



---

## LICENSING COMMITTEE

---

**MONDAY 17 DECEMBER 2007 at 19:00 HRS**

CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

**MEMBERS:** Councillors Patel (Chair), Peacock (Vice-Chair), Baker, Beacham, Demirci, Edge, Lister, Reid, Vanier and Dodds

### AGENDA

**1. APOLOGIES FOR ABSENCE**

**2. URGENT BUSINESS:**

The Chair will consider the admission of any late reports, related to any items for consideration under those agenda items. Any new items of urgent business will be considered under Agenda Item 9 below.

**3. DECLARATIONS OF INTERESTS:**

A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest **and** if this interest affects their financial position or the financial position of a person or body as described in paragraph 8 of the Code of Conduct **and/or** if it relates to the determining of any approval, consent, license, permission or registration in relation to them or any person or body described in paragraph 8 of the Code of Conduct.

**4. MINUTES: (PAGES 1 - 24)**

To confirm and sign the minutes of the meetings of the Licensing Committee held on 24 May 2007; and Special Licensing Committees on 11 July 2007, 30 August 2007, and 13 September 2007; and the minutes of the Special Licensing Sub-Committees held on 7 August 2007, 30 August 2007, 13 September 2007, 16 October 2007, 1 November 2007, and 15 November 2007.

**5. CHANGE TO MEMBERSHIP OF LICENSING SUB-COMMITTEE C: (PAGES 25 - 28)**

To recommend that Councillor Dodds be appointed to the vacancy on Licensing Sub-Committee C in place of Councillor Dobbie.

6. **CONSULTATION ON THE NEW STATEMENT OF LICENSING POLICY FOR LICENSING ACT 2003: (PAGES 29 - 68)**  
To notify Members and consult on the draft Statement of Licensing Policy.
7. **SETTING FEES UNDER THE GAMBLING ACT 2005 - TEMPORARY USE NOTICES (PAGES 69 - 100)**  
To report and consult with Members on setting fees for the new regulations concerning Temporary Use Notices under the Gambling Act 2005.
8. **SETTING FEES UNDER THE GAMBLING ACT 2005: (PAGES 101 - 114)**  
To report back to members the findings of the consultation on the proposed Gambling Fees and to seek approval for the proposed fees contained in the report.
9. **ANY ITEMS OF URGENT BUSINESS:**  
To consider any new items of urgent business admitted under Agenda Item 2 above.
10. **DATES OF FUTURE MEETINGS:**  
To confirm the remaining scheduled meeting of the 2007/8 calendar as follows:
  - 21 February 2008, 7:30pm, Civic Centre

**YUNIEA SEMAMBO**  
**Head of Local Democracy & Member Services**  
River Park House  
225 High Road Wood Green  
LONDON N22 8HQ

**NICOALS MATTIS**  
**Principal Committee Co-Ordinator**  
Tel: 020 8489 2615  
Fax: 020 8489 2660  
[nicolas.mattis@haringey.gov.uk](mailto:nicolas.mattis@haringey.gov.uk)  
[www.haringey.gov.uk](http://www.haringey.gov.uk)

**7 December 2007**

**MINUTES OF THE LICENSING COMMITTEE**  
**THURSDAY, 24 MAY 2007**

Councillors Patel (Chair), Beacham, Dobbie, Demirci, Peacock, Reid and Vanier

Apologies Councillors Lister, Baker and Edge

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>	<b>ACTION BY</b>
<b>LSCO01.</b>	<p><b>APOLOGIES FOR ABSENCE:</b></p> <p>Apologies were received from Councillors Lister, Baker and Edge.</p>	
<b>LSCO02.</b>	<p><b>APPOINTMENT OF CHAIR AND VICE-CHAIR:</b></p> <p>It was moved that Councillor Patel be appointed as Chair of Licensing Committee for 2007/8.</p> <p>Having received a nomination from Councillor Reid for Councillor Beacham as Vice-Chair, which was subsequently rejected, it was moved that Councillor Peacock be appointed as Vice-Chair of Licensing Committee for 2007/8</p>	
<b>LSCO03.</b>	<p><b>URGENT BUSINESS:</b></p> <p>None</p>	
<b>LSCO04.</b>	<p><b>DECLARATIONS OF INTEREST:</b></p> <p>None.</p>	
<b>LSCO05.</b>	<p><b>IMPLEMENTATION OF THE GAMBLING ACT 2005:</b></p> <p>The Committee received an outline of the Interim Monitoring Officer's report and the proposed amendments to the terms of reference of the Licensing Committee and the Licensing Sub-Committees, the scheme of delegation to officers, and the Local Licensing Procedure Rules as a result of the implementation of the gambling Act 2005.</p> <p><b>RESOLVED</b></p> <ul style="list-style-type: none"> <li>(i) That the Committee noted the changes to the terms of the reference of the Committee as agreed by Annual Council as set out in appendix three of the report before the Committee</li> <li>(ii) That the Committee agreed to amend the terms of reference of the Licensing Sub-Committees as set out in appendix three of the report before the Committee.</li> <li>(iii) That the Committee agree to establish the Licensing Sub-Committees with the membership as set out in appendix seven of the report before the Committee, namely:</li> </ul>	

**MINUTES OF THE LICENSING COMMITTEE**  
**THURSDAY, 24 MAY 2007**

	<ul style="list-style-type: none"> <li>• <b>LSCA</b> Cllr Patel (Chair) Cllr Vanier Cllr Demirci</li> <li>• <b>LSCB</b> Cllr Peacock (Chair) Cllr Lister Cllr Reid</li> <li>• <b>LSCC</b> Cllr Beacham (Chair) Cllr Baker Cllr Dobbie</li> <li>• <b>Reserve</b> Cllr Edge</li> </ul> <p>(iv) That the Committee agreed to the amendments to the Scheme of Delegation to Officers as set out in appendix five of the report before the Committee.</p> <p>(v) That the Committee agreed to the amendments to the Local Licensing Procedure Rules as set out in appendix six of the report before the Committee.</p>	
<p><b>LSCO06.</b></p>	<p><b>CONSULTATION ON THE SETTING OF FEES UNDER THE GAMBLING ACT 2005:</b></p> <p>The Committee was informed of the statutory requirements under the Gambling Act 2005, that required the licensing Authority to set fees in respect of licenses under the Act and to consult on the proposed fees with those licensees who would be affected by or otherwise have an interest in the setting of the fees. The Committee was further informed of the requirement to set fees for premises licence applications subject to the fee maximums as proposed by the Government. The Committee was advised that fees, in the form of a one off application fee followed by an annual fee, must be set subject to the following principles:</p> <ul style="list-style-type: none"> <li>• To ensure that fees are set at a level that enables full cost recovery by the licensing authority</li> <li>• To ensure fairness and value for money for the gaming industry.</li> </ul> <p>Having discussed these principles, and the need for the licensing authority to recover it's cost and not make a loss out of processing the applications, and considering by how much other neighbouring boroughs had altered their fees, the Committee felt that an increase to the maximum fee for betting premises (excluding tracks) would best ensure the licensing authority would reflect what neighbouring boroughs had set their fees at, and also to ensure that licensing authority did not make a loss out of processing the licensing applications over the coming two</p>	

**MINUTES OF THE LICENSING COMMITTEE  
THURSDAY, 24 MAY 2007**

	<p>years. The Committee was therefore presented with two options as follows:</p> <p>(i) Set the fee maxima proposed by the Government initially and review the fees after a year. The Committee was advised that this stance was discouraged by the Government and the industry alike.</p> <p>(ii) Set its own fee levels according to estimated time and costs in carrying out the functions required to administer the Act ensuring that costs were within the fee maxima given by Government.</p> <p><b>RESOLVED</b></p> <ul style="list-style-type: none"> <li>• That the Committee noted the two options and opted for (ii), so that Betting Premises (excluding tracks) fees be set to the maximum of £600 for the annual fee.</li> <li>• That the Committee agreed to review these fees in a years time.</li> <li>• That the Committee agreed to the formal consultation process on the fees commence as necessary.</li> </ul>	
<b>LSCO07.</b>	<p><b>UPDATE FROM THE LEAD LICENSING OFFICER:</b></p> <p>The Committee was advised that two pending appeals against decisions made by the licensing sub-committee, had now been withdrawn. These were applications by Wetherspoons, Wood Green, and Bar 3, Bruce Grove.</p> <p><b>RESOLVED</b></p> <p>That the officers update was noted by the Committee.</p>	
<b>LSCO08.</b>	<p><b>ITEMS OF URGENT BUSINESS:</b></p> <p>None.</p>	

**Councillor JAYANTI PATEL**  
Chair, Licensing Committee 2007/8

Date:

This page is intentionally left blank

**MINUTES OF THE LICENSING COMMITTEE  
WEDNESDAY, 11 JULY 2007**

Councillors Patel (Chair), Peacock (Vice-Chair), Beacham, and Vanier

Apologies Councillor Dobbie, Lister and Reid

Also Present: Councillor Newton

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCO09.	<b>WEBCASTING</b>	
LSCO10.	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>Apologies for absence were received from Councillors Dobbie, Lister, Reid and Edge for whom Cllr Newton was substituting.</p>	
LSCO11.	<p><b>URGENT BUSINESS</b></p> <p>There were no items of urgent business.</p>	
LSCO12.	<p><b>DECLARATIONS OF INTEREST</b></p> <p>None received.</p>	
LSCO13.	<p><b>APPLICATION FOR A PREMISES LICENCE AT CREATIVE PARTNERSHIPS LONDON NORTH, THE BROADWAY HIGH ROAD, GLADSTONE AVENUE TO TURNPIKE LANE, LONDON N22 RESOLVED</b></p> <p>That the application be granted by the Committee in full subject to the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Conditions to enforce the operating schedule</li> <li>(ii) Conditions to enforce the provisions of the event management plan.</li> <li>(iii) To require the organisers to clean-up the confetti and other litter to the council's standards.</li> <li>(iv) To require proper signage for lost children</li> <li>(v) To require prior written permission to be obtained from the Shopping City for the use of their toilet facilities.</li> <li>(vi) To require the provision of at least four portloos, at each performance station.</li> <li>(vii) To require the supply of the completed Risk Assessment forms by Friday 13 July 2007.</li> <li>(viii) To require the brief given to schools to be provided to the Licensing Service</li> <li>(ix) To require that two CRB checked officers at the lost children point.</li> </ul>	

**MINUTES OF THE LICENSING COMMITTEE  
WEDNESDAY, 11 JULY 2007**

---

COUNCILLOR JAYANTI PATEL  
Chair



**MINUTES OF THE LICENSING SUB-COMMITTEE A(SPECIAL)  
TUESDAY, 7 AUGUST 2007**

Councillors Patel (Chair), Peacock and Beacham

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>	<b>ACTION BY</b>
<b>LSCA01.</b>	<b>APOLOGIES</b>  None.	
<b>LSCA02.</b>	<b>URGENT BUSINESS</b>  None.	
<b>LSCA03.</b>	<b>DECLARATION OF INTEREST</b>  None.	
<b>LSCA04.</b>	<b>SUMMARY OF PROCEDURE</b>  Noted.	
<b>LSCA05.</b>	<p><b>SECTION 34 GAMING PERMIT, ROWANS, 10 STROUD GREEN ROAD N4 2DF</b> There being no attendance from the applicants themselves, Items 6 and 7 moved up the agenda and were taken as one item.</p> <p><b>RESOLVED</b></p> <ul style="list-style-type: none"> <li>(i) That the committee grant the application as asked to renew the permits for 29 gambling machines.</li> <li>(ii) That the committee defer its decision on the application to grant permits for a further 11 gaming machines until such time as the applicants can be present before the committee to answer questions about their application.</li> </ul>	
<b>LSCA06.</b>	<b>SECTION 34 GAMING PERMIT, ROWANS, 10 STROUD GREEN ROAD N4 2DF</b>	
<b>LSCA07.</b>	<p><b>TOO SWEET, 110 HIGH ROAD LONDON N15 (SEVEN SISTERS WARD)</b> <b>RESOLVED</b></p> <p>That the Committee grant the application as applied for but subject to following conditions:</p> <ul style="list-style-type: none"> <li>(i) Conditions to enforce the provisions of the operating schedule</li> <li>(ii) To prominently display notices within the premises requesting customers to leave the premises quietly and respect the peace of local residents.</li> <li>(iii) To prominently display notices within the yard and outside areas of the premises requesting customer to be quiet whilst</li> </ul>	

**MINUTES OF THE LICENSING SUB-COMMITTEE A  
TUESDAY, 7 AUGUST 2007**

	smoking. (iv) To prominently display notices within the premises recommending that customers should not double park their vehicles outside the premises.	
--	---	--

**Councillor JAYANTI PATEL**  
Chair, Licensing Sub-Committee (Special)

**MINUTES OF THE LICENSING COMMITTEE  
THURSDAY, 30 AUGUST 2007**

Councillors Patel (Chair), Beacham, Demirci, Reid and Vanier

Apologies Councillor Peacock, Dobbie and Lister

Also Present: Councillor

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>	<b>ACTION BY</b>
<b>LSCO14.</b>	<b>APOLOGIES FOR ABSENCE</b>  Apologies were received on behalf of Councillors Peacock, Lister and Dobbie.  The Chair welcomed Bridget Burt, a Council Planning Lawyer, to the Committee.	
<b>LSCO15.</b>	<b>DECLARATIONS OF INTEREST:</b>  There were no interests declared at this stage of proceedings.	
<b>LSCO16.</b>	<b>MINUTES:</b>  The minutes of the Licensing Sub-Committee A held on 18 June 2007 were agreed and signed by the Chair as a correct record. The Committee noted that these minutes would be sent, as requested, to the Magistrate Courts in respect of an Appeal by the Alexandra Pub.	
<b>LSCO17.</b>	<b>FINSBURY PARK, N4 (HARMONY IN THE COMMUNITY EVENT)</b>  This item was withdrawn from proceedings because the application had been withdrawn.	

**Councillor JAYANTI PATEL**  
Chair, Licensing Committee 2007/8

This page is intentionally left blank

**MINUTES OF THE LICENSING SUB-COMMITTEE A  
THURSDAY, 30 AUGUST 2007**

Councillors Demirci, Patel (Chair) and Vanier

Apologies None.

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>	<b>ACTION BY</b>
<b>LSCA08.</b>	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>There were no apologies.</p>	
<b>LSCA09.</b>	<p><b>DECLARATIONS OF INTEREST:</b></p> <p>There were no declarations of interests at this stage in proceedings.</p>	
<b>LSCA10.</b>	<p><b>SUMMARY OF PROCEDURE:</b></p> <p>Noted.</p>	
<b>LSCA11.</b>	<p><b>SECTION 34 GAMING PERMIT: WETHERSPOONS, UNIT 5, SPOUTERS CORNER N22 RESOLVED</b></p> <p>That the application to grant a Section 34 permit to allow five machines on the premises be granted.</p>	
<b>LSCA12.</b>	<p><b>SAHAR FOOD AND WINE, 6 MOOREFIELD ROAD N17 RESOLVED</b></p> <p>That the application be granted in full by the Committee, but subject to the following conditions:</p> <ul style="list-style-type: none"> <li>(i) That the mandatory statutory condition under section 19 of the Act be adhered to.</li> <li>(ii) That the licensee complies with the provisions of the Operating Schedule.</li> <li>(iii) That alcohol shall only be sold to individuals able to produce valid proof of age by means of a: <ul style="list-style-type: none"> <li>• Passport</li> <li>• Photo driving license</li> <li>• Proof of Age Standard Card, or</li> <li>• Home Office, Citizen Card</li> </ul> </li> </ul> <p><b>INFORMATIVE</b></p> <p>Applicants were asked to display signs within the premises asking</p>	

**MINUTES OF THE LICENSING SUB-COMMITTEE A  
THURSDAY, 30 AUGUST 2007**

	customers to leave quietly in respect of local neighbours.	
--	--	--

**Councillor JAYANTI PATEL**  
Chair, Licensing Sub-Committee

**MINUTES OF THE LICENSING COMMITTEE  
THURSDAY, 13 SEPTEMBER 2007**

Councillors Patel (Chair), Peacock (Vice-Chair), Baker, Beacham, Edge, Lister, Reid and Vanier

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>	<b>ACTION BY</b>
LSCO01.	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>None.</p>	
LSCO02.	<p><b>DECLARATIONS OF INTEREST</b></p> <p>None.</p>	
LSCO03.	<p><b>APPLICATION FOR A PREMISES LICENCE - FINSBURY PARK, LONDON N4 2NQ FOR A 1 DAY EVENT ON 15 SEPTEMBER 2007 RESOLVED</b></p> <p>That the Committee grant the application as asked, subject to the following conditions:</p> <ul style="list-style-type: none"> <li>(i) The Mandatory Statutory condition under Section 21 of the Act be adhered to.</li> <li>(ii) That the licence holder complies with the provisions of the Operating Schedule</li> <li>(iii) That alcohol shall only be sold to individuals able to produce valid proof of age, where suspected to be below age, by means of a: <ul style="list-style-type: none"> <li>a. Passport</li> <li>b. Photo Driving Licence</li> <li>c. Prrof of Age Standard Card, or</li> <li>d. Home Office Citizen Card.</li> </ul> </li> </ul>	

**Councillor JAYANTI PATEL**  
Chair, Licensing Committee 2007/8

This page is intentionally left blank



**MINUTES OF THE LICENSING SUB-COMMITTEE B  
THURSDAY, 13 SEPTEMBER 2007**

Councillors Lister, Peacock (Chair) and Reid

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>	<b>ACTION BY</b>
LSCB01.	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>None.</p>	
LSCB02.	<p><b>DECLARATIONS OF INTERESTS</b></p> <p>None.</p>	
LSCB03.	<p><b>SUMMARY OF PROCEDURE:</b></p> <p>Noted.</p>	
LSCB04.	<p><b>ROSE SUPERMARKET, 342 LORDSHIP LANE N17 – NEW APPLICATION FOR A PREMISE LICENSE TO ALLOW THE SALE OF ALCOHOL (NOEL PARK WARD)</b></p> <p>Having considered the written objection in the physical absence of the objector, it was</p> <p><b>RESOLVED</b></p> <p>That the application be granted as asked, subject to the following conditions:</p> <ul style="list-style-type: none"> <li>(i) The Mandatory Statutory condition under section 21 of the Act.</li> <li>(ii) That the licence holder complies with the provisions of the Operating Schedule.</li> </ul>	
LSCB05.	<p><b>SOMERFIELD - TOTTENHAM LANE, HORNSEY N8 - NEW APPLICATION FOR SALE OF ALCOHOL AND LATE NIGHT REFRESHMENT (CROUCH END WARD)</b></p> <p>This Item was withdrawn as it was dealt with under Officer delegated authority.</p>	

**Councillor SHEILA PEACOCK**  
Chair, Licensing Sub-Committee B 2007/8

**Date:**

This page is intentionally left blank

**MINUTES OF THE LICENSING SUB-COMMITTEE A  
TUESDAY, 16 OCTOBER 2007**

Councillors Demirci, Patel (Chair) and Peacock

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCA01.	<p><b>APOLOGIES</b></p> <p>None</p>	
LSCA02.	<p><b>URGENT BUSINESS</b></p> <p>None</p>	
LSCA03.	<p><b>DECLARATIONS OF INTERESTS</b></p> <p>None</p>	
LSCA04.	<p><b>SUMMARY OF PROCEDURE</b></p> <p>Noted.</p>	
LSCA05.	<p><b>EL PARADOR ROJO, UNITS 4, 5 &amp; 6 SEVEN SISTERS MARKET, HIGH ROAD N15</b></p> <p><b>RESOLVED</b></p> <p>That on a vote of 2:1 the Committee grant the application as asked but subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• The mandatory statutory condition under section 19 of the Licensing Act 2003.</li> <li>• That the licence holder shall comply with the provisions of the Operating Schedule.</li> <li>• That alcohol shall only be sold to individuals able to produce valid proof of age by means of a: <ul style="list-style-type: none"> <li>• Passport</li> <li>• Photo Driving Licence</li> <li>• Proof of Age Standard Card, or</li> <li>• Home Office, Citizen Card</li> </ul> </li> <li>• That large and clear signage shall be placed directing customers to the toilets.</li> <li>• That as agreed with the Metropolitan Police Service, the terrace area will cease to be used after 23:00.</li> </ul>	

**MINUTES OF THE LICENSING SUB-COMMITTEE A  
TUESDAY, 16 OCTOBER 2007**

<p><b>LSCA06.</b></p>	<p><b>MUSIC PALACE, 159A TOTTENHAM LANE N8</b></p> <p><b>RESOLVED</b></p> <p>Having considered all of the representations submitted at the hearing, and in written representations in relation to noise, nuisance and disorder, the Committee decided to grant the application with the following amended hours together with additional conditions:</p> <ul style="list-style-type: none"> <li>• To accept the amendments to Live Music between 11:00 and 00:00 every night except for Sunday when it will cease at 22:30. These hours apply except for Christmas Eve, Boxing Day, and New Years Eve where these days fall upon a Friday or Saturday.</li> <li>• Film to be permitted between 11:00 and 22:00 on Monday to Sunday</li> <li>• Late Night Refreshment to be permitted between 11:00 and 00:00 on Monday to Sunday</li> <li>• Recorded music, facilities for dancing, provision of entertainment facilities for making music and dancing, and the sale of alcohol are to be permitted between the following hours: <ul style="list-style-type: none"> <li>▪ Monday to Thursday            11:00 to 00:00</li> <li>▪ Friday and Saturday            11:00 to 02:00</li> <li>▪ Sundays                            11:00 to 22:30</li> </ul> </li> <li>• The mandatory statutory condition under sections 19 and 21 of the Licensing Act 2003.</li> <li>• That the licence holder shall comply with the provisions of the Operating Schedule.</li> <li>• All doors and windows shall remain closed at all times. Where a door is used for people to enter or leave the premises, the door will be fitted with a self-closing device and staff told to ensure that it is not propped open.</li> <li>• The level of all entertainment that can be controlled by means of a limiting device shall be controlled by that device. The Licensee shall obtain a report from an acoustic consultant, and any recommendations, including the level of the limiting device shall be agreed in writing with the Local Authority. The licensee shall obtain written confirmation from the Local Authority that the recommendations have been implemented and complied with.</li> <li>• Where people enter and leave the premises, there will be two licensed door supervisors between 22:00 and the closing of the premises, to supervise and ensure that people leave in a courteous manner. The door supervisors will use a counting device at all times that they are on duty to monitor the number of people at the premises to ensure that any maximum capacity number is complied with.,</li> <li>• The Licensee shall obtain an expert's report in relation to the sound proofing of the premises, having regard to all the licensable activities, and any recommendations shall be</li> </ul>	
-----------------------	--	--

**MINUTES OF THE LICENSING SUB-COMMITTEE A  
TUESDAY, 16 OCTOBER 2007**

agreed in writing with the Local Authority. The Licensee shall obtain written confirmation from the Local Authority that the recommendations have been implemented and complied with.

- All staff to be trained that alcohol will only be sold to persons who can produce photographic identification where there is any doubt that they are under the age of 18. Alcohol may only be sold to individuals over the age of 18 with valid proof of identification with one of the following:
  - A valid passport
  - A photo driving license issued in a European Union country
  - A proof of age standard card system
  - A citizen card, supported by the Home Office
- No adult entertainment including any of a nude physical nature shall be permitted on the premises regardless of who pays for it.
- Children under the age of 16 attending family functions must be accompanied by an adult at all times.
- No new entrants to the premises shall be permitted after 00:00 every night of the week.
- A risk assessment is to be carried out in relation to capacity of people to be admitted to the premises and these numbers shall be agreed with the London Fire and Emergency Planning Authority, the Metropolitan Police Service, and the Local Authority.
- There shall be substantial refreshment at all times at the premises
- A digital CCTV system shall be installed and maintained on the premises
- The CCTV system shall be recording at all times when the premises are open and the recordings shall be made available to the police and Local Authority upon request.
- Anti-drugs and no smoking signs shall be displayed in the premises.
- The fire alarm changeover switch shall be in the "Fire Alarm and Buzzers" positions during the whole time that the premises are in use under the Licence.
- The fire alarm installation shall be under the supervision of a competent person who shall arrange for regular maintenance and testing to be carried out. The results of the tests shall be recorded in a logbook which shall be readily available for inspections by the Local Authority or the London Fire and Emergency Planning Authority.
- The system of wiring used for electrical installation is not of the type required. However, the Local Authority will not require its removal so long as it is maintained in a satisfactory condition. Any alterations or additions to the installation (including those which may be found necessary as a result of an electrical inspection) shall be carried out using a system of wiring approved by the Local Authority (eg cables enclosed in screwed metal conduit or metal trunking, or mineral insulated metal sheathed cables).

**MINUTES OF THE LICENSING SUB-COMMITTEE A  
TUESDAY, 16 OCTOBER 2007**

	<ul style="list-style-type: none"><li>• Signs shall be displayed at the exit reminding customers to leave quietly and respect the neighbours.</li></ul>	
--	---	--

**Councillor JAYANTI PATEL**  
Chair, Licensing Sub-Committee

**Date:**

**MINUTES OF THE LICENSING SUB-COMMITTEE A  
THURSDAY, 1 NOVEMBER 2007**

Councillors Demirci, Vanier, and Peacock (Chair)

Apologies Councillor Patel

Also Present: Councillors Baker and Canver

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>	<b>ACTION BY</b>
<b>LSCA07.</b>	<b>APOLOGIES FOR ABSENCE</b>  Apologies for absense were received from Coucnillor Patel, for whom Councillor Peacock was substituting as Chair of the hearing in accordance with the provisions set out in the Constitution in respect of substitution arrangements.	
<b>LSCA08.</b>	<b>URGENT BUSINESS:</b>  None.	
<b>LSCA09.</b>	<b>DECLARATIONS OF INTEREST:</b>  None.	
<b>LSCA10.</b>	<b>SUMMARY OF PROCEDURE:</b>  Noted.	
<b>LSCA11.</b>	<b>METROBET LTD, 507 GREEN LANES N4</b>  <b>RESOLVED</b>  That the Committee reject the application.  The reasons for rejecting the application were based on the weight of evidence submitted by local residents about the application not being in accordance with the first licensing objective relating to gambling not being a source of crime and disorder and the third licensing objective relating to the protection of children and vulnerable persons. Relevant to this was the proximity of the premises to a clinic for young people with mental health problems and to other mental health service provisions. Further, the application was rejected because of the association of gambling in this locality with crime and disorder. In addition, there was evidence of a concentration of housing of multiple occupation and vulnerable ethnic minority residents who would be at risk of overexposure to gambling. The Committee did not consider that my any conditions it could impose would overcome these objections.	

**MINUTES OF THE LICENSING SUB-COMMITTEE A  
THURSDAY, 1 NOVEMBER 2007**

<b>LSCA12.</b>	<b>NEW ITEMS OF URGENT BUSINESS:</b>  None.	
----------------	---	--

**Councillor SHEILA PEACOCK**

Chair, Licensing Sub-Committee A 1 November 2007

**Date:**



**MINUTES OF THE LICENSING SUB-COMMITTEE A  
THURSDAY, 15 NOVEMBER 2007**

Councillors Demirci\*, Peacock (Chair)\* and Edge\*

\* denotes member present

Also Present: Councillor Patel

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>	<b>ACTION BY</b>
<b>LSCA13.</b>	<p><b>APOLOGIES</b></p> <p>There were no apologies for absense.</p>	
<b>LSCA14.</b>	<p><b>URGENT BUSINESS:</b></p> <p>None.</p>	
<b>LSCA15.</b>	<p><b>DECLARATIONS OF INTEREST:</b></p> <p>There were no declarations of interests declared.</p>	
<b>LSCA16.</b>	<p><b>SUMMARY OF PROCEDURE:</b></p> <p>Noted.</p>	
<b>LSCA17.</b>	<p><b>LUNA, 52 WIGHTMAN ROAD N4:</b></p> <p><b>RESOLVED</b></p> <p>That the Committee decided to grant the application but subject to the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Hours for sale of alcohol: Sunday to Thursday – 11:00 to 00:00 Friday and Saturday – 11:00 to 01:00</li> <li>(ii) Hours for late night refreshments: Sunday to Thursday – 23:00 to 00:00 Friday and Saturday -23:00 to 01:00</li> <li>(iii) Opening hours: Sunday to Thursday – 11:00 to 00:30 Friday and Saturday – 11:00 to 01:30</li> <li>(iv) The mandatory statutory condition under section 19 of the Licensing Act 2003</li> <li>(v) That the licence holder complies with the provisions of the Operating Schedule.</li> <li>(vi) That there be no licensable activities carried out in the rear garden of the premises.</li> <li>(vii) That the rear doors be kept closed (not locked) at all hours when the premises is open and trading.</li> </ul>	

**MINUTES OF THE LICENSING SUB-COMMITTEE A  
THURSDAY, 15 NOVEMBER 2007**

	<p><b>REASONS</b></p> <p>The Committee felt it was necessary to restrict the application and impose these conditions in order to promote the prevention of public nuisance licensing objective. Instances of public nuisance were evidenced by the representations made.</p> <p><b>INFORMATION</b></p> <p>The application was reminded that the granting of the premises license did not permit the licensee to open for the hours outside of the planning permission. The licensee would therefore be in breach of planning consent if the licensable hours were kept unless planning consent for matching hours was obtained.</p> <p>The interested parties were reminded of their right to apply for a review of the license after six months.</p>	
--	---	--

**Councillor SHEILA PEACOCK**  
Chair, Licensing Sub-Committee

**Date:**



Haringey Council

Agenda item:

**Licensing Committee**

on

**17 December 2007**Report Title: **Change to membership of Licensing Sub-Committee C**Report of: **Head of Local Democracy and Member Services**Forward Plan ref. no. **N/A**Wards Affected: **All**Report: **for decision****1. Purpose**

1.1 To recommend that Councillor Dodds, be appointed to the vacancy on Licensing Sub-Committee C in place of Councillor Dobbie.

**2. Recommendations**

2.1 That Members of the Committee agree to the membership of Licensing Sub-Committee C as set out in Appendix One.

Report Authorised by:

**Yuniea Semambo, Head of Local Democracy and Member Services**

Contact Officer: **Nicolas Mattis, Principal Committee Co-ordinator**  
**(8489 2916) [nicolas.mattis@haringey.gov.uk](mailto:nicolas.mattis@haringey.gov.uk)**

**3. Executive Summary and Reasons for Change**

3.1 Full Council amended the membership of the full Licensing Committee on 15 October 2007. It is the Licensing Committee's responsibility to appoint this new member to the relevant Licensing Sub-Committee.

**4. Local Government (Access to Information) Act 1985**

4.1 The following background papers were used in the preparation of this report and can be inspected at the Alexandra House, 10 Station Road, Wood Green, London N22 7TR by contacting Terence Mitchison on 020 8489 5936:

- (i) the Council's Constitution, and (ii) Local Licensing Procedure Rules

**5. Background**

- 5.1 The Licensing Committee must determine the number and membership of its Licensing Sub-Committees.
- 5.2 Due to the resignation of Councillor Dobbie from the Licensing Committee and Licensing Sub-Committee C, there is now a vacancy to fill on the latter.
- 5.3 This vacancy can be filled by Councillor Dodds, who joined the Licensing Committee. This was ratified by Full Council on 15 October 2007.

**6. Recommendations**

- 6.1 That Members of the Committee agree to amended membership of Licensing Sub-Committee C set out in Appendix One to the report.

**7. Comments of the Head of Legal Services**

- 7.1 The legal and constitutional implications are set out in the main report.

**8. Comments of the Director of Corporate Resources**

- 8.1 There are no specific financial implications.

**9. Use of Appendices / Tables / Photographs.**

- 9.1 Appendix One to this report was considered by the Licensing Committee on 24 May 2007 but is amended by the inclusion of Councillor Dodds.

## APPENDIX ONE

<p><b>LICENSING COMMITTEE</b>  Cllr Patel (Chair)  Cllr Peacock (Vice Chair)  Cllr Lister  Cllr Vanier    Cllr Beacham  Cllr Demirci  Cllr Baker  Cllr Reid  Cllr Edge    Cllr Dodds</p>	<p>5 Lab, 5 Lib Dem  Members.    All Licensing subs and  Chairs to be appointed  by Licensing  Committee</p>	<p><b>Licensing Sub Committee - A</b>    Cllr Patel (Chair)  Cllr Vanier  Cllr Demirci</p>	<p>2 Lab, 1 Lib Dem  Members.</p>
		<p><b>Licensing Sub Committee – B</b>  Cllr Peacock (Chair)  Cllr Lister  Cllr Reid</p>	<p>2 Lab, 1 Lib Dem  Members.</p>
		<p><b>Licensing Sub Committee – C</b>  Cllr Beacham(Chair)  Cllr Baker  Cllr Dodds</p>	<p>1 Lab, 2 Lib Dem  Members.</p>
		<p>Cllr Edge - Floating</p>	

This page is intentionally left blank

**LICENSING COMMITTEE****On 17TH DECEMBER 2007**

Report Title: **Consultation on the new Statement of Licensing Policy for Licensing Act 2003**

Forward Plan reference number (if applicable): Not applicable

Report of: **Director for Urban Environment, Niall Bolger**

Wards(s) affected: **All**

Report for: Discussion

**1. Purpose**

To notify Members and consult on the draft statement of licensing policy.

**2. Recommendations**

2.1 To approve the draft statement of licensing policy and to recommend it to the next meeting of full Council for adoption.

2.2 As consultation will complete after this report is put before General Purposes, it is requested that General Purposes Committee agree to delegate to The Assistant Director Enforcement or Director of Urban Environment in consultation with the Cabinet Member the power to make any amendments to the draft Statement of Licensing Policy, having regard to the responses from the consultation, prior to the policy being reported to Council for adoption. These amendments would be agreed in consultation with the Chairs of Licensing and General Purposes.

Report Authorised by: **Robin Payne , Assistant Director**



Contact Officer: Keith Betts , Commercial Services, Enforcement Service , x5525

**3. Director of Finance Comments**

3.1 There are no significant financial implications arising from the recommendation in this report. Any costs associated with the consultation process will need be met from the currently approved cash limit for Enforcement Services.

**4. Head of Legal Services Comments**

The legal implications are fully set out in the body of the Report. Under the Councils' Constitution, the General Purposes Committee has the responsibility for recommending the Statement of Licensing Policy for adoption to full Council. This does not prevent informal consultation with the Licensing Committee and CAB.

## **5. Local Government (Access to Information) Act 1985**

5.1 S182 Guidance to Local Authorities under The Licensing Act 2003 issued by the Department of Culture Media and Sports

5.2 The Licensing Act 2003.

## **6. Background**

6.1 The Licensing Act 2003 (the '2003 Act') introduced new regime under which the responsibility for the licensing of the sale of alcohol, regulated entertainment and late night refreshment transferred from the Magistrates Court to the licensing authority, i.e. the local authority.

6.2 One of the key requirements under the 2003 Act was to prepare and publish a Statement of Licensing policy which sets out the basis on which the authority will make its license application decisions. This was first published on 7<sup>th</sup> January 2005 after widespread consultation. The legislation requires that the Statement of Licensing Policy be reviewed at least every three years. The Licensing Authority is required under the Act to consult on their policy (and any subsequent revisions) and the requirements of this consultation are also detailed in statute.

6.3 Guidance provided by the Local Authorities Coordinators of Regulatory Services (LACORS) is that in addition to the planned review of policy, a republished policy should be available within 3 years of the original publication. This has created the need to bring forward arrangements for consultation and formal adoption.

## **7. Description**

7.1 The Act contains four licensing objectives which underpin the functions that both the Commission and Licensing Authorities will perform. These are

- prevention of crime and disorder;
- public safety;
- prevention of public nuisance
- protection of children from harm

The Licensing Authority's Statement of Licensing Policy must show how these licensing objectives will be achieved and must have regard to the S182 guidance published by the Department of Culture Media and Sports.

7.2 The areas of the policy which have been revised reflect the revision of the S182 Guidance, the changes brought in by various legislation and the demands being made on the Service. The additions made to the Policy are as follows:



- I. All reference to the transitional stage has been removed  
This section is no longer required as the Transitional stage ended in August 2005
- II. Clarification on the application of gaming machines in alcohol licensed premises, up to 2 machines is an automatic entitlement. This Authority has delegated to officer level the ability to authorise up to 4 machines at any one premise. Applications for more than 4 will be required to show reasons for the higher number and how it will be managed; such applications will be put before the licensing sub Committee.
- III. Adult entertainment – guidance on what the Licensing Authority will require to be clarified in any such application. Entertainment comprising of nudity, striptease, table and pole dancing falls within the remit of the Licensing Act 2003. The Licensing Service is receiving an increasing amount of calls enquiring about what rules the Authority applies to establishing seeking to provide such entertainment. It is proposed that the Licensing policy will now contain criteria that will be considered for any such application. This includes proximity to sensitive locations, protection of children, management arrangements to avoid crime and disorder, and a code of conduct for dancers.
- IV. Risk assessments to be carried out by applicants in relation to fire safety, crowd control, audience and artists profiling. The Assembly of London Councils in association with the Association of Chief Police Officers (ACPO) have asked all authorities to ensure that systems are in place to gather information from club promoters/DJs (disc jockeys) and the like to enable officers to adequately assess the type of event and likelihood for crime and disorder.
- V. Fuller guidance to applicants  
Further guidance is given to applicants on possible conditions that they should consider when addressing the four licensing objectives in their Operating Schedule.
- VI. Planning and Licensing Interface.  
Clarity is given that Licensing law and Planning law are separate regimes.
- VII. Tables and Chairs Policy  
With the introduction of the Health Act 2006 and the smoking ban taking effect there has been an increase in applications for tables and chairs outside premises. It is advantageous that all applications are consulted on and permitted hours of use are stated on the licences issued.
- VIII. An overview of the new powers available to the Police to apply for accelerated reviews of a Premises License, and extra powers available to Environmental Health officers to enable them to serve penalty notices on Licensees allowing or cause noise nuisance to emanate from within their premises.

7.3 The revised policy has been produced and it is now necessary to track this through to final publication in line with the timetable as detailed below :

- 15<sup>th</sup> November 2007 Cabinet Advisory Board asked to approve consultation
- 16<sup>th</sup> November Full Consultation begins (6 weeks)
- 3<sup>rd</sup> December – report goes to GPC
- 17<sup>th</sup> December 2007 report goes to Licensing Committee
- 28<sup>th</sup> December 2007 consultation ends – all responses analysed
- 21<sup>st</sup> January 2008 – policy recommended for adoption by full Council

## **8. Equalities Implications**

8.1 Consultation in respect of this policy will include those organisations and bodies who have responsibilities to protect the young, the elderly, and other groups within our authority. As such we will amongst other consultees include faith groups, voluntary and community organisations.

## **9. Consultation**

9.1 The 2003 Act requires the Licensing Authority to consult the following on the licensing policy statement or any subsequent revision:

- The chief officer of police for the authority's area;
- The fire authority for the area
- Such persons the authority considers to be representative of holders of premises licences issued by the authority.
- Such premises as the licensing authority considers to be representative of holder of club premises certificates issued by that authority.
- Such persons as the licensing authority considers to be representative of holders of personal licences issued by this authority and
- Such persons as the licensing authority considers to be representative of businesses and residents in its area.

9.2 In addition, the revised draft statement will be placed on the Council's website together with supporting explanation and guidance.

9.3 The timescale for the consultation is as detailed in 8.3 above.

## **10. Summary and Conclusions**

10.1 Haringey in their role as a Licensing Authority are required to publish a policy statement to guide them in their responsibilities and decision making of applications under the 2003 Act. The policy must support the four licensing objectives as detailed at para 8.2 above and must be consulted upon widely as detailed at para 9.1.

10.2 In following the details given in section 8 of this report and the timetable stated, the Licensing Authority will be able to publish its policy statement in compliance with both the Licensing Act 2003. This will enable the authority to be compliant with the law.

## **11. Use of Appendices / Tables / Photographs**

11.1 Appendix 1 – Revised Draft Statement of Licensing Policy

## APPENDIX 1

### COPY OF THE NEW STATEMENT OF LICENSING POLICY



# **The London Borough of Haringey**

## **Statement of Licensing Policy**

**January 2008**

## Contents

1	Introduction	3
2	Licensing Objectives	4
3	The London Borough of Haringey	5
4	Consultation	5
5	Partnership Approach	6
6	Reviewing the Policy	6
7	Integration of Policies	7
8	Relevant Legislation	9
9	Planning	12
10	Regulatory Services	12
11	Operating Schedule	13
12	Prevention of Crime and Disorder	13
13	Public Safety	14
14	Prevention of Public Nuisance	16
15	Protection of Children from Harm	17
16	Transport	18
17	Live Music, Dancing and Theatre	18
18	Cumulative Impact & Saturation Policy	19
19	Licensing Hours	20
20	Timetable Implementation	20
21	Types of Licences	20
22	Variation of Premises and Club Premises licences	23
23	Provisional Statement	23
24	Conditions	24
25	Enforcement	24
26	Administration, Exercise and Delegation of Functions	26
27	Fee Structure	28

**The London Borough of Haringey**

**Statement of Licensing Policy**

**1.0 Introduction**

- 1.1 The introduction of the Licensing Act 2003 brought about significant changes to the way licensed premises would be regulated.
- 1.2 Haringey, like all licensing authorities published its Statement of Licensing Policy in January 2005. The law prescribes that a new Statement of Policy must be produced by a licensing authority every three years. This Statement of Licensing Policy will come into effect in January 2008 and will replace Haringey's Statement of Licensing Policy dated January 2005.
- 1.3 Haringey Council will be responsible for granting Premises Licenses, Club Premise Certificates, Temporary Event Notices and Personal License in respect of the retail sale and supply of alcohol and the provision of Regulated Entertainment and Late Night Refreshment.
- 1.4 The law prescribes that all policies must be designed to promote the four main licensing objectives. This document sets out the policies that will be applied when determining applications.
- 1.5 The licensing activities covered in the policy include:
- Retail sale of alcohol;
  - The supply of alcohol by or on behalf of a club;
  - The provision of late night refreshment i.e. the supply of hot food or drink from premises between 2300 to 0500hrs;
  - The provision of regulated entertainment. This includes:
    - A performance of a play;
    - Exhibition of a film;
    - Indoor sporting events;
    - Boxing and wrestling matches;
    - Performance of live music and/or dance and playing of recorded music;
    - Provision of facilities to dance;
    - Provision of facilities for making music.

- 1.6 The licensing policy will not undermine the applicant's right to apply under the Licensing Act 2003 for a variety of permissions; nor does it override the right of any person to make representations on an application, or seek a review of a licence or certificate.
- 1.7 The licensing process deals with a range of leisure activities in which the Government want to see greater flexibility, but with greater and proper responsibility. The Statement of Licensing Policy seeks to encourage responsible licensees with restrictions only relating directly to the four objectives given in the Licensing Act 2003.
- 1.7 In drawing up this Statement of Licensing Policy the Council has had regard to the nature of the Borough and the needs and wishes of the communities it serves and has consulted with all the statutory consultees and other appropriate bodies.

## **2.0 Licensing Objectives**

- 2.1 The Council's Statement of Policy has been developed to promote the following four objectives:
- prevention of crime and disorder;
  - public safety;
  - prevention of public nuisance
  - protection of children from harm
- 2.2 Each of the licensing objectives is considered to be of equal importance for the purpose of this policy. It is for applicants to decide on the matters relevant to their application and to show within their Operating Schedule the measures they propose to take to promote these objectives. The Licensing Authority will consider each case on its own merits. When considering issues under each of the licensing objectives, applicants may wish to use the examples of possible considerations set out in the Appendix.
- 2.3 **Other Means of Control**  
Licensing is only one of the ways the Council is working to improve community safety. We will continue to work in partnership with neighbouring authorities, the police, local businesses and people to secure these objectives.
- 2.7 The Council acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. The licensing controls do however play a key role in preventing crime and disorder in and around licensed premises, and support this objective on the streets generally. Apart

from the licensing function, there are a number of other measures available for addressing issues of unruly behaviour that can occur away from licensed premises; these include:

- Planning controls;
- Working in partnership with local businesses and transport operators on a number of measures to create a safe and clean environment in these areas, including:
  - provision of extensive CCTV and radio communication systems
  - provision of appropriate street lighting, rubbish collection and street cleaning
  - provision of better late night bus, rail and taxi/minicab services
  - provision of Police Community Support Officers/street and litter wardens
- Police enforcement of the law with regard to disorder and anti-social behaviour;
- Prosecution of those selling alcohol to people who are already drunk
- Powers to designate parts of the borough as places where alcohol may not be consumed publicly, and powers to confiscate alcohol from persons in those areas.
- Acknowledging the powers of the police or other responsible authority, or a local resident or business under the Licensing Act 2003, to seek a review of the licence or certificate

However, the Council nonetheless considers that licensing law plays a key role in both preventing and controlling alcohol related crime and anti-social behaviour by ensuring that the licensing objectives are promoted through well-managed premises and where appropriate by regulating and applying conditions to affect the number, location and hours of premises.

### **3.0 The London Borough of Haringey**

- 3.1 Haringey is located in the north of the capital and is more than 11 square miles in area. The borough is the home of Alexandra Palace, where public television was born and of Tottenham Hotspur Football Club based at White Hart Lane. It is one of the most culturally diverse areas in the country with over half of its 226, 000 people from ethnic majority backgrounds. The food, tobacco and drinks sector makes the second highest contribution to the local economy behind manufacturing.

### **4.0 Consultation on the Licensing Policy**

- 4.1 The development of this licensing policy has been made in consultation with the following:
- the chief officer of the Metropolitan Police for Haringey;
  - the fire authority;



- representatives of those that hold existing licences in Haringey; representatives of clubs registered in Haringey;
- bodies and individuals that represent businesses and residents in Haringey.
- Haringey Teaching Primary Care Trust
- relevant Council Departments

4.2 We will further consult these stakeholders prior to determination of successive Statements of Licensing Policy.

## **5.0 Partnership Approach.**

5.1 The council is aware of the importance of partners in the development and running of the policy and is committed to work in partnership with those highlighted in 4.1.

5.2 In working in partnership with these groups the council will:

- consult and communicate on licensing issues with all licensees;
- consult with the community and their representatives on licensing issues;
- work with licensees and others in the community to achieve the licensing objectives;
- undertake pro-active enforcement operations in line with the council's enforcement policy and protocols. The enforcement process will also be linked to the potential risk at the premise of contravening the four licensing objectives.
- actively seek ways to reduce any crime culture that may exist in the close vicinity of licensed premises;
- develop a media strategy to promote our partnership and ensure it is in a position to react effectively to public issues.

## **6.0 Reviewing the Policy**

6.1 The Policy will come into effect on 22nd January 2008. It will remain in force for not more than three years, during which time it will be subject to periodic review and further consultation. It is considered that as the new provisions are used, matters will arise that will lead to the consideration of a review of this Statement of Licensing Policy well within the three year term.

## **7.0 Integration of Policies**

- 7.1 The Council has adopted a number of plans, strategies and policies that will interact with its approach to, and statement of licensing policy. The Council recognises the need to avoid as far as possible duplication with other regulatory regimes and will not seek to impose conditions where it can be demonstrated that the licensing objectives can be met by existing legislation.
- 7.2 By consulting widely prior to this policy statement being published, the Council will endeavour to secure proper integration with local crime prevention and reduction, child and youth protection, drug and alcohol abuse/prevention, together with planning, transport, tourism and cultural strategies.

### **Sustainable Community Strategy 2008 - 2016**

- 7.3 The Haringey Community Strategic Partnership brings together the Council, Police, Primary Care Trust (NHS), local businesses, educational organisations community and voluntary organisations, faith communities and other partners. The aim of the Haringey Sustainable Communities Strategy is to make the borough a better place by working together to improve local services.
- 7.4 The Sustainable Communities Strategy 2008-2016 is the shared vision for Haringey and sets out the priorities for the borough over the next ten years. Our overall vision is to measurably improve the quality of life for the people of Haringey by tackling some of our biggest problems and making it a borough we can all be proud of. The Sustainable Communities Strategy identifies six key priorities-that people are at the heart of change, for Haringey to have an environmentally sustainable future, economic vitality and prosperity shared by all, be safer for all, have healthier people with a better quality of life and to be people and customer focused.

### **Better Haringey**

- 7.5 The Council is investing £5 million to help achieve its ambition of being a top performing London borough. Better Haringey is delivering cleaner and safer streets and enforcement is seen as important in maintaining this. This licensing policy statement is seen as one of the key policies that will support tougher enforcement.

### **Cultural Strategy 2003 - 2007**

- 7.6 The arts are increasingly important to the economy of Haringey, and are a key driver for economic development and growth. Among the Council's

priorities is to ensure that it supports the economic growth, creativity and culture of the borough by providing new workspaces, cultural venues and support.

- 7.7 The Council recognises the value of cultural activities including live music, dancing and theatre, and will take proper account of these needs to encourage and promote them, for the wider cultural benefit of the community.

## **The Safer Communities Strategy 2005-2008**

- 7.8 Haringey has developed the Safer Communities Strategy to improve the quality of life for its residents, businesses and visitors. Haringey will link with other major plans and funding opportunities in order to make the best use of resources.
- 7.9 The strategy sets out how crime and disorder priorities will be tackled over a three-year period. The key feature of the policy is to concentrate the partnership working on known high crime areas and neighbourhoods. This will include improving services to victims and witnesses of crime, target youth crime, violent crime, street crime together with drug and alcohol related crime.
- 7.10 The strategy is to encourage a local problem solving approach to the causes of crime and reduction of crime and disorder. Involvement of local communities is essential for successful crime and disorder reduction and will be a high priority for those implementing both the Safer Communities Strategy and Crime Reduction Strategy.

## **Neighbourhood Renewal Strategy 2002-2012**

- 7.11 Haringey's Neighbourhood Renewal Strategy provides the framework for the renewal of the most deprived parts of the borough. Five priority neighbourhoods have been identified – Wood Green, White Hart Lane, South Tottenham, Mid Tottenham and Northumberland Park.

## **Antisocial Behaviour Strategy**

- 7.12 The council has published its Antisocial Behaviour Strategy. This strategy outlines the council's intention to tackle the causes and effects of antisocial behaviour. This licensing policy statement is intended to support this strategy by reducing the impact of drink related antisocial behaviour and the environmental crimes and nuisance that can be associated with licensed premises.

### **Alcohol Strategy**

- 7.13 The council is in the process of producing an Alcohol Strategy in collaboration with its partners in the Primary Care Trust and others. Whilst this Statement of Licensing Policy will need to be published prior to the completion of this work, the aim will be supportive consistency between the two policies .

**Comment [BC2]:** I have not found this strategy on the website- do you know if it has been published as yet?

### **Alcohol Harm Reduction Strategy**

- 7.14 The Government published in 2004 its Alcohol Harm Reduction Strategy for England. This outlines how the Licensing Act 2003 can be used to address some of the social health and crime and disorder issues raised by the misuse of alcohol, when considering applications for premises and personal licences.
- 7.15 The Council has developed a local Alcohol Strategy, which will have regard to the sale of alcohol to under 18's, the safe consumption of alcohol and the impact of effective steps in combating anti-social behaviour.
- 7.16 The council will ensure that all operating schedules agreed with licensees are suitable and sufficient to address these issues.

### **Safer Clubbing**

- 7.17 This initiative was introduced to improve safety for all club goers and particularly in relation to drug use and clubbing , where licensing regimes can impact on factors which increase the risk to safety of those taking drugs. Safety in such premises will also need to consider the threat of carrying weapons. The Council will adopt a leading role in addressing these matters through partnership arrangements with the police, club owners and local drug agencies.

## **8.0 Relevant Legislation**

### **Disability Discrimination Act 1995**

- 8.1 The Disability Discrimination Act 1995 introduces measures to tackle discrimination encountered by disabled people in areas of employment, access to goods, facilities and services, and the management, buying or renting of land or property.
- 8.2 The council will have particular interest in the likely impact of licensing on disability discrimination when considering the operation and management of premises for licence applications, renewals and variations of conditions. Of particular concern will be the public safety objective in respect of persons

with disabilities during the operation of the premises and during emergency situations.

## **Race Relations Act 1976**

- 8.3 The Race Relations Act 1976 as amended by the Race Relations (Amendment Act) 2000 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. Local Authorities are also required under the 1976 Act, as amended, to produce a racial equality scheme, assess and consult on the likely impact of proposed policies on race equality, monitor policies for adverse impact on the promotion of race equality and publish the results of such consultation, assessments and monitoring.
- 8.4 Haringey has published its Race Equality Strategy in which it sets out how it aims to address race equality issues in the borough.

## **Crime and Disorder Act 1998**

- 8.5 Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effects of exercising their functions, and do all they can to prevent crime and disorder in their area.
- 8.6 The Council will have special regard to the local impact of licensing on related crime and disorder in the borough particularly when considering the location, impact, operation and management of all proposed licences/certificates, applications, renewals and variations of conditions.

## **Human Rights Act 1998**

- 8.7 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention Right.
- 8.8 The Council will have particular regard to the following relevant provisions of the European Convention on Human rights:
- Article 6 - that in determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established in law;
  - Article 8 - that everyone has the right to respect their own home and private life; and
  - Article 1 of the First Protocol - that every person is entitled to the peaceful enjoyment of their possessions including for example the possession of licence.

### **Anti Social Behaviour Act 2003**

- 8.9 The Anti Social Behaviour Act 2003 is designed to ensure appropriate powers to deal with serious anti social behaviour. Section 40 of the Act provides powers for local authorities and those working with them to tackle antisocial behaviour in local communities by enabling the chief executive officer of the relevant authority to make a closure order in relation to a licensed premises or temporary event if he reasonably believes that a public nuisance is being caused by noise coming from the premises and that the closure of the premises is necessary to prevent that nuisance.

### **The Gambling Act 2005**

- 8.10 It should be noted that the function of granting permits for category C or D machines in alcohol licensed premises do not fall under the Gambling Act 2005. The holder of a premises license need only notify the Licensing Authority of their intention to have up to 2 machines on the premises and pay the relevant fee. Any amount of machines over 2 must be made by application with the relevant fee. This Authority has delegated authority to consider up to 4 machines, above that amount will require the applicant to show reasons why they need more than 4 machines. An application must be accompanied by a plan to show where the machines will be sited and also needs to demonstrate how the machines will be monitored to ensure compliance. There is a code of practice issued by the Gambling Commission which must be complied with and enforced by the Licensing Authority.

### **The Violent Crime Reduction Act 2006**

- 8.11 The Act represents the latest legislative move by the government on anti social behaviour, with measures to address alcohol-fuelled violence, the sale, possession and use of weapons, and mobile phone piracy. The Act includes provisions to issue persistent drunken offenders with drinking banning orders, and closure notices to premises selling alcohol to children. Through the introduction of 'alcohol disorder zones', the Act aims to pass on some of the increased costs of policing city centres and violence "hot spots", with licensees paying additional charges in such areas. In addition the Act inserts a new procedure into the Licensing Act 2003, which allows for an accelerated review of licensed premises, by a licensing authority with the attaching of temporary conditions to the licence pending a full review of the licence.

### **Health Act 2006**

- 8.12 The Health Act 2006 has been introduced to protect employees and the public from the harmful effects of second hand smoke. As of 1st July 2007 it is against the law to smoke in virtually all enclosed public places, workplaces and public and work vehicles in England. The law requires no smoking signs to be displayed in all smokefree premises and vehicles. The law applies to anything that can be smoked, and this includes cigarettes, pipes, cigars and herbal cigarettes. Failure to comply with this law is a criminal offence.

## **9.0 Planning**

- 9.1 Planning permission is usually required for the establishment of new premises and change of use of premises. Uses that are relevant to licensed premises are set out in the Town and Country Planning (Use Class) Order 1987 (as amended) and include:
- a retail shop, licensed for the sale of liquor for example (A1);
  - food and drink sold and consumed on the premises (A3);
  - public house, wine bar or other drinking establishment (A4)
  - hot food sold for consumption off the premises (A5)
  - assembly and leisure uses, including cinemas, concert halls, dance halls and indoor/outdoor sports and recreation (D2); and
  - various “sui generis” uses which do not fall within a use class such as theatres.
- 9.2.1 Planning and Licensing are separate regimes and will be dealt with separately to avoid duplication and inefficiency. Licensing applications should not be a re-run of the planning application and licensing decisions will not cut across decisions taken by the Planning Committee or permission granted on appeal. It should be noted however that there is no legal basis for the licensing authority to refuse a license application because it does not have planning permission.
- 9.3 All premises that apply for a licence will be encouraged to obtain planning permission for the intended use and hours of operation if not already deemed "lawful" for the purposes of planning control. The Licensing Authority will give appropriate weight to relevant Planning decisions and to the views of the Planning Authority on the compliance of the application with the licensing objectives.

## **10.0 Regulatory Services**

### **Building Control**

- 10.1 Building regulations govern a variety of issues, which will directly contribute to the licensing objectives, including the means of escape, structural integrity, accessibility and public safety. Applicants are reminded that Building Regulation approval and completion certificates are required for works under the Building Regulations to avoid contravention of those regulations.

### **Health and Safety**

- 10.2 The Health & Safety Team within the Enforcement Service is responsible for ensuring that businesses provide a safe working environment for employees, members of the public and other persons at the premises. The enforcement of Health & Safety is shared with the Health & Safety Executive with local

authorities responsible for retail premises, warehouses, hotels ,leisure type premises and certain service type industries. This enforcement covers all of the premises applicable to the licensing provisions of the 2003 Licensing Act.

- 10.3 Health & Safety Officers will work closely with other services such as Building Control and agencies such as the London Fire and Emergency Planning Authority. Their primary input will be to the Public Safety objective in licensing control.

### **11.0 Operating Schedule**

- 11.1 The operating schedule will form part of the completed application form for a premises licence. The schedule should contain the information necessary to enable any responsible authority or interested party to assess whether the steps to be taken to promote licensing objectives are satisfactory. In respect of applications for provisional statements, applications will need to contain information as prescribed in Regulation.
- 11.2 Further guidance in this policy on the Operating Schedule is contained in the Appendix.

### **12.0 The prevention of crime and disorder**

- 12.1 The Home Office has identified that a large percentage of violent crimes, assaults and criminal damage are from offenders under the direct influence of alcohol. The Haringey Crime Audit 2001 acknowledged that alcohol related violence was found to be a problem in night-time entertainment areas and that almost a quarter of all arrests were drink related. Direct findings summarised that the misuse of drugs and alcohol has contributed to the increase of crime and disorder in the borough with young men being of particular concern. In comparison to similar boroughs, Haringey compared well and had fewer violent crimes per 1000 residents than the surrounding boroughs of Islington and Hackney.
- 12.2 The Council is committed to reducing crime and disorder throughout the borough through it's statutory duty under the Crime and Disorder Act and through the Haringey Safer Communities Strategy.
- 12.3 Good management, best practices and sound procedures in licensed premises do and can make an important difference to the level of alcohol related crime.



### **13.0 Public safety**

- 13.1 Members of the public visiting licensed premises have the right to expect that due consideration has been taken in relation to public safety. Licensees, as providers of the premises for the sale of alcohol and/or regulated entertainment, must be able to demonstrate that they have considered and put in effect measures to protect members of the public.
- 13.2 In order to promote public safety, the council will expect to see that those applying for a premises licence have undertaken the necessary fire safety risk assessment and to be compliant with all relevant building control rules and regulations.
- 13.3 The Council will also expect to see that where relevant there is a documented health and safety policy statement, and comprehensive risk assessment.
- 13.4 The Council recommends that the Metropolitan Police Promotion/Event Risk Assessment Form 696 and the After Promotion /Event Debrief Risk assessment Form 696A be used as an effective tool in this process.

#### **Adult Entertainment**

- 13.5 Nudity, striptease and other adult entertainment of a sexual nature fall within the remit of the Licensing Act 2003. This section details the approach the Licensing Authority will take when considering applications for this type of activity on its own merits.
- 13.6 Applicants to whom this applies are required to set out expressly in their Operating Schedule that they propose to offer entertainment involving nudity, striptease or other adult entertainment of an adult nature. Any reference to music or dancing without express reference to adult entertainment will be interpreted as not including adult entertainment.
- 13.7 The Licensing Authority and the Police will have concerns about crime and disorder and public nuisance issues which may arise from the operation of the premises where these activities take place. The carrying on of these activities can provide the opportunity for prostitution, pimping, and other offences of a sexual nature. For these reasons there must be proper regulation of premises where these activities are offered.
- 13.8 When considering applications the Licensing Authority will have regard to whether the premises are in close proximity to the following:
  - Schools
  - Places of worship
  - Residential accommodation
  - Venues of a similar nature

- Community centre
- Youth clubs

Where appropriate the Authority will also take into account the cumulative effect of a number of such premises on the character of the area in question.

- 13.9 Where such applications are made the Licensing Authority will expect the Operating Schedule to address and promote the licensing objectives by including number of measures within it to regulate the adult entertainment examples of such measures are set out in the Appendix. A code of conduct for dancers and customers and appropriate disciplinary procedures should be developed in consultation with the Police and the Council.
- 13.10 The Operating Schedule should also set out procedures to ensure that all staff employed in the premises have pre-employment checks including suitable proof of identity, age and where required permission to work and measures to ensure the exclusion of persons under 18 from the premises when such activities are taking place.

#### **Tables and Chairs Policy**

- 13.11 Under s115 of the Highways Act 1980 permission is required to place amenities such as tables and chairs on the public highway but permission is not required to place tables and chairs on private frontages. The Licensing Authority should ensure that where an Operating Schedule indicates that tables and chairs are to be included within the licensed area that an appropriate application is made to cover those hours. The Licensing Authority will liaise with the Highways Authority about the grant of permission under Part 7A of the Highways Act 1980. However, these are separate jurisdictions and any decision should still be taken on licensing objectives.

#### **Door Supervisors**

- 13.12 Whenever security operatives are employed at licensed premises to carry out a security function, they must be licensed by the Security Industry Authority (SIA).
- Competent and professional door supervisors are key to public safety at licensed premises and the provision of door supervisors is an action point for the leisure industry to consider in the Home Office Alcohol harm Reduction Strategy.
  - If a licensee directly employs security operatives, he/she will need to be licensed by the SIA as a supervisor/manager.

- This licensing authority will be looking to ensure that licensees recruit SIA licensed door supervision staff from reputable companies with SIA Approved Contractor Status.
- Licensees will need to have measures or procedures in place to check the SIA register of door supervisors to ensure their premises and customers are only protected by door supervisors with an SIA licence.

#### **14.0 The prevention of public nuisance**

- 14.1 Licensed premises, especially those operating late at night and in the early hours of the morning can cause a wide range of nuisances that can impact on the people living, working or sleeping in the vicinity of the licensed premises. The Council is committed to protecting the residents and businesses in the vicinity of these licensed premises.
- 14.2 In particular, late night activities cause much of this nuisance. Late night cafés, clubs, pubs and restaurants can have a number of adverse effects on the residents in the vicinity of these premises. Nuisance such as noise, litter, anti-social behaviour, lights and odour all contribute to the loss of amenity to the general public.
- 14.3 Noise nuisance is of particular concern; music, people talking, ventilation equipment and traffic can all be disturbing especially at night when ambient noise is low.
- 14.4 The conduct of customers leaving premises or spilling out into public and open spaces is often a source of disturbance and anti-social behaviour. Problems can include littering, the breaking of glasses and bottles, vomiting and urination.
- 14.5 Fly posting or any other illegal methods of displaying advertisements relating to a licensed premises or events is considered to be a public nuisance and will not be tolerated by the Council. The Council will take action (including prosecuting) those that fly post and will support action by other Councils against those that fly post.
- 14.6 The Council is aware of the importance of the licensing trade to the local economy and its culture and leisure aspirations. Accordingly, it will try and work together with individuals and bodies who are able to make objection to licence applications, the statutory agencies and licensed businesses to ensure that licensed premises can provide a service in a responsible way and co-exist with the wider community.
- 14.7 In considering all licensed applications, the Council will consider the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application. The

council will expect applicants to address the issues under prevention of public nuisance detailed in the Appendix :

#### **15.0 The protection of children from harm**

- 15.1 The main concern of regulatory authorities involves the exposure of children to under age drinking , drug use and the necessary level of supervision and care that needs to be exercised to ensure a safe environment. Premises must ensure that children are protected from physical, moral or psychological harm.

##### **Children & Alcohol**

- 15.2 Young people aged 16 and 17 will only be permitted to consume beer, wine or cider on licensed premises if accompanied by an adult 18 years and over and are eating a table meal.
- 15.3 Children aged under 16 are not allowed into premises that are predominantly used for the supply and consumption of alcohol on the premises unless they are accompanied by an adult.
- 15.4 The Council however recognises the wide variety of premises for which licences may be sought. These include premises which are not predominantly used for the supply and consumption of alcohol including theatres, cinemas, restaurants, cafes, takeaways, community halls and schools. Access by children to these types of premises will not be limited unless it is in the Licensing Act or considered necessary to do so in order to protect them from harm.

##### **Children and Cinemas**

- 15.5 Films cover a vast range of subjects some of which deal with adult themes and/or contain scenes that are considered unsuitable for children within certain age groups.
- 15.6 The Council shall impose a condition in all premises licences and all club premises certificates to prevent the viewing of films by children below the age restriction for that film as classified according to the recommendations of the British Board of Film Classification (BBFC) (or any other body designated under section 4 of the Video Recordings Act 1984) or the council, as the case may be.
- 15.7 The Council must be satisfied that where age restriction films are shown, the premises are suitable in terms of the access and the film cannot be viewed by under-age children through any aperture. Access control shall be via the employment of suitably stationed adult staff.

##### **Children and Public Entertainment**

- 15.8 Conditions may be imposed on licences for premises where children will be present at places of public entertainment to the effect that adult staff must be present to control the access and egress of children and to ensure their safety.
- 15.9 Where a large number of children are likely to be present on any licensed premises, the Licensing Authority will impose conditions requiring an adequate ratio of adults to children in order to ensure the prevention of harm to children and to also ensure public safety.
- 15.10 The Council will expect the premises to provide adequate numbers of attendants in accordance with model conditions shown at appendix F of the guidance issued under section 182 of the Licensing Act 2003.
- 15.11 Details of requirements for operating schedules in respect of protection of children from harm are contained in the Appendix to this policy.

*(For the purpose of this policy a "child" means an individual aged under 16 or who is unaccompanied if he is not in the company of an individual aged 18 or over as defined in the Licensing Act 2003)*

#### **16.0 Transport**

- 16.1 In meeting the licensing objectives the Council would expect the applicants to take into consideration the transport arrangements for dispersing people from their premises so to avoid concentrations outside their premises and in town centres. This could include directing people to public transport routes or making suitable arrangements with licensed cabs or mini-cabs.
- 16.2 The Council supports the Safer Travel at Night initiatives in conjunction with Transport for London, the Greater London Authority and the Metropolitan Police.

#### **17.0 Live music, dancing and theatre**

- 17.1 The Council recognises the value of cultural activities including live music, dancing, street art, circus and theatre, and will take proper account of these needs to encourage and promote them for the wider cultural benefit of the community. It will not seek to place unreasonable restrictions on these activities where the licensing objectives are not put at risk.
- 17.2 The Council will seek to obtain a balance between the potential for limited neighbourhood disturbances and the benefits of cultural activities to the whole community. It will take care not to deter such activities when the risk to the licensing objectives does not justify it. Only conditions strictly

necessary for the promotion of the licensing objectives will be attached to licences. The Council is aware of the need to avoid measures as far as possible that deter live music, dancing and theatre by imposing direct costs of a substantial nature.

### **18.0 Cumulative Impact & Saturation Policy**

- 18.1 The Council will not take 'commercial demand' into account when considering an application as this is a matter for the planning committees and for the market.
- 18.2 However, the Council recognises that the cumulative impact of the number, type and density of licensed premises concentrated in a particular area may lead to problems of nuisance and disorder in the vicinity of the premises. The Council recognises the availability of a special policy, referred to as a Saturation Policy, to assist in such cases. The Licensing Authority on being satisfied that it is appropriate can make such a policy based on the available evidence and may declare such a policy within their overall statement of Licensing Policy.
- 18.3 The Council will take the following steps when considering whether to adopt a special saturation policy in a specified area:
- identification of concern about related crime and disorder or nuisance;
  - consideration of whether it can be demonstrated that crime and disorder and nuisance are arising as a result of customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area, or that the risk factors are such that the area is reaching a point where a cumulative impact is imminent;
  - consultation with those specified in 4.1 above;
  - subject to that consultation, inclusion of a special policy regarding future applications for premises licences or club premises certificates from that area within the terms of the statutory guidance in the Statement of Licensing Policy.
- 18.4 The Council will review any special saturation policies regularly and at least every three years at the time of considering its Licensing Policy, to see whether they have had the effect intended, and whether they are still needed or whether they need expanding.
- 18.5 Saturation policies will never be absolute. They will still allow for each application to be considered individually on its own merits and for licences and/or certificates that are unlikely to add to the cumulative impact on the licensing objectives, being granted.
- 18.6 The Council in discussion with the police has decided not to adopt a Special Saturation Policy at the present time. However the Council will keep potential problem areas under constant review.

## **19.0 Licensing Hours**

- 19.1 The Council recognises that variable licensing hours for the sale of alcohol may be desirable to ensure that concentrations of customers leaving premises simultaneously are avoided. However, the potential for additional crime and disorder and/or public nuisance is increased with longer hours. Appropriately licensed shops, stores and supermarkets will normally be permitted to sell alcohol during the normal trading hours, for consumption off the premises, where consistent with the council's licensing objectives.
- 19.2 It is anticipated that varied licensing hours will minimise concentrations of customers leaving licensed premises simultaneously, which will help reduce the potential disorder and nuisance outside premises.
- 19.3 The Council will deal with the issue of licensing hours on the individual merits of each application. When issuing a licence, stricter conditions with regard to noise control and/or limitations to opening hours may be imposed in the case of premises where relevant representations are made and that are situated in largely residential areas. Operating hours between 23.00 and 07.00 are considered to give greater potential for noise nuisance.
- 19.4 Fixed trading hours (zoning) within designated areas will not be set as this could lead to significant movements of people across boundaries at particular times seeking premises opening later.
- 19.5 The principle of flexible hours is key to these reforms and the objectives of Government. Conditions to be imposed on a licence affecting this will be given thorough consideration and will not be imposed without good reason or in an arbitrary fashion.
- 19.6 It should be noted that the consumption of alcohol is not a licensable activity, only it's sale or supply. It is therefore permissible for premises to allow the consumption of alcohol, previously purchased within the licensing authorisation , outside the hours authorised for sale or supply.

## **20.0 Timetable of Implementation**

- 20.1 The Licensing Policy will come into effect on 22nd January 2008.

## **21.0 The Types of Licences**

Under the new provisions, licences are granted unless there are relevant representations (objections) made to them. The Government have advised that " *where the responsible authorities and interested parties do not raise any representations about the application made to the Licensing Authority, it is a duty of the Authority to grant the licence or certificate subject only to conditions that are*

*consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed in the 2003 Act itself."*

The Licensing Authority would encourage applicants and clubs to discuss operating schedules with responsible authorities to improve the efficiency of the applications process.

### **Personal Licences**

- 21.1 Personal licences authorise individuals to sell or supply alcohol or authorise the sale or supply of alcohol for consumption on or off premises. Applicants applying for a personal licence must:
- be aged 18 years or over;
  - have not forfeited a personal licence in the previous five years;
  - possess an approved licence qualification;
  - not have any relevant criminal conviction as specified in the Act;
  - have paid the appropriate fee to the licensing authority.
- 21.2 Personal licences are valid for 10 years and will be 'portable' between premises across the country. Applicants need to apply to the local authority where they live for the licence, but renewals are to be made to the original issuing authority. It should be noted that whilst 'portable', personal licences are not transferable.
- 21.3 Personal licence holders have responsibilities under licensing provisions. Failure to uphold these responsibilities will be enforced by the Licensing Authority and powers to revoke licences are available.

### **Premises Licences**

- 21.4 A premises licence authorises the use of any premises, which includes any place and includes part of a premises, for licensable activities such as:
- the sale of alcohol by retail;
  - the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
  - the provisions of regulated entertainment;
  - the provisions of late night refreshment.
- 21.5 A premise licence will be valid for the life of the premises, subject to any review.



- 21.6 Applications are required to be advertised at the premises for a period during which representations can be made. It is also expected that Licensing Authorities will include the details on their websites.
- 21.7 For one off events with more than 500 people a premise licence must be gained. The council believes that greater notice of an application than that given in the Act will enable both applicant and council to consider the matter fully. The council feels the following should be sufficient.

<b>Event Numbers</b>	<b>Application time</b>
500 – 1999	6 weeks
2000+	3 months

#### **Club Premises Certificate**

- 21.8 A Club Premises Certificate is required when qualifying clubs want to supply alcohol and provide other activities on club premises.
- 21.9 Club Premises Certificates will be issued to Qualifying Clubs formally Registered Members Clubs. To be eligible for a Club Premises Certificate the club organisation members must have joined together for a particular social, sporting or political purpose and then have combined to purchase alcohol in bulk as members of the organisation for supply to their members and their guests.
- 21.10 Any member of a club over 18 years may apply for a Club Premises Certificate. All applications must be accompanied by:
- completed application form;
  - required fee;
  - operating Schedule;
  - a scale plan of the premises to which the application relates in the prescribe form;
  - a copy of club rules;
  - a copy of the notice to be advertised in the prescribed form.

#### **Temporary Licences**

- 21.11 The Licensing Act provides for certain occasions when small scale events do not need a licence provided that advance notice is given to the Metropolitan Police and the Licensing Authority. The Metropolitan Police can only object to a Temporary Event Notice if the event is likely to undermine the licensing objectives.

21.12 Temporary events involving activities may be undertaken with a Temporary Events Notice subject only to:

- Less than 500 persons at the event at any one time;
- No longer than 72 hours duration;
- With 24 hours between events.

21.13 Whilst the minimum statutory time is 10 days the council believes that more time will enable both applicants and council to consider the matters more fully. The council feels that four weeks would be sufficient.

## **22.0 Variations of Premises & Club Premises Licences**

22.1 Applications to vary a Premises Licence will be dealt with in a similar manner to applications for a new Premises Licence. If relevant representations are not received the application for variation will be granted.

22.2 If relevant representations are made and not withdrawn the Licensing Authority will hold a hearing and at that hearing the Licensing Authority may approve the application, modify the conditions of the licence or reject the application in whole or part

22.3 The licence will not be varied so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates.

22.4 The Authority may vary a premise licence so that it has effect subject to different conditions in respect of different parts of the premises concerned and/or in respect of different licensable activities.

22.5 Local residents and businesses are able to raise representations (objections) to applications for, and variation to premises licences. These must relate to the four licensing objectives and the proposals made in the application. Representations will normally be made in writing to the Licensing Team Leader within the Enforcement Service.

22.6 Details of applications and variations to premise licences will be required to be displayed on or outside the premise concerned. Further requirements as to the advertising of applications are due to be made in new Government proposals.

## **23.0 Provisional Statement**

23.1 Applicants may apply for a premises licence before new premises are constructed, extended or changed. This would be possible where:

- copies of planning permission are provided or a lawful planning use can otherwise be demonstrated;
- clear plans of the proposed structure exist;
- an operating schedule is capable of being completed in regard to activities to take place there ;
- the time at which such activities will take place is given;
- the proposed hours of opening are given;
- the appropriate steps have been taken to promote the licensing objectives.

23.2 The benefit of this procedure is that it allows investment to be committed to a project at an early stage, in the knowledge that a premises licence will be granted subsequently by the Authority, if all matters in the statement are met.

#### **24.0 Conditions**

24.1 The Council recognises that the only conditions that should be imposed on a licence are those that are necessary and proportionate to meeting the licensing objectives. There may be circumstances where existing legislation and regulations already effectively promote the licensing objectives.

24.2 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned. Standardised conditions will not be imposed, but where appropriate the council will draw upon the model pool of conditions issued by the Department for Culture Media and Sport in annex D - H of the guidance issued by the Secretary of State under s182 of the Act. The Council may also impose conditions other than those set out in the annexes in circumstances where this is necessary to properly promote the four licensing objectives and to address problems referred to elsewhere in this Licensing Policy.

#### **25.0 Enforcement**

25.1 The Licensing Authority will undertake inspections, including joint inspections of premises and enter into other working arrangements with the Metropolitan Police, Fire Authority and other agencies to support the 'licensing objectives'.

25.2 Protocols will provide for targeting of agreed problem and high-risk premises, but with a 'lighter touch' to those premises which are shown to be well managed and maintained.

25.3 The Council has adopted an enforcement policy in accordance with the Government's 'enforcement concordat'. The key principles of consistency, transparency and proportionality are maintained throughout this policy.

- 25.4 Enforcement action will be taken in accordance within the principles of the enforcement concordat and the licensing enforcement policy. In particular enforcement action will be:
- targeted - i.e. focused on premises and activities that give rise to the most serious risk of the licensing objectives being undermined;
  - consistent - i.e. similar approaches will be taken in similar circumstances to achieve similar ends;
  - transparent - i.e. help applicants, designated premises' managers and anyone else with a duty to comply with licensing requirement understand what is expected and distinguishing between statutory requirements and guidance;
  - proportionate - i.e. action taken will be proportional to the risk of the licensing objectives being undermined.
- 25.5 The Licensing Authority will take appropriate enforcement action when there is a breach of licensing conditions causing significant risk to the licensing objectives. The selection of the most appropriate enforcement action from the options available will be in accordance with the licensing enforcement policy.
- 25.6 The Licensing Authority Enforcement Policy will detail the various options available in relation to enforcement measures. These measures will include the review of a licence at the request of an authorised person. The Licensing Sub-Committees will have a range of powers at review in order to secure the licensing objectives. These include the withdrawal of an activity from the premises licence, reductions in operating hours and additional conditions being attached to the licence.
- 25.7 The Council's licensing officers will monitor ongoing compliance with licence conditions. Where necessary for this purpose they will carry out inspections. Such inspections may be carried out without prior notice to the occupier or licensee if the licensing officer considers it appropriate in accordance with the law.
- 25.8 The Licensing Authority will produce an joint enforcement protocol in collaboration with the Police and London Fire & Emergency Planning Authority . This will detail the role of these bodies in the monitoring and enforcement role and will cover the new powers available , for example ;
- Police powers to require the temporary closure of any licensed premises or temporary event on the grounds of disorder , likely disorder or noise constituting a nuisance.
- 25.9 In order to monitor and review the operation and enforcement of the new provisions , reports will be produced at least on an annual basis summarising the issues and actions taken during the preceding period . These will be joint reports with the Police and Fire Authority.

### **Appeals against the Licensing Authority decision**

25.10 Appeals against the decision of the Licensing Authority are made to the Magistrates Court for the petty sessions area in which the premises concerned are situated. For Haringey premises, this will be the court presently situated in Highgate. Appeals against personal licences are made to the court in the Licensing area where the decision was made.

Haringey Magistrates will have a bench specifically detailed for the purpose of appeals.

25.11 The Court on hearing the appeal may;

- Dismiss the appeal
- Substitute any other decision that the Licensing Authority could have made
- Remit the case back to the Licensing Authority to deal with as directed by the court.
- Award costs as the court thinks fit.

25.11 It is important that the Licensing Authority give comprehensive reasons for its decisions, lack of which in itself could give rise to grounds of appeal.

### **26.0 Administration, Exercise and Delegation of Functions**

26.1 The council is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. The powers under the Act also allow for delegation of powers/functions to a Licensing Sub-Committee or to one or more officers.

26.2 Appreciating the need to provide a speedy, efficient and cost effective service to all parties involved in the licensing process, the Council has taken advantage of these powers and has established five Licensing Sub-committees to undertake the day to day work of hearings.

26.3 Many of these decisions and functions are largely administrative in nature such as the grant of non-contentious applications, including for example those licences and certificates where no representations have been made. These decisions will be delegated to council officers. All such matters dealt with by officers will be reported for information to the next Licensing Committee.

26.4 Applications where there are relevant representations will be dealt with by the Sub-committee, unless such representations are considered irrelevant, frivolous or vexatious or unless the council, the applicant and everyone who has made representation agrees that a hearing is not necessary and representations are withdrawn.

- 26.5 The table given below sets out the agreed delegation of decisions and functions of the Licensing Committee, Sub-Committee and officers. The various delegations include delegation to impose appropriate conditions.
- 26.6 The scheme of delegations is without prejudice to the right of relevant parties to refer an application to a Licensing Sub-Committee or a full Licensing Committee if considered appropriate in the circumstance of any particular case.
- 26.7 Unless there are compelling reasons to the contrary, the council will require the Licensing Committee or any of its Sub-Committees to meet in public; although councillors can retire into private session to consider their decision and any conditions.
- 26.8 The operation of licensing hearings are detailed in Government Regulation and in the Council's Local Licensing Procedure Rules.
- 26.8 The delegations of functions in relation to licensing matters are as follows: -

<b>Matter to be dealt with</b>	<b>Full Licensing Committee</b>	<b>Sub-Committee</b>	<b>Officers</b>
Application to grant or renew personal licence		If a police objection made	If no police objection made
Decisions on revocation of a personal licence where a conviction comes to light after grant		If a police objection made	If no police objection made
Application for premises licence/club premises certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary premises licence/club premises certificate		If a representation made	If no representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a			All cases

complaint is irrelevant, frivolous, vexatious, etc.			
Decision to object when local authority is a consultee and not the relevant authority considering the application			All cases
Determination of a police objection to a temporary event notice		All cases	

**27.0 Fees – statement on setting and process**

Please see *Fees Guidance Notes*.

## Appendix - Guidance on the Operating Schedule

### Operating Schedule

The operating schedule is part of the application for a premises licence and should contain information so that others can assess whether the steps a business intends to take will satisfy the licensing objectives. As such it is asking the applicant how their business will be run. This is an 'assessment of the risks' by the applicant and what control measures or actions are proposed to stop this risk. This must be specific to the premises and activities detailed in the application and not general in nature.

The operating schedule must include and consider:

- what activities are planned at the premises;
- the times during which the applicant proposes that the activities are to take place;
- any other times during which the applicant proposes that the premises are to be open to the public;
- where the applicant wishes the licence to have effect for a limited period, that period must be detailed;
- details of the Designated Premises Supervisor and a copy of the personal licence;
- if the activities include sale of alcohol, whether such sales are proposed to be for the consumption on the premises or off the premises, or both;
- the steps which the applicant proposes to take to promote each of the licensing objectives - See guidance below

(further items may be required from time to time if the Government so directs)

### The Operating Schedule and the Licensing Objectives

Operating Schedules must clearly satisfy the four licensing objectives. This is considered in more detail below with each of the objectives in turn.

#### 1. The prevention of crime and disorder

Licencees have the responsibility to take steps to prevent crime and disorder. The Council will expect applicants to consider various steps and provisions in their Operating Schedule to help in achieving this objective. Such considerations should not only look at issues within the premises, but also matters related to the vicinity of the premises. Listed below are provisions that may be used if applicable.

The record of compliance with respect to the items contained in this section will be considered by the Licensing Sub Committee.



Applicants are expected to demonstrate how these will assist in their premises:

- Registered door supervisors – How will they be used in the premises, what will they be asked to do and what are they seeking to achieve. (NB Door Supervisors must be licensed by the Security Industry Authority) ;
- Use of CCTV - How CCTV will be used and monitored to help prevent crime and disorder;
- The use of responsible drinking promotions - what will and will not be used by the premises to promote custom ;
- Stopping the sale of alcohol to those under 18 years of age- how will the business achieve this. (Of equal concern for both on licences and off licences)
- Promoting of safer drinking (including the use of drink when driving) - what will the business specifically do, policy, practices, how may they assist customers to achieve this;
- Have effective protocols in place to deal with intoxicated patrons and/or persons under the influence of illegal drugs and the supply of illegal drugs. The issue of spiking drinks should also be considered. (This may include for example, co-ordination and participation in a local pubwatch scheme);
- Adequate search facilities - how this will operate;
- Methods to discourage drinking of alcohol ( supplied for consumption on the premises ) in a public place in the vicinity of the premises;
- Procedures to deal with violence and/or anti-social behaviour including any crime which discriminates against any sectors of the community;
- Methods to discourage the handling and distribution of stolen, counterfeit or other illegal goods;
- Addressing prostitution or indecency at the premises;
- Ensuring adequate training given to staff in crime prevention measures
- Procedures for risk assessing promotions and events where the event is likely to attract customers that may heighten the possibility of violence and/or disorder and include plans to minimise such risks.
- Utilising good practices outlined in the British Beer & Pub Association publication- Drugs and Pubs: A Guide for Licensees.

## 2. Public safety

Licensees have the responsibility to take steps towards protecting public safety. The council will expect applicants to consider various steps and provisions in their Operating Schedule to help in achieving this objective. Listed below are provisions that may be used if applicable. Applicants are expected to demonstrate how these will assist in their premises:

- Use of CCTV and panic buttons - how will these provisions be operated to protect safety ;
- Use of shatter proof drinking vessels or bottles , requiring use of toughened glass or plastic ;
- Use of security personnel both within and at the access points to premises. How many are proposed, what will be the duties and how will their activities protect safety. (Security staff must be licensed by the Security Industry Authority who will also advise on minimum numbers);
- Compliance with Health & Safety legislation including if required a documented health and safety policy statement, and comprehensive risk assessment ;
- Capacity limits where necessary to prevent overcrowding or prevent nuisance on entering or exit;
- Implementation of crowd management measures
- Undertaking the necessary fire safety risk assessment and to be compliant with all relevant building control rules and regulations;
- Adequate lighting (including any Emergency Lighting to BS 5266) - what areas of the premises are considered , particularly external areas.;
- Arrangements for emergency situations including any necessary evacuation ( to include people with disabilities );
- The safe use of special effects equipment e.g. lasers and smoke machines - this will include details from suppliers and contractors ;
- Installation of fire alarms and fire safety measures- service contracts in place (Fire Alarm to BS 5839 PT1);
- Clear signage throughout the premises e.g. emergency exits, fire extinguishers etc .

- For venues providing music and dancing in a 'nightclub' premises, what specific aspects of Safer Clubbing have been incorporated .
- Arrangements for the management, supervision and training of staff to ensure that the measures incorporated above are implemented.

### **3. The prevention of public nuisance**

In considering all licence applications, the Council will consider the adequacy of measures proposed to deal with the potential for nuisance and /or anti-social behaviour having regard to all the circumstances of the application. Listed below are provisions that may be used if applicable. Applicants are expected to demonstrate how these will assist in their premises:

#### **Noise and other nuisance**

- The steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices . This is particularly important in residential areas ;
- The steps taken or proposed to be taken by the applicant to prevent disturbances by customers arriving at or leaving the premises. There will be greater responsibilities placed on premises operating between 23:00 - 0700 hours than at other times of the day ;
- The provision to properly extract and disperse odours and smells from cooking by properly installed and maintained ventilation equipment.
- The actions necessary to prevent disturbance from deliveries or collections at early or late hours, or from staff clearing up after closing time.

#### **Leaving and outside the premises**

- The steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrians or cars ). If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction. Such considerations must

also be considered in respect of people loitering at takeaways and off licences.;

- The steps taken or proposed to be taken to prevent littering and fouling of public and open spaces - what specific measures are proposed by the business.
- The steps taken or proposed to be taken by the applicant to ensure customers leave the premises in a quiet and orderly fashion ;

### **Parking and Public Transport**

- The arrangements made or proposed for parking by customers , and the effect of parking by them on local residents ;
- Whether there is sufficient provision for public transport (including taxis and private hire vehicles) for customers ;
- Whether licensed taxis or private hire vehicles are likely to disturb local residents and if so what the business proposes to prevent this;
- The arrangement for advising customers of the details for public transport and taxis in the area.

### **Sensitive Areas**

- The installation of any special measures where licensed premises are or are proposed to be located near sensitive premises such as nursing homes, schools, nurseries, hospitals, hospices or places of worship;
- The use of gardens and other open-air areas at the premises;

### **Refuse and cleansing**

- The arrangements for storage and disposal of trade refuse - trade refuse contracts will be required for all premises;
- Whether the premises would lead to increased refuse storage or disposal problem - does your contract detail sufficient collections ;

- The arrangements for cleansing or otherwise keeping clean the vicinity of the premises. This will include litter, refuse and other items originating from the premises;
- The arrangements for cleansing open and public areas in the vicinity of the premises of fouling caused by clients.

#### **Record of compliance**

- The history of noise and other nuisance complaints proved against the premises will be considered, particularly where statutory notices or warning letters have been served on the present licensees;

#### **Lighting**

- The position of external lighting, including security lighting that is installed inappropriately.

### **4. The protection of children from harm**

When considering whether to limit access to children at licensed premises the council will consider each application on its own merits. However the council will expect applicants to consider and address the following in their operating schedule if applicable. Applicants are expected to provide the detail necessary to demonstrate how the provisions will assist in achieving this objective at their premises:

- There will be a strong presumption against access by persons under 18 to premises where any of the following apply:
  - a history of convictions for serving alcohol to minors or premises with a reputation for, or inadequate arrangements to deter, under-age drinking;
  - a known association with, or inadequate arrangements to deter, drug taking or dealing;
  - a strong element of gambling taking place on the premises;
  - where entertainment of an adult or sexual nature is commonly provided;
  - where there are inadequate arrangements to protect children from supply and use of other products which it is illegal to supply to children eg cigarettes .
  - where there are inadequate arrangements to protect against the harmful effects of passive smoking. There is clear risk to health caused by passive smoking, and the council will expect, where necessary, a 'no smoking' area to be set aside for use by children where access is permitted;

- The council will expect cigarette vending machines to be in sight and under the supervision of bar staff in accordance with the appropriate code of practice.
- where in the opinion of the Licensing Committee, there are inadequate controls on the times during which children may be present on the premises.
- Young people aged 16 and 17 will only be permitted to consume beer, wine or cider on licensed premises if accompanied by an adult 18 years and over and are eating a table meal.
- Where limiting access to children is considered necessary, the Council will consider the following after relevant representations:
  - limitations on the hours when children may be present;
  - an age limitation ;
  - limitations or exclusions when certain activities are taking place;
  - access limited to parts of the premises;
  - the requirement for accompanying adults;
  - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- The Licensing Authority considers the age restraints on alcohol provision and providing adult entertainment and gambling to be of utmost importance. Applicants must provide clear details in their operating schedule as to what methods or measures they will be using to verify age. The Licensing Authority recommends that the only way to verify a person's proof of age is with reference to:
  - a valid passport;
  - a photo driving licence issued in a European Union country;
  - a proof of age standard card system;
  - a citizen card, supported by the Home Office.

<b>Licensing Committee</b>	<b>on 17<sup>th</sup> December 2007</b>
----------------------------	---

Report Title: <b>Setting Fees under the Gambling Act 2005- TEMPORARY USE NOTICES</b>
--

Forward Plan reference number (if applicable): <b>Not applicable</b>
--

Report of: <b>Assistant Director ( Enforcement ) Robin Payne</b>
--

Wards(s) affected: <b>All</b>	<b>Item for decision</b>
-------------------------------	--------------------------

### 1. Purpose

To report and consult with Members on setting fees for the new regulations concerning Temporary Use Notices under the Gambling Act 2005.

The Government has given maximum figures and each Authority must set its own figure not exceeding the maximum.

The fees will be for

- i) fee for making an application for a Temporary Use Notice
- ii) The fee for replacing a lost or stolen notice.

### 2. Recommendations

2.1 That the Committee:

- (i) Agree the fees to enable the Authority to accept such applications.

Report Authorised by: <b>Robin Payne , Assistant Director</b>
---



Contact Officer: Keith Betts , Commercial Group manager , Enforcement Service , x5525
---

### 3. Executive Summary

The Gambling Act 2005 brings in major reforms to the structure of the law on gambling in this Country. It will bring in considerable responsibilities for local authorities in their role as the appropriate 'Licensing Authorities'. Every Licensing Authority must set its own fees within the maximums issued by The Department of Culture Media and Sports (DCMS) in relation to Temporary Use Notices. This report seeks Members decision on the proposed fees for 2007/08 required under the Gambling Act 2005.

**4. Reasons for any change in policy or for new policy development (if applicable)**

The fees support the work of the Licensing Service to promote the licensing objectives of the Gambling Act 2005. The licensing authority must carry out its functions with a view to promoting these licensing objectives. The licensed gambling industry in the Borough depends on local administration, inspection and enforcement to ensure that all local businesses continue to operate within the law and are able to understand the new legal requirements.

**5. Local Government (Access to Information) Act 1985**

Background papers used for the preparation of this report as set out below can be inspected by contacting the Licensing Manager, Daliah Barrett on 8489 8232:

(i) Guidance to Local Authorities under The Gambling Act 2005 issued by the Gambling Commission and (ii) The Gambling Act 2005.

**6. Background**

- 6.1 Major reforms are being implemented under the Gambling Act 2005 which contains a new regulatory system to govern the provision of gambling in Great Britain. The Act gives major responsibilities to local authorities in their role as the 'Licensing Authority' to permit commercial gambling, a role previously carried out largely by the Licensing Justices (Magistrates). Every Licensing Authority had to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three year period to which the policy applies. Haringey's Statement of Gambling Policy was adopted by full Council with effect from 15 January 2007.
- 6.2 The Gambling Act 2005 introduces a new system of regulation of all gambling in Great Britain, other than the National Lottery and spread betting. It repeals The Betting, Gaming and Lotteries Act 1963, The Gaming Act 1968 and The Lotteries and Amusements Act 1976. The 2005 Act provides for local authorities, called "licensing authorities" in the Act, to license premises within their areas which are used to provide facilities for commercial gaming. The Act also introduces a unified regulator for gambling, the Gambling Commission. The Commission will licence and regulate virtually all commercial gambling in Great Britain, including casinos, bingo, betting amusement arcades, larger lotteries and the manufacture, supply and use of gaming machines and gambling software.
- 6.3 The Act sets out three licensing objectives which licensing authorities and The Gambling Commission are required to pursue:
- To prevent gambling from being a source of crime and disorder
  - To ensure that gambling is conducted in a fair and open way



- To protect children and vulnerable persons from being harmed or exploited by gambling.

6.4 As part of the new regime the Act provides for the following three main types of licence:

- **Personal licences** these will be issued by The Gambling Commission and it will be a condition of each operating license that at least one person who holds a specified "management office" in relation to the operating licence must hold a personal licence.
- **Operating licences**, these will be held by people who wish to provide facilities for commercial gambling and in general it will be an offence to provide such facilities without an operating licence. Operating licences will be issued and overseen by the Gambling Commission.
- **Premises Licences** these will be held by people who wish to use premises to provide facilities for commercial gaming or betting and in general it will be an offence to use premises for such a purpose without a premises license. A premises license may only be issued to a person who holds a valid operating licence. Premises Licences will be issued and overseen by licensing authorities.

6.5 Licences will be issued for a number of different premises types. These are:

Casinos  
Bingo Premises  
Adult gaming centres  
Family entertainment centres  
Betting office (i.e. betting premises excluding tracks)  
Tracks

In addition, this authority will have responsibility for the following:

Temporary Use Notices (for temporary events)  
Provisional Statements  
Unlicensed Family Entertainment Centres  
Lottery registration documents  
Club gaming/gaming machine permits  
Permits for gaming machines on alcohol licensed premises.

## 7 Rules for Setting Fees

7.1 The 2005 Act gives The Secretary of State the power to make regulations prescribing the fees payable to the licensing authority for gambling premises licences and permits as well as other miscellaneous fees. In the case of Temporary Use Notices these are these are The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 which came into force on 1<sup>st</sup> December 2007. Members should note that fees for permits will be set centrally and will be dealt with in separate Regulations. Licensing Authorities have no discretion in regard to fees for permits.

7.2 Temporary Use Notices under Part 9 of the Gambling Act 2005 make provision for the use of premises for gambling where there is no premises license in respect of those

premises, but an operating license holder wishes to use the premises, temporarily, for providing facilities for gambling.

7.3 Temporary Use Notices are endorsed by the Licensing Authority and will authorise the provision of gambling activities temporarily on specific premises. The nature of the gambling activities that can be provided under such notices is controlled by the Secretary of State in regulations. A particular set of premises can only be the subject of a Notice for a maximum of 21 days in any 12 month period. The Notice must be given 3 months prior to the event.

7.4 The Act does devolve to licensing authorities a very limited discretion to set fees for temporary use notice applications. This discretion is subject to the maximum fee prescribed in the regulations. The Regulations prescribe that

- i) the maximum fee for a temporary use notice shall be £500
- ii) the maximum fee for a new endorsed copy of a lost or stolen notice shall be no more than £25.

7.5 The costs of these new responsibilities will be met by applying the maximum fees. This involves the Licensing Authority needing to consult with the Gambling Commission, The Metropolitan Police and Revenue and Customs.

## **8. Recommendations**

8.1 That the Committee:

- (i) Agrees to set the fees for Temporary Use Notices to £500 for an application and £25 for the endorsement of a replacement notice.

## **9. Comments of the Chief Finance Officer**

9.1 The Councils external income policy states that the income should (at least) cover the full cost, including all overheads, of the service.

## **10. Comments of the Head of Legal Services**

10.1 The Legal Service has been consulted in the preparation of this report and the legal implications have been incorporated.

## **11. Equalities Implications**

11.1 It is clearly seen by Government that gambling can impact on the lives of all in society and particularly the young and those people who may be vulnerable to gambling activities. It is a primary objective of both the Act and the local policy statement that such persons are protected. The Gambling Act supports national and local guidance in promoting the three licensing objectives, including: preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime.

## **12. Use of Appendices / Tables / Photographs**

Appendix 1 – The Gambling Act 2005 (Temporary Use Notices) Regulations 2007.

## APPENDIX 1

# STATUTORY REGULATIONS TEMPORARY USE NOTICE

## Statutory Instrument 2007 No. 3157

### The Gambling Act 2005 (Temporary Use Notices) Regulations 2007

---

© Crown Copyright 2007

Statutory Instruments printed from this website are printed under the superintending authority of the Controller of HMSO being the Queen's Printer of Acts of Parliament.

The legislation contained on this web site is subject to Crown Copyright protection. It may be reproduced free of charge provided that it is reproduced accurately and that the source and copyright status of the material is made evident to users.

It should be noted that the right to reproduce the text of Statutory Instruments does not extend to the Queen's Printer imprints which should be removed from any copies of Statutory Instruments which are issued or made available to the public. This includes reproduction of the Statutory Instrument on the Internet and on intranet sites. The Royal Arms may be reproduced only where they are an integral part of the original document.

The text of this Internet version of the Statutory Instrument which is published by the Queen's Printer of Acts of Parliament has been prepared to reflect the text as it was printed. A print version is also available and is published by The Stationery Office Limited. **The Gambling Act 2005 (Temporary Use Notices) Regulations 2007**, ISBN 9780110789446. The print version may be purchased by clicking [here](#). Braille copies of this Statutory Instrument can also be purchased at the same price as the print edition by contacting TSO Customer Services on 0870 600 5522 or e-mail: [customer.services@tso.co.uk](mailto:customer.services@tso.co.uk).

Further information about the publication of legislation on this website can be found by referring to the [Frequently Asked Questions](#).

To ensure fast access over slow connections, large documents have been segmented into "chunks". Where you see a "continue" button at the bottom of the page of text, this indicates that there is another chunk of text available.

---

#### STATUTORY INSTRUMENTS

---

**2007 No. 3157**

### **BETTING, GAMING AND LOTTERIES**

The Gambling Act 2005 (Temporary Use Notices) Regulations 2007

<i>Made</i>	<i>1st November 2007</i>
<i>Laid before Parliament</i>	<i>7th November 2007</i>
<i>Coming into force</i>	<i>1st December 2007</i>

The Secretary of State makes the following Regulations in exercise of the powers

conferred by sections 212, 215(2), 216, 219(3)(b) and (8), 224(4), 227(2), (3) and (6) and 355(1) of the Gambling Act 2005[1].

#### **Citation, commencement, application and interpretation**

1. —(1) These Regulations may be cited as the Gambling Act 2005 (Temporary Use Notices) Regulations 2007 and shall come into force on 1st December 2007.

(2) Subject to paragraph (3), these Regulations apply to England and Wales and Scotland.

(3) Regulation 7(1) applies only to temporary use notices given in respect of premises in England and Wales.

(4) In these Regulations "the Act" means the Gambling Act 2005.

#### **Activities which may be specified in a temporary use notice**

2. —(1) This regulation specifies for the purposes of section 215(2)(a) of the Act the activities which may be specified in a temporary use notice under Part 9 of the Act.

(2) The activities are providing facilities for any form of equal chance gaming[2] where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.

(3) In paragraph (2) the reference to providing facilities for equal chance gaming does not include providing such facilities in circumstances where any person participating in the gaming does so by means of a gaming machine[3].

#### **Form and content of a temporary use notice**

3. —(1) Subject to paragraph (2), a temporary use notice under Part 9 of the Act must be in the form, and contain the information, specified in Part 1 of Schedule 1.

(2) A temporary use notice given in respect of a vessel must be in the form, and contain the information, specified in Part 2 of Schedule 1.

(3) This regulation is subject to regulation 5.

#### **Form and content of a counter-notice**

4. Subject to regulation 5, a counter-notice under Part 9 of the Act must be in the form, and contain the information, specified in Schedule 2.

#### **Matters not required to be included in a notice**

5. —(1) Where matters are included in square brackets in any form in Schedules 1 and 2, they are intended to indicate and explain the information to be specified in the notice to which the form relates, and are not required to be included in the notice.

(2) The first page of the form used for a temporary use notice or a counter-notice under Part 9 of the Act may include any symbol or logo which is commonly used by the licensing authority to identify documents produced by them.

(3) In paragraph (2) "the licensing authority" means—

(a) in relation to a temporary use notice, the licensing authority to whom the notice is given, and

(b) in relation to a counter-notice, the licensing authority by whom the notice is given.

**Endorsement of temporary use notices**

6. —(1) This regulation prescribes for the purposes of each of subsections (2)(a) and (3)(a) of section 227 of the Act the manner in which the copy of a temporary use notice submitted under section 219(3)(a) of the Act is endorsed.

(2) The copy of the notice is endorsed by the licensing authority to whom it is given completing the section of the notice headed "Endorsement of notice by licensing authority".

**Fees in connection with temporary use notices**

7. —(1) The fee payable under section 219(3)(b) of the Act on giving a temporary use notice shall be of such amount not exceeding £500 as may be determined by the licensing authority to whom the notice is given.

(2) The fee payable under section 227(6)(a) of the Act for the replacement of an endorsed copy of a temporary use notice—

(a) where the licensing authority responsible for issuing the copy of the notice is in England or Wales, shall be of such amount not exceeding £25 as the licensing authority may determine; or

(b) where the licensing authority responsible for issuing the copy of the notice is in Scotland, shall be £25.

*Gerry Sutcliffe*

Parliamentary Under Secretary of State Department for Culture, Media and Sport

1st November 2007

SCHEDULE 1

Regulation 3

Form and content of a temporary use notice

PART 1

Form and content of temporary use notice applying to premises other than a

vessel

[SPACE FOR LICENSING AUTHORITY LOGO ETC.]

**Gambling Act 2005 - Temporary Use Notice  
(for premises other than vessels)**

Notice is hereby given under Part 9 of the Gambling Act 2005 that:  
[Insert the name and address of the person or organisation giving the notice]

.....  
.....  
.....

intends to use the following premises:  
[Identify the premises giving an address and postcode]

.....  
.....  
.....

for carrying on the following activities:  
[Indicate the type of gaming which will take place under the notice]

.....  
.....  
.....

during the following period:

Start date	End date

**Additional information**

1. Please describe the nature of the premises to which the notice relates:  
*[Where the activities to be authorised by the notice are to take place only in a part of the premises, include a description of the nature of the part of the premises in which the activities are taking place and its location within the premises.]*

.....

.....

.....

.....

.....

.....

.....

.....

2. Please describe the nature of the event which is to take place (including the number of persons who are expected to participate in the event):

.....

.....

.....

.....

.....

.....

.....

.....

3. Please give for each day of the period of the notice the times when activities are to begin and end.

Date	Start time	Finish time

*[Use additional sheets if necessary. These should be headed "Additional information about times when premises are to be used under the notice", and attached to the notice.]*

4. Please give the operating licence number of the person or organisation giving the notice:

.....



5(a) Please give the name of a person who is responsible for the conduct of the event to which the notice relates, and who will be available to be contacted during the course of the event:

.....

5(b) Please specify that person's role or title in connection with the event:

.....

5(c) Please give a telephone number at which that person can be contacted when the event is taking place:

.....

6(a) Have any activities taken place, or will any activities take place, on the premises under any other temporary use notice during the period of 12 months ending on the last day of the period specified in this notice?

Yes  No

6(b) Where the answer to question 6(a) is "yes", give the dates on which such activities have taken or will take place:

Start date	End date	Number of days

*[Use additional sheets if necessary. These should be headed "Additional information on previous notice periods", and attached to the notice.]*

This notice is given on:

*[Specify the date on which the notice is given. This is the date on which it is sent or delivered to the licensing authority.]*

.....

**Declarations and Checklist (please tick or check)**

I confirm that, to the best of my knowledge, the information contained in this notice is true. I understand that it is an offence under section 342 of the Gambling Act 2005 without reasonable excuse to give information which is false or misleading in, or in relation to, this notice.

**Checklist:**

- The date on which this notice is given is more than 3 months before the date on which the activities to which this notice relates are due to start
- Payment of the appropriate fee has been made/is enclosed
- I understand that premises cannot be used under temporary use notices for more than 21 days in any 12 month period. I confirm that the notice will not lead to this limit being exceeded
- I understand that each of the following persons and organisations must be given a copy of the notice and that they must receive it no later than 6 days after the date on which it is sent or delivered to the licensing authority:
  - The Gambling Commission,
  - The chief officer of police, or in Scotland the chief constable of the police, for any area in which the premises are wholly or partly situated, and
  - The Commissioners for Her Majesty's Revenue and Customs.

---

**Signature**

Signature of the person giving the temporary use notice, or signature of the solicitor or other duly authorised agent acting on behalf of the person or organisation giving the notice. If you are signing on behalf of the person or organisation giving the notice, please state in what capacity:

Signature: .....

Print Name: .....

Date: ..... Capacity: .....

*[Where the notice is given in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]*

**Contact Details**

The following person can be contacted about this temporary use notice:

..... Tel:.....

The postal and/ or e-mail address for any correspondence associated with the notice is:

.....

.....

.....

---

**ENDORSEMENT OF NOTICE BY LICENSING AUTHORITY**

**(For Licensing Authority use only)**

Endorsed by:  
*[Specify the name of the licensing authority by whom the notice is endorsed in accordance with section 227 of the Gambling Act 2005.]*

.....

Signed on behalf of the licensing authority:

Signature:.....

Name:.....

Date: ..... Capacity:.....

PART 2

Form and content of temporary use notices applying to a vessel

[SPACE FOR LICENSING AUTHORITY LOGO ETC.]

**Gambling Act 2005 - Temporary Use Notice (Vessel)**

Notice is hereby given under Part 9 of the Gambling Act 2005 that:  
[Insert the name and address of the person or organisation giving the notice]

.....  
.....  
.....  
.....

intends to use the following vessel:  
[Give the name of the vessel]

.....

for carrying on the following activities:  
[Indicate the type of gaming which will take place under the notice]

.....  
.....  
.....  
.....  
.....

during the following period:

Start date	End date



4. Please indicate whether the activities to be authorised by the notice are to take place only in a part of the vessel; and, if so, please include a description of the part in which the activities are taking place and its location within the vessel:

.....

.....

.....

.....

.....

.....

5. Please give for each day of the period of the notice the times when activities are to begin and end.

Date	Start time	Finish time

*[Use additional sheets if necessary. These should be headed "Additional information about times when premises are to be used under the notice", and attached to the notice.]*

6. Please give the operating licence number of the person or organisation giving the notice:

.....

7(a) Please give the name of a person who is responsible for the conduct of the event to which the notice relates, and who will be available to be contacted during the course of the event:

.....

7(b) Please specify that person's role or title in connection with the event:

.....

7(c) Please give a telephone number at which that person can be contacted when the event is taking place:

.....

8(a) Have any activities taken place, or will any activities take place, on the premises under any other temporary use notice during the period of 12 months ending on the last day of the period specified in this notice?

Yes  No

8(b) Where the answer to question 8(a) is "yes", give the dates on which such activities have taken or will take place:

Start date	End date	Number of days

*[Use additional sheets if necessary. These should be headed "Additional information on previous notice periods", and attached to the notice.]*

This notice is given on:  
*[Specify the date on which the notice is given. This is the date on which you send or deliver it to the licensing authority.]*

.....

**Declarations and Checklist (please tick or check)**

I confirm that, to the best of my knowledge, the information contained in this notice is true. I understand that it is an offence under section 342 of the Gambling Act 2005 without reasonable excuse to give information which is false or misleading in, or in relation to, this notice.

**Checklist:**

- The date on which this notice is given is more than 3 months before the date on which the activities to which this notices relates are due to start
- Payment of the appropriate fee has been made/is enclosed
- I understand that premises cannot be used under temporary use notices for more than 21 days in any 12 month period. I confirm that the notice will not lead to this limit being exceeded
- I understand that each of the following persons and organisations must be given a copy of the notice and that they must receive it no later than 6 days after the date on which it is sent or delivered to the licensing authority:
  - The Gambling Commission,
  - The chief officer of police, or in Scotland the chief constable of the police, for any area in which the premises are wholly or partly situated, and
  - The Commissioners for Her Majesty's Revenue and Customs

<p><b>Signature</b></p> <p>Signature of the person giving the temporary use notice, or signature of the solicitor or other duly authorised agent acting on behalf of the person or organisation giving the notice. If you are signing on behalf of the person or organisation giving the notice, please state in what capacity:</p> <p>Signature: .....</p> <p>Print Name: .....</p> <p>Date: ..... Capacity: .....</p> <p><i>[Where the notice is given in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]</i></p>
<p><b>Contact Details</b></p> <p>The following person can be contacted about this temporary use notice:</p> <p>..... Tel: .....</p> <p>The postal and/ or e-mail address for any correspondence associated with the notice is:</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p><b>ENDORSEMENT OF NOTICE BY LICENSING AUTHORITY</b></p> <p><b>(For Licensing Authority use only)</b></p> <p>Endorsed by:</p> <p><i>[Specify the name of the licensing authority by whom the notice is endorsed in accordance with section 227 of the Gambling Act 2005.]</i></p> <p>.....</p> <p>Signed on behalf of the licensing authority:</p> <p>Signature: .....</p> <p>Name: .....</p> <p>Date: ..... Capacity: .....</p>

SCHEDULE 2

Regulation 4

Form and content of a counter-notice



[SPACE FOR LICENSING AUTHORITY LOGO ETC.]

**COUNTER-NOTICE**  
**(Given in response to a temporary use notice under Part 9 of the Gambling Act 2005)**

This counter-notice is given under section 224 of the Gambling Act 2005 and relates to a temporary use notice given on .....in respect of the following premises:  
*[Identify the premises to which the temporary use notice applies, giving where applicable an address and postcode]*

.....  
.....  
.....

The temporary use notice was given by the following person or organisation:  
*[Give the name and address of the person or organisation who gave the temporary use notice]*

.....  
.....  
.....

The temporary use notice provided for the premises to be used for the following activities:

.....  
.....  
.....

during the following period:

Start date	End date

The licensing authority have decided that the temporary use notice referred to in this counter-notice: *[tick or check the box or boxes which apply, and give any additional information as appropriate]*

- Is not to have effect
- Is to have effect only in respect of the following activities:

.....

- Is to have effect only during the following period:

Start date	End date

- Is to authorise the activities to take place only at the following times of day:

Date	Start time	Finish time

- Is to have effect subject to the activities being carried out in accordance with the following condition(s) attached in accordance with section 224(3)(d) of the Gambling Act 2005:

.....

.....

.....

.....

.....

**This decision has been taken by the licensing authority for the following reasons:**

.....

.....

.....

.....

Signed on behalf of the licensing authority:	
Signature: .....	
Print Name: .....	
Date: .....	Capacity: .....

---

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision in connection with temporary use notices under Part 9 of the Gambling Act 2005 ("the Act"). Part 9 enables a person holding an operating licence to give a temporary use notice in respect of premises. The effect of the notice is to authorise the premises to be used during the period specified in the notice for carrying on gambling activities without an offence being committed under section 37 of the Act (which makes it unlawful to use premises for providing facilities for gambling without the appropriate premises licence).

Regulation 2 prescribes for the purposes of section 215(2)(a) of the Act the activities which may be specified in a temporary use notice. The activities are providing facilities for any form of equal chance gaming where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner. But this does not include equal chance gaming where any person is participating by means of a gaming machine.

Regulation 3 and Schedule 1 prescribe the form of a temporary use notice and the information to be contained in it. Two forms are prescribed: the form in Part 1 of Schedule 1 is to be used for premises other than vessels, and the form in Part 2 of Schedule 1 is to be used for vessels.

Regulation 4 and Schedule 2 prescribe the form of a counter-notice under Part 9 of the Act.

Regulation 5 makes further provision about the information to be included in a temporary use notice or a counter-notice under Part 9 of the Act.

Regulation 6 makes provision about the manner in which a temporary use notice submitted to a licensing authority is to be endorsed by the authority

under section 227(2) or (3) of the Act.

Regulation 7 makes provision about fees in connection with temporary use notices. Paragraph (1) (which applies to England and Wales only) makes provision about the amount of the fee which is to accompany a temporary use notice given to a licensing authority. It provides for the fee to be of such amount as may be determined by the licensing authority up to a maximum of £500. Paragraph (2) prescribes the amount of the fee which is payable under section 227(6) where a licensing authority make arrangements for the replacement of an endorsed temporary use notice which has been lost, stolen or damaged. In England and Wales, the fee is to be of such amount as may be determined by the licensing authority up to a maximum of £25; and in Scotland the fee is £25.

---

*Notes:*

[1] 2005 c.19; see sections 216(2) and 224(8) for the definition of "prescribed" where used in section 216(1) and 224(4).[back](#)

[2] See section 8 of the Gambling Act 2005 for the definition of "equal chance gaming".[back](#)

[3] See section 235 of the Gambling Act 2005 for the definition of "gaming machine".[back](#)

---

ISBN 978 0 11 078944 6

[Other UK SIs](#) | [Home](#) | [National Assembly for Wales Statutory Instruments](#) | [Scottish Statutory Instruments](#) | [Statutory Rules of Northern Ireland](#)

---

*We welcome your [comments on this site](#)*

© Crown copyright 2007

*Prepared 9 November 2007*

**EXPLANATORY MEMORANDUM TO**

**THE GAMBLING ACT 2005 (TEMPORARY USE NOTICES) REGULATIONS 2007**

**2007 No. 3157**

1. This explanatory memorandum has been prepared by the Department for Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1 These Regulations concern temporary use notices issued under Part 9 of the Gambling Act 2005 (“the Act”). The Regulations indicate the activities which may be specified in a temporary use notice, and prescribe the form and content of a temporary use notice and of a counter-notice issued by a licensing authority in response to a temporary use notice. The Regulations also make provision about the endorsement of a temporary use notice by the relevant licensing authority and about the fee which is to be paid on the giving of a temporary use notice.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

4. **Legislative Background**

4.1 The Act establishes a new system of regulation for all gambling in Great Britain, other than the National Lottery and spread betting. The Act establishes a new regulator for gambling, the Gambling Commission, and a new licensing regime for commercial gambling. As part of the licensing regime, the Act provides for three main types of permission: operating and personal licences which are issued by the Gambling Commission, and premises licences which are issued by licensing authorities. In England and Wales, licensing authorities are the local authorities and, in Scotland, licensing boards.

4.2 Although generally a premises licence is required to authorise the use of premises for providing facilities for gambling, Part 9 of the Act enables premises to be used for short periods without a premises licence. Part 9 enables the holder of an operating licence to give a temporary use notice about premises to the licensing authority in which the premises are situated. The effect of the notice is to enable the premises to be used for providing facilities for gambling for a limited period of time as specified in the notice. Section 218 of the Act restricts to 21 days the amount of time that premises may be used under a temporary use notice in any period of 12 months. A notice must be given at least 3 months before it is to take effect.

4.3 Section 215 makes provision about the activities which may be authorised by a temporary use notice. That section provides for the activities to be prescribed in regulations made by the Secretary of State. Reference was made to the exercise of these powers in the memorandum on the Gambling Bill given by the Department to the House of Lords’ Select Committee on Delegated Powers and Regulatory Reform on 27 January 2005 (annexed to the Committee’s 11<sup>th</sup> Report of Session 2004-05). At paragraph 186 of that memorandum it was stated:

“In the first instance, the Government intends to use this power to make possible the temporary offering of some forms of gaming: in particular poker tournaments or competitions, which would generally take place in venues such as hotels. The requirement that the organiser holds an operating licence provides a necessary safeguard. Thereafter, further types of gambling may be added, if there is a demand and there is no regulatory risk attached to the addition”.

The Regulations are consistent with that statement in providing for a temporary use notice to be

capable of authorising the provision of facilities for equal chance gaming where the participants are taking part in a competition intended to produce a single, overall winner.

4.4 Sections 219 to 228 of the Act set out the procedure relating to the giving of temporary use notices. Where a person gives a temporary use notice it must be accompanied by the prescribed fee. The person giving the notice to the licensing authority is also required also to give a copy to the Gambling Commission, the chief of police for the area and HM Revenue and Customs. The licensing authority or any of these bodies may give a notice of objection in response to the temporary use notice. Where notice of objection is given the licensing authority must, unless all parties agree otherwise, hold a hearing into the temporary use notice. Following the hearing, the licensing authority may give a counter-notice providing for the temporary use notice not to have effect or to have effect subject to modification. A counter-notice must include the licensing authority's reasons for giving it. Where no counter-notice is given, the licensing authority must endorse the temporary use notice.

4.5 The Act provides for certain matters relating to the procedure for temporary use notices to be set out in subordinate legislation. These include prescribing the form and content of a temporary use notice and a counter-notice, specifying the manner in which a temporary use notice is to be endorsed, the fee to accompany a temporary use notice and the fee for obtaining a replacement copy where a notice is lost or damaged etc. The Regulations make provision for each of these things.

## **5. Territorial Extent and Application**

5.1 For the most part these Regulations apply to the whole of Great Britain. Regulation 7(1) (which makes provision about the fee to accompany a temporary use notice when it is given) applies only to England and Wales. In relation to Scotland, the power to make this provision is exercisable by the Scottish Ministers.

## **6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## 7. Policy background

7.1 The purpose of the Act is summed up by its licensing objectives, which are:

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

The Act establishes a new licensing regime for premises offering facilities for gambling in Great Britain, in which licences are granted by local licensing authorities (local authorities in England and Wales and licensing boards in Scotland) and each premises must meet any conditions attached to its licence. Though temporary use notices differ from a premises licence, they still relate to premises and so dealing with the process is the responsibility of licensing authorities or boards. Some similar principles apply such as maintaining a register, dealing with representations from specified authorities and determining a fee.

7.2 Part 9 of the Act essentially represents a new permission for gambling in Great Britain; an equivalent permission did not exist in earlier gambling legislation. Whilst the Act does not specify the types of gambling for which premises can be used under a temporary use notice, section 215 allows the Secretary of State to prescribe the activities permitted by such a notice. The consultation paper issued by the Department proposed to restrict the activities permitted under a temporary use notice to equal chance gaming taking place in the context of a tournament, and the Regulations have been drafted on this basis. The Department considered that it was reasonable in the case of such one-off events for the operator exceptionally to be relieved from the requirement to obtain a premises licence. However, the Department considered such an exemption was only appropriate for equal chance gaming. Other forms of gambling, such as gaming machines or casino games, which are liable to present greater risks to the licensing objectives, or in terms of problem gambling have been excluded. Although the operator giving the notice and conducting the activity would be subject to the regulatory conditions attached to their operating licence, the Department considered that it was important in these other cases to retain the protections afforded by the premises licensing system under Part 8 of the Act. These include conditions automatically attached to the premises licence through regulations made by the Secretary of State which control the way in which the premises are used for gambling. Over time, the Department will monitor the situation and will consider making further regulations under section 215 of the Act to extend the scope of activities which can be permitted by a temporary use notice, if there is a perceived need or benefit in doing so and the associated risks are deemed acceptable.

7.3 These Regulations prescribe the form and content of a temporary use notice and counter notice. The notices follow the format of the forms prescribed for premises licence applications under the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 (S.I. 2007/459). They aim to gather the information required by the Act in a clear and concise manner, with minimum burden to both the person giving the notice and the licensing authority.

7.4 A separate form of temporary use notice has been prescribed for vessels as a licensing authority will require slightly different information for a vessel, including information about their mooring within the licensing authority's area and about any journeys they intend to undertake whilst the notice is in force.

7.5 Section 234 of the Act obliges a licensing authority to keep a register of temporary use notices given to them and make that register available to the public. The Act allows the Department to make regulations about the form of the register and the manner in which it is maintained. However, the Department has chosen not to do so following consultation responses received on this issue when consulting on the Gambling Act 2005 (Premises Licences and

Provisional Statements) Regulations 2007. Respondents explained that licensing authorities already maintain a register under other licensing regimes and differ in their capabilities and working practices. A blanket approach would therefore be inappropriate and could result in an unfair burden, which could impact on the industry in terms of re-couping the related cost.

7.6 The Department has followed the same approach taken for premises licence fees and set the maximum fee for a temporary use notice in these regulations for England and Wales. Subject to this maximum, each individual authority will determine the fee payable to them on a cost recovery basis.

7.7 The fee maximum has been set at £500 for England and Wales. The fee covers the following procedural checks:

- The person giving the notice holds a valid operating licence;
- The gambling offered is a permitted activity;
- The number of days proposed will not exceed the 21 day limit within a 12 month period for that premises;
- The relevant contact details have been supplied for the activity.

It also needs to cover any assessment and compliance visits to the premises that may need to take place, updating the local register and dealing with any objections the relevant authorities may have. In cases where objections have been received, the licensing authority will need to hold a hearing (unless all parties confirm it is not necessary and come to a satisfactory agreement).

#### *Consultation*

7.8 The Department consulted on these regulations for the recommended 12 week period, from 31<sup>st</sup> May to 23<sup>rd</sup> August 2007. A total of 9 responses were received from representatives of the gambling industry, licensing authorities and other groups including the police. A draft temporary use notice and counter-notice were included with the consultation. All comments on the form of the notices were given due consideration and amendments were made where appropriate. Respondents to the consultation were in agreement with the Departments proposals and did not raise any controversial points.

7.9 The Department will make the forms of the notice and counter notice available to licensing authorities in Word template and they in turn will make the appropriate forms available to applicants.

#### *Guidance*

7.10 Since these regulations include minimal extra provisions and the procedure is largely defined on the face of the Act, the Department has taken the view that the most practical solution is to incorporate guidance into the forms of the notice and counter notice. The regulations will be publicised, as all regulations are, in the Gambling Commission regular bulletin, which has a wide circulation list.

## **8. Impact**

8.1 An Impact Assessment is attached to this memorandum.

## **9. Contact**

**Jennifer Smith** at the Department for Culture, Media and Sport (Tel: 0207 211 6420 or e-mail: [Jennifer.smith@culture.gsi.gov.uk](mailto:Jennifer.smith@culture.gsi.gov.uk)) can answer any queries regarding the instrument.



## Summary: Intervention & Options

<b>Department /Agency:</b> Department for Culture, Media and Sport	<b>Title:</b> Impact Assessment of The Gambling Act 2005 (Temporary Use Notices) Regulations 2007	
<b>Stage:</b> final	<b>Version:</b> 1	<b>Date:</b> 1 November 2007
<b>Related Publications:</b>		

Available to view or download at:

<http://www>.

Contact for enquiries: Jennifer Smith, DCMS

Telephone: 0207 211 6420

What is the problem under consideration? Why is government intervention necessary?

The Department intends to lay regulations under the Gambling Act 2005, to bring Part 9 of the Act into force. Part 9 concerns Temporary use notices (TUN) which permit a premises not usually licensed for the provision of gambling to be used for a short period of time. The Department needs to implement TUN in a way that benefits the industry but does not jeopardise society. The Act itself largely defines the procedures requires the Secretary of State to prescribe the types of gambling permitted by such a notice and the forms of notices involved.

What are the policy objectives and the intended effects?

Part 9 of the Act represents a new permission for gambling in the UK, an equivalent permission does not exist in earlier gambling legislation. The Act gives the Department a choice in considering the types of gambling to be permitted by a TUN, and this must be considered against the perceived risk of problem gambling. The forms of the notice and counter notice included must be user friendly and gather the information required by the Act in a clear and concise manner, with minimum burden to both the person giving the notice and the licensing authority.

What policy options have been considered? Please justify any preferred option.

The Department could have chosen to prescribe a wide range of gambling as being permitted by a TUN. However this would have presented risks to the licensing objectives, in particular that related to protecting children and young persons and the vulnerable from being exploited or harmed by gambling. The Department chose to limit the types of gambling permitted by a TUN to equal chance gaming in respect of tournaments, balancing the risks to society against the opportunity for industry.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? The Department consulted on this policy option and gained industry support. The costs are in line with premises licensing and give the industry another opportunity to expand their business potential

**Ministerial Sign-off** For SELECT STAGE Impact Assessments:

*I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.*

Signed by the responsible Minister:

.....Date:

## Summary: Analysis & Evidence

Policy Option:

Description:

COSTS	ANNUAL COSTS		Description and scale of <b>key monetised costs</b> by 'main affected groups' The operator must pay a maximum of £500 per notice. A notice can be used for up to 21 days in a 12 month period for each premises. It is difficult to estimate how many licensing authorities will opt for the maximum fee and how many notices a licensed operator will give as we do not have any comparable data.
	One-off (Transition)	Yrs	
	£ 500		
	Average Annual Cost (excluding one-off)		
£ 10,500		<b>Total Cost (PV)</b>	£
Other key non-monetised costs by 'main affected groups'			

BENEFITS	ANNUAL BENEFITS		Description and scale of <b>key monetised benefits</b> by 'main affected groups' The premises will gain from being used as a venue and the licensed operator will gain from another option to conduct business.
	One-off	Yrs	
	£		
	Average Annual Benefit (excluding one-off)		
£		<b>Total Benefit (PV)</b>	£
Other key non-monetised benefits by 'main affected groups'			

Key Assumptions/Sensitivities/Risks

Price Base Year	Time Period Years	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) £
-----------------	-------------------	------------------------------	--------------------------------------

What is the geographic coverage of the policy/option?		Great Britain		
On what date will the policy be implemented?		1/12/07		
Which organisation(s) will enforce the policy?		Local authorities		
What is the total annual cost of enforcement for these organisations?		£		
Does enforcement comply with Hampton principles?		Yes		
Will implementation go beyond minimum EU requirements?		No		
What is the value of the proposed offsetting measure per year?		£ n/a		
What is the value of changes in greenhouse gas emissions?		£ n/a		
Will the proposal have a significant impact on competition?		No		
Annual cost (£-£) per organisation (excluding one-off)	Micro none	Small none	Medium none	Large none
Are any of these organisations exempt?	No	No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)		(Increase - Decrease)	
Increase of £	Decrease of £	Net Impact	£

Key: Annual costs and benefits: Constant Prices (Net) Present Value

## Evidence Base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

The Department had already given a commitment to Parliament during the passage of the Act, to approach temporary use notices with some caution and not to extend them to all forms of gambling, such as casino games and gaming machines. This provision, does however, present the industry with an opportunity to provide some types of gambling without the need to obtain a premises licence. The commitment given to Parliament was to the effect that initially TUNs would be only be allowed for tournaments. These are by their nature temporary events and therefore most suited to a temporary form of permission where it might otherwise be disproportionate to require a premises licence to be obtained. The Department consulted on this basis. Responses to the consultation did not disagree with the low level of gambling permitted by temporary use notices.

There are measures embedded in the Act which minimise the risk of these permissions being used in a way that is inconsistent with the licensing objectives in the Act. The Objectives are:

- Preventing gambling being a source of crime or disorder
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and the vulnerable from being harmed or exploited by gambling

The operator giving the notice must have a valid operating licence from the Gambling Commission. This licence will have conditions attached and the operator will also be subject to the objectives of the Act. This also affords some protection to the wider industry in that operators must be licensed in order to conduct an activity, ensuring that only professional companies can apply. This measure is pro-competition; it de-regulates the use of premises, albeit for temporary periods.

However, though the operator will be governed by the conditions attached to their licence, the premises itself is not. Premises permanently offering gambling must meet a series of conditions which support the objectives of the Act, in order to qualify for a licence. Therefore, limiting the types of gambling permitted to a low level reduces the risk, whilst still providing the industry with the choice to use a temporary use notice.

The maximum fee for a temporary use notice is £500. The Department proposed this fee in its consultation paper and did not meet any objection from authorities or the industry alike. Authorities must determine their own fee, which does not exceed this maximum figure and meets the cost of dealing with this procedure.

Temporary use notices can be used for up to 21 days in a 12 month period for particular premises. The fee would need to be paid by the operator, to the licensing authority each time a notice is given. The fee covers processing the notices, dealing with any representations made by designated authorities and any possible hearings as a result, maintaining records of the notices given to and authority and any assessment and compliance visits to the premises. Authorities must ensure that the fee they determine a fee which covers their cost but affordable to the industry.

## Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	Yes/No	Yes/No
Small Firms Impact Test	Yes/No	Yes/No
Legal Aid	Yes/No	Yes/No
Sustainable Development	Yes/No	Yes/No
Carbon Assessment	Yes/No	Yes/No
Other Environment	Yes/No	Yes/No
Health Impact Assessment	Yes/No	Yes/No
Race Equality	Yes/No	Yes/No
Disability Equality	Yes/No	Yes/No
Gender Equality	Yes/No	Yes/No
Human Rights	Yes/No	Yes/No
Rural Proofing	Yes/No	Yes/No

**Annexes**



Report Title: **Setting Fees under the Gambling Act 2005**

Forward Plan reference number (if applicable): **Not applicable**

Report of: **Assistant Director ( Enforcement ) Robin Payne**

Wards(s) affected: **All**

**Item for decision**

### **1. Purpose**

To report back to Members the findings of the consultation on the proposed Gambling Fees and to seek approval for the proposed fees contained in this document. The 2005 Act and the Regulations under it set parameters for the fixing of the new fee regime. The fees provisionally set in Haringey were approved in April by the former Executive Advisory Board, but the matter has now been delegated to the Licensing Committee for final determination of the fee levels for 2007/08. The Licensing Committee discussed the initial proposals on 24 May 2007 and was minded to increase the proposed fees so as to ensure that they fully reflected the costs associated with this new regime but subject to considering the results of consultation with the industry before reaching a final decision.

### **2. Recommendations**

2.1 That the Committee:

- (i) Notes the response to the consultation from William Hill Organisation set out at Appendix 1 to this report and the advice in relation to this response at paragraphs 8.4 and 8.5.
- (ii) Decides not to reduce the level of the first annual fees in order to ensure the full recovery of costs.
- (iii) Agrees the fee structure for 2007-08 set out in the Table under paragraph 10.10.
- (iv) Notes that fees for future years will be set after reviewing them, within the limits of the legislation, to ensure that the premises licensing regime keeps fee income in line with the costs of service provision as nearly as possible. Fee changes required only to account for inflation need not undergo a full review.

Report Authorised by: **Robin Payne , Assistant Director**



Contact Officer: Keith Betts , Commercial Group manager , Enforcement Service , x5525

### **3. Executive Summary**

The Gambling Act 2005 brings in major reforms to the structure of the law on gambling in this Country. It will bring in considerable responsibilities for local authorities in their role as the appropriate 'Licensing Authorities'. Every Licensing Authority must set its own fees within the fee maximums issued by The Department of Culture Media and Sports (DCMS). This report seeks Members' final decision on the proposed fees for 2007/08 required under the Gambling Act 2005.

### **4. Reasons for any change in policy or for new policy development (if applicable)**

The fees support the work of the Licensing Service to promote the licensing objectives of the Gambling Act 2005. The licensing authority must carry out its functions with a view to promoting these licensing objectives. The licensed gambling industry in the Borough depends on local administration, inspection and enforcement to ensure that all local businesses continue to operate within the law and are able to understand the new legal requirements.

### **5. Local Government (Access to Information) Act 1985**

Background papers used for the preparation of this report as set out below can be inspected by contacting the Licensing Manager, Daliah Barrett on 8489 8232:

(i) Guidance to Local Authorities under The Gambling Act 2005 issued by the Gambling Commission and (ii) The Gambling Act 2005.

## **6. Background**

- 6.1 Major reforms are being implemented under the Gambling Act 2005 which contains a new regulatory system to govern the provision of gambling in Great Britain. The Act gives major responsibilities to local authorities in their role as the 'Licensing Authority' to permit commercial gambling, a role previously carried out largely by the Licensing Justices (Magistrates). Every Licensing Authority had to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three year period to which the policy applies. Haringey's Statement of Gambling Policy was adopted by full Council with effect from 15 January 2007.
- 6.2 The Gambling Act 2005 introduces a new system of regulation of all gambling in Great Britain, other than the National Lottery and spread betting. It repeals The Betting, Gaming and Lotteries Act 1963, The Gaming Act 1968 and The Lotteries and Amusements Act 1976. The 2005 Act provides for local authorities, called "licensing authorities" in the Act, to license premises within their areas which are used to provide facilities for commercial gaming. The Act also introduces a unified regulator for gambling, the Gambling Commission. The Commission will licence and regulate



virtually all commercial gambling in Great Britain, including casinos, bingo, betting amusement arcades, larger lotteries and the manufacture, supply and use of gaming machines and gambling software.

6.3 The Act sets out three licensing objectives which licensing authorities and The Gambling Commission are required to pursue:

- To prevent gambling from being a source of crime and disorder
- To ensure that gambling is conducted in a fair and open way
- To protect children and vulnerable persons from being harmed or exploited by gambling.

6.4 As part of the new regime the Act provides for the following three main types of licence:

- **Personal licences** these will be issued by The Gambling Commission and it will be a condition of each operating license that at least one person who holds a specified "management office" in relation to the operating licence must hold a personal licence.
- **Operating licences**, these will be held by people who wish to provide facilities for commercial gambling and in general it will be an offence to provide such facilities without an operating licence. Operating licences will be issued and overseen by the Gambling Commission.
- **Premises Licences** these will be held by people who wish to use premises to provide facilities for commercial gaming or betting and in general it will be an offence to use premises for such a purpose without a premises license. A premises license may only be issued to a person who holds a valid operating licence. Premises Licences will be issued and overseen by licensing authorities.

6.5 Licences will be issued for a number of different premises types. These are:

Casinos  
Bingo Premises  
Adult gaming centres  
Family entertainment centres  
Betting office (i.e. betting premises excluding tracks)  
Tracks

In addition, this authority will have responsibility for the following  
Temporary use notices (for temporary events)  
Provisional Statements  
Unlicensed Family Entertainment Centres  
Lottery registration documents  
Club gaming/gaming machine permits  
Permits for gaming machines on alcohol licensed premises.

## 7 Rules for Setting Fees

- 7.1 The 2005 Act gives The Secretary of State the power to make Regulations prescribing the fees payable to the licensing authority for gambling premises licences and permits as well as other miscellaneous fees. These are The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 which only came into force on 21 May 2007. Members should note that fees for permits will be set centrally and will be dealt with in separate Regulations. Licensing Authorities have no discretion in regard to fees for permits.
- 7.2 The Act does devolve to licensing authorities a very limited discretion to set fees for premises licence applications. This discretion is subject to the fees maximums prescribed by Central Government in the 2007 Regulations. The discretion is also subject to the requirement in the 2005 Act that Councils must aim to ensure that income from fees as nearly as possible equates to the costs of providing the relevant services. A specific fee can reflect a reasonable share of expenditure which is only partly or indirectly referable to the work undertaken in dealing with that specific type of application i.e. the costs of overheads and other general costs can be apportioned.
- 7.3 DCMS Guidance states that Councils should be transparent about the assumptions they have made in setting their fees. Fees should include a full proportional share of overhead costs and the costs of compliance and enforcement work. Councils cannot include “start-up” costs which have already been met through Central Government revenue support grant. Start-up costs include training for officers and Members, staff recruitment, additional computer software/hardware, transfer of Magistrates records and costs related to the first Statement of Gambling Policy.
- 7.4 The costs of these new responsibilities will be met by gambling operators through a one off application fee and an annual fee for gambling premises. The first annual fees are payable within 30 days after the date that a licence is issued or comes into effect. In determining first annual fees Councils are asked by DCMS to consider whether it would be appropriate to set a fee lower than the “ordinary” annual fee. In making this determination it is relevant to consider whether the work done by the Licensing Service in relation to the initial application for a premises licence would reduce the amount of work required in relation to that licence during the first year.
- 7.5 The Secretary of State has prescribed maximum fees for a number of different types of application relating to a premises licence and provided for payment of fees to the licensing authority in relation to each of these types of application:
- New Application for a licence
  - Notification to the licensing authority that a licensee’s address has changed
  - Application to vary an activity authorised by a licence, or a condition attached to a licence, or another detail of a licence.
  - Application to transfer a premises licence from one licensee to another.
  - Application for reinstatement of a licence which has lapsed

- Application for a provisional statement (a type of provisional authorisation on the basis of which the holder may make a later application for a premises licence proper)
- Other types of application, e.g. Transitional fast-track and non-fast-track applications, are explained below.

7.6 Licensing authorities will start taking applications for gambling premises licences from 21<sup>st</sup> May 2007. Fees will be payable from that date. The fees provisionally fixed by the Executive Advisory Board on 19 April have been charged to applicants. If different levels of fees are fixed by the Committee now, then there will be adjustments to recover/refund reflect the correct fee.

## **8 Consultation**

8.1 DCMS asks Licensing Authorities to consult the following on the proposed fees:

- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority : and
- 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.

8.2 At the meeting on 24 May 2007 the Committee was recommended to go out to consultation on the basis of a fee structure set at the maximum (i.e. the cap in the Regulations) for all transitional fast track application fee but at level between 60 to 80% of the maximum for other fees.

8.3 Members questioned whether the recommended fee structure would fully recover the costs of the Licensing Service in dealing with applications and providing related services under the new 2005 Act regime. The Committee resolved to go out to consultation on an amended fee structure that increased to the maximum, under the Regulations, all fees for various types of application relating to betting shops (excluding tracks) but without changing the proposed fees for other types of gambling premises.

8.4 The consultation yielded only one response which was from William Hill Organisation (see Appendix 1), who were concerned that betting shops were being singled out for higher fees in all cases and questioned the justification for this. The specific point made was that it could not be more expensive in reality to deal with a new application for a betting shop than for a bingo establishment but this was the apparent logic of the fee structure being proposed.

8.5 Officers consider that it would be impossible to justify charging betting shops a greater proportion of the maximum fee levels within the Regulations, as compared to other types of gambling premises, because this would not reasonably reflect the amount of officer time spent on the various types of application. In the event of a legal challenge, it would not be possible to defend the consultation fee structure as consistent with the requirements under the legislation.

8.6 Although the fee structure approved for consultation on 24 May has real problems, officers have now taken account of the concerns expressed by Members about ensuring the full recovery of costs. These costs have been re-examined and while some are regarded as likely to be lower than previously thought, certain other costs have been added such as enforcement costs and the much higher staff/time costs of dealing with non-fast-track and contentious applications. The assumptions underlying the revised fee structure now recommended are explained in section 10 and Appendix 2 below.

## 9. Guidance on Fees from the Department of Culture Media and Sport

9.1 **Application Fee** - This is a one-off, non refundable fee payable to the licensing authority upon application for a new gambling premises licence or one under the transitional arrangements for existing operators. The application fees will include the cost of administration associated with the licence application, including receiving and responding to representations from responsible authorities and interested parties, hearings and appeals. Fees should include staff costs, overheads, IT, legal and other central support costs, initial inspections, Committee costs and hearing costs and appeals. Once the licence is issued it will be of indefinite duration.

9.2 Under the '**TRANSITIONAL ARRANGEMENTS**' separate fees will be payable for:

Transitional **fast track** application fee – a fast track premises licence is where the existing operator (applicant) agrees to all the new default conditions being attached to the licence, this carries a fee maximum of £300.00. In determining this fee the Government has only taken into account the following steps, assistance to applicant; check necessary information: process application fee: load application onto computer system: update register and notify relevant persons of decision.

9.3 **Non fast track** fee – an existing operator applies for a premises licence and seeks to vary the default conditions that would otherwise attach to the licence. The same fee maximum as applications to vary a licence are used in this instance to reflect the additional work involved. The application may attract input from responsible authorities and interested parties, they may require a site visit. There may be a hearing which may also be followed by an appeal.

### 9.4 **First Annual Fee**

This will cover the regulatory costs for the first year including processing costs, plus review, inspection and enforcement activity including dealing with any illegal gambling. The first annual fee for licences is payable within 30 days of the date on which the license was issued. These will also be paid to recover the cost of ongoing administration, inspection and enforcement activity required under the new regime. The fees include direct costs and indirect costs, including a full proportional share of overhead costs, insurance, depreciation and cost of capital charge.

Licences granted under the transitional arrangements will attract the full annual fee from the outset unless Members agree to a reduction for the first year (see paragraphs 10.7 and 11.2 below).

## 9.5 Annual Fee

This is payable annually by all premises licence holders for the maintenance of their licence. This will cover the regulatory costs for the next year, inspections, holding reviews and enforcement activity, including dealing with any illegal gambling, the costs associated with processing the annual fee and annualised periodic costs incurred by the licensing authority in respect of its 3 year licensing policy statements:

Subsequent annual fees are payable before each anniversary of the date on which the licence is issued. The licensing authority must revoke a premises licence if a licensee fails to pay the annual fee, except where the authority thinks the failure to pay is due to an administrative error.

## 9.6 Miscellaneous fees

*Change of circumstances* – payable by holders of premises licences when they submit a notification of a change of circumstances

*Variation of licence fees* – payable by holders of premises licence when they apply to vary a licence

*Transfer of licence fee* – Payable by holders of premises licences when they apply to transfer a licence from one operator to another.

*Re-instatement fees* – payable by anyone applying for a licence to be re-instated.

*Provisional Statement fees* – payable by anyone applying for a provisional statement (a statement from the licensing authority in advance of a full premises licence). An adjusted licence application fee payable subsequently by provisional statement holders

*Copy of licence fees*- payable for the provision of a replacement copy of a premises licence.

## 10. Calculation of Overall Income and Costs for Gambling Premises Licences

10.1 As explained in paragraphs 7.2 and 7.3 above, the Council is under a statutory duty to ensure that income from application fees equates as nearly as possible to the costs of providing the relevant services. Since the fee structure for 2007/08 is being fixed before the full costs for the year can be known, officers have had to make assumptions about the number and types of applications that would be processed and the number of matters that might be subject to objections, hearings and appeals to the Magistrates. These assumptions are set out at Appendix 2 to this report. Officers have tried to make them as realistic as possible bearing in mind what is already known about the pattern of applications received to date and past experience of costs under the 2003 Act.

10.2 Starting with the "Income Schedule" in Appendix 2, it can be seen that there are currently 78 gambling premises of different types in the Borough. 67 are betting shops, 8 are adult gaming centres and there is one bingo premises, one track and one family entertainment centre (open to under 18s). All of these existing 78 premises will be making fast track applications under the transitional provisions to convert their old

licences. From the "Costs Schedule" it is evident that the cost in terms of officer time (18 hours @ £25 per hour) of dealing with the average fast track application is £450 but since the Regulations cap this fee at £300 the additional costs must be apportioned and recovered from other types of fee, primarily the first annual fees.

- 10.3 Reverting to the "Income Schedule", it has been assumed that there will be two applications to vary the terms of a betting shop premises licence during the year (e.g. to amend a condition). The costs of handling such an application are likely to be much greater in terms of officer time (54 hours each) because such an application would have to be advertised and be subject to possible objections. It has been assumed that any objections could be resolved without a hearing before Members but, even so, the time taken for each application is estimated at £1,350, three times that for processing a fast track application that will not be subject to objections.
- 10.4 It has also been assumed that there will be two applications for new betting shop premises and this reflects what has actually happened, to date. These applications have resulted in objections (relevant representations) that are unlikely to be resolved without a hearing before Members. This will be considerably more time consuming than the applications to vary. The estimate is 108 hours per application i.e. a cost of £2,700. This is twice the figure for applications to vary and 6 times that for fast track conversions.
- 10.5 No other significant applications have been assumed for 2007/08. Applications for a copy licence would take about 35 minutes of an officer's time to deal with (£15) and notifications of change in details would take 55 minutes (£23). A few such applications would make little difference to the costs/income balance.
- 10.6 The other major costs for the Licensing Service, as set out in the Costs Schedule, are the costs of legal advice on gambling matters (i.e. applications, reports and Committee attendance) which are estimated at £18,000. This does not include the costs of one assumed appeal to the Magistrates against a decision of the Licensing Authority which are estimated at £9,000 including the cost of Counsel. The costs of enforcement activity are put at £4,000 and other non-legal office overheads at £4,045.
- 10.7 Using the assumptions above, it can be seen that the total costs of the provision of services relating to gambling premises licence applications will be £78,245. In order to be sure of recovering these costs from fee income, it will be necessary to set the first annual fees at a level which is 90% of the maximum set in the Regulations for each type of gambling premises. Fees set at this level would bring in total income of £78,435 for the year
- 10.8 Officers consider that the maximum limits in the Regulations for each type of application for each different type of premises are a reasonably fair and accurate reflection of the relative costs involved. So, for example, a new application for a bingo hall (capped at a £3,500 fee) would be appreciably, but not very greatly, more time consuming than an application for a new betting premises (capped at a £3,000 fee). With the exceptions noted in the next paragraph, recovery of 90% of the maximum fees for each type of application/premises represents a reasonably fair and accurate apportionment of the relevant costs.

10.9 The main exception, as explained in paragraph 10.2 above, is in relation to the fees for fast track transitional applications which have been capped at £300 for all premises when the true average cost is likely to be £450 per application. As explained above at paragraph 10.5, the copy licence fee has a cap (£25) well above the likely actual cost (£15).

10.10 Having regard to the factors explained above and the close balance between anticipated fee income (£78,435) and service costs (£78,245) for 2007/08, officers are recommending that Members agree the fee structure set out in the table below.

### Premises Licence Fees

Premises Type	Transitional Fast-Track Application	Transitional Non-Fast Track Application	New Application	Annual Fee
Bingo Club	300 (300)	1575 (1750)	3150 (3500)	900 (1000)
Betting Premises (excluding Tracks)	300 (300)	1350 (1500)	2700 (3000)	540 (600)
Tracks	300 (300)	1125 (1250)	2250 (2500)	900 (1000)
Family Entertainment Centres	300 (300)	900 (1000)	1800 (2000)	675 (750)
Adult Gaming Centre	300 (300)	900 (1000)	1800 (2000)	900 (1000)

	Application to Vary	Application to Transfer	Application for Re-Instatement	Application for Provisional Statement	Licence Application (provisional Statement holders)	Copy Licence	Notification of Change
	£	£	£	£	£	£	£
Bingo Club	1575 (1750)	1080 (1200)	1080 (1200)	3150 (3500)	1080 (1200)	15 (25)	23 (50)
Betting Premises (excluding Tracks)	1350 (1500)	1080 (1200)	1080 (1200)	2700 (3000)	1080 (1200)	15 (25)	23 (50)
Tracks	1125 (1250)	855 (950)	855 (950)	2250 (2500)	855 (950)	15 (25)	23 (50)
Family Entertainment Centres	900 (1000)	855 (950)	855 (950)	1800 (2000)	855 (950)	15 (25)	23 (50)
Adult Gaming Centre	900 (1000)	1080 (1200)	1080 (1200)	1800 (2000)	1080 (1200)	15 (25)	23 (50)

10.11 In the Table above the maximum fees fixed in the Government Regulations are shown in brackets. The recommendation is to set all types of fee at 90% of the legal maximum with the exception of (i) fast track transitional applications to be charged at the maximum £300 and (ii) copy licence fees.

## **11. First Annual Fees**

11.1 DCMS has asked Councils to consider whether it would be appropriate to set a fee lower than the “ordinary” annual fee. In making this determination it is relevant to consider whether the work done by the Licensing Service in relation to the initial application for a premises licence would reduce the amount of work required in relation to that licence during the first year.

11.2 The first annual fee will cover the regulatory costs for the first year including processing costs, plus review, inspection and enforcement activity including dealing with any illegal gambling. As explained at paragraph 10.7 above, it will be necessary to set the first annual fees at 90% of the maximum figures set in the Regulations in order to ensure that these costs are fully recovered.

## **12. Future Years**

12.1 After 2007/08, the main income will be from the annual fees payable each year by all premises licence holders to cover regulatory costs. It is difficult to estimate now whether the loss of transitional fee income will substantially match the reduction in the costs/work involved in administering the 2005 Act system. A report will be made to the Committee in 6 months time on the proposed fee levels for 2008/09 in the light of the experience gained in 2007/08.

## **13. Recommendations**

13.1 That the Committee:

- (i) Notes the response to the consultation from William Hill Organisation set out at Appendix 1 to this report and the advice in relation to this response at paragraphs 8.4 and 8.5.
- (ii) Decides not to reduce the level of the first annual fees in order to ensure the full recovery of related costs.
- (iii) Agrees the fee structure for 2007/08 set out in the Table under paragraph 10.10.
- (iv) Notes that fees for future years will be set after reviewing them, within the limits of the legislation, to ensure that the premises licensing regime keeps fee income in line with the costs of service provision as nearly as possible. Fee changes required only to account for inflation need not undergo a full review.



#### **14. Comments of the Chief Finance Officer**

The councils external income policy states that the income should (at least) cover the full cost, including all overheads, of the service.

This report recommends setting the fees at 90% of maximum allowed under government regulations (except for fast track transitional, notification of change and copy licences).

For 2007/08 all estimated costs would be recovered leaving a small surplus of £190.

For 2008/09 and future years a further review will need to be carried out to determine the impact of fee income and cost both of which should reduce and so retain the principal that income should recover all costs.

#### **15. Comments of the Head of Legal Services**

15.1 The Legal Service has been consulted in the preparation of this report and the legal implications have been incorporated.

#### **16. Equalities Implications**

16.1 It is clearly seen by Government that gambling can impact on the lives of all in society and particularly the young and those people who may be vulnerable to gambling activities. It is a primary objective of both the Act and the local policy statement that such persons are protected. The Gambling Act supports national and local guidance in promoting the three licensing objectives, including: preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime.

#### **17. Use of Appendices / Tables / Photographs**

Appendix 1 – Response to consultation from William Hill

Appendix 2 – Assumptions about Income and Costs for 2007/08.

**APPENDIX I**

**RESPONSE TO CONSULTATION FROM WILLIAM HILL ORGANISATION**

**From:** Colin Bute [mailto:cbute@williamhill.co.uk]  
**Sent:** 01 June 2007 15:14  
**To:** Barrett Daliah  
**Subject:** RE: CONSULTATION ON GAMBLING FEES

Hi Daliah

The only comment I have on the fees is that for Betting Premises (excluding tracks) Haringey is proposing to charge the maximum. However, other than Transitional Fast Track applications all other premises fees are proposed to be set at a figure that is lower than the maximum chargeable.

No doubt Haringey have carefully evaluated the costs but I cannot understand why, for example, it is more expensive to make a new application for a Betting Premises than a Bingo Club.

Again using the example of a Bingo Club the Annual Fee is reduced by 25% but Betting Premises remain at the maximum chargeable. Is it Haringey's view that, proportionately, there is more documentation and compliance required for Betting Premises.

It was also proposed by DCMS that the first Annual Fee should be subject to a 25% discount in all cases. This was on the basis that the first Annual Fee is payable by the 1st October 2007.

Regards

Colin Bute



COSTS SCHEDULEApplication Costs

78 fast-track transitional @ £25 per hour x 18 hours = (£450 each)	£35,100
2 new applications for variations for betting shops @ £25 per hour x 54 hours = (£1,350 each)	£2,700
2 new contested applications for betting shops @ £25 per hour x 108 = (£2,700 each)	£5,400
Total	<u>£43,200</u>

Other Costs

Total legal work (except appeal costs)	£18,000
Appeal costs	£9,000
Other non-legal overheads	£4,045
Enforcement	£4,000
Total	<u>£35,045</u>

**Total costs of relevant service provision 2007/08** **£78,245**