

Council



Listening Learning Leading

Contact Officer: Steven Corrigan

Tel: 01235 547675

E-mail: steven.corrigan@southoxon.gov.uk

Date: 9 December 2015

Website: <http://www.southoxon.gov.uk>

Summons to attend a meeting of Council

to be held on

THURSDAY 17 DECEMBER 2015 AT 10.30 AM

at

**THE FOUNTAIN CONFERENCE CENTRE, HOWBERY PARK,
CROWMARSH GIFFORD**

Alternative formats of this publication are available on request. These include large print, Braille, audio cassette or CD, and email. For this or any other special requirements (such as access facilities) please contact the officer named on this agenda. Please give as much notice as possible before the meeting

MARGARET REED
Head of Legal and Democratic Services

Note: Please remember to sign the attendance register.

Agenda

Map

A map showing the location of Howbery Park is attached, as is a plan showing the location of the Fountain Conference Centre on the Howbery Park site.

1 Apologies

2 Declaration of disclosable pecuniary interest

To receive any declarations of disclosable pecuniary interests in respect of items on the agenda for this meeting.

3 Minutes of the previous meeting (Pages 8 - 9)

To adopt and sign as a correct record the minutes of the meeting held on 15 October 2015 (attached).

4 Chairman's announcements

5 Questions from the public and public participation

6 Questions under Council procedure rule 11

None.

7 Joint Statement of Licensing Policy (Pages 10 - 48)

At its meeting on 24 November 2015, the Licensing Acts Committee considered the report of the head of legal and democratic services. This proposed a statement of licensing policy, jointly developed with Vale of White Horse District Council. A copy of the draft policy agreed for recommendation to Council is attached.

The minutes of the Licensing Acts Committee held on 24 November are available on the council's website at:

<http://democratic.southoxon.gov.uk/ieListDocuments.aspx?MIId=1844&x=1>

Recommendations to Council: to

1. adopt the Joint Statement of Licensing Policy;
2. authorise the Head of Legal and Democratic Services to make minor editorial changes to the Joint Statement of Licensing Policy;
3. authorise the Head of Legal and Democratic Services to publish the Joint Statement of Licensing Policy in accordance with the Licensing Act 2003.

8 Joint Gambling Policy (Pages 49 - 93)

(Cabinet member responsible: Mrs J Murphy)

Cabinet, at its meeting on 3 December 2015, considered the recommendations of the Licensing Acts Committee, made at its meeting on 24 November 2015, on the Joint Gambling Policy following the statutory consultation.

The report of the Head of Legal and Democratic Services, which Cabinet considered on 3 December, is attached.

Recommendations to Council: to

1. adopt the proposed Joint Gambling Policy;
2. authorise the Head of Legal and Democratic Services to make minor editorial changes to the Joint Gambling Policy; and
3. authorise the Head of Legal and Democratic Services to publish the Joint Gambling Policy in accordance with the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006.

9 Council tax reduction scheme grant for town and parish councils (Pages 94 - 99)

(Cabinet member responsible: Mrs J Murphy)

Cabinet, at its meeting on 3 December 2015, considered a report on the council tax reduction scheme for town and parish councils.

The report of the Head of Finance, which Cabinet considered on 3 December, is attached.

Recommendations to Council: to

1. bring forward a new scheme of distributing the grant for consideration during 2016;
2. cease with immediate effect the current methodology for distributing the council tax reduction scheme; and
3. make £152,000 available for the new grant scheme when Council sets its revenue budget for 2016/17.

10 Council Tax Base 2016/17 (Pages 100 - 103)

(Cabinet member responsible: Mrs J Murphy)

Cabinet, at its meeting on 3 December 2015, considered a report on the council tax base for 2016/17.

The report of the Head of Finance, which Cabinet considered on 3 December, is attached.

Recommendations to Council:

1. that the report of the Head of Finance for the calculation of the council's tax base and the calculation of the tax base for each parish area for 2016/17 be approved;
2. that, in accordance with The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by South Oxfordshire District Council as its council tax base for the year 2016/17 be 54,965.0; and
3. that, in accordance with The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by South Oxfordshire District Council as the council tax base for the year 2016/17 for each parish be the amount shown against the name of that parish in Appendix 1 of the report of the Head of Finance to Cabinet on 3 December 2015.

11 Review of political balance following Sandford and the Wittenhams and Sonning Common by elections

At the by-elections held on Thursday 8 October and Thursday 22 October 2015 Mrs Sue Lawson was elected as a councillor for the Sandford and the Wittenhams Ward and Mr William Hall was elected to the Sonning Common Ward.

Both councillors have formally joined the Conservative Group. This does not affect the political balance of the council and therefore the seat allocation on committees because the previous ward councillors were also members of the Conservative Group.

Recommendations

1. That Council allocates the vacant seats on the General Licensing Committee, Housing Appeals Panel, Joint Scrutiny Committee, Licensing Acts Committee, Planning Committee and Scrutiny Committee to the Conservative Group.
2. To authorise the Head of Legal and Democratic Services to make appointments to the above and vacant substitute places in accordance with the wishes of the Conservative Group Leader.

12 Councillors' allowances scheme

The councillors' allowances scheme allows for the allowances payable under the scheme to be increased by the same percentage as the annual staff pay increase and for travel and subsistence allowances to be increased to the maximum rates payable to officers of the council in line with the HM Revenue and Customs' rates.

Council is invited to agree whether to increase the basic and special responsibility allowances from 1 April 2016 and travel and subsistence in line with the rates payable to officers.

13 Review of the council's constitution (Pages 104 - 113)

To consider the report of the Head of Legal and Democratic Services on proposed changes to the council's constitution attached.

14 Motions under Council procedure rule 41

None.

MARGARET REED

Head of Legal and Democratic Services



Birmingham airport

B4009 Watlington
M40 J6

A4074 Oxford

A4130 Didcot



Sat Nav: OX10 8BA

Brightwell

A4130

A4130

WANTAGE ROAD

CASTLE STREET

Centre for Ecology & Hydrology
South Oxfordshire
District Council

Wallingford

THE STREET

Crowmarsh
Gifford

HITHERCROFT RD

A4130 Henley
M40 J4

A4130

READING ROAD

A4074 Reading

WALLINGFORD ROAD

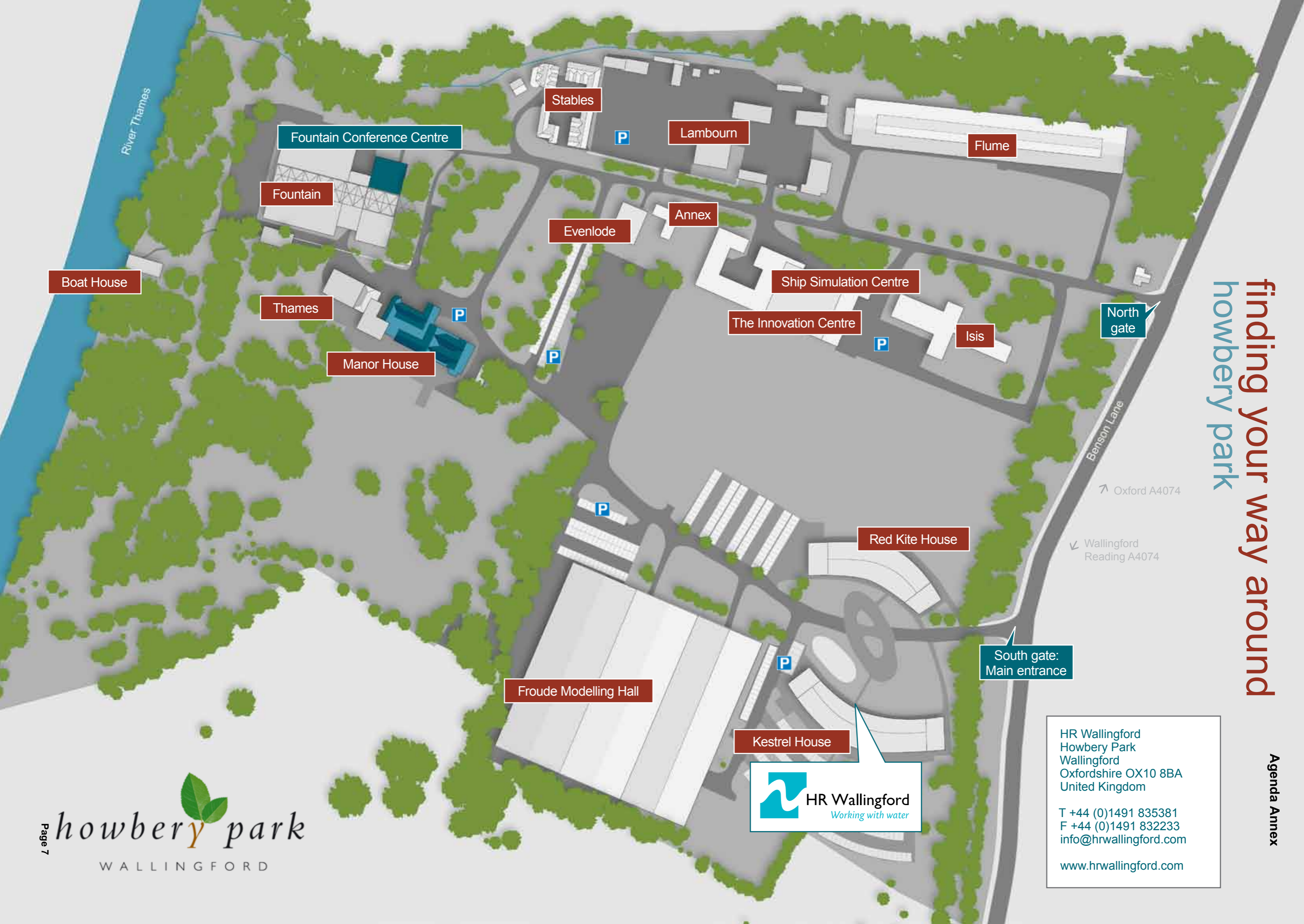
A329

A4074

London Heathrow

Agenda Annex

finding your way around howbery park



North gate

South gate:
Main entrance

↑ Oxford A4074

↓ Wallingford Reading A4074

HR Wallingford
Howbery Park
Wallingford
Oxfordshire OX10 8BA
United Kingdom

T +44 (0)1491 835381
F +44 (0)1491 832233
info@hrwallingford.com

www.hrwallingford.com



Minutes

OF A MEETING OF THE

Council



Listening Learning Leading

HELD AT 6.00 PM ON THURSDAY 15 OCTOBER 2015

THE FOUNTAIN CONFERENCE CENTRE, HOWBERY PARK,
CROWMARSH GIFFORD, WALLINGFORD, OX10 8BA

Present:

Margaret Turner (Chairman)

Charles Bailey, Felix Bloomfield, Kevin Bulmer, Nigel Champken-Woods, Steve Connel, John Cotton, Pat Dawe, Anthony Dearlove, David Dodds, Stefan Gawrysiak, Elizabeth Gillespie, Tony Harbour, Paul Harrison, Lorraine Hillier, Elaine Hornsby, Lynn Lloyd, Jeannette Matelot Green, Jane Murphy, Anthony Nash, Toby Newman, David Nimmo-Smith, Richard Pullen, Robert Simister, Alan Thompson, David Turner and Ian White

Apologies:

Anna Badcock, Margaret Davies, Stephen Harrod, Sue Lawson, Imran Lokhon and Bill Service tendered apologies.

Officers: Steven Corrigan, William Jacobs and Margaret Reed

10 Declaration of disclosable pecuniary interest

None.

11 Minutes of the previous meeting

The chairman advised that Council had approved the minutes of the February meeting at the annual meeting of Council in May.

RESOLVED: to approve the minutes of the meeting held on 21 May 2015 as a correct record and agree that the Chairman sign them as such.

12 Chairman's announcements

The chairman welcomed councillors to the meeting and gave housekeeping announcements.

Council agreed as a trial to suspend council procedure rule 80 insofar as it requires councillors to stand when speaking at Council meetings.

13 Questions from the public and public participation

None.

14 Treasury management outturn 2014/15

Council considered the Cabinet's recommendation, made at its meeting on 13 October 2015, on the performance of the treasury management function for the financial year 2014/15 and the actual 2014/15 prudential indicators.

In introducing the item Mrs Murphy, Cabinet member for finance, advised of a correction to the surplus figure in the table in paragraph 7 of the report which should read £402,767 and not £421,605. A corrected table is set out below:

		South Oxfordshire District Council	Vale of White Horse District Council
1	Average investment balance	£127,831,000	£30,874,514
2	Budgeted investment income	£2,090,000	£355,500
3	Actual investment income	£2,492,767	£430,807
4	Surplus/(deficit) (3) – (2)	£402,767	£75,307
5	Rate of return (3) ÷ (1)	1.950%	1.395%
6	Benchmark rate of return: 3 month LIBID Industry average*		0.43% 0.75%
7	Borrowing	Nil	Nil

She reported that investments had provided a two per cent return equating to £2.5 million investment income which supported the council's medium term financial plan and contributed to the council's balances and in year expenditure programmes.

Cabinet and the Joint Audit and Governance Committee were satisfied that the treasury activities were carried out in accordance with the treasury management strategy and policy.

RESOLVED: to

1. approve the treasury management outturn report for 2014/15;
2. approve the actual 2014/15 prudential indicators within the report of the head of finance to Cabinet on 13 October 2015.

15 Oxfordshire Joint Health Overview and Scrutiny Committee Appointment

RESOLVED:

To appoint Nigel Champken-Woods as the council's representative on the Oxfordshire Joint Health Overview and Scrutiny Committee and Lorraine Hillier as substitute for the remainder of the 2015/16 municipal year.

The meeting closed at 6.10pm

Chairman

Date



Listening Learning Leading

Licensing Act 2003

Joint statement of licensing policy

This policy was adopted by the Vale of White Horse District Council at the meeting of Council on 16 December 2015 and South Oxfordshire District Council at the meeting of Council on 17 December 2015 and comes into force on 7 January 2016 and will remain in force for a period of five years from that date unless previously amended.

Foreword

This document sets out the councils' (the Licensing Authority) Licensing Policy in respect of its licensing functions for the next five years commencing in 2016. During the five year period the policy will be kept under review and revised as necessary.

This policy statement has four main purposes, which are:

- **to confirm to members** of the Licensing Acts Committees, the boundaries and powers of the authorities and the parameters within which to make decisions;
- **to inform licence applicants** of the parameters within which the authorities will make licensing decisions and therefore how licensed premises are likely to be able to operate within the areas of the two councils;
- **to inform local residents and businesses** of the parameters within which the authorities will make licensing decisions and therefore how their needs will be addressed; and
- **to support a case in a court of law** where either authority has to show how it arrived at its licensing decisions.

Applications covered by the Act and relevant to this statement include:

- club premises certificates
- designated premises supervisors
- interim authorities
- late night refreshment premises
- personal licences
- premises licences – including provisional statements
- renewal or transfer of licences
- reviews
- temporary events notices (TENs)
- transfers
- variations of conditions attached to the licences and associated matters

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Appendix D - Temporary Event Notice

Glossary

Term	Description
<p>authorised person</p> <p><i>(Authorised Persons have roles in <u>enforcement</u> of the 2003 Act)</i></p> <p><i>(Police officers are not listed as authorised persons, as they already have powers of enforcement under other legislation)</i></p>	<p>A person prescribed under S.13 (2) of the Licensing Act 2003 for licensed premises or S. 69(2) of the Licensing Act 2003 for club premises.</p> <p>Any of the following –</p> <p>an officer of the licensing authority, authorised for the purposes of the 2003 Act;</p> <p>an inspector appointed under Article 26 of the Regulatory Reform (Fire Safety) Order 2005;</p> <p>an inspector appointed under S.19 of the Health and Safety at Work etc. Act 1974;</p> <p>an officer of the council authorised to exercise statutory environmental health functions;</p> <p>(in relation to a vessel, an inspector, or surveyor of ships, appointed under S.256 of the Merchant Shipping Act 1995</p>
<p>Chief Officer of Police</p>	<p>Chief Constable of Thames Valley Police</p>
<p>Community Safety Partnership</p>	<p>A partnership comprising relevant teams from the council, the police and other interested parties, established to develop a strategy for the reduction of crime and promote public safety in the area.</p>
<p>council</p>	<p>Vale of White Horse District Council in its capacity as a district authority in respect of the area of Vale of White Horse, and/or</p> <p>South Oxfordshire District Council in its capacity as a district authority in respect of the area of South Oxfordshire.</p>
<p>cumulative impact</p>	<p>The potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.</p>
<p>designated premises supervisor</p>	<p>The holder of a personal licence who is identified by the licence holder as having day-to-day responsibility for the management of a licensed premises.</p>
<p>designated officer</p>	<p>The Head of Legal and Democratic Services.</p>
<p>Disclosure and Barring Service (DBS) disclosure</p>	<p>A basic check undertaken by Disclosure Scotland of an applicant's unspent criminal convictions</p>

check	
early morning alcohol restriction order (EMRO)	An order preventing licensed premises from selling alcohol in the early hours of the morning to promote the licensing objectives. Can only be implemented after public consultation.
fire authority	The Fire and Rescue Service of Oxfordshire County Council
late night levy	Additional fees payable by premises opening past midnight. Can only be implemented after public consultation.
Licensing Acts Committee	The committee of elected councillors of the Vale of White Horse District Council that is responsible for the council's licensing functions in the area of Vale of White Horse and/or the committee of elected councillors of South Oxfordshire District Council that is responsible for the council's licensing functions in the area of South Oxfordshire.
licensing authority	The Vale of White Horse District Council in its capacity as a licensing authority in respect of the area of the district of Vale of White Horse, and/or South Oxfordshire District Council in its capacity as a licensing authority in respect of the area of the district of South Oxfordshire.
licensing panel	Three members of the Licensing Acts Committee who sit as a sub-committee to decide hearings under the Licensing Act
navigation authority For rivers – For canals –	The Environment Agency The British Waterways Board
Nightsafe	A strategic group made up of members of the Community Safety Partnership and the Licensing Team to promote public safety in licensed premises
operating schedule	A prescribed form under the S. 17 (4) of the Licensing Act 2003 detailing: <ul style="list-style-type: none"> • the relevant licensable activities, • the times during which it is proposed licensable activities are to take place, • times during which the premises are to be open to the public, • where the applicant wishes the licence to have effect for a limited period, that period, • where the relevant licensable activities include the supply of alcohol, prescribed information about the designated premises supervisor, • where the relevant licensable activities include the supply of alcohol, whether the

	supplies are for consumption on or off the premises, or both, the steps which it is proposed to take to promote the licensing objectives, such other matters as may be prescribed.
planning authority	Either council in its capacity as a local planning authority for the respective area.
Police	Thames Valley Police
Pubwatch	A group of licence-holders in a particular locality who work co-operatively to exclude individuals who cause problems in their premises.
regulated entertainment	Entertainment as defined in Schedule 1 to the Licensing Act 2003
relevant representations	Comments made by any other persons or responsible authority that address the licensing objectives. Relevant representations cannot be irrelevant, frivolous, vexatious, or repetitive.
responsible authority <i>(Responsible authorities may make relevant representations about applications and may request reviews)</i>	Any of the following: <ul style="list-style-type: none"> • the licensing authority • the chief officer of Police for the area; • the fire authority; • the enforcing authority under S 18 of Health and Safety at Work etc. Act 1974; • the planning authority; • the environmental health service of the councils; • the health and social care department of Oxfordshire County Council, which the authority recognises as competent to advise on matters of child protection; • Trading Standards; • Director of Public Health; • any other licensing authority in whose area part of the premises is situated; • in relation to a vessel – the navigation authority.
Secretary of State's Guidance	The current guidance issued by the Secretary of State under section 182 of the 2003 Act.
SIA	Security Industry Authority.
statement of licensing policy	The final version of this policy, as adopted by both councils.

Note: the singular includes a reference to the plural and vice versa

Using this statement of licensing policy

Each council has different roles under the Licensing Act 2003, so:-

- 'authority' is used where it acts as the licensing authority under the 2003 Act.
- 'council' is used where parts of the council acts in other capacities, for example:
 - to determine policy;
 - when the 'council' applies to the 'authority' for a licence for council premises;
 - when environmental health or planning officers make relevant representations about applications received.

The authority must balance the interests of applicants (as stated in their applications for licences) and any interests stated by others (in relevant representations). When it grants a licence, the authority must attach mandatory conditions if applicable. The authority cannot attach other conditions unless they are related to any relevant representations received and are proportionate.

Contact

Licensing Team Vale of White Horse District Council 135 Milton Park, Milton, OX14 4SB Tel. 01235 540570 E mail: licensing.unit@whitehorsedc.gov.uk	Licensing Team South Oxfordshire District Council 135 Milton Park, Milton, OX14 4SB Tel: 01235 540570 E mail: licensing@southoxon.gov.uk
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1 Introduction

This statement has been prepared having regard to the guidance issued by the Home Office under Section 182 of the Licensing Act 2003 ('the Act') and as required of the licensing authority under Section 5 of the Act.

This statement sets out the councils' (the Licensing Authority) licensing Policy in respect of its licensing functions for the next five years commencing in 2016. This statement of licensing policy will be kept under review throughout its period of validity and amended as considered necessary.

This statement takes effect from 7 January 2016 and will be scheduled for review by the 6 January 2021.

The licensing regime implemented by the Act and operated by the councils as licensing authorities is about the appropriate control of licensed premises, qualifying clubs and temporary events. It also covers the people who manage these premises or hold personal licences within the terms of the Act. Applications covered by the Act and relevant to this statement include:

- club premises certificates
- designated premises supervisors
- interim authorities
- late night refreshment premises
- personal licences
- premises licences – including provisional statements
- renewal or transfer of licences
- reviews
- temporary events notices (TENs)
- transfers
- variations of conditions attached to the licences and associated matters

1.1 PURPOSE AND SCOPE

1.1.1 This statement sets out the policy of the licensing authority with respect to carrying out its licensing functions under the Act. These include policy formulation, administration, monitoring, and enforcement activities. The latter will include working with and sharing permitted data with other regulatory and enforcement agencies.

1.1.2 The following will also be relevant to the way in which the licensing authority exercises its functions under the Act:

- Each application will be determined on its own merits having regard to the licensing objectives; relevant guidance including that issued under Section 182 of the Licensing Act 2003, this statement of licensing policy, and local criteria.
- The solicitor to the council will ensure that the rules of 'natural justice' will be applied at all times during hearings or reviews.
- The statutory right of any responsible authority or other person to make appropriate representations to an application or to seek a review in respect of a granted authorisation where appropriate is accepted.
- The licensing authority, on behalf of the council, may notify parties they consider appropriate such as district councillors, town and parish councils of relevant applications.

1.2 KEY AIMS

1.2.1 The key aims of this statement of licensing policy are for the relevant council as the licensing authority to:

- promote the licensing objectives.
- recognise the need to assist in building a fair, vibrant, and prosperous society in the district that properly balances the rights of residential communities, the business sector and other relevant parties.
- secure the safety and amenity of residential communities whilst facilitating a sustainable, diverse, entertainment and hospitality sector in the district.
- integrate its aims and objectives with other initiatives that will:
 - create an attractive and vibrant area, which has a positive effect on employment
 - reduce local crime, disorder and anti-social behaviour
 - reduce alcohol harm
 - reduce the supply and use of illegal drugs in licensed premises
 - encourage the self-sufficiency of local communities
 - reduce the burden of unnecessary regulation on businesses and promote self-help
 - reduce the health impacts of alcohol misuse and dependence; reduce the impact of alcohol related incidences on accident and emergency services
 - continue its commitment to working in partnership with other agencies and organisations through both formal and informal arrangements towards the promotion and achievement of the objectives set out in this policy
 - endeavour to reflect the diversity of the districts through their blend of urban and rural settlements
 - give direction to applicants, so that they can make informed decisions in respect of their own activities.

1.3 CONSULTATION

1.3.1 In reviewing this statement the licensing authority consulted with all necessary bodies and relevant stakeholders. A list of those consulted is available from the licensing authority on request. The consultation process was conducted between September 2015 and October 2015 by way of a direct communication to those identified and also via publication on the council's website. There was one

response to the consultation. This was from the councils' Environmental Protection team who had no adverse comments on the proposed policy.

1.4 LICENSING FUNCTION

1.4.1 The licensing authority recognises that the provision of entertainment is a major contributor to the economy of the area. It makes for a vibrant and attractive area, which subsequently has a positive effect on employment. The licensing authority also recognises that owners and occupiers of commercial premises have a legitimate expectation of an environment that makes and keeps their businesses sustainable.

1.4.2 The licensing authority welcomes the opportunity to encourage the development of the cultural, artistic, leisure and hospitality sectors. It will assist all applicants in endeavouring to meet their aspirations within the law.

1.4.3 The licensing authority also has regard to wider considerations affecting the residential population and the amenity of any area. These include dropping litter and street fouling, noise and street crime. It is, however, recognised that the licence holder has limited control over individuals once they are away from the premises.

1.4.4 The licensing authority recognises that the diverse range of licensed premises throughout the area makes a major contribution to attracting both initial and repeat visitors to both the historic localities, and diverse venues.

1.5 LICENSING OBJECTIVES

1.5.1 The licensing authority will carry out its licensing functions under the 2003 Act with a view to promoting the four licensing objectives which are:

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

1.5.2 It is important to note that all objectives have equal importance in the implementation of this policy.

1.5.3 The licensing authority will have regard to the European Convention on Human Rights particularly:

- Article 6- entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal and
- Article 8 - the right to respect for home and private life; and
- Article 1 of the First Protocol - that every person is entitled to the peaceful enjoyment of their possessions, as they may interface with the licensing objectives.

1.5.4 The licensing authority expects individual applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the nature of the location and the impact on the local community.

1.5.5 Where there are no relevant representations, the application will be granted as requested subject only to conditions which are consistent with the operating schedule and any mandatory conditions. However, a hearing must be called when relevant representations are made by any person or responsible authority, based upon the four licensing objectives, as provided for in the Act.

1.5.6 The following sections set out the licensing authority's policy relating to the four licensing objectives. It is emphasised that these objectives are the only matters which can be taken into account by the licensing panel and they will pay particular attention to them at a hearing, when determining applications and applying any conditions.

1.5. In considering and determining applications the licensing authority will take into account:-

- Section 17 of the Crime and Disorder Act 1988;
- Human Rights Act 1998;
- Noise Act 1996;
- Regulatory Reform (Fire Safety) Order 2005;
- Violent Crime and Disorder Act 2006;
- Health Act 2006;
- Policing and Crime Act 2009;
- Equality Act 2010

- Police Reform and Social Responsibility Act 2011;
- Live Music Act 2012;
- Anti-social Behaviour, Criminal and Policing Act 2014
- Deregulation Act 2015
- any other relevant legislation or statutory guidance.

2.0 Prevention of crime and disorder

2.0.1 The licensing authority has a duty to act solely or with its partners to reduce crime and disorder throughout the district, consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998. The councils as members of the South and Vale Community Safety Partnership will work with partners to utilise legislation as required to prevent crime and disorder issues and promote public safety.

2.0.2 Applicants are required by law to set out in their operating schedule the steps they propose to promote the prevention of crime and disorder. Responsible applicants will ensure proper regard in their operating schedule to the location, character and condition of the premises, the nature and extent of the proposed use and the persons likely to be attracted to the premises.

2.0.3 The licensing authority expects all applicants to consider a number of key conditions, where relevant to the type of licensable activity being proposed:

2.1 PUBWATCH

2.1.1 The licensing authority recognises the value of Pubwatch schemes and will play a supportive role and attend meetings whenever possible. Where such a scheme is active in the locality of a premise, the applicant is strongly encouraged to become an active member of Pubwatch. As well as traditional pubs and entertainment venues, this includes premises that are licensed solely for the sale of alcohol for consumption off the premises.

2.1.2 Pubwatch provides a forum for sharing information, disseminating best practice and meeting with representatives of the licensing authority, the police and other responsible authorities. The licensing authority encourages all licensees to actively participate in their local Pubwatch scheme and will support the development of schemes where there is a demand.

2.2 INFORMATION SHARING AND REPORTING INCIDENTS

2.2.1 As well as sharing information through formalised Pubwatch schemes, licensees are encouraged to share and report incidents to relevant agencies as and when appropriate, rather than waiting for a next meeting. Any issues of crime and disorder should be reported as soon as possible to Thames Valley Police. If persons or property are in danger then this should be done through calling '999', alternatively the '101' number should be used. Incidents that occur on licensed premises should be recorded and made available to Thames Valley Police and other agencies.

2.2.2 The police and the councils work in partnership to target those individuals who cause crime and disorder. Powers under the Anti-social Behaviour, Crime and Policing Act 2014 such as Criminal Behaviour Orders (S22), Community Protection Notices (S43), Public Spaces Protections Orders (S59) and Closure Orders (S76) and any replacement powers will be utilised to assist in the prevention of crime and disorder. Information about relevant orders against persons will be shared with premises. Licence holders are also expected to assist in preventing crime and disorder by notifying the police of any persons who breach orders relevant to their premises.

2.3 DOOR SUPERVISORS/STEWARDS

2.3.1 Any person engaged at licensed premises to carry out security activities including the prevention of access to, or the physical ejection of, a person from the same premises on behalf of the licensee must hold and display a valid current licence issued by the Security Industry Authority (SIA) or any successor system.

2.3.2 The licensing authority will consider representations that indicate that specific premises require door supervision for the purpose of meeting the crime and disorder or public safety licensing objectives. In such cases, the licensing authority may impose a condition that an agreed number or ratio of licensed door supervisors must be present at the premises either at all times, or at such times as certain licensable activities are taking place.

2.3.3 In certain circumstances it may be appropriate to use trained stewards to provide a satisfactory level of customer care and safety awareness. These individuals must not carry out security activities, and would not be required to hold an SIA licence. If they were employed to undertake duties involving children then the applicant must consider whether such individuals should undergo a Disclosure and Barring Service check.

2.3.4 The applicant may find it beneficial in developing the operating schedule for a premises licence or certificate to have undertaken a security risk assessment in order to determine the resources necessary to meet the licensing objectives.

2.4 DISPERSAL POLICY

2.4.1 Licensed premises should consider implementing a dispersal policy, working in partnership with other venues within the vicinity through mechanisms such as Pubwatch. Applicants should consider how the venue will minimise the potential for disorder and disturbance as customers leave the premises. Any policy should be reviewed regularly and staff should be trained in its implementation.

2.5 DRUGS IN PREMISES

2.5.1 The licensing authority recognises that the supply and use of illegal drugs by individuals is not relevant to all licensed premises but it is recognised that conditions may need to be attached to the premises licences if problems arise. The aim will be to reduce the availability, sale, and consumption of illegal drugs and to create a safer environment for those who may have taken them. Any conditions will take into account the relevant guidance and advice from appropriate bodies.

2.5.1 The licensing authority expects all premises to fully co-operate with the police including drug swabbing and permitting the access and use of drug dogs within the public and staff areas of the premises.

3.0 Promotion of public safety

3.0.1 The public safety objective is concerned with the physical safety of anyone using or adjacent to licensed premises. Applicants should carefully consider how they intend to promote the public safety objective in their operating schedule.

3.0.2 Where applicants consider that the public safety objective could be compromised by their intended activities, they are encouraged to contact the relevant council's Food and Safety team and/or the fire authority as the most relevant responsible authorities for guidance. Other organisations such as the Safety Advisory Group (SAG) will be able to offer advice. Contact details for these authorities/groups are available from the licensing authority.

3.0.3 The councils are a core member of the South and Vale Nightsafe scheme, which seeks to promote public safety in the night-time economy through partnership working with licensed premises and responsible authorities.

3.1 CLOSED CIRCUIT TELEVISION (CCTV)

3.1.1 CCTV has a key role to play in stopping and deterring crime and anti-social behaviour in town centres and is also used as an evidence and detection tool.

However, surveillance cameras should only be used if necessary and proportionate, in addition:

- when considering the use of CCTV systems, either as part of the conditions attached to a licence or certificate, or within an operating schedule the licensing authority or applicant must in particular have regard to Code of Practice on CCTV published by the Information Commissioner's Office.
- the licensing authorities support the use of CCTV systems in premises. Where a licence or certificate is granted subject to the installation of a CCTV system, it is the responsibility of the licensee to comply with any data protection considerations that may arise from the use of such a system.
- the public must have confidence that surveillance is necessary and proportionate, and that those who operate the camera systems, or use the images and information they capture, demonstrate integrity in doing so and can be held to account.

3.2 ALCOHOL CONSUMPTION

3.2.1 The Licensing Authority expects all premises licence holders to take steps to control excessive consumption and drunkenness on relevant alcohol licensed premises. This will reduce the risk of anti-social behaviour and violent crime occurring both on and away from the premises after customers have departed. Premises licence holders are expected to be able to demonstrate a general duty of care to customers using their premises and others affected by their activities.

3.3 ALCOHOL HARM REDUCTION

3.3.1 Communities, agencies and businesses are best placed to identify and deal with alcohol-related problems in their area. It is important to maximise the benefits of partnership working, focusing and co-ordinating the efforts of local agencies, industry and the voluntary sector in tackling alcohol-related problems. Budgets and expertise can be pooled, providing the right services at the right time, making town centres safer and in doing so encourage more people to enjoy a night out, thus promoting economic growth.

3.3.2 Information is a powerful tool in tackling alcohol-related problems. It is vital to strengthen data sharing within local partnerships, in particular between crime and health agencies and licensing authorities.

3.3.3 The licensing authority will continue to work alongside their partners on a countywide and local level. The licensing team will work pro-actively with the

Community Safety Partnership and Thames Valley Police and will support local initiatives to tackle alcohol misuse such as Pubwatch, Nightsafe and Community Alcohol Partnerships.

3.4 PUBLIC HEALTH

3.4.1 The inclusion of the local Director of Public Health as a responsible authority under the Licensing Act 2003, enables health bodies to have a say in alcohol licensing. The Licensing and Public Health teams work together through the Nightsafe scheme to ensure that the health impacts of alcohol licensing can be considered.

3.4.2 As there is not a specific licensing objective related directly to health within the current legislation, health bodies, when making a representation, are most likely to relate such representations to the objectives on public safety and protecting children from harm. This is likely to include the prevention of accidents, injuries and other immediate harm that can result from alcohol consumption, such as unconsciousness or alcohol poisoning. Anonymised data can be collected about incidents relating to specific premises or areas when representations are made.

3.4.3 Health bodies hold valuable information which may not be recorded by other agencies, including analysis of data on attendance at emergency departments and the use of ambulance services following alcohol related incidents. This information is shared through the Nightsafe partnership.

3.4.3 The Director of Public Health is responsible for making representations and observations on applications on behalf of Oxfordshire County Council as public health authority.

3.5 OCCUPANCY LIMITS

3.5.1 It is recommended that the applicant or operating company assess and set occupancy limits following a risk assessment of the planned activities being carried out at the premises.

3.5.2 The licensing authority may set an occupant capacity following representations received in order to meet the licensing objectives.

3.6 HEALTH AND SAFETY

3.6.1 If more than five people are employed, the Health and Safety Act 1976 requires the applicant or operating company to have a written health and safety policy statement which must be brought to the employees' attention. Employers

must also record the results of risk assessments and ensure a robust health and safety action plan is in place for both staff and customers. Applicants should have these documents available at the request of licensing authority or any other responsible authority.

4.0 Prevention of public nuisance

4.0.1 Public nuisance is a broad concept, which concerns how the activity of one person (or business) affects the rights of others, for example, how noise from playing music interferes with another person's right to sleep.

4.0.2 The Act requires, and the licensing authority expects, applicants to demonstrate within their operating schedule how they intend to prevent public nuisance arising. This will be of particular importance where there are residential properties in the vicinity of the licensed premises.

4.0.3 When appropriate on application or review the licensing authority will consider the adequacy of proposed measures to remove or effectively manage the potential for public nuisance, anti-social behaviour and other crime which may impact on the promotion of the licensing objectives.

4.0.4 When an operating schedule does not sufficiently address the prevention of public nuisance the licensing authority will consider all reasonable conditions suggested by responsible authorities in any relevant representation to prevent public nuisance. In some locations it may be necessary to limit opening hours, the times of licensable activities or limit the types of licensable activities taking place

4.0.5 Where considerations apply to late night refreshment premises, they shall only be taken to apply to their operation between the hours when a premises licence would be required.

4.0.6 Applicants should carefully consider how they intend to promote the prevention of public nuisance objective in their operating schedule. This can include several considerations:

4.1 ODOUR

4.1.1 The applicant should consider any odour that maybe emitted from the premises. This can include the generation of odour from food preparation, waste, bottle storage and/or from smoking areas. Steps should be taken or proposed to be taken by the applicant to prevent odour from the premises causing nuisance. The

applicant may need to get advice from specialist air handling engineers about controlling odour from kitchen air extraction systems.

4.1.2 When designating a smoking area outside it is important to consider who will be affected by the smoke, the possible number of persons using the area and ensuring a facility to safely dispose of lit cigarettes.

4.1.3 Applicants should also consider the use of such areas in cold or wet weather and how this will affect users of smoking areas.

4.2 WASTE/LITTER

4.2.1 Licensed premises of all types can potentially cause public nuisance from litter and waste. The Environmental Protection Act 1990 and the Clean Neighbourhoods and Environment Act 2005 impose responsibilities relating to proper waste collection and disposal, not least of which is the 'duty of care' to ensure any waste is properly contained and controlled while in the operator's possession, and that it is collected by a licensed waste carrier. The Licensing Act does not duplicate these laws, but licence holders will need to apply good waste management practice in order to prevent public nuisance.

4.3 NOISE

4.3.1 Noise can come either directly or indirectly from licensed premises. Direct noise, such as that from entertainment activity, will be under the premises' direct control. Indirect noise, such as that from vehicles and customers coming to and from the premises may not be under direct control, but the premises can strongly influence it. Both direct and indirect noise will be of greater importance between 23:00 and 07:00.

4.3.2 Small, outdoor multiday music festivals operated under Temporary Event Notices (often where camping is also involved) can become a source of public nuisance. Organisers of such events are strongly advised to contact the environmental protection team at an early stage. Organisers are encouraged to employ event management techniques similar to larger scale events to avoid public nuisance, these can include considering the suitability of the location, the geography, limiting amplifier output, duration or direction.

4.4 UN-REGULATED ENTERTAINMENT

4.4.1 Amendments to the Licensing Act 2003 have removed the requirement for licensing of a wide range of entertainment between the hours of 08:00 and 23:00. This does not reduce the risk of noise nuisance occurring. The risk increases when

the entertainment takes place in the open air or within a marquee. Steps should be taken to prevent noise and vibration from entertainment causing nuisance. This may include noise from music, human voices and other forms of entertainment whether amplified or not. Consideration should also be given to ensure noise is not audible at sensitive locations such as dwellings, hospitals, hotels and other business premises. Any noise should also not cause unreasonable disturbance to the wider public, such as passers-by and people using public facilities. The environmental protection team will be responsible for dealing with noise complaints arising from un-regulated entertainment.

4.5 DISTURBANCE FROM CUSTOMERS

4.5.1 The operating schedule should identify the control measures that will be taken to minimise the impact of the behaviour of customers on neighbouring residents and businesses. This may include noise and disturbance from customers on the premises and customers in outdoor areas such as terraces, beer gardens and smoking areas. It will also include noise, disturbance and obstruction from customers in the vicinity of the premises including customers congregating outside premises to smoke or drink, customers arriving, leaving or queuing outside premises.

4.5.2 Particular consideration now has to be given to the potential for public nuisance arising from outside areas following the implementation of smoke free laws in July 2007. It must be noted that there is no legal requirement for licensed premises to provide an outdoor smoking area. However, premises are encouraged to do so to minimise congestion on pavements.

4.5.3 Noise and disturbance from people outside can cause public nuisance even when those people are not behaving badly. This will be of more significance in areas with residential accommodation and will usually, but not exclusively, be of greater importance between 23:00 and 07:00. However it must be noted that noise and disturbance from customers out of doors can cause public nuisance outside these times.

4.6 DELIVERIES AND WASTE COLLECTION

4.6.1 Steps should be taken to prevent noise from any servicing of the premises causing nuisance. This may include noise from deliveries, collections and the onsite disposal of bottles and other waste or recyclable materials.

5 Protection of children from harm

5.0.1 For the purposes of this policy the licensing authority considers anyone under 18 years of age to be a child or young person

5.0.2 The policy aims to work alongside the principles set out by the Oxfordshire Safeguarding Children Board at <http://www.oscb.org.uk>

5.0.3 The licensing authority expects that, whether or not alcohol is supplied or proposed to be supplied on or in the vicinity of the premises, operating schedules will identify:

- the extent to which it is proposed that children be admitted to the premises;
- whether it is proposed that unaccompanied children will be admitted;
- if they are, the type of regulated entertainment provided whilst children are present;
- the specific steps undertaken to ensure the safety of children and to further ensure that no products or services are sold to children that are not appropriate for their use or consumption.
- that an unaccompanied child (i.e. somebody under the age of 18 who is not accompanied by a person over the age of 18) must not be allowed into any premises which are 'exclusively or primarily used for the supply of alcohol for consumption on the premises'.
- that staff are aware of their responsibility to ensure that an adult should not become over intoxicated if accompanied by a young person or child as to inhibit their ability to safeguard that young person.

5.0.4 Whether or not premises with a mixed use are 'exclusively or primarily used' is a matter of judgment and will depend upon the particular circumstances of the case. The guidance makes it clear that this does not mean that where the supply of alcohol is not the exclusive or primary use then young people should automatically be given access.

5.0.5 Applicants, who propose to admit children, particularly where they would not require them to be accompanied by a responsible adult, should be especially careful in ensuring they meet the requirement that their operating schedule fully and clearly sets out the nature of the activities for which permission is sought. Further, the

operating schedule should specify the measures and management controls proposed to protect children from harm.

5.0.6 The licensing authority expects that staff are trained and aware of their responsibility for ensuring that customers are old enough to purchase alcohol. This requirement is particularly relevant for bar staff working at premises where door supervisors control entry to a premise. Particular care and appropriate measures should be in place for venues that, due to the nature of the events, attract both over and under 18 year-old patrons.

5.1 AGE VERIFICATION/UNDERAGE SALES ON/OFF PREMISES

5.1.1 There is now a mandatory condition on all premises licensed to sell alcohol requiring them to have adequate age verification systems in place. This could be through the use of a Challenge 21 or 25 scheme i.e. 'challenging anyone who looks under 21 or 25 to prove their age by use of an approved means of identification'; such a scheme to be advertised and enforced on the premises.

5.1.2 Licensees must demonstrate that their staff receive regular and adequate training on the law and practice relating to age restricted sales (including challenging purchasers and checking identification). The training provided to members of staff to prevent the sale of alcohol to underage people must be properly documented in the training log so that there is an adequate audit trail. Records must be available for inspection.

5.1.3 The following are examples of identification used:

- Passport
- Photo-card driving licence
- PASS card
- Official identity card issued by HM forces

5.1.4 Additionally, when a retailer refuses the sale of alcohol this should be recorded in a 'refused sales log'. These documents must be kept available for inspection by a police officer or authorised officer of the licensing authority.

5.2 PROXY SALES

5.2.1 Adequate procedures must be in place to ensure that all members of staff working at the premises are routinely trained and regularly reminded of their responsibilities in relation to the issue of proxy sales of alcohol, and shall ensure that all reasonable steps and procedures are in place and implemented to prevent adults purchasing alcohol for those underage.

5.2.2 Steps must be in place to ensure that any designated premises supervisors and members of staff involved with the delivery of alcohol to residential addresses are made fully aware of their responsibilities to ensure that no alcohol is sold or delivered to persons under the age of 18.

5.3 CHILDREN AND CINEMAS/THEATRES

5.3.1 The licensing authority will expect licensees or clubs to include in their operating schedules their arrangements for restricting children from viewing age restricted films according to the recommendations of the British Board of Film Classification (BBFC) or the licensing authority itself. In the event that the licensing authority is asked to stipulate an age category for a film or video that has not been classified by the BBFC, the licensing panel or its delegated officers may view the film or video and use the BBFC published guidelines on classification as a 'benchmark' in reaching their decision.

5.3.2 In considering any application, the licensing authority will take into account any evidence that age restrictions for cinema exhibitions are not being properly observed.

6.0 Licensing process

6.0.1 The Licensing Acts Committee, panel, or licensing officers acting under delegated authority, may carry out the powers of the licensing authority under the Act, in accordance with the scheme of delegation set by the Licensing Acts Committee under S. 10 (1) of the Act.

6.0.2 In the absence of any relevant representations applications will be determined at officer level.

6.0.3 A licensing panel deals with applications where there are relevant representations and in every case where there is a review of a premises licence or club premises certificate.

6.0.4 The licensing authority ensures that all officers and councillors who deal with applications have received adequate training for their role under the Licensing Act 2003.

6.1 APPLICATION FOR PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

6.1.1 The licensing authority will expect individual applicants to address the licensing objectives in their operating schedule having regard to the location and type of premises, the licensable activities to be provided, and the operational procedures.

6.1.2 Applicants should make themselves aware of the councils' statement of licensing policy, in particular the issues that will need to be addressed in formulating the operating schedule.

6.1.3 Applicants will be encouraged to make themselves aware of any relevant planning policies, tourism, cultural or local crime prevention, alcohol reduction strategies; and to have taken them into account, when formulating their operating schedule.

6.1.4 When determining applications the licensing authority will have regard to the guidance issued by the Home Office under Section 182 of the Act and other relevant guidance issued.

6.1.5 Prospective holders of new premises licences and those seeking variations to existing premises licences are advised to consult with the licensing team and the various responsible authorities early in the planning stages in order to reduce the risk of confusion and disputes arising.

6.1.6 The licensing team will liaise with the relevant planning authority as appropriate.

6.2 LICENCE CONDITIONS

6.2.1 Licensing relates to the control of licensed premises, and other activities within the terms of the Act. As part of this control, conditions may be attached to licences, and club premises certificates, which focus on matters falling within the control of individual licence holders. Conditions can be attached to temporary event notices where the premises covered by the notice includes all or part of existing licensed premises.

6.2.2 Any conditions will relate to the premises and other places being used for licensable activities, and the impact of those activities in the vicinity. In this regard the licensing authority primarily focuses on the direct impact of any activities taking place on those living, working, or otherwise engaged, in the area concerned.

6.2.3 The licensing function is not a mechanism for the control of anti-social behaviour by individuals once they are beyond the direct control of the licence holder of any premises concerned. Conditions attached to licences must only seek to impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek to enter or leave.

6.2.4 The licensing authority may impose conditions following a hearing. These conditions must not be disproportionate or overly burdensome. The licensing authority does not implement any standard conditions. Conditions may be attached

as appropriate given the circumstances of each individual case. Conditions will not be attached where adequate legislative control exists.

6.3 LICENSING HOURS

6.3.1 The licensing authority deals with the issue of licensing hours on the individual merits of each application. However, when issuing a licence with hours extending beyond 23:00, higher standards of control need to be included in operating schedules in order to promote the licensing objectives, especially for premises, which are situated in, or near, residential areas or in areas where crime and/or anti-social behaviour is an issue.

6.3.2 In considering all licence applications, the licensing authority takes into account the adequacy of the measures proposed to deal with the potential for nuisance and/or public disorder and has regard to all the circumstances of the case.

6.3.3 Where no representations are received an application is approved as applied for. Where a hearing or a review takes place the licensing authority may add conditions, remove licensable activities or restrict hours of operation where it considers this is necessary to promote the four licensing objectives. In addition the licensing authority may in the case of an application refuse to grant a licence and at a review, amend or revoke an existing licence. Throughout the application process consultation with relevant partners is welcomed and encouraged.

6.3.4 The licensing authority recognises that having fixed early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people leave licensed premises at the same time. The licensing authority aims, through the promotion of the licensing objectives, to reduce the potential for concentrations of people and thus achieve a slower dispersal of people from licensed premises through longer opening times when appropriate.

6.3.5 The licensing authority does not seek to adopt fixed terminal hours in designated areas (known as 'zoning'), as this can lead to the significant movement of people across boundaries in search of premises opening later.

6.3.6 Shops, stores and supermarkets are permitted to sell alcohol for consumption off the premises during their normal trading hours, unless there are exceptional reasons relating to the licensing objectives, in particular the prevention of crime and disorder and public nuisance.

6.4 TEMPORARY EVENTS NOTICES (TENS)

6.4.1 The Licensing Act 2003 provides for certain occasions when small-scale events (where no more than 499 people at a time attend and last for up to 168

hours) do not need a licence if advance notice or TEN is given and no relevant objections are received.

6.4.2 The licensing authority recommends that at least one month's notice be given to hold these events to allow it to help organisers plan their events safely. Any significantly longer period than this may mean that organisers do not have all the details available at the time of submitting the notice. Any lesser time means that planning may be rushed and haphazard. The minimum legal timescale is ten working days not including the date of application or the date of the event.

6.4.3 Event organisers are encouraged to make contact for advice at the earliest opportunity when planning their community events. Persons intending to use premises under a TEN are encouraged to discuss their proposals with the community that may be affected before submission.

6.4.4 The police or environmental health may issue an Objection Notice where they consider that any of licensing objectives may be undermined. In such circumstances, the licensing officer will consider the objection by way of negotiation with the applicant, if the matter cannot be resolved informally then the matter will be considered by a licensing panel. If the objection notice relates to a 'late TEN' a Counter Notice will be issued making the TEN notice invalid.

6.5 LARGE SCALE EVENTS

6.5.1 These are events that are temporary but more than 499 people are expected to attend. Much larger crowds may be attracted to large-scale events and the risk to public safety and to crime and disorder, as well as public nuisance, may be considerable. The licensing authority and all other statutory consultees, should be given at the earliest opportunity, notice of such major events to discuss operating schedules with the organiser, prior to a formal application being submitted. It is the responsibility of the event organiser/applicant to provide the licensing authority and all other statutory consultees, at the earliest opportunity, notice of such major events. This will enable discussion about operating schedules prior to a formal application being submitted.

6.5.2 The licensing authority strongly advises that they are given at least six months' notice to allow for a sufficient lead in time. Failure to consult in sufficient time may result in an objection on the grounds that insufficient time has been allowed to properly assess and consult to ensure that, in particular, public safety is not undermined.

6.5.3 The councils have an established Safety Advisory Group (SAG) system. This includes relevant council officers, representatives of the emergency services and

Oxfordshire County Council Highways department. The SAG's aim is to advise on safety at public events held throughout the districts. Since the focus is on the risks posed by larger events most events run under TEN will not require a SAG. The SAG does however reserve the right to consider events that are planned under a TEN if there is a risk to public safety. Event organisers are encouraged to make contact with the licensing team for advice at the earliest opportunity when planning their community events. Further information and the notification form for the SAG is available at:

<http://www.southoxon.gov.uk/news-and-events/events/event-management> or
<http://www.whitehorsedc.gov.uk/news-and-events/event-management>

6.6 DELEGATION OF DECISION MAKING

6.6.1 One of the major principles underlying the Licensing Act 2003 is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure efficient and cost effective service delivery.

6.6.2 The Act itself requires that applications be granted unless a relevant representation is raised.

6.6.3 Whilst contested licensing hearings are structured in nature, the licensing panel will try to keep the proceedings as informal as possible. However, some degree of formality is needed to ensure that all parties receive a fair hearing. The procedures are designed to ensure that all parties are able to express their views openly and fairly. The procedure is inquisitorial rather than adversarial and, whilst applicants, individuals and businesses who may be affected, and responsible authorities are entitled to bring legal or other representation with them if they wish, this is not a requirement.

6.6.4 Whilst the licensing panel usually meets in public, it does have power to hear certain applications in private and to receive legal advice similarly. A decision is made publicly when the matter has been determined.

6.6.5 The licensing panel will determine each case on its individual merits whilst taking into consideration the legislation, the Secretary of State's guidance and the terms of this policy document. Where the licensing panel determines that it is necessary to attach conditions to a licence or certificate it will ensure that those conditions are focused on the direct impact of the activities taking place at the premises concerned. Such conditions will be proportionate to the activity to be controlled and will only be imposed in the interests of the licensing objectives.

6.6.6 The licensing authority will expect the applicant to have had due regard to the contents of this policy and the attached appendices that provide guidance only.

6.6.7 A decision of the licensing authority can be the subject of an appeal at the magistrates' court. As a consequence the licensing authority will record full reasons for any decision(s) made. The refusal of an application does not prevent a further application being made, but the licensing authority would expect the applicant to carefully consider the issues of concern before doing so.

6.7 APPLICATION FOR PERSONAL LICENCES

6.7.1 The Police have the right to object to a person applying for a personal licence if that person has a relevant unspent conviction as set out in the Rehabilitations of Offenders Act 1974 or subsequent legislation (at the time of application) or if they obtain a relevant conviction during the application period of their licence.

6.7.2 An individual may apply for a personal licence which will be valid for the life of that individual whether or not they have current employment or business interests associated with the use of the licence. Applications cannot be made in the name of a corporate body.

6.7.3 The licensing authority must grant a personal licence if the applicant:

- is aged 18 years or over
- is in possession of a relevant licensing qualification or is a person of a prescribed description
- has not forfeited a personal licence in the previous five years, beginning with the day the application was made
- has not been convicted of any relevant offence under Schedule 4 of the Act, or a foreign offence
- has paid the appropriate fee to the licensing authority.

6.7.4 Applicants with unspent criminal convictions for the relevant offences set out in the Licensing Act 2003 are encouraged to first discuss their intended application with the Police and licensing authority before making an application.

6.7.5 In order to substantiate whether or not an applicant has a conviction for an unspent relevant offence, applicants will be required to produce a Disclosure and Barring Service (DBS) Disclosure Check, with the application form.

6.7.6 The licensing authority and Police may arrange a joint interview with a prospective personal licence holder(s) to discuss the circumstances surrounding their conviction(s). Ultimately, the police may decide to object to the grant of the personal licence. In these circumstances, the applicant is entitled to a hearing before the licensing panel. The application will be refused, based on the Police's objection, if the licensing authority considers it appropriate for the crime prevention objective to do so.

6.7.7 The licensing authority will be the 'relevant licensing authority' for all personal licences issued regardless of the subsequent place of residence of the holder. It will maintain all notified changes of address on its database.

6.8 DESIGNATED PREMISES SUPERVISORS

6.8.1 The designated premises supervisor need not be physically on the premises at all times when there is a supply or sale of alcohol but the licensing authority expects that there will be an appropriate authorisation system in place in line with the Secretary of State's Guidance regarding the sale of alcohol at the licensed premises. The licensing authority expects that the designated premises supervisor be available and accessible when needed to deal with any issues that may arise at the premises. A valid contact number for the designated premises supervisor must be held by the licensing authority and the premises at all times.

6.8.2 Where a designated premises supervisor is to be newly specified, the premises licence holder will apply to the licensing authority (including an application for immediate effect) and show that the individual concerned consents to taking on this responsible role, and notify the Police of the application.

6.8.3 The Police are able to object to the designation of a new premises supervisor where in exceptional circumstances, they believe the appointment would undermine the crime prevention objective.

6.8.4 The Act provides that the applicant may apply for the individual to take up the post of designated premises supervisor immediately, and in such cases the issue would be whether the individual should be removed. The licensing panel considering the matter must confine their consideration to the issue of crime and disorder. They will give comprehensive reasons for their decision and either party would be entitled to appeal if their argument is rejected.

7.0 Enforcement

7.0.1 The licensing authority will work with the Police in enforcing licensing legislation. It expects the Police (subject to public interest immunity) to share relevant information about licensees and licensed premises under the Crime and Disorder Act 1998 and its common law powers, and to consult closely with the licensing authority when any enforcement action may be required. The councils have a joint information sharing protocol in place with the Police and other statutory agencies. These protocols provide for the sharing of information between parties to allow agencies to fulfil their statutory duties.

7.0.2 The Nightsafe partnership allows the representatives of relevant organisations to meet on a regular basis to discuss licensing matters related to the four licensing objectives.

7.0.3 The licensing authority recognises that balancing the interests of owners, employees, customers and neighbours of pubs, clubs and off-licences will not always be straightforward, but it will always have regard to the licensing objectives.

7.0.4 The licensing authority will promote 'good practice' in relation to the operation of licensed premises. It will work closely with stakeholders so as to achieve on-going improvements in standards over reasonable periods of time, in the belief that this is in the long term interests of owners, operators, employees, customers and neighbours alike.

7.0.5 In general, action is taken in accordance with agreed enforcement principles and in line with the enforcement policies of the licensing authority and all responsible authorities. The key principles of consistency, transparency and proportionality are acknowledged. Any government advice or requirement in relation to enforcement will be taken into account.

7.0.6 A graduated response is used where there is evidence of contravention of licensing legislation or licence conditions. Whilst an isolated or minor breach might be dealt with by way of an oral or written warning, more serious or persistent breaches on licensing conditions are likely to lead to prosecution and/or a review of the licence.

7.0.7 Where contraventions or concerns as to compliance with regulations enforced by other agencies are identified during enforcement activities, these matters will be reported to the relevant agency. Complaints against licensed premises, allegations of unlicensed activities, and the breach of licence conditions will be investigated by licensing officers

7.0.8 The licensing authority will refer to its enforcement policy when considering enforcement action.

7.0.9 Under the Licensing Act 2003 the licensing authority must suspend a premises licence or club premises certificate if the holder has failed to pay the authority the annual fee. This does not apply if the failure to pay the fee when it was due was because of administrative error or the holder informed the authority in writing at or before the fee was due that they were disputing liability.

7.0.10 The Anti-Social Behaviour, Crime and Policing Act 2014 permits a Police officer of rank Inspector or above or an officer acting on behalf of the council, to require the immediate closure, for a period of up to 24 hours, of any licensed premises if it is considered there has been or likely to soon be public nuisance or disorder. This may be extended to 48 hours in exceptional circumstances.

7.0.11 The licensing authority also recognises that there are other tools and powers at their, and their partner agencies', disposal. All powers are subject to change and amendments depending upon legislation currently enacted. More details can be made available on request to the licensing authority.

7.0.12 Other statutory requirements and opportunities for control, for example relating to planning, building regulations, fire safety, nuisance and health and safety, may apply to the provision of any regulated activities at a premises and the responsibility for compliance lies with the licence holder. Advice may be obtained from the appropriate enforcing authority or from the licensing authority's licensing officers.

7.1 INSPECTION OF LICENSED PREMISES

7.1.1 The licensing authority aim to inspect premises on a risk based approach to secure compliance with the Licensing Act and to promote the licensing objectives.

7.1.2 Authorised officers will have the discretion as to which premises require a 'during performance' inspection and the frequency when they are undertaken. Where appropriate, joint visits will take place encompassing a number of relevant agencies.

7.2 COMPLAINTS REGARDING LICENSED PREMISES

7.2.1 The licensing authority will investigate or refer to other relevant agencies/council services complaints received against licensed premises where appropriate. It is expected that the complainant's personal details and the nature of the issue(s) be provided from the outset. For certain matters the complainant may be encouraged to raise the issue of concern directly with the licensee.

7.3 REVIEWS

7.3.1 The Act sets out the arrangements to enable a review of a premises licence or club premises certificate where there is evidence that the licensing objectives are not being promoted. This arrangement will follow an application from a responsible authority or any other person. The process shall not be subject to abuse by disaffected parties. Matters for consideration must be relevant, and not vexatious, frivolous or repetitious.

7.3.2 Upon review of a premises licence, the licensing authority must, having regard to the application for review and any relevant representations, take such steps as it considers appropriate for the promotion of the licensing objectives. Such steps include the:

- modification of the conditions of the licence
- exclusion of a licensable activity from the scope of the licence
- removal of the designated premises supervisor
- suspension of the licence for a period not exceeding three months
- revocation of the licence.

8.0 Other licensing authority powers

8.1 CUMULATIVE IMPACT POLICY

8.1.1 In the Secretary of State's guidance on the Licensing Act 2003, 'Cumulative Impact' is defined as 'the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area'. The number, type and density of licensed premises within an area may be such as to give rise to serious problems of crime, disorder and/or public nuisance.

8.1.2 The locality within which licensed premises are, or may be, located is a major consideration in determining whether a licence should be granted and what conditions should be attached to it. Primary consideration will be given to the direct impact of the licensed activity on those living, working or enjoying the local environment.

8.1.3 Licensing law is not a mechanism for the general control of any anti-social behaviour being displayed by patrons once they have left the curtilage of the licensed premises. Other more specific legislation should be used. However when issues can be evidenced and linked to customers from a particular premise or area then the licensing authority may consider it relevant to the licensing framework.

8.1.4 In some areas there may be concentrated numbers of licensed premises that can lead to problems with the licensing objectives in the area itself or even some distance away. In such circumstances the impact of those premises when taken as a whole can be far greater than that arising from individual premises. It may not be possible to distinguish individual premises as being the sole cause, or even a major contributory factor to, a particular problem; it is the cumulative impact of all the premises that causes problems for a wider area.

8.1.5 All applications will be considered on their own merits, and no restriction of numbers will be imposed by this policy.

8.1.5 However the licensing authority may receive representations from a responsible authority or an interested party that the cumulative impact of the existing licensed premises or the granting of new licences will lead to an area becoming 'saturated' to the detriment of the locality because of impact on the licensing objectives over and above the impact of the individual premises. In these circumstances the licensing authority may consider that it needs to have a special policy in place.

8.2 LATE NIGHT LEVY

8.2.1 Following the introduction of the Police Reform and Social Responsibility Act 2011 the licensing authority may consider the introduction of a late night levy. The levy would relate to a late night supply period which begins at or after midnight and ends at or before 06:00. Any premises which are not subject to an exemption who supply alcohol during the supply period on any night of the year would be required to pay the late night levy, the level of which is based on rateable value. The late night levy will not be introduced without the required consultation as detailed in the legislation and accompanying guidance.

8.3 EARLY MORNING ALCOHOL RESTRICTION ORDER (EMRO)

8.3.1 Following the introduction of the Police Reform and Social Responsibility Act 2011, if the licensing authority considers it necessary for the promotion of the licensing objectives they can make an early morning alcohol restriction order.

8.3.2 An order would mean that any premises licence, club premises certificate or temporary event notice that authorises the sale of alcohol within the location and during the period specified in the order would not have effect. The period specified must begin no earlier than midnight and end no later than 06:00.

8.4 LATE NIGHT REFRESHMENT REGULATIONS

8.4.1 Following the introduction of the Licensing Act 2003 (Late Night Refreshment) Regulations 2015 the licensing authority may consider altering the requirement for licensing of late night refreshments based upon:

- location/area
- type of premises (from a prescribed list)
- hours of operation

9.0 Links to strategies and plans

9.0.1 The South and Vale Community Safety Partnership (CSP) is a statutory partnership, which includes a number of local agencies working together to maintain low levels of crime and antisocial behavior.

The current South and Vale Community Safety Plan is available at:

<http://www.whitehorsedc.gov.uk/services-and-advice/community-advice-and-support/community-safety-0>

<http://www.southoxon.gov.uk/services-and-advice/community-advice-and-support/community-safety>

10 Further advice and guidance

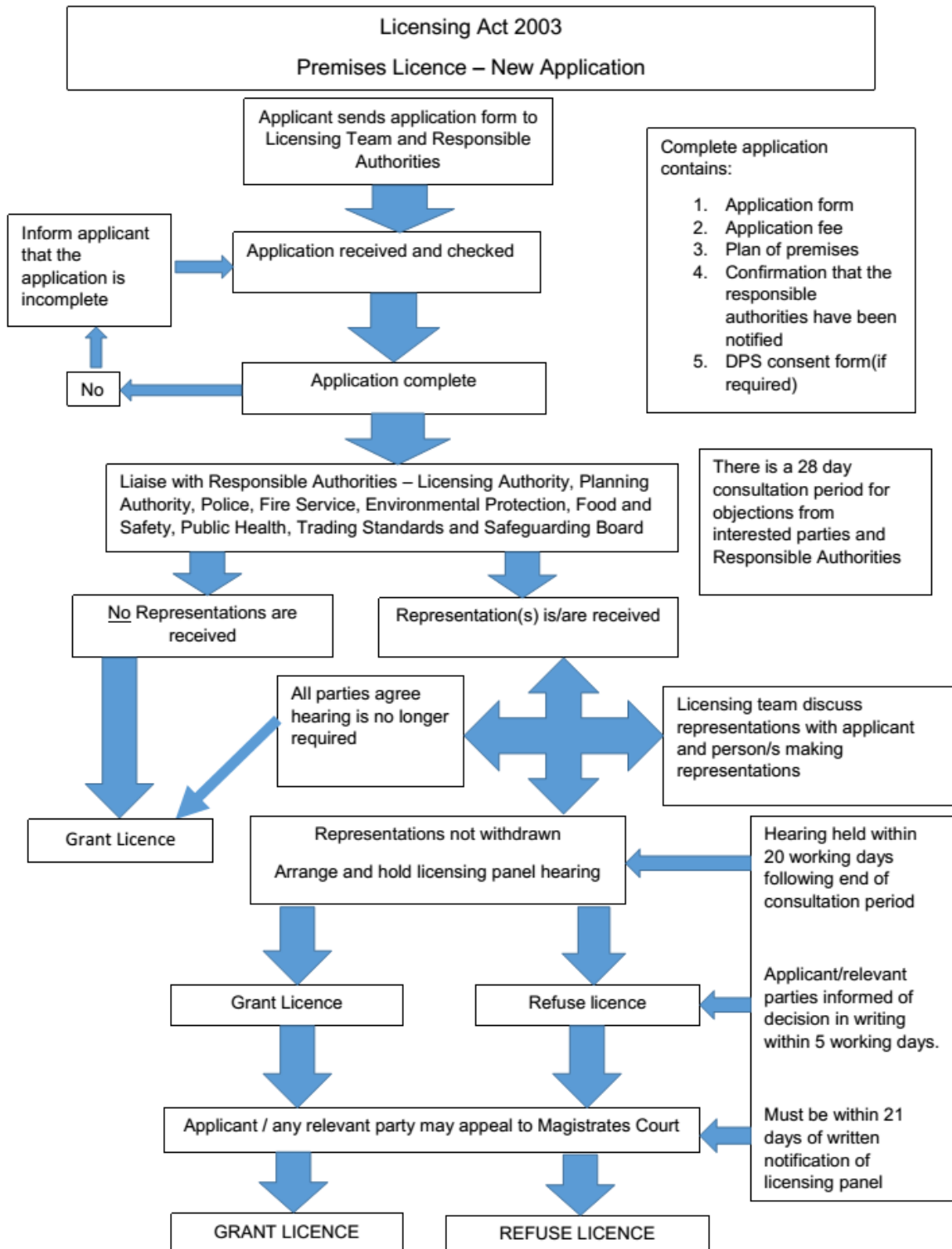
Can be obtained from the licensing team and on the licensing pages of the relevant council’s website.

<p>Licensing Team Vale of White Horse District Council 135 Milton Park, Milton, OX14 4SB Tel. 01235 540570</p> <p>E mail: licensing.unit@whitehorsedc.gov.uk</p> <p>Website: http://www.whitehorsedc.gov.uk/services-and-advice/business/licensing</p>	<p>Licensing Team South Oxfordshire District Council 135 Milton Park, Milton, OX14 4SB Tel: 01491 823209</p> <p>E mail: licensing@southoxon.gov.uk</p> <p>Website: http://www.southoxon.gov.uk/services-and-advice/business/licensing</p>
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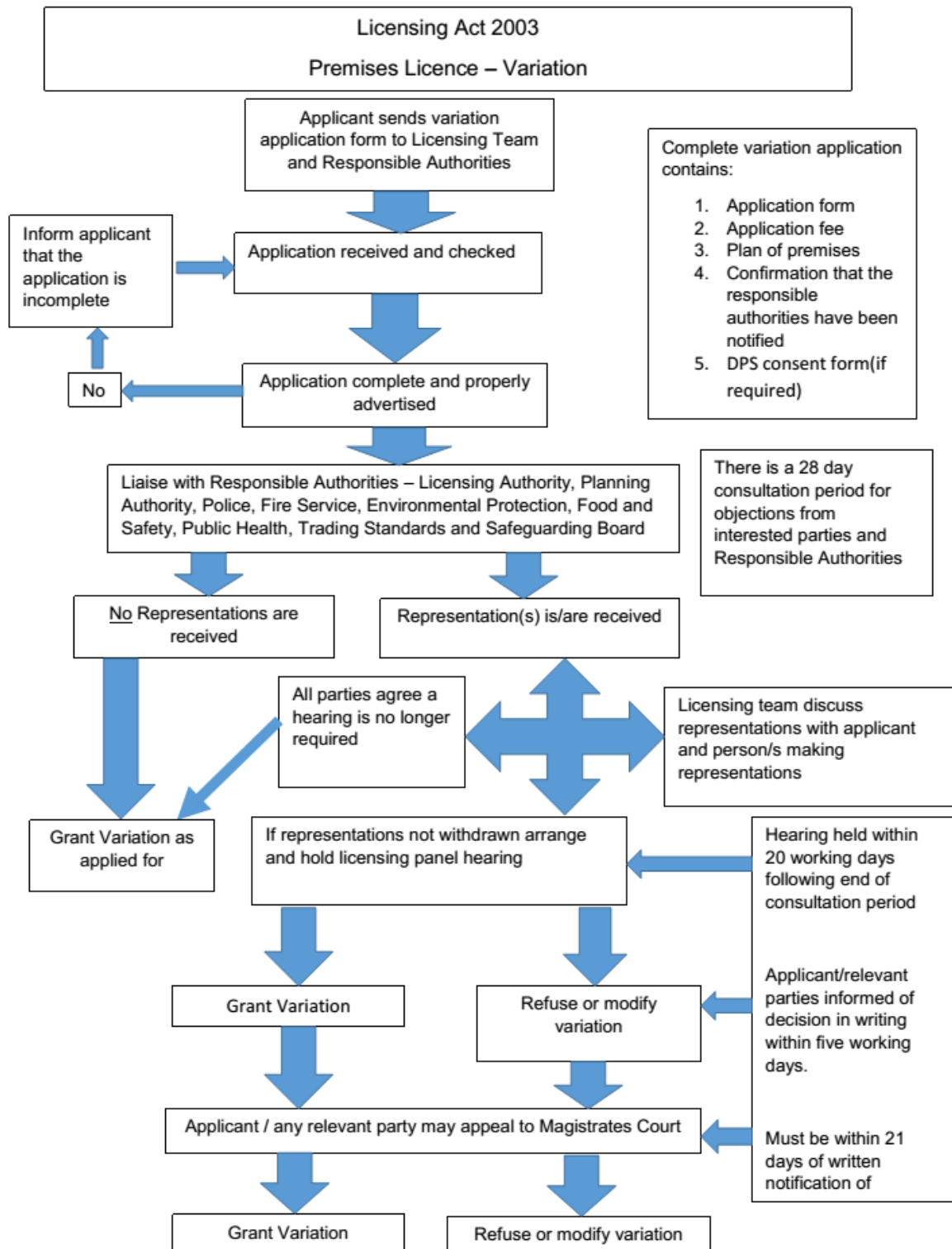
Government information on the Licensing Act 2003 and other relevant legislation is available on:

www.gov.uk

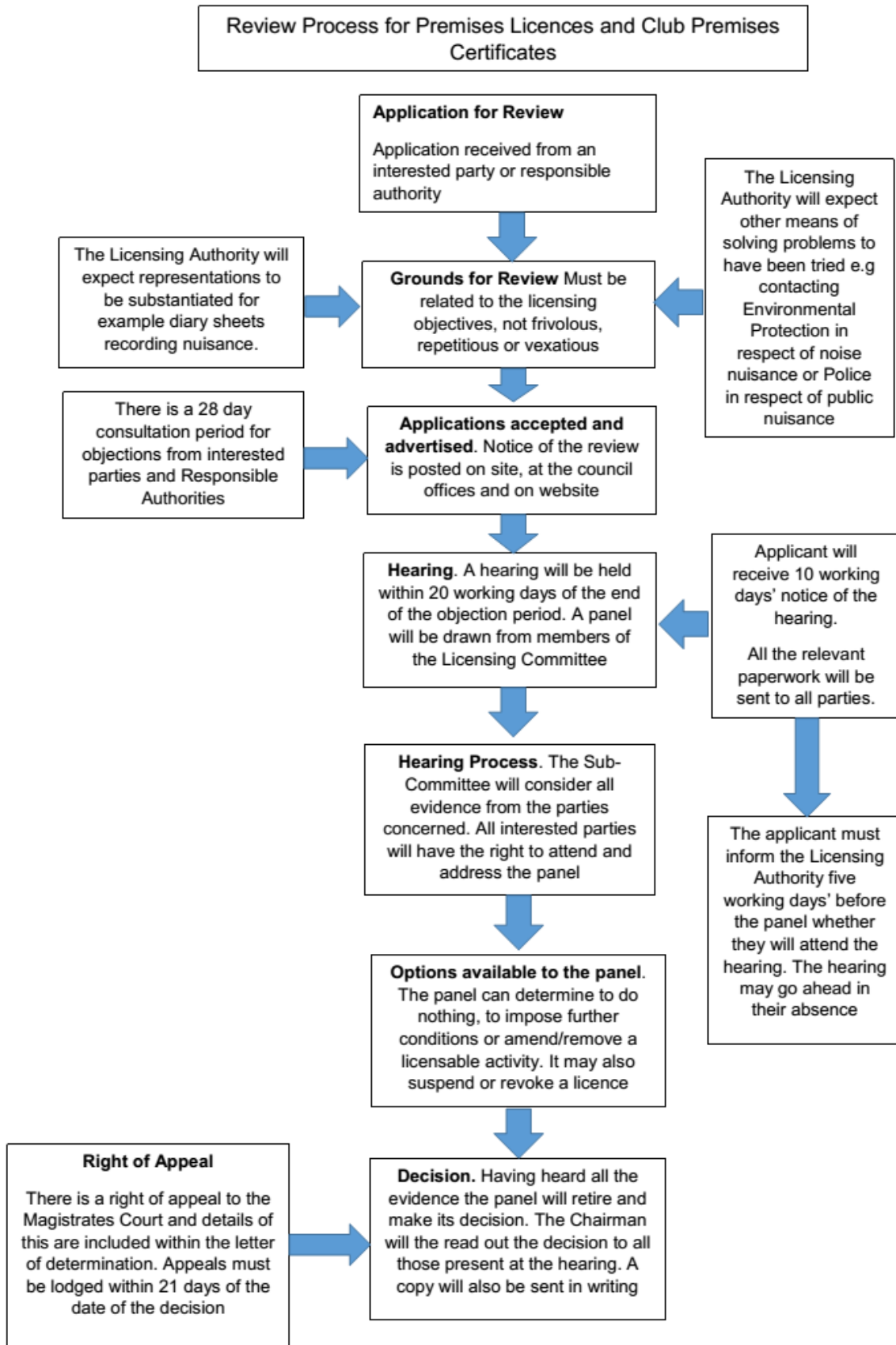
Appendix A



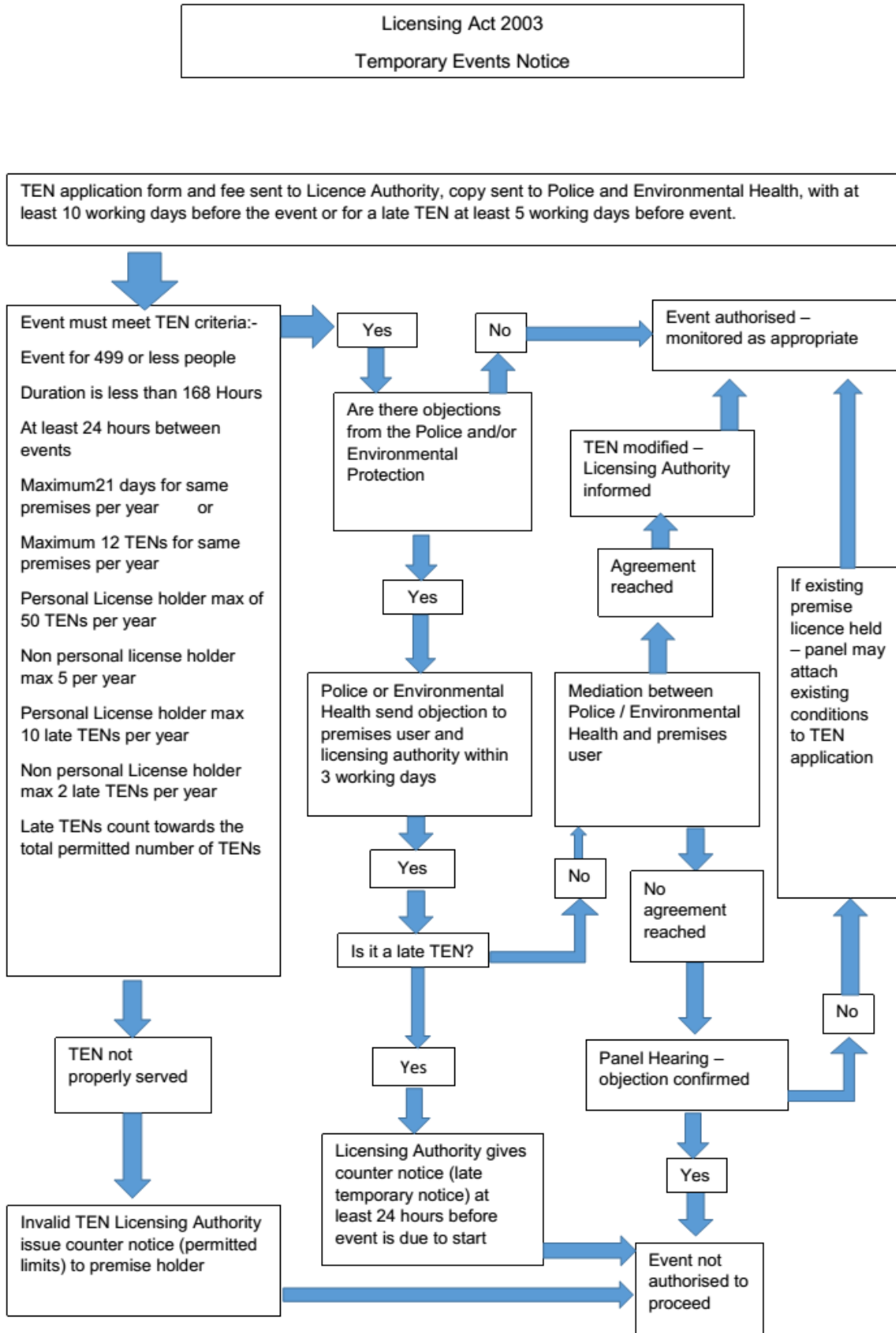
Appendix B



Appendix C



Appendix D



Licensing Acts Committee Report



Report of Head of Legal and Democratic Services

Author: Robert Draper

Telephone: 01235 540570

Textphone: 18001 01235 540570

E-mail: robert.draper@southandvale.gov.uk

Wards affected: All

To: Licensing Acts Committee

DATE: 24 November 2015

Joint Gambling Policy

Recommendations

The committee is recommended to consider the outcome of the consultation and recommend Cabinet to recommend Council to:

(i) adopt the proposed Joint Gambling Policy

(ii) authorise the Head of Legal and Democratic Services to make minor editorial changes to the Joint Gambling Policy.

(iii) authorise the Head of Legal and Democratic Services to publish the Joint Gambling Policy in accordance with the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006.

Purpose of Report

1. To consider the Joint Gambling Policy following the statutory consultation.

Strategic Objectives

2. The Joint Gambling Policy will further the council's role in improving public safety and promoting the economy. The policy will also ensure the council is meeting its statutory responsibilities.

Background

3. The gambling policy is subject to statutory review every three years. The Policy is due for review by 31 January 2016.

Proposed policy

4. There are only two significant changes to the gambling policy both of which will be legal requirements in 2016:
5. Local Area Profiles: this places a requirement on all local councils to publish information on their areas with regard to geography, population information and economic data. This information is there to allow operators of gambling businesses to complete risk assessments of their operations.
6. Operator Risk Assessments: all operators of gambling businesses must complete a risk assessment of their activities and operations on the local area within which they are based.

Consultation results

7. The consultation lasted four weeks from 28 September to 23 October 2015. It was a public consultation and went out to all councillors and responsible authorities as defined under the Gambling Act 2005.
8. There was one response to the consultation. This was from the Association of British Bookmakers (ABB) via their solicitors, Gosschalks. The letter is shown in appendix one to this report.
9. The overall response level was very low. The changes requested by the ABB are minor in nature but do provide some additional clarification without impacting upon the council's policy direction and aims.
10. The low level of consultation responses show that the policy can be recommended for adoption (appendix two to this report) subject to the identified responses and minor wording changes shown below which have been incorporated into the policy at appendix two.
11. In Section 2.6.1; add a reference to nuisance as an irrelevant issue: The councils can only make decisions based on the licensing objectives and not for unrelated moral, ethical or business reasons, for example, a general dislike of gambling, *nuisance* or expected demand.
12. In Section 2.7 we do not propose to contain the local area profile in the statement of policy. There is no requirement to do so and it would mean that we would have to consult if we wished to change the profile in the future.
13. In Section 2.8.2; replace the word 'promote' with 'support': The councils expect applicants to show that they have policies and procedures in place to *support* the licensing objectives, for example; exactly how they intend to ensure that children cannot gamble in their premises. Applicants are required to consider the following steps in promoting all three objectives.
14. In Section 2.84 – The paragraph has been amended to remove the unnecessary reference to paragraph 2.5.2.
15. In section 4.4.2; add the following wording to clarify the council's powers under the Act. *Conditions will only be imposed to address specific risks under the licensing objectives. Any conditions imposed by the councils will be proportionate to the circumstances that*

they are seeking to address. In particular, the councils will ensure that premises licence conditions:

Gambling policy adoption process

16. It is the role of the Cabinet to recommend to Council to adopt the gambling policy. This committee is asked to recommend to Cabinet to recommend to Council to adopt the policy and authorise the Head of Legal and Democratic Services to make minor editorial changes and to publish the policy as required by the regulations.

Implementation

17. Once the Council has adopted a new gambling policy it must publish a notice of intention to adopt the new policy four weeks before the new policy comes into force. The policy will be due for renewal on 31 January 2019.

Financial Implications

18. There are no financial implications arising from the adoption of the proposed policy.

Legal Implications

19. The joint policy has been drafted to reflect current legislative requirements and guidance. All applications for licences and permits under the Gambling Act 2005 have to be made and determined in accordance with the council's gambling policy.

Risks

20. Failure to reflect the requirements of the Gambling Act 2005 and associated regulations could result in the councils not complying with the legislation. Having a clear policy helps to ensure that licensing decisions comply with the legislation and are made fairly and consistently.

Conclusion

16. The committee is recommended to consider the outcome of the consultation and recommend Cabinet to recommend Council to:

(i) adopt the proposed Joint Gambling Policy

(ii) authorise the Head of Legal and Democratic Services to make minor editorial changes to the Joint Gambling Policy.

(iii) authorise the Head of Legal and Democratic Services to publish the Joint Gambling Policy in accordance with the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006.

Background Papers

none

APPENDIX 1



GOSSCHALKS
SOLICITORS

South Oxfordshire District Council
Planning Department
135 Eastern Avenue
Milton Park
Milton
Abingdon
OX14 4SB

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / JULIEGA /
097505.00004
#GS418529
Your ref:
Date: 13 October 2015

Dear Sirs,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The ABB represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

This response will explain the ABB approach to partnership working with local authorities, it will detail its views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime and will then make specific comment with regard to any statement(s) of concern/that are welcomed in your draft policy.

The ABB is concerned to ensure that any changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle contained within s153 Gambling Act 2005.

The current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.

It is important that any consideration of the draft policy and its implementation at a local level is put into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling rates. This is factually incorrect.

Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

As far as problem gambling is concerned, successive prevalence surveys and health surveys reveal that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and we welcome the opportunity to respond to this consultation.

There are a number of examples of the ABB working closely and successfully in partnership with local authorities.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA). This was developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms and established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *“...desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be.”*

The framework built on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.

In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows

anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.

Lessons learnt from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth & Regulation, said:

"The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."

Describing the project, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said:

"This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.

By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

With effect from 6th April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.

Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.

The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to uphold the three licensing objectives.

Although ABB members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to their own operational processes informed by Statements of Principles and the local area profile.

The ABB supports the requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

Local Area Profiles – Need for an evidence based approach

It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.

This would distort the "aim to permit" principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it

will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

Concerns around increases in the regulatory burden on operators

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.

Employing additional licence conditions

The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.

This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

Specific Policy Comments

The draft statement of principles recognises at paragraph 2.6.1 that moral, ethical or business reasons, a general dislike of gambling or unexpected demand are not criteria for the licensing authority when considering Gambling Act 2005 applications. It is respectfully submitted that this paragraph be expanded to state that issues of nuisance and the likelihood of the grant of planning permission or building regulation approval are not issues that can be taken into account when considering an application for a premises license.

Paragraph 2.7 deals with the local area profile and operator risk assessment. It would assist the statement of principles if the requirements for operator risk assessments and the local area profile were contained within the draft statement of policy and were the subject of

consultation. It is important that when prescribing matters to be taken into account, only matters relevant to the licensing objectives should be considered.

Paragraph 2.8.2 includes references to promote/promoting the licensing objectives. The draft statement of policy needs to be clear that under Gambling Act 2005, the licensing authority is required to “have regard” to the licensing objectives and applications/operations need to be “reasonably consistent” with the licensing objectives. The only body upon whom Gambling Act 2005 confers a duty to promote the licensing objective is the Gambling Commission. The draft statement of policy needs to be amended to reflect this.

Paragraph 2.8.4 indicates that an application will not be refused due to concerns about the licensing objectives. The draft statement of licensing policy needs to be clear that the overriding principle of “aim to permit” will be followed by the licensing authority and where there is evidence of a risk to the licensing objectives then the first issue for a licensing committee is to determine whether or not that risk can be mitigated by the imposition of additional conditions.

Paragraph 4.4 deals with conditions. The statement of licensing policy should be clear that the starting point for consideration of any application is that it will be granted only subject only to the mandatory and default conditions. Additional conditions will only be considered where there is evidence of a risk to the licensing objectives in a particular case that the mandatory and default conditions needed to be supplemented. Once again, the policy should be clear that the imposition of conditions will only follow evidence of a risk to the licensing objectives rather than mere concerns/perceived need.

Conclusion

The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.

Yours faithfully,

GOSSCHALKS

APPENDIX 2



Statement of Principles

Gambling Act 2005

Joint statement of licensing policy

This policy was adopted by the Vale of White Horse District Council at the meeting of Council on 16 December 2015 and South Oxfordshire District Council at the meeting of Council on 17 December 2015 and comes into force from 31 January 2016 and will be reviewed by 31 January 2019.

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GLOSSARY

Adult gaming centres

Adult gaming centres (AGCs) are a category of gambling premises contained within the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Gaming Commission and must seek a premises licence from the licensing authority. The holder of an adult gaming centre premises licence may make available for use up to four category B3 or B4 machines, any number of category C or D machines.

Amusement arcades

These are not referred to as such in the Act. See adult gaming centres and licensed and unlicensed family entertainment centres.

Betting

Betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true.

Bingo

Bingo has no statutory definition in the Act. It has its ordinary and natural meaning. The distinction between cash bingo, where cash prizes are derived from the stakes, and prize bingo, where prizes were not directly related to the stakes paid, under the previous legislation has been removed for commercial operators, and the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize.

That means that premises with a bingo premises licence, or a casino premises licence (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms. So too will alcohol-licensed premises, club and miners' welfare institutes (up to a total weekly prize value of less than £2,000).

Prize bingo is traditionally played in arcades, or travelling funfairs. For these operators, prize bingo is subsumed within the allowances for prize gaming in the Act. This means that adult gaming centres, both licensed and unlicensed family entertainment centres, travelling fairs, and any premises with a prize gaming permit will be able to offer prize gaming, which includes prize bingo.

Casino

A location where people can participate in one or more casino games.

Casino games

Games of chance not being equal chance gaming. i.e. games in which players stake against a "bank".

Councils

The licensing authorities. Vale of White Horse District Council in its capacity as the licensing authority for the area of Vale of White Horse and South Oxfordshire District Council in its capacity as the licensing authority for the area of South Oxfordshire.

Equal chance gaming

This is a game where the chances of winning are equally favourable to all participants, and which does not involve playing or staking against a “bank”. It is immaterial how the “bank” is described and whether or not it is controlled by a player.

Exempt activities

Private betting is betting which takes place between inhabitants of the same premises or between employees of the same employer.

Private gaming (which is gaming that takes place in private dwellings and on domestic occasions) is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access.

Non commercial gambling is when no part of the proceeds/profits will be for private gain. The proceeds/profits are the sums raised by the organisers, for example, by way of fees for entrance or participation, or by way of stakes, minus an amount deducted by the organiser in respect of costs reasonably incurred in organising the event including the provision of a prize. The following conditions would also have to apply:

- the profits will be for a purpose other than that for private gain
- the players are informed that the purpose of the gaming is to raise money for a specified purpose other than that of private gain
- the event must not take place in premises which either have a premises licence or on premises relying on a temporary use notice under the Act
- the gaming must not be remote.

Any regulations made by the Secretary of State will need to be complied with and will include for example regulations limiting the amounts staked and limiting participation fees. If the profits from the activity are used for a purpose other than that which was specified, an offence would be committed.

Gambling

Gambling is defined as: gaming, betting or participating in a lottery.

Games of chance

This covers games that involve both chance and skill. This includes games in which skill can eliminate an element of chance and includes games that are presented as involving an element of chance. It does not include a sport. Playing a game of chance need not involve other participants.

Gaming

Gaming means playing a game of chance for a prize.

Guidance

The Gambling Commission under section 25 of the Act is required to issue guidance on the manner in which local authorities are to exercise their functions under the Act, in particular, the principles to be applied by local authorities in exercising their functions under the Act.

Interested parties

Interested parties are defined under section 158 of the Act. To accept a representation from an interested party, the council must take the view that the person:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities
- has business interests that might be affected by the authorised activities
- represents persons in either of these groups.

Interested parties can also be a councillor or an MP.

Licensed family entertainment centres

These premises require operating licences from the Gambling Commission. They will be able to offer gaming machines in categories C and D. Gaming machines are a form of gambling which is attractive to children and Licensed Family Entertainment Centres may contain machines of the Category D machines on which they are allowed to play as well as category C which they are not permitted to play on.

Lottery

A 'lottery' is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

Operators

Individuals or companies who provide facilities for gambling

Operating licence

The Act requires that individuals or companies who intend to provide facilities for certain types of gambling must obtain an operating licence from the Gambling Commission. In general, these licences cover the principal commercial forms of gambling operation. Operating licences may be issued for the following forms of gambling a:

- casino operating licence
- bingo operating licence
- general betting operating licence
- pool betting operating licence
- betting intermediary operating licence
- gaming machine general operating licence (for an adult gaming centre)
- gaming machine general operating licence (for a family entertainment centre)
- gaming machine technical operating licence (to manufacture, supply, install, adapt, maintain or repair a gaming machine or part of a gaming machine)
- gambling software operating licence (to manufacture, supply, install or adapt gambling software)
- lottery operating licence.

Premises licence

A premises licence issued by a licensing authority authorises the provision of facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres.

Representations

In dealing with applications the council is obliged to consider representations from two categories of person, referred to in the Act as interested parties and responsible authorities.

Tracks

A track is any premises where a race or sporting event may take place. Facilities for betting on tracks may be permitted by a track premises licence, a temporary use notice or an occasional use notice.

Unlicensed family entertainment centres

These premises can provide category D machines providing prizes of up to £5 cash or £8 in goods. Stakes are limited to 10p (or 30p for a goods prize). They can also offer prize bingo.

1.0 INTRODUCTION

1.1 Scope

1.1.1 Gambling activities are regulated by the Gambling Act 2005 ('the Act'). Vale of White Horse and South Oxfordshire District Councils are licensing authorities for the purposes of the Act. This 'Statement of Principles' ('policy') covers the districts of the Vale of White Horse District Council and South Oxfordshire District Council ('the councils'). The Act requires the councils to produce a statement of principles concerning their duties under the Act every three years.

1.1.2 The Act gives the councils various regulatory functions in relation to gambling. The councils' main functions under the Act are:

- licensing premises for gambling activities
- considering notices given for the temporary use of premises for gambling
- granting permits for gaming and gaming machines in clubs and miners' welfare institutes
- regulating gaming and gaming machines in alcohol licensed premises
- granting permits to family entertainment centres (FECs) for the use of certain lower stake gaming machines
- granting permits for prize gaming
- considering occasional use notices for betting at tracks
- registering small societies' lotteries
- maintaining a register of premises licences (for casinos, bingo halls, adult gaming centres, family entertainment centres, betting shops and race tracks).

There is an obligation on the councils to provide information annually to the Gambling Commission to include details of licences, permits and registrations issued.

The councils maintain statutory registers of premises licensed under the Act. The registers can be viewed on the relevant council's website or by prior request at the relevant council office.

2.0 BACKGROUND

2.1 Purpose of policy

It is expected that the councils regulate gambling in the public interest. The purpose of this policy is to ensure the councils' compliance with the Act, to protect the health and welfare of the general public and to assist businesses

by ensuring they are aware of the councils' requirements and the way in which the councils carry out their regulatory functions.

2.2 Persons consulted

The following bodies/persons were consulted on this policy and their views taken into consideration:

- the Chief Constable of Thames Valley Police
- businesses and individuals in the councils' areas who held a premises licence granted under the Act at the time consultation commenced
- one or more persons who appeared 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. A full list of consultees is attached at Annex 2.

2.3 Declaration

This policy has been produced with due regard to the licensing objectives, the Gambling Commission's 'Guidance to Licensing Authorities 4th edition' and the responses received as part of the consultation process. The consultation ran for a four week period from 28 September 2015. The policy will be in force for no longer than three years and it may be reviewed and amended at any time within the three year period. The policy does not override the right of any person to make an application, make representations about an application or apply for a review of a licence. Each application and representation will be considered on its own merits and in accordance with the Act. The policy has been agreed taking into account the Human Rights Act 1998 and the councils will consider the need to balance the legislation and the principles contained within the policy with the human rights of all parties, be they licence holders, applicants or interested parties.

2.4 Responsible authorities

2.4.1 Under the Act responsible authorities are public bodies who must be notified of applications and who are entitled to make representations to the licensing authority in relation to applications for and in relation to, premises licences. The responsible authorities for both councils are:

- the licensing authority
- the Gambling Commission
- the Chief Constable of Thames Valley Police
- Oxfordshire Fire and Rescue Service
- the planning authority (within the relevant council)

- the local town council, parish council or parish meeting
- the environmental protection team (of the relevant council)
- a body designated in writing by the licensing authority as competent to advise about the protection of children from harm (see 2.4.3)
- HM Revenue & Customs
- any other persons prescribed in regulations by the Secretary of State.

Contact details for the above authorities are included at Annex 2

2.4.2 In the event that the premises are a vessel, the following bodies are also responsible authorities:

- the Environment Agency
- the British Waterways Board
- the Secretary of State for Transport (who acts through the Maritime and Coastguard Agency)

2.4.3 In exercising the councils' powers under section 157(h) of the Act to designate a body competent to advise them about the protection of children from harm the following principles have been applied:

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

Having regard to the above principles, the councils have designated the Oxfordshire Safeguarding Children Board at Oxfordshire County Council for this purpose.

2.5 Interested Parties

2.5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. The Act defines interested parties as persons or bodies who, in the opinion of the licensing authority:

- (a) live sufficiently close to the premises to be likely to be affected by the authorised activities;
- (b) have business interests that might be affected by the authorised activities; or
- (c) represent persons who satisfy (a) or (b) (see 2.5.4)

2.5.2 Whether or not a person is an interested party is a decision that will be taken by the relevant council on a case-by-case basis, judging each case on its merits. However, the following factors will be taken into account:

- the size of the premises (for example, larger premises may affect people over a wider geographical area)
- the nature of the activities planned or already taking place
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment)
- the circumstances of the complainant (which may be relevant to the distance from the premises, for example, it could be reasonable for an authority to conclude that 'sufficiently close to be likely to be affected' could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults
- the catchment area of the premises (i.e. how far people travel to visit); and whether the person making the representation has business interests in that catchment area, that might be affected (this is particularly relevant when representations are made by another gambling business who state their business interests may be affected, however whether or not there is demand for the premises shall not be taken into account).

2.5.3 This list is not exhaustive and other factors may be taken into consideration if the councils deem it necessary.

2.5.4 The councils considers the following people / bodies to fall within the category of those who represent persons living close to premises, or having business interests that might be affected by the authorised activities:-

- trade associations
- residents' and tenants' associations
- district, county, town and parish councillors
- MPs
- school head-teachers
- community groups
- charities
- faith groups
- medical practices
- bodies that exist to help people with gambling addictions such as GamCare or Gamblers Anonymous.

- 2.5.5 In other cases, the councils shall require written evidence that the person / association / body represent an interested party.

2.6 Licensing objectives

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

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

The councils will aim to permit the use of premises for gambling as required by section 153 of the Act.

- 2.6.1 The councils can only make decisions based on the licensing objectives and not for unrelated moral, ethical or business reasons, for example, a general dislike of gambling, nuisance or expected demand.

2.7 Local area profile and operator risk assessments

- 2.7.1 The Councils will maintain a local area profile (LAP) containing information on the makeup of their area and any actual or potential risks from gambling premises that the councils have identified by observation, data or consultation.

- 2.7.2 The local area profiles will be made available to operators to develop their risk assessments as required from April 2016 under the revised code of practice published by the Gambling Commission.

- 2.7.3 Operators will be required to submit their risk assessments along with any applications for new premises licences, variations to existing licences or on request for any existing premises.

- 2.7.4 Operators will be made aware of any significant changes in the local area profile during the life of this policy so that their risk assessments can be updated.

2.8 Decision making and delegation of powers

- 2.8.1 All applications for the grant or review of a licence or permit will be considered on their own merits. The Act makes it clear that neither issues of demand for a premises nor compliance with planning or building regulations are to be considered when councils make decisions about applications. With regard to

premises licences, the councils will consider all applications in accordance with the principles contained in section 153 of the Act. Responsible Authorities and Interested Parties may only make representations relevant to the licensing objectives listed at paragraph 2.6. For clarification, these are different to the licensing objectives of the Licensing Act 2003.

2.8.2 The councils expect applicants to show that they have policies and procedures in place to support the licensing objectives, for example; exactly how they intend to ensure that children cannot gamble in their premises. Applicants are required to consider the following steps in promoting all three objectives:

- proof of age schemes
- Closed Circuit Television (CCTV)
- supervision of entrances / gambling areas
- physical separation of areas (for example when gaming machines are provided in pubs where children are permitted or in gaming centres where children may be permitted to play on some but not all of the machines)
- location of and entry to premises
- notices / signage
- training for staff on challenging persons suspected of being under-age
- training for staff on how to recognise someone with or developing a gambling addiction and what action to take
- training for staff on the types of crime that may occur as part of gambling and what action to take
- specific opening hours (for example if the premises are sited near a school or job centre)
- self-barring schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare.

2.8.3 From 1 April 2016 any new applicant will be required to submit a risk assessment for their premises

2.8.4 The councils will not automatically refuse an application for the grant of a licence because a responsible authority or interested party has concerns relating to one of the licensing objectives, they will take into account any measures the applicant may offer to put into place to overcome the concerns.

2.8.5 The Act defines at what level decisions may be made within councils – see Annex 3. Where representations have been received and remain un-resolved to the satisfaction of all parties, a Licensing Acts Panel will hold a hearing to decide whether a licence, statement or club gaming permit will be granted.

2.8.6 Guidance on making applications for licences or permits, to make representations regarding application or to request a review can be found on the relevant council website or by contacting the licensing team.

2.9 Reviews of Premises Licences

- 2.9.1 Section 197 of the Act provides that an application for a review of a premises licence may be made by a responsible authority or interested party. There are regulations governing reviews (The Gambling Act 2005 (Premises Licences) (Review) Regulations 2007) which state that the person applying for the licence to be reviewed must do so in writing using a prescribed form, stating the reasons why a review is being requested and submitting it to the relevant council with any supporting documents. They must then send the same information to all (other) responsible authorities within seven days. Failure to do this will mean that the review process is halted until the documents are received by all parties.
- 2.9.2 The relevant council must grant the application for a review unless it thinks the grounds on which it is sought:
- are not relevant to this policy, or any guidance or codes of practice issued by the Gambling Commission, or the licensing objectives
 - are frivolous
 - are vexatious
 - 'will certainly not' cause the council to revoke or suspend a licence or to remove, amend or attach conditions to the premises licence
 - are substantially the same as the grounds cited in a previous application or substantially the same as representations made at the time the licence was granted, depending on how much time has passed (the licence should not be reviewed based on the same arguments that have already been considered by the relevant council).
- 2.9.3 Within seven days of receiving the application to review a premises licence, the relevant council will publish notice of the application in accordance with the regulations mentioned in paragraph 2.9.1.
- 2.9.4 Representations in response to the application must be made within the 28 days which follow publication of the notice and the relevant council must carry out the review as soon as possible after the 28 days has ended.
- 2.9.5 If the relevant council deems action is justified, its options are to:
- add, remove or amend a licence condition imposed by the relevant council
 - exclude a default condition imposed by the Secretary of State (relating to for example, opening hours) or remove or amend such an exclusion
 - suspend the premises licence for a period not exceeding three months

- revoke the premises licence.

2.9.6 The relevant council will notify the licence holder, the applicant for the review, any person who made representations, the Gambling Commission, the Chief Constable of Thames Valley Police and HM Revenue and Customs of the outcome of the review as soon as possible.

2.10 Appeals against a decision of the councils

2.10.1 The Act details the process for appeals against the councils' decisions in regards to licences, permits, provisional statements and temporary use notices. In all cases appeals are to the local Magistrates' Court within 21 days of the appellant's receipt of the councils' decision.

2.10.2 Any party may apply for a judicial review if they believe that a decision taken by the relevant council is:

- beyond the powers available to it
- subject to procedural impropriety or unfairness
- irrational (a decision so unreasonable no sensible person could have reached it).

2.11 Enforcement

2.11.1 The councils seek to secure compliance with the law in a variety of ways. Most contact with individuals and businesses is informal; providing advice and assistance over the telephone, during visits and in writing. Formal measures will include warnings, licence reviews and prosecution. The objective of these measures will be to ensure compliance with the licensing objectives including any general or specific licence conditions.

2.11.2 Part 15 of the Act details inspections that may be made to check for compliance with the Act. The councils will adopt a risk-based approach to the inspection of gambling premises which will be operated in conjunction with the councils' current enforcement policy. This will allow for the targeting of high-risk premises or those where a breach would have serious consequences. Premises that are low risk and / or well run will be subject to a less frequent inspection regime.

2.11.3 Section 346 of the Act gives the councils the power to instigate criminal proceedings in respect of the offences specified in that section. The councils will ensure that enforcement is carried out in a fair and consistent manner in accordance the councils' enforcement policy.

- 2.11.4 The councils will endeavour to work with, and avoid duplication with, other regulatory regimes so far as possible.
- 2.11.5 Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the councils but will be referred to the Gambling Commission.

2.12 Exchange of information

- 2.12.1 The councils regard the lawful and correct treatment of information as important to the successful and efficient performance of their functions, and to maintain the confidence of the people / bodies they deal with. The councils will ensure that information is kept and shared lawfully and correctly.
- 2.12.2 The councils may share information in accordance with the following provisions of the Act:-
- sections 29 and 30 (with respect to information shared between the councils and the Gambling Commission)
 - section 350 (with respect to information shared between the councils and the other persons listed in Schedule 6 to the Act)
- 2.12.3 The purpose of information exchange is not only to fulfil the requirements under the Act, but also to enable both the Gambling Commission and the councils to carry out work related to their regulatory functions in a risk-based manner, using the best available information.
- 2.12.4 In the exercise of the above functions, consideration shall also be given to the common law duty of confidence, the law relating to defamation, the guidance issued by the Gambling Commission and to the councils' policies in relation to data protection and freedom of information.
- 2.12.5 Any information sharing between the councils and Thames Valley Police must also be carried out in accordance with the information sharing protocol under the Oxfordshire memorandum of understanding.
- 2.12.6 Any person wishing to obtain further information about their rights under the Data Protection Act 1998 or the Freedom of Information Act 2000 may view the councils' policies at www.whitehorsedc.gov.uk or www.southoxon.gov.uk or alternatively members of the public and businesses can also access information and advice regarding licensing by obtaining independent legal advice or contacting the following bodies:
- Local Government Regulation (formerly LACORS)
www.local.gov.uk
 - DCMS (Department for Culture, Media and Sport)
www.culture.gov.uk

- Citizens Advice Bureau
www.citizensadvice.org.uk

2.13 Application procedure

Applications for family entertainment centres, prize gaming and licensed premises gaming machine permits are to be made on the relevant council's forms available at either

www.whitehorsedc.gov.uk/services-and-advice/business/licensing/gambling

or

www.southoxon.gov.uk/services-and-advice/business/licensing/gambling

For all other types of licences and permits, the standard forms are available from the Gambling Commission at:

<http://www.gamblingcommission.gov.uk/Licensing-authorities/Information-for-licensing-authorities/DCMS-LA-forms/DCMS-Licensing-authority-forms.aspx>

Applicants must ensure that they are aware of what should accompany each application (for example a plan of the premises). Each of the websites mentioned details these requirements.

2.14 Fees

Maximum licence fees are set by the government; however each council sets its own fees up to these maximums. Fees set by the councils are subject to annual review. A list of current fees to accompany the different licence / permit applications can be found by accessing the councils' websites at either:

www.whitehorsedc.gov.uk/services-and-advice/business/licensing/gambling

or

<http://www.southoxon.gov.uk/services-and-advice/business/licensing/gambling>

3. PERMITS

Please refer to www.gamblingcommission.gov.uk for the latest details on machine categories including maximum stakes and pay-outs permitted and the entitlement of certain premises to certain categories and numbers of machines. A list of entitlements as at January 2014 is included at Annex

The councils will expect applicants to be able to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permitted in their premises and that staff are trained to have a full understanding of them also.

The holder of a permit must comply with any code of practice issued by the Gambling Commission about the location and operation of any machine(s).

3.1 Unlicensed family entertainment centre gaming machine permits (FECs)

- 3.1.1 Unlicensed FECs are able to offer category D machines if granted a permit by the relevant council. If an operator of a family entertainment centre wishes to make category C machines available in addition to category D machines, they will need to apply for an operating licence from the Gambling Commission and a premises licence from the relevant council.
- 3.1.2 The councils can grant or refuse an application for an FEC permit, but cannot attach conditions.
- 3.1.3 As unlicensed family entertainment centres appeal to children and young persons, the councils expect applicants to pay particular attention to the example measures detailed in paragraph 2.8.2.
- 3.1.4 In considering the protection of children, the councils will expect the applicant to show not only how they intend to protect children from gambling but also that they have taken into account wider child protection considerations in their policies and procedures. The efficacy of such policies and procedures will each be considered on their merits.
- 3.1.5 The councils will not grant a permit for unlicensed family entertainment centres if the applicant has a relevant conviction (as set out in Schedule 7 to the Act). Applicants will be required to undergo an enhanced Disclosure and Barring Service (DBS) check.

3.2 (Alcohol) licensed premises gaming machine permits

The Gambling Commission has published a number of useful leaflets and guidance about gaming machines and other types of gambling specifically to provide information to premises authorised to sell alcohol. These can be found at: http://www.gamblingcommission.gov.uk/publications_guidance_advic.aspx

- 3.2.1 Premises licensed to sell alcohol for consumption on the premises are automatically entitled to two gaming machine permits, of categories C and/or D. The holder of the premises licence authorising the sale of alcohol will simply need to notify the council and pay the prescribed fee.
- 3.2.2 The councils can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
 - gaming has taken place on the premises that breaches a condition of section 282 of the Act

- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

3.2.3 If the holder of the premises licence wishes to have more than two machines in the premises, they will need to apply for a permit.

3.2.4 As there may be children in some alcohol licensed premises, the councils expect applicants to pay particular attention to the example measures detailed in paragraph 2.8.2. in order to protect the children.

3.2.5 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for and dealt with under the Gambling Act, not the Licensing Act.

3.2.6 The councils can decide to grant the application with a smaller number of machines and / or a different category of machines than that applied for, however conditions cannot be attached to the permit.

3.3 Club gaming and club machine permits

3.3.1 The numbers and categories of machine permitted are different to non-clubs. Please refer to www.gamblingcommission.gov.uk for the latest maximum stakes and pay-outs permitted for each machine category and numbers of machine(s) permitted.

3.3.2 The councils may grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits which authorise the establishments to provide gaming machines, equal chance gaming and games of chance.

3.3.3 If a members' club or a miners' welfare institute does not wish to have the full range of facilities permitted by a club gaming permit, they may apply to the councils for a club machine permit under section 273 of the Act.

3.3.4 To qualify, members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. Bridge and whist clubs will be permitted, replicating the previous position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion, sports and social clubs and clubs with political affiliations.

3.3.5 The councils must satisfy themselves that the club genuinely meets the requirements of the Act to obtain a club gaming permit and therefore may ask for supporting documents. The following is a list of matters that will be considered:

- the procedures for guests accepted into the club

- how the club is advertised
- the running of the club, for example committee meetings, financial accounts and election of committee members.

This list is not exhaustive and the councils may ask for any documents they feel are necessary in determining whether or not a club is genuine, even if it has already been granted a club premises certificate under the Licensing Act 2003.

3.3.6 An application may only be refused on one or more of the following grounds:

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

3.3.7 Under section 72 of the Act, there is a 'fast-track' procedure available for clubs which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the police and the grounds upon which a council can refuse a permit are reduced.

3.3.8 The grounds on which an application under the fast track procedure may be refused are:

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

3.3.9 The councils may grant or refuse an application for a club gaming or club machine permit but cannot attach any conditions to it. However there are a number of conditions in the Act that the holder must comply with. These are contained in the Gaming Machine Permits Code of Practice issued by the

Gambling Commission. This can be found on the Gambling Commission's website www.gamblingcommission.gov.uk

3.4 Prize gaming permits

- 3.4.1 Section 288 of the Act defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for, or raised by the gaming.
- 3.4.2 Casinos, bingo premises, adult gaming centres and licensed family entertainment centres do not require a permit in order to offer prize gaming.
- 3.4.3 Travelling fairs do not require a permit in order to offer equal chance prize gaming, provided that taken together, the facilities for gambling are ancillary to the fair.
- 3.4.4 Children and young persons may participate in equal chance prize gaming only.
- 3.4.5 Applicants for a prize gaming permit should set out the types of gaming that they are intending to offer. The applicant should be able to demonstrate:
- that they understand the limits on stakes and prizes that are set out in regulations; and
 - that the gaming offered is lawful.
- 3.4.6 The councils can grant or refuse an application for a permit, but cannot attach any conditions to it. However, there are four conditions in the Act that permit holders must comply with. These are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

- 3.4.7 Councils can only grant a permit if they have consulted the chief officer of police about the application. Applicants must disclose any relevant convictions they may have to the council and the council will consider any objections that the police make about the suitability of person or the premises, including its location and the potential for disorder.

4. PREMISES LICENCES

4.1 Primary gambling activity

4.1.1 Premises licences authorise the provision of gambling activities in:

- casinos
- bingo premises
- betting premises (including tracks and premises used by betting intermediaries)
- adult gaming centres and
- family entertainment centres.

4.1.2 Premises licences will be considered in accordance with the principles set out in paragraph 2.8.

4.2 Premises

4.2.1 In the Act a premises is defined as ‘any place’. No more than one premises licence can apply to any place, however one premises may hold more than one premises licence so long as the building can be genuinely separated. In determining whether or not the separation is genuine, the councils will base their decisions on the following:

- are the premises registered separately for business rates?
- are the premises owned by the same person?
- can each of the premises be accessed from the street or is access to one only via the other or another gambling premises?

4.2.2 Roping off and different coloured carpets are examples of methods used by some proprietors to artificially sub-divide premises and the councils will not consider premises ‘divided’ as such as two separate premises.

- 4.2.3 Where two or more licences are applied for within the same building and the council does consider separation genuine, the applicant(s) must still demonstrate how they will uphold the licensing objectives, with particular reference to how they plan to control the access from one part of the building into the other, in order to protect children from accidentally or otherwise accessing types of gambling to which they are not authorised.

4.3 Location

- 4.3.1 The location of premises may be relevant to the promotion of the licensing objectives. In particular, premises located in close proximity to the following may give rise to concern

- schools
- vulnerable adult centres
- residential areas with a high concentration of children.

- 4.3.2 Much will depend upon the type of gambling that is proposed will be offered on the premises. The councils will consider the location on a case-by-case basis. If the proposed location does pose a risk to the promotion of the licensing objectives, the applicant must demonstrate how they propose to overcome such concerns.

4.4 Conditions

- 4.4.1 Conditions may be imposed upon a premises licence in a number of ways. These are:

- (a) mandatory – set by the Secretary of State, some set out in the Act and some to be prescribed in regulations, for all, or classes of licence
- (b) default – to be prescribed in regulations made by the Secretary of State, to be attached to all or classes of licences unless excluded by the licensing authority
- (c) specific – conditions that can be attached to an individual licence by the licensing authority

- 4.4.2 Conditions will only be imposed to address specific risks under the licensing objectives. Any conditions imposed by the councils will only be considered where there is evidence of a risk to the licensing objectives and be proportionate to the circumstances that they are seeking to address. In particular, the councils will ensure that premises licence conditions:

- are relevant to the need to make the proposed building suitable as a gambling facility
- are directly related to the premises and the type of licence applied for
- are fairly and reasonably related to the scale of premises and
- are reasonable in all other respects.

4.4.3 Certain matters may not be the subject of conditions. These are:

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

4.5 Door supervisors

4.5.1 It is not a mandatory requirement of the Act to impose a condition relating to door supervision. However, if the councils consider it necessary to impose a condition on a premises licence requiring the presence of door supervisors they shall be licensed by the Security Industry Authority (SIA).

4.5.2 There is an exemption for 'in house' employees working as door supervisors at licensed casino or bingo premises, however 'contract' staff employed as door supervisors will need to be licensed by the SIA. The councils may still impose specific requirements on these unlicensed door supervisors if they considered it necessary at particular premises.

4.6 Adult gaming centres

4.6.1 Operators of an adult gaming centre must obtain an operating licence from the Gambling Commission and a premises licence from the relevant council. This will allow the operator to make category B, C & D machines available to their customers.

4.6.2 In considering licence applications for adult gaming centres, consideration will be given to the need to protect children and vulnerable persons from harm or being exploited by gambling. The councils will therefore expect applicants to

demonstrate that there will be sufficient measures in place to promote this objective.

4.7 Licensed family entertainment centres

- 4.7.1 Operators of a licensed family entertainment centre will require an operating licence from the Gambling Commission and a premises licence from the relevant council. This will allow the operator to make category C & D machines available to their customers.
- 4.7.2 Children and young persons will be able to enter licensed family entertainment centres and play on the category D machines. They will not be permitted to play category C machines.
- 4.7.3 As family entertainment centres will particularly appeal to children and young persons, consideration shall be given to child protection issues. Where category C machines are available in licensed family entertainment centres the councils will require that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
 - only adults are admitted to the area where the category C machines are located
 - access to the area where the category C machines are located is supervised
 - the area where the category C machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
 - at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

4.8 Tracks

- 4.8.1 Tracks are sites (including racecourses and dog tracks) where races or sporting events take place. Operators of tracks will require a premises licence from the relevant council, but they do not need to obtain an operating licence from the Gambling Commission (although they may have one).
- 4.8.2 Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.

- 4.8.3 It is a mandatory condition of all track licences that children and young persons are excluded from any areas where facilities for betting are provided and any area where a gaming machine, other than a category D machine, is situated. In relation to the areas used for betting, special dispensation from this rule is provided for dog tracks and horse racecourses on days when racing takes place. On these days families will be entitled to attend a track or racecourse and children may enter the areas where facilities for betting are provided. This race day dispensation does not apply to the areas where gaming machines of category B & C are provided and the councils will therefore expect that suitable measures are in place to prevent children from entering such areas.
- 4.8.4 Holders of betting premises licences in respect of tracks who also hold a pool betting operating licence may make available up to four gaming machines (categories B2 to D) on the track. The councils will therefore expect the applicant to demonstrate that suitable measures are in place to ensure that children are prevented from entering areas where machines (other than category D machines) are made available.
- 4.8.5 The councils will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public, for example, the rules could be printed in the race-card or made available in leaflet form from the track office.
- 4.8.6 The councils will require the following information from applicants for premises licences in respect of tracks:
- detailed plans for the racetrack itself and the area that will be used for temporary 'on-course' betting facilities (often known as the 'betting ring')
 - in the case of dog tracks and horse racecourses, details of the fixed and mobile pool betting facilities operated as well as any other proposed gambling facilities.
- 4.8.7 Plans submitted with the application should be clearly marked to show what licensable activities will take place where and how children will be separated from category C machines.
- 4.8.8 The councils will accept occasional use notices for tracks in accordance with section 39 of the Act.

4.9 Casinos

- 4.9.1 The Act states that operators of a casino must obtain an operating licence from the Gambling Commission and a premises licence from the relevant council.

4.9.2 In July 2012 a Culture, Media and Sport Select Committee reviewed the Act and recommended that any local authority should be able to make its own decision about whether or not to have a casino in its district. The Committee also recommended that the licences for casinos that were licensed under the pre-existing Gaming Act of 1968 be made portable, allowing operators to relocate to any local authority (with the authority's consent).

4.9.3(a) **Vale of White Horse District Council:** Policy not to allow applications for a casino.

Section 166 of the Act gives the council the power to pass a 'no casino' resolution, meaning that applications for a casino would not be considered. The council has adopted a 'no casino' resolution on the basis that this rural district with country market towns is an inappropriate place for a casino, that casinos are better located in large towns or cities, and the council should also protect the most vulnerable people from gambling in casinos. This resolution is required to be renewed within three years.

4.9.3(b) **South Oxfordshire District Council:** Policy to allow applications for a casino

Section 166 of the Act gives the council the power to pass a 'no casino' resolution, meaning that applications for a casino would not be considered. The council has not adopted a 'no casino' policy. As such, all applications received for a premises licence to operate a casino in the council area would be judged on their own merits, in accordance with paragraph 2.8 and the requirements set out in paragraph 4.9.4.

4.9.4 Applicants for casino licences are required to:

- submit a procedure with their application for the reporting of any suspicious activity
- follow a policy of requiring proof of identification to be shown on entering the casino in order to act as a deterrent to those considering using the casino for criminal activities (such as money laundering) and to effectively support gambling self-exclusion schemes
- detail any entertainment to be provided
- submit details of employee training to promote the licensing objectives
- submit a policy to promote the protection of children and vulnerable persons
- submit a policy regarding the identification of and interventions in force to aid problem gamblers
- set aside at least one 'training room' where customers can learn how to play the various games offered in a non-threatening environment. The room shall clearly display information on how and where help for problem gambling can be sought
- set aside a quiet area as a refuge from gambling. The room shall clearly display information on how and where help for problem gambling can be sought.

4.10 Betting premises

- 4.10.1 Betting premises are those premises which take bets other than at a track (commonly known as a licensed betting office). Operators of betting premises will require an operating licence from the Gambling Commission and a premises licence from the relevant council.
- 4.10.2 It is unlawful for anyone under the age of 18 to place a bet. Persons under the age of 18 shall not be permitted to enter a premises licensed for betting.
- 4.10.3 The councils expect applicants to demonstrate how they will ensure that neither children nor vulnerable persons are able to place a bet, for example by detailing proof of identification and self-barring schemes and staff training.
- 4.10.4 At the time of writing, the holder of a betting premises licence may make available for use up to four gaming machines of category B (B2, B3 or B4), C or D.
- 4.10.5 The councils may, in accordance with section 181 of the Act, enforce the number of betting machines, their nature and the circumstances in which those machines are made available for use. When considering whether to impose such conditions, the councils will take into account the following:
- the size of the premises
 - the number of counter positions available for person-to-person transactions and
 - the ability of staff to monitor that machines are not used by children and young persons or by vulnerable people.

4.11 Bingo

- 4.11.1 Operators of premises offering bingo (cash or prize bingo) will require a bingo operating licence from the Gambling Commission and a premises licence from the relevant council.
- 4.11.2 The council will need to be satisfied that bingo can be played in any premises for which it grants a bingo premises licence. This is a relevant consideration where the operator of an existing bingo premises applied to vary their licence to exclude an area of the existing premises from its ambit and then applied for a new premises licence, or multiple licences for that or those excluded areas.
- 4.11.3 The councils note the unusual circumstances in which the splitting of a pre-existing premise into two adjacent premises might be permitted and in particular that it is not permissible to exceed 20 per cent of the total number of B3 machines available for use in the premises.

4.11.4 Children and young people are allowed into bingo premises, however they are not permitted to participate in the bingo and if category B or C machines are present, these must be separated from areas where children and young people are allowed. Where category C or above machines are available in premises to which children are admitted the councils will require that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- access to the area where the machines are located is supervised
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder and
- at the entrance to and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

4.12 Temporary use notices

4.12.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a person or company holding a relevant operators licence wishes to use the premises temporarily for providing facilities for gambling.

4.12.2 There are a number of statutory limits concerning the use of temporary use notices. Please refer to www.gamblingcommission.gov.uk for details of the maximum numbers of days premises may be used and for other restrictions.

4.12.3 If objections are received to a temporary use notice (from the police, Gambling Commission, HM Revenue & Customs or any other licensing authority in whose area the premises are situated), the council must hold a hearing to consider the representation (unless all the participants agree that a hearing is unnecessary).

4.12.4 If the council, after a hearing has taken place or been dispensed with, considers that the temporary use notice should not have effect, it must issue a counter-notice which may:

- prevent the temporary use notice from taking effect
- limit the activities that are permitted
- limit the time period of the gambling or
- allow the activities to take place subject to a specified condition.

4.12.5 The councils will apply the principles set out in paragraph 2.6 of this statement to any consideration as to whether to issue a counter-notice.

4.13 Provisional statements

4.13.1 Section 204 of the Act provides for a person to make an application for a provisional statement in respect of premises they expect to be constructed, altered or expect to acquire the right to occupy. For example, a developer may wish to apply for a provisional statement to see whether or not a premises licence would be issued prior to entering into a contract to buy or lease the premises. Equally, a provisional statement may be applied for where there is already a premises licence in force but the application is for a different type of gambling.

4.13.2 An applicant need not hold an operating licence from the Gambling Commission before applying for a provisional statement and the councils shall not take into account the likelihood of an operating licence being granted in determining whether or not to grant the provisional statement.

4.13.3 If a provisional statement has been granted, the fee for the subsequent premises licence application will be less and the councils are constrained in considering matters; no further representations from responsible authorities or Interested Parties may be taken into account unless they concern matters which could not have been addressed at the provisional statement stage or they reflect a change in the applicant's circumstances.

4.13.4 The councils may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by way of representations at the provisional statement stage
- which, in the council's opinion, reflect a change in the operator's circumstances
- where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. (There must be a substantial change to the plan and the council shall discuss any concerns with the operator before coming to a final decision).

4.14 Travelling fairs

- 4.14.1 The Act defines a travelling fair as, 'wholly or principally' providing amusements.
- 4.14.2 To be exempt from requiring a permit for gaming machines, the fair must be on a site that is not used for a fair for more than 27 days per calendar year (regardless of whether it is the same or different travelling fairs which occupy the land).
- 4.14.3 Fairs may provide an unlimited number of category D machines provided the facilities for gambling amount to no more than ancillary amusement to the fair.
- 4.14.3 Whilst the gaming machine providers may be exempt from the requirement to hold a permit, they must comply with the legal requirements about how the machines operate.
- 4.14.4 The councils will liaise with neighbouring authorities to ensure that land used for fairs which crosses local authority boundaries is monitored.

ANNEX 1

List of persons / bodies responding to the consultation on this policy

Organisation Details	Responding as:
Association of British Bookmakers	Trade body

ANNEX 2

List of responsible authorities

The Responsible Authorities for the council areas under the Act, and their contact details are as follows.

Contact details may change, and other responsible authorities may be designated by regulations by the Secretary of State. For latest information, please check with the relevant council's licensing team.

		Contact details for preliminary discussions or follow-up enquiries
Responsible Authority	Address	Telephone, e-mail and website
The licensing authorities	Licensing Team Vale of White Horse District Council 135 Eastern Avenue, Milton Park, Milton, OX14 4SB	01235 540534 licensing.unit@whitehorsedc.gov.uk www.whitehorsedc.gov.uk/services-and-advice/business/licensing
	Licensing Team South Oxfordshire District Council 135 Eastern Avenue, Milton Park, Milton, OX14 4SB	01235 540534 licensing@southoxon.gov.uk www.southoxon.gov.uk/services-and-advice/business/licensing
The planning authorities	Planning Vale of White Horse District Council 135 Eastern Avenue, Milton Park, Milton, OX14 4SB	01235 540546 planning@whitehorsedc.gov.uk www.whitehorsedc.gov.uk/services-and-advice/planning-and-building
	Planning South Oxfordshire District Council 135 Eastern Avenue, Milton Park, Milton, OX14 4SB	01235 540546 planning@southoxon.gov.uk www.southoxon.gov.uk/services-and-advice/planning-and-building
Environmental health	Environmental Protection Vale of White Horse District Council 135 Eastern Avenue, Milton Park, Milton, OX14 4SB	01235 540555 env.health@southandvale.gov.uk www.whitehorsedc.gov.uk/services-and-advice/environment
	Environmental Protection South Oxfordshire District Council 135 Eastern Avenue, Milton Park, Milton, OX14 4SB	01235 520202 env.health@southandvale.gov.uk http://www.southoxon.gov.uk/services-and-advice/environment

Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP	0121 230 6666 info@gamblingcommission.gov.uk www.gamblingcommission.gov.uk
Thames Valley Police	Chief Constable, Thames Valley Police Headquarters Oxford Road Kidlington OX5 2NX	01865 266000 licensing@thamesvalley.pnn.police.uk www.thamesvalley.police.uk
Fire and Rescue Service	Oxfordshire Fire and Rescue Service Sterling Road Kidlington OX5 2DU	01865 842999 fire.service@oxfordshire.gov.uk http://www.oxfordshire.gov.uk/cms/public-site/fire-and-rescue-service
Oxfordshire Safeguarding Children Board	Oxfordshire Safeguarding Children Board c/o Children, Young People & Families Directorate Oxfordshire County Council, County Hall, New Road Oxford OX1 1ND	01865 815843 oscb@oxfordshire.gov.uk www.oscb.gov.uk
Revenue and Customs	Her Majesty's Revenue and Customs	https://www.gov.uk/contact-hmrc

ANNEX 3

Licensing authority delegations

Matter to be dealt with	Full Council	Licensing Acts Panel	Officers
Final approval of three year licensing policy statement	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)	X		
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received or all have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received or all have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received or all have been withdrawn
Review of a premises licence		X	
Application for club gaming/ club machine permits		Where objections have been made and not withdrawn	Where no representations received or all have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

X indicates the lowest level to which decisions can be delegated

ANNEX 4

Summary of gaming machine categories

Category of Machine	Maximum stake (from January 2014)*	Maximum prize (from January 2014)*
A	Unlimited	Unlimited
B1	£5	£10,000
B2	£100 (in multiples of £10)	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize (other than a crane grab, coin pusher, penny fall machines)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D money prize (other than coin pusher or penny falls machines)	10p	£5
D – combined money and non-money prize (other than a coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

ANNEX 5

Summary of machine provisions by premises

	Machine Category							
	A	B1	B2	B3	B4	C	D	
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines: Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)						
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines: Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)						
Pre-2005 Act casinos (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines) or any number of C or D machines instead						
Betting premises and tracks occupied by Pool Betting		Maximum of 4 machines categories B2 to D (except B3A machines)						
Bingo Premises					Maximum of 20% of the total number of machines available for use on the premises category B3 or B4	No limit on category C or D machines		
Adult gaming centre					Maximum of 20% of the total number of machines available for use on the premises category B3 or B4	No limit on category C or D machines		
Family entertainment centre (with premises licence)							No limit on category C or D machines	
Family entertainment centre (with permit)							No limit on Category D machines	
Clubs or miners' welfare institute (with permit)					Maximum of 3 machines in categories B3A or B4 to D*			
Qualifying alcohol licensed premises							1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises (with gaming machine permit)							Number as category C or D machines on permit	
Travelling Fair							No limit on category D machines	
	A	B1	B2	B3	B4	C	D	

*It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

Cabinet Report



Report of Head of Finance

Author: Ben Watson

Telephone: 01235 540488

Textphone: 18001 01235 540488

E-mail: ben.watson@southandvale.gov.uk

Cabinet member responsible: Jane Murphy

Tel: 07970 932054

E-mail: jane.murphy@southoxon.gov.uk

To: Cabinet on: 3 December 2015

To: Council on: 17 December 2015

Council tax reduction scheme grant for town and parish councils

Recommendations

That Cabinet recommends to Council:

- (a) that a new scheme of distributing the grant be brought forward for consideration during 2016
- (b) that the current methodology for distributing the council tax reduction scheme ceases with immediate effect
- (c) that **£152,000** be made available in 2016/17 for the new grant scheme

Purpose of Report

1. The purpose of this report is for Cabinet to recommend to council ceasing the current system of paying council tax reduction scheme grant and introduce a new grant scheme for town and parish councils.

Corporate Objectives

2. The council can award grants to support any of its corporate objectives.

Background

1. The council tax reduction scheme (CTRS) takes the form of a discount on the council tax bill and, like other discounts (e.g. the single person's 25 per cent discount), has the

effect of reducing the council's council tax base. Reducing the tax base means that, if the council's budget requirement remained the same, the amount of council tax charged would increase, or if council tax was not increased the income generated would reduce. This applies to both billing authorities (South Oxfordshire) and major precepting authorities (Oxfordshire County Council and the Police and Crime Commissioner), as well as local precepting authorities (town and parish councils).

2. To mitigate the impact of the reduced council tax base, each year the Government distributes, via revenue support grant and the business rates retention scheme, a non-ring-fenced grant to billing authorities and major precepting authorities. Because the Government does not have a method for passing down funding direct to town and parish councils the grant given to billing authorities includes an amount "*attributable to local precepting authorities*".
3. For 2013/14 the Government told us how much out of our total funding for council tax support was attributable to town and parish councils. These were separately identifiable amounts within the council's total formula grant and business rates retention funding from the Government.
4. However, since 2014/15, funding for council tax support has no longer been identifiable; it has been rolled-up within revenue support grant and the council's baseline funding level for business rates retention. The rationale for this set out by the Government is:

*"The allocation for Council Tax Support funding in England is £3.3bn in both 2013-14 and 2014-15. From 2014-15, the level of council tax support funding will be combined with formula funding and together they will be scaled back for individual councils according to their combined spending trajectory, by service tier. It is, though, entirely for local authorities to decide how much they are prepared to spend on council tax support, which is why allocations for future years are not separately identifiable."*¹

5. This left the council needing to effectively guess how much of its overall funding from the Government related to town and parish council tax reduction scheme grant. Three methods of estimation were put forward for members to consider and the option chosen was to adjust the 2013/14 figure in line with the change in overall Government Grant. The same methodology was used for 2015/16.
6. For 2015/16 the amount passed down to town and parish councils was determined to be £179,352. The amounts to be distributed to the town and parish councils was recommended by Cabinet on 4 December 2014 to Council on 11 December 2014 (**Appendix 1**). The individual allocations of the grant passed down to towns and parishes was based upon their relative need following the reduction in their respective taxbases.
7. On receipt of this grant (in 2013/14) some town and parish councils reduced their precepts, thereby mitigating the need for an increase in council tax. Others did not reduce their precept, leading to an increase in their council tax and an increase in their available funding.
8. This is illustrated in **Appendix 1**. So, for example, Berinsfield and Henley reduced their precepts by £22,901 and £19,800 respectively between 2012/13 and 2013/14. In

¹ Source - Business rates retention and the local government finance settlement, a practitioners guide (<http://www.local.odpm.gov.uk/finance/1314/practitionersguides.pdf>)

the current year they have received £15,019 and £21,266 respectively to compensate for this loss of income.

9. The December 2014 Cabinet report also stated “*A review of this methodology will be undertaken by the council during 2015/16 to assess the impact of the council tax reduction scheme on parish precepts. The outcome of the review will influence the amount of funding to be made available in future years and allocations in years 2016/17 onwards are not guaranteed*”.
10. The review has shown that the current scheme has not achieved its original intention i.e. to mitigate the impact of the council tax reduction scheme on town and parish councils. This view is based upon the information set out in **Appendix 1** which shows that less than 28 per cent all town and parish councils used the grant as part of their budget setting process to issue a precept lower than might have been the case had they taken into account the amount of grant they received. In view of this it is recommended that the payments under the current methodology cease and a new grant scheme for town and parish councils is introduced.

Introduction of a new grant scheme

11. Should the council resolve to cease the current council tax reduction scheme grants to town and parish councils it could use the money to introduce a new grant scheme for town and parish councils that helps the council achieve its corporate objectives. A report setting out proposals for the new grant scheme will be brought to Cabinet during 2016.

Amount of council tax reduction scheme grant for 2016/17

12. Notwithstanding the fact that an alternative method of distribution will be proposed during 2016, the total pot of money for distribution needs to be determined.
13. As set out above, and detailed in the “Council tax reduction scheme grant for town and parish councils” report to Cabinet on 4 December 2014 and Council on 11 December 2014, the amount of grant has been reduced each year in line with the overall reduction in Government funding. It is proposed to continue with this methodology for 2016/17.
14. It is assumed that Government funding will reduce by 15 per cent in 2016/17. On this basis the amount available for distribution is estimated to be around £152,000.

Alternative options

15. Three other potential options are 1) to continue to distribute the grant applying the methodology used in previous financial years based upon town and parish councils’ relative need following the reduction in their respective taxbases, 2) not distribute any grant at all, or 3) to move from option 1 to option 2 over a fixed time period.
16. The benefits of option 1 are that it is a system that has been in place for three years now; the town and parish councils are familiar with the system; and, it offers a degree of stability for the town and parish councils.
17. However, as set out above, there is limited evidence to show that the scheme has achieved its original intention i.e. to mitigate the impact of the council tax reduction scheme on town and parish councils (and their taxpayers) by precepts being set at a lower level than they would have been [without the grant].

18. Option 2 would release the proposed grant pot of £152,000 for use as part of the district council's overall budget for 2016/17, thereby benefiting all council tax payers within the district. However, because the original grant funding in 2013/14 from the Government was over and above what it considered was necessary for the district council, it would seem to be a matter of fairness to make some funding available for town and parish councils.
19. Taking into account the pros and cons of both alternative options, it is proposed that neither option is pursued and the Cabinet recommendation is for a new method of distribution to be adopted during 2016/17, based on the total pot of money set out above.
20. The benefits of Option 3 are similar to Option 1 as is the downside e.g. it continues with a scheme that has proved unsuccessful in achieving its aims.

Financial Implications

21. The council tax reduction scheme grant from the government is contained within the council's revenue support grant and the council's baseline funding level for business rates retention. We have estimated Government funding will reduce by around 15 per cent therefore, by reducing the grant to be distributed to town and parish councils by 15 per cent there is a neutral financial impact on the council.

Legal Implications

22. Whilst the council tax reduction scheme grant is not ring-fenced, there is an expectation that councils will use it in some form for the benefit of town and parish councils.

Risks

23. There is a risk that some town and parish councils may challenge the new grant scheme and methodology if they believe that they have not received what they think is an appropriate share. However, the Government has not specified any methodology to follow and there is no legal requirement for any of the funding to be passed on.

Other implications

24. There are no other implications arising directly from this report

Conclusion

25. The council will receive funding during 2016/17 that is attributable to town and parish councils. A decision is required on ending the current method of distribution and adopting new methodology. A decision is also required on the amount of money that will be made available during 2016/17.

Background Papers

- None

Tax Base	TOWN/PARISH	Precept	Precept	Increase	Frozen	Reduction	% increase/ (reduction) in Precept <u>(not CT)</u>	15-16 grant
2013/14		2012/13	2013/14					
13.7	Adwell	0	0		1		0.0%	£0
416.5	Aston Rowant	17,000	17,500	1			2.9%	£204
171.1	Aston Tirrold	8,986	9,040	1			0.6%	£297
80.3	Aston Upthorpe	5,014	4,960			1	(1.1%)	£104
274.6	Beckley & Stowood	33,670	33,670		1		0.0%	£1,134
1,706.0	Benson	119,170	116,980			1	(1.8%)	£3,147
615.2	Berinsfield	114,000	91,099			1	(20.1%)	£15,019
161.6	Berrick Salome	6,000	6,000		1		0.0%	£50
305.2	Binfield Heath	9,000	10,600	1			17.8%	£298
320.2	Bix & Assendon	7,000	7,000		1		0.0%	£131
98.7	Brightwell Baldwin	1,000	1,000		1		0.0%	£0
637.0	Brightwell cum Sotwell	29,224	28,232			1	(3.4%)	£874
101.7	Britwell Salome	500	1,000	1			100.0%	£10
1,028.5	Chalgrove	92,000	95,000	1			3.3%	£3,632
227.3	Checkendon	9,500	10,000	1			5.3%	£324
2,267.0	Chinnor	256,542	263,321	1			2.6%	£7,934
1,337.5	Cholsey	84,188	86,581	1			2.8%	£4,228
277.2	Clifton Hampden	7,500	11,450	1			52.7%	£152
57.1	Crowell	0	0		1		0.0%	£0
617.4	Crowmarsh	36,500	34,500			1	(5.5%)	£1,476
164.2	Cuddesdon & Denton	7,000	6,700			1	(4.3%)	£355
167.0	Culham	15,160	14,152			1	(6.6%)	£585
57.6	Cuxham with Easington	0	0		1		0.0%	£0
7,551.0	Didcot	801,675	756,298			1	(5.7%)	£49,405
527.8	Dorchester	39,900	40,650	1			1.9%	£1,063
126.2	Drayton St Leonard	2,850	3,050	1			7.0%	£58
724.8	East Hagbourne	35,500	33,891			1	(4.5%)	£915
53.3	Elsfield	1,000	1,000		1		0.0%	£12
370.2	Ewelme	16,600	16,600		1		0.0%	£256
177.6	Eye & Dunsden	9,700	10,000	1			3.1%	£131
328.0	Forest Hill with Shotover	12,500	11,442			1	(8.5%)	£723
665.5	Garsington	20,800	20,800		1		0.0%	£776
1,653.0	Goring	87,800	85,593			1	(2.5%)	£1,873
583.4	Goring Heath	17,500	17,000			1	(2.9%)	£395
248.9	Great Haseley	12,400	12,400		1		0.0%	£423
304.5	Great Milton	14,450	13,360			1	(7.5%)	£749
303.0	Harpsden	5,000	5,000		1		0.0%	£25
5,493.0	Henley on Thames	487,500	467,700			1	(4.1%)	£21,266
160.3	Highmoor	5,000	4,000			1	(20.0%)	£120
231.5	Holton	13,974	12,791			1	(8.5%)	£171
594.9	Horspath	33,000	33,000		1		0.0%	£787
160.8	Ipsden	4,500	4,500		1		0.0%	£173
662.2	Kidmore End	36,000	34,450			1	(4.3%)	£333
291.9	Lewknor	13,300	14,600	1			9.8%	£518

Agenda Item 9

211.6	Little Milton	10,500	10,500	1	0.0%	£442
34.3	Little Wittenham	0	0	1	0.0%	£0
340.6	Long Wittenham	16,153	16,153	1	0.0%	£363
122.5	Mapledurham	5,000	4,500	1	(10.0%)	£282
124.7	Marsh Baldon	4,170	4,170	1	0.0%	£88
243.9	Moulsford	12,000	12,000	1	0.0%	£169
344.6	Nettlebed	11,000	11,000	1	0.0%	£499
55.5	Newington	850	850	1	0.0%	£20
173.7	North Moreton	5,000	5,000	1	0.0%	£80
225.4	Nuffield	5,700	5,700	1	0.0%	£173
87.7	Nuneham Courtenay	4,655	4,385	1	(5.8%)	£237
187.5	Pishill with Stonor	4,800	4,800	1	0.0%	£33
110.1	Pyrton	800	800	1	0.0%	£25
195.2	Rotherfield Greys	7,788	7,788	1	0.0%	£101
880.6	Rotherfield Peppard	22,547	26,869	1	19.2%	£254
486.8	Sandford on Thames	25,000	32,515	1	30.1%	£935
879.8	Shiplake	25,000	25,000	1	0.0%	£498
54.7	Shirburn	600	650	1	8.3%	£28
1,535.0	Sonning Common	66,000	82,500	1	25.0%	£2,484
135.1	South Moreton	6,500	6,000	1	(7.7%)	£297
217.9	South Stoke	12,178	13,246	1	8.8%	£455
316.1	Stadhampton	11,355	11,355	1	0.0%	£394
215.9	Stanton St John	9,500	9,500	1	0.0%	£163
307.0	Stoke Row	10,000	10,500	1	5.0%	£201
28.3	Stoke Talmage	0	0	1	0.0%	£0
136.4	Swyncombe	5,000	5,150	1	3.0%	£227
150.7	Sydenham	8,000	8,000	1	0.0%	£157
279.5	Tetsworth	11,000	13,000	1	18.2%	£419
4,195.8	Thame	493,181	503,045	1	2.0%	£20,794
260.4	Tiddington with Albury	11,750	11,750	1	0.0%	£431
69.9	Toot Baldon	2,080	2,080	1	0.0%	£42
170.4	Towersey	10,000	10,000	1	0.0%	£519
2,650.2	Wallingford	281,355	261,124	1	(7.2%)	£17,643
466.5	Warborough	30,000	30,000	1	0.0%	£694
77.7	Waterperry with Thomley	1,500	3,000	1	100.0%	£30
44.3	Waterstock	600	600	1	0.0%	£0
1,117.6	Watlington	86,105	81,873	1	(4.9%)	£3,748
117.9	West Hagbourne	6,113	5,382	1	(12.0%)	£96
13.9	Wheatfield	0	0	1	0.0%	£0
1,601.5	Wheatley	104,609	104,609	1	0.0%	£3,544
389.3	Whitchurch on Thames	24,217	25,053	1	3.5%	£617
997.3	Woodcote	56,211	54,209	1	(3.6%)	£2,044
38.8	Woodeaton	800	800	1	0.0%	£0
		3,939,520.00	3,872,367			
	COUNT			24	39	24

Cabinet Report



Listening Learning Leading

Report of Head of Finance

Author: Ben Watson

Telephone: 01235 540488

Textphone: 18001 01235 540488

E-mail: ben.watson@southandvale.gov.uk

Cabinet member responsible: Jane Murphy

Tel: 07970 932054

E-mail: jane.murphy@southandvale.gov.uk

To: Cabinet on: 3 December 2015

To: Council on: 17 December 2015

Council tax base 2016/17

Recommendation(s)

1. That the report of the head of finance for the calculation of the council's tax base and the calculation of the tax base for each parish area for 2016/17 be approved
2. That, in accordance with The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by South Oxfordshire District Council as its council tax base for the year 2016/17 be 54,965.0
3. That, in accordance with The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by South Oxfordshire District Council as the council tax base for the year 2016/17 for each parish be the amount shown against the name of that parish in Appendix 1 of the report of the head of finance to Cabinet on 3 December 2015

Purpose of Report

1. The purpose of this report is to ask Cabinet to recommend the council tax base for 2016/17 to Council for approval.

Corporate Objectives

2. The calculation of the tax base is a legal requirement and an essential part of the tax setting process which helps to achieve the council's corporate objective of effectively managing its resources.

Background

3. Before the council tax can be set by the council, a calculation has to be made of the council tax base, which is an estimate of the taxable resources for the district as a whole and for each parish area.
4. The council tax base for the district has to be notified to Oxfordshire County Council and the Police and Crime Commissioner by 31 January 2016. Each parish and town council is also notified of the figure for its area.
5. The legislation requires that the council tax base is approved by full council or a non-executive body with delegated powers. No such delegation exists, so cabinet is therefore asked to recommend to council the schedule set out in **Appendix 1** as the council tax base for the district as a whole and for each parish area.

Calculation of the tax base

6. The starting point for the calculation is the total number of dwellings and their council tax band.
7. The council then allows for the following information, for each band:
 - (a) dwellings which will be entirely exempt so no tax is payable (e.g. those occupied entirely by students)
 - (b) dwellings which will attract a 25 per cent reduction (e.g. those with a single adult occupier)
 - (c) dwellings which will attract a 50 per cent reduction (e.g. those where all of the adult residents qualify for a reduction)
 - (d) dwellings which will be treated as being in a lower band because they have been adapted for a severely disabled person. The regulations provide methodology to take account of the reduction available to those in band A dwellings
 - (e) dwellings which will be on the valuation list but which attract discounts or disablement relief or are exempt, for only part of the year
 - (f) dwellings which will attract a reduction through the council tax reduction scheme
8. Each band is then converted into "band D equivalents" by applying the factor laid down by legislation. For example, a band A dwelling is multiplied by 2/3 to arrive at the band D equivalent figure, whilst a band H dwelling is multiplied by two. All these are then added together to give a total of band D equivalents.
9. A final adjustment is required to allow for non-collection. The council is required to decide what its collection rate is likely to be and apply this to its council tax base. For the 2015/16 tax the council assumed 98 per cent would eventually be collected and it is proposed to use 98 per cent again in 2016/17.

Taxbase for 2016/17

10. Based on the assumptions detailed above the council tax base for 2016/17 is 54,965.0.

11. Similar calculations are required for each parish in order to calculate the proportion of the district's tax base which relates to its area. A schedule of the tax base for each parish is set out in **Appendix 1**.
12. To calculate the council tax amounts payable per property band for the council, its council tax requirement (i.e. the amount of council tax to be raised) is divided by the Band D equivalent (taxbase). This will be finalised during January and February, culminating in the council tax being set by council on 18 February 2016 (this date is subject to the council being notified of the major precepting authorities' council tax requirements).

Financial Implications

13. These are set out in the body of the report.

Legal Implications

14. These are set out in the body of the report.

Background Papers

None

PARISH COUNCIL TAX BASES - 2016-17

PARISH/TOWN COUNCIL	NUMBER OF DWELLINGS 2016-17	PARISH TAX BASE 2016-17	PARISH TAX BASE 2015-16	PARISH/TOWN COUNCIL	NUMBER OF DWELLINGS 2016-17	PARISH TAX BASE 2016-17	PARISH TAX BASE 2015-16
Adwell	13	12.5	12.7	Sandford on Thames	582	489.6	487.0
Aston Rowant	347	426.5	420.7	Shiplake	727	971.8	966.3
Aston Tirrold & Upthorpe	219	253.2	257	Shirburn	54	53.7	58.2
Beckley & Stowood	249	266.9	273.5	Sonning Common	1,600	1,592.7	1,575.3
Benson	1,745	1,692.5	1,692.5	South Moreton	129	125.8	124.9
Berinsfield	1,101	637.6	633.9	South Stoke	214	224.4	223.5
Berrick Salome	122	161.8	161.4	Stadhampton	323	322.5	320.1
Binfield Heath	278	313.9	310.7	Stanton St John	189	219.8	220.6
Bix & Assendon	255	321.5	319.2	Stoke Row	267	313.0	309.8
Brightwell Baldwin	81	100.3	101.6	Stoke Talmage	22	27.1	28.3
Brightwell cum Sotwell	614	640.9	644.9	Swyncombe	117	131.5	133.6
Britwell Salome	86	101.9	103.8	Sydenham	148	160.3	153.3
Chalgrove	1,128	1,046.1	1,034.8	Tetsworth	294	299.2	290.9
Checkendon	207	232.1	230.6	Thame	5,060	4,352.2	4,296.0
Chinnor	2,592	2,406.1	2,385.4	Tiddington with Albury	276	267.2	266.9
Cholsey	1,675	1,469.6	1,424.7	Toot Baldon	57	69.8	68.8
Clifton Hampden	251	283.0	282.5	Towersey	177	179.8	177.0
Crowell	47	58.7	59.6	Wallingford	3,571	2,884.3	2,847.3
Crowmarsh	705	671.5	657.1	Warborough	436	477.7	469.7
Cuddesdon & Denton	199	163.8	161.5	Waterperry with Thomley	76	83.8	79.8
Culham	170	170.7	168.4	Waterstock	39	45.3	43.5
Cuxham with Easington	60	63.8	60.7	Watlington	1,222	1,152.4	1,142.9
Didcot	11,494	8,733.0	8,379.0	West Hagbourne	112	122.2	122.5
Dorchester	482	542.4	534.6	Wheatfield	11	13.8	15.2
Drayton St Leonard	116	129.1	127.2	Wheatley	1,846	1,696.0	1,693.7
East Hagbourne	494	493.6	496.2	Whitchurch on Thames	336	397.7	393.6
Elsfield	48	55.7	55.7	Woodcote	1,037	1,026.5	1,027.9
Ewelme	424	370.8	368.2	Woodeaton	29	38.0	38.4
Eye & Dunsden	148	179.5	180.9				
Forest Hill with Shotover	367	325.7	326.5	TOTAL	58,785	54,965.0	54,233.6
Garsington	759	677.6	670.9				
Goring	1,517	1,688.7	1,666.4				
Goring Heath	494	583.6	585.8				
Great Haseley	239	250.5	246.1				
Great Milton	335	306.4	312.7				
Harpsden	167	227.7	225.9				
Henley on Thames	5,768	5,660.9	5,610.0				
Highmoor	134	160.4	158.3				
Holton	158	171.5	172.5				
Horspath	613	607.4	597.7				
Ipsden	151	162.8	162.1				
Kidmore End	522	669.8	666.9				
Lewknor	287	307.1	303.4				
Little Milton	206	212.9	210.3				
Little Wittenham	28	34.0	34.3				
Long Wittenham	359	349.6	345.4				
Mapledurham	129	125.5	123.0				
Marsh Baldon	114	121.1	121.9				
Moulsford	215	242.7	251.3				
Nettlebed	339	361.3	358.9				
Newington	49	57.4	55.9				
North Moreton	155	190.0	190.9				
Nuffield	218	233.5	232.7				
Nuneham Courtenay	93	98.2	95.5				
Pishill with Stonor	142	185.6	186.5				
Pyrton	92	110.8	107.9				
Rotherfield Greys	154	201.7	197.5				
Rotherfield Peppard	680	903.5	902.4				

Council report

Report of Head of Legal and Democratic Services

Author: Susan Harbour

Tel: 01235 550306

E-mail: susan.harbour@southandvale.gov.uk

To: COUNCIL

DATE: 17 December 2015

Review of the council's constitution

Recommendations

That Council:

1. notes the work done by the Joint Constitution Review Group and the intention to bring forward wholesale revisions of the council's constitution for consideration by Council;
2. notes the overall approach of the review group to develop "mirror" constitutions with Vale of White Horse District Council and commonality of wording where possible;
3. authorises the Head of Legal and Democratic services to make the necessary amendments to the constitution to amend the Scrutiny call-in procedures and the definition of key decisions;
4. approves the attached amendments of the officer employment procedure rules for inclusion in the constitution;
5. authorises the Head of Legal and Democratic Services or a deputy monitoring officer to appoint a panel of independent persons drawn from the independent persons appointed by South Oxfordshire and Vale of White Horse district councils under the Localism Act 2011;
6. authorises the Head of Legal and Democratic services to make any minor or consequential amendments to the constitution.

Purpose of report

1. To consider proposed amendments to the constitution and amendments to the officer employment procedure rules to enable the council to meet the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 which the council is required to include within its constitution.

Strategic objectives

2. The constitution underpins all of the council's areas of activities and, therefore, contributes to the achievement of all its strategic objectives.

Background

3. A review is currently being undertaken of the constitution in accordance with the Council's decision when it first approved the constitution and in pursuance of the requirements of Section 37 of the Local Government Act 2000 to keep the constitution under review. The purpose of this review is to make the constitution more user-friendly and accessible, bring it up to date and to achieve, as far as possible, "mirror" constitutions for this council and Vale of White Horse District Council for the benefit of users who operate in or with both councils. Where there are no political issues or essential differences, wording will be the same at both councils. Differences will be found under "mirror" sections. This will enable both councils to retain their own political priorities and local flavours whilst improving the user-friendliness of the documents. The approach will affect the order and structure of both constitutions and will be in a new format. Sections on committees will become self-contained, a particular benefit to councillors, officers and public users. The full constitution will come to Council for consideration during the course of next year, but there are some more time critical items which will be brought as required. The Joint Constitution Review Group meets regularly to consider issues. This group comprises councillors Toby Newman, David Turner and Ian White, plus three Vale of White Horse district councillors. Officers from Legal and Democratic Services support and advise the group. Additional councillors (eg Chairs and Cabinet members) together with specialist officers, attend the group as required. Items within this report have been agreed by the Review Group and they have also consulted within their own political groups.

Scrutiny Call in arrangements

4. The current constitution has the following arrangements for the call-in of decisions by the Scrutiny Committee:

"When a decision is made by the cabinet, an individual cabinet member, a committee of the cabinet, or a key decision is made by an officer with delegated authority from the leader of council, the decision shall be published, within two working days of being made. During the five working day period following publication of a notice, the proper officer shall call-in a decision for scrutiny by the scrutiny committee if so requested by the chairman or any five members of the scrutiny committee, or any ten councillors, and shall then notify the decision-taker of the call-in. ... and the decision shall not be implemented until the scrutiny committee has considered it. "

5. This creates significant difficulties not necessarily foreseen at the time these rules were put into place at the council. Since the provisions were last reviewed, Council has agreed that the Scrutiny Committee shall be chaired by a councillor appointed by Council or the Scrutiny Committee with no requirement that this should be an opposition councillor. The committee is currently chaired by a councillor from the ruling group (previously it was with the opposition). Therefore, no opposition numbering less than 10 councillors can call-in an executive decision.
6. At the current time, this means that the opposition do not have a method of calling items into Scrutiny. Although the role of Scrutiny is not group political, it is questionable whether good governance would suggest that an opposition with less than 28 percent of members are unable to call a decision into Scrutiny without the consent of the ruling group. In terms of future proofing, this does not only affect the current make-up of the council, but could have implications for future configurations of the council.
7. The issue of which decisions should be available for call-in was also reviewed, and clarity sought on what constituted a “key decision”. The review group considered that it was essential that major decisions should be open to scrutiny call-in, but that the effective running of the council could be hampered if every single decision was potentially open to call-in. Advice from the Centre for Public Scrutiny is that where The Act (Local Government Act 2000, as amended) refers to “decisions”, these should be considered as “key decisions”. The definition of key decision below is consistent with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, but defines the financial limit (on which the regulations are silent) as £75,000. It also adds the grant limit of £25,000.
8. The Review Group considered a range of options, based on research on what other councils do and the needs of this council. It concluded that it would recommend to Council:
 - that the chair of the Scrutiny Committee **or** any three members of the council (one of whom must be a member of the Scrutiny Committee) should be permitted to call-in a decision.
 - to use the following definition of a “key decision”: “A key decision is a decision of the cabinet, individual cabinet member or an officer acting under delegated powers which is likely: (a) to incur expenditure, make savings or to receive income of more than £75,000; (b) to award a revenue or capital grant of over £25,000; or (c) to agree an action that, in the view of the relevant strategic director, would be significant in terms of its effects on communities living or working in an area comprising more than one ward in the area of the council. (this is consistent with the current South

Oxfordshire definition but includes “make savings” in order to properly reflect the legislation).

- that call-in should apply only to key decisions made by councillors and officers and not to day to day decision which are not key decisions.

Changes to officer employment procedure rules

9. The officer employment procedure rules describe the procedures to be followed for the appointment, dismissal or disciplining of the head of paid service and strategic directors. The amended regulations make further provision in regard to the monitoring officer and chief finance (Section 151) officer; these new requirements are incorporated in the **attached** revision to our rules.
10. The dismissal of the monitoring officer or chief finance officer may now be effected only by decision of the full council.
11. The procedure for taking disciplinary action against one of the three statutory officers is amended. The previous requirement was to appoint a designated independent person who would investigate and make a binding recommendation, whereas the 2015 regulations require that a panel of at least two independent persons is now to be appointed which will investigate and make a recommendation to Council.
12. The Council has already appointed independent persons to advise on complaints under the councillors’ code of conduct. Should it be necessary to appoint a panel under these regulations, membership could be drawn from the existing pool of independent persons appointed by both Vale of White Horse and South Oxfordshire district councils in order of priority as specified in the revised procedure rules.
13. Council is asked to adopt the revised officer employment procedure rules, with any consequent minor changes to the constitution (such as the scheme of delegation), and to authorise the head of legal and democratic services (or a deputy monitoring officer) to appoint and convene the panel in the event that it is necessary to do so.

Revised constitution

14. Council is requested to approve the changes set out in this report for implementation from 1 January 2016.

Financial Implications

15. The democratic services budget for printing will meet the costs of producing copies of the amended constitution.

Legal Implications

16. Section 37 of the Local Government Act 2000 requires the Council to keep its constitution under review. The council is required to amend its officer employment procedure rules to comply with the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

Conclusion

17. This report sets out proposals to amend the constitution. Officers recommend that Council supports these proposals and authorises the head of legal and democratic services to make these changes and any further minor or consequential amendments to the constitution.

Background paper: Paper to the Joint Constitution Review Group

Officer employment procedure rules

RECRUITMENT AND APPOINTMENT

1. Declarations

- (a) The council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the council; or of the partner of such persons.
- (b) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant strategic director or an officer nominated by him/her.

2. Seeking support for appointment.

- (a) The council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the council. The content of this paragraph will be included in any recruitment information.
- (b) Subject to paragraph (c), no councillor will seek support for any person for any appointment with the council.
- (c) Nothing in paragraphs (a) and (b) above will preclude a councillor from giving a written reference for a candidate for submission with an application.

Recruitment and appointment of head of the council's paid service and strategic directors

3. Where the council proposes to appoint the head of the council's paid service or a strategic director the council will:

- (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

- (c) make arrangements for a copy of the statement mentioned in paragraph (3) (a) to be sent to any person on request.

Appointment and dismissal of strategic directors and statutory officers

4. The full Council will approve the appointment or dismissal of the head of the council's paid service and strategic directors, or the dismissal of the monitoring officer or chief finance officer, following the recommendation of such an appointment or dismissal by the joint staff committee. The joint staff committee must include at least one member of the cabinet. No offer of appointment may be made, or notice of dismissal given, until the council has approved any recommendation to that effect.
5. The full Council may not make or approve the appointment of the head of the council's paid service or a strategic director until:
 - (a) the joint staff committee has notified the head of HR, IT and technical services (head of HR) of the name of the person to whom the joint staff committee wishes to make the offer and any other particulars which the joint staff committee considers are relevant to the appointment;
 - (b) the head of HR has notified every member of the cabinet of:
 - (i) the name of the person to whom the joint staff committee wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the joint staff committee has notified to the head of HR and
 - (iii) the period within which any objection to the making of the offer is to be made by the leader of the council on behalf of the cabinet to the head of HR and
 - (c) either:
 - (i) the leader of the council has, within the period specified in the notice under paragraph (5)(b) above notified the joint staff committee that neither he/she nor any other member of the cabinet has any objection to the making of the offer;
 - (ii) the head of HR has notified the joint staff committee that no objection was received by him/her within that period from the leader of the council; or
 - (iii) the joint staff committee is satisfied that any objection received from the leader of the council within that period is not material or is not well founded.
6. The full Council may not give notice of the dismissal of the head of the council's paid service, the monitoring officer, the chief finance officer or a strategic director until:

- (a) the joint staff committee has notified the head of HR of the name of the person whom the joint staff committee wishes to dismiss and any other particulars which the joint staff committee considers are relevant to the dismissal;
- (b) the head of HR has notified every member of the cabinet of:
 - (i) the name of the person who the joint staff committee wishes to dismiss;
 - (ii) any other particulars relevant to the dismissal which the joint staff committee has notified to the head of HR and
 - (iii) the period within which any objection to the dismissal is to be made by the leader of the council on behalf of the cabinet to the head of HR; and
- (c) either:
 - (i) the leader of the council has, within the period specified in the notice under paragraph (6)(b) above notified the joint staff committee that neither he/she nor any other member of the cabinet has any objection to the dismissal;
 - (ii) the head of HR has notified the joint staff committee that no objection was received by him/her within that period from the leader of the council; or
 - (iii) the joint staff committee is satisfied that any objection received from the leader of the council within that period is not material or is not well founded.

Disciplinary action against statutory officers

7. In the following paragraphs—

- (a) “the 2011 Act” means the Localism Act 2011;
- (b) “chief finance officer”, “disciplinary action”, “head of the council’s paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
- (c) “independent person” means a person appointed under section 28(7) of the 2011 Act;
- (d) “local government elector” means a person registered as a local government elector in the register of electors in the council’s area in accordance with the Representation of the People Acts;
- (e) “the Panel” means a committee appointed by the council under section 102(4) of the Local Government Act 1972 for the purposes of advising the council on matters relating to the dismissal of relevant officers of the council;
- (f) “relevant meeting” means a meeting of the full Council to consider whether or not to approve a proposal to dismiss a relevant officer; and
- (g) “relevant officer” means the chief finance officer, head of the council’s paid service or monitoring officer, as the case may be.

8. A relevant officer may not be dismissed by the council following disciplinary action unless the procedure set out in the following paragraphs is complied with.
9. The council must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
10. In paragraph 9 “relevant independent person” means any independent person who has been appointed by the council or, where there are fewer than two such persons, such independent persons as have been appointed by another council or councils as the council considers appropriate.
11. Subject to paragraph 12, the council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order—
 - (a) a relevant independent person who has been appointed by the council and who is a local government elector;
 - (b) any other relevant independent person who has been appointed by the council;
 - (c) a relevant independent person who has been appointed by another council or councils.
12. The council is not required to appoint more than two relevant independent persons in accordance with paragraph 11 but may do so.
13. The council must appoint any Panel at least 20 working days before the relevant meeting.
14. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the full Council must take into account, in particular—
 - (a) any advice, views or recommendations of the Panel;
 - (b) the conclusions of any investigation into the proposed dismissal; and
 - (c) any representations from the relevant officer.
15. Any remuneration, allowances or fees paid by the council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person’s role as independent person under the 2011 Act.

OFFICERS BELOW STRATEGIC DIRECTOR

Appointment

16. The appointment of officers below strategic director (other than assistants to political groups) is the responsibility of the head of the council's paid service or his/her nominee, and may not be made by councillors.
17. The appointment of an assistant to a political group, as defined in the Local Government and Housing Act 1989, shall be made in accordance with the wishes of that political group.

Dismissal

18. Councillors will not be involved in the dismissal of any officer below strategic director, other than the monitoring officer or chief finance officer as set out in paragraphs 4 and 6 above.

Disciplinary action

19. Councillors will not be involved in disciplinary action against any officer below strategic director, other than the monitoring officer or chief finance officer as set out in paragraphs 7 to 15 above.