made to the organiser of a private event by musicians, other performers, or their agents does not of itself make that entertainment licensable – it would only do so if the guests attending were themselves charged by the organiser for that entertainment with a view to achieving a profit.

## 10.3 Live music: conditions relating to beer gardens

10.3.1 Beer gardens are often included as part of a premises licence or club premises certificate. Live amplified music that takes place in a beer garden is exempt from licensing requirements, provided the beer garden is included in the licence or certificate applying to the relevant licensed premises, and the performance takes place between 08:00 and 23:00 on the same day before an audience of 500 people or fewer.

10.3.2 Where a beer garden does not form part of the relevant licensed premises and so is not included in plans attached to a premises licence or club premises certificate, it is nevertheless very likely that it will be a workplace. Paragraph 12B of Schedule 1 to the 2003 Act says that a performance of live music in a workplace that does not have a licence (except to provide late night refreshment) is not regulated entertainment if it takes place between 08:00 and 23:00 on the same day in front of an audience of no more than 500 people.

10.3.3 However, a licensing authority may, in appropriate circumstances, impose a licence condition that relates to the performance of live music in an unlicensed beer garden using any associated premises licence or club premises certificate. Provided such a condition is lawfully imposed, it takes effect in accordance with its terms.

#### 10.4 **Conditions relating to combined fighting sports and Boxing**

10.4.1 The 2013 Order amended the existing descriptions of regulated entertainment to make clear that both an indoor boxing or wrestling entertainment cannot also be an indoor sporting event, and that any contest, exhibition or display combining boxing or wrestling with one or more martial arts ('combined fighting sports') is – whether indoors or not – a boxing or wrestling entertainment.

#### 10.5. **Bare Knuckle Fighting (Boxing)**

10.5.1 Bare knuckle boxing ("BKB") can be considered as "boxing or wrestling entertainment" under the Licensing Act 2003. Boxing is regulated entertainment under the Licensing Act, both indoors and outdoors. So whether an event can go ahead, or not, is primarily a licensing question.

10.5.2 A licensing authority would need to consider the licensing objectives in determining whether to grant a Premises Licence for a BKB event. However, Hansard at the time of the Licensing Bill shows that the Government at the time did not consider the health of the participants to be a factor for a licensing authority to consider when ensuring public safety is promoted. In other words it is not the job of a licensing authority to make boxing safer for the boxers. However, the degree of violence and the likelihood of serious injury to the boxers could still be factors for a licensing authority to consider in assessing an application.

10.5.3 More relevant are the licensing objectives in relation to preventing disorder and public nuisance. The crowds at boxing events have generally been considered more of a threat to these objectives than performances of other martial arts, which is why indoors and outdoors boxing has historically been licensed. Licence conditions could be imposed to minimise the risk to the licensing objectives, including restrictions on the sale and consumption of alcohol, timing of the event and the provision of medical facilities.

10.5.4 Professional boxing in the UK is licensed by the British Boxing Board of Control (BBBC). The term 'unlicensed fight' often therefore refers to fights involving fighters of bouts not licensed or otherwise approved by the BBBC.

Licensed fights must follow the guidelines set out by the BBBC (such as allowing knocked-down fighters time to get up, and the provision of medical services for injured boxers). Such fights have generally been deemed legal boxing contests; however it does not necessarily follow that all boxing events must be licensed by the BBBC to be legal. The BBBC is a national governing body for a sport. The BBBC does not condone or support Bare Knuckle Boxing.

10.5.5 In terms of the criminal law, the legality of boxing contests has grown out of the historical treatment of contests by case law. 'Prize fighting', akin to BKB, was considered illegal under public policy grounds in a 19th century case. However, the covering of the knuckles by cloth, and properly ordered rules, referees and medical staff arguably makes modern contests (such as Ultimate Fighting Championship) potentially legal. However much depends on the circumstances of the fight and whether the degree of violence and injuries inflicted is excessive to the extent that the Police should put a stop to it and arrest the participants. Evidently, it is difficult for the Police to assess whether the degree of violence involved is criminal in advance. This is why bare knuckle boxing remains a legally grey area and why Responsible Authorities do not permit it.

10.5.6 In terms of an authorisation under the Licensing Act 2003, it is a matter for Hinckley & Bosworth Borough Council as the Licensing Authority.

10.5.7 **Policy decision** to promote the four licensing objectives under the licensable activity of boxing.

- No Bare Knuckle Boxing event will be permitted.
- No Bare Knuckle Combined Fighting Sport will be permitted.
- No event advertised or promoted as Bare Knuckle Boxing or Bare Knuckle Fighting will be permitted.
- Any person who has had any involvement in or has taken part in any contest, event or exhibition of a bare knuckle boxing or bare knuckle fighting will not be permitted to promote any boxing, fighting or sporting contest in this Borough.

## 10.6 Travelling Circuses

10.6.1 Travelling circuses will be exempt from entertainment licensing in respect of all descriptions of entertainment, except an exhibition of a film or a boxing or wrestling entertainment, where the entertainment or sport takes place between 08:00-23:00 on the same day, with no audience limit.

## **PART 4 – INTEGRATING STRATEGIES**

### **11.0 OTHER MEASURES**

11.1.1 Community Safety - The Licensing Authority recognises its responsibility to address issues relating to crime and disorder and is committed to working together, with other partners, to make Hinckley & Bosworth Borough a safe and attractive area in which to live, work, study and socialise.

11.1.2 The Council has a duty under section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on, and to do all it reasonably can to prevent, crime and disorder in the borough.

### **11.2 Planning**

11.2.1 Planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.

11.2.2 There are circumstances when as a condition of planning permission; a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

### **11.3 Cultural Strategy**

11.3.1 The Council is committed to the Culture & Sport Strategy 2012 – 2017 (the Strategy).

11.3.2 The International Covenant on Economic, Social and Cultural Rights (ICESCR) which was ratified by the UK in 1976 recognises the right of everyone to take part in cultural life and requires that active steps are taken to develop cultural activity and ensure that everyone can participate in the cultural life of the community.

11.3.3 The Strategy encompasses Arts, heritage, museums, parks and green spaces, neighbourhood facilities, markets, festivals and public events, media, libraries and literature, sport, play, children and young people, tourism, and creative industries. A key objective of the Strategy is “to invest in the development of cultural activity which contributes to the economic, social and personal well-being of individuals at all stages in their lives and to increase access to, and participation in, cultural activity”.

11.3.4 This licensing policy will operate in the spirit of the Strategy and the ICESCR. In doing so it will seek to maintain a balance between regulation and supporting cultural activity. It will strive to maintain a balance between the need to ‘manage’ any detrimental impacts of an activity in a community with the many benefits cultural activity brings to communities, in developing personal aspiration and potential, building cohesive communities, providing

opportunities for young people, contributing to economic growth and regeneration and the development of sustainable communities.

#### **11.4 Promotion of Equality**

11.4.1 The Licensing Authority recognises that the Equality Act 2010 places a legal obligation on the Council to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

11.4.2 The Licensing Authority also recognises that this policy should promote equality in a wider sense and has therefore assessed the potential impact on a variety of groups. It has considered and consulted with this in mind.

11.4.3 The Licensing Authority will implement the following actions, which have been identified as being necessary to promote equality, and within the scope of the Act and supporting guidance:

- The licensing policy and associated documents will be available on the internet, and in other formats upon request.
- Multi-language sections may be included in all leaflets upon request.
- The licensing objective of protecting children from harm will be promoted.
- Support may be offered to licence applicants, licence holders and potential objectors who feel socially excluded.
- Account will be taken of the effect of specific applications on community cohesion, including the need to balance the benefits of cultural and community activities with limited local disturbance.
- Action will be taken to endeavour to ensure the safety of vulnerable people in licensed premises.

11.4.4 The Licensing Authority is aware that there may be particular sensitivities of certain buildings, for example religious buildings, to certain licensable activities taking place in close proximity. Where the impact does not affect the promotion of the licensing objectives, there may be other control mechanisms, such as the planning system, that could be applicable.

#### **11.5 Access for Disabled People**

11.5.1 The guidance supporting the Act advises that conditions relating to disabled access should not be attached to licences, as this would duplicate existing statutory requirements. The Licensing Authority therefore takes this opportunity to remind operators of premises of their duties under the Equality Act 2010. The law provides that any person providing facilities, goods or services to the public must make reasonable adjustments to enable disabled people to access the service.



## **11.6 Tourism & Local Economy**

- 11.6.1 The Licensing Committee will receive copies of reports concerning the local tourist economy and the cultural strategy for the Borough whenever the relevant executive portfolio holder presents them to the Licensing Committee. The Licensing Authority will ensure that when it considers applications for licences for entertainment involving live music, dancing, cinema, and street arts it will act so as to promote the licensing objective of preventing public nuisance.
- 11.6.2 The Licensing Authority recognises that there is a need to encourage and promote a broad range of entertainment, particularly those activities identified above, because of the wider cultural benefits to communities. The potential for limited disturbance will therefore be balanced against these wider benefits. The Council as landowner (not as Licensing Authority) holds premises licences in its own name for appropriate community facilities in its ownership, to reduce the burden on others who wish to make use of community facilities for licensable events. The Council has encouraged other public and voluntary sector landowners of community facilities (e.g. parish councils, the County Council) to adopt a similar approach.
- 11.6.3 As per paragraph 11.6.2 this could include, green spaces, parks, town centre etc. Performers and entertainers would require permission from the Council, as the premises licence holder, to use these spaces for regulated entertainment.

## **11.7 Transport**

- 11.7.1 Transport Strategy is set out in the Local Transport Plan (LTP) under Leicestershire County Council procedures; local highway authorities prepare their plans integrating strategies that links all modes of urban and rural transport and currently runs until 2026. It is proposed to monitor the plans through annual progress reports to ensure they deliver the aims and objectives of regional planning guidance and Leicestershire's structure plan.
- 11.7.2 The LTP policies seek to ensure that alternatives to the use of the private car are available; these alternatives include walking, cycling and public transport (bus, rail and taxi). They are operated in conjunction with land use policies to seek to ensure that development takes place in locations where these alternatives can be best provided; the Town Centre is naturally one of these locations, particularly with regard to public transport.
- 11.7.3 Taxis provide a key role in transporting people, particularly at times when bus services are not well provided. Taxi ranks are provided where demand is identified, and include both 24-hour ranks and ranks, which operate only at night.

## **11.8 Health and Safety**

- 11.8.1 All premises in the Borough fall to either the Council's Environmental Health Officers or the Health and Safety Executive Inspectors for the enforcement of the Health and Safety at Work etc Act which places a range of general and specific duties on employees, employers, operators of venues and members

of the public. Matters arising out of the Act and associated Regulations will not be the subject of conditions unless they are necessary for the promotion of the Licensing Objectives.

## **11.9 Fire Safety**

11.9.1 Premises and their operators must comply with current fire safety regulation orders. Licensed Premises are therefore required to ensure that a Fire Risk Assessment is completed which includes details of occupancy figures together with calculations as to how the documented figures have been arrived at.

## **11.10 Food Hygiene**

11.10.1 Premises selling alcohol and/or premises engaged in a food business will be registered with the Council and subject to risk-based food hygiene inspections at regular intervals. No further licensing consideration will apply.

## **11.11 Public Health**

11.11.1 The Licensing Authority recognises the role of Public Health England acting in its role as a Responsible Authority. Public Health England can make representations in response to either a full licence application or an application for a variation in the conditions of an existing licence. They can also call for the review of a licence if they feel it breaches a licensing objective. Any representation must relate specifically to the premises in question and cannot be a general objection.

11.11.2 Representations made by Public Health England must be evidence-based and must demonstrably refer to one or more of the licensing objectives. As there is currently no licensing objective directly relating to public health, Public Health England must ensure their representations are relevant to one of the four existing objectives.

## **11.12 Noise**

11.12.1 Statutory and public nuisances are dealt with by Environmental Health under the Environmental Protection Act 1990 and associated legislation. In addition, there is also provision in the Environmental Protection Act for an individual to take a private action against noise nuisance. Public order matters such as noise from people in streets, open spaces, traffic matters etc. are dealt with by the police as part of the normal policing plan.

## **12.0 Enforcement**

12.1.1 We will support businesses to comply with the law but view offences and breaches of licence conditions seriously.

12.1.2 The Licensing Authority will make arrangements to monitor premises and take appropriate enforcement action to ensure this. The Licensing Authority will work closely with the Police and has established protocols to ensure an efficient deployment of Police and Licensing Officers engaged in enforcing

licensing law and inspecting licensed premises, in order to ensure that High-risk premises receive the highest priority.

The enforcement action will be:

- Targeted toward those premises presenting the highest risk
- Proportional, to the nature and seriousness of the risk those premises present
- Consistent, so that we take similar approaches in similar situations
- Transparent, so those who are subject to enforcement action know what to expect
- Accountable, so that we take responsibility for our actions.

12.1.3 The Licensing Authority has instructed its officers to adopt a zero tolerance approach to offences and breaches of licence conditions. In practice this means that licensing officers will investigate all complaints alleging breaches of the Act or licence conditions and act on all sources of reliable intelligence (including local residents and businesses) with a view to establishing if offences have been committed.

12.1.4 Such matters may include:

- Unauthorised licensable activities or breach of licence conditions
- Allowing disorderly conduct on licensed premises
- Sale of alcohol to children and the consumption of alcohol by children
- Sale of alcohol to a person who is drunk
- Child protection issues

12.1.5 Where licensing officers have such evidence they have a range of enforcement options including:

- Offering advice /guidance (verbal or written)
- Informal written warnings
- Formal cautions
- Prosecutions
- Review of Premises Licences where there are problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm
- Closure of premises that are experiencing disorder or causing a nuisance.

The Licensing Authority encourages a graduated approach to enforcement as set out in the Environmental Health enforcement policy however in the cases of offences relating to:-

1. The deliberate and persistent provision of unlicensed activities especially the sale of alcohol.
2. The breach of licensing conditions resulting in substantial risk to the promotion of the licensing objectives (crime and disorder, public safety, public nuisance or protection of children from harm)
3. Persistent underage sales.
4. The use of licensed premises in connection with criminal activity. (For example, reviews may arise because of drugs problems at the premises; money laundering by

criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children)

5. Allowing disorderly conduct on licensed premises.

6. Delivering alcohol to children.

7. Allowing the sale of alcohol to children.

It is the expectation that Formal Action (including Fixed Penalty Notices, Formal Cautions, Reviews and or Prosecution) will be the preferred approach.

Where Members of a Licensing sub-committee hear an application to 'Review' a licence they will give appropriate consideration and weight to the relevant representations and evidence as well as the decision of the High Court in *Bassetlaw District Council v Worksop Magistrates Court* 5008 EWHC 3530 (Admin), that deterrence is an appropriate consideration when dealing with Reviews where that has been activity in connection with criminal activity.

### **13.0 Early Morning Restriction Orders (EMRO)**

The power conferred on licensing authorities to make, vary or revoke an EMRO (or propose to take any of these steps) is set out in sections 172A to 172E of the Licensing Act 2003. This power came into force on 31st October 2012 and the Government provided guidance as part of the S182 Guidance to Licensing Authorities.

This power enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.

EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.

An EMRO:

- Applies to the supply of alcohol authorised by premises licences, club premises certificate and temporary event notices;
- Applies for any period beginning at or after 12am and ending at or before 6am.
- It does not have to apply on every day of the week and can apply for different time periods on different days of the week;
- Applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event);
- Applies to the whole or any part of the licensing authority's area
- Will not apply to any premises on New Year's Eve (defined as 12am to 6am on 1 January every year);
- Will not apply to the supply of alcohol to residents by accommodation providers between 12am and 6am, provided the alcohol is sold through mini-bars/room service; and

- Will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the Licensing Act 2003.

Before a licensing authority determines to recommend that the full council make a proposed EMRO, it should be satisfied that it has sufficient evidence to demonstrate that making the EMRO would be appropriate for the promotion of the licensing objectives. The requirement to take an evidence-based decision to promote the licensing objectives should enable licensing authorities to draw on the experience from other licensing decisions they make under the Licensing Act 2003. The licensing authority should consider evidence from partners, including responsible authorities and local Community Safety Partnerships, alongside its own evidence, to determine whether an EMRO would be appropriate for the promotion of the licensing objectives.

An EMRO is a powerful tool which will prevent licensed premises in the area to which the EMRO relates from supplying alcohol during the time at which the EMRO applies. The licensing authority should consider whether other measures may address the problems that they have identified as the basis for introducing an EMRO.

These measures might include:

- Introducing a cumulative impact policy;
- Reviewing licences of specific problem premises;
- Encouraging the creation of business-led best practice schemes in the area.

It is the intention of the licensing authority to support businesses, whilst ensuring the promotion of the licensing objectives. However where this has deemed to fail then an EMRO could be considered as a possible solution.

There are currently no EMROs in place in the Borough.

## **14.0 Late Night Levy**

The Late Night Levy is a power, conferred on Licensing Authorities by provision in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011. This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the Authority's area, as a means of raising a contribution towards the costs of policing the late-night economy.

The Levy is a power and the Government has recognised that some licensing authorities will not consider that it is appropriate to exercise it.

The decision to introduce the levy is for the Licensing Authority to make. However the Licensing Authority will keep the need for a levy under review in consultation with the Chief Officer of Police and Police and Crime Commissioner ("PCC") for the police area.

When considering whether to introduce a levy the Licensing Authority notes that any financial risk (for example lower than expected revenue) rests at a local level and this will be fully considered prior to making any decision about local implementation.

The Licensing Authority will decide whether or not it believes it has a viable proposal to introduce the levy before incurring the costs of the formal consultation process.

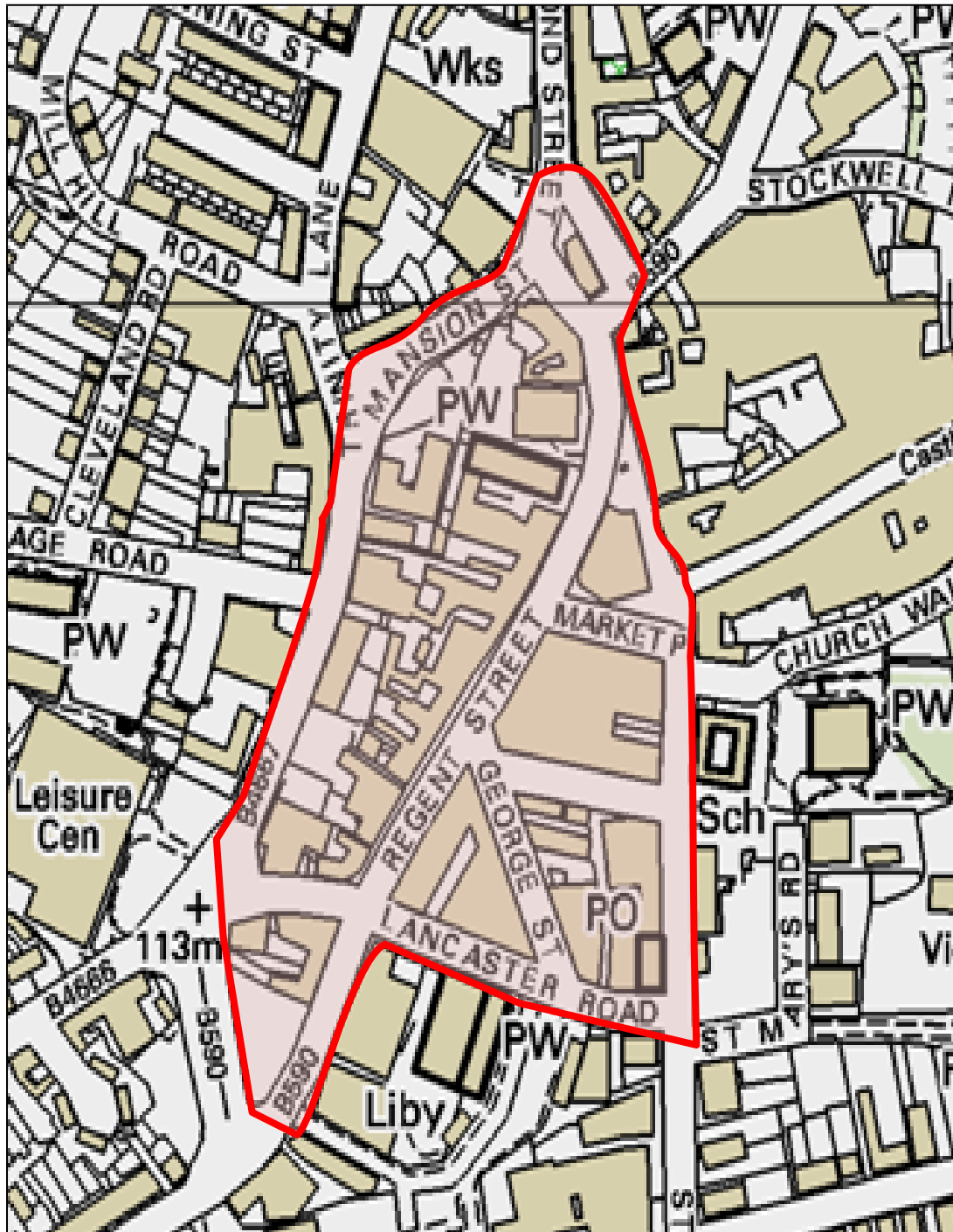
If the Licensing Authority decides to give further consideration to the introduction of a levy in the future, it will do so in accordance with the relevant regulations and with reference to any relevant guidance issued by the Home Office.

Any decision to introduce, vary or end the requirement for the levy will be made by the Full Council. Other decisions in relation to the introduction and administration of the levy would be delegated to the Licensing Committee.

## APPENDIX A

The proposed area is shown below and is described as the area being bounded by and includes the following roads or streets and all streets within in it.

Trinity Lane to its junction with Mansion St, Mansion St. King St, Stockwell Head to its junction with The Borough. The Borough, Market Place, Station Rd to its junction with Lancaster Rd. Lancaster Rd, Rugby Rd to its junction with Trinity Lane.



## APPENDIX B

### Useful References (organisations)

#### Association of Convenience Stores (ACS)

Federation House,  
17 Farnborough Street,  
Farnborough,  
Hampshire,  
GU14 8AG.  
Email: [acs@acs.org.uk](mailto:acs@acs.org.uk)

#### Association of Licensed Multiple Retailers (ALMR)

<http://www.almr.org.uk/>  
9B Walpole Court,  
Ealing Studios,  
London  
W5 5ED  
Tel: 020 8579 2080  
Email: [info@almr.org.uk](mailto:info@almr.org.uk)

#### Association of Town Centre Managers (ACTM and Purple Flag)

<http://www.atcm.org/>  
ATCM,  
1 Queen Anne's Gate,  
Westminster,  
London  
SW1H 9BT  
[office@atcm.org](mailto:office@atcm.org)

#### British Beer and Pub Association (BBPA)

<http://www.beerandpub.com/>  
British Beer & Pub Association  
Market Towers  
1 Nine Elms Lane  
London  
SW8 5NQ  
Tel: 020 7627 9191  
[web@beerandpub.com](mailto:web@beerandpub.com)

#### British Board of Film Classification (BBFC)

[www.bbfc.co.uk](http://www.bbfc.co.uk)  
3 Soho Square,  
London  
W1D 3HD  
[contact\\_the\\_bbfc@bbfc.co.uk](mailto:contact_the_bbfc@bbfc.co.uk)

#### British Institute of Inn Keeping (BII)

<http://www.bii.org/>  
Wessex House,  
80 Park St., Camberley,  
Surrey,  
GU15 3PT,



Tel: 01276 684449

British Retail Consortium (BRC)  
<http://www.brc.org.uk/default.asp>  
21 Dartmouth Street,  
London  
SW1H 9BP  
Tel: 0207 85 8900

Circus Arts Forum  
[www.circusarts.org.uk](http://www.circusarts.org.uk)  
[info@circusarts.org.uk](mailto:info@circusarts.org.uk)

Cinema Exhibitors' Association (CEA)  
<http://www.cinemauk.org.uk/>  
22 Golden Square  
London  
W1F 9JW  
Tel: 0207 734 9551

Department for Culture, Media and Sport (see links to the Licensing Act 2003,  
Explanatory Notes, Guidance and Regulations)  
[www.culture.gov.uk](http://www.culture.gov.uk)  
[enquiries@culture.gov.uk](mailto:enquiries@culture.gov.uk)  
2-4 Cockspur Street  
London  
SW1Y 5DH

Equity  
<http://www.equity.org.uk/>  
Head Office  
Guild House  
Upper St Martins Lane  
London  
WC2H 9EG  
Telephone: 020 7379 6000  
Email: [info@equity.org.uk](mailto:info@equity.org.uk)

Independent Street Arts Network  
[www.streetartsnetwork.org.uk](http://www.streetartsnetwork.org.uk)  
54 Chalton Street,  
London  
NW1 1HS.

Institute of Licensing (IOL)  
<http://www.instituteoflicensing.org/>  
Institute of Licensing  
45 Larcombe Road  
St Austell  
Cornwall  
PL25 3EY

Justices Clerks' Society  
www.jc-society.co.uk  
E-mail: secretariat@jc-society.co.uk  
Tel: 0151 255 0790

Licensed Victuallers Associations (LVAs)  
<http://www.flva.co.uk/>  
Federation of Licensed Victuallers Associations,  
126 Bradford Road,  
Brighouse,  
West Yorkshire  
HD6 4AU

National Association of Local Government Arts Officers  
<http://www.nalgao.org/>  
nalgao  
Oakvillage,  
Off Amman Road,  
Brynamman,  
Ammanford,  
Neath  
SA18 1SN  
Phone & Fax: 01269 824728

National Pub Watch  
<http://www.nationalpubwatch.org.uk/index.php>  
National Pubwatch,  
PO Box 3523,  
BARNET,  
EN5 9LQ

NOCTIS (Formerly Bar, Entertainment and Dance Association (BEDA))  
<http://www.noctisuk.org/>  
5 Waterloo Road  
Stockport  
Cheshire, UK  
SK1 3BD

The Portman Group  
4th Floor,  
20 Conduit Street,  
London,  
W1S 2XW

[www.portman.org.uk](http://www.portman.org.uk)  
[info@portmangroup.org.uk](mailto:info@portmangroup.org.uk)  
0207 290 1460

## Appendix C

There are a number of other local and national policies, strategies, responsibilities, and guidance documents which should be taken into account in order to complement the authority's licensing policy.

### **Strategies and Policies**

Alcohol Strategy

Best Bar None

British Beer and Pub Association Partnerships Initiative

Community Safety Strategy

Council's own Enforcement Policy

Cultural and Tourism Strategies including promotion of live music and community events

Home Office: Selling Alcohol Responsibly: Good Practice Examples from the Alcohol Retail and Hospitality Industries

Home Office: Guidance on banning the sale of alcohol below the cost of duty plus VAT

Local Development Framework

Local Transport Plan

National and local Pubwatch schemes

Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.

Purple Flag (ATCM)

### **Related Legislation**

Policing and Crime Act 2009

Anti-Social Behaviour Act 2003

Crime and Disorder Act 1998

Crime and Security Act 2010

Criminal Justice and Police Act 2001

Private Security Industry Act 2001

Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000

The Health Act 2006

Violent Crime Reduction Act 2006

The Live Music Act 2012

### **Guidance Documents**

[Home Office S182 Guidance](#)

[Test Purchasing Guidance](#)

[Protecting young people from alcohol related harm](#)

[Licensing large scale events \(music festivals etc\)](#)

[Licensing Village Halls](#)

[Councillor Handbook: Licensing Act 2003](#)

[Councillor Handbook: Community Events](#)

[Managing Crowds Safely](#)

[5 Steps to Risk Assessment](#)

[The Guide to Safety at Sports Grounds](#)

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## LICENSING COMMITTEE 26 AUGUST 2015

### GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)

#### WARDS AFFECTED: 'ALL WARDS'

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#### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek the comments of the Licensing Committee on the statutory revision of the Council's Statement of Principles, as required to be produced every 3 years by the Gambling Act 2005.

#### 2. RECOMMENDATION

- 2.1 That the Committee note the contents of the report and approve the attached draft Statement of Principles (Appendix A) for the purpose of consultation.

#### 3. BACKGROUND TO THE REPORT

- 3.1 The responsibility for regulatory activity has been split between local authorities and the national regulator called the Gambling Commission. The Commission issues the appropriate licences to gambling operators and individuals and issues guidance to local authorities as to how they should exercise their powers under the legislation. The Commission has powers to impose direct conditions on operators, develop codes of practice and investigate claims of illegal gambling or any breaches of the requirement of the legislation. Where it considers such action appropriate it will be able to suspend or revoke licences and issue unlimited financial penalties. Certain activities i.e. the National Lottery and spread betting remain separate from this regime and the responsibility of the Gambling Commission and Financial Services Authority respectively.

Local Authorities – designated as licensing authorities – are responsible for issuing premises licenses to:

- Casinos
- Betting Offices and Race Tracks
- Bingo Clubs
- Adult gaming facilities (for over 18s only)
- Family gaming facilities (where children are allowed)

The local authority also issue permits for gaming machines and for prize draws.

- 3.2 Under the provisions of the Gambling Act 2005 Hinckley & Bosworth Borough Council is the licensing authority for the administration and enforcement in specified circumstances of 'gambling', defined as Betting, Gaming and Participating in a Lottery.

- 3.3 Section 349 of the Gambling Act 2005 requires that Hinckley & Bosworth Borough Council as licensing authority prepare and publish a statement of principles every three years. The Borough Council's Statement of Principles is due for renewal in 2016.
- 3.4 It is a further requirement of the Act that the revised Policy must be approved at a full meeting of the Council. Such approval cannot be granted until consultation has been undertaken with a range of statutory bodies defined by the Act. Additionally the authority is empowered to consult with other organisations as is deemed appropriate.
- 3.5 The statement of principles is required to clearly place the promotion of the licensing objectives of the Act as central to its purpose. These are:
- Preventing gambling from being used as a source of crime or, being associated with crime and disorder or used to support crime;
  - Ensuring gambling is conducted in a fair and open way;
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.6 The statement must be produced in consultation with persons and bodies stipulated by the Act. These are:
- Chief Officer of Police for the authority's area;
  - Persons who appear to the authority to represent the interests of gambling businesses in the area;
  - Persons who appear likely to represent or have interests likely to be affected by the exercise of the authority's functions under the Act.
- 3.7 In determining its policy the authority must have regard to the guidance issued to accompany the Act, and give appropriate weight to representations made with regard to:
- Interest and expertise of person making the representation;
  - The motivation of those making representations;
  - How many people have expressed similar views;
  - How far representations relate to matters that should be included in the policy.
- 3.8 The Gambling Act reorganised the way in which commercial gambling was licensed and regulated, and introduced a range of new controls over activities that were unregulated e.g. internet gambling, gambling via mobile phone.
- 3.9 The Gambling Act 2005 also made it illegal to keep gaming machines for public use in certain venues e.g. taxis offices, fast food take-aways. These types of premises are able to provide a game of skill machine, but these do not require a licence from the local authority or the Gambling Commission.

- 3.10 In undertaking its responsibilities the local authority is required to have reference to guidance issued by the Gambling Commission and the licensing objectives of the Gambling Act. The local authority is required to publish a statement of principles and renew it every three years and that is used to guide its actions under the legislation.
- 3.11 The statement of principles has served the Council well over the last three years and there are only two notable changes to the policy. The two main changes are Local Risk Assessments and Local Area Profiles (to map out any local areas of concern) which have been included as part of the revised changes in the latest version of the Gambling Commissions Guidance to Local Authorities.

#### 4. FINANCIAL IMPLICATIONS [AG]

- 4.1 None.

#### 5. LEGAL IMPLICATIONS [MR]

- 5.1 The legal requirements relating to the Statement of Principles, the consultations to be carried out before any changes are made, and the procedure for agreeing to any amendment are set out adequately in the body of the report.

#### 6. CORPORATE PLAN IMPLICATIONS [RP]

- 6.1 The Statement of Principles will contribute to the Councils Corporate Plan objectives of supporting individuals and creating a vibrant place to work and live.

#### 7. CONSULTATION

- 7.1 A four week period of consultation will take place with both internal departments of the Council and external organisations. A list of the organisations that the authority is to consult with are as follows:

- The Chief Constable, Leicestershire Constabulary;
- Leicestershire Safeguarding Children Board;
- Leicestershire County Council Social Services;
- Leicestershire Fire & Rescue Service;
- Gambling Trade associations as appropriate;
- Association of British Bookmakers;
- Hinckley & Bosworth Borough Council elected Members;
- All Parish and Town Councils;
- Neighbouring local authorities;
- A selection of holders of existing licences, permits and registrations that will be affected by the provisions of the Act.
- GamCare & Gamblers Anonymous
- Responsibility in Gambling Trust

Comments received from those bodies consulted will be incorporated into the revised Policy.

## 8. RISK IMPLICATIONS

- 8.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 8.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Reputation from negative press coverage from enforcement	Ensure enforcement carried out competently and proportionately and in accordance with Enforcement Policies	Mark Brymer
Knowledge and skills of staff	Ensure adequate training given to enforcement staff	Mark Brymer
Legal compliance	Ensure actions in compliance with Central Government Policy	Mark Brymer

## 9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

- 9.1 There are only two minor changes to the policy which will not have any effect on the existing equality impact assessment and will not impact rural areas of the borough.

## 10. CORPORATE IMPLICATIONS

- 10.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

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Background papers: Gambling Act 2005  
Gambling Commission - Guidance to Licensing Authorities 5<sup>th</sup> Edition  
Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales)  
Regulations 2006 (S.I 636 of 2006)

Contact Officer: Mark Brymer ext 5645



*DRAFT*



**Hinckley & Bosworth  
Borough Council**

*A Borough to be proud of*

*Gambling Act 2005  
Statement of Principles*

Adopted by the Council on xx XXXXXX, 2015

## Foreword

The [Gambling Act 2005](#) has now been in force since 1<sup>st</sup> September 2007 and this is Hinckley & Bosworth Borough Councils fourth Statement of Principles.

Under the Act, the Licensing Authority is required to prepare and publish a Statement of Principles (Policy). Since the introduction of the Act, the policy has assisted in promoting the three licensing objectives detailed under the Act:

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

The Licensing Authority has considered and evaluated the effectiveness of the previous policy and has decided which elements of the Policy should be retained. A new addition to this policy is the Local Risk Assessment and the Local Area Profile which provides an analysis of the number and location of gambling facilities within the Borough.

<b>Contents</b>	<b>Page</b>
<b>Part 1</b>	
1. The licensing objectives	4
1.1 Introduction	4
1.2 Declaration	4
1.3 Consultees on the Policy	5
1.4 Licensing Authority Functions	5
1.5 Information Exchange	5
1.6 Enforcement	6
1.7 Responsible Authorities	7
1.8 Interested Parties	7
1.9 Local Risk Assessment	8
1.10 Local Area Profile	8
<b>Part 2 - Premises licences</b>	
2.1. General Principles	10
2.2. Definition of Premises	11 – 12
2.3 Location	13
2.4 Planning	13
2.5 Duplication with other regulatory regimes	13
2.6 Casinos	14
2.7 Bingo Premises	14
2.8 Betting Premises	14
2.9 Tracks	15
2.10 Adult Gaming Centre	16
2.11 Family Entertainment Centre	17
2.12 Travelling Fairs	17
2.13 Provisional Statements	18
2.14 Reviews	19
2.15 Reasons for a Decision	20
2.16 Appeals	20
<b>Part 3 - Permits and Notices</b>	
3.1 Unlicensed Family Entertainment Centre	21
3.2 Alcohol Licensed Premises	22
3.3 Club Gaming & Machine Permits	23
3.4 Prize Gaming & Prize Gaming Permits	24
3.5 Temporary Use Notices	24
3.6 Occasional Use Notices	25
<b>Part 4 – The Licensing Objectives</b>	
4.1 Licensing Objectives	25
4.2 Prevention of Crime & Disorder Objective	25
4.3 Ensure gambling is conducted fairly Objective	25
4.4 Protection of Children & Vulnerable People Objective	25
<b>Part 5 - Complaints &amp; Equality Statement</b>	26
<b>Part 6 – Further Information</b>	27
Appendix A – Consultees	29
Appendix B – Scheme of Delegation	29
Appendix C – Map of the Borough	30

## Glossary of Terms

Licensing Objectives:	As defined in Part 4 of the Statement of Principles
Licensing Authority	Hinckley & Bosworth Borough Council
Borough:	The area administered by Hinckley & Bosworth Borough Council (Map appended at Appendix C)
Licensing Authority Functions:	Applications for licenses and permits as defined in section 1.4
Notifications:	Means notification of temporary and occasional use notices
Act:	The Gambling Act 2005
Regulations:	Regulations made under the Gambling Act 2005
Premises:	Any place, including a vehicle, vessel or moveable structure
Code of Practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005
Mandatory Condition:	Set by the Secretary of State (some set out in the Act) and some to be prescribed by regulations.
Default Condition:	To be prescribed in Regulations made by the Secretary of State to be attached to all classes of premises licence, unless excluded by Hinckley & Bosworth Borough Council
Specific Condition	Conditions that can be attached to an individual premises by the Licensing Authority. (However these conditions cannot prevent compliance with operating licence conditions.)
Responsible Licensing Authority:	The following are responsible authorities: <ol style="list-style-type: none"> <li>1. The Licensing Authority in whose area the premises are wholly or mainly situated (HBBC)</li> <li>2. The Gambling Commission;</li> <li>3. The Chief Officer of Police for Leicestershire;</li> <li>4. Leicestershire Fire and Rescue Service;</li> <li>5. The Local Planning Licensing Authority (HBBC)</li> <li>6. A Licensing Authority with functions in relation to pollution of the environment or harm to human health;</li> <li>7. A designated body to advise on the protection of children;</li> <li>8. HM Customs and Excise.</li> </ol>
Interested Party:	For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the license or to which the application is made, the person:- <ol style="list-style-type: none"> <li>a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;</li> <li>b) Has business interests that might be affected by the authorised activities;</li> <li>c) Represents persons who satisfy a) or b) above.</li> </ol>
Categories of machines	A= Unlimited, B1 = £10000 B2 = £500 B3 = £500 B4 = £400, C = £100, D = £ 5 or up to £ 50 non-monetary prize.

## **Licensing Objectives under the Gambling Act 2005**

The Gambling Act 2005 (The Act) sets out three clear licensing objectives which are:-

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

This Licensing Authority is aware that, under Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant Codes of Practice under section 24 of the Act
- in accordance with any relevant Guidance issued by the Commission under section 25 of the Act
- in accordance with this Statement of Principles, and
- reasonably consistent with the licensing objectives.

### **1.1 Introduction**

Hinckley & Bosworth Borough Council became the Licensing Authority under the Gambling Act 2005. The Council's Geographical area is shown in Appendix C.

Licensing authorities are required by the Gambling Act 2005 to publish a statement of principles to apply when exercising their functions. The statement must be published every three years. This statement will come into effect one month after adoption by the Council and will be valid for three years; the statement must also be reviewed from time to time and re-consulted upon. The statement would then be re-published.

### **1.2 Declaration**

The Licensing Authority declares that this Statement of Principles has been prepared having regard to the provisions of the Guidance issued by the Gambling Commission and the licensing objectives of the Gambling Act 2005.

This Statement of Principles can be viewed on Hinckley & Bosworth Boroughs website: - [www.hinckley-bosworth.gov.uk](http://www.hinckley-bosworth.gov.uk)

The policy is to be approved at a meeting of the Full Council on 10<sup>th</sup> November 2015 and will be published via the Council's website. Copies are available upon request.

### **1.3 Consultees on the Statement of Principles**

The Statement of Principles has been subject to formal consultation with:-

1. Leicestershire Constabulary;
2. Representatives of the holders of the various licences for premises within the Borough who will be affected by this Policy;
3. Persons/bodies representing the interests of persons likely to be affected by this policy.

A full list is shown in Appendix A.

### **1.4 Licensing Authority Functions**

The Licensing Authority is required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements (a premises that he or she, expects to be constructed; altered; or acquires a right to occupy)
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to commercial clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and endorse Temporary Use Notices
- Receive and acknowledge Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section below on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that local licensing authorities are not be involved in licensing remote gambling at all (internet gambling). This will fall to the Gambling Commission via operating licences.

Spread betting is regulated by The Financial Services Authority and the National Lottery is now regulated by The Gambling Commission.

### **1.5 Information exchange**

In fulfilling its functions under sections 29, 30 and 350 of the Act with respect to the exchange of relevant information with other regulatory bodies the Council will establish protocols in this respect. In exchanging such

information, the Council will conform to the requirements of the Data Protection Act 1998 in accordance with the Council's existing policies. Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their details will be disclosed.

## **1.6 Enforcement**

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified. This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance and will endeavour to be:

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

As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- The relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

This licensing authority also keeps itself informed of developments as regards the work of the [Better Regulation Delivery Office](#) (BRDO) in its consideration of the regulatory functions of local authorities.

## **1.7 Responsible Authorities**

In exercising this licensing authority's powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm, the following principles have been applied:

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

In accordance with the Gambling Commission's Guidance for local authorities this authority designates the Local Safeguarding Children's Board in conjunction with Leicestershire Police.

## **1.8 Interested Parties**

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

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

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

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

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

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the Councillor / MP represents the Ward likely to be affected. Likewise, parish councils likely to be affected



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

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application.

## **1.9 Local Risk assessment**

The Gambling Commission's [Licence Conditions and Codes of Practice](#) (LCCP) (issued in February 2015) require licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures in place to mitigate those risks.

As part of the application process licensees are required to submit a local risk assessment.

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

This Licensing Authority will require a licensee to share their risk assessment with the authority. The risk assessment will set out the measures the licensee has in place to address specific issues where concerns exist over new or existing risks. By adopting this proactive approach Licensing Authorities and licensees should be able to reduce the occasions on which a premises review is required.

## **1.10 Local Area Profile**

The following area profile has been included to facilitate operators being able to better understand the environment within Hinckley & Bosworth Borough Council and therefore proactively mitigate risks to the licensing objectives.

At the time of publication the Borough of Hinckley & Bosworth has a total of nine gambling premises licences. All premises licensed under the Gambling Act 2005 within the borough may only be accessed by adults (over 18's) only.

The breakdown of those licences by location and type are given below:

### **Location**

Hinckley	X 5 Betting Premises	X 1 Adult Gaming Centre
Grobby	X 1 Betting Premises	
Earl Shilton	X 1 Betting Premises	
Burbage	X 1 Betting Premises	

### **Premises type**

Betting Premises	X 8
Adult Gaming Centre	X 1

### **Betting Premises**

There are currently only eight betting premises within the borough. Following recent enquiries from a trade association the Licensing Authority has made contact with local betting premises in relation to the category B2 gaming machines known as fixed odds betting terminals (FOBT). The information obtained shows that there is no excessive use of the machines and proper control and monitoring of these machines by the licence holders are in place. No complaints have been received about individual betting premises since 2007 when the Council became the Licensing Authority. Betting premises may only be entered by persons over the age of 18. This Council will continue to monitor premises to ensure compliance levels are maintained.

### **Adult Gaming Centre (AGC)**

There is one Adult Gaming Centre in Hinckley town centre. They are able to make category B, C and D gaming machines available for use. Only persons over the age of 18 can enter these premises.

### **Casino**

There are no licensed casinos in the borough.

### **Tracks**

There are no track betting premises in the borough.

### **Family Entertainment Centre**

There are no family entertainment centres in the borough.

### **Bingo Hall**

There are no bingo halls in the borough.

## **Part 2 – Premises Licensing**

### **2.1 General Principles**

Premises licences will be subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions as detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks 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 Licensing Authority's statement of licensing policy.

It is appreciated that "moral objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for the Licensing Authority.

### **2.2 Definition of Premises**

Definition of "premises" – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts 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 large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, the licensing authority will pay particular attention if there are issues about sub-divisions of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the 5<sup>th</sup> edition of its Guidance to Licensing Authorities 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 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

This licensing authority takes note that: care should be taken in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular officers should be 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 activity names on the premises licence.

Officers will take into account the following factors:

- Do the premises have a separate registration for business rates?
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

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

**The relevant access provisions for each premises type is as follows:**

### **Casinos**

- The principal access entrance to the premises must be from a street
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

### **Adult Gaming Centre**

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

## **Betting Shops**

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

## **Tracks**

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

## **Bingo Premises**

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

## **Family Entertainment Centre**

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

## **Premises “ready for gambling”**

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

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

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

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

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

### **2.3 Location of Premises**

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

### **2.4 Planning**

In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

### **2.5 Duplication with other regulatory regimes**

Duplication with other regulatory regimes - This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

## **2.6 Casinos**

There are currently no casinos operating within the Borough.

There is no resolution to prohibit casinos in the Borough at present. However the Council reserves the right to review this situation and may, at some time in the future, resolve not to permit casinos.

Should the Licensing Authority choose to make such a resolution under section 166 of the Act, this will be a resolution of Full Council following considered debate, and the reasons for making the resolution will be given. There is no right of appeal against this resolution.

## **2.7 Bingo Premises**

Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

This authority also notes that regarding the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate eight category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

## **2.8 Betting Premises**

Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

## **2.9 Tracks**

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. This licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter. At present there are no tracks within the Borough.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This licensing authority may consider measures to meet the licensing objectives such as:

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

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

### **Gaming machines**

Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

### **Betting machines**

This licensing authority will, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.



## **Applications and plans**

The Gambling Act (s51) requires applicants 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.

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place.

### **2.10 Adult Gaming Centre**

This 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, for example, ensure that under 18 year olds do not have access to the premises.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes

- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

### **2.11 Family Entertainment Centre**

This 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 the adult only gaming machine areas.

This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

### **2.12 Travelling Fairs**

This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land.

This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## 2.13 Provisional Statements

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

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

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

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

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

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

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

- which could not have been raised by objectors at the provisional statement stage;
- 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.

## 2.14 Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with this authority's statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

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. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

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:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the licensing authority may also 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.

Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

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

## **2.15 Reasons for a Decision**

It is a requirement of the Act that a licensing authority gives reasons for a rejection of an application but it is good practice for reasons to be given in relation to all decisions.

A failure to give reasons may result in an appeal of the decision or the suggestion that the licensing authority did not have regard to all the relevant information when making its decision, in line with its obligation under s.153 of the Act.

## **2.16 Appeals**

An appeal against a decision of this licensing authority has to be made to the Magistrates' Court for the local justice area in which the premises concerned are situated.

To begin an appeal, the appellant must give notice of their appeal within 21 days of their having received notice of the relevant decision. During that period, and until any appeal that has been brought has been finally determined, a determination or other action by the licensing authority will not have effect unless the licensing authority so directs.

If the licence holder or the person who made the application appeals, the licensing authority will be the respondent. If the appeal is made by someone else, then the licence holder / applicant will be a respondent to the appeal along with the licensing authority.

There is a further right of appeal from the Magistrates' Court to the High Court in England and Wales.

## **Part 3 - Permits / Temporary & Occasional Use Notice**

### **3.1 Unlicensed Family Entertainment Centres (UFEC)**

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25.

This Licensing authority will want all applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

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

#### **Statement of Principles**

This licensing authority will expect the applicant 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 Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

### **3.2 Alcohol Licensed premises gaming machine permits - Automatic entitlement: 2 machines**

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.

To promote best practice Hinckley & Bosworth Borough Council produce a Summary document and request that premises licence holders (Licensing Act 2003) display it as good practice. By displaying a summary of gaming machine entitlement the designated premises supervisor (DPS) is showing co-operation with the fair & open objective of the Gambling Act by letting people know what the machines actually are that they may be playing and that the premises is licensed to operate those machines. The summary also contributes towards keeping crime out of gambling by letting people see that if a premise is licensed for two machines but has four on the premises there is an avenue to raise that with the Local Authority and/or the Gambling Commission.

<http://www.gamblingcommission.gov.uk/pdf/code-of-practice-for-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence.pdf>

The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the 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 has been committed on the premises.

### **Permit: 3 or more machines**

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant.”

This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed 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 adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

### **3.3 Club Gaming Permits & Club Machine Permits**

The Licensing Authority may grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits which authorise the establishments to provide gaming machines, equal chance gaming and games of chance as prescribed in regulations.

Club machine permits allow the provision of no more than three gaming machines. These may be from categories B, C or D. The club is permitted to choose the combination of machines on its premises. The Licensing Authority may grant or refuse a permit, but it may not attach any conditions to a permit. The Authority only refuses an application for a machine permit if the:

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

### **3.4 Prize Gaming & Prize Gaming Permits**

Gaming is defined as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.

A prize gaming permit is a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specified premises.

An application for a permit can only be made by a person who occupies or plans to occupy the premises an individual, must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises.



### **3.5 Temporary Use Notices**

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

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

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

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

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 be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

### **3.6 Occasional Use Notices**

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

## **Part 4- The Licensing Objectives**

### **4.1 Licensing Objectives**

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below

#### **4.2 Preventing gambling from being a source of crime and disorder; being associated with crime and disorder or being used to support crime**

This licensing authority is aware that the Gambling Commission takes 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. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

#### **4.3 Ensuring gambling is conducted in a fair and open way**

This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

#### **4.4 Protecting children and other vulnerable persons from being harmed or exploited by gambling – Licensing Objective**

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

Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

The Gambling Commission has confirmed to this authority that there is no evidence of child sexual exploitation neither within the gambling industry, nor instances of grooming occurring in gambling licensed premises.

## **Vulnerable Persons**

As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek 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 gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis.

## **5 COMPLAINTS AGAINST PREMISES LICENSED UNDER THE ACT**

This Licensing Authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about licensed premises or a valid application for a license to be reviewed, this Licensing Authority may initially arrange a conciliation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the Licensing Committee consider their valid objections or for any licence holder to decline to participate in a conciliation meeting. Due consideration will be given to all relevant representations.

## **Equal Opportunities Statement**

In developing this policy, the Council has recognised its responsibility under the Equality Act 2010 to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not

The Act and the Council seeks to outlaw unlawful discrimination against a person or group of people because of their:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships (in respect of the requirement to have due regard to the need to eliminate discrimination)
- Pregnancy and maternity
- Race
- Religion
- Sex or Sexual orientation.

The Council will not be affected by improper or undue influence from any source. To assist in this:

- The Policy and associated documents will be available on the Internet, and in other formats upon request.
- Multi-language sections may be included in all leaflets upon request.
- Support will be offered to individuals who are socially excluded to assist in their understanding of legislation and legal requirements
- Action will be taken to ensure that all enforcement action, particularly against those individuals from disadvantaged groups or who share protected characteristics, is dealt with fairly.

An Equality Impact Assessment has been completed for this policy.

## **6 FURTHER INFORMATION**

Further information about the Gambling Act 2005, this Statement of Principles or the application process can be obtained from:-

The Licensing Service  
Hinckley & Bosworth Borough Council  
Hinckley Hub  
Rugby Road  
Hinckley  
LE10 0FR

Tel: 01455 238141  
Fax: 01455 251172  
E-mail: [esadmin@hinckley-bosworth.gov.uk](mailto:esadmin@hinckley-bosworth.gov.uk)  
Website: [www.hinckley-bosworth.gov.uk](http://www.hinckley-bosworth.gov.uk)

The Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Tel: 0121 230 6500  
Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

## Appendix A – Consultees On Policy

The Licensing Authority has sent copies of the policy to the following to consult on the content of this Statement of Principles:-

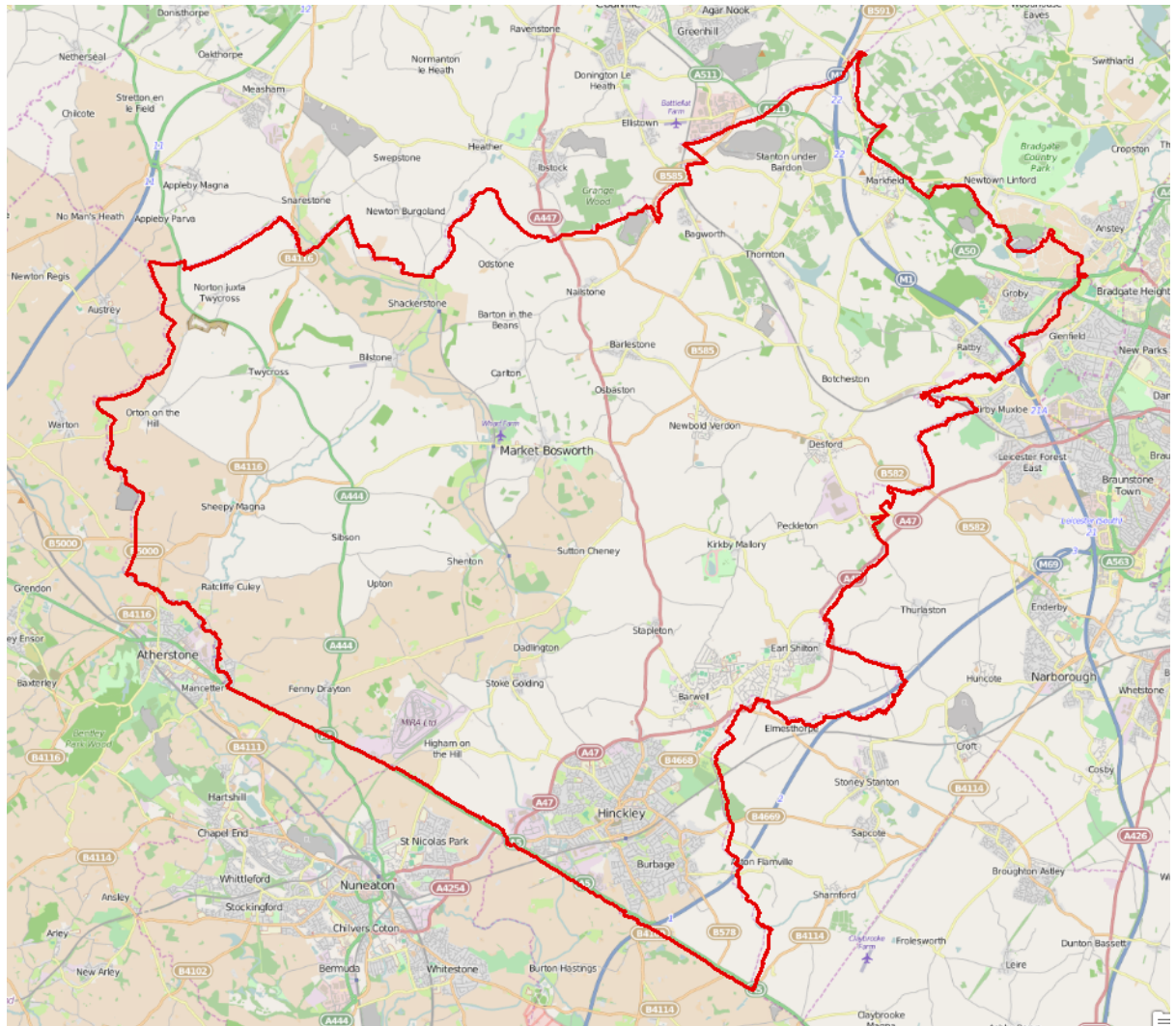
- The Chief Constable, Leicestershire Constabulary;
- Leicestershire Safeguarding Children Board;
- Leicestershire County Council Social Services;
- Leicestershire Fire & Rescue Service;
- Trade associations as appropriate;
- Association of British Bookmakers;
- Hinckley & Bosworth Borough Council elected Members;
- All Parish and Town Councils;
- Neighbouring local authorities;
- A selection of holders of existing licences, permits and registrations that will be affected by the provisions of the Act.
- GamCare & Gamblers Anonymous
- Responsibility in Gambling Trust

## Appendix B - Gambling Act 2005 Scheme of Delegation

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Committee / Sub-Committee</b>	<b>Officers</b>
<b>Final approval of the 3 year Statement of Principles</b>	<b>X</b>		
<b>Review of 3 year Statement of Principles</b>		<b>X</b> (Full Committee only)	
<b>Policy not to permit casinos</b>	<b>X</b>		
<b>Fee setting (when appropriate)</b>		<b>X</b> (Full Committee only)	
<b>Application for premises licences</b>		Where representations have been received and not withdrawn (Sub-Committee)	Where no representations received / representations have been withdrawn
<b>Application for a variation to a licence</b>		Where representations have been received and not withdrawn (Sub-Committee)	Where no representations received / representations have been withdrawn

<b>Application for a transfer of a licence</b>		Where representations have been received from the Commission or responsible authority  (Sub-Committee)	Where no representations received from the Commission or responsible authority
<b>Application for a provisional statement</b>		Where representations have been received and not withdrawn  (Sub-Committee)	Where no representations received / representations have been withdrawn
<b>Review of a premises licence</b>		<b>X</b>  (Sub-Committee)	
<b>Application for club gaming/club machine permits</b>		Where objections are made and not withdrawn	Where objections are not received or are withdrawn
<b>Cancellation of club gaming/club machine permits</b>		<b>X</b>  (Sub-Committee)	
<b>Applications for other permits</b>			<b>X</b>
<b>Cancellation of licensed premises gaming machine permits</b>			<b>X</b>
<b>Applications for small scale lotteries registration</b>		Where objections are made and not withdrawn (Sub)	Where objections are not made or are withdrawn
<b>Consideration of temporary use notice</b>			<b>X</b>
<b>Decision to give a counter notice to a temporary use notice</b>		<b>X</b>  (Sub-Committee)	
<b>Determination of vexatious or frivolous representations or representations which will certainly not influence the authority under the 2005 Act</b>			<b>X</b>

## Appendix C – Map of The Borough



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