NOTICE OF MEETING

Meeting: Licensing Committee
Date and Time: Tuesday, 5 January 2016 at 7.00 pm
Place: Council Chamber, Civic Offices, Fleet
Telephone Enquiries to: Gill Chapman 01252 774141
gill.chapman@hart.gov.uk

Members: Blewett, Butler, Collett (Chairman), Forster, Gorys, Harward, Kinnell, Lewis, Makepeace-Browne, Radley JR, Woods

AGENDA

COPIES OF THIS AGENDA ARE AVAILABLE IN LARGE PRINT AND BRAILLE ON REQUEST

1 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 9 June 2015 are attached for confirmation and signature as a correct record. Paper A

2 APOLOGIES FOR ABSENCE

3 DECLARATIONS OF INTEREST

To declare disclosable pecuniary, and any other, interests.
4 CHAIRMAN’S ANNOUNCEMENTS

5 REVIEW OF STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

To seek approval to consult on the draft stage 1 revised Statement of Principles (SOP) required under the Gambling Act 2005, which is a minor revision of the current Statement as part of a 2 stage review process. Paper B

RECOMMENDATION

That the draft stage 1 Statement of Licensing Principles for consultation be approved.

6 APPROVAL OF CHARITY STREET COLLECTION POLICY

To review the current street collections procedures and approve a revised policy ceasing the need for Hart District Council to administer permits for charity collections on private land. Paper C

RECOMMENDATION

That the revised policy is adopted from 1 March 2016 in the interests of efficiencies and savings for charities and the District Council.

7 TAXI AND PRIVATE HIRE ENFORCEMENT UPDATE

To update the Licensing Committee of the outcome of a recent taxi and private hire late night enforcement exercise. Paper D

RECOMMENDATION

To note the report.

8 APPROVAL OF REVISED EXEMPT VEHICLE POLICY FOR CONSULTATION

To seek approval for a revised policy on the licensing of vehicles with an exemption from the requirement to display the licence plate under section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 for consultation with the trade. Paper E

RECOMMENDATION

That the draft revised policy is approved for consultation with the private hire trade.

9 AMENDMENT TO HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE TYPES AND AUTHORISATIONS

To seek approval for an amendment to the current policy on the types of driver licences issued from first March 2016. Paper F
RECOMMENDATION

To amend the current policy to offer only a private hire driver’s licence or a hackney carriage licence with the hackney carriage drivers licence including authority to drive private hire vehicles (subject to the private hire driver conditions of licence).

Date of Despatch: 22 December 2015

The Human Rights Act 1998 (the Act) has incorporated part of the European Convention on Human Rights into English Law. Any recommendations, either to take or not to take enforcement action, have been assessed to make sure that the decision is compatible with the Act. If there is a potential conflict, this will be highlighted in the individual report on the relevant item.
LICENSING COMMITTEE

Date and Time:       Tuesday, 9 June 2015 at 7pm
Place:              Council Chamber, Civic Offices

Present:

COUNCILLORS

Collett (Chairman)

Blewett, Forster, Harward, Kinnell (7.10 pm), Makepeace-Browne, Radley JR

Officers:

Nick Steevens     Head of Regulatory Services
Linda Cannon      Licensing Manager, Shared Licensing Services
Wendi Battison    Shared Legal Services
Gill Chapman      Committee Services

1 ELECTION OF VICE CHAIRMAN

Councillor Butler was elected as Vice Chairman.

2 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 4 November 2014 were confirmed and signed as a correct record.

3 APOLOGIES FOR ABSENCE

Apologies had been received from Councillors Butler and Woods.

4 DECLARATIONS OF INTEREST

None declared.

5 CHAIRMAN’S ANNOUNCEMENTS

None.

6 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCES

Members considered the amended hackney carriage and private hire driver licence templates and the Private Hire Operator application forms.

Members considered the following points:
• Conditions attached to a licence clarifies to drivers what is required. Presently conditions are set but not issued with the licence. Shared Licensing Services are looking to clarify this situation for drivers
• New licences will be granted with conditions to make it clear what they need to comply with
• Hart has less vehicles than drivers licences as some vehicles are shared to cover the day and night time economy
• The 3 year review is still due next year
• We are allowed to ask for more information than we ask for presently, helping us to make a more rounded judgement on the application
• Data protection – Operators are in possession of a lot of personal data and authorities need to be sure the operators can be trusted to keep that information secure and not take advantage of it, eg when people are on holiday
• We cannot ask operators to prove that they are complying with the data protection Codes of Practice, we can only make sure they are aware of the requirements
• Existing licence holders should be apprised of licence conditions as soon as possible
• New/renewed licences will include conditions attached to their licences.

Members agreed that the licensing service should highlight the obligations of all Hart’s licensed drivers and operators under the Data Protection Act.

RESOLVED

1 Hackney carriage and private hire driver’s licences be amended to include the appropriate licence conditions and byelaws under which the licences are granted.

2 Members agree to a review of the relevant taxi Licensing Policy sections in relation to driver’s licences.

3 Members agree to an amendment to the private hire operator licence application process to seek further information in line with section 57 of the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA).

7 REVIEW OF HART DISTRICT COUNCIL DRIVER MEDICAL POLICY

The Committee considered the current arrangements for private hire and hackney carriage driver and new applicant medicals and a small increase in the driver licensing fee.

Members considered the following points:

• Driver renewal changes would take effect from 1 July, new licences effective immediately.
• A mail drop would be done to all drivers on the new guidance to make sure they are aware.
• There were concerns that some drivers may have been declared fit when not.
Public safety was paramount
New system which, although slightly more expensive to the Driver, would include an independent assessment
Hart policy presently asks for a medical assessment every three years and the national requirement is 5 years
Cost may be higher but by reducing the frequency of the medical assessment this would even out
An updated version of the Medical Examination Form (Appendix 2) was circulated
Advice would taken from the medical professional on Conditions that could be added to the licence for ongoing medical conditions, eg diabetes
Mental health issues are not disclosable, only alcohol or drug dependency
Eye tests every two years cannot be enforced
A suggestion on the inclusion of contact lenses to the optical section would be considered
At renewal of the annual licence Drivers are asked to detail any changes in their medical conditions. The Council would then have the option of adding conditions with regard to any medical changes
Members suggested that a condition be added that drivers must notify the Council if there is a significant change in their medical condition at any time during their licence
Only ‘reasonable’ conditions can be imposed – if there is only one authority imposing a condition this would not be considered reasonable
Members asked that feedback about their concerns be fed back to the relevant organisations such as the Institute of Licensing and the Law Commission.

It was agreed to impose an additional condition that drivers must notify of any significant medical conditions when they occur.

RESOLVED

1. That proposed changes to the current policy on medicals be approved, to ensure that the policy reflects the DVLA group 2 guidelines ensuring GP’s carrying out medicals have full access to the drivers medical history to allow an informed medical examination.

2. To approve the small licence fee increase to cover the cost of the third party independent occupational health advisors medical determination of the drivers fitness based on the revised medical form as detailed in the report.

3. An additional condition be applied to new licenses stipulating that drivers must declare to the licensing authority any newly diagnosed medical condition which may impact upon their fitness to be a licensed driver.

The meeting closed at 7.50 pm
PAPER B

LICENSED COMMITTEE

DATE OF MEETING: 5 JANUARY 2016

TITLE OF REPORT: REVIEW OF STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

Report of: Head of Regulatory Services

Cabinet member: Councillor John Kennett, Regulatory Services

1 PURPOSE OF REPORT

1.1 This report seeks the approval to consult on the draft stage 1 revised Statement of Principles (SOP) required under the Gambling Act 2005 which is a minor revision of the current Statement as part of a 2 stage review process.

1.2 The approval of this draft Statement of Licensing Principles for consultation will enable the Council to work towards implementing the next three year Statement of Licensing Principles and meet the statutory requirements of the Act.

2 OFFICER RECOMMENDATION

2.1 It is recommended that the Licensing Committee approve the draft stage 1 Statement of Licensing Principles attached at Appendix 1 for consultation.

3 BACKGROUND

3.1 The District Council as the Licensing Authority must prepare and publish a new Statement of Licensing Principles (SOP) for Gambling every three years under the requirements of section 349 of the Act.

3.2 The Council’s Statement of Principles for Gambling (also known as the Gambling Policy) expires on 30 January 2016. The Gambling Act 2005 (the Act) requires the Licensing Authority to prepare and publish a new three year Statement of Licensing Principles which is due to be effective from the 31 January 2016.

3.3 There have been recent changes in national gambling regulation, guidance and policy which will need to be reflected in the Statement. A significant change is that the Gambling Commission have introduced the requirement within their Licensing Conditions and Codes of Practice (LCCP) that operators, from the 6th April 2016 must assess the risk that their gambling premises has relating to the licensing objectives within the location of a proposed gambling premises.

3.4 The Licensing Authority will be required to incorporate within the SOP, the measures that the Authority will require applicants and existing licence holders (where variation applications are made) to include in their application with regard to Local Area Profiling (LAP). The LAP would involve understanding the area, who lives, visits or works there, what the demographics are, what services are available, what the crime rates are, what are the relevant buildings such as care facilities, what
licenced premises are already there and how they operate, and how these relate to areas of increased risk.

3.5 This will enable gambling operators to understand what the Licensing Authority considers are the relevant local factors that may affect gambling within a geographical location.

3.6 Due to the upcoming expiry of the current SOP and the very recent (October 2015) release of the guidance under the Act in respect of LAP, it is proposed that the Licensing Authority approach the preparation and publication of the SOP in two stages. A similar approach is being taken by many other authorities.

3.7 Stage 1 relates to producing a revised Statement to commence as soon after the 31 January 2016 as possible to meet the requirements of the Act.

3.8 The minor amendments to the current SOP are shown within Appendix 1 as tracked changes. These amendments reflect the changes to dates, typographical errors, and permitted stakes and prizes and other legislative changes since 2013.

3.9 It is proposed that the revised SOP will be consulted upon from 8 January for a period of 4 weeks. Following that consultation and after reviewing any responses to the consultation the final version of this SOP will be presented to the Licensing Committee on 1 March 2016 and then progress to its approval for adoption at the Full Council meeting on the 31 March 2016. The consultation invitation is attached at Appendix 2.

3.10 This SOP will then come into effect from that date and replace the current version.

3.11 Stage 2 will be a complete revision of the SOP as discussed at 3.3 to 3.4 and include a new layout and the inclusion of the LAP. This revised SOP will be subject to a separate public consultation over a longer period. It is anticipated that the stage 2 revision of the SOP will be presented to the Licensing Committee in June 2016 for approval.

3.12 Following the consultation and consideration of the responses the final draft will be returned to the Licensing Committee in September 2016, progress on to Full Council in September 2016 and come into effect subject to full council adoption.

4 CONSIDERATIONS

4.1 Section 349(1) requires the Licensing Authority to prepare and publish a Statement of Principles every three years. Within the proposed staged approach this revised SOP would just exceed the deadline of 31 January 2016 by 2 months.

4.2 Section 349(2) requires the Licensing Authority to review its SOP under this section from time to time if it is deemed necessary in light of a review to revise the Statement and publish any revision before giving it effect. It is proposed that the stage 2 revision will be undertaken under this sub-section.
5 POLICY IMPLICATIONS

The current SOP although expiring on 31 January 2016 can continue to be referred to in the intervening period in the unlikely event that an application for a licence under the Gambling Act 2005 is received.

6 FINANCIAL IMPLICATIONS

None.

7 MANAGEMENT OF RISK

The Stage 1 revised policy should be effective after Full Council on 31 March 2016 to enable the Authority to continue to carry out its functions. This means there is a gap between the expiry of the current policy and the adoption of the stage 1 version. However, due to the very low number of applications received under the Gambling Act 2005 the risk of any legal challenge is considered very small and the current policy will be able to be referred to should any applications arise during that short period. The risk is similar in respect of the final approval of the 2nd stage review to include the LAP. This has been unavoidable due to awaiting the release of the Gambling Commission’s guidance on the LAP.

8 CONCLUSION

The approval of the stage 1 SOP will ensure that the Licensing Authority continues to meet its obligation under section 349(1) of the Gambling Act 2005.

Contact Details: Linda Cannon, Shared Licensing Services Manager, ext 4277
email linda.cannon@basingstoke.gov.uk

APPENDICES
Appendix 1 – Copy of Revised Statement of Principles
Appendix 2 – Consultation invitation

BACKGROUND PAPERS
None
GAMBLING ACT 2005
STATEMENT OF PRINCIPLES

2016 - 2019
Ensuring gambling is conducted in a fair and open way

whilst ensuring the protection of vulnerable people’

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

Comments are invited on this document to:

Shared Licensing Team
Hart District Council
Civic Offices
Harlington Way
Fleet
Hampshire
GU51 4AE
Tel.01252 774496
Email: licence@hart.gov.uk
<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Part A</strong></td>
<td></td>
</tr>
<tr>
<td>1.0 Licensing objectives</td>
<td>4</td>
</tr>
<tr>
<td>2.0 Introduction to Hart District Council</td>
<td>4</td>
</tr>
<tr>
<td>3.0 Aims</td>
<td>5</td>
</tr>
<tr>
<td>4.0 Scope</td>
<td>5</td>
</tr>
<tr>
<td>5.0 Consultation on the Statement of Principles</td>
<td>6</td>
</tr>
<tr>
<td>6.0 Declaration</td>
<td>7</td>
</tr>
<tr>
<td>7.0 Responsible authorities and interested parties</td>
<td>7</td>
</tr>
<tr>
<td>8.0 Exchange of information</td>
<td>10</td>
</tr>
<tr>
<td>9.0 Human Rights and equal opportunities</td>
<td>10</td>
</tr>
<tr>
<td>10.0 Compliance and Enforcement</td>
<td>11</td>
</tr>
<tr>
<td>11.0 The Licensing Authority functions</td>
<td>11</td>
</tr>
<tr>
<td><strong>Part B - Premises Licences</strong></td>
<td></td>
</tr>
<tr>
<td>12.0 General Principles</td>
<td>12</td>
</tr>
<tr>
<td>13.0 Licensing Objectives</td>
<td>14</td>
</tr>
<tr>
<td>14.0 Conditions on premises licences</td>
<td>16</td>
</tr>
<tr>
<td>15.0 Other Legislation</td>
<td>18</td>
</tr>
<tr>
<td>16.0 Adult Gaming Centres</td>
<td>18</td>
</tr>
<tr>
<td>17.0 Licensed Family Entertainment Centres</td>
<td>18</td>
</tr>
<tr>
<td>18.0 Casinos</td>
<td>19</td>
</tr>
<tr>
<td>19.0 Bingo premises</td>
<td>20</td>
</tr>
<tr>
<td>20.0 Betting Premises</td>
<td>20</td>
</tr>
<tr>
<td>21.0 Race Tracks</td>
<td>20</td>
</tr>
<tr>
<td>22.0 Travelling fairs</td>
<td>22</td>
</tr>
<tr>
<td>23.0 Provisional Statements</td>
<td>23</td>
</tr>
<tr>
<td>24.0 Reviews of Licensed Premises</td>
<td>23</td>
</tr>
<tr>
<td><strong>Part C - Permits/Temporary &amp; Occasional Use Notices</strong></td>
<td></td>
</tr>
<tr>
<td>25.0 Unlicensed Family Entertainment Centre Gaming Machine Permits</td>
<td>24</td>
</tr>
<tr>
<td>26.0 Alcohol Licensed Premises Gaming Machine Permits</td>
<td>25</td>
</tr>
<tr>
<td>27.0 Prize Gaming Permits</td>
<td>26</td>
</tr>
<tr>
<td>28.0 Club Gaming and Club Machines Permits</td>
<td>26</td>
</tr>
<tr>
<td>29.0 Temporary Use Notices</td>
<td>27</td>
</tr>
<tr>
<td>30.0 Occasional Use Notices</td>
<td>28</td>
</tr>
<tr>
<td><strong>Part D - Other Information</strong></td>
<td></td>
</tr>
<tr>
<td>31.0 Rights of appeal and judicial review</td>
<td>28</td>
</tr>
<tr>
<td>32.0 Small Society Lotteries</td>
<td>29</td>
</tr>
<tr>
<td>33.0 Other matters</td>
<td>30</td>
</tr>
<tr>
<td>30.0 The Licensing Authority Delegations</td>
<td>31</td>
</tr>
<tr>
<td><strong>APPENDICES</strong></td>
<td></td>
</tr>
<tr>
<td>Appendix A - Map of Hart District Council area</td>
<td>32</td>
</tr>
<tr>
<td>Appendix B - List of responsible authorities and consultees</td>
<td>33</td>
</tr>
<tr>
<td>Appendix C - Types of Gaming Machines</td>
<td>34</td>
</tr>
<tr>
<td>Appendix D - Summary of gaming entitlements for clubs and alcohol Licensed premises’</td>
<td>35</td>
</tr>
</tbody>
</table>
This is the stage 1 Statement of Principles (licensing policy statement), as determined by the council in respect of its licensing functions, with regard to the Gambling Act 2005. This statement commences on ________ and continues for a three year period. During this period the policy will be kept under review and the council will make such revisions to it, at such times, as it considers appropriate. Further licensing statements will be published every three years thereafter or earlier as necessary.

A further stage 2 statement will be consulted on from early 2016 to include information on Local Area profiling.

All references to the ‘guidance’ refer to the Gambling Commission's Guidance to Licensing Authorities.

The document is not a full and authoritative statement of the law or statutory guidance and does not constitute professional or legal advice.
PART A

1.0 Licensing Objectives

1.1 In exercising their functions under the Gambling Act 2005, the Licensing Authority must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

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

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

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

The council gives equal weight to each of the licensing objectives.

1.2 The Licensing Authority is aware that the Gambling Commission has stated that the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.

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

   i. in accordance with any relevant code of practice issued by the Gambling Commission
   ii. in accordance with any guidance issued by the Gambling Commission
   iii. reasonably consistent with the licensing objectives and
   iv. in accordance with the Authority’s statement of licensing policy

2.0 Introduction

2.1 Hart District is situated in the County of Hampshire which contains 11 district/borough councils and 2 unitary authorities.

2.2 Hart District has a population of around 91,000 in an area of 215,000 hectares. The District is a mixed rural and urban area, with market towns and historic and picturesque villages. Fleet Town centre is vibrant offering a number of pubs and eating places alongside the Shopping areas located on and off the Fleet High Street and the Hart Shopping centre.

2.3 There are excellent transport links across the District with railway stations located at Fleet, Hood, Winchfield and Blackwater. The M3 also passes through Hart District at Hook and Minley. Its close proximity and accessibility to London make it an attractive business and commuter location.
3.0 **Aims**

3.1 The aim of this statement of principles is to ensure gambling is conducted in a fair and open way and does not support crime, whilst ensuring protection for vulnerable people. The council will regulate gambling in the public interest and recognises that these activities contribute to the District and to the local economy, as well as providing employment, and will aim to permit the use of premises for gambling as set out in section 153 of the Act.

3.2 To achieve this aim the council is committed to partnership working with the responsible authorities, local businesses, licensing trade, residents, those involved in the protection of children and other interested parties towards the promotion of the objectives set out in this policy. The council will ensure that it takes into account the views of these stakeholders and ensure proper integration of local crime prevention, planning, transport, employment, tourism and cultural strategies.

3.3 This statement of principles provides information and guidance to applicants, objectors and interested parties on the general approach that the council will take to licensing issues. Although each application will be considered individually on its own merits, this statement of principles indicates the wider considerations that will be taken into account when determining applications. Notwithstanding this approach it is not the council’s intention in adopting this policy to override the right of any person to make an application and have it considered on its merit.

3.4 The council will work with other local authorities, particularly those with whom boundaries are shared, to ensure a consistent approach is taken to licensing issues whilst respecting the differing needs of the individual communities.

4 **Scope**

4.1 Hart District Council ("the council") is the Licensing Authority pursuant to the Gambling Act 2005 ("the Act") and is responsible for considering applications for a number of activities, detailed below. The purpose of licensing is to regulate the carrying on of licensable activities on licensed premises and at temporary events. The activities falling to the council as defined by the Act include:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members’ clubs and miners’ welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- Grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises (under the Licensing Act 2003) where more than two machines are required
- Register small society lotteries below prescribed thresholds
• Issue Prize Gaming Permits
• Receive and endorse Temporary Use Notices
• Receive Occasional Use Notices
• Provide information to the Gambling Commission regarding details of licences issued
• Maintain registers of the permits and licences that are issued under these functions

4.2 It should be noted that licensing authorities are not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licence.

4.3 The council is responsible for the administration of premises licenses under the Gambling Act 2005. The types and numbers of licensed premises as at 1 January 2016 were as follows:

<table>
<thead>
<tr>
<th>Premise Type</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bingo Premises</td>
<td>0</td>
</tr>
<tr>
<td>Betting Premises</td>
<td>7</td>
</tr>
<tr>
<td>Adult Gaming Centre</td>
<td>3</td>
</tr>
<tr>
<td>Family Entertainment Centre</td>
<td>2</td>
</tr>
</tbody>
</table>

4.4 A map of the area of Hart District is attached as Appendix A.

5.0 Consultation on the Statement of Principles

5.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles, which they propose to apply when exercising their functions. This statement must be renewed at least every three years. The statement should also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must then be re-published.

5.2 The Licensing Authority will consult widely upon this statement before finalising and publication.

5.3 The Gambling Act requires that the following parties are consulted by licensing authorities:

i. The Chief Officer of Police for Hampshire;

ii. One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the Hart District Council area;

iii. One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Act.

5.4 In accordance with the guidance the following persons have also been consulted on this revised statement:

• All ward members
• All parish councils
• All bordering local authorities
• Hampshire Police Licensing Team
• All responsible authorities under the Gambling Act 2005
• Holders of existing licences and permits who will be affected by the provisions of the Act
• The Bingo Association
• British Beer & Pub Association
• Association of British Bookmakers (ABB)
• Business In Sport & Leisure
• National Casino Industry Forum
• Racecourse Association Limited
• BACTA
• The British Association of Leisure Parks, Piers & Attractions Ltd
• British Holiday & Home Parks Association (BH&HPA)
• Greyhound Board of Great Britain
• GamCare
• Gamblers Anonymous (UK)

5.5 The policy was approved at a meeting of the Full Council on and was published via its website on Copies were placed in the public libraries of the area as well as being available in the Licensing section of the Civic Offices.

5.6 The Licensing Authority will also consult the above and any other relevant persons as may be appropriate for any subsequent revision of the policy.

5.7 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application for a premises licence or apply for a review of such a licence as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

6.0 Declaration

6.1 In publishing this document, the Licensing Authority declares that it has had regard to the licensing objectives of the Act, the guidance issued by the Gambling Commission and any responses from those consulted on the policy statement.

7.0 Responsible authorities and interested parties

7.1 When dealing with applications for and reviews of premises licences, the Licensing Authority is obliged to consider representations from two categories of persons, referred to as “responsible authorities” and “interested parties.” (It should be noted that these are defined differently to those defined in the Licensing Act 2003). Representations made by persons other than responsible authorities or interested parties will be inadmissible.

7.2 The council will only consider representations that are relevant, which are likely to be those that relate to the licensing objectives, or that raise issues under this statement of principles, the Commission’s guidance or Codes of Practice.
7.3 The council will examine closely all representations to ensure that they are not frivolous or vexatious.

7.4 "**Responsible authorities**" are public bodies that must be notified of applications by the applicant. They are as follows:

i. the Licensing Authority in whose area the premises are wholly or partly situated;
ii. the Gambling Commission;
iii. the Chief Officer of Police;
iv. the Fire and Rescue Authority;
v. the local Planning Authority;
vi. the Public Health Protection Service;
vii. Hampshire Social Services Department;
viii. HM Customs and Excise; and
ix. Any other person prescribed by the Secretary of State

A full list and contact details of all the Responsible Authorities is attached at Appendix B.

7.5 The Licensing Authority is required by the regulations to state the principles it will apply in exercising its 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 principles are:

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

7.6 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority has designated the Child Protection Service, Safeguarding Unit at Hampshire County Council as the body, which is competent to advise the authority about the protection of children from harm.

7.7 "**Interested parties**" are persons who may make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Act as follows:

“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 application is made, the person-

i. lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
ii. has business interests that might be affected by the authorised activities; or
iii. Represents persons in either of those two groups referred to above.

7.8 Each case will be considered on 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 for local authorities. 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.

7.9 The Gambling Commission has recommended that the Licensing Authority states that interested parties include trade associations, trade unions, and residents' and tenants' associations (paragraph 8.17 of the Gambling Commission Guidance for local authorities). This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Act, i.e. lives sufficiently close to the premises to be likely affected by the activities being applied for.

7.10 Interested parties can be persons who are democratically elected such as district councilors and MP's. Where appropriate this will include county, parish and town councilors. No specific evidence of being asked to represent an interested person will be required as long as the councilor / MP represent the area likely to be affected. In other cases the licensing authority will satisfy themselves on a case by case basis. For example, a school head might act in representing the interests of pupils and parents.

7.11 If interested parties wish to approach councilors to ask them to represent their views then care should be taken that the councilors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact Shared Licensing Service, Hart District Council on 01252 774496 or email licence@hart.gov.uk

7.12 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.

8.0 Exchange of Information

8.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

8.2 The Licensing Authority will act in accordance with the provisions of the Act in its exchange of information, which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
8.3 Should any protocols be established as regards information exchange with other bodies then they will be made available on the Council's website [www.hart.gov.uk](http://www.hart.gov.uk)

9.0 Human Rights and Equal Opportunities

9.1 The Human Rights Act 1998 makes it unlawful for a local authority to act in a way which is incompatible with the European Convention on Human Rights. In making decisions and determining appropriate action the council will have due regard to the Convention.

9.2 The Equality Act 2010 requires public bodies to consider all individuals when carrying out their day to day work – in shaping policy, in delivering services and in relation to their own employees. It requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities.

9.3 The Equality Duty supports good decision making – it encourages public bodies to understand how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people’s opportunities, public bodies can be more efficient and effective. The Equality Duty therefore helps public bodies to deliver the Government’s overall objectives for public services.

9.4 The council has a range of equality policies and these have been taken into account when drafting this policy.

10.0 Compliance and Enforcement

10.1 Licensing authorities are required by regulation under the Act 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.

10.2 This Licensing Authority's principles are that:

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

i **Proportionate**: intervention only when necessary; remedies should be appropriate to the risk posed, and costs identified and minimised;

ii **Accountable**: decisions must be justified, and subject to public scrutiny;

iii **Consistent**: rules and standards must be joined up and implemented fairly;

iv **Transparent**: regulators should be open, and keep regulations simple and user friendly; and

v **Targeted**: focused on the problem, and minimise side effects.
10.3 The Licensing Authority will endeavor to avoid duplication with other regulatory regimes so far as possible.

10.4 The council has adopted a risk-based inspection programme, which includes the targeting of high risk premises which require greater attention, whilst operating a lighter touch in respect of low risk and well managed premises. The risk-based approach will be based on DCMS and the Gambling Commission’s Guidance.

10.5 The main enforcement and compliance role for the Licensing Authority will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences it issues. It should also be noted that concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

10.6 The council has an approved Licensing Enforcement Policy which complies with the Regulatory Compliance Code (2014).

11.0 The Licensing Authority Functions

11.1 The Licensing Authority will:

i Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences

ii Issue Provisional Statements

iii Regulate members’ clubs and miners’ welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits

iv Issue Club Machine Permits to Commercial Clubs

v Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres

vi Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines

vii Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required

viii Register small society lotteries below prescribed thresholds

ix Issue Prize Gaming Permits

x Receive and Endorse Temporary Use Notices

xi Receive Occasional Use Notices

xii Provide information to the Gambling Commission regarding details of licences issued (see section above on ‘information exchange’)

xiii Maintain registers of the permits and licences that are issued under these functions

11.2 The Licensing Authority will not be involved in licensing remote gambling. This will fall to the Gambling Commission via Operator Licences.
PART B – Premises Licences

12.0 General Principles

12.1 In carrying out its functions, Hart District Council will regulate gambling in the public interest and will have regard to the guidance issued under section 25 of the Act. With the exception of premises licensing and temporary use notices, this authority may use its discretion where there are strong and defensible reasons for departing from the guidance and where it considers it right to do so. In any such case this authority will clearly express and explain its reasons for doing so.

12.2 The Licensing Authority will aim to permit the use of premises for gambling in so far as it thinks it is:

(i) in accordance with any relevant code of practice issued by the Gambling Commission;
(ii) in accordance with any relevant guidance issued by the Commission;
(iii) reasonably consistent with the licensing objectives; and
(v) in accordance with this statement of licensing policy.

12.3 The Licensing Authority appreciates that as per the Gambling Commission’s Guidance “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.

Definition of “premises”

12.4 “Premises” is defined in the Act as “at any place”. Different premises licences cannot apply in respect of a single premises at different times (Section 152 of the Act). However, it is possible for a single building to 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. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

12.5 This licensing authority also notes Gambling Commission guidance on ensuring that betting is the primary activity of a licensed betting premises. Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premises when seeking variations to licences.

12.6 In making this determination, this licensing authority will have regard to the six indicators of betting as a primary gambling activity:

• The offer of established core products (including live event pictures and bet range)
• The provision of information on products and events
• The promotion of gambling opportunities and products
• The actual use made of betting facilities
• The size of premises
• The delivery of betting facilities

12.7 Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition, an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

12.8 It should also be noted than an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to “the premises” are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This Authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensures that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

Location

12.9 The 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 can. As per the Gambling Commission’s guidance, 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.

13.0 The Licensing Objectives

13.1 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 local authorities and some comments are made below:
A Preventing Gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;

13.2 This Licensing Authority is aware that the Gambling Commission will be taking 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 such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

13.3 The council will attach appropriate conditions to licences/certificates to deter and prevent crime and disorder where appropriate and necessary.

B Ensuring that gambling is conducted in a fair and open way;

13.4 This Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks, which is explained in more detail in the “tracks” section.

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

13.5 This Licensing Authority has noted that the Gambling Commission’s Guidance for local authorities states 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.

13.6 The Licensing Authority will also make itself aware of the Codes of Practice, which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

13.7 The council will have regard to the proposed location of gambling premises where they are located close to a school or to some other premises occupied by vulnerable persons who may be exploited or at risk from the proposed activities. Each application will be considered on its individual merits and consideration given to any potential risks to children and vulnerable persons in the vicinity and also any steps
proposed to be taken by an applicant to promote the licensing objective relating to children and vulnerable persons.

13.8 In accordance with the Gambling Commission’s guidance, this council may consider specific measures are required at particular premises in order to promote this licensing objective. These could include the supervision of entrances and/or machines, segregation of areas, CCTV, log books etc.

13.9 As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will, for regulatory purposes, assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This Licensing Authority will consider this licensing objective on a case-by-case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

13.10 The Licensing Authority will expect that staff employed in premises which are licensed under The Gambling Act 2005 (betting shops for example), to be trained in social awareness on how to identify persons with gambling problems. The Licensing Authority will also expect staff to be able to offer and advice guidance through GamCare, the national centre for persons who may have a gambling problem. The Licensing Authority will therefore expect that GamCare leaflets are prominently displayed on their premises.

13.11 The Licensing Authority will expect that Family Entertainment Centres and Adult Gaming Centres where category C machines are situated to be permanently staffed to prevent entry to such areas by persons under the age of 18 years. (See Appendix C – Types of Gaming Machines).

14.0 Conditions on Premises Licences

14.1 The Licensing Authority will ensure that any conditions imposed are proportionate to the circumstances, which they are seeking to address, and will ensure that any premises licence conditions are proportionate and:

i. relevant to the need to make the proposed building suitable as a gambling facility;

ii. directly related to the premises and the type of licence applied for;

iii. fairly and reasonably related to the scale and type of premises; and

iv. reasonable in all other respect

14.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.
14.3 The Licensing Authority will also consider specific measures, which may be required for buildings, which are subject to multiple premises licences. Such measures may include:

i. Supervision of entrances;
ii. Segregation of gambling from non-gambling areas frequented by children;
iii. Supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

These matters are in accordance with the Gambling Commission’s Guidance.

14.4 The Licensing Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

i. all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
ii. only adults are admitted to the area where these machines are located;
iii. access to the area where the machines are located is supervised at all times to prevent access by persons under 18
iv. the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
v. at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

14.5 The 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. As per the Gambling Commission’s Guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

14.6 It is noted that there are conditions that the Licensing Authority cannot attach to premises licence which are:

i. any condition on the premises licence which makes it impossible to comply with an operating licence condition;
ii. conditions relating to gaming machine categories, numbers, or methods of operation;
iii. conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
iv. conditions in relation to stakes, fees, winnings or prizes.
Door Supervisors

14.7 The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority (SIA). Applicants for the role of Door Supervisors will be required to submit a current enhanced Criminal Records Bureau check with their application. This licensing authority therefore will take into consideration relevant criminal convictions, cautions, or formal reprimands of applicants for Door Supervisors.

14.8 For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances/machines is appropriate for particular cases but it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

15.0 Other Legislation

15.1 The Licensing Authority will only take into account matters relating to gambling and to the objectives stated within the Act when considering an application for a premises licence. However, it is for the operator to ensure that premises comply with other relevant legislation such as fire safety, food safety and health and safety. It should be noted that these examples are not exhaustive, and applicants must ensure that they comply with all other regulatory regimes in respect of their employees and the public.

15.2 So far as is possible, this statement of policy will avoid duplicating those other regulatory regimes.

16.0 Adult Gaming Centres (AGC)

16.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure, for example, that persons under the age of 18 do not have access to the premises.

16.2 The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however, appropriate measures/licence conditions may cover issues such as:

i. Proof of age schemes
ii. CCTV
iii. Supervision of entrances/machine areas
iv. Physical separation of areas
v. Location of entry
vi. Notices/signage
vii. Specific opening hours
viii. Self-barring schemes  
ix. Provision of information leaflets/helpline numbers for organisations such as GamCare. (see section 10.7)  
x. Permanently staffed at all times.

This list is neither mandatory nor exhaustive and is merely indicative of example measures.

17.0 Licensed Family Entertainment Centres

17.1 The Act creates two classes of family entertainment centre (FEC). Licensed FEC’s can provide category C and D machines and require a Premises Licence. Unlicensed FEC's provide category D machines only and are regulated through FEC gaming machine permits.

17.2 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that persons under the age of 18 do not have access to the adult gaming machine areas.

17.3 The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

i. CCTV 
ii. Supervision of entrances/machine areas 
iii. Physical separation of areas 
iv. Location of entry 
v. Notices/signage 
vi. Specific opening hours 
vii. Self-barring schemes 
viii. Provision of information leaflets/helpline numbers for organisations such as GamCare body responsible Gambling Addiction 
ix. 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.

17.4 The Licensing Authority will refer to any conditions applied by the Gambling Commission to operating licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences when published.

18.0 Casinos

No Casinos resolution
18.1 The Licensing Authority has not passed a "no casino" resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

18.2 Any such decision will be made by the Full Council.

18.3 Casinos and competitive bidding – Hart District Council is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino (ie the Secretary of State has made such regulations under section 175 of the Act) there are likely to be a number of operators which will want to operate the casino. In such situations the local authority will hold a ‘competition’ under Schedule 9 of the Act. The Council will run such a competition in line with any regulations issued under the Act.

**Licence considerations/conditions**

18.4 This authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission’s guidance documents, bearing in mind the mandatory conditions listed in the Guidance, and the licence conditions and Codes of Practice published by the Gambling Commission.

**Betting machines**

18.5 The 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.

19.0 Bingo premises

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

19.2 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo. If category B or C machines are made available for use this authority will require those machines to be located in a part of the premises to which children and young persons are not permitted.

20.0 Betting premises

20.1 **Betting machines** – The Licensing Authority will, in accordance with 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.

21.0 Race Tracks

21.1 The 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. The 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.

21.2 The Licensing 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 horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

21.3 This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

i. Proof of age schemes
ii. CCTV
iii. Supervision of entrances / machine areas
iv. Physical separation of areas
v. Location of entry
vi. Notices / signage
vii. Specific opening hours
viii. Self-baring schemes
ix. 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

21.4 Further guidance from the Gambling Commission is awaited regarding where such machines may be located on tracks and regarding any special considerations that should apply in relation, for example, to supervision of the machines and to preventing children from playing them. The Licensing Authority will consider the location of gaming machines at tracks. Applicants for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.
**Betting machines**

21.5 The Licensing Authority will take into account both 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 wants to offer. It will also take note of the Gambling Commission’s suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

**Condition on rules being displayed**

21.6 The Gambling Commission has advised in its Guidance for local authorities that “...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.”

**Applications and plans**

21.7 This Licensing Authority will have regard to the Gambling Commission’s suggestion that to ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require.

   This will include:

   i. detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”)

   ii. in the case of dog tracks and horse racecourses plans should show fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities.

   iii. Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.”

21.8 This Licensing Authority also notes that in the Commission’s view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

**22.0 Travelling Fairs**

22.1 It will fall to the Licensing Authority to decide 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.
22.2 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

22.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, 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.

23.0 Provisional Statements

23.1 The Licensing Authority will consider provisional statement applications from persons in respect of premises that:

i. Are expected to be constructed;
ii. Expected to be altered;
iii. Expected to be acquired as a right to occupy.

23.2 Responsible authorities and interested parties may make representations on applications for provisional statements.

23.3 Once the premises have been constructed, altered or acquired the holder of a provisional statement can return to the Licensing Authority and put in an application for the necessary premises licence. However, in terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which either 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 stage; or
- which, in the authority's opinion, reflect a change in the operator's circumstances.

23.4 The Licensing Authority has noted the Gambling Commission's Guidance that “A licensing authority should not take into account irrelevant matters. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.”

24.0 Reviews of Premises Licences

24.1 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, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause the authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review:
i. In accordance with any relevant code of practice issued by the Gambling Commission;
ii. In accordance with any relevant guidance issued by the Gambling Commission;
iii. Reasonably consistent with the licensing objectives; and
iv. In accordance with the Licensing Authority’s statement of principles.

24.2 The Licensing Authority can also initiate a review of a licence, on the basis of any reason which it thinks is appropriate.

Part C – Permits/Temporary & Occasional Use Notices

25.0 Unlicensed Family Entertainment Centre Gaming Machine Permits

25.1 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).

25.2 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 Gambling Commission under Section 25. The Gambling Commission’s Guidance for local authorities also states: “In their three year licensing policy statement, licensing authorities may include a statement of principles for permits..., licensing authorities will want to give weight to child protection issues.”

25.3 The Guidance also states: “...An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the Chief Officer of Police has been consulted on the application.

25.4 The Licensing Authority cannot attach conditions to this type of permit.

25.5 The 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 the following:

i. appropriate measures / training for staff as regards suspected truant school children on the premises,
ii. 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.

25.6 The Licensing Authority will also expect that

i. applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
ii. that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
iii. that staff are trained to have a full understanding of the maximum stakes and prizes.

26.0 Alcohol Licensed Premises Gaming Machine Permits

26.1 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. (see appendix C) The premises merely need to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

i. provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
ii. 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)
iii. the premises are mainly used for gaming; or
iv. an offence under the Gambling Act has been committed on the premises

26.2 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, and “such matters as they think relevant.”

26.3 The 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 being harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that persons under the age of 18 do not have access to the adult only gaming machines. Measures which will satisfy the authority may include:

i. 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 persons under the age of 18;
ii. Notices and signage; and
iii. Provision of information leaflets/helpline numbers for organisations such as GamCare.

26.4 The Licensing Authority recognises 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.

26.5 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.
26.6 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 machines.

27.0 Prize Gaming Permits

27.1 In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

27.2 The applicant should set out the types of gaming that he or she is intending to offer and should be able to demonstrate:

i. that they understand the limits to stakes and prizes that are set out in Regulations; and
ii. that the gaming offered is within the law

27.3 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:

i. the limits on participation fees, as set out in regulations, must be complied with;
ii. all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
iii. the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
iv. participation in the gaming must not entitle the player to take part in any other gambling.

28.0 Club Gaming and Club Machines Permits

28.1 Members Clubs and miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

28.2 Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.

28.3 The Licensing Authority may only refuse an application on the grounds that:
• the applicant does not fulfill the requirements for a members’ or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
• the applicant's premises are used wholly or mainly by children and/or young persons;
• an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
• a permit held by the applicant has been cancelled in the previous ten years; or
• an objection has been lodged by the Commission or the police

28.4 There is a ‘fast-track’ procedure available under the Act for premises, which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the police, and the ground upon which an authority can refuse a permit are reduced and the grounds on which an application under the process may be refused are:

i. that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
ii. that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
iii. that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.”

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

29.0 Temporary Use Notices

29.1 A temporary use notice allows 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 include hotels, conference centres and sporting venues.

29.2 Comprehensive planning of events is essential, particularly in the case of large outdoor events. Therefore, whilst the legal minimum notice period for service of Temporary Use Notices is 3 months, the council will expect applicants to have consulted with responsible authorities prior to submitting a Temporary Use Notice.

29.3 Licensing authorities can only grant a temporary use notice to a person or company holding a relevant operating licence, in effect a non-remote casino operating licence.

29.4 Temporary event use notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Equal chance gaming is gaming which does not involve playing or staking against a bank and gives equally favourable chances to all participants. Examples of equal chance gaming include games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.
29.5 There are a number of statutory limits as regards to temporary use notices. This authority will have to decide what constitutes a ‘set of premises’ where temporary use notices are received relating to the same building/site. In deciding this issue, the Council will look at the ownership/occupation and control of the premises, and other relevant matters. Each application will be considered on its merit.

29.6 This 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 in accordance with Gambling Commission guidance.

30.0 Occasional Use Notices

30.1 The Act provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.

30.2 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. The Licensing Authority will need though to consider the definition of a “track” and whether the applicant is permitted to avail him/herself of the notice.

Part D – Other Information

31.0 Rights of appeal and judicial review

31.1 The Licensing Authority is aware that its decisions may be subject to an appeal in accordance with the provisions of the Act and judicial review. It also recognises that failure to give reasons for a decision may compel a person to appeal. The Licensing Authority will:

i. give clear and comprehensive reasons for a rejection of an application where there is a requirement in the Act to do so; and

ii. wherever practicable, as best practice, give clear and comprehensive reasons for all decisions connected to its functions under the Act, regardless of whether there is a requirement under the Act to do so.

31.2 An appeal has to be commenced by the giving of a notice of appeal by the appellant to the local magistrates’ court within a period of 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision to be appealed against.

31.3 Any person who wishes to pursue an appeal is strongly advised to seek independent professional legal advice from a legal advisor who specialises in the law on gambling.

32.0 Small Society Lotteries

32.1 Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:
• by, or on behalf of, a charity or for charitable purposes;
• to enable participation in, or support of, sporting, athletic or cultural activities.

32.2 When societies who want to register in order to operate lotteries, they will need to refer to the Act’s definition of a small society lottery which falls into two distinct areas:

• Society status – the society in question must be ‘non-commercial’;
• Lottery size – defined monetary values on single lottery ticket values, and aggregate sales per calendar year.

32.3 This authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries and considers the following list, although not exclusive, could affect the risk status of the operator:

• submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
• submission of incomplete or incorrect returns;
• breaches of the limits for small society lotteries.

33.0 Other matters

33.1 In order to ensure that applicants and persons who make representations have the necessary information to be able to do so, the following information will be made available from the Licensing section at Hart District Council:

i. Register of premises licences issued by The Licensing Authority
ii. Fees
iii. Guidance on how to make an application
iv. List of responsible authorities and contact details
v. Application forms, where appropriate
vi. Making representations
vii. Applying for a review of a licence
### 34.0 The Licensing Authority Delegations

<table>
<thead>
<tr>
<th>Matter to be dealt with</th>
<th>Full Council</th>
<th>Sub-Committee of Licensing Committee</th>
<th>Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Three year licensing policy</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Policy not to permit casinos</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fee setting (when appropriate)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for premises licence</td>
<td>Where representations have been received and not withdrawn</td>
<td>Where no representations received/representations have been withdrawn</td>
<td></td>
</tr>
<tr>
<td>Application for a variation to a premises licence</td>
<td>Where representations have been received and not withdrawn</td>
<td>Where no representations received/representations have been withdrawn</td>
<td></td>
</tr>
<tr>
<td>Application for a transfer of a premises licence</td>
<td>Where representations have been received from the Commission</td>
<td>Where no representations received from the Commission</td>
<td></td>
</tr>
<tr>
<td>Application for a provisional transfer</td>
<td>Where representations have been received and not withdrawn</td>
<td>Where no representations received/representations have been withdrawn</td>
<td></td>
</tr>
<tr>
<td>Review of a premises licence</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for club gaming/club machine permits</td>
<td>Where objections have been made (and not withdrawn)</td>
<td>Where no objections made/objections have been withdrawn</td>
<td></td>
</tr>
<tr>
<td>Cancellation of club gaming/club machine permits</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applications for other permits</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cancellation of licensed premises gaming machine permits</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consideration of temporary use notice</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Decision to give a counter notice to a temporary use notice</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Making Representations or seeking reviews as Licensing Authority</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
APPENDIX A — MAP OF HART DISTRICT
Appendix B - Responsible authorities

Licensing Authority:
Shared Licensing Service, Hart District Council, Civic Offices, Harlington Way, Fleet, Hants, GU51 4AE
Email: licence@hart.gov.uk
Tel 01252 774296

Planning Authority:
Development Control Department, Hart District Council, Civic Offices, Harlington Way, Fleet, Hants, GU51 4AE
Tel 01252 774419
Email: help.desk@hart.gov.uk

Public Nuisance and Public Safety:
Environmental Health Department, Hart District Council, Civic Offices, Harlington Way, Fleet, Hants, GU51 4AE
Email: eh@hart.gov.uk

Police:
The Licensing Officer, Hampshire Constabulary, Basingstoke Police Station, Basingstoke, Hants, RG21 2AD
Email: force.licensing@hampshire.pnn.police.uk

Fire Service:
Hampshire Fire and Rescue Service, Service Delivery (Community Safety Delivery), Protection Department, Southsea Fire Station, Somers Road, Southsea, Hants PO5 4LU
Email: csprotection.admin@hantsfire.gov.uk

Gambling Commission:
Victoria Square House, Victoria Square, Birmingham, B2 4BP
Email: info@gamblingcommission.gov.uk

Adult Service Headquarters:
Trafalgar House, The Castle, Winchester, SO23 8QU
Email: ssab0199@hants.gov.uk

Revenue and Customs:
Customs and Excise, National Registration Unit, Portcullis House, 21 India Street, Glasgow, G2 4PZ.
Email: nrubetting@gaming@hmrc.gsi.gov.uk

Child Protection Service:
Team Manager, CSD Safeguarding Unit, Hampshire County Council, Clarendon House Winchester, SO22 5PW
Email: child.protection@hants.gov.uk
APPENDIX C - TYPES OF GAMING MACHINES

Section 235 of the Gambling Act 2005 defines a gaming machine as a machine that is designed or adapted for use by individuals to gamble (whether or not it can also be used for other purposes). This includes machines that accept bets on virtual (as opposed to real) events and machines that sell post-drawn lottery tickets and chances (such as video lottery terminals).

The regulations define four classes of gaming machine, known as categories A to D with category B being further divided into sub-categories, according to the maximum amount that can be paid for playing the machine and the maximum prize it can deliver.

The categories are:

<table>
<thead>
<tr>
<th>Category of Machine</th>
<th>Maximum Stake</th>
<th>Maximum Prize</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Unlimited</td>
<td>Unlimited</td>
</tr>
<tr>
<td>B1</td>
<td>£25</td>
<td>£10000*</td>
</tr>
<tr>
<td>B2</td>
<td>£100 (in multiples of £10)</td>
<td>£500</td>
</tr>
<tr>
<td>B3</td>
<td>£2</td>
<td>£500</td>
</tr>
<tr>
<td>B3A</td>
<td>£2</td>
<td>£500</td>
</tr>
<tr>
<td>B4</td>
<td>£1</td>
<td>£400</td>
</tr>
<tr>
<td>C</td>
<td>£1</td>
<td>£100</td>
</tr>
<tr>
<td>D non-monetary prize (other than crane grab)</td>
<td>30p</td>
<td>£8</td>
</tr>
<tr>
<td>D non-monetary prize (crane grab machine)</td>
<td>£1</td>
<td>£50</td>
</tr>
<tr>
<td>D money prize</td>
<td>10p</td>
<td>£5</td>
</tr>
<tr>
<td>D combined money &amp; non-money prize (other than coin pusher or penny)</td>
<td>10p</td>
<td>£8 (of which no more than £5 may be a money prize)</td>
</tr>
<tr>
<td>D combined money &amp; non-money prize (coin pusher or penny)</td>
<td>20p</td>
<td>£20 (of which no more than £10 may be a money prize)</td>
</tr>
</tbody>
</table>

*With the option of a maximum £20,000 linked progressive jackpot on a premises basis only.

There is a minimum permitted age of 18 for all players for all machines in categories A, B and C. At present there is no minimum age for players of category D machine. However the Secretary of State has a reserve power to set a minimum age for playing category D machines with an associated power to exempt certain machines like cranes and penny pushers. The holder of a permit or premises licence will have to ensure that he complies with the codes of practice, issued by the Gambling Commission, on the location and access to such machines by children and young persons, and their separation from category C and B machines where those are also located on the same premises.
New Appendix D - Summary of gaming entitlements for clubs and alcohol-licensed premises

Gaming Machines by Premises Type

<table>
<thead>
<tr>
<th>Type</th>
<th>Gaming Tables (Minimum)</th>
<th>Gaming Machines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large Casino</td>
<td>l</td>
<td>Maximum of 150 machines.</td>
</tr>
<tr>
<td>(machine/table ratio of 5:1 up to maximum)</td>
<td></td>
<td>Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)</td>
</tr>
<tr>
<td>This premises licence type is not permitted in Hart</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small Casino</td>
<td>l</td>
<td>Maximum of 80 machines.</td>
</tr>
<tr>
<td>(machine/table ratio of 2:1 up to maximum)</td>
<td></td>
<td>Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio).</td>
</tr>
<tr>
<td>This premises licence type is not permitted in Westminster.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pre – 2005 Act casino premises (no machine/table ratio)</td>
<td>n/a</td>
<td>Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead.</td>
</tr>
<tr>
<td>Bingo premises</td>
<td>n/a</td>
<td>Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4** and no limit on category C or D machines.</td>
</tr>
<tr>
<td>Betting premises and tracks occupied by pool betting.</td>
<td>n/a</td>
<td>Maximum of 4 machines categories B2 to D (except B3A machines).</td>
</tr>
<tr>
<td>Adult Gaming Centre</td>
<td>n/a</td>
<td>Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4** and no limit on category C or D machines.</td>
</tr>
<tr>
<td>Family Entertainment Centre with premises licence</td>
<td>n/a</td>
<td>No limit on category C or D machines.</td>
</tr>
<tr>
<td>Family Entertainment Centre with permit</td>
<td>n/a</td>
<td>No limit on category D machines.</td>
</tr>
<tr>
<td>Clubs or miners’ welfare institute (with permits)</td>
<td>n/a</td>
<td>Maximum of 3 machines in categories B3A or B4 to D**</td>
</tr>
<tr>
<td>Qualifying alcohol-licensed premises</td>
<td>n/a</td>
<td>1 or 2 machines of category C or D automatic upon notification.</td>
</tr>
<tr>
<td>Qualifying alcohol-licensed premises (with gaming machine permit)</td>
<td>n/a</td>
<td>Number of category C – D machines as specified on permit.</td>
</tr>
<tr>
<td>Travelling fairs</td>
<td>n/a</td>
<td>No limit on category D machines.</td>
</tr>
</tbody>
</table>

* It should be noted that members’ clubs and miners’ welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.
** Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only, but this does not include B3A machines.
HART DISTRICT COUNCIL

Consultation on its Statement of Principles for Gambling

Introduction
Hart District Council as the Licensing Authority under the Gambling Act 2005 must publish its Statement of Licensing Principles for gambling every three years. The Licensing Authority’s current Statement of licensing principles expires on the 31 January 2016.

The Licensing Authority has reviewed the current Statement of Principles pending a more comprehensive review in 2016 and has decided to make minor amendments to the current version. The minor amendments reflect changes to dates and the permitted stakes and prizes and other legislative changes since the statement of Principles was last adopted.

The major review of the statement of Principles will include the requirement to consider the Local Area Profiling setting out details about the area including demographics, services, crime rates and other licensed premises. It will also include enhancements relating to the introduction of gambling risk assessments.

Consultation
The consultation relates to the attached draft Statement of Licensing Principles and proposes changes are reflected in the document via tracked changes.

Hart District Council is keen to receive comments on this draft Statement of Licensing Principles. We would welcome any comments and views on the amendments made.

Submitting your views
To submit your views and comments in relation to this consultation you can either send them via email to:licensing@Hart.gov.uk or you can post your comments to:

Shared Licensing Services Team
Hart District Council
Civic Offices
Harlington Way
Fleet
Hants
GU51 4AE

The closing date for the receipt of these consultation responses to the Council will be 5 February 2016
When responding to the Council please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of an organisation, please make clear who or what that organisation represents. If responding as an individual, please mention your own interest.

Please note that responses may be made public or published in a summary of responses to the consultation unless you state clearly that you wish your responses or name to be treated confidentially. Confidential responses will be included in any statistical summary of numbers of comments received. If you are replying by email, unless you specifically include a request to the contrary in the main text of your submission, the Council will assume your consent overrides and confidentiality disclaimer that is generated by your organisation’s IT system.

Any information or material sent to us and which we record may be subject to the Freedom of Information Act 2000. The Council’s policy on release of information is available on request or by reference to our website at www.Hart.gov.uk

All information provided to the Council will be processed in accordance with the Data Protection Act 1988. However, it may be disclosed to another body in order to carry out the functions of the Council and where the Council is legally required to do so.
LICENSING COMMITTEE

DATE OF MEETING: 5 JANUARY 2016

TITLE OF REPORT: APPROVAL OF CHARITY STREET COLLECTION POLICY

Report of: Head of Regulatory Services
Cabinet member: Councillor John Kennett, Regulatory Services

1 PURPOSE OF REPORT

1.1 To review the current street collections procedures and approve a revised policy ceasing the need for Hart District Council to administer permits for charity collections on private land.

2 OFFICER RECOMMENDATION

2.1 That the revised policy is adopted from 1 March 2016 in the interests of efficiencies and savings for charities and the District Council.

3 BACKGROUND

3.1 Any collection of money for charitable purposes in the street must be authorised by the Local Authority under the Police, Factories (Miscellaneous Provisions) Act 1916 (PFMPA). There is no fee for the issue of permit so this service results in a net cost to local authorities for the granting of permits.

3.2 Local Authorities are able to make regulations under the Police, Factories (Miscellaneous Provisions) Act 1916 to regulate the collection of money for charitable purposes. A copy of the Regulations made by this council can be found in the new draft policy at Appendix 2. The regulations set out the conduct of the collectors and other matters in respect of the collecting tins.

3.3 This council has historically required applications for permits for charitable collections in almost all areas of the District to which the public have access. This includes areas such as shopping centres, supermarket doorways and other areas that are privately owned. A summary of the current street collection arrangements in Hart are attached at Appendix 1.

3.4 With the advances in technology and finance leading to a move from cash transactions to online and card payments, the traditional cash collection method of charity fundraising has evolved and many more charities now collect using direct debit or other means. The expression ‘chuggers’ is used in the media to describe the collectors using direct debit. Direct debit does not fall within the definitions of the regulations. This means that those collections are not required to be regulated.
4 CONSIDERATIONS

4.1 The administration of this function is resource intensive. However, no income is derived from this function and therefore the costs must be met from the council’s general budget.

4.2 The requirement to apply for a street collection permit can also be time consuming and costly (in time) for the charities and their promoters.

4.3 On reviewing the history of collections over recent years it became clear that many applications were being received from promoters wishing to collect in privately owned shopping malls such as privately owned shopping centres, supermarket doorways and other privately owned places but to which the public have access. In 2014 approximately 119 applications for street collection permits were received and permits issued. Of these 60 took place on private land such as within The Hart Shopping centre and shop entrances such as Morrisons. Those permits were issued to a broad range of charities.

4.4 Under the PFMPA ‘street’ is defined as the expression “street” includes any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not.

4.5 It is considered that privately owned shopping malls and supermarkets under the control of a private person or company could not meet the definition of a street and for this reason there would be no requirement to apply for a street collection permit. These locations can be closed to the public at certain times. Therefore there is not permanent public access. When applications are received for these areas currently, the applicant must provide to the council, written evidence of that landowner’s permission to hold the collection.

4.6 Most major supermarket chains have a team that manage the charity collections and charity shopping packing events and invite applications directly to the company from the charities. Many have their preferred charities.

4.7 Having reviewed a random sample of policies produced by other councils, it appears that Hart (and previously Basingstoke and Deane) is in the minority by requiring applications for permits in the shopping malls, doorways and other ‘privately owned or managed locations.

4.8 A request to all local authorities for information on these collections resulted in the majority of those who responded, NOT requiring charities to apply for local authority permits for collections at those locations for reasons of them being private and not falling within the definition of a street.

4.9 It is expected to reduce the number of enquiries about street collections and help streamline the process. This would create efficiencies and savings for the charities and for the shared Licensing service and therefore reduce the net cost of providing this service. A draft policy has been created and is attached at Appendix 3 for consideration and approval.
4.10 Having reviewed policies from other local authorities, it is common practice to restrict numbers of collections at locations and also to restrict the total numbers of collections that each charity may apply for in a year.

5 POLICY IMPLICATIONS

5.1 Currently there is no formal charity collections policy for this authority other than those matters summarised at Appendix 1. A formal policy outlining the council’s stance on charity collections would provide clarity and guidance and assist applicants through the process.

5.2 All recent holders of permits and the businesses where most charity collections take place will be advised on the new policy.

6 FINANCIAL IMPLICATIONS

6.1 The proposed changes to managing street trading permits will not have any direct financial implications other than reducing the net cost to the Council for producing the permits. But it should be noted that there will be a resource saving due to slightly reduced workloads. This will free up time to deal with other statutory licensing matters within the required deadlines.

6.2 There will be a reduction in the financial burden on charities due to removal of duplication of work and having to deal with the site owners/managers only.

7 MANAGEMENT OF RISK

7.1 The Shared Licensing Team will continue to respond to allegations of unauthorised collections and conduct issues by collectors; however this is expected to be negligible.

8 CONCLUSION

8.1 This proposed policy will reduce the administrative burden on charities and also the costs to the council of resourcing an unnecessary procedure. It will also lead to Hart operating in a similar way to most other local authorities thereby creating consistency for charities and the companies who allow collections within their premises. It will provide a further streamlining of the shared licensing service as both Hart and BDBC will administer this function in the same way.

Contact Details:

Linda Cannon, Shared Licensing Services Manager, Ext 4277,
email linda.cannnon@basingstoke.gov.uk

APPENDICES
Appendix 1 – Summary of current procedure
Appendix 2 - Draft proposed street collection policy
Summary of Hart current procedure for administering Street collection permits.

Applications for street collections must be made by charitable organisations at least ONE month before the proposed date of the collection (and not more than one year in advance).

There is a limit on the number of collections that may be held in one year:

- No more than one collection is authorised per charity in the same zone within the calendar year;
- Collections are allowed to take place on any day of the week;
- No more than one Charity can collect in any one zone at any time;

Permission must be gained from private landowner or manager before the Council will issue a permit. (The term is used for land which is not public highway, but which can still be accessed by the general public. In order to grant a permit on private land we require that you first gain permission in writing from the person who owns the land)

Charities can have a blanket permit to cover all zones (including private land if permission has been granted by the landowner)

Permits for the following events may be issued even where the collection falls on the same day as another collection, or on the day immediately before or immediately after another collection:

- Fleet Carnival;
- All events during the month of December (apart from on Bank Holidays);
- Sunday Markets/Street Fairs;
- Collections at the M3 Service station.

Zones include

Fleet & Church Crookham
Hartley Witney
Yateley and Blackwater
Odiham
Hook
Crondall
Restrictions
There is a limit on the number of collections that may be held in one year:

i. No more than one collection is authorised per charity in the same zone within the calendar year;

ii. Collections are allowed on Saturdays Only (except in December);

iii. No more than one Charity can collect in any one zone at any time;

iv. Permission must be gained from private landowner or manager before the Council will issue a permit;

v. Charities can have a blanket permit to cover all zones (including private land if permission has been granted by the landowner)

Permits for the following events may be issued even where the collection falls on the same day as another collection, or on the day immediately before or immediately after another collection:

a. Fleet Carnival;

b. All events during the month of December (apart from on Bank Holidays);

c. Sunday Markets/Street Fairs;

d. Collections at the M3 Service station (Friday and Saturday Only).
## TABLE OF CONTENTS

1. **INTRODUCTION**  
   Page 3
2. **POLICY OBJECTIVES**  
   3
3. **DEFINITIONS**  
   4
4. **REGULATIONS**  
   5
5. **ADMINISTRATION OF CHARITY STREET COLLECTIONS**  
   9
1 INTRODUCTION

1.1 Hart District Council is responsible for issuing permits for street charitable collections within the District.

1.2 Charitable street collections are regulated under The Police, Factories, etc (Miscellaneous Provisions) Act 1916 which regulates collections of money or sales of articles for charitable purposes in street and public places.

1.3 The Act allows Local Authorities to make Regulations in respect of the administration of charitable street collections. The regulations made by hart District Council can be found at section 3.

1.4 The aim of this policy is to provide guidance on the law relating to charity street collections and how Hart District Council administers application for permits when applying the law and regulations and to ensure fairness to charities.

2 POLICY OBJECTIVES

2.1 The policy aims are:

- To ensure applications are made in a timely manner whilst setting out a clear and robust application process.
- To ensure impartiality and fairness in determining applications
- To accommodate applications where possible having regard to other activities occurring at locations applied for to avoid conflict.
- To prevent nuisance or other detrimental impacts on the public using the streets.
- To ensure that all monies collected are rigorously handled, transferred and accounted for.

3 DEFINITIONS

‘Charity’ – An institution which

a) Is established for Charitable purposes only, and
b) Falls to be subject to the control of the high court in the exercise of its jurisdiction with respect to charities.

‘Charitable Purpose’ -

a) The prevention of relief or poverty
b) The advancement of education
c) The advancement of religion
d) The advancement of health or the saving of lives
e) The advancement of citizenship or community development
f) The advancement of the arts, culture, heritage or science
g) The advancement of amateur sport
h) The advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity
i) The advancement of environmental protection or improvement
j) The relief of those in need by reason of youth, age, ill health, disability, financial hardship or other disadvantage
k) The advancement of animal welfare
l) The promotion of the efficiency of the armed forces of the Crown, or of the police, fire and rescue services or ambulance services

‘Promoters’

a) A person or organisation who causes others to act as collectors
4 STREET COLLECTION REGULATIONS

HART DISTRICT COUNCIL
STREET COLLECTION REGULATIONS

Made in pursuance of Section 5 of the
Police, Factories etc Miscellaneous Provisions Act 1916

In exercise of the powers conferred upon it by Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, as amended by Section 251 of the Local Government Act 1972 and Schedule 29 to that Act, Hart District Council has made the following Regulations with respect to the places where and the conditions under which persons may be permitted in any street or public place with the District of Hart to collect money or sell articles for the benefit of charitable or other purposes.

1 In these Regulations, unless the context otherwise requires:

“COLLECTION” means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word “collector” shall be construed accordingly

PROMOTOR means a person who causes others to act as collectors.

THE LICENSING AUTHORITY means Hart District Council.
PERMIT means a permit for collection.

CONTRIBUTOR means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes.

COLLECTING BOX means a box or other receptacle for the reception of money from contributors.

2. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within the area administered by Hart District Council unless a promoter shall have obtained from the Licensing Authority, a permit.

3. Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection; provided that the Licensing Authority may reduce the period of one month if satisfied that there are special reasons for doing so.

4. No collection shall be made except upon the day and between the hours stated on the permit.

5. The Licensing Authority may, in granting a permit, limit the collection to such streets or public places or such parts thereof, as it thinks fit.
6. (1) No person may assist or take part in any collection without the written authority of the promoter.

(2) Any person authorised under paragraph (1) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the Licensing Authority or any constable.

7. No collection shall be made in any part of the carriageway of any street which has a footway: provided that the Licensing Authority may, if it thinks fit, allow a collection to take place on the said carriageway where such collection had been authorised to be held in connection with a procession.

8. No collection shall be made in a manner likely to inconvenience or annoy any person.

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

10. While collecting:

   a. a collector shall remain stationary and
   b. a collector or two collectors shall not be nearer to another collector than 25 metres, provided that the Licensing Authority may, if it thinks fit, waive the requirement of the Regulation in respect of a collection which had been authorised to be held in connection with a procession.

11. No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector.

12. a) Every collector shall carry a collecting box.

   b) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent their being opened without the seal being broken.

   c) All money received by a collector from contributors shall immediately be placed in a collecting box.

   d) Every collector shall deliver, unopened, all collecting boxes in his possession to a promoter.

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

14. 1) Subject to paragraph b) below, a collecting box shall be opened in the presence of a promoter and another responsible person.
2) Where a collection box is delivered, unopened, to a bank it may be opened by an official of the bank.

3) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount, with the number of the collecting box, on a list which shall be certified by that person.

15. 1) No payment shall be made to any collector.

2) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any other person connected with the promotion or conduct of such collection for, or in respect of, services connected therewith, except such payments as may have been approved by the Licensing Authority.

16  FINANCIAL RETURN

(1) WITHIN ONE MONTH AFTER THE DATE OF A COLLECTION, the person to whom the permit has been granted shall forward to the Licensing Authority:

a. a STATEMENT in the form set out in the Schedule to these Regulations, or in a form to the like effect, showing the amount received and the expenses and payments incurred in connection with such a collection, and certified by that person and a QUALIFIED ACCOUNTANT.

b. A list of the collectors.

c. A list of the amounts contained in each collecting box.

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

(2) The said person shall also, within the same period, at the expense of that person and after a qualified accountant has given his certificate under paragraph (1) (a), publish in such newspaper or newspapers as the Licensing Authority may direct, a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection, the amount collected and the amount of the expenses any payments incurred in connection with such collection.

(3) The Licensing Authority may, if satisfied that there are special reasons for doing so, extend the period of one month referred to in paragraph (1) above.

(4) For the purpose of this Regulation, a qualified accountant means a member of one or more of the following bodies:

The Institute of Chartered Accountants in England and Wales.
17. These regulations shall not apply:

a. in respect of a collection taken at a meeting in the open air or
b. to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

18. Any person who acts in contravention of any of the foregoing regulations shall be liable on summary conviction to a fine not exceeding two pounds or in the case of a second or subsequent offence not exceeding five pounds.

The foregoing regulations were adopted by the Hart District Council on the Fifth day of March One thousand Nine hundred and Seventy Four.
5 ADMINISTRATION OF APPLICATIONS FOR CHARITY STREET COLLECTION PERMITS

Hart District Council acknowledges the need for charities to raise much needed funds to support valuable causes by a variety of methods. Charity street collection permits will be granted whenever possible, subject to any limitations or restrictions detailed within this policy.

5.1 Any cash collection, undertaken in any street or public place, should be licensed by way of a permit from the relevant Local Authority in accordance with the Police, Factories, etc (Miscellaneous Provisions) Act 1916 as amended by the Local Government Act 1972.

5.2 Street is defined in the Act as follows. “Street” includes any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not.

5.3 The regulations under which permits are issued can be found at section 4 on page 5–8. These are in place to ensure that collections do not result in nuisance or annoyance to the public and local businesses and to provide an audit trail in respect of the allocation of donations.

5.4 Charitable collections in stores, supermarkets or on private land do not require a Street Collection permit from the Council. Collections will usually require the permission from the store or private land owner to allow the collection to take place.

5.5 The Council does not issue permits to collect in any of the following privately owned shopping centres:

The Hart Shopping Centre

or where a collection is proposed to take place within premises privately owned where public access can be restricted by the owner, such as retail shops and other privately owned business premises.

In such cases permission will be required from the site Management Company.

5.6 All public streets in the borough will be restricted to one collection per month and no charity will be granted with a permit to collect in the same street more than once in any six month period.

5.7 Pre booking - The council will accept written requests to check availability and provisionally reserve a date and location prior to applying. This should be undertaken where possible by emailing licence@hart.gov.uk expressing the date requested. Only one proposed collection date per email will be acknowledged to ensure fairness to all charities. Alternatively applicants may write to the Licensing Team at the address at the end of this Policy document. Once a date has been provisionally reserved an application
form must be received within 10 working days or the provisional reservation will be cancelled.

5.8 Applications will only be accepted on the council issued application form available by downloading from the council’s website at www.hart.gov.uk or by online application through www.gov.uk. All applications must be submitted no later than one month before the requested date of collection.

5.9 Each application allows a request for one collection date only. No bulk booking of future dates will be accepted on multiple or simultaneous applications. This is to ensure a fair booking process and allow availability of dates to a wider range of charities.

5.10 Where applications are made for collections along a route, such as in a procession, full details of the route and number of collectors must be provided.

5.11 Successful applications will result in permits being issued where possible, within 10 working days of receipt of the completed and valid application form.

5.12 Where applications are submitted in response to national or international disasters shorter application and determination periods will be allowed wherever possible and on a case by case basis.

5.13 The council may wish to make additional checks on a particular charity or promoter named on an application and reserves the right to do so. Enquiries may also be made with the Police and the Charity Commission where it is deemed appropriate.

5.14 The council may, if necessary consult with other council teams for example (but not restricted to); Highways, Street Cleansing and Property services to ensure that an application will not impact on highways safety and cleanliness or conflict with any other events occurring.

5.15 The legislation does not include any statutory criteria for the approval or rejection of an application for a permit. The granting or refusal of an application will be at the council’s discretion having regard to the individual application, the date and any potential impact with other activities and the history of conduct during previous charity collections made by the applicant as well as having regard to this policy.

5.16 Where a financial return is not received within the 28 days required in the Regulations detailed on page 6, no further permits will be granted until such time as financial return is up to date. Where an applicant fails to comply with the regulations in respect of financial returns on two occasions, the council reserves the right to refuse any subsequent request for a permit by that applicant.

5.17 The council may also choose to refuse an application for one or more of the following reasons:

i) The collection is considered not to be for charitable purposes
ii) The application contravenes the provisions of the street collection legislation and regulations

iii) To limit the number of collections

iv) The proceeds allocated for expenses is considered to be too high

v) Inaccurate information was provided on the application

vi) The promoter or any other person involved has been convicted of certain criminal convictions, in particular offences of dishonesty, theft, blackmail or fraud.

A permit may be revoked after issue for any of the above or other relevant reasons.

5.18 It is the council's intention to support, as far as reasonably possible; all applications for charitable collections save for any restrictions or other relevant matters within this policy.

Enquiries to: The Shared Licensing Service, Hart District Council, Civic Offices, Harlington Way, Fleet, Hants. GU41 4AE Telephone 01252 622122
Email: licence@hart.gov.uk
PURPOSE OF REPORT

1.1 To update the Licensing committee of the outcome of a recent taxi and private hire late night enforcement exercise.

OFFICER RECOMMENDATION

2.1 To note the contents of this report

BACKGROUND

3.1 Enforcement activities in Hart have been limited to licensing officers visiting taxi ranks to assess compliance with the requirements of the licence. This method of enforcement is not always effective in seeing the vehicles and drivers in a normal working environment and being able to establish compliance whilst the drivers and vehicles are working.

3.2 To further streamline the licensing shared service, Hackney carriage & Private Hire enforcement activity will be undertaken within the Hart District in the same way as Basingstoke & Deane to ensure compliance is being effectively monitored and to ensure consistency of enforcement across both local authority areas.

3.3 At least twice a year in Basingstoke and Deane (BDBC) licensing officers have joined forces with the Roads Policing Unit to undertake planned enforcement along with the Driver and Vehicle Standards Agency (DVSA) formerly VOSA, the council’s fraud team and occasionally officers from the Department for Work and Pensions (DWP). It is proposed to undertake the same frequency within the Hart area.

3.4 An enforcement operation was carried out on 27 November 2015 in Fleet town centre with the police and 3 inspectors from the DVSA. Seven licensing officers were in attendance to ensure the smooth operation of the first exercise of this type in Hart. A summary of the outcome is attached at Appendix 1.

CONSIDERATIONS

4.1 All actions taken by officers are considered in line with the council’s enforcement policy and where serious contraventions are identified that may lead to revocation, suspension or prosecution of drivers, they are referred to the Shared Licensing Service Manager and Head of Regulatory Services for a final decision on what action to take.
5 POLICY IMPLICATIONS

5.1 None

6 FINANCIAL IMPLICATIONS

6.1 Officers either claimed paid overtime or time off in lieu and this was met within the current budget. However, it must be noted that costs of enforcement of breach of licences or of unlicensed persons/vehicles may not be recovered through some licence application fees. Compliance checks form part of the administration of the process of licensing of hackney carriages and private hire vehicles and those costs may be recovered through licence fees.

7 MANAGEMENT OF RISK

7.1 Failure to carry out regular compliance checks and failure to enforce unlicensed activities or licences being breached could have serious repercussions for public safety and a reduction in confidence in the licensing authority.

8 CONCLUSION

8.1 Whilst some of the non-compliances found were very serious, officers were impressed by the high standard of dress of most of the drivers and in general their co-operation at the event.

8.2 With the undertaking of regular compliance checks and if necessary, enforcement, members can be confident that all reasonable steps are taken to protect the safety of users of the licensed taxi and private hire services in Hart.

Contact Details: Linda Cannon, Shared Licensing Services Manager
Tel 01252 774277
email linda.cannon@basingstoke.gov.uk

APPENDICES
Appendix 1 – Summary of Taxi enforcement event in Fleet Town Centre 27 November 2015
TOTAL VEHICLES AND DRIVERS CHECKED: 53 (plus 2 from Rushmoor BC)

SUMMARY: 23 vehicles were compliant and required no further action.

DVSA:
3 instant prohibition notices issued by DVSA (1 of which related to Rushmoor Taxi):
- 1 HDC taxi had front lamp inoperative (remedied on night)
- 1 HDC taxi found with 3 defective/illegal tyres. Tread worn badly with chords exposed on the tyres. Fourth tyre close to legal tread limit.
- 1 Rushmoor BC taxi running on space saver tyre with tread below legal limit
- 4 x Advisory’s issued re tyres nearing legal tread limits

POLICE:
1 driver issued with Court Summons for illegal tyres.

HDC LICENSING:
Enforcement letters (warnings and advisory) were issued to all drivers to address the various non-compliance issues identified on the night (See below table).

The proprietor/driver of the vehicle inspected with 3 x unroadworthy tyres along with his operator were both interviewed on 30 November. That driver had his licence suspended for a period of 28 days. The Operator was issued with an advisory notice setting out their responsibility towards public safety, their customers and owner drivers.

Out of 53 HDC vehicles inspected, 30 recalls for re-inspection were issued. A summary of the reasons for recall is below (some re-inspections are for more than one reason):

<table>
<thead>
<tr>
<th>Reason for Recall</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rear HDC licence plate not affixed securely/in accordance with vehicle licence conditions</td>
<td>2</td>
</tr>
<tr>
<td>Not displaying a ‘No Smoking’ Sign</td>
<td>15</td>
</tr>
<tr>
<td>Taxi Roof light could not be lit</td>
<td>2</td>
</tr>
<tr>
<td>No 1st Aid Kit</td>
<td>6</td>
</tr>
<tr>
<td>No spare tyre provisions</td>
<td>2</td>
</tr>
<tr>
<td>Faulty Brake Light</td>
<td>1</td>
</tr>
<tr>
<td>Replacement Rear side light bulb needed</td>
<td>1</td>
</tr>
<tr>
<td>No/Invalid Fire Extinguisher</td>
<td>11</td>
</tr>
<tr>
<td>Replacement tyres</td>
<td>1</td>
</tr>
<tr>
<td>Not carrying fare chart</td>
<td>3</td>
</tr>
<tr>
<td>Not displaying internal licence plate</td>
<td>2</td>
</tr>
<tr>
<td>Driver not wearing badge (in accordance with conditions)</td>
<td>16</td>
</tr>
<tr>
<td>Invalid Vehicle Registration plate</td>
<td>1</td>
</tr>
</tbody>
</table>

2 vehicles were presented in an extremely dirty condition. The drivers were advised to have their taxi cleaned so to provide customers with a well presented vehicle for their transportation.
PAPER E

LICENSING COMMITTEE

DATE OF MEETING: 5 JANUARY 2016

TITLE OF REPORT: APPROVAL OF REVISED EXEMPT VEHICLE POLICY FOR CONSULTATION

Report of: Head of Regulatory Services

Cabinet member: Councillor John Kennett, Regulatory Services

1 PURPOSE OF REPORT

1.1 To seek approval for a revised policy on the licensing of vehicles with an exemption from the requirement to display the licence plate under section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 for consultation with the trade.

2 OFFICER RECOMMENDATION

2.1 The draft revised policy is approved for consultation with the private hire trade.

3 BACKGROUND


3.2 Section 75(3) allows that a local authority may exempt a vehicle licensed under S48 from the requirement to display licence plates. The local authority may also apply the exemption to the requirements to comply with some/all of the conditions ie. Corporate signage/roof lights. That section also allows Licensing Authorities to exempt the driver of an exempt vehicle from the requirement to wear a badge.

3.3 Hart DC’s current policy on exemptions is brief in that the only reference is made at para 5.10 which states:

The exception to the above being private hire vehicles in exceptional condition used exclusively for executive type chauffer work. ‘Exceptional condition’ is defined as a vehicle which is without damage or wear to the interior and the exterior. The age limit for new application or replacement vehicle will be less than five years old from the date of manufacture. The vehicle may continue to be licensed until eight years from its date of manufacture.

And at para 2.5 of Appendix 2 of the taxi policy where it states:

2.5 Plate exempt vehicles (used exclusively for executive type work) will be exempt from the requirement to display the licence plate, but must carry the licence plate in the vehicle together with the exemption certificate issued in respect of that vehicle.
3.4 These paragraphs in the Hart policy make no reference to any criteria on why a vehicle could be exempted from displaying licence plates nor to the type of vehicle that could be considered. It does not define ‘executive type work’.

3.5 For reasons of public safety and in accordance with section 48 of the Act, the default position for all licensed vehicles should be a requirement to display an identification plate and for drivers to wear their private hire drivers badges at all times.

3.6 However it is acknowledged that demand exists in the borough for executive style PH transportation in ‘prestige’ vehicles using drivers dressed in smart attire. This service is generally required by companies with corporate clients although may include demand from individuals requiring a higher standard of service in certain situations. There is an element of consumer demand by customers who wish to pay a higher fare for a higher specification of vehicle to transport them on specific journey such as to and from airports, corporate functions etc. Many businesses contract specific operators offering a high end ‘Chauffeur’ style service.

3.7 Before agreeing to allow some vehicles to operate without displaying a licence plate or the driver wearing a badge it is imperative that a robust policy is in place to ensure that exemptions are granted in only exceptional circumstances.

3.8 For reasons of public safety it is essential that ‘day to day’ private hire services and those vehicles contacted to do school contract work should not in any circumstances be granted an exemption to display the licence plate. These vehicles must be easily identified as licensed vehicles.

3.8 In view of recent applications for vehicles to be granted an exemption and no policy in place to support the refusal or grant of such exemption requests, there is a range of vehicles currently operating under an exemption within Hart. These vehicles whilst carrying out some corporate style work are in the main carrying out day to day and school contract work. One vehicle has been found to have been granted an exemption but still displays a roof sign. It would be possible to confuse this vehicle with any other vehicle. The vehicle was also identified as having some cosmetic issues which had not been reported.

3.9 It is proposed in the draft Policy attached at Appendix 1, that vehicles being used only for Corporate/Executive/chauffeur style services as described at para 3.6 could, if they choose to, be granted an exemption from the requirement to display the licence plate (and the driver exempted from wearing his/her badge). All other vehicles carrying out the normal day to day private hire and school contract hire journey should not be granted an exemption. There can be no mix and match. Vehicles granted with an exemption will be specifically excluded through licence conditions from carrying out day to day non executive work.

3.10 It is proposed that due to the nature of the executive style work that only ‘prestige’ vehicles are considered for an exemption. As these vehicles are of a higher list price it is proposed to allow an older age of these vehicles at first licence. Due to the huger range of prestige vehicles it is not proposed to have a vehicle list but to have in the policy a specification of a higher standard and minimum list price.
3.11 Officers recognise the need to ensure that there is a significant distinction between the two types of service and that this is best achieved by controlling the vehicle and driver specification and the value of the vehicles involved.

3.12 Officers have received applications and enquiries from drivers wishing to exempt vehicles which would not normally be considered as prestige. Whilst it is accepted that vehicles such as Ford Mondeo’s, Peugeot 407’s and Skoda Superb’s may have a high internal specification, their overall price, perception, reputation, value and image does not reflect what some would consider to be ‘prestige’ or ‘executive’. And they are unlikely to be suitable/viable or desired by corporate clients.

4 CONSIDERATIONS

4.1 Age limit – It is proposed to include in the policy an upper age limit at first licence of 7 years (in line with the Basingstoke and Deane exempt vehicle policy). Minimum list price – It is proposed to require a minimum (original) list price of £30k to ensure a minimum standard of vehicle likely to be considered. These vehicles will not be subject to an upper age limit but will be monitored at each renewal to ensure they remain in exceptional condition. This will allow some older vehicles such as Mercedes’, Jaguars, BMW’s etc. to continue to be licenced due to their very high specification and ‘prestige’ desirability. However, each will be reconsidered at renewal to retain the high vehicle standards to warrant the continued exemption. Officers are aware that not all vehicles in the BMW’s and Mercedes etc. ranges would meet the criteria so it is intended that Officers will have discretion to determine the granting of an exemption with only contentious cases being referred to the Head of Regulatory Services. Every case will be considered on its individual merits.

4.2 Vehicles currently granted an exemption – It is proposed that these vehicles will continue to be exempted via grandfather rights until they reach the upper age limit in the current Taxi and private hire policy which is 8 years of age as long as evidence is established to demonstrate that they are carrying out only the agreed executive/corporate/chauffeur style services. All other currently exempted vehicles being used to supply day to day and/or school contract hiring’s will be required to display the licence plate on renewal and comply with all licence conditions.

4.3 Other relevant conditions – All exempted vehicles will be required to carry the licence plate within the vehicle at all times and will still be required to display the internal sticker providing the vehicle licence and identity details. No exempt vehicles will be permitted to display any advertising on the vehicle or roof signs so as not to confuse the public into believing them to be available for normal day to day hire.

4.4 MPV’s- It is acknowledged that some vehicles offering over 4 seats are also popular with the ‘corporate’ market. These are on occasions of a lower list price but equal specification to some ‘prestige’ vehicles. It is proposed that MPV’s will be considered for exemption subject to them meeting the required specification and policy even if they do not meet the minimum list price specification. Each will be considered on its individual merits.
4.5 Stretch Limousines – Hart Taxi policy currently refers to stretch limousines. It is not proposed to consider that part of the policy within this report other than confirm that an exemption will only be granted for an approved stretch limousine where it meets the Corporate/executive hire criteria. There are currently no stretch limousines licensed.

5 POLICY IMPLICATIONS

5.1 As this is a change and enhancement of existing policy, the trade will be consulted following approval by this committee and the outcome reported back to a later committee.

6 FINANCIAL IMPLICATIONS

6.1 None

7 MANAGEMENT OF RISK

7.1 Failure to adopt a clear policy relating to exempt PHVs clearly affects the ability of officers to deal objectively with applications for exemption within the guidelines set out in the policy. Further, a policy that has been introduced following extensive consultation will undoubtedly assist the council in resisting any potential future legal challenge.

8 CONCLUSION

8.1 A clear policy on the allocation of exemptions relating to plate and badge display for licensed vehicles and drivers will promote the protection of the public who use private hire services whilst enabling a high end service to be delivered by businesses to support customer demand and ensure those services are still regulated to protect public safety.

Contact Details: Linda Cannon, Shared Licensing Services Manager
Email: linda.cannon@basingstoke.gov.uk  tel 01252 774277

APPENDICES
Appendix 1 – Draft Hart Exempt Vehicle Policy
Draft Hart District Council Exempt vehicle Policy

POLICY FOR GRANTING OF EXEMPTIONS UNDER SECTION 75(3) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976.

Pre Application advice

Under section 75(3) of the above Act, a local Authority may, by way of a notice to the proprietor of a private hire vehicle, exempt such a vehicle from the requirement to display plates as required by section 48(6) of that Act and also from the requirement for drivers of such vehicles to wear their private hire driver’s badge as required under section 54(2) of the same Act.

Hart District Council will only provide a notice of exemption from that requirement to display plates in accordance with the attached Policy. That Notice will also exempt the proprietor from having to comply with the licence conditions relating to display of additional internal and external signage.

The Notice will be granted subject only to written application by a proprietor and compliance with the Policy.

This Policy relates to companies wishing to carry out only Corporate/Executive Hire Chauffeur type work and other ‘special’ journeys which require a higher specification and more prestigious vehicle for which a premium fare would be expected to be charged.

This Policy specifically excludes vehicles being used for day to day private hire work such as pubs, clubs, shopping, school contracts and other similar journeys which must comply with the Act and relevant private hire vehicle licence conditions at all times.

In view of the public safety implications of vehicles working without signage each application will be considered on its individual merits and on its compliance with the Policy.

All applicants wishing to provide vehicles and drivers to carry out work covered by this Policy are advised to consult with the Licensing Team prior to purchasing a vehicle on 01252 622122 or email licensing@hart.gov.uk for advice.
Policy for approving exemptions under section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976

Approved work for which exempt vehicle may only be used.

1 Corporate/Chauffeur style bookings to transport employees and clients on corporate business journeys and/or

2 Airport and other ‘special’ journeys where the client specifically requests a vehicle of a prestige specification at the time of booking and pays a recognisably higher fee for that service compared to that charged for a non exempt vehicle displaying corporate identity.

Approved Vehicle Specification

In view of the vast numbers of makes and models of vehicles available, it is not appropriate to produce a definitive list of vehicle makes and models that could be approved. We do not want to restrict any further than those vehicles which do not meet the following criteria.

The approval of an exemption will be based on the cost, reputation, specification, appearance, perception and superior comfort levels of a vehicle. In additions the nature of the proprietors business and the proposed hiring type for the vehicle will be considered. Each application will be considered on its individual merits but the final decision for approval or refusal will remain with the Head of Regulatory Services.

1 Vehicles to be licensed for 4 passengers only plus the driver allowing sufficient space for adult passengers to travel comfortably.

2 Engine size 1800cc or greater

3 A range of vehicles capable of carrying in excess of 4 passengers will be considered provided they meet the higher vehicle specification and proposed use.

4 Vehicles seating more than 4 passengers will be licensed only for sufficient numbers of passengers to travel comfortably. Each seat must be of adequate dimensions and must permit direct access into and out of the side doors of the vehicle without the need to move, remove or fold down any seat.

5 The vehicle must comply with the Hart Council private hire vehicle specification as detailed in the Hart District Council Taxi and private Hire policy. No vehicle modifications from the manufacturer’s specification are accepted.

6 The original list price of any vehicle must be a minimum of £30,000 in spite of its age on application. This minimum price will be exclusive of any extras added at the time of purchase. Evidence of the original new list value will be obtained at the time of application. Officers must be satisfied the evidence provided verifies the original list value.
7 The vehicle must have a minimum specification of at least air conditioning/climate control to front and rear seats, all electric windows, central locking and front and rear headrests sufficient for each passenger.

8 Male drivers are required to wear a suit or jacket and trousers plus shirt and tie at all times. Female drivers must follow an equivalent dress code but will not be required to wear a tie. This dress code must be followed at all times the vehicle is being used to undertake a booking. Jackets may be removed where weather conditions require it.

9 Vehicles must be under 7 years of age at first licence. The decision to grant exemptions for any vehicle older than this will be at the discretion of the Head of Regulatory services.

10 All vehicles licensed under this policy will be inspected on renewal prior to the grant of a renewed licence.
PURPOSE OF REPORT

1.1 To seek approval for an amendment to the current policy on the types of driver licences issued from first March 2016.

OFFICER RECOMMENDATION

2.1 To amend the current policy to offer only a private hire driver’s licence or a hackney carriage licence with the hackney carriage drivers licence including authority to drive private hire vehicles (subject to the private hire driver conditions of licence).

BACKGROUND

3.1 Currently this council offers applicants the choice of a private hire driver licence, a hackney carriage driver licence and a joint licence. The joint licence authorises applicants to drive both licensed hackney carriages and private hire vehicles. A copy of the current guide to becoming a Taxi driver is attached at Appendix 1.

3.2 Officers consider it unnecessary to offer three licence types. Many authorities offer private hire or hackney carriage and permit hackney carriage drivers to drive private hire vehicles under a joint licence that reflects the two regimes.

3.3 As part of the measures to streamline the procedures within the shared service it is proposed to adopt the same licensing options across Hart and Basingstoke.

3.4 Basingstoke and Deane BC issue a private hire driver licence or a joint hackney carriage driver licence with the latter authorising a driver to drive both vehicle types subject to the relevant licence conditions.

CONSIDERATIONS

4.1 Applicants currently applying for a joint licence and a hackney carriage driver licence must undertake the Golden Rules test and the local geographical knowledge test. This will not change.

4.2 Applicants granted a hackney carriage drivers licence will be conditioned to comply with the private hire driver licence conditions when driving a private hire vehicle.
Members are reminded that Local Authorities may not impose licence conditions on hackney carriage driver’s licences.

5 POLICY IMPLICATIONS

5.1 The policy change will mean an improved opportunity for hackney carriage drivers to undertake private hire work without the need to pay an additional fee to convert their licence to a joint licence. It will also reduce the administrative burden on the licensing team by reducing the driver licence types from 3 to 2.

5.2 The policy and guidance will need to be amended to reflect the proposed changes.

6 FINANCIAL IMPLICATIONS

6.1 Limited to the reduction in time spent administering three licence types. Applicants will see a reduction in their costs should they wish to drive both hackney carriages and private hire vehicles. The fee for the hackney carriage drivers licence will be £116 until the review of the licence fees on a cost recovery basis has been completed and new fees approved by this committee in 2016. As very few drivers change from a Hackney or Private hire to a joint licence the expected loss in income is expected to be very small.

7 MANAGEMENT OF RISK

7.1 There are no identified risks arising from this proposal.

8 CONCLUSION

8.1 The proposed amendment will further streamline the procedures at Hart and Basingstoke and offer an improved option for applicants wishing to drive hackney carriages and private hire vehicles.

Contact Details: Linda Cannon, Tel 01252 774277 or email linda.cannon@basingstoke.gov.uk

APPENDICES
Appendix 1 – Current guidance to becoming a taxi driver
How to become a Hackney Carriage or Private Hire Driver

This is a quick guide to explain the different types of licences available and the application process. This information only applies to Hart District Council, for other areas of the UK, contact your local Council.

Hackney Carriage or Private Hire?

Hackney Carriage vehicles, referred to as taxis, are fitted with a taxi top light and a fare meter and may ply for hire, i.e. be flagged down by the public. They are permitted to stand at taxi ranks. Drivers are required to comply with local Byelaws.

Private Hire vehicles operate differently; they are only permitted to take pre-booked passengers. They may have a fare meter fitted. Private hire vehicles cannot ply for hire or stand at taxi ranks. Drivers are required to comply with licence conditions.

There are three types of Driver’s Licences

<table>
<thead>
<tr>
<th>Licence fees – subject to revision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Hackney Carriage</td>
</tr>
<tr>
<td>First year</td>
</tr>
<tr>
<td>Three year</td>
</tr>
<tr>
<td>2. Private Hire</td>
</tr>
<tr>
<td>First year</td>
</tr>
<tr>
<td>Three year</td>
</tr>
<tr>
<td>3. Combined Licence</td>
</tr>
<tr>
<td>which allows you to drive both classes of vehicles.</td>
</tr>
<tr>
<td>First year</td>
</tr>
<tr>
<td>Three year</td>
</tr>
</tbody>
</table>

Additional fees – subject to revision

| Disclosure and Barring Service    | £44.00  |
| DVL A Licence check               | £15.00  |
| Medical Advisor fee (annual fee)  | £5.40   |

The full licence fee, together with the DBS, the DVL A licence check and medical Advisor fees must be paid at the first appointment. The fees are not reimbursable.

Licences can be issued for either one or three years, providing the medical and DBS are valid for 36 months.
All drivers must be aged over twenty-one years and complete the following:

1. **A Driving Test with either:**

   The Blue Lamp Trust or the Driving Standards Agency

   All applicants must pass a driving test which is set at a level suitable for an experienced driver. The **standard is higher** than the learner driver test, and it is important that you are prepared to answer questions on the Highway Code and traffic signs. Confirmation of your pass must be obtained before you can be licensed.

   Book a test with either of the following organisations:

   **The Blue Lamp Trust**

   The Blue Lamp Trust, 1 London Road, Southampton, SO15 2AE
   **Telephone 0300 777 0157**


   **The Driving Standards Agency**

   This address [www.gov.uk/dsa-taxi-driving-test](http://www.gov.uk/dsa-taxi-driving-test) will take you to the DSA pages. You are required to pass the **“Standard Driving Assessment, also known as “Hackney Carriage Saloon vehicles and Private Hire Vehicles” test**. The cost of this test can be found here [www.gov.uk/driving-test-cost](http://www.gov.uk/driving-test-cost)

2. **An application to the Disclosure and Barring Service (DBS)**

   We require an enhanced criminal records disclosure to assist us in determining if applicants are fit and proper to hold a licence. A licence cannot be granted until the disclosure document is received. The fee is **£44.00** which we collect on behalf of the DBS, please read the guidance leaflets before completing the application form.

3. **A medical**

   Applicants must meet the DVLA group 2 medicals fitness standard. Applicants are required to be examined at the Doctors surgery where they are registered as patients and where their medical records are stored. Medicals undertaken at surgeries other than the applicants own will not be accepted. The Doctor’s report must be completed on the Hart District Council Medical form. Fees are payable directly to the Surgery. Medicals are repeated every 5 years or more frequently if advised by the council’s independent medical advisor.

4. **The Taxi knowledge test**

   Private Hire applicants are required to pass the ‘Golden Rules’, a verbal examination on taxi law and Council Policy.

June 2105
Applicants for Hackney Carriage and Combined Licences must also pass the ‘Golden Rules’, together with an examination on the local geography of the district. A fee is charged in the event either exam has to be retaken.

5. **Your DVLA driving licence**

You need to produce your DVLA driving licence. You must have held a full car licence for more than one year.

Previous convictions for certain offences or more than eight current penalty points on your licence may result in your application being rejected.

6. **DVLA Licence Check**

You are required to sign a mandate for the release of your driving licence history from DVLA. This is to verify the information shown on your current licence and to provide details of all previous convictions; you are responsible for the fee incurred. This procedure complies with the provisions of the Data Protection Act 1998.

7. **Prove your right to reside and work in the United Kingdom**

All applicants must be able to demonstrate that they are authorised to reside and work in the UK before an application may be considered. Evidence of eligibility will be required where applicable. This also applies to applicants who have been resident in any other country(s) for any length of time since the age of ten who must submit a Statement of Good Conduct from each country.

Further information can be obtained from: www.workingintheuk.gov.uk or www.workpermit.com. Any documents you provide to demonstrate your right to work in the UK may be passed to the Home Office for verification.

**What you should do next**

A driver’s pack contains an application form, together with the DBS form and guidance documents.

Should you decide to apply for a taxi driver's licence, please contact the Taxi Licensing Officer to arrange an appointment to discuss your application and the licensing process? You will need to bring with you the completed application forms, together with the prescribed documents which provide evidence of your name and address.

**Additional information will be provided at the appointment, including the examination study guides and medical form.**

**Contact the Licensing department to arrange an appointment when you have completed the application forms.***

**Direct Dial 01252 774496**

June 2105
LICENSING COMMITTEE

Date and Time: Tuesday, 5 January 2016 at 7pm

Place: Council Chamber, Civic Offices, Fleet

Present:

COUNCILLORS

Forster, Gorys, Kinnell, Radley JR

Officers
Nick Steevens  Head of Regulatory Services
Linda Cannon  Licensing Manager, Shared Licensing Services
Sheila Stephens  Licensing Officer
Wendi Batteson  Shared Legal Services
Alison Cottrell  Committee Services

In the absence of Councillor Collett and Councillor Butler, Councillor Forster was proposed and seconded and took the Chair for this meeting.

8 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 9 June 2015 were confirmed and signed as a correct record.

9 APOLOGIES FOR ABSENCE

Apologies had been received from Councillors Blewett, Butler, Collett, Harward, Lewis and Makepeace-Brown.

10 DECLARATIONS OF INTEREST

None declared.

11 CHAIRMAN’S ANNOUNCEMENTS

None.

12 REVIEW OF STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

Approval was sought to consult on the draft stage 1 revised Statement of Principles (SOP) required under the Gambling Act 2005, which is a minor revision of the current Statement as part of a 2 stage review process.

Members considered the following points:

• That the Local Area Profile would be the area of work that would be carried out next, followed by consultation before returning to the Licensing Committee.
• That whilst a Local Area Profile was not a necessity, guidance states that it is beneficial to undertake the work.
• That the Local Area Profile would consider crime statistics in town centres, population, footfall, proximity to hostels, schools and drinking places.
• That any risk was small since there were only 11 premises across the whole of the area.
• That the Local Area Profile would also look at premises just over our area borders.
• That gambling is already heavily regulated and that codes and conditions already in place under the Gambling Act 2005 cannot be duplicated.

RESOLVED

That the draft stage 1 Statement of Licensing Principles for consultation be approved.

13 APPROVAL OF CHARITY STREET COLLECTION POLICY

Members reviewed the current street collections procedures, and were asked to approve a revised policy ceasing the need for Hart District Council to administer permits for charity collections on private land.

Members considered the following points:

• That following research, the vast majority of Councils across the country do not issues permits for street collections on private land.
• That Basingstoke and Deane Borough Council have already taken this approach and that Charities were happy but still undertook to complete their returns each year.
• That the Council would continue to respond to reports of unauthorised collections taking place on the street.
• That all persons carrying out a street collection should carry a paper copy of their permit with them when collecting.
• That the word ‘promotor’ shown in at Item 4.1 on page 5 of the Street Collection Policy should be amended to ‘promoter’.
• That collections concerned with newspapers and periodicals i.e. The Big Issue are exempt from obtaining a permit to collect.

RESOLVED

That the revised policy be adopted from 1 March 2016 in the interests of efficiencies and savings for charities and the District Council.

14 TAXI AND PRIVATE HIRE ENFORCEMENT UPDATE

The Committee was updated on the outcome of a recent taxi and private hire late night enforcement exercise.

Members considered the following:

• How the enforcement exercise was undertaken.
• The numbers of hackney carriages as opposed to private hire vehicles.
• The types of safety features missing from vehicles and that these issues would be followed up and reported back to the Committee for outcome comparisons to take place.
• Whether we can identify particular operators with issues and how best to encourage co-operation.

**RESOLVED**

That the report be noted.

**15 APPROVAL OF REVISED EXEMPT VEHICLE POLICY FOR CONSULTATION**

Approval was sought for a revised policy on the licensing of vehicles with an exemption from the requirement to display the licence plate under section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 for consultation with the trade.

Members considered the following:

• The definition of high end vehicles that could be exempt from displaying a plate and that these types of vehicles would not be undertaking school run/waiting in town centre type work.
• That options 1 and 4 of Paper E Appendix 1 concerning the seating of passengers should be reworded.
• That option 2 of Paper E Appendix 1 should be addressed as electric vehicles need to be included. That wording similar to 'sufficient capacity of engine size or power output to convey the passengers in comfort' may suffice.
• That the consultation should include proprietors of vehicles as well as operators.

**RESOLVED**

That the draft revised policy be approved for consultation with the private hire trade.

**16 AMENDMENT TO HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE TYPES AND AUTHORISATIONS**

The Committee was asked to approve an amendment to the current policy on the types of driver licences issued from first March 2016.

Members considered:

• Whether the ability to speak the English language is incorporated into the Golden Rules Test.
• That the Golden Rules Test does include a small amount of numeracy and literacy but that tests will be reviewed in the future and may become an online test.
• That satnavs are allowed to be used. However, a driver should always use the shortest route so if a satnav is to be used, the driver should always ask the
passenger whether he should use the shortest route or the quickest route as this would have cost implications.

**RESOLVED**

That the current policy be amended to offer only a private hire driver’s licence or a hackney carriage licence with the hackney carriage drivers licence including authority to drive private hire vehicles (subject to the private hire driver conditions of licence).

The meeting closed at 8.10 pm