



**WATFORD  
BOROUGH  
COUNCIL**

# **COUNCIL MEETING**

**16 October 2018**

**7.30 pm**

**Town Hall, Watford**

## **Contact**

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**Publication date: 8 October 2018**

8 October 2018

Councillor

You are hereby summoned to attend a meeting of the Council of the Borough of Watford to be held on Tuesday, 16 October 2018 starting at 7.30 pm at the Town Hall, Watford to take into consideration and determine upon the following subjects, namely: -

1. **Apologies for Absence**
2. **Disclosure of Interests**
3. **Minutes**

The [minutes](#) of the meeting held on 10 July 2018 to be submitted and signed.

4. **Official Announcements**
5. **Mayor's Report** (Pages 7 - 12)
6. **Questions by Members of the Council under Council Procedure Rule 10.0**
7. **Questions by Members of the Public under Council Procedure Rule 11.0**

The following question has been received from Ms Herron:

*“Re: Watford Community Housing*

*It came up in the WCHT AGM that the trust has moved 75 or so properties social housing rents have been converted to affordable housing rents.*

*This was not well received by tenants.*

*I'd like to know who is monitoring WCHT as nothing seems to be being asked to tenants before big changes are done.*

*This completely goes against what WCHT was set up for years ago.*

*Is this in keeping with the terms of the original transfer?”*

- 8. Petitions presented under Council Procedure Rule 12.0**
- 9. Business especially brought forward by the Chairman or the Head of Paid Service which in the opinion of the Chairman should be considered as a matter of urgency.**

- 10. Voter ID Pilot (Pages 13 - 48)**

Report of the Managing Director to ask Council to participate in the Voter Identification Electoral Pilot in May 2019 and to note the evaluation of last May's voter ID pilots.

- 11. Business Rates Pilot for 2019/20 (Pages 49 - 73)**

Report of the Director of Finance to ask for Council's approval to enter the Business Rates Pilot or Hertfordshire Business Rates Pool for 2019/20

- 12. Gambling Act 2005 Statement of Principles 2019 - 2022 (Pages 74 - 218)**

A report of the Licensing Committee recommending to Council that the Statement of Principles under the Gambling Act 2005 be adopted.

- 13. Proposed Licensing Act 2003 Statement of Licensing Policy 2018-2023 (Pages 219 - 304)**

A report of the Licensing Committee recommending to Council to adopt the amended Statement of Licensing Policy 2018/2023.

- 14. Opportunity to increase the provision of social rented housing (Pages 305 - 313)**

Report of Cabinet on 10 September 2018 with one recommendation to Council

The appendix is considered Part B in accordance with Paragraph 3, Part 1, Schedule 12A as it contains information relating to the financial and business affairs of the Council.

- 15. Cycle Hire Scheme and Demand Responsive Transport System**

Report of Cabinet on 8 October 2018, to follow

- 16. Motions submitted under Council Procedure Rule 13.0**

1. The following motion has been proposed by Councillor Stotesbury and seconded by Councillor Dychton

## ***“Full Council ‘People’s Vote on Brexit’ Motion***

### ***Council notes that:***

- 1. While Watford's EU referendum result was the closest in the UK, and marginally in favour of Leave, recent opinion polls indicate that there has been a significant swing in favour of a 'People’s Vote' on the final Brexit deal*
- 2. The Government’s own impact assessments show that the UK is likely to be worse off in every scenario after Brexit*
- 3. There will be severe damage to our international relationships, reduced influence with other states, and the complete loss of say and control over the rules of the European Single Market and Customs Union, the largest market in the world*
- 4. There are a large number of non-UK EU nationals living in Watford who are concerned about the impact of Brexit on their lives, and that their current rights are not being fully protected*
- 5. That the Government has totally mismanaged the Brexit negotiations. The ‘Chequers Statement’, issued on 6th July 2018, (the closest indication yet of what a final deal might look like), has been rejected by EU negotiators and has also managed to alienate both supporters and opponents of Brexit*
- 6. The NHS is experiencing severe problem in recruiting nurses and doctors since the decision was made to leave the European Union, and this is having a real negative impact on the health of local residents.*
- 7. The UK economy is now the slowest growing economy in Europe, reducing the prosperity of the UK and our local residents. New investment in the area is being jeopardised and new job opportunities are being lost.*
- 8. Inflation caused by Brexit-related depreciation of the pound is driving up living costs for our poorest residents, further squeezing their living standards*
- 9. There will be a negative impact on our established mutually beneficial partnerships and links with European cities.*

### ***Council therefore:***

- 1. Believes that the people should have scrutiny of what is being negotiated on their behalf and an opportunity to vote on the final deal, including the option to remain in the EU*
- 2. Formally adds its voice to those calling for a public ‘People’s Vote’ on the final Brexit deal*
- 3. Asks the Mayor to write to Watford's MP expressing these views and*

*asking him to support a 'People's Vote'"*

2. The following motion has been proposed by Councillor Tim Williams and seconded by Councillor Ian Stotesbury

*"This Council fully endorses and supports the end to the use of unnecessary Single Use Plastics (SUPs) in Watford and to take the following measures to achieve this:*

*a) Watford Borough Council to become a full signatory of the 'Plastic Free Pledge', by phasing out the use of unnecessary SUPs in all Borough Council buildings, and working with commissioning partners to reduce, with the aim to end the purchase and procurement of SUPs through the Watford Borough Council supply chain.*

*b) to encourage the town's residents, organisations and businesses to go 'plastic free,' providing practical guidelines and advice to help the transition from SUPs to sustainable alternatives.*

*c) to encourage traders on Council land/with Council Permission to sell reusable containers and invite customers to bring their own, with the aim of phasing out SUPs; including investigating the possibility of requiring food and drink vendors to avoid SUPs as a condition of their event/hire permission.*

*d) to continue to install drinking fountains in our parks to in order to reduce the use of plastic in purchased water bottles and the consequent pollution and cost of rubbish disposal. There's already a drinking fountain established in Cassiobury Park with another one to be installed, and further drinking fountains planned for Oxhey Park and Woodside."*

3. The following motion has been proposed by Councillor Nigel Bell and is seconded by Councillor Asif Khan

*"This Council notes that Arriva Rail London (ARL) and Transport for London (tfl) are proposing to close 51 ticket offices including Watford High Street and Carpenders Park station.*

*This Council notes the advantage of having manned ticket offices to provide advice and additional services in particular to vulnerable users and those with a disability and the elderly.*

*Insufficient ticket machines can cause delays and platform congestion and having no staff will make users feel less safe and secure.*

*This Council notes that the Conservative Government's harsh austerity policies have led to the £700million cut to tfl's funding.*

*This Council, therefore, resolves through the Mayor to write to Arriva London and demand that they put people before profits and to withdraw the threat of these cuts to staff.*

*Also to write to London Travelwatch emphasising the concerns of Watford Council on behalf of our residents and to strongly urge that these cuts do not go ahead."*

4. The following motion has been proposed by Councillor Turmaine and seconded by Councillor Mauthoor

*"Ethical Debt Collection Policy*

*This council notes:*

*That 'problem debt' or over-indebtedness affects an estimated 8.3 million people in the UK, according to reports by the National Audit Office.*

*The use of bailiffs by local authorities and commissioned debt collection agencies brings unparalleled levels of stress to people who are already experiencing extremely challenging circumstances.*

*In some instances, the inability of people suffering problem debt to pay debt collection agencies can lead to them becoming homeless. This places additional financial burdens on the local authority (and council tax payers) owed money as well as forcing further stress, challenge and change on the families of those affected.*

*This council resolves:*

*To implement an ethical debt collection policy and align itself to best practice in both the private sector and other local authorities, which have abandoned the use of bailiffs for debt collection.*

*To ensure that value for money for council tax payers is maximised by pursuing debt repayment plans that will enable money to be paid back to the local authority through managed debt collection.*

*To avoid additional costs being incurred such as those arising from needing to re-house people made homeless as a result of a non-ethical debt collection policy.*

*To enshrine the above in contracts held with agencies operating on behalf of Watford Borough Council and to work with them to implement an ethical debt collection policy.*

*This council further notes that an ethical debt collection policy is not a 'no debt' collection policy and that everyone who owes money to the local authority is obliged to repay it."*

A handwritten signature in black ink, appearing to read 'Manny Lewis'. The signature is written in a cursive style with a large, stylized 'L' at the end.

**Manny Lewis, Managing Director**

# Agenda Item 5

## Elected Mayor's Report- October 2018

*It's been a busy time settling into my role as Elected Mayor of Watford. I've been working to deliver my manifesto commitments, visiting some of our local community groups and I have also had the privilege of helping 838 local residents with their issues since May.*

*Here is a summary of what I have been doing as Elected Mayor of Watford.*

### Partnership Work

#### Everyone Active

I was very pleased to see how successful Everyone Active's Free Swim and Gym programme was over the summer, with a large number of Watford families taking advantage of free swimming sessions for children. I hope to see this rolled out more regularly at Woodside and Central Leisure Centres.

I saw the finished improvement works at Woodside last week, which includes new studios and changing facilities. They look fantastic and I can't wait for residents to try them out.

#### Veolia

As part of my role as Mayor, I've been shadowing different service areas in the council, to see more first-hand what the frontline services do on a day to day basis in our council. I've been to meet the crews at Veolia and followed round the grounds maintenance teams to see the good work they do day to day keeping our town clean and tidy.

I would also like to place on record my thanks to Veolia for supporting and helping to fund improvements to facilities at the Meriden Community Centre.

### Community Events

One of the best parts of my job is meeting so many of our fantastic community groups. We're lucky in Watford to have such a diverse voluntary sector, representing all sections of our community.

I had the real privilege of meeting local resident Joyce Lambert on her 104<sup>th</sup> birthday. Joyce is a remarkable woman who is so positive and healthy. She has always walked a lot, never owned a car, drinks an occasional glass of wine and has lived on the same road in Watford



for over 80 years.

I also visited WRAP (Watford Recycling Arts Project) who do a great job recycling and repurposing commercial waste for artistic use. They work with our local businesses encouraging them to recycle more waste and try and make Watford a more sustainable town.

I joined Shopmobility when they celebrated their 25<sup>th</sup> birthday. Shopmobility was set up 25 years ago by Caroline Bagley, who originally started the organisation with just four volunteers, including her late Mum and Dad.

Together with Joint Manager Marilyn and Assistant Manager Maureen, they now have 38 volunteers, are open seven days a week and are the biggest Shopmobility in the south east of England. I'm so pleased that Watford Borough Council continues to support this important service. Shopmobility allows those who may otherwise be housebound and isolated to explore our thriving town centre.

I helped start the Alzheimer's Society Memory Walk in Cassiobury Park, attended by over 1,000 walkers. The walk raised much needed funds to help those living with Dementia and their carers in the town. It was good to see so many people coming together to get involved.

I had a great time at the Hare Krishna Bhaktivedanta Manor Temple in Bushey as part of their Janmashtami Festival, which has already had over 30,000 visitors. It was a wonderful celebration, we're lucky to be next door to such a beautiful place and have such a diverse community on our doorstep.

I met with members and took questions from our local Citizens Advice Bureau about my role as Mayor, and what we can do as a council to support private renters and those in receipt housing benefit in our town.

It was good to see how successful our Big Events were this summer. Our Big Beach was one of our busiest yet, with residents out to enjoy the good weather whilst it lasted! I'm proud that we're able to put on these events free of charge whilst other councils are having to make swingeing cuts to services.

I recently attended a cookery demonstration by the Grove's Head Chef, Stephen Wheeler, in Cassiobury Park as part of the Grow Your Own Watford initiative. This was a great chance for residents to learn more about how to grow their own produce and then use it in their cooking.

I was proud to raise the LGBT Flag outside the Town Hall, and for Watford Borough Council to be able to support the recent Herts Pride event. It's really important that everyone feels welcome in our town, irrespective of background.

Lastly, I'd like to congratulate two Watford born sportsmen for some terrific achievements. Firstly, to Gareth Southgate for England's incredible World Cup run which gripped the nation! Secondly, to local lad Anthony Joshua, for retaining his IBF, WBO, and IBO heavyweight titles, making him arguably one of Britain's most successful boxers of modern times.

## **Delivering my Manifesto and Working for the Town**

### **Cycle Hire Scheme and Hop on Hop off Bus**

Plans have now gone to Cabinet last Monday (8<sup>th</sup> October) to design a business case for both the On Demand Bus Service and the Cycle Hire Scheme and for the schemes to go out to a consultation.

If Cabinet agrees this, we can investigate the business case further, before exploring the procurement options. The aim is to have both schemes up and running by September 2019.

### **Working for better Transport**

I've not just been working on delivering new transport schemes such as the Cycle Hire Scheme and a Hop on Hop off Bus but I've also been working on improving our existing transport.

I've surveyed hundreds of regular Watford commuters about how they feel their train service could be improved ahead of a meeting with London Northwestern bosses. I will be following up on improvements, which include better facilities at Watford Junction, at a meeting with bosses next week.

Along with Cllr Ian Stotesbury, I presented a petition with nearly 6,000 signatures to the Mayor of London, Sadiq Khan, to rezone Watford stations. I'll also be writing to the Department of Transport to review all zoning arrangements for areas like Watford.

I've successfully lobbied the County Council alongside Cllr Amanda Grimston and other local councillors to ensure a bus service continued to run to the Meriden Estate since Arriva announced their intention to withdraw the 324. I'll be closely monitoring this service in its first six months to see if it can become commercially viable again.

I've been contacted by a number of residents with concerns about Arriva's general reliability on other commercial routes in Watford, with frequent reports of missing or late running buses. I've asked Arriva bosses to publish their bus reliability over time online, in the same way that train franchises do, so residents and councils can see which routes are more reliable than others.

I've got meetings coming up with London Underground managers in Watford to ensure better bike parking facilities.

I'll be hosting my first Cycle Forum, bringing together cycle groups across the town, later this year.

I've been engaging with our taxi trade, and held my first Borough wide Taxi Forum in September to listen to their concerns and discuss new opportunities for the trade.

### **Making Watford a town for all**

We have been working in close partnership with Watford Community Housing, particularly in relation to our joint house building company, Hart Homes, supplying the town with much needed council housing.

The site at Croxley View has the first residents moving in, with more sites in the pipeline. I'm really proud to already be delivering upon a key manifesto commitment and to provide local people with permanent long term accommodation. I'm also proud that Watford is one of the only local authorities in the south east or London to see a drop of a third in the numbers of those living in temporary accommodation.

### **Dementia Friendly Town**

I held Watford's first ever Dementia Forum supported by the Alzheimer's Society at the BRE Centre in Bricket Wood, which is the first step for Watford to become a Dementia Friendly Town. A number of local businesses, community organisations and interested individuals attended and we looked at ways that we can make Watford a more welcoming place for those living with Dementia and their carers.

Over the coming months we'll be working with different organisations across the town about practical steps that can be taken to support people living with Dementia.

### **Metropolitan Line Extension**

It's really important that we keep pushing for an alternative to the Metropolitan Line Extension. At the moment, we are working with TfL and Herts County Council to produce a

feasibility study to see what would be possible to achieve on the existing rail corridor and findings will be published later next year.

This scheme is just too important for our town to fall by the wayside.

### **Tackling Rough Sleeping**

Tackling rough sleeping is one of my key priorities as Mayor. I've been working closely with New Hope and other partners in helping them with their Operation SWEP. In partnership with local churches and Watford Borough Council, New Hope will be providing emergency shelter every night in December and January with the addition of up to 15 beds away from the wind, rain, cold and dangers of the street.

I'm joining the CEO Sleepout in November to raise funds for New Hope. We all want to live in a town where nobody sleeps rough.

### **Improving our High Street**

It was great to see Debenhams move into the new Intu Extension on 28 September. Debenhams have opened a new flagship store in the town, and are being joined by other well-known brands such as Superdry, Jack Wills, H and M and of course a 9 screen Imax cinema. I'm delighted that, at a time when High Streets are struggling in other parts of the country, we can have this extension right in the heart of the town.

I'm proud that we have been able to take the tough decisions to make this happen.

We've been making improvements to our High Street. These have included changes to shop frontages, the widening of pavements, new bike facilities and restricting access to the High Street to most cars. I appreciate the works have caused some disruption to residents and businesses but it will be worth it later this year.

As many of you know, the council stepped in in August to secure the long term future of Watford Market after operator TCM experienced financial difficulties, a move that was welcomed by many traders. Since then, alongside new operator MAM, I'm very keen to improve the market for traders and visitors alike, including new décor.

### **Working with businesses**

I'm really keen that as a council we continue to create an environment where businesses of all sizes want to operate and create jobs here. In particular, I'm looking to engage with our

small and medium sized businesses to see how we can engage and support them as a council, and will be hosting a reception event for small business owners later this year.

### **Tackling anti-social behaviour**

I continue to work closely with the police and local councillors to tackle anti-social behaviour issues in the town particularly in relation to drugs. I have joined the police, with Deputy Mayor Cllr Karen Collett, on high visibility patrols in some of the problem parts of Watford. Herts Police have also obtained the country's first Drug Dealing Restriction Order, enabling them to shut down mobile phone numbers connected to illegal drug taking.

### **Listening to Watford**

One of my key manifesto commitments at the election was to make sure that listening to residents views was at the heart of all that I do as Mayor. I've been hosting regular pop up stalls in different parts of Watford to talk to residents and find out how they feel Watford could be an even better place to live and work. I've been engaging with residents across all social media platforms, including hosting Facebook Live Q and A events. As well as this, we have been running a borough wide consultation on the Local Plan, giving residents a chance to give their views about how they want the future of Watford to look like.

# Agenda Item 10

## Part A

**Report to:** Council  
**Date of meeting:** 16 October 2018  
**Report of:** Managing Director  
**Title:** Voter ID Pilot

### 1.0 Summary

- 1.1 Once again Cabinet Office has offered local authorities in Great Britain with elections in May 2019 the opportunity to pilot voter identification (ID) in their local elections to enable the Cabinet Office to determine the best way to implement voter ID in polling stations nationally. In 2018 Watford together with Bromley, Gosport, Swindon and Woking undertook pilots to test different forms of voter ID in conjunction with the Cabinet Office.
- 1.2 Council has within its terms of reference the power to confirm whether the Council should participate in an electoral pilot.
- 1.3 Following consultation with the Mayor, it is recommended that the Council takes part in the pilot once again with the proviso that any and all additional cost to undertake the Pilot is covered by the Cabinet Office.  
This report seeks formal confirmation from Council to proceed with the Pilot.
- 1.4 The report also provides Council with the evaluations undertaken by both the Cabinet Office and the Electoral Commissions review of the outcome of the voter identification pilots that the Council participated in this May.

### 2.0 Risks

2.1

<b>Nature of Risk</b>	<b>Consequence</b>	<b>Suggested Control Measures</b>	<b>Response</b> <i>(Treat, tolerate, terminate, transfer)</i>	<b>Risk Rating</b> (the combination of severity and likelihood)
ID pilot will disenfranchise voters	Democratic process will be impaired	Extensive publicity will be undertaken to ensure all	Tolerate	4

		voters know the requirements. Watford's pilot is not restrictive as the poll card or any other approved ID is the only requirement.		
There may be a challenge to the pilot or election result	May generate legal process	Government will make the regulatory Order which legally authorises the pilot.	Tolerate	4

### 3.0 **Recommendations**

- 3.1 That Council agrees to participate in the Voter Identification Electoral Pilot for the May 2019 Borough Ward elections and any County Council by election.
- 3.2 Council notes the evaluations of last May's voter ID Pilots

## 4.0 Detailed proposal

4.1 Watford participated in a voter identification electoral pilot in May 2018 for both the Mayoral and Borough elections. The objective of the Watford pilot was to test the use of poll cards, which are sent to every eligible elector as a matter of course before an election informing them of their polling station, for the purposes of being a valid form of identification. In addition the pilot also tested new technology for scanning poll cards and electronically marking the register to indicate who had voted. Following the pilot both the Cabinet Office and the Electoral Commission have published their evaluations of the effectiveness not just of the pilot undertaken by Watford but also the other pilot authorities. These evaluations are available through the links below. Council is asked to note these.

- A. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/733128/Electoral\\_Integrity\\_Project\\_-\\_Local\\_Elections\\_2018\\_-\\_Evaluation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/733128/Electoral_Integrity_Project_-_Local_Elections_2018_-_Evaluation.pdf) Link to Cabinet Office's Full 2018 Local Election Evaluation (Extract attached as Appendix 1).
- B. [https://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0006/244950/May-2018-voter-identification-pilots-evaluation-report.pdf](https://www.electoralcommission.org.uk/_data/assets/pdf_file/0006/244950/May-2018-voter-identification-pilots-evaluation-report.pdf) Link to Electoral Commission's Full May 2018 voter identification pilot schemes Findings and recommendations (Extracts attached as Appendix 2)

Following on from last year's Pilots the Cabinet Office have again issued a prospectus seeking interest in undertaking a further ID Voter Pilot. The prospectus can be found in the link below.

- C. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/735413/Electoral\\_Integrity\\_Pilots\\_Prospectus\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/735413/Electoral_Integrity_Pilots_Prospectus_2018.pdf) Link to Cabinet Office's current Electoral Integrity Pilots Prospectus 2018 for May 2019 elections

4.2 The intention for the 2019 electoral pilots will once again be to address a number of risks to the integrity of the electoral system by testing methods of mitigating the risk of electoral fraud. In 2018 Watford Council put forward the idea that the level of ID requirement should be as unobtrusive as possible and that, rather than ask for formal documents such as a passport, requiring the poll card, in addition to the existing requirement for electors verbal confirmation of his/her name and address for voter eligibility in conjunction with technology would be sufficient. At the moment other than the verbal confirmation an elector is not required to provide any form of ID at all. The Council and the Cabinet Office's interest in testing this lower intervention approach in 2018 proved highly successful and there is expectation for this model to be more refined and trialled again at the 2019 local government elections. Pilot findings in 2019 in conjunction with the results from 2018 will determine the most effective way the government can introduce polling station voter ID checks for all elections across the UK.



The key to making the ID pilot work in Watford well is to have extensive publicity – most voters bring their poll card anyway – to remind voters to do so and our pilot is such that in the absence of bringing the poll card other forms of ID such as a passport, photo driving licence, current debit or credit card will be acceptable. As in 2018 a similar publicity plan will be agreed with the Cabinet office. A copy of the 2018 publicity plan is attached to the equality impact assessment (Appendix 3). The Cabinet will also be undertaking a pilot wide EIA.

- 4.3 Modern Democracy Ltd will again be providing the digital software to scan the poll cards at the polling station. The different scenarios that may arise have been anticipated with advice on how to deal with them set out in the Appendix to the Equality Impact Assessment. Lessons from the 2018 pilot have been incorporated. Appendix 4 sets out a simple flowchart.

A full evaluation of the pilot will be undertaken including assessing whether there has been any impact on voter patterns.

4.4 **How Watford Pilot solves possible disadvantages**

<p><i>Additional Voter ID checks will lengthen the election process, possibly requiring additional polling stations, staff and cost</i></p>	<p>Simple instructions can be given to polling station staff. Some cost involved in setting up technology to record, but in the long-term could replace some stationary requirements. Any methodology of <i>ensuring</i> that the current electorate has some form of ID, especially photo ID is likely to be far more expensive to both introduce and maintain.</p>
<p><i>Electors may get disenfranchised, on account of their inability to provide certain forms of Voter ID</i></p>	<p>All eligible individuals currently listed on the electoral register will have access to their poll cards, which will all be personally addressed, barcoded, enveloped and hand delivered</p>
<p><i>May reduce voter turnout through uncertainty of ID requirements, or more importantly due to queues</i></p>	<p>The simple message of “Bring Your Poll Card” to be communicated to the electorate. Barcode being read may be a faster process than looking up details within register – dependent upon individuals bringing poll cards to polling station.</p>

## 5.0 **Implications**

### 5.1 **Financial**

The costs of the Borough elections are provided for in the base budget. The additional costs of the pilot will be met by the Cabinet Office.

### 5.2 **Legal Issues** (Monitoring Officer)

Council will need to be satisfied that the criteria as set out in the Cabinet Office prospectus for participating in a further electoral pilot for 2019 has been demonstrated (see Appendix 5). Should the Council be selected to undertake another pilot a statutory instrument implementing the pilot will need to be passed by Parliament.

### 5.3 **Equalities and Human Rights**

A detailed equalities impact analysis (EIA) has been undertaken and is attached as appendix 3. Lessons learned from the 2018 pilot have been incorporated. The document will continue to be refreshed as the project progresses. The Cabinet Office will also be producing an EIA.

#### **Appendices**

1. Cabinet Office Evaluation – Extract
2. Electoral Commission Evaluations
3. Equality Impact Assessment requirements
4. Watford Intended Pilot flowchart
5. Confirmation of criteria for piloting authority

# Cabinet Office Evaluation - August 2018

## Executive Summary

During local elections in 2018, electoral administrators from eight Local Authorities (LAs), working alongside the Cabinet Office, the Electoral Commission and their Electoral Management Software (EMS) suppliers delivered voter ID and postal vote pilots as part of the Electoral Integrity Project (EIP). Five LAs participated in pilots with the aim to inform future design of the ID requirements and delivery mechanism for implementing the Government's manifesto commitment for the national roll out of voter ID requirements in polling stations across Great Britain. Three LAs piloted measures to improve the security of the postal and proxy vote process.

Three models of ID were trialled at polling stations - the poll card model in Watford and Swindon, the mixed ID (photographic and non-photographic) model in Gosport and Bromley, and the photographic ID model in Woking. Three other sites, Peterborough, Tower Hamlets and Slough, piloted the postal/proxy vote process.

The models trialled were based on recommendations made by Sir Eric Pickles in his independent review into electoral fraud. We measured the impact of the voter ID requirement through a number of evidence strands: a pre and post election day public opinion survey; a polling station staff survey; data collected at polling stations; cost data collected by LAs; and qualitative interviews with electoral service teams in the participating LAs. We measured the impact of the postal/proxy measures through: a post election day public opinion survey; cost data collected by LAs; and qualitative interviews with electoral services teams. These data sources have also been used by the Electoral Commission in their independent evaluation.

To fully assess the different dimensions of the ID requirement, Cabinet Office evaluated the pilots through four themes: Integrity; Democracy and Equality; Delivery; and Affordability.

Overall, Integrity measures consistently increased in the photographic ID model, and showed varied results across sites in the mixed ID and poll card models. Confidence in how to go about casting a vote and satisfaction with the process of voting significantly increased post election day in the photographic ID model. Levels of confidence significantly increased in one of the two poll card model sites (Watford), but satisfaction remained unchanged. In contrast, confidence remained unchanged in both mixed ID models, yet satisfaction significantly increased in one of the two mixed ID models (Gosport).

INTEGRITY	DEMOCRACY & EQUALITY
<i>We aimed to understand the impact of the ID requirement on public confidence in the security of the electoral system.</i>	<i>We aimed to understand the impact of the requirement on people's participation in the democratic process.</i>
DELIVERY	AFFORDABILITY
<i>We aimed to understand the best mechanisms for delivery of the policy.</i>	<i>We aimed to understand the additional costs of rolling out the requirement in Great Britain.</i>

The perception of the occurrence of electoral fraud at a local level has significantly decreased, and perception of electoral fraud at a GB level significantly increased in the photographic ID and mixed ID models (although Gosport remains unchanged on perceptions of fraud at a GB level). In contrast, perceptions of levels of electoral fraud at a local level

significantly increased in one of the two poll card model sites (Swindon), and at a GB level (Watford).

Democracy and Equality measures were consistent across each authority. Based on the public opinion survey there is no indication that the ID requirements impacted the reasons for not voting for any specific demographic group across the participating authorities. The predominant reason cited for not voting, among those reported they did not vote in the May 2018 local elections, in all pilot models was 'too busy/other commitments'.

The most cited communication channel for awareness of the pilot was predominantly the poll card for the poll card model and the mixed ID model sites, with only electors in the photographic ID model citing a leaflet from the local council as being the most referenced communication source. All models found direct local sources to be the most effective communication method.

The most popular ID used was a driving licence in both the photographic and the mixed ID models, with the passport being the second most popular. The poll card was most popular in the poll card model, with a driving licence being used as a second favourite option.

Based on feedback from electoral services teams, most of the pilot requirements were able to be delivered in conjunction with business as usual activities for an election. Piloting authorities highlighted the importance of having enough time to plan for the extra requirements. Most piloting authorities were able to integrate voter ID training into the standard training and guidance given to polling station staff.

Perceptions of election day were largely positive across all models, with polling station staff giving positive feedback on the process, particularly in the poll card sites.

LAs would largely pilot the same approach again, with one of the mixed models (Bromley) citing they would reduce the number of ID options. The poll card model sites reflected that their model would need less of a behaviour change, with one citing that electors already bring their poll card to vote (Watford).

The central role that Cabinet Office and the Electoral Commission play were seen as being integral to further pilots or national roll out. All local authorities stated that a communication campaign would have to be centrally delivered, with one set of requirements nationally.

In order to assess the affordability of each ID pilot model, we have produced estimates for the additional costs of rolling out each model for a national poll. We have standardised the costs to allow comparisons to be drawn, and have omitted costs that were pilot-specific. There is an inherent degree of uncertainty in these estimates, primarily due to the small sample of participating Local Authorities. This is particularly acute for the Poll Card model, which required the use of technology in polling stations which was developed specifically for this pilot.

## Summary of key findings

Overall, the voter identification requirements trialled in May 2018 worked well. Nearly everyone in the five pilot scheme areas who went to vote in their polling station was able to show identification without difficulty. The number of people who did not vote because they couldn't show identification was very small.

People in the areas where the pilot schemes took place were significantly less likely to think that electoral fraud took place than people in other areas with elections in May 2018. Returning Officers and their staff in polling stations were able to run the new processes well and without any significant problems.

These pilot schemes have provided useful and important initial evidence about how a voter identification requirement in Great Britain might work in practice. They have also highlighted areas where further work is needed, because there is not yet enough evidence to fully address concerns and answer questions about the impact of identification requirements on voters.

The authorities in England that took part in the 2018 pilot schemes were not sufficiently varied to be representative of the different areas and groups of people across the rest of Great Britain. This means that we can't be sure whether people in other areas would have problems showing identification.

We also know from previous analysis and feedback from other organisations such as Mencap and RNIB that some groups of people may find it harder than others to show a passport, driving licence or travel card as part of a photo identification scheme. We have some limited evidence from these pilots that younger people and those who don't always vote were less likely to say that they would find it easy to show identification. More work is needed to make sure these people can easily get the right kind of identification to be able to vote.

### **Further work and future pilot schemes**

When the UK Government invited local councils to run pilot schemes in May 2018, it also said that it was open to looking at piloting in future elections. We agree that it would be helpful to collect more evidence from further pilot schemes at elections in 2019.

These pilots have shown that there may be several different ways of delivering a voter identification scheme in Great Britain. The UK Government should now focus on what further evidence they need to answer questions and address concerns about the more detailed impact of a voter identification requirement, and how the design of future pilot schemes will help to provide that evidence.

We have identified some important lessons from the 2018 pilot schemes in this report and made recommendations for further work and future pilot schemes. These recommendations, listed on pp 19-21 below, would help

provide the best possible evidence base for any decisions about identification requirements for voters at polling stations in Great Britain.

Our main recommendation is that the UK Government should encourage a wider range of local councils to run pilot schemes in May 2019. These should include a mixture of rural areas and large urban areas, and areas with different demographic profiles. This would help make sure there is more detailed evidence about the impact of voter identification on different groups of people.

# Watford May 2018 voter identification pilot evaluation

## Summary of key findings

The voter identification pilot scheme in Watford required voters to produce to produce their poll card in order to meet the requirement to vote. The poll card contained a QR code which was scanned in the polling station. If a voter did not bring their poll card they could show photo ID (from a specified list) or a valid debit/credit card. Our evaluation of the scheme found that:

- **The majority of voters were able to meet the identification requirements upon arriving at the polling station.** However, some electors did not have the required ID available when they came to vote on 3 May. The majority later returned and were able to cast a vote.
- **There is no evidence that the ID requirement deterred electors from voting.** In our public opinion survey no non-voter in Watford told us that ID was the reason they had not voted. 2018 turnout was higher than the, most comparable, elections in 2016. It is possible that some electors were deterred from voting, believing correctly or incorrectly that they did not have ID, but this seems unlikely to apply to significant numbers.
- **We cannot draw firm conclusions about whether the ID requirement had a disproportionate impact on particular groups of people, for example those with a learning or physical disability.** While we have seen no evidence that specific groups struggled with the ID requirement it is challenging to gather evidence in this area as relatively small groups of people could have been affected in different ways. A disproportionate number of those unable to show ID on 3 May were from electoral wards with higher proportions of people with an Asian background. However, this does not mean that electors from the Asian community were more likely to be affected by the ID requirement.
- **The delivery of this pilot was manageable for the Returning Officer and their staff and, aside from the IT element, there is nothing in their experience of the pilot to suggest that Watford would face significant issues with the administration of a similar ID requirement in the future.** While the IT worked well on 3 May the development and set up was a significant demand on time and resource.
- **Some public attitudes to electoral fraud improved from before to after the pilot.** Fewer people said they thought electoral fraud was a problem in May 2018 than in January 2018. However, we cannot definitively link this change to the pilot.

Our findings suggest that the 2018 local elections in Watford were not significantly affected by the voter ID pilot in either its impact on voters or on the administration of the poll. However, it is important to be cautious when drawing conclusions from this pilot about the impact of any wider application of voter ID.



**WATFORD  
BOROUGH  
COUNCIL**

# Equality Impact Analysis

<b>Title of policy, function or service</b>	Watford Borough Council: Voter ID Pilot
<b>Lead officer</b>	Gordon Amos
<b>Person completing the EIA</b>	Kathryn Robson
<b>Type of policy, function or service:</b>	Existing (reviewed) <input checked="" type="checkbox"/> New/Proposed <input type="checkbox"/>
<b>Version &amp; Date</b>	Version 1 – 15.2.18 Version 2 – 28.9.18 Version 3 – 04.10.18



## **1. Background**

**Watford took part in the Voter ID pilot, sponsored by Cabinet Office for its elections in 2018. At this time a detailed equality impact analysis (EIA) was undertaken to identify the potential equality implications for undertaking this pilot and to identify actions that would mitigate any negative impacts. This was to ensure that the Voter ID pilot did not present barriers to people with protected characteristics participating in the democratic process.**

**The Cabinet Office has once again put out a call to local authorities to participate in the pilot and Watford's intention is to participate for the elections planned in 2019 (these are for borough councillors only with a third of seats up for election). The council has updated the EIA, using the original version as the basis of this updated version. New or revised information has been included as relevant.**

### **Elections in 2018**

In March 2017, the Cabinet Office invited local authorities to participate in a pilot study, which would assess different options aimed at reducing the possibility of election fraud at polling stations and, therefore, upholding the integrity of the electoral system.

The pilots took place at the elections in 2018 and were based around voters presenting personal ID at polling stations. For Watford these elections were for the directly elected Mayor of Watford as well as borough elections. The government's intention remains to introduce, via legislation, some form of voter ID check at all future elections commencing from the next scheduled 2022 parliamentary election.

Whilst Watford has no evidence of fraud taking place within its elections, it has a good reputation for effective electoral management and so was accepted as part of the voter ID pilot along with Woking, Gosport, Bromley and Swindon. Although all areas were involved in the one pilot, each chose to pilot different forms of voter ID, working closely with the Cabinet Office to complete the design and development of the pilots. This included the development and delivery of an extensive engagement and communication plan.

The key for Watford in making the ID pilot work, in advance of the pilot being introduced, was to undertake a robust assessment of any issues that might impact on local residents' participation in the elections in May 2018 and to mitigate where issues were identified.

See the council's assessment below of Watford's approach to the voter ID pilot:

### **An unobtrusive / low intervention pilot**

Watford Borough Council, therefore, put forward the idea that the level of ID requirement should be as unobtrusive as possible and that, rather than ask for formal documents involving photo ID, such as a passport, the poll card would be sufficient to demonstrate voter eligibility. At any election poll cards are delivered to every eligible elector for that election in advance of the election informing the voter of the name and address of their polling station. Prior to the pilot, an elector would not be required to provide any form of ID at all, although many did turn up with their polling card. Cabinet Office was interested in testing this lower intervention approach, which would enhance security and public belief / confidence in the UK voting system.

### **Alternative ID options**

Whilst we were keen for people to produce a poll card, we were clear that we wanted other forms of ID to be acceptable at the polling station. Therefore, in the absence of the poll card, other forms of ID which most people would carry with them on a day to day basis such as a passport, photo driving licence or current bank debit or credit card, were acceptable in Watford. The council saw this as an important factor in ensuring that any risk of a voter presenting at a polling station on the day and being unable to vote due to lack of a poll card was significantly mitigated.

### **Raising awareness of the need to bring a poll card**

Critical to the success of the voter ID pilot in Watford was an extensive communications campaign, supported by focused engagement, including for what are often termed 'harder to hear' or 'harder to reach' groups. This communications and engagement focused primarily on reminding people to bring their poll cards to the polling station on the day. Most voters in Watford do bring their poll card when they vote but the council has also ensured that there is a comprehensive 'back up' for electors in the form of other acceptable ID. This was also communicated to the electorate.

The communications plan was supported by the Cabinet Office both in terms of advice and financial resourcing. This enabled Watford to undertake a comprehensive campaign beyond what it could have achieved through its own resources. The other pilot areas also provided support to the council through the regular sharing of good practice and feedback on what was working well.

### **Raising awareness of what to do if polling card mislaid**

The council anticipated that the robust communications and engagement campaign would alert people to the importance of the poll card. This could have led to additional enquiries from people concerned if they mislaid the card between receipt and the election. The council, therefore, put in place measures to manage this eventuality. Firstly, our frontline customer service team were trained to deal with enquiries and were resourced in the pre-election period so that enquiries and requests can be dealt with swiftly. Secondly, we were geared up to replace poll cards up until 9pm on day of Poll, 3 May.

### **Reducing the risk of delays at polling stations**

The council is committed to staffing polling stations to ensure that there is sufficient support for those coming to vote. In addition, the polling stations were supported by software that could scan the poll cards, speeding up the traditional manual processes to locate and mark the register entry and record the elector's number on the corresponding numbers list prior to issue of ballot paper(s). The council commissioned a voter ID 'scenarios' briefing, which outlined the process for a large number of scenarios that could occur on Election Day. These were detailed, step by step guides for election staff and, in our evaluation, helped prevent delays at polling stations and promoted good customer care in relation to those turning up to vote.

### **Ensuring voter turnout remains at levels expected**

Watford BC was confident that the mitigations it put in place for the voter ID pilot to ensure voter turnout was not less than that achieved in previous years. The council monitored voter turnout and this was a critical factor in terms of its own evaluation of the pilot (it is a KPI target) and in the subsequent discussions with the Cabinet Office on whether we would recommend continuing with a voter ID scheme.

## The 2018 Watford BC elections – overview of outcomes

### 1. Awareness

The council undertook a survey throughout the run up to the 2018 elections to ascertain people's understanding of the voter ID pilot.

Q. *Did you know that you will need to bring your polling card to vote (or other acceptable form of personal ID) when you go to the polling station to vote on 3 May 2018?*

78% of those responding knew before completing the poll that they had to bring their poll card (625 responses)

### 2. Profile of respondents

i **Sex** – respondents were split fairly equally between male (49%) and female (51%)

ii **Disability** – 85% of respondents said their day to day activities were not limited by a disability, 10% said they were limited a little and 5% that they were limited a lot

iii **Age** – the age profile of respondents was:

18-24 years	8.5%
25-34 years	15.8%
35-49 years	37.0%
50-64 years	31.0%
65+	13.0%

iv **Ethnicity** - the ethnicity profile of respondents was:

White British	81.0%
Other White	5.0%
Irish	3.0%
Indian	3.0%
Pakistani	2.0%

### 2. Turnout

i Voters who successfully voted with poll card: 16,863 (87.19%)

ii Voters who successfully voted with other form of ID: 2,478 (12.81%)

iii Number of voters who were turned away due to lack of satisfactory ID: 194 (128 of whom returned later with required form of ID and voted successfully).

- iv Voter turnout: 19,343 to polling stations, 27,765 in total (39.28% - highest ever for local and mayoral alone)

The figures show that the voter ID pilot had no impact on turnout. It is likely turnout benefited from the extensive communications undertaken on the pilot given that the highest ever turnout was achieved for an election for local and mayoral alone

No demographic information was collected on those who did not bring ID. Requiring people to provide equalities related information whilst at a polling station was not seen to be appropriate.

## **2. Focus of the Equality Impact Analysis**

This EIA, therefore, considers the potential equality related impacts, both positive and negative, of the voter ID pilot for 2019 in Watford on the people in the groups or with the characteristics protected by the Equalities Act 2010.

The characteristics to consider within this EIA are:

1. Age
2. Disability
3. Gender Reassignment
4. Pregnancy and maternity
5. Race
6. Religion or belief
7. Sex (gender)
8. Sexual Orientation
9. Marriage and Civil Partnership.

## **3. What we know about the Watford population**

As this pilot relates to the Watford electorate, understanding the population is an important factor in assessing its impact.

### **Population**

The current population of Watford is 96,600 (mid 2018 estimate) and is estimated to grow by 16% by 2026. Population growth estimates stated that they expected Watford to reach 100,000 by the end of 2017. In terms of gender breakdown, there are estimated to be fractionally more female than male residents but the difference is not significant.

Latest figures indicate that there is a total registered electorate of 73,861.

### **Ethnicity**

Watford has a very diverse population more so than the rest of Hertfordshire.

For Watford, the Census 2011 shows the following breakdown in terms of ethnicity: White British (61.9%), White other (7.7%), Pakistani (6.7%), British Indian (5.5%) and British other Asian 4.4%.

**National insurance registration:** Census information is now nearly 10 years old and it is likely that the ethnic profile of the borough has changed during this time. For example, it would not have captured the more recent EU arrivals to the borough (EU2 countries – Romania and Bulgaria, who were given residency rights in 2014). We know from other data such as National Insurance

Registration that Watford has experienced a relatively high increase in nationals from the EU2 countries applying for National Insurance registrations as Watford residents. This follows a period of a high number from EU8 countries (including Poland, Latvia, Lithuania) who were given freedom of movement to the UK from 2004. Throughout the period the arrival of new residents from south Asia (e.g. Pakistan / India) has remained relatively constant.

**Language spoken at home:** Other data sources, including school language survey on the languages spoken by Watford school children at home, endorse the National Insurance findings with English still the predominant language (at around 60%) followed by (in order of selection): Urdu, Polish, Tamil, Romanian, Gujarati, Pahari, Gujarati and Hindi.

**Births and origin of parents:** In 2017, nearly 60% (59.6%) of children born to Watford based parents, had one or both parents born outside of the UK, with 41.7% having both parents born outside of the UK. 52.2% of new mothers in Watford were born outside of the UK (1439 births in total, with 688 to mothers born in the UK and 751 born outside of the UK. Of these 267 mothers had been born in the Middle East and Asia and 247 in the 'new' EU countries – those that had joined since 2004).

**Electorate:** From our assessment of our electorate, which is currently 76,661 but with 2,800 marked for deletion on 1 December, leaving **73,861** electorate the following main ethnicity groups have been identified

	<u>2017/18</u>	<u>2018/19</u>
- British	(61,399)	62,181
- Romanian	(1,612)	2,201
- Polish	(1,791)	1,914
- Rep of Ireland	( 1,389)	1,412
- Indian	( 1,079)	1,215
- Italian	(747)	896
- Portuguese	(758)	823
- Pakistani	(617)	731
- Sri Lankan	(421)	463
- Spanish	( 329)	421
- French	(338)	389
- Bulgarian	(300)	368

Numerous other nationalities with electorates totalling 1 or more but less than 300

Please note – above statistics as at 1/9/2018 are incomplete due to conduct of 2018 annual electoral registration canvass and will need to be re-run and checked after publication of the updated register on 1/12/2018 to confirm that draft EIA action plan still conforms with all the requirements.

In terms of who is eligible to vote in the local election in May the following people are included:

- British;
- British Overseas Territories and Crown Dependencies (14 Countries + Channel Islands and Isle of Man respectively );
- Commonwealth (53 Countries)

and

- European Union (Austria; Belgium; Bulgaria; Croatia; Cyprus; Chec Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Ireland; Italy; Latvia; Lithuania; Luxembourg; Malta; Netherlands; Poland; Portugal; Romania; Slovakia; Slovenia; Spain; Sweden)

The ethnically diverse population can be a challenge for the council when it wishes to communicate and engage with local people as a 'one size fits all' will not realise the level of reach that is needed, particularly when we are promoting a 'call for action' as in this voter ID pilot. However, a robust and well-resourced communications plan should address all the different audiences, utilising a variety of channels and focusing on those areas where the messages need additional input. Evidence from the previous pilot, where only a small number of people presented without identification, would indicate that language and ethnicity were not a significant barrier.

### **Age**

The largest populations by age band in Watford are:

- 25-44 (31,700)
- 45-59 (18,100)

The numbers in each successive age-band fall progressively until there are estimated to be 6,000 who are 75+. We know that around 74,000 residents are of voting age in Watford and that the borough has a younger profile than the rest of England.

From a communications and engagement perspective, we also know that different communication channels have different take up levels by age profile. This is another reason why the communications and engagement on the voter ID pilot has to be varied across channels, including face to face as well as the newer channels afforded by social media, which we know are more popular with our younger population.

Again the evidence from 2018 strongly indicates that the communications mix in 2018 was successful.

### **Disability / Health**

Around 85% of the population of Watford state that they have 'good health' and just under 14% record a disability. We do not have details as to what these disabilities are but are aware that these will range across a wide range of both physical disabilities and disabilities related to mental health and impairment.

All our polling stations are DDA compliant and election staff are trained to respond to any specific disability related requests.

Communications and engagement will need to take into account disability related issues that could impact on any residents accessing the council's messages regarding the voter ID pilot.

### **Religion / belief**

In Watford, the religious breakdown in the Census 2011 of top five religions in Watford was: Christian (54.1%), Muslim (9.8%), Hindu (4.8%), with no religion stated at 21.4%.

### **Sexual orientation / Transgender**

Watford has no specific data on the transgender community within the borough

### **Homelessness**

Whilst this is not a protected characteristic under the Equality Act 2010, the council recognises that the particular circumstances of people without their own home might be a factor in their taking an active role in local democracy. We currently have 24 statutory homeless (December 2017) and 153 households in temporary accommodation (June 2018).

## MOSAIC profile

Our MOSAIC profiling of the borough enhances our understanding of our population and provides valuable context for our decision-making as well as underpinning our communications and engagement.

MOSAIC GROUP	Group/Type Name	MOSAIC DESCRIPTION	Number of households in Watford	Watford Percentage	UK Percentage
1 J40	Career Builders	Singles and couples in their 20s and 30s progressing in their field of work from commutable properties	4508	11.69%	1.59%
2 J44	Flexible Workforce	Young renters ready to move to follow worthwhile incomes from service sector jobs	3123	8.10%	1.26%
3 D14	Cafés and Catchments	Affluent families with growing children living in upmarket housing in city environs	2837	7.35%	1.31%
4 I36	Cultural Comfort	Thriving families with good incomes in multi-cultural urban communities	2794	7.24%	1.37%
5 H35	Primary Ambitions	Forward-thinking younger families who sought affordable homes in good suburbs which they may now be out-growing	2391	6.20%	1.96%

*Watford's MOSAIC profile (2016)*

## 4. What we know from previous elections: turnout and polling station take up by the electorate

For this EIA, we have looked at the elections of 2018. This shows:

<b>Electorate (total)</b>	70,685
<b>Votes Cast (total)</b>	27,765 (27,939)
<b>Turnout (%)</b>	39.28% (39.53%)
<b>Postal votes (returned)</b>	8,601 (8,427 Valid)
<b>Polling station (turn out)</b>	19,338

### At 3 May 2018 (Mayoral & Borough Ward) Local Elections

Eligible electorate totalled 70,685 of whom -

- 12,704 (approx. 18%) had existing or made applications to vote by post; and
- 57,981 (approx. 82%) elected to vote at their designated polling station.

However, of the 27,939 (inclusive of 174 invalid postal votes returned) who actually voted on 3<sup>rd</sup> May -

- 8,601 approximately 31% voted by post
- 19,338 approximately 69% at designated polling stations.

This clearly shows that voting at a polling station remains the preferred voting method for the significant majority of Watford residents.

## 5. How will the council ensure equality is addressed through the Voter ID pilot

Under the Equality Act 2010, three areas need to be considered when analysing the equality impact of the proposals:

1. **eliminate** discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
2. **advance** equality of opportunity between people who share a relevant protected characteristic and people who do not share it
3. **foster** good relations between people who share a relevant protected characteristic and people who do not

### A. Positive impacts

Through the voter ID pilot, the council is contributing to the integrity of the electoral system and taking steps to make sure that those registered to vote are able to exercise this democratic right.

The council believes that incidents of electoral fraud are likely to be accompanied by harassment and possible victimisation of the individual or individuals who are denied their own vote. This could be particularly disadvantageous to certain voter groups, particularly those who might be more vulnerable due to a protected characteristic such as age, disability (both physical and mental) or from being from a new community to the UK that might not have a good understanding of the British voting system and so could be open to exploitation. The same vulnerability could apply to homeless residents.

A positive impact of the voter ID pilot would be to help eliminate the harassment and victimisation potentially experienced by those who are vulnerable to being victims of electoral fraud.

In the same way, the voter ID pilot could advance equality of opportunity between those with a protected characteristic and those who do not share it. Where a protected characteristic might have a disproportionate impact on someone's vulnerability to election fraud then this would mean they do not have the same equality of opportunity within the electoral system as those who do not share it. The voter ID pilot, through requiring people to present ID and by raising the profile of elections and each individual's right to vote will advance equality of opportunity.

The Watford pilot is backed by an extensive communications and engagement programme, far beyond that the council is usually able to resource for elections within the borough, as it is supported by Cabinet Office resources. Through this, the council will raise awareness not just about the voter ID pilot but also about the elections overall. Elections are integral to building a strong, cohesive community where everyone feels they have a voice and a shared say in the decisions that impact their area. In this way the voter ID pilot can support good community relations. From the pilot, the council will be able to take on board lessons learnt for future campaigns so that its more limited resources can be targeted effectively.

Information and data from the voter ID pilot in 2018, shows that there was no impact on voter turnout, in fact it increased from previous mayoral and borough (combined) elections and there



were very limited numbers of people presenting without ID. Of those who did the vast majority returned (65%). The final number of those who did not vote due to the ID was just 66.

## **B. Negative impacts**

The voter ID pilot could, potentially, have the following negative impacts if effective mitigation is not put in place and implemented:

- **Confusion with electorate as a whole about the election requirements for 2019**

Any change to an election could result in people questioning whether they have a right to vote in the election. However, all those entitled to vote will receive a polling card, which is a critical reminder of the election. It also has the positive benefit of being what people are used to receiving for all previous elections. We also know from the 2018 pilot that people were not confused by the messaging and responded to the requirement to bring ID, with the vast majority bringing their poll cards.

In addition, the council will undertake a significant communications and engagement campaign on the election, based on that of 2018, which proved successful. This will start in early 2019 and gear up as we approach election date.

The council has good take up of social media, which is important given the profile of the town – younger and known to be early adopters of new forms of communication – but this will be supported by more traditional methods, including face to face discussions with harder to reach communities such as our disabled community, recent arrivals and those in our temporary accommodation.

The council communications will be supported by the engagement done by local politicians who undertake substantial awareness raising in the run up to elections through door knocking and party political meetings and communications. In addition, all candidates and political parties will be provided with a ‘voter ID’ information pack to support them with their engagement with the borough’s electorate.

- **Voter ID pilot requirements not understood**

There is a risk of a negative impact if people do not understand the ‘bring your poll card message’ for the election in May. This could potentially impact groups with protected characteristics such older people, people from black and ethnic minority communities or people with disabilities.

However, the council believes that Watford is offering a low intervention / non obtrusive voter ID pilot that will deliver the benefits of improving the integrity of the election system without disenfranchising our electorate. This means that the messages we are communicating are clear and straight forward and, for many people who regularly bring their poll card to vote, there is ‘no change’ for this election. For those who don’t always bring the poll card, we are simply advising them to bring the card that they are familiar with at election time – it is not a new piece of election material to the Watford electorate. Additionally, we are offering alternative ID options.

Overall, through our pilot we are:

- providing all our electorate with a poll card as usual – this cuts across all communities and protected characteristics. Everyone on our register and eligible to vote in May will receive a poll card
- providing an opportunity to replace a poll card up until 9pm on day of the day of poll.
- also accepting a range of alternative ID so that there are a number of other options for people if they should present at the polling station without the card. These include the most common form of ID that people would usually carry on them:
  - Valid British, European or Commonwealth passport
  - UK or EU photo-card driving licence (full or provisional)
  - Valid credit or debit card
  - Biometric Residence Permit
  - EEA Identity Card
  - Northern Ireland Electoral Identity Card
- **Message re polling card and requirement to bring it to the polling station is not communicated effectively**

Whilst the council believes the voter ID pilot in Watford is not complex, we do recognise the importance of communicating and engaging extensively in the run up to the elections in May. Working with the Cabinet Office, the council will develop an extensive communication and engagement plan. This goes far beyond the communication and engagement a local authority would usually undertake for an election.

The council also recognises that in a diverse borough, we need to target communications and engagement in a way that best meets the needs of communities, including to those who share a protected characteristic and those who do not.

Some highlights of how we plan to communicate and engage include:

- Sending out information with the council tax bill, which goes to every home in the borough
- Targeted social media message, which we can link to those areas which have a high turnout of polling station voting. Watford has good engagement figures through social media, partly reflecting the demographics of our population and their preferred forms of communication
- Face to face engagement with ‘harder to hear’ and ‘harder to reach’ groups to ensure the message is communicated effectively and to find out from them what else we could do to get our message across. The council has good connections with the borough’s communities and will use these to organise the best ways to engage and communicate whether this is face to face or through community leaders. We will be able to use our Housing service to help with those who are homeless and in temporary accommodation
- Working with our partner organisations such as our leisure providers / Watford BID / schools and colleges to get the messages out

- Providing our electoral register canvassers and politicians with information on the pilot to support them when visiting residents
- Providing translation either through our website or through interpretation services
- Providing audio or larger size information through our website and our disability community groups

One lesson learnt from 2018, is the use of a 'pink credit card shaped' poll card in the communication material. This was a Cabinet Office decision but did cause some confusion in Watford as our poll cards take the form of an enveloped white A4 sheet. This was fed back to Cabinet Office and this feedback should be reiterated for the 2019 campaign.

- **Voter turnout impacted**

The council is committed to running elections effectively and ensuring there are no barriers to our residents exercising their democratic right to vote. The voter ID pilot we have chosen to implement is the least complex and obtrusive amongst the initiatives that are being piloted to tackle potential electoral fraud.

We believe that the proactive mitigations that we have put in place will significantly reduce the risk of voter turnout being impacted and we have agreed that turnout will be a key KPI for the election.

Evidence from 2018 clearly shows that turnout is not impacted but the council will continue to communicate and engage on the pilot and on taking part in the elections overall. Elections in 2019 are for borough councillors (a third of our members) and these would traditionally have a lower turnout than a mayoral election and so the KPI for turnout for 2019 would be against previous borough only elections.

## Overall conclusion

### **Meeting the Public Sector Equality Duty**

This EIA has taken into account the council's public sector equality duty under s149 of the Equality Act 2010 and is intended to assist the council in meeting its duty. The council is required to have due regard to the need to:

- **eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act**

The voter ID pilot will strengthen the link between the individual and their right to vote and provides some protection from harassment and victimisation that is associated with electoral fraud. Whilst Watford has no evidence of electoral fraud, residents with protected characteristics might be more at risk of being victims, which the voter ID pilot will address.

It is recognised that there is a potential for those with one or more of some protected characteristics to be disproportionately impacted if the voter ID is not understood or communicated effectively.

The council believes it has taken the necessary mitigating actions to prevent this impact through both the straightforward approach it has taken to the pilot, its early assessment of issues that could impact our electorate, the alternative options it has provided for people to confirm their identity and the extensive communications and engagement campaign agreed. This includes working with our community groups to reach those identified as potentially

impacted.

- **advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share it**

There are a number of positive impacts identified that advance equality of opportunity. As well as ensuring all individual electors can exercise their right to vote through reducing the risk of electoral fraud, the communications and engagement the council is undertaking means the general awareness of the right to vote, the election date and how to vote will benefit people with protected characteristics who might not hear election messages through the council's usual election communication. Often people with protected characteristics are in the harder to hear / harder to reach groups and these are being targeted through the communications and engagement planned by the council.

- **foster good relations between persons who share relevant protected characteristics and persons who do not share it**

The council believes that the awareness raising that is being created through this voter ID pilot will have a positive impact on community relations and cohesion as it will encourage people to engage with the local democratic process.

The overall conclusion of the EIA is that the positive impacts of the voter ID pilot outweigh the negative impacts, given the aim to reduce election fraud and promote people's engagement with the democratic process. The council will implement an extensive campaign to promote the voter ID pilot to mitigate the potential negative impacts of disenfranchisement.

In addition experience and statistical findings from the 2018 election demonstrates that, whilst potential negative impacts have been raised as possible outcomes of the pilot, these did not transpire on election day.

## 6. Recommendations

- Ensure that communication and engagement are well-planned, building on the experience and evaluation of 2018 and the good practice demonstrated both through the Watford pilot and those in other areas is reflected in the planning
- Advise Cabinet Office of the potential for confusion in using images that don't represent typical documents used and sent to electors e.g. 'pink credit card shaped' poll card in the campaign material they design for use at the local level
- Ensure where any feedback is received from communities that there is flexibility within the plan to adapt the campaign if required
- Ensure the pilot is evaluated successfully as in 2018

**Summary of potential positive and negative impacts on protected characteristics**

<b>Protected Characteristic</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for decision</b>
<b>Age</b>	<b>Positive</b>	<b>Negative</b>		<p><b>Positive</b></p> <p>Reduced risk of vulnerability to electoral fraud and exploitation (elderly and the young)</p> <p>Greater awareness of the elections and the right to vote including the date of the election and how to vote.</p> <p><b>Negative</b></p> <p>The impact of not taking ID to the polling station.</p>
<b>Disability</b>	<b>Positive</b>	<b>Negative</b>		<p><b>Positive</b></p> <p>Reduced risk of vulnerability to electoral fraud and exploitation</p> <p>Greater awareness of the elections and the right to vote including the date of the election and how to vote.</p> <p><b>Negative</b></p> <p>The impact of not taking ID to the polling station.</p>
<b>Race / Ethnicity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<p><b>Positive</b></p> <p>Reduced risk of vulnerability to electoral fraud and exploitation</p> <p>Greater awareness of the elections and the right to vote including the date of the election and how to vote.</p> <p><b>Negative</b></p> <p>The impact of not taking ID to the polling station.</p>

Protected Characteristic	Positive	Negative	None	Reasons for decision
Sex / gender	Positive	Negative	None	<p><b>Positive</b></p> <p>Reduced risk of vulnerability to electoral fraud and exploitation (</p> <p>Greater awareness of the elections and the right to vote including the date of the election and how to vote.</p> <p><b>Negative</b></p> <p>The impact of not taking ID to the polling station.</p>
Sexual orientation	Positive	Negative		<p><b>Positive</b></p> <p>Reduced risk of vulnerability to electoral fraud and exploitation</p> <p>Greater awareness of the elections and the right to vote including the date of the election and how to vote.</p> <p><b>Negative</b></p> <p>The impact of not taking ID to the polling station.</p>
Religion	Positive	Negative	None	<p><b>Positive</b></p> <p>Reduced risk of vulnerability to electoral fraud and exploitation</p> <p>Greater awareness of the elections and the right to vote including the date of the election and how to vote.</p> <p><b>Negative</b></p> <p>The impact of not taking ID to the polling station.</p>

Protected Characteristic	Positive	Negative	None	Reasons for decision
Pregnancy/maternity	Positive	Negative		<p><b>Positive</b></p> <p>Reduced risk of vulnerability to electoral fraud and exploitation (elderly and the young)</p> <p>Greater awareness of the elections and the right to vote including the date of the election and how to vote.</p> <p><b>Negative</b></p> <p>The impact of not taking ID to the polling station.</p>
Gender orientation	Positive	Negative		<p><b>Positive</b></p> <p>Reduced risk of vulnerability to electoral fraud and exploitation (elderly and the young)</p> <p>Greater awareness of the elections and the right to vote including the date of the election and how to vote.</p> <p>Watford is not seeking a photo form of ID, which might have discriminated against transgender residents – in fact the poll card is provides a robust form of identification which would match the electoral register.</p> <p><b>Negative</b></p> <p>The impact of not taking ID to the polling station.</p>
Homeless	Positive	Negative		<p><b>Positive</b></p> <p>Reduced risk of vulnerability to electoral fraud and exploitation (elderly and the young)</p> <p>Greater awareness of the elections and the right to vote including the date of the election and how to vote.</p>

Protected Characteristic	Positive	Negative	None	Reasons for decision
				<p>Watford is not seeking a photo form of ID, which might have discriminated against homeless residents – in fact the poll card provides a robust form of identification which would match the electoral register.</p> <p><b>Negative</b> The impact of homeless person not collecting the required poll card from the Town Hall and taking ID to the polling station</p>



## Summary of potential positive impacts and ways in which they can be ensured

Positive Impact	Protected characteristics	Ways to ensure the positive impact
<p>- reduction in the risk of harassment and victimisation from electoral fraud</p>	<ul style="list-style-type: none"> <li>• Age (older and younger electorate)</li> <li>• Disability (physical and mental health)</li> <li>• Race / ethnicity</li> <li>• Religion / belief</li> <li>• Sex / gender</li> <li>• Sexual orientation</li> <li>• Gender reassignment</li> <li>• Maternity/pregnancy</li> <li>• Homeless residents</li> </ul>	<p>Ensure the effective implementation of the voter ID pilot and promote through a robust communications and engagement campaign</p> <p>Robust training for election staff and frontline customer service staff to support the electorate before and on the day of the election</p>
<p>- fostering good relations within the community through encouraging people to vote and promoting the election date and how to vote</p>	<ul style="list-style-type: none"> <li>• Age (older and younger electorate)</li> <li>• Disability (physical and mental health)</li> <li>• Race / ethnicity</li> <li>• Religion / belief</li> <li>• Sex / gender</li> <li>• Sexual orientation</li> <li>• Gender reassignment</li> </ul>	<p>Implement a robust communications and engagement campaign</p> <p>Robust training for election staff and frontline customer service staff to support the electorate before and on the day of the election</p>

<b>Positive Impact</b>	<b>Protected characteristics</b>	<b>Ways to ensure the positive impact</b>
	<ul style="list-style-type: none"><li>• Maternity/pregnancy</li><li>• Homeless residents</li></ul>	

**Summary of potential negative impacts and ways in which they can be removed or mitigated**

Negative Impact	Protected characteristics	Ways to mitigate the negative impact
<p>- confusion with electorate as a whole about the election requirements for May 2018</p>	<ul style="list-style-type: none"> <li>• Age (older and younger electorate)</li> <li>• Disability (physical and mental health)</li> <li>• Race / ethnicity</li> <li>• Religion / belief</li> <li>• Sex / gender</li> <li>• Sexual orientation</li> <li>• Gender reassignment</li> <li>• Maternity/pregnancy</li> <li>• Homeless residents</li> </ul>	<p>In terms of mitigation:</p> <ul style="list-style-type: none"> <li>• Polling card to each resident entitled to vote</li> <li>• Robust communication and engagement plan</li> </ul>
<p>- voter ID pilot requirements not understood</p>	<ul style="list-style-type: none"> <li>• Age (older and younger electorate)</li> <li>• Disability (physical and mental health)</li> <li>• Race / ethnicity</li> <li>• Religion / belief</li> <li>• Sex / gender</li> <li>• Sexual orientation</li> <li>• Gender reassignment</li> </ul>	<p>In terms of mitigation:</p> <ul style="list-style-type: none"> <li>• Polling card to each resident entitled to vote</li> <li>• Robust communication and engagement plan</li> <li>• Targeted communications and engagement</li> </ul>

Negative Impact	Protected characteristics	Ways to mitigate the negative impact
	<ul style="list-style-type: none"> <li>• Maternity/pregnancy</li> <li>• Homeless</li> </ul>	
<p>- message re polling card and requirement to bring it to the polling station is not communicated effectively</p>	<ul style="list-style-type: none"> <li>• Age (older and younger electorate)</li> <li>• Disability (physical and mental health)</li> <li>• Race / ethnicity</li> <li>• Religion / belief</li> <li>• Sex / gender</li> <li>• Sexual orientation</li> <li>• Gender reassignment</li> <li>• Maternity/pregnancy</li> <li>• Homeless</li> </ul>	<p>In terms of mitigation:</p> <ul style="list-style-type: none"> <li>• Polling card to each resident entitled to vote</li> <li>• Robust communication and engagement plan</li> <li>• Targeted communications and engagement</li> </ul>
<p>- voter turnout impacted</p>	<ul style="list-style-type: none"> <li>• Age (older and younger electorate)</li> <li>• Disability (physical and mental health)</li> <li>• Race / ethnicity</li> <li>• Religion / belief</li> <li>• Sex / gender</li> <li>• Sexual orientation</li> </ul>	<p>In terms of mitigation:</p> <ul style="list-style-type: none"> <li>• Polling card to each resident entitled to vote</li> <li>• Robust communication and engagement plan</li> <li>• Targeted communications and engagement</li> </ul> <p>The pilot will be evaluated through a range of KPIs, the key one being voter turnouts remaining at a level that is considered acceptable for Watford.</p>

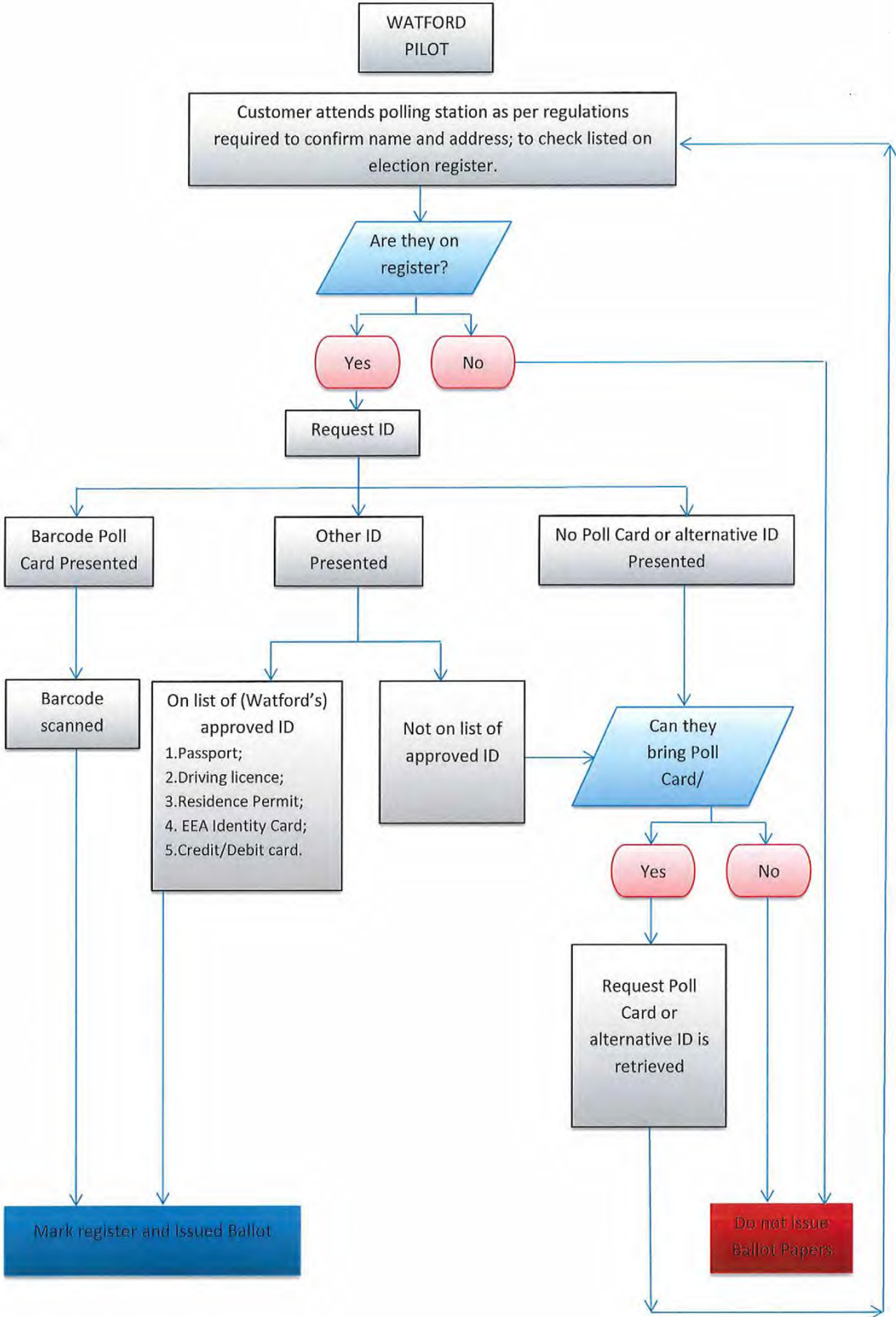
<b>Negative Impact</b>	<b>Protected characteristics</b>	<b>Ways to mitigate the negative impact</b>
	<ul style="list-style-type: none"><li>• Gender reassignment</li><li>• Maternity/pregnancy</li><li>• Homeless</li></ul>	

**This EIA has been approved by:**

**Gordon Amos (Elections Manager)**

**4 October 2018**





Intended basic flow chart requirements – as used at 2018 Pilot but with operational enhancements to improve efficiency and elector experience when attending to vote

## Appendix 5 Cabinet Office Criteria for Electoral Pilot

- a. *An understanding of the Government's objectives for the project and how the pilot fits with these objectives;*

The Pilot findings in 2019 in conjunction with the results from 2018 will determine the most effective way the government can introduce polling station voter ID checks for all elections across the UK. By delivering another pilot using poll cards we would hope to persuade the government that this is the most effective and easiest means of achieving that objective without causing disenfranchisement for those eligible electors who would not otherwise have the requisite ID

- b. *The feasibility of delivering the pilot within the available time frame;*

It is practical within the available time frame having previously undertaken and established the principal requirements with combined Borough and Mayoral elections under the initial 2018 Pilot, with evaluations highlighting aspects to refine for delivery of a 2019 Pilot with operational enhancements to improve efficiency and elector experience.

- c. *An on-going assessment of equality considerations in the design and delivery of the pilots; identifying all potential impacts on each of the protected groups and/or provide sufficient mitigation for any adverse impact;*

Both Watford BC and the Cabinet Office will undertake detailed EIA which will be updated as the Pilot project progresses.

- d. *There are effective planning management arrangements in place and sufficient resources and capacity in the local authority to deliver the pilot, including availability of staff after the election to contribute to the evaluation process;*

As for 2018 Pilot effective planning management arrangements will be established upon acceptance and confirmation of Pilot application. Any additional resources and costs will be agreed with the Cabinet Office.

- e. *management of software suppliers;*

As at 2018 Pilot, application is based upon work, software development and delivery with Modern Democracy Ltd. in conjunction with Watford's Idox election management system.

- f. *An understanding of the contingencies you need to have in place – particularly to protect the security and integrity of the election;*

As with 2018 Pilot, Watford BC, Cabinet Office, AEA and Modern Democracy Ltd. will work to establish required safeguards and ensure back-up procedures are drafted and in place to ensure that security and integrity standards are met and maintained.



- g. A clear and comprehensive communications plan covering all stakeholders;*

A publicity campaign will be undertaken to ensure means and types of communication are used to effectively deliver Pilot requirements having regard to the Equality Impact Assessment.

- h. The evaluation process will be fully supported;*

Ways and means to record elector statistics will be agreed with Cabinet Office and Electoral Commission to fulfil the requirement to provide data for the evaluation of Pilot processes.

- i. The pilot has an effective business case and offers value for money;*

There is already a budget for the conduct of scheduled Borough Ward elections. All additional Pilot costs will be met by the Cabinet Office.

Issuing poll cards is something that is done at every election regardless of whether we would be taking part in the pilot. Part of the evaluation will be the determination of whether the on-going introduction of technology will deliver value for money if rolled out across the country.

- j. There is a clear means of testing the impact of the innovation;*

Actual total of verified eligible electors refused their ballot paper due to non-production of poll card or other prescribed type of ID plus level of turnout compared to other similar stand-alone Borough Ward election polls.

- k. Any innovation is at least as secure as conventional electoral practices;*

As with 2018 Pilot, Watford BC, Cabinet Office, AEA and Modern Democracy Ltd. will work to establish safeguards and ensure security standards including those for data handling and storage are met and maintained.

- l. The pilot will maintain public confidence in the electoral process, that key risks and issues have been identified, and that a plan has been drawn up for managing them;*

A risk assessment will be undertaken which will be updated as and when required as the Pilot project progresses.

- m. Digital capability (where applicable).*

As at 2018 Pilot, application is based upon work, software development and delivery with Modern Democracy Ltd. in conjunction with Watford's Idox election management system.

# Agenda Item 11

## Part A

<b>Report to:</b>	Council
<b>Date of meeting:</b>	16 October 2018
<b>Report of:</b>	Director of Finance
<b>Title:</b>	Business Rates Pilot for 2019/20

### **1 Summary**

- 1.1 The Government has issued an invitation to apply to become a pilot for 75% Business Rates Retention in 2019-20. The pilot schemes are in advance of a proposed extension of the business rates retention scheme nationally from 50% to 75%. The deadline for applications was 25th September 2018. If successful, the pilot would begin 1st April 2018. The Mayor and Portfolio Holder for Resources and Customer Services have taken a delegated decision to enable Watford to be part of the pilot bid submission, but a Council decision will be required to formally enter the pilot should the bid be successful.
- 1.2 The pilot would need to include all Councils within Hertfordshire and current forecasts, based on last year's modelling, suggest that the County as a whole would gain by £8.4M by becoming a pilot. Agreement will need to be reached as to how to spend this additional money within the County as part of the pilot.
- 1.3 As part of the pilot scheme, local authorities agree to forego RSG grant in 2019-20, this does not impact on Watford Borough Council as it would not receive RSG in 2019-20 in any case. It is recommended that Watford Borough Council agrees to become a business rates pilot for 2019-20, as part of a Hertfordshire business rates pilot bid, subject to final confirmation that the business case shows a positive forecast outcome.
- 1.4 Should a pilot bid be unsuccessful Watford will be included in the business rates pool for 2019-20. This will also bring additional benefits to the Borough.

## 2 Risks

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
Business Rates growth is lower than forecast	Resources would be lower than forecast, due to the way the system works this would hit 2020/21.	Monitor forecast.	Tolerate	4
Safety Net payments maybe higher than the business rates growth	Watford would lose safety net payments that would have otherwise been received.	Risk to be reviewed once Outline Business Case is produced. If the risk is too high then the pilot and/or pool will not progress.	Treat if OBC shows risk higher than expected.	3
Appeals may be higher than the provisions	Resources would be lower than forecast, due to the way the system works this would hit 2020/21.	Monitor forecast and actual appeals settled and received during the year.	Tolerate	4

- 2.1 Business Rate growth is forecast to be buoyant for 2019/20, especially with the Intu extension due to come on line and other known development occurring within the town. The Outline Business Case will set out in more detail the projected benefits and risks and risks will be reviewed at this stage.

## 3 Recommendations

- 3.1 That approval is given to enter the Business Rates Pilot, or if that bid is not successful the Hertfordshire Business Rates Pool for 2019/20
- 3.2 And that delegated authority is given to the Director of Finance in consultation with the Portfolio Holder for Resources and Customer Services to make the final decision on entering either the Pilot or Pool for 2019/20

### Further information:

Alison Scott  
 alison.scott@threerivers.gov.uk  
 01923 776611

**Report approved by:** Joanne Wagstaffe, Director of Finance

#### **4 Detailed proposal**

- 4.1 On 1 April 2017 the government launched five initial 100% business rates retention pilots in devolution deal areas. These pilots were continued into 2018-/19. At the provisional Local Government Finance Settlement in December 2017, the government announced a further ten 100% business rates retention pilots for the duration of the 2018/19 financial year in local authority areas across England. On-going business rates retention pilots, set to operate for the duration of the 2018-19, will end on 31 March 2019. The Government is inviting these authorities, alongside other authorities in England, to bid to pilot 75% business rates retention in 2019/20.
- 4.2 75% Business Rate Retention is due to be introduced from 2020-21, the current proposals are that the pilot schemes would effectively go a year early and their experience will be used in the design of the final scheme. For two-tier areas, the Government expects the pool to comprise a county council and all of the associated district councils. Proposals will need to set out tier split arrangements of all precepting authorities, including Fire and Rescue authorities.
- 4.3 Experience of having operated a business rate pool in the county means that much of the existing risk mitigation and governance arrangements can be built upon as part of this submission.
- 4.4 Pilot authorities will retain half of the 50% income currently transferred to central government. They will no longer receive RSG and Rural Services grant: instead, this funding will be provided through the additional retained income. Tariffs and top ups will be recalculated to ensure the overall impact is cost neutral. For Watford the Council will not receive RSG for 2019-20 and the Council does not receive any Rural Services grant.
- 4.5 Pilot areas will be expected to operate under the arrangements which are currently in place for safety net payments for pools. However, the safety net threshold will be set at 95% of the baseline funding level instead of the current 92.5%. This is to reflect the additional risk of the proposal.
- 4.6 The benefit comes from the retention of income from growth above baseline – the 50% of growth paid directly to DCLG, and the 50% levy currently paid on districts' share of growth. This growth will all be retained locally.

#### **5 Pilot Proposal**

- 5.1 Background to the 2019/20 application
- 5.2 Applications to form a Pilot face a competitive process and may not all be successful. They need to show how they will promote financial sustainability of

local services, and support economic growth. They should also show how they will help MHCLG explore the ways in which 75% retention could work in two tier areas; the impact of different tier splits; and how local authorities might share risk and reward under 75% retention. This reflects the position previously discussed by Cabinet at the same time last year. (The proposal submitted in 2017 for a pilot was not successful; there is therefore a pool currently in operation(Watford is not currently part of the Pool).)

- 5.3 Given the short timescales, the pilots do not include any additional devolution of duties or funding that would need agreement with other government departments. The Pilot is for 2019/20 only, as it is anticipated that the national scheme will be implemented from April 2020.
- 5.4 Under the pilot, authorities will no longer receive Revenue Support Grant (RSG) and Rural Services grant: instead, this funding will be provided through the additional retained income. Top Up and Tariffs (the means by which local rates are transferred to/from authorities to bring income in line with assessed need) will be recalculated to ensure the overall impact is cost neutral.
- 5.5 The Pilot’s benefit comes from the local retention of income from growth above baseline, currently split:
- |                               |   |
|-------------------------------|---|
| County Council                | 10%                                       |
| District Councils             | 40% less half paid as levy to MHCLG = 20% |
| <b>Subtotal – Herts share</b> | <b>30%</b>                                |
| MHCLG                         | 50% + 20% from District levy = 70%        |
| <b>Total</b>                  | <b>100%</b>                               |
- 5.6 In a pilot, MHCLG’s 20% levy on District’s share of growth, plus half of its 50% share of income growth, will be retained locally; in a Pool, a proportion of the 20% levy will be retained.

## 6 Analysis of business rates in Hertfordshire - current position

- 6.1 Table 1 below shows that, overall, Hertfordshire expects to receive £257.2m of business rates in 2019/20. The current funding mechanism for Councils dictates that tariffs and top-ups are applied. The net impact of this is a tariff of £96.7m – that is, the districts surrender £169.7m of the amounts collected to MHCLG, while £73.1m is received by HCC. The result is local receipts of £160.5m. This is compared with a level of assessed need, calculated as £147.9m. Receipts are therefore £12.6m above needs, and so a levy is applied amounting to £5.0m. Net business rates retained in Hertfordshire under the current 50% retention arrangements are therefore £155.5m. It can be seen that levels of growth vary between Districts.

Table 1: Forecast NNDR Income 2019/20

	NNDR Income £m	Tariff / Top Up £m	Net Income £m	Baseline Need £m	Variance to Baseline Need £m	Levy Due	Safety Net Due	Resulting income
Broxbourne	16.8	(13.4)	3.4	2.3	1.1	(0.550)	-	<b>2.9</b>
Dacorum	26.7	(22.5)	4.2	3.0	1.2	(0.604)	-	<b>3.6</b>
East Hertfordshire	18.6	(15.6)	3.0	2.7	0.3	(0.152)	-	<b>2.8</b>
Hertsmere	19.7	(15.4)	4.3	2.7	1.6	(0.800)	-	<b>3.5</b>
North Hertfordshire	16.5	(12.8)	3.7	2.7	1.0	(0.523)	-	<b>3.2</b>
St Albans	25.4	(23.0)	2.5	2.5	(0.0)	-	-	<b>2.5</b>
Stevenage	18.8	(15.2)	3.7	2.5	1.1	(0.561)	-	<b>3.1</b>
Three Rivers	11.4	(8.6)	2.9	2.0	0.9	(0.446)	-	<b>2.4</b>
Watford	27.8	(23.4)	4.4	2.8	1.638	(0.819)	-	<b>3.6</b>
Welwyn Hatfield	24.0	(20.0)	4.0	2.9	1.2	(0.584)	-	<b>3.4</b>
Hertfordshire	51.4	73.1	124.5	122.0	2.5	-	-	<b>124.5</b>
<b>Total</b>	<b>257.2</b>	<b>(96.7)</b>	<b>160.5</b>	<b>147.9</b>	<b>12.6</b>	<b>(5.038)</b>	-	<b>155.5</b>

## 7 Estimated benefits of a pilot or pool

- 7.1 The advantage of the pilot is that the retention rate of any growth would increase from 50% to 75%, and the amount of levy taken by MHCLG under the current system (£5m) would be retained locally.
- 7.2 For a business rates pool, half of the levy due from Pool members is retained locally. The Pool mechanism means that optimal gains are made where the tariff paid by member districts matches the top up due to the County Council; this typically limits Hertfordshire Pool membership to 5 districts.
- 7.3 Based on estimated 2019/20 rates income, a Hertfordshire Pool would retain £2.9m of growth, while a business rates Pilot would retain an additional £8.4m, giving a total gain of £11.3m above a “do nothing” option, as shown below. If Hertfordshire do not apply to form a Pilot, or if this application is rejected, then this income will be paid to MHCLG.

Table 2: Estimated Gains from Pilot

		£m
Forecast Resources No Growth		149.9
Plus local Growth after levy	7.5	
Equals Forecast Resources - no Pool		157.4
Plus Forecast Pooling Gains	2.6	
Equals Forecast Resources from Pooling		160.0
Plus Forecast Pilot Gains	8.7	
<b>Equals Forecast Resources</b>		<b>168.7</b>

Shown differently, this can be presented as:

**Estimated Gains compared to last year**

	<b>2019/20</b>	<b>2018/19</b>
Net growth currently paid to MHCLG	£6.3m	£8.7m
Levies applied to districts	£5.0m	£3.5m
Total gain from the pilot	£11.3m	£12.2m
Less: gain from a pool	£2.9m	£2.8m
<b>Total additional gain from a pilot</b>	<b>£8.4m</b>	<b>£9.4m</b>

7.4 The total gain estimated in last year is higher than estimated for this year's application. This is due to a combination of underlying growth in the taxbase offset by the change from 100% to 75% retention.

7.5 Should a pilot bid not be unsuccessful, it is expected that the existing business rates pool will continue for 2019-20 and that Watford is will be eligible for the pool as a result of projected business rates growth.

**8 Basis of Application**

8.1 The application for a Hertfordshire pilot for 75% business rates retention has been prepared on very similar grounds to the bid submitted last year. While that bid was unsuccessful, no clear reasons for that have been provided by MHCLG. It is considered that the Hertfordshire bid was at least comparable to the successful bids, and the principals used in the proposed pilot and case made for Hertfordshire

are still valid. Independent advice is being taken on the preparation of the application, as it was in last year, and the advice received is that the application made in last year was a strong one and does not require fundamental change.

- 8.2 A copy of the bid document is included at appendix A in this report. The key points within it are discussed below.
- 8.3 An important element of the bid notes that the composition of the pilot and the pool in Hertfordshire is unusual. A 'normal' application would see the composition of the pilot being 100% of the councils affected in a 'functional economic area', with a large proportion (80%+) also being named as prospective pool members. However, because of the way that the Hertfordshire districts are all net 'tariff' authorities (which is to say, the level of business rates collected is materially higher than the calculated level of required funding for most districts in Hertfordshire), the proposed Hertfordshire pool only includes 50% of the districts.
- 8.4 The proposed bid will highlight this point, because it means that the purpose of the pilot (which is to prepare for the implementation of national policy which will lead to 75% rates retention across the whole country from April 2020) can only really be achieved if Hertfordshire is accepted to be a pilot. Conversely, the gain from being a pool is less both in terms of economic benefit and also in terms of promoting the level of county-wide collaboration that will be required under the new national funding process.
- 8.5 Other aspects of the bid remain largely the same as last year. The key points of the bid therefore focus on
- A commitment to sustaining and improving economic growth in Hertfordshire and use of the gains from either a pilot or a pool to further support this;
  - The strong level of cross-Hertfordshire co-operation already in place between the Hertfordshire councils, and the opportunity the pilot would give to develop that further;
  - A mechanism that provides for cross county investment and a balance between incentivising growth in individual districts and smoothing resource variations across the county; and
  - The fact that Hertfordshire is unusual in the relationship between the composition of a pilot and a pool and that a much greater economic and strategic benefit will arise from being made a pilot.

## **9 Proposed allocation of gains**

- 9.1 Chief Finance Officers from the ten Hertfordshire Districts and the County Council have considered the invitation to Pilot, and have agreed that an application could benefit all authorities within Hertfordshire. All eleven authorities are therefore



seeking formal approval through their relevant governance processes to confirm that each authority is supportive of an application for Hertfordshire.

9.2 Whilst there are any number of potential methods to apportion any gains from a pilot, the proposal that has emerged from engagement with CFOs comprises the following three steps, which are unchanged from the application made 12 months ago (at that time the principles underlying these three steps were discussed in detail by Chief Executives and Chief Finance Officers):

### **Step 1**

9.3 To use gains to meet any safety net liability, and to bring all authorities to the position they would have been had they been acting individually, or in a Business Rates Pool;

9.4 Under step 1, gains will be allocated in the following order:

- Pay any safety net that would be met by MHCLG if outside the Pool (not applicable in the current year application)
- Pay all districts with business rates growth the levy they would have retained had they been in a Pool (based on the 16/17 Pool mechanism, as used in last year's bid)
- Pay the County Council the levy gain they would have received if districts were pooled
- Bring any districts with negative growth up to baseline, to provide financial stability.

9.5 This leaves £7m to be allocated in steps 2 and 3.

### **Step 2**

9.6 A proportion of the central gains to be allocated to a central Investment Fund for One Public Estate (OPE) or similar purposes. It is proposed that one third of central gains be held in this fund.

### **Step 3**

9.7 The balance would then be allocated across all members. It is proposed that this is allocated based on a combination of baseline funding (as a measure of each authority's need) and growth (to retain an incentive to promote growth) The table below shows the results of an allocation based on 30% baseline funding and 70% growth.

Table 3: Allocation of Pilot and Pool Gains

	Forecast Resources - no Pool	Gains - 5 District Pool	Bring all to optimum pool	Allocate Balance	Total Income with Pilot
Broxbourne	2.9	0.4		0.4	3.7
Dacorum	3.6	-	0.5	0.5	4.5
East Hertfordshire	2.8	-	0.1	0.2	3.2
Hertsmere	3.5	0.6		0.5	4.6
North Hertfordshire	3.2	0.4		0.4	4.0
St Albans	2.5	-	0.0	0.1	2.6
Stevenage	3.1	0.4		0.4	3.9
Three Rivers	2.4	0.3		0.3	3.1
Watford	3.6	-	0.6	0.6	4.8
Welwyn Hatfield	3.4	-	0.4	0.4	4.3
Hertfordshire	126.4	0.5		0.8	127.7
Growth Fund	-	-		2.3	2.3
<b>Total</b>	<b>157.4</b>	<b>2.6</b>	<b>1.6</b>	<b>7.0</b>	<b>168.7</b>

## 10 Proposed use of gains

- 10.1 All Hertfordshire authorities will be able to bid for gains held in the Growth Fund. It is proposed that this be based on the criteria used by the Hertfordshire Property Partnership, and may include bids received under One Public Estate for which there has been insufficient funding to take forward. These may provide examples of potential schemes, to be included in the business case; but it is not proposed to commit to specific schemes in our application.
- 10.2 It is proposed that second tranche gains allocated to individual authorities be used at local discretion, for projects that economic growth or financial sustainability (bearing in mind that this will be one off funding). Our application will need to include examples of potential projects: District suggestions include provision for homelessness and town centre regeneration, and invest to save projects.

## 11 Allocation of Losses

- 11.1 The governance arrangements will also need to provide a mechanism for the allocation of any loss. It is anticipated that this be shared pro rata to the resources each authority would have received had it been acting individually ie in proportion to baseline funding (assessed need) plus any growth/ loss of income. However, as set out above, it is considered that the risk of this scenario occurring is low. Further, by being part of a pilot, the 'safety net' threshold is increased (which means that the total loss required before the safety net mechanism is activated to prevent available funding falling below that level), reducing the overall risk to the members of the pilot.

## 12 Risks

- 12.1 The figures in section 4.3 are estimates based on recent financial modelling and latest information from Hertfordshire Districts. The financial modelling predicts receipts due for the period April 2019 – March 2020, and benefits may be higher or lower. The main risk is from a significant drop in income for one or more

authorities, which could be caused by business relocations away from Hertfordshire, unanticipated increases in the number of appeals by businesses against their rates determinations, or a significant increase in the number of such appeals that are successful.

- 12.2 The government currently provides some protection via “safety net”. With a Pilot or Pool, safety net payments have to be made by the other members, reducing or removing any gains. As set out in section 4.7, any safety net would initially be offset against the forecast £8.4m gains, but above this it would be met from the growth currently retained. Forecasts show that individual districts’ income would need to fall by between 1% and 10% to trigger a safety net payment. However a significant fall would be required for this safety net to completely offset the £8.4m gain: for example, St Albans, the district closes to safety net, would need to experience a 33% loss of income.
- 12.3 MHCLG provides pilots with a safety net that guarantees that total income will not fall by more than 5% of baseline funding. For Hertfordshire, this gives a minimum income of £142.4m compared with the £168.7m expected on current estimates, and the £157.4m projected if authorities acted individually. It must be noted that our position against these estimates would worsen with or without a Pilot, should income fall.
- 12.4 Current Pilots have a “no detriment” clause – a guarantee that authorities will not be in a worse position than if they were operating as a Pool, or individually. For this round of applications, this guarantee is not being offered. (Initially this was not offered last year, but the provision was re-introduced by MHCLG late in the process.) This absence of a ‘no detriment’ provision does make the agreement of a pilot potentially more risky, and MHCLG have therefore set the ‘safety net’ threshold higher (95% rather than the normal 92.5%).
- 12.5 Members should be aware that the estimates set out in this report have been reviewed several times to achieve a prudent position with a fairly cautious estimate of gains. However the forecasts do include some element of estimated growth, so there is potential for actual receipts to be lower as well as higher. However, whichever application is successful, the estimates indicate a significant net benefit to Hertfordshire and to HCC compared to not being part of either a pilot or a pool.

### **13 Business Rates Pool**

- 13.1 In the event that a Pilot application is unsuccessful, MHCLG have invited authorities to submit applications to form Business Rates Pools at the same time as applying for a Pilot. Under the MHCLG mechanism, the optimum number of pool members is limited, as levy becomes payable by the pool where the total district tariff exceeds the ‘top up’ amount payable to the County Council. Using the previous methodology to determine membership that retains greatest growth in the county, the optimal Pool comprises HCC and the following five districts:

Broxbourne, Hertsmere, North Herts, Three Rivers and Watford. As in the current Pool, 15% of the Pool gains will be set aside in a Growth Fund available for allocation across all Hertfordshire districts.

- 13.2 Hertfordshire is unusual in this respect, that the members of the proposed pilot and those of the proposed pool are quite different (in other areas there is more consistency between these groups). As noted above, this is used as a supporting reason for our pilot application in the bid, as the experience of the pilot will help Hertfordshire councils prepare for the national rates retention scheme ahead of time, while the pool would deny us that opportunity.

## **14 Implications**

### 14.1 Financial

- 14.1.1 The Shared Director of Finance comments that Medium Term Financial Plan 2018-2021 currently includes income in relation to Business Rates. The Plan only includes the base income for Business Rates, no growth is currently included. Any changes to these figures will be included in the 2019-2022 Medium Term Financial Plan.

### 14.2 **Legal Issues** (Monitoring Officer)

- 14.2.1 The Head of Democracy and Governance comments that the legal implications are contained within the body of the report.

### 14.3 Equalities, Human Rights and Data Protection

- 14.3.1 Having had regard to the council's obligations under s149, it is considered that there are no equalities or human rights implications.
- 14.3.2 Having had regard to the council's obligations under the General Data Protection Regulation (GDPR) 2018, it is considered that officers are not required to undertake a Data Processing Impact Assessment (DPIA) for this report.

### 14.4 Staffing

- 14.4.1 There are no staffing implications.

### 14.5 Accommodation

- 14.5.1 There are no accommodation implications

### 14.6 Community Safety/Crime and Disorder

- 14.6.1 There are no community safety/crime and disorder implications.

### 14.7 Sustainability

- 14.7.1 There are no sustainability implications.

## **Appendices**

- Business Rates Pilot Submission.

## **Background papers**

- No papers were used in the preparation of this report.



Ministry of Housing,  
Communities &  
Local Government

# Business Rates Pilot Scheme 2019/20

## Application Form

### 1. Application Contact Details

*Please include details of the lead pilot authority and lead official responsible for responding to any departmental queries relating to the pilot application.*

<b>a. Name of lead pilot authority</b>	Hertfordshire County Council
<b>b. Name of lead official</b>	Steven Pilsworth
<b>c. Lead official job title</b>	Assistant Director - Finance
<b>d. Lead official email address</b>	steven.pilsworth@hertfordshire.gov.uk
<b>e. Lead official contact phone number</b>	01992 555737

## 2. Membership of the Proposed Pool

*Please list all authorities belonging to the proposed pilot pool below. The application cannot be considered valid unless all of the listed members have endorsed all parts of the application (see Annex A). You can insert/delete lines as needed.*

*For the authority type box, please write down one of the following options for each participating authority: (1) Fire; (2) London Borough; (3) Metropolitan district; (4) County; (5) Shire District; (6) Greater London Authority; (7) Unitary Authority.*

<b>Authority name</b>	<b>Authority Type</b>
Hertfordshire County Council	County
Broxbourne Borough Council	Shire District
Dacorum Borough Council	Shire District
East Herts District Council	Shire District
Hertsmere Borough Council	Shire District
North Herts District Council	Shire District
St Albans City & District Council	Shire District
Stevenage Borough Council	Shire District
Three Rivers District Council	Shire District
Watford Borough Council	Shire District
Welwyn Hatfield Borough Council	Shire District

### 3. Membership details and pooling arrangements

Please answer all of the questions below using short and concise answers. Section 4 will allow you to outline your pilot proposal in more detail.

<p><b>a. Have all members included in the pilot area endorsed all parts of this application?</b></p> <p><i>(Please ensure that Annex A is signed by s.151 officer of each area and returned as part of the application to evidence this.)</i></p>	<p>Select one:</p> <p>(1) <u>Yes.</u> (2) <del>No</del></p> <p><i>The County Council and all ten District Councils in Hertfordshire are pleased to apply to form a business rates pilot, and this bid has the support of elected members in all authorities.</i></p> <p><i>We were disappointed that our application to form a Pilot in 2018/19 was unsuccessful and are confident that this bid provides an opportunity for significant additional learning both locally and nationally (see section 4c.)</i></p> <p><i>Hertfordshire is unusual in that the County Council's top up grant is significantly lower than the Districts' total tariff: this means that a Business Rates Pool comprising more than five districts is subject to a tariff that offsets any pooling gains. This has limited the membership of the Hertfordshire Pool to just half of the local councils.</i></p> <p><i>We would welcome the opportunity to form a Pilot that can include all Hertfordshire authorities and so enhance the established collaboration across the county.</i></p>
<p><b>b. Do any members of the proposed pool belong to any other current pool?</b></p> <p><i>(If 'no', please move to question 3.d.)</i></p>	<p>Select one:</p> <p>(1) <u>Yes.</u> (2) <del>No</del></p> <p><i>The County Council and 5 Districts belong to the 2018/19 Hertfordshire pool. This would be replaced by a successful pilot bid, which would benefit all authorities in the county.</i></p>



<p><b>c. If any members of the proposed pool belong to any other current pool, have other members of such pool been informed that the authority is applying to become a pilot as part of a different pool?</b></p>	<p>Select one:</p> <p>(1) <del>Yes</del>  (2) <del>No</del>  (3) <u>N/A</u></p> <p><i>As above, Hertfordshire Pool members are all part of the Pilot Pool application.</i></p>
<p><b>d. Are there any precepting authorities that are not part of the proposed pilot area?</b></p> <p><i>(If 'yes', please move to question 3.e.)</i></p>	<p>Select one:</p> <p>(1) <del>Yes</del>  (2) <u>No</u></p>
<p><b>e. If there are any precepting authorities that are not part of the proposed pilot area, are these precepting authorities aware of this proposal?</b></p>	<p>Select one:</p> <p>(1) <del>Yes</del>  (2) <del>No</del>  (3) <u>N/A</u></p>
<p><b>f. Are all members of the proposed pilot area willing to collaborate with MHCLG officials on system design of the new business rates retention system, sharing additional data and information, as required?</b></p>	<p>Select one:</p> <p>(1) <u>Yes</u>  (2) <del>No</del></p> <p><i>The Hertfordshire authorities are keen to share their experience in both the time prior to becoming a pilot and the period after pilot status is awarded.</i></p> <p><i>We have established collaboration structures and are already working together to gain a better understanding and forecasting of business rates. Given the timeframes of the 2019/20 pilot process, the Hertfordshire authorities believe it is this initial period that will be of greatest use to MHCLG in informing the design of the new system.</i></p>

<p><b>g. How does the pilot pool propose to split non-domestic rating income in two-tier areas?*</b></p>	<p><i>The tier split of rates income will be 35% to districts and 40% to the county council, with the remaining 25% income paid to central government.</i></p> <p><i>Resources above the overall baseline will be allocated to achieve a balance that promotes sustainability across the whole county and protects those areas experiencing adverse changes in income; whilst also providing countywide investment to promote further growth and sustainability, and retaining an incentive for growth.</i></p> <p><i>Further details of this mechanism are set out in 4b below Annex B.</i></p>
<p><b>h. Do you propose to retain any of the additional 25% of retained business rates in an investment pot or similar and distribute this after 2019/20?</b></p> <p><i>(If 'no', please move to question 3.j.)</i></p>	<p><i>Select one:</i></p> <p><i>(1) <u>Yes</u></i>  <i>(2) <u>No</u></i></p>
<p><b>i. If any of the additional 25% of retained business rates are kept in an investment pot or similar, how will this be distributed after 2019/20?</b></p>	<p><i>The Investment Fund will be used for projects that support self-sustainability, in particular where pump priming or investing in key sites and infrastructure can unlock further economic growth. Our Memorandum of Understanding (Annex B) sets out delegated powers for the Hertfordshire CFO's to manage the allocation of this fund, in consultation with the Hertfordshire Property Partnership (HPP), which comprises the county council and all ten districts working in partnership with the Local Enterprise Partnership and other Hertfordshire public service organisations.</i></p> <p><i>The delegation to HCFO's allows for agile responses to development opportunities. Given that the governance structures are already in place, and to ensure early benefit from this investment, <u>we plan to allocate some funding during 2019/20, based on forecast Pilot gains.</u></i></p> <p><i>Further detail is given in section 4b below.</i></p>
<p><b>j. What is the anticipated income above baseline funding level for the pilot pool over 2019/20 (in £)?</b></p>	<p><i>Based on 2018/19 forecast income levels and conservative estimates of growth, the forecast gain from becoming a pilot (i.e. levy retained above the Hertfordshire Pool and increased local share) is expected to be up to £8.4m for 2019/20.</i></p>

<p><b>k. What is the business rates base of the proposed pilot area like and what is its relevance to the economic geography of the area?</b></p> <p><i>(F.ex. you could describe the size and types of hereditaments in the area, business sectors relevant to the area, or the size of your business rates base in relation to baseline funding levels.)</i></p>	<p><i>Hertfordshire has a diverse tax base reflecting its mixed urban and rural areas, as shown in Annex D. It ranges from large scale development near the major motorway routes and the districts bordering London, to sparsely populated rural areas in the north and east.</i></p> <p><i>The county includes an Enterprise Zone covering parts of Dacorum Borough and St Albans District Councils, focussed on the environmental technology sector (envirotech).</i></p> <p><i>Most of the highest value hereditaments are retail sites although they also include research laboratories, distribution centres, a film studio and a power station. The county has four major hospital sites and would be significantly impacted by the NHS Trusts appeal for charitable relief. Other risks are more general and include the conversion of office accommodation to housing.</i></p>
<p><b>l. What pooling arrangements would the members of the pilot like to see if their application to become a pilot is unsuccessful?</b></p>	<p><i>If the pilot application is unsuccessful, we are submitting a request to form a new Hertfordshire Pool with a revised membership. The pool would be comprised of the County Council as lead authority; Broxbourne, Hertsmere and Watford Borough Councils, and North Herts and Three Rivers District Councils. As in previous years, a proportion of the gains will be allocated to a growth fund for investment across the county, including non- member districts.</i></p> <p><i>The fact that Hertfordshire is unable to have a financially viable 50% business rates pool with all districts has created significant frustration locally. We ask that this is taken into account when considering its pilot application, as only under pilot status can the whole county operate together as a true pool.</i></p> <p><b><i>The Memorandum of Understanding for this revised Hertfordshire 50% Pool at set out in Annex C.</i></b></p>
<p><b>m. How would the pilot area deal with residual benefits/liabilities once the pilot ends?</b></p>	<p><i>All benefits will be shared using the mechanism set out for allocating Pilot gains. Any liabilities will be shared using the same mechanism. Arrangements are set out in a Memorandum of Understanding (Annex B) based on that used for the current Hertfordshire Business Rates Pool, which includes arrangements for dispute resolution and delegation of decision making etc.</i></p>

## 4. Details of the pilot proposal

### a. How does the proposed pilot operate across a functional economic area?

Hertfordshire has a strong economy and already makes a significant contribution to UK plc. Hertfordshire has recovered well from the recession with the fifth highest rate of jobs growth of all 38 LEP areas in 2013/14. Our employment rate is 79%, and workplace earnings 6% higher than the national average. Our workforce is comparatively well skilled, the enterprise base is growing strongly and employers are creating jobs. However we are not complacent. We support the Government's National Industrial Strategy and recognise the need to strengthen our economic performance and address the major challenges we face in relation to labour supply, skill shortages, productivity, housing supply and affordability and infrastructure. We also recognise that even within an apparently affluent county, there are places in need of regeneration and people who do not yet share in the opportunity and benefits of economic prosperity.

Hertfordshire does not have a single economic centre, but rather a series of clusters with significant flows of economic activity between. The whole county is impacted by proximity to London and to major transport links (M1, M25, A1(M)), and faces common challenges of a high proportion of the workforce commuting into London, whilst sharing the opportunities of servicing the capital and the links to the rest of the UK. Its proximity to Cambridge (15 miles to the north east) also provides opportunities and competition, particularly in technology and biotech industries. This business geography is described in more detail below, and illustrated in Figures 1 and 2, showing the key clusters of activity around the Greater London borders and along the north-south M1 and A1 corridors. Away from these clusters of activity, the county has a significant rural element, in particular in East and North Hertfordshire and Dacorum district councils. The proposed pilot, supported by existing partnership arrangements, seeks to maximize growth and sustainability across this diverse area.

The County Council has strong collaborative working relations across the public and private sector in Hertfordshire evidenced by the recently agreed Public Sector Action Plan supported by all the District Councils, the NHS, Police and Crime Commissioner and the LEP. There is collective understanding of the importance of sustaining a strong and prosperous economy for Hertfordshire and the need to manage future growth well.

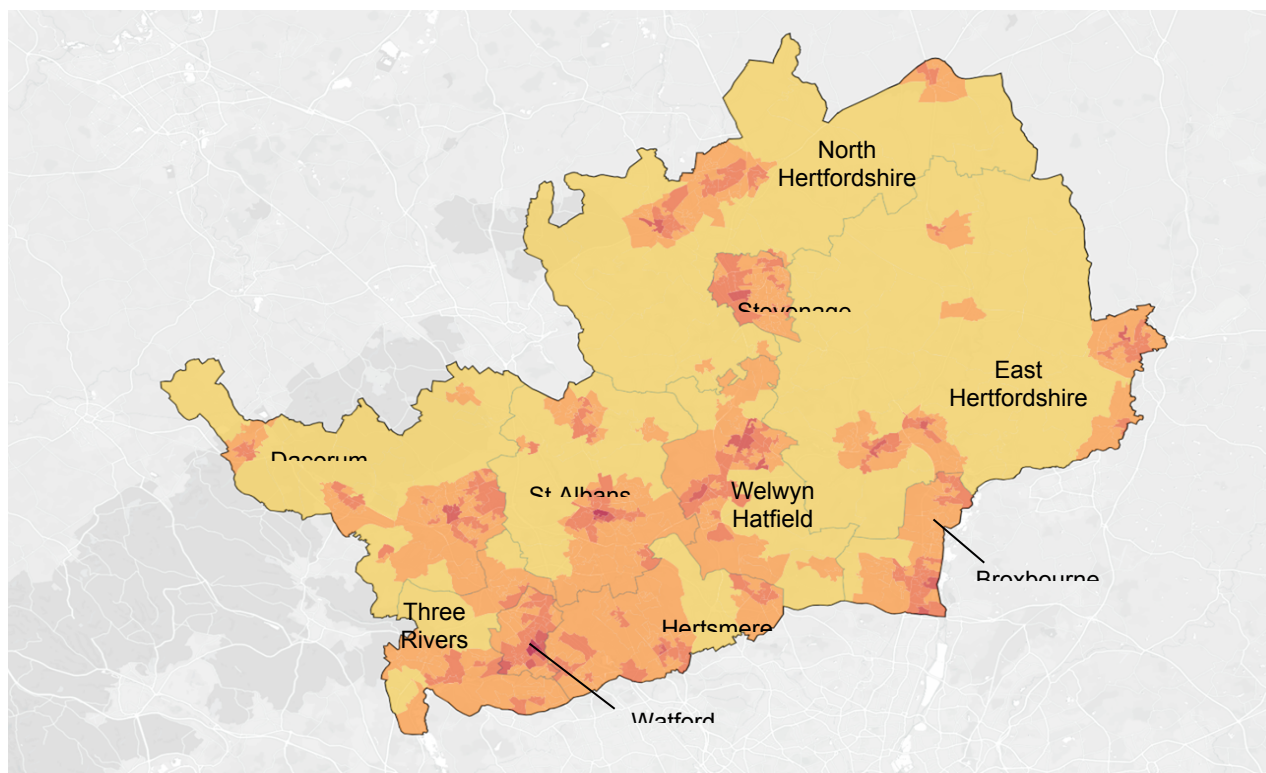
Hertfordshire is at a key stage in setting out its proposals for longer term growth of the County – the individual local plans of the borough and district councils are at a stage where there is now nearly complete updated Local Plan coverage. Cumulatively these plans provide for over 100,000 new homes and 100,000 new jobs up to 2031.

The costs of infrastructure for growth up to 2031 are estimated to amount to some £4-5bn – the equivalent of £50k for each new home. Funding for this will need to come from a range of different sources and we will need to look at innovative approaches.

Hertfordshire Leaders have recently established a Hertfordshire Growth Board to bring together long term housing, economic and infrastructure planning and establish a single voice to Government about our future investment needs. A Hertfordshire Infrastructure and Funding Prospectus and Hertfordshire narrative is being prepared to provide the evidence base for future discussion for a possible Growth Deal for Hertfordshire.

This illustration (below) uses the workplace population (from the 2011 census) as a proxy for business activity at a more granular geographic scale, as data on business rateable value is not published below the local authority level.

**Figure 1 - Map of workplace density (workers per hectare). Source: 2011 Census.**



As can be seen, there are relatively dense clusters of business activity (darker shaded areas), particularly in the south and southwest of the county. Rather than isolated pockets, there are large areas of activity that cross or abut the boundaries of neighbouring districts. This partly reflects clusters of towns that are in close proximity to one another, despite being located in different shire districts. For instance, the towns of Hemel Hempstead, Watford, St. Albans, Hatfield and Welwyn Garden City are located in four shire districts, but all within an approximately 7-mile radius of St. Albans (see **Figure 2**).

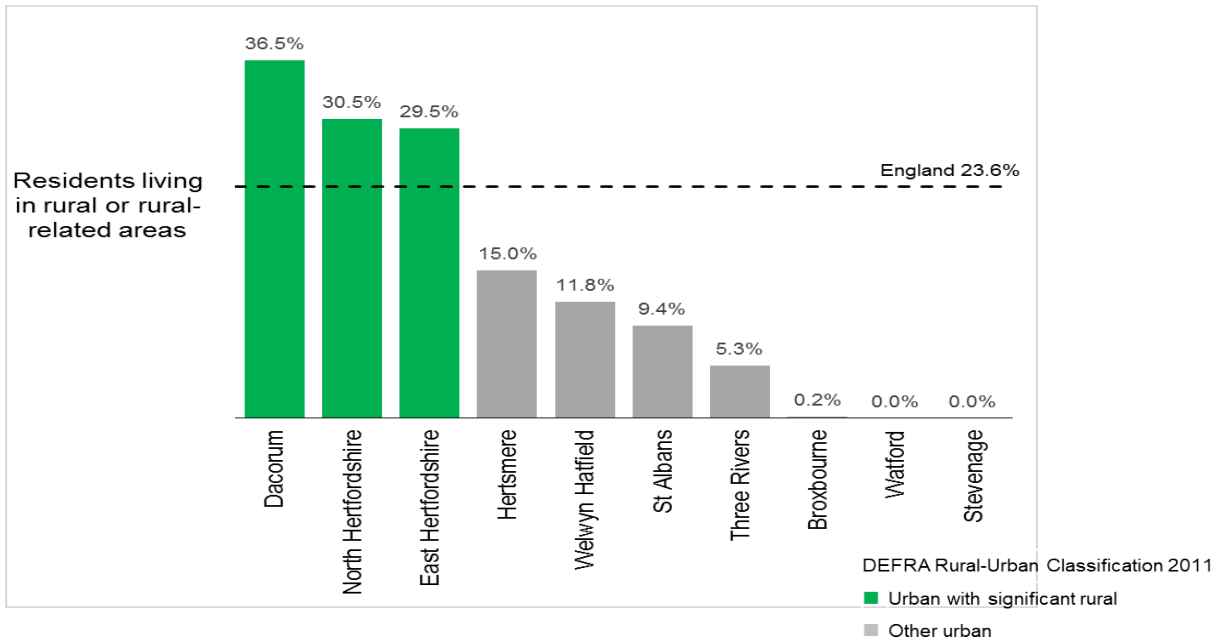
Given the geographic proximity of these business centres, it makes sense that these local authorities should pursue a coordinated approach to economic development. Establishing a business rate pool for Hertfordshire would provide additional financial incentives for such a joined-up approach. Rather than focusing on the return to investment within their own boundaries, the member authorities would be incentivised to carry out economic development activities which yielded the largest benefits for the pool as a whole, wherever these were physically located.

The proposed pilot includes a combination of both rural and urban authorities. Of the 10 districts in the proposed pilot, three are classified as having a 'significant rural' element of their population, including Dacorum, North Hertfordshire, and East Hertfordshire. As illustrated in Figure 3 below, over 30% of residents in these authorities live in rural or rural-related areas. These classifications are produced by the Department for Environment, Food and Rural Affairs (Defra). 'Rural-related' areas includes hub towns that can be centres of service provision for surrounding rural areas, but excludes larger market towns.

**Figure 2: Example of Hertfordshire towns close to district boundaries**



**Figure 3 – Hertfordshire authorities' Rural-Urban classification**



**b. How does the pilot area propose to distribute and use the additional 25% of retained business rates growth across the pilot area?**

In setting a mechanism for distributing the gains from a pilot – the additional 25% retained business rates plus the levy retained from operating as a pool – we have applied the following principals:

- No authority should be worse off than if it were operating individually or as a member of the proposed 5 district Business Rates Pool
- The allocation should provide for coordinated strategic investment alongside local initiatives to promote growth and improve financial sustainability
- The allocation should balance the desire for greater stability and sustainability for all member authorities alongside a clear incentive to support and enable further economic growth.

By including measures that balance financial stability with strong incentives to support further growth, our approach will complement other initiatives by Hertfordshire authorities and our LEP to boost economic performance, contributing to reduced worklessness (and benefit payments); increased tax revenues (personal and corporation); and increased business rates revenues.

In the proposed distribution, the first call on growth will be to meet any safety net that would have been due had authorities been acting individually. The gains from the Pilot levy that would have been payable on districts' share of growth, and the 50% current central share, will be allocated in the following order:

- i. Bring all authorities to baseline level, to ensure financial stability;
- ii. Allocate all ten districts, and the county council, the gains they would have received had they been in a Business Rates Pool based on the Hertfordshire model (i.e. retaining levy);
- iii. Of the remaining balance, one third to be allocated to a countywide Investment Fund, prioritized to initiatives that will leverage investment, and similar initiatives that promote growth; and
- iv. Two thirds to be allocated across districts using a hybrid mechanism, where 30% is allocated on baseline need (to promote financial sustainability) and 70% is allocated pro rata to growth (to retain some local incentive to promote growth).

The additional resources allocated in (iii) and (iv) will be used to promote economic growth and stability.

The Investment Fund will be managed by the Hertfordshire Chief Financial Officers (HCFO) group, in consultation with the Hertfordshire Property Partnership (HPP). Both these are established and mature partnerships. HCFO meets monthly and will be able to make prompt decisions in response to development opportunities. HPP includes local and other public authorities and the Hertfordshire LEP, and has worked effectively in prioritising bids for One Public Estate, demonstrating our strong track record and our commitment to working together to bring benefits across Hertfordshire. It has worked collaboratively on property solutions, delivering on our ambition to exploit public sector assets to deliver the homes, jobs, services and living environment expected by our communities. It has demonstrated a robust governance structure and is developing mechanisms to gain maximum benefit from available funds, including a repayable loan fund to recycle resources across a number of schemes.

We are allocating significant resources to support regeneration and growth initiatives taking place at a District level and through the Investment Fund, which should in turn contribute to financial sustainability through increased revenues. We recognize that the gains from a Pilot would have a limited impact on the broader pressures on our sustainability (notably social care), which require separate action at a local and national level.

The Investment Fund will build on these principals and will prioritise projects that promote self sustainability and deliver maximum return, for example where they unlock subsequent third party investment, or where funding can be recycled. It will take a countywide view of investment need, including cross boundary schemes. There is an opportunity to combine this fund with the resources in the Growth Fund to be generated from Hertfordshire's 2018/19 Business Rates Pool, We are keen that these funds should be used promptly and responsively to local opportunities: using the existing proven structures will allow efficient decision making. We also plan to allocate some resources from the Pilot during 2019/20, as we will be monitoring and validating forecast gains to give sufficient confidence on the resources available.

Individual authorities propose to use their additional resources for 'Invest to Save' projects that will generate future savings or income streams, thus promoting self – sustainability; for projects that promote economic growth; or for projects that address new or growing pressures. Examples include town centre regeneration; investing in affordable housing and temporary provision to prevent homelessness; and pilots for transforming aspects of social care to help reduce demand. These initiatives will form part of our strategy to build resilience and sustainability in advance of the changes to business rates retention and the Fair Funding formula, from 2020/21.

The expected allocation of gains is shown in the table below.

	Forecast Resources - no Pool £m	Gains - 5 District Pool £m	Bring all to pool gains level £m	Allocate Balance £m	Total Income with Pilot £m	Total Pilot Gain £m
Broxbourne	2.9	0.4		0.4	3.7	0.8
Dacorum	3.6	-	0.5	0.5	4.5	0.9
East Hertfordshire	2.8	-	0.1	0.2	3.1	0.3
Hertsmere	3.5	0.6		0.5	4.6	1.1
North Hertfordshire	3.2	0.4		0.4	4.0	0.8
St Albans	2.5	-	0.0	0.1	2.6	0.1
Stevenage	3.1	-	0.4	0.4	3.9	0.8
Three Rivers	2.4	0.3		0.3	3.1	0.7
Watford	3.6	0.6		0.6	4.8	1.2
Welwyn Hatfield	3.4	-	0.4	0.4	4.3	0.9
Hertfordshire	126.4	0.5		0.8	127.7	1.3
Growth Fund				2.3		2.3
<b>Total</b>	<b>157.4</b>	<b>2.9</b>	<b>1.4</b>	<b>7.0</b>	<b>166.4</b>	<b>11.3</b>

**c. How does the pilot area propose to arrange its governance for strategic decision-making around the management of risk and reward? How do the governance arrangements support proposed pooling arrangements?**



A key aim of a county wide pool would be to share risks and rewards more equally (and arguably in a fairer way), thereby making the level of business rates income between individual billing authorities and their preceptor of lesser importance. The pilot will be used as an opportunity for gains and losses to be apportioned based upon the pool's governance arrangements (including Baseline Need), rather than by existing boundaries and variance to NNDR Baseline.

The subjective nature of the NNDR Baseline coupled with the variable nature of appeals can leave authorities with significant variances to baseline need and volatility between years. The Pilot will move on from the current boundary-driven approach that typifies pooling arrangements nationally, which can lead to sub-optimal investment decisions and significant differences to the risks and rewards faced by neighbouring authorities within a region.

The proposed allocation allows authorities to retain resources up to current budget commitments, provide further retained resources locally (to be used to promote future growth and financial sustainability) and provide additional resources for county wide investment. The Hertfordshire authorities are under no illusion that under future business rate resets, the balance of winners and losers under business rates retention will change. In this context, moving toward a county wide approach is the only sensible way to manage risk and reward.

We have prepared a Memorandum of Understanding for the Pilot (Annex B), based on the existing MoU for the Hertfordshire Business Rates Pool, which sets out in detail how the allocation mechanism operates in a transparent way and balances risk and reward. The MoU sets out roles and responsibilities for monitoring, decision making, and dispute resolution should this arise. It includes a commitment from all members to use gains to promote economic growth and financial sustainability, and sets out a process for the allocation of funding from the Investment Fund.

An important objective of the Pilot is to provide learning for both MHCLG and the Hertfordshire authorities on the impact, risks and opportunities of a 75% retention mechanism. We are committing resources to improve our current understanding of movements in business rates income and the factors that influence this, alongside an evaluation of the information available from current systems. The Hertfordshire Chief Finance Officers group will oversee this learning. We have identified and will work to develop the following specific learning points from the business rates pilot.

#### **Learning points for the business rates retention scheme**

- Trial of a radically different 35% district, 40% county, 25% MHCLG split of business rates revenues, providing valuable feedback for consideration in the future;
- Providing a geographically large two tier pilot area with a significant number of districts and a track record of working collaboratively;
- Identifying the potential to manage appeals risk at a county-wide level, including determining appeals provision and apportioning losses transparently;
- Analysing the effects of any volatility of funds at a county-level, to promote greater certainty/earlier use of resources;
- Learning from the adoption of mechanisms that seek to balance financial stability objectives across all authorities whilst retaining a powerful incentive to generate growth;
- Understanding the impact of a pilot in an area including an Enterprise Zone; and
- Evaluating information provided from current business rates systems, and identifying areas of potential development.

Our mature existing collaboration arrangements means we are able to commit to regular contact/meetings with MHCLG to provide feedback and learning points and how the pool is dealing with emerging issues relating to both the pilot and any national issues e.g. policy changes/appeal trends. In addition to the CFO's group, Hertfordshire Property Partnership and Public Sector Action Plan for growth, referred to above, county and districts have together established shared Internal

Audit and anti Fraud services; and a Housing Improvement Agency to administer and manage the use of Disabled Facilities Grant. District Councils have worked together to form shared building control, revenue and benefits and waste collection services. With this track record, we have established relationships at all levels and will be able to put in place quickly the necessary arrangements to administer and learn from a pilot.

## Report to Council – 16 October 2018

### Report of Licensing Committee (Licensing Act 2003)

Licensing Committee (Licensing Act 2003) met on 26 September 2018. The minutes are published on the Council's website.

The following Members were present at the meeting:

Present: Councillor Fahmy (Chair)  
Councillor Dychton (Vice Chair)  
Councillors Barton, Bolton (minute numbers 9 and 10), Grimston (minute number 10), Hastrick, Jeffree, Mauthoor, Mills, Parker, Scudder (minute number 10), Smith and Walford

The following was a recommendation to Council:

#### 9. **Gambling Act 2005 Statement of Principles 2019 – 2022**

The Committee received a report of the Head of Community and Environmental Services. It set out the three year review, consultation and proposed amendments of the Council's Gambling Act 2005 policy that was due to expire on 6 January 2019.

The Environmental Health Manager introduced the report. He discussed the background to the policy review and reminded the Committee as to the type of premises and licences covered by it. He advised that the revised policy only contained minor amendments and that members were being asked to approve the Statement of Principles 2019 – 2022 that would take effect from 6 January 2019. He read the recommendations as outlined on Page 4 of the report to the Committee.

The Environmental Health Manager drew the committee's attention to the licensing objectives that drove the policy. He discussed the number and types of premises currently holding licenses under the Gambling Act and advised that new premises licenses were rarely applied for. He discussed the 'no casino' resolution contained in the report and the implications of any change in legislation.

He went on to explain the two proposed amendments to the policy. Firstly, a public health reference was included in the revised Statement of Principles as public health teams played a role in promoting the licensing objectives relating to the protection of children and other vulnerable people from gambling. He described the resulting stronger links with these teams contained within the policy.

Secondly, he discussed the proposed change to the granting of gaming machine applications for five or more machines; obviating the need for a Licensing Sub-Committee to be held where no representations were received and officers were satisfied that the licensing objectives were being promoted.

The Environmental Health Manager discussed the public consultation process that was conducted between 27 July 2018 and 31 August 2018 and the responses received. He advised that the replies were supportive of the proposed changes to the policy. The local Director of Public Health was also supportive of the proposed changes when first contacted albeit no formal response to the consultation was received.

In response to questions from members the officers:

- Clarified why the 'no casino' resolution was contained in the proposed policy.
- Advised that the proposed amendment removing the need for Licensing Sub-Committees applied only to applications for fruit machines in public houses and clubs.
- Explained that fees for gaming licenses were cost neutral so there would be little scope to put monies in to public health issues.

RESOLVED –

1. That the Licensing Committee recommended that the Council, acting as the licensing authority for the Borough of Watford, adopted the Statement of Principles under the Gambling Act 2005 as set out at appendix 1, to take effect from 6 January 2019 upon the expiry of the existing policy.
2. The Committee recommended that the Council resolved under section 166 of the Gambling Act 2005 that it would continue with the policy not to issue any casino premises licences as it believes a casino would detract from its aspiration to create a safe, prosperous and family-friendly town centre.
3. That the Local Area Profile be maintained as a separate document and not included within the Statement of Principles, with the upkeep of the profile delegated to officers.

## PART A

**Report to:** Licensing Committee  
**Date of meeting:** 26 September 2018  
**Report of:** Head of Community and Environmental Services  
**Title:** Gambling Act 2005 Statement of Principles 2019 - 2022

### 1.0 Summary

- 1.1 The council is the local licensing authority under the Gambling Act 2005 and is required to review, consult upon and publish a policy document every three years. The current policy expires on 6<sup>th</sup> January 2019.
- 1.2 Only minor amendments are suggested to the existing policy.
- 1.3 A public consultation on the proposed policy was carried out between 27<sup>th</sup> July and 31<sup>st</sup> August 2018.
- 1.4 Members are being asked to approve the Gambling Act 2005 Statement of Principles 2019 – 2022 that will take effect from 6<sup>th</sup> January 2019.

### 2.0 Risks

#### 2.1

<b>Nature of Risk</b>	<b>Consequence</b>	<b>Suggested Control Measures</b>	<b>Response (Treat, tolerate, terminate, transfer)</b>	<b>Risk Rating (the combination of severity and likelihood)</b>
Not implementing the policy	The policy would expire and there would be no framework for dealing with applications	Ensure policy is properly implemented by 6 <sup>th</sup> January 2019.	Treat	2

	made under the Act. As a result the council would not be able to effectively regulate gambling premises in the Borough.			
Legal challenge from failure to properly consult	Negative perception of council and its licensing functions, and challenge through the Courts	Carry out consultation in accordance with the Government's published principles of consultation	Treat	2

### 3.0 Recommendations

3.0

3.1 That the Licensing Committee recommends that the Council, acting as the licensing authority for the Borough of Watford, adopts the Statement of Principles under the Gambling Act 2005 as set out at appendix 1, to take effect from 6<sup>th</sup> January 2019 upon the expiry of the existing policy.

3.2 The Committee recommends that the Council resolves under section 166 of the Gambling Act 2005 that it will continue with the policy not to issue any casino premises licences as it believes a casino would detract from its aspiration to create a safe, prosperous and family-friendly town centre.

3.3 That the Local Area Profile is maintained as a separate document, and not included within the Statement of Principles, with the upkeep of the profile delegated to officers.

#### Contact Officer:

For further information on this report please contact: Richard Brown,  
Environmental Health Manager (Business)  
telephone extension: Extension 8440 email [richard.brown@watford.gov.uk](mailto:richard.brown@watford.gov.uk)

**Report approved by:** Alan Gough, Head of Community and Environmental Services

#### 4.0 Detailed proposal

##### 4.1 Background

Under the Gambling Act 2005 the council is responsible for preparing a “statement of principles” setting out how it exercises its various responsibilities in terms of issuing premises licences, liaising with the Gambling Commission (a national co-regulator), carrying out its enforcement functions and issuing permits for small-scale gambling such as machines in alcohol-licensed premises and registering small society lotteries.

4.2 The existing statement of principles was adopted by the council on 23<sup>rd</sup> November 2015 and is due to expire on 6<sup>th</sup> January 2019. The council is required to update its statement of principles before the current one expires, and the new draft copy of the policy for 2019-2022 is attached at appendix 2.

4.3 In preparing the statement the licensing authority must have regard to the three licensing objectives of the Gambling Act, namely:

- 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 Gambling Commission states: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

4.4 To give the context for Watford, the following table sets out the current licenses issued and applications dealt with over the last three years.

Type of Licence	Currently Issued
Adult Gaming Centre	1
Betting Shop	17
Bingo	1
Club Gaming Permit	0
Club Machine Permit	6
Gaming Machines (up to 2 machines)	27
Gaming Machines (3 or more machines)	18
Small Society Lotteries	54
Track Betting	0

As can be seen the numbers of licences within Watford are generally very low.

- 4.5 Currently, Watford is not one of the areas of the country where casino licences can be issued. However, the council is advised to pass a resolution that it will continue not to issue any casino licences in order to protect this position should the regulations regarding casino licences change. This reinforces the council's position of aspiring to create a safe, prosperous, and family friendly town centre, with a diverse night time economy. The resolution is contained at paragraph 12.1 of the statement. It is advised that this resolution be in force from 6<sup>th</sup> January 2019 upon the expiry of the current policy.
- 4.6 Officers believe that the policy is working well and are not proposing any changes other than those laid out in paragraphs 4.7 and 4.8.
- 4.7 In January 2018 Public Health England, the Local Government Association and the Gambling Commission wrote to Directors of Public Health in England outlining the links between Public Health and gambling; specifically that problem gambling can have an impact on physical, mental and emotional health and wellbeing. The letter is attached at Appendix 4.

The letter suggests that local Public Health teams have a critical role to play in developing licensing authorities' Statement of Principles as they have a good understanding of health issues within a local authority area.

This view was emphasised in a presentation by the local Director of Public Health to the Hertfordshire and Bedfordshire Chief Executives group in March 2018 and by the Gambling Commission to the Hertfordshire and Bedfordshire Licensing Officers Group in July 2018. These presentations are attached as appendices 5 and 6. Therefore, we would like to strengthen the links between the council and the local Director of Public Health, in order to further promote the licensing objective relating to the protection of children and other vulnerable people from gambling.

This is because local Public Health teams are well placed to understand the physical, mental and emotional health and wellbeing impact that problem gambling can have on individuals and their families.

Specifically, in partnership with the local Director of Public Health, the police and other partners and agencies we propose to develop a Local Area Profile, using health statistics and other data, that will assist premises licence holders and applicants with their local risk assessments.

It is recommended that the Local Area Profile is maintained as a separate document, and not included within the Statement of Principles, with the upkeep of



the profile delegated to officers. This is for the simple reason of maintenance, and how keeping the profile separate means that this may be updated as and when it is required without the need for consulting on changes to the whole policy.

Also whilst the Local Director of Public Health is not a Responsible Authority the council believes involving the local Public Health team will help promote the licensing objectives, so we are proposing to provide information on premises licences applications to the Director of Public Health for their comment.

- 4.8 A further proposal is to change how gaming machine applications are considered. At present notifications and applications for five or more gaming machines permits are dealt with by a sub-committee of councillors. We are proposing that these now be dealt with by the licensing authority's officers if there were no representations and officers are satisfied that the licensing objectives will be promoted, so that a sub-committee does not have to be convened. If representations are received these will still be considered by a sub-committee.

## 5.0 Consultation

- 5.1 A public consultation was carried out between 27<sup>th</sup> July and 31<sup>st</sup> August 2018.

- 5.2 Officers can confirm that the following parties were consulted on this proposal, identified as responsible authorities under the Gambling Act, and parties who represent businesses and other persons within the Borough:

- (a) Holders of premises licences, permits and gaming machine notices issued under the Act
- (b) Trading Standards (Hertfordshire County Council)
- (c) Residents of the Borough (residents' associations)
- (d) Hertfordshire Constabulary
- (e) Gambling Commission
- (f) Hertfordshire Fire & Rescue Service
- (g) Hertfordshire Safeguarding Children's Board (Hertfordshire County Council)
- (h) Development Management (Watford Borough Council)
- (i) Environmental Health (Watford Borough Council)
- (j) Her Majesty's Revenue & Customs
- (k) Watford Borough Councillors
- (l) Hertfordshire County Council Director of Public Health

Details of the consultation were placed on the council website and a public notice was placed in the Watford Observer on 27<sup>th</sup> July 2018.

5.3 The consultation questions are shown in Appendix 3.

5.4 Consultation Responses

5.5 Two consultation responses were received. These are shown in Appendix 7 and are supportive of the proposed changes to the policy.

The local Director of Public Health was supportive of the proposed changes when initially contacted but a formal consultation was not received.

5.6 Officers are proposing the following changes to the policy:

5.6.1 An updated Borough Profile (section 4.1)

5.6.2 To further promote the licensing objective relating to the protection of children and other vulnerable people from gambling, the council proposes to work with the local Director of Public Health, the police and other partners and agencies to develop a Local Area Profile, using health data and other data (sections 3.23 and 4.12). It is designed to assist premises licence holders and applicants with their local risk assessment. The local risk assessment details the measures premises licence holders will take to promote the licensing objectives.

5.6.3 Whilst Local Public Health Departments are not Responsible Authorities the licensing authority will seek advice from the local Public Health team in order to assess an application. This approach will be taken to assist the licensing authority in exercising its own functions as a responsible authority. (sections 3.24 and 5.2)

5.6.4 It is proposed to replace the current 19.11 of the policy with the following sections:

19.11 Notifications and applications for fewer than five machines shall be dealt with by the licensing authority's officers.

19.12 Applications for five or more machines will be referred to a licensing sub-committee of councillors, unless there are no representations and officers are satisfied that the licensing objectives will be promoted. In these situations notifications and applications will be dealt with by the licensing authority's officers.

5.7 Officers are proposing no changes to the following sections of the policy:

Section 6: The approach that the council takes when dealing with Interested

Parties and representations.

Section 7: The approach that the council takes when exchanging information with the Gambling Commission, the police and other partners.

Section 8: The approach that the council takes to enforcement.

Section 9: How the council deals with premises licences.

Section 10: How the council deals with Adult Gaming Centres.

Section 11: How the council deals with Licensed Family Entertainment Centres.

Section 12: The council's approach to casinos.

Section 13: How the council deals with bingo premises.

Section 14: How the council deals with betting premises.

Section 15: How the council deals with track betting.

Section 16: How the council deals with travelling fairs.

Section 17: How the council deals with premises licence reviews.

Section 18: How the council deals with Unlicensed Family Entertainment Centre gaming machine permits.

Section 20: How the council deals with Prize Gaming Permits.

Section 21: How the council deals with Club Gaming and Club Machine Permits.

Section 22: How the council deals with Temporary Use Notices.

Section 23: How the council deals with Occasional Use Notices.

Section 23: How the council deals with Small Society Lotteries.

## **6.0 Implications**

### **6.1 Financial**

6.1.1 The Shared Director of Finance comments that, as an update to existing policy,

there are expected to be no financial implications.

## 6.2 Legal Issues (Monitoring Officer)

6.2.1 The Head of Democracy and Governance comments that the Gambling Policy is legally required to be reviewed every three years and must be determined by Council. The other legal implications are contained in the policy and the report.

## 6.3 Equalities/Human Rights

6.3.1 An Equalities Impact Assessment of the revised policy has been carried out and is attached as Appendix 8. No changes to the Gambling Act 2005 Statement of Principles were needed as a result of the Assessment

## 6.4 Staffing

6.4.1 There are no staffing issues associated with this report

## 6.5 Accommodation

6.5.1 There are no accommodation issues associated with this report

## 6.6 Community Safety/Crime and Disorder

6.6.1 The policy itself does not impact on Community Safety, but as part of the processing function discussion will be held with applicants.

## 6.7 Sustainability

6.7.1 There are no sustainability issues associated with this report

## Appendices

- *Appendix 1 Current Gambling Act 2005 Statement of Principles 2016-2019*
- *Appendix 2 Proposed Gambling Act 2005 Statement of Principles 2019-2022*
- *Appendix 3 Consultation questions*
- *Appendix 4 Public Health and Gambling joint letter*
- *Appendix 5 Director of Public Health Presentation to Herts and Beds Chief Executives group*
- *Appendix 6 Gambling Commission Presentation to Herts and Beds Licensing Officers Group*
- *Appendix 7 Consultation Responses*
- *Appendix 8 Equalities Impact Assessment*

## **Background Papers**

No papers were used in the preparation of this report.



GAMBLING ACT 2005

## STATEMENT OF PRINCIPLES

JANUARY 2016

Comments are invited on this document to:

Licensing Team  
Community & Customer Services  
Watford Borough Council  
Town Hall  
Watford  
Hertfordshire  
WD17 3EX

Tel: 01923 278476  
Fax: 01923 278627  
Email: [licensing@watford.gov.uk](mailto:licensing@watford.gov.uk)

# STATEMENT OF PRINCIPLES Gambling Act 2005

(Published 24 November 2015)

## 1. Preface

1.1 Under the Gambling Act 2005, a new regime for regulating gambling and betting was introduced throughout the United Kingdom from 1 September 2007. Apart from spread betting, gambling and betting (including the National Lottery) are regulated by the Gambling Commission, whose duties include licensing the operators and individuals involved in providing gambling and betting facilities.

1.2 Watford Borough Council, along with other local licensing authorities, has a duty under the Act to license premises where gambling takes place, and to license certain other activities (such as registering small society lotteries). This document sets out how we intend to approach this task.

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

One or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority's area. The authority has therefore consulted:

The holders of premises licences issued under the Gambling Act 2005 in the Borough of Watford.

One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

1.4 A list of the persons we consulted is provided below:

- (a) Holders of premises licences, permits and gaming machine notices issued under the Act
- (b) Hertfordshire County Council (Trading Standards)
- (c) Residents of the Borough (residents' associations)
- (d) Watford and West Herts Chamber of Commerce
- (e) Watford & Three Rivers Trust

The council has also consulted with the responsible authorities.

1.5 Our consultation took place between 25 September 2015 and 6 November 2015, and we followed the guidance on Consultation principles issued by the Cabinet Office (last updated November 2013), which is available at <https://www.gov.uk/government/publications/consultation-principles-guidance>.

## PART A

### 2. Introduction

- 2.1 This Statement of Principles was adopted at a meeting of Watford Borough Council on 23 November 2015. It was placed on our website on 24 November 2015 and is effective from 6 January 2016. Copies have been placed in public libraries in the Borough as well as being available in the Town Hall.
- 2.2 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

### Authorised activities

- 2.3 'Gambling' is defined in the Act as either gaming, betting or taking part in a lottery:
- 'gaming' means playing a game of chance for a prize
  - '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
  - 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.
- 2.4 Private gaming 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. Domestic betting between inhabitants of the same premises or between employees of the same employer is also exempt.
- 2.5 Non-commercial gaming and betting (where no parts of the proceeds are for private gain) may be subject to certain exemptions. Further advice should be sought from the council's licensing team where appropriate.

### Licensing Objectives

- 2.6 In exercising most of their functions under the Gambling Act 2005, licensing authorities 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 Gambling Commission states: "The



requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

### Statement of Principles

2.7 This Statement of Principles is intended to meet the council's obligations under section 349 of the Act. In carrying out its' functions in relation to premises licences and temporary use notices, the council will generally aim to permit the use of premises for gambling as long as it is considered to be:

- in accordance with any relevant Codes of Practice issued by the Gambling Commission
- in accordance with any Guidance issued by the Gambling Commission. All references to the guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 5th Edition, (published September 2015)
- reasonably consistent with the licensing objectives
- in accordance with this Statement of Principles.

### Types of Licences and Permissions

2.8 Under the Act, the Gambling Commission is responsible for issuing operating licences and personal licences. The council in its' capacity as a licensing authority will:

- be responsible for the licensing of premises where gambling activities are to take place by issuing premises licences
- issue provisional statements
- regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits
- Issue club machine permits to commercial clubs
- grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines
- grant licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- register small society lotteries below prescribed thresholds
- issue prize gaming permits

- receive and endorse temporary use notices
- receive occasional use notices
- provide information to the Gambling Commission regarding details of licences issued
- maintain registers of the permits and licences that are issued under these functions
- exercise its powers of compliance and enforcement under the Act in partnership with the Gambling Commission and other relevant responsible authorities.

### The Gambling Commission

- 2.9 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted in a fair and open way; and by protecting children and vulnerable people. The Commission provides independent advice to the government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally.
- 2.10 The Commission has issued guidance under section 25 of the Act about the manner in which licensing authorities exercise their licensing functions under the Act and, in particular, the principles to be applied.
- 2.11 The Commission will also issue Codes of Practice under section 24 about the way in which facilities for gambling are provided, which may also include provisions about the advertising of gambling facilities.
- 2.12 The Gambling Commission can be contacted at:

Gambling Commission  
 Victoria Square House  
 Victoria Square  
 BIRMINGHAM  
 B2 4BP

Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)  
 Email: [info@gamblingcommision.gov.uk](mailto:info@gamblingcommision.gov.uk)

### **3. General Statement of Principles**

- 3.1 The council recognises the wide variety of premises which will require a licence or a permit. These include casinos, betting shops, bingo halls, pubs, clubs and amusement arcades.
- 3.2 In carrying out its licensing functions the council will have regard to any guidance issued by the Gambling Commission from time to time.
- 3.3 The council will not seek to use the Act to resolve matters more readily dealt with under other legislation.
- 3.4 To ensure the licensing objectives are met the council will establish a close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities.
- 3.5 Where children, young persons and other vulnerable people are allowed access to premises where gambling takes place, the council may take whatever steps are considered necessary to either limit access generally or by introducing measures to prevent under-age gambling where it believes it is right to do so for the prevention of their physical, moral or psychological harm from gambling, especially where it receives representations to that effect.
- 3.6 Applicants seeking premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.
- 3.7 However, the overriding principle is that all applications and the circumstances prevailing at each premises will be considered on their own individual merits. When applying these principles the licensing authority will consider, in the light of relevant representations, whether exceptions should be made in any particular case. As with the Gambling Commission, the licensing authority will regulate gambling in the public interest.

#### Preventing gambling from being a source of crime and disorder

- 3.8 The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.
- 3.9 Anyone applying to the council for a premises licence will have to hold an operating licence from the Commission before a licence can be issued. Therefore, the council will not generally be concerned with the suitability of an applicant and where concerns about a person's suitability arise the council will bring those concerns to the attention of the Commission.
- 3.10 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the council will, in consultation with the police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime.
- 3.11 There are already powers in existing anti-social behaviour and licensing legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once

people have left a building. The council does not intend to (and indeed, cannot) use the Act to deal with general nuisance issues, for example, parking problems, which can easily be dealt with using other powers.

- 3.12 Issues of disorder should only be dealt with under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance *and it can be shown that gambling is the source of that disorder*. A disturbance might be serious enough to constitute disorder if police assistance was required to deal with it. Another factor which could be taken into account is how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.
- 3.13 When making decisions in this regard the council will give due weight to any comments made by the police.

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

- 3.14 The Gambling Commission does not generally expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues will be addressed by the Commission through the operating and personal licensing regime.
- 3.15 Because betting track operators do not need an operating licence from the Commission the council may, in certain circumstances, require conditions on a licence relating to the suitability of the environment in which betting takes place.

#### Protecting children and other vulnerable people from gambling

- 3.16 Apart from one or two limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult-only' environments.
- 3.17 In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to, gambling especially with regard to premises situated in areas where there may be a high rate of reported truancy. There may also be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children. In relation to casinos only, the Gambling Commission will be issuing a code of practice about access to casino premises for children and young persons.
- 3.18 When considering whether to grant a premises licence or permit the council will consider whether any measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc.
- 3.19 In seeking to protect vulnerable people the council will include people who gamble more than they want to, people who gamble beyond their means, and

people who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs.

3.20 Children (defined in the Act as under 16s) and young persons (16-17s) may take part in private and non-commercial betting and gaming but the Act contains a number of restrictions on the circumstances in which they may participate in gambling or be on premises where gambling is taking place. An adult is defined as 18 and over. In summary:

- betting shops cannot admit anyone under 18
- bingo clubs may admit those under 18 but must have policies to ensure they do not gamble, except on category D machines
- Adult Entertainment Centres cannot admit those under 18
- Family Entertainment Centres and premises with an alcohol premises licence such as pubs) can admit under-18s, but they may not play category C machines which are restricted to those over 18
- clubs with a Club Premises Certificate can admit under-18s, but they must have policies to ensure those under 18 do not play machines other than category D machines
- tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.

3.21 The council will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.

#### **4. The Borough of Watford**

- 4.1 Watford Borough Council is situated in the county of Hertfordshire, which contains ten district councils in total. The council area has a population of approximately 95,500 (mid 2014 estimate), making it one of the smallest in the county in terms of population. However, in terms of population density, it is the most densely populated district council area in the county, and the seventh most densely populated district in England and Wales outside of London, reflecting the highly urban nature of the Borough.
- 4.2 Watford Borough was granted a Royal Charter in 1922. Traditionally a market town, it has developed into an attractive sub-regional shopping centre and important centre for cultural and recreational facilities. Watford has a catchment area population of approximately 500,000 within a travel time of 20 minutes from the town centre.
- 4.3 Situated in the South West of Hertfordshire, the borough has excellent transport links with mainline rail connections to London, Gatwick Airport, the Midlands and the North, Underground and Overground connections to London, its north-west suburbs and the rural Chilterns, community rail connections to St Albans, coach services to Heathrow airport, bus services to Luton airport, and convenient road connections via the M1, M25 and A41.

#### Characteristics of the Borough

- 4.4 Watford Borough covers an area of 2,142 hectares (8.3 sq. miles). The Office for National Statistics released mid-year estimates for 2014 in June 2015 which estimated that Watford's population was 95,500. In comparison to the national averages, Watford has a higher than average number of people of working age and of children, and a lower than average number of people of retirement age and over. It is a very diverse borough with residents from a wide range of ethnic backgrounds. The White British population makes up 62% of the town's residents, with the next largest ethnic groups identifying as being White (other), Pakistani, and Indian (Census 2011). The 2011 Census also reveals that 12,300 residents have their day-to-day activities limited by long-term health problems or disability, which is lower than average for the county and nationally.
- 4.5 Watford is a major town in the region. It is a sub-regional shopping destination, centered around the Intu Shopping Centre in the town centre, and the most vibrant night-time economy in Hertfordshire for which it has been awarded Purple Flag status since 2012. In recent years, Watford has successfully diversified into an attractive and popular regional shopping and business centre and offers a range of employment opportunities, but with a predominance of jobs coming from the service sector, including retail and restaurants, bars, pubs and clubs. Unemployment figures are below the national average and, currently, the town is nearly at full employment.
- 4.6 Whilst the town is prosperous, there are pockets of deprivation, and Watford is judged to have more households in deprivation than the national average. As part of the London commuter belt Watford is strongly influenced by London; and whilst this brings the benefits of a buoyant economy and opportunities for employment, it also brings significant other pressures such as high house prices and rents, and, with limited land available for development, pressure on all land, contributing to a high reliance on rented

properties. Such factors have a negative effect on the measures used to assess the level of deprivation in households, with people less likely to own their own home and more likely to live in shared or rented properties.

- 4.7 Several significant infrastructure projects are planned for the town over the next decade, including:
- the redevelopment of Charter Place as part of the upgrade of the Intu Shopping Centre
  - the construction of the Metropolitan Line Extension (formerly known as the Croxley Rail Link) to join Watford Junction station to the London Underground network and the creation of two new stations in West Watford (Cassiobridge and Watford Vicarage Road)
  - the upgrade of Watford Junction station as a result of the increased transport offers, allowing for the development of new residential and commercial units
  - the regeneration of the land around Watford Hospital to create a vibrant, new community offering new homes, employment opportunities, community facilities and open spaces and play areas
  - the redevelopment of Watford Business Park and the surrounding area, including Ascot Road
- 4.8 As of 6 April 2016, it is a mandatory condition for holders of operating licences to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of principles.
- 4.9 We recognise that it is not a requirement for licensing authorities to complete a local area profile, but we have taken the view that we wish to work proactively and in co-operation with licensees when developing their own local risk assessments. We encourage operators to contact the licensing authority to consider and identify potential areas of mutual concern affecting their business in a way that aims to permit gambling without presenting risks to the licensing objectives, as required by the Gambling Act.
- 4.10 Potential applicants should also refer to the Local Plan (through our Development Management Team or on our website at [www.watford.gov.uk](http://www.watford.gov.uk)) for details about the local planning authority's approach to granting planning permission for developments where such activities may take place. Applicants may also wish to view the Community Safety Partnership Plan and the Authority's Monitoring Report which is available from our website or from our offices.
- 4.11 Further information about the Borough is contained in the council's Corporate Plan, which is published annually and can be obtained from the council's offices or from our website.
- 4.12 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they proposed to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from 'time to time' and any amended parts re-consulted upon. The statement must be then re-published.

## **5. Responsible Authorities**

5.1 These are generally public bodies that must be notified of all applications and who are entitled to make representations to the council if they are relevant to the licensing objectives.

Section 157 of the Act defines those authorities as:

- the Gambling Commission
- the Police
- the Fire Service
- a competent body to advise the authority about the protection of children from harm
- the local planning authority
- Environmental Health
- HM Revenue and Customs
- A licensing authority in whose area the premises is situated (that is, the council itself and also any adjoining council where premises straddle the boundaries between the two).

5.2 Any concerns expressed by a responsible authority in relation to their own functions cannot be taken into account unless they are relevant to the application itself and the licensing objectives. In this regard the council will not generally take into account representations which are deemed to be irrelevant, such as:

- there are too many gambling premises in the locality (because need for gambling facilities cannot be taken into account)
- the premises are likely to be a fire risk (because public safety is not a licensing objective)
- the location of the premises is likely to lead to traffic congestion (because this does not relate to the licensing objectives)
- the premises will cause crowds to congregate in one area causing noise and nuisance (because other powers are generally available to deal with these issues. It should be noted that, unlike the Licensing Act 2003, the Gambling Act does not include as a specific licensing objective the prevention of public nuisance. Any nuisance associated with gambling premises should be tackled under other relevant laws).

Each representation will, however, be considered on its own individual merits.



### 5.3 Child protection

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

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

5.4 The contact details of all the responsible authorities under the Gambling Act 2005 are available via the council's website at [www.watford.gov.uk](http://www.watford.gov.uk).

## 6. Interested parties

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

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

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

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

- each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. In the case of doubt, the benefit will be given to the party making the representation until the contrary can be shown.
- interested parties can include trade associations, and residents'/tenants' associations, providing that they can show they represent someone who would be classed as an interested party in their own right. Councillors and MPs may also be interested parties. Elected councillors may represent interested parties, providing they do not also sit on the Licensing sub-committee determining the application in question.
- In determining whether someone lives sufficiently close to a particular premises as to likely to be affected by the authorised activities, or has business interests likely to be affected, the council may take account of:
  - the size of the premises
  - the nature of the premises
  - the nature of the authorised activities being proposed
  - the distance of the premises from the person making the representation
  - the characteristics of the complainant (including any special interests or knowledge relating to the application in question)
  - the potential impact of the premises

6.3 The licensing authority will not consider representations that are frivolous or vexatious, or which relate to demand or need for gambling facilities. Decisions on whether representations are frivolous or vexatious will be made objectively and not on the basis of any political judgement. Where representations are rejected, the person making that representation will be given a written reason. A report will be made to the licensing sub-committee

determining the application (if appropriate), indicating the general grounds of the representation and the reason it was rejected.

- 6.4 A vexatious representation is generally taken to be one which is repetitive, without foundation or made for some other reason such as malice. A frivolous representation is generally taken to be one that is lacking in seriousness, or is unrelated to the licensing objectives, guidance issued by the Gambling Commission or this statement of licensing policy.
- 6.5 Interested parties should appreciate that moral objections to gambling, or the need for gambling premises, are not valid reasons to reject applications for premises licences.
- 6.6 Representations should ideally:
- be made in writing (preferably in duplicate, unless submitted electronically)
  - be in black ink on single sides of A4 paper
  - indicate the name and address of the person or organisation making the representation
  - indicate the premises to which the representation relates
  - indicate the proximity of the premises to the person making the representation. A sketch map or plan may be helpful to show this
  - clearly set out the reasons for making the representation, and which objective it refers to.

## **7. Exchange of Information**

- 7.1 Licensing authorities are required to include in their policy statement the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 7.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to Guidance issued by the Gambling Commission to Local Authorities, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 7.3 The authority may from time to time exercise its' powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with the police and other partners to fulfil its' statutory objective of reducing crime in the area.
- 7.4 Details of applications and representations which are referred to a Licensing sub-Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the licensing authority is asked to do so.

## **8. Compliance and Enforcement**

- 8.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 8.2 This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance for local authorities and it will endeavour to be:
- proportionate: it will only intervene when necessary, remedies will be appropriate to the risk posed, and costs identified and minimised
  - accountable: with decisions being justifiable, and be subject to public scrutiny
  - consistent: rules and standards will be joined up and implemented fairly
  - transparent and open: licence conditions will be kept simple and user friendly; and
  - targeted: regulation should be focused on the problem, and minimise side effects.
- 8.3 The licensing authority will avoid duplication with other regulatory regimes. Where matters come to light which are properly the role of other statutory agencies however, the licensing authority may bring those matters to the attention of those other agencies where appropriate.
- 8.4 The licensing authority notes the Commission's risk-based inspection programme, based on:
- the licensing objectives
  - relevant codes of practice issued by the Gambling Commission
  - guidance issued by the Gambling Commission, in particular at Part 36 of the Guidance to Local Authorities
  - the principles set out in this statement of licensing policy.
- 8.5 The licensing authority has an established working partnership with the Gambling Commission, and undertakes risk-based inspections and compliance visits.
- 8.6 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which is authorised. Enforcement involves taking formal action where either those requirements are not met or illegal activities take place.
- 8.7 The Gambling Commission will be the enforcement body for operator and personal licences. It is also worth noting that concerns about manufacture,

supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

- 8.8 This authority will also keep itself informed of developments as regards the work of the Better Regulation Delivery Office in its consideration of the regulatory functions of local authorities.
- 8.9 The authority's approach to the carrying out of premises licence reviews is set out in chapter 17.

## **PART B PREMISES LICENCES**

### **9. Definition of premises licences**

- 9.1 Premises are defined in the Act as “any place”. It is for the licensing authority to decide whether different parts of a building can be properly regarded as being separate premises and it will always be a question of fact in the circumstances. The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 9.2 In considering applications for multiple licences for a building or those for a specific part of the building to be licensed, entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.
- 9.3 This licensing authority will also pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).
- 9.4 The licensing authority takes particular note of the Commission’s guidance to be aware of the following:
- the third licensing objective seeks to protect children from being harmed by gambling, which means not only preventing them from being harmed by gambling and also from being in close proximity to gambling. Premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating
  - entrance to and exits from parts of buildings covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not ‘drift’ into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit
  - customers should be able to participate in the activity named on the premises licence.
- 9.5 The licensing authority will take account of the following factors when considering whether premises are separate:
- do the premises have a separate registration for business rates?
  - is the premises neighbouring premises owned by the same person or by someone else?
  - can each of the premises be accessed from the street or a public passageway?

- can the premises only be accessed from any other gambling premises?
- 9.6 The location of the premises and the suitability of the division (including the nature of any partitions etc) will be a matter for discussion in each case between the applicant and the licensing authority's officers.
- 9.7 The licensing authority notes the Commission's guidance at paragraphs 7.19 – 7.23. Where more than one premises licence is permitted within a building the gaming machine entitlement for the separately licensed premises may not be aggregated and no more than the permitted number and category of machines for the relevant type of premises may be placed in any one of the individual sets of premises within the building. Section 152, when properly applied, means that different premises licences cannot apply in respect of single premises at different times. There is no temporal element to a premises licence. Therefore, premises cannot, for example, be licensed as a bingo club on weekdays and a betting shop at weekends.

### Provisional Statements

- 9.8 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional licence stage; or
  - which is in the authority's opinion reflect a change in the operator's circumstances.
- 9.9 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead. In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:
- first whether the premises ought to be permitted to be used for gambling
  - second, whether appropriate conditions can be in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.



- 9.10 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence. More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.58 – 7.65 of the Guidance to Licensing Authorities.

#### Location

- 9.11 The licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 9.12 Should any specific policy be decided upon as regards areas where gambling premises should not be located, this policy statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how the concerns can be overcome. Reference should also be made to the local area risk assessment prepared by the operator.

#### Duplication with other regulatory regimes

- 9.13 This authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. This authority will though listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 9.14 Under section 210 of the Act the licensing authority is not entitled to have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building. The licensing authority will however consider relevant representations from the local planning authority about the effect of the grant of a premises licence on an extant planning permission where this relates to the licensing objectives, a Commission code of practice, or this statement of principles.

#### Licensing objectives

- 9.15 The grant of a Premises licences must be reasonably consistent with the licensing objectives.

#### Conditions

- 9.16 Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility
  - directly related to the premises and the type of licence applied for

- fairly and reasonably related to the scale and type of premises: and
  - reasonable in all other respects.
- 9.17 Decisions upon individual conditions will be made on a case-by-case basis, although there will be a number of control measures this licensing authority may utilise should the authority consider it necessary for the promotion of the licensing objectives, such as the use of machine and door supervisors, supervision of adult gaming machines, appropriate signage for adult-only areas, staff training etc. There are specific comments made in this regard under each of the licence types below. This licensing authority will also expect the licence applicant to offer their own suggestions as to ways in which the licensing objectives can be met effectively.
- 9.18 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.
- 9.19 It is noted that there are conditions which the licensing authority cannot attach to premises licences:
- 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, winning or prizes.

### Door Supervisors

- 9.20 The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.
- 9.21 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The licensing authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

9.22 It is noted though that the Gambling Act 2005 has amended the Security Industry Act 2001 and that in-house door supervisors at casinos or bingo premises need not be licensed by the Security Industry Authority. However, the licensing authority strongly recommends that any door supervisors or security staff who are employed should be licensed by the SIA.

## **10. Adult Gaming Centres**

10.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover issues such as:

- proof of age schemes
- CCTV
- supervision of entrances/ machine areas
- physical separation of areas
- location of entry
- notices/signage
- specific opening hours
- staff training
- change machines
- advertising sources of help and other means of help for problem gamblers

This list is not mandatory or exhaustive, and is merely indicative of example measures.

10.2 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.

10.3 As regards the protection of vulnerable persons, this licensing authority will consider measures such as the use of self-barring schemes, provision of information leaflets or helpline numbers for organisations such as GamCare.

## **11. Licensed Family Entertainment Centres**

11.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

- proof of age schemes
- CCTV
- door supervisors
- supervision of entrances and/or machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- staff training

This list is not exhaustive.

11.2 Measures such as the use of self-barring schemes, provision of information leaflets or helpline numbers for organisations such as GamCare will be considered in order to protect children and vulnerable persons.

11.3 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.

## **12. Casinos**

- 12.1 The licensing authority has passed a “no casino” resolution under section 166 of the Act on 23 November 2015, to be in effect from 5 December 2015, on the basis that the town has a thriving and diverse night-time economy, presently centred around The Parade and primarily characterised by alcohol and food-led premises. Strategies are in place to reinvigorate The Parade through our Cultural Plan to end the dominance of alcohol-led premises and re-develop Charter Place to incorporate a multi-screen cinema and restaurants.

### **13. Bingo premises**

- 13.1 Bingo is a class of equal chance gaming and will be permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold, otherwise it will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission.
- 13.2 The holder of a bingo operating licence will be able to provide any type of bingo game including cash and prize bingo.
- 13.3 Commercial bingo halls will require a bingo premises licence from the licensing authority.
- 13.4 Amusement arcades providing prize bingo will require a prize gaming permit from the council.
- 13.5 In each of the above cases it is important that where children are allowed to enter premises licensed for bingo, in whatever form, they are not allowed to participate in any bingo game, other than on category D machines. When considering applications of this type the council will therefore take into account, among other things, the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.
- 13.6 A limited number of gaming machines may also be made available at bingo licensed premises. Where category C or above machines are available in premises to which children are admitted, the licensing authority will seek to ensure that:
- all such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
  - only adults are admitted to the area where these machines are located
  - 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.
- 13.7 The licensing authority notes that the Gambling Commission's Guidance states:
- 18.5 Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo

premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.

- 18.7 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed. Social Responsibility (SR) code 3.2.5(3) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling.
- 18.9 The gaming machines must remain within the licensed area covered by the premises licence. In the unusual circumstance that an existing bingo premises covered by one premises licence applies to vary the licence and acquire additional bingo premises licences (so that the area that was the subject of a single licence will become divided between a number of separate licensed premises) it is not permissible for all of the gaming machines to which each of the licences brings an entitlement to be grouped together within one of the licensed premises.
- 18.10 Equipment operated by a bingo operating licence for the purpose of playing bingo, for example what are currently known as mechanised cash bingo, electronic bingo terminal (EBTs) and video bingo terminals (VBTs), will be exempt from controls on gaming machines provided they comply with any conditions set by the Commission and, in the case of EBTs, do not hold gaming machine content.
- 18.11 An EBT that offers gaming machine content in addition to bingo content is considered to be a gaming machine and would count towards the total number of gaming machines or towards the offering of bingo. Any EBTs that do not offer gaming machine content would not count towards the number of gaming machines.
- 13.8 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.
- 13.9 Operators' attention is also drawn to paragraph 18.24 – 18.26 concerning primary gambling activity.

#### Members' clubs and commercial clubs

- 13.10 Bingo may be provided at clubs and institutes either in accordance with a permit or providing that the limits in section 275 of the Act are complied with. These restrictions limit the aggregate stake or prizes within any seven days to £2000, and require the Commission to be notified as soon as is reasonably practicable if that limit is breached. Stakes or prizes above that limit will require a bingo operators licence and the corresponding personal and premises licences.



## **14. Betting premises**

- 14.1 Anyone wishing to operate a betting office will require a betting premises licence from the licensing authority. Children and young persons will not be able to enter premises with a betting premises licence.
- 14.2 The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.
- 14.3 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The Authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.
- 14.4 Betting premises will be able to provide a limited number of gaming machines and some betting machines.
- 14.5 The licensing authority has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available. We will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people. It will not generally exercise this power though unless there are good reasons to do so taking into account, among other things, the size of the premises and the level of management and supervision especially where vulnerable people are concerned.
- 14.6 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.
- 14.7 Each application will be considered on its own individual merits.

### Primary Gambling Activity

- 14.8 Operating licences issued by the Commission provides that gaming machines may be made available for use in licensed betting premises only at times where there are also sufficient facilities for betting available.
- 14.9 In this respect, such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn the outcome and collect any winnings. Where betting facilities are

provided only by betting machines the number of betting machines must exceed the number of gaming machines made available for use.

- 14.10 The Licence Conditions and Codes of Practice (LCCP) sets out the full requirements on operators. To assist operators of betting premises the Commission has published a document setting out the indicators that are used to assess as to whether the requirements for betting being the primary gambling activity in any particular premises are being met.
- 14.11 Should the licensing authority receive an application to vary a premises licence for bingo or betting in order to extend the opening hours, the authority will satisfy itself that the reason for the application is in line with the requirements on primary gambling activity. (i.e. the need for operating licence holders to ensure that there are still sufficient facilities available to participate in the gambling activity appropriate to the licence type ('the primary activity' or 'the principal activity') at those premises and not replaced by the making available of gaming machines). Therefore, the applicant should be able to demonstrate that the extension of the opening hours is not designed solely to benefit from the machine entitlement and activity which is ancillary to the primary activity of the premises, namely betting or bingo.

## **15. Tracks**

- 15.1 Only one premises licence can be issued for any particular premises at any time unless the premises is a 'track'. A track is a site where races or other sporting events take place.
- 15.2 Track operators are not required to hold an 'operators licence' granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the council are likely to contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Indeed, track operators will have an important role to play, for example in ensuring that betting areas are properly administered and supervised.
- 15.3 Although there will, primarily be a betting premises licence for the track there may be a number of subsidiary licences authorising other gambling activities to take place. Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.
- 15.4 When considering whether to exercise its power to restrict the number of betting machines at a track the licensing authority will consider the circumstances of each individual application and, among other things will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines, especially if they are scattered around the site, and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.
- 15.5 This licensing authority is aware that the Gambling Commission may provide further specific guidance as regards tracks. We have taken note of the Guidance from the Gambling Commission which highlights that tracks are different from other premises in that there may be more than one premises licence in effect and that the track operator may not be required to hold an operator licence as there may be several premises licence holders at the track which will need to hold their own operator licences.
- 15.6 There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and this authority would expect the premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 15.7 Appropriate licence conditions may be:
- proof of age schemes
  - CCTV
  - supervision of entrances/machine areas
  - physical separation of areas

- location of entry
- notices/signage
- specific opening hours
- the location of gaming machines

This list is not mandatory or exhaustive, and is merely indicative of example measures.

- 15.8 Measures such as the use of self-barring schemes, provision of information leaflets and helpline numbers for organisations such as GamCare will be considered suitable in relation to the protection of children and vulnerable people.
- 15.9 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.
- 15.10 This licensing authority notes the Commission's view, that it would be preferable for all self-contained premises operated by off-course betting operators on tracks to be the subject of separate premises licences. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

#### Betting machines at tracks

- 15.11 Licensing authorities have a power under the Gambling Act 2005 to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence.

#### Condition on rules being displayed

- 15.12 In line with guidance from the Gambling Commission the licensing authority 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, such as being could printed in the race-card or made available in leaflet form from the track office.

## **16. Travelling Fairs**

- 16.1 It will fall to the licensing authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 16.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

## **17. Review of Premises Licences**

17.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities.

17.2 However, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is

- relevant to the matters listed below
- frivolous
- vexatious
- will certainly not cause this authority to alter, revoke or suspend the licence or
- whether it is substantially the same as previous representations or requests for review
- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of licensing policy

17.3 Licensing authority officers may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution before a full review is conducted. The licensing authority may review premises licences of its own volition. This may be on the grounds that a premises licence holder has not provided facilities for gambling at the premises. A referral to a Licensing sub-Committee of a set of premises for a review will be first approved by the Head of Community and Customer Services.

17.4 The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

17.5 This can extend to a review of a class of licences where it considers particular issues have arisen. Reviews of a class of premises will be first agreed to by the Head of Community and Customer Services in consultation with the Chair of the Licensing (Licensing Act 2003) Committee.

17.6 The purpose of a review is to determine whether the licensing authority should take any action in relation to the licence. If action is justified the licensing authority may:

- add, remove or amend a licence condition (other than a mandatory condition)

- exclude or amend a default condition imposed by regulations
  - suspend the premises licence for a period not exceeding three months
  - revoke the premises licence.
- 17.7 In determining the appropriate course of action the licensing authority must have regard to the principles set out in section 153 of the Act as well as any relevant representations.
- 17.8 The Gambling Commission will be a responsible authority in premises licence reviews.

**PART C**  
**Permits, Temporary and Occasional Use Notices**

**18. Unlicensed Family Entertainment Centre gaming machine permits**

- 18.1 Where a premises does not hold a premises licence but wishes to provide category D machines only gaming machines, it may apply to the licensing authority for this permit. It should be noted that under section 238 the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use. If they are also used for other purposes the application is likely to be refused.
- 18.2 The Act states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit. In preparing that statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25 of the Act.
- 18.3 Accordingly this licensing authority will also have regard to the licensing objectives when considering applications relating to unlicensed FEC permits.
- 18.4 An FEC gaming machine permit cannot be granted unless the chief officer of police has been consulted, and no conditions may be imposed upon the grant of a permit. Therefore the licensing authority will wish to be satisfied as to the applicant's suitability before granting a permit. Unlicensed FECs, by definition, will not be subject to scrutiny by the Gambling Commission as no operating (or other) licences will be applied for and issued.

Statement of principles

- 18.5 Applicants will be expected to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include background checks on staff, training for staff in dealing with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises.
- 18.6 Applicants will be expected to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs
  - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)
  - that staff are trained to have a full understanding of the maximum stakes and prizes; and
  - an awareness of local school holiday times and how to identify to the local education authority should truants be identified.
- 18.7 Compliance with any relevant industry Code of Practice for FECs issued by BACTA or other trade associations may be taken by the licensing authority as



evidence that (apart from the criteria relating to criminal convictions) the applicant has met the above.

- 18.8 Applicants must submit with their application two copies of plans of the premises, to a scale of 1:100, showing the exits/entrances to the premises, location of gaming machines, and the location of safety equipment such as fire extinguishers.
- 18.9 The licensing authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

## **19. (Alcohol) Licensed premises gaming machine permits**

- 19.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.
- 19.2 Under section 284 the licensing authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
  - gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (ie, that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
  - the premises are mainly used for gaming; or
  - an offence under the Gambling Act has been committed on the premises.
- 19.3 Should it be necessary to issue a section 284 order, the licence-holder will be given at least twenty-one days' notice of the intention to make the order, and consider any representations which might be made. The authority will hold a hearing if the licensee requests.
- 19.4 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "such matters as they think relevant."

### Statement of principles

- 19.5 This licensing authority considers that such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under-18 year olds do not use the adult-only gaming machines. The authority will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.
- 19.6 Measures which will satisfy the authority that there will be no access may include the adult machines being in site of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

- 19.7 A plan must accompany applications indicating where, and what type, of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the premises licence issued under the Licensing Act 2003.
- 19.8 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 as an adult entertainment centre premises licence.
- 19.9 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 19.10 It should also be noted that the holder of a permit to must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

#### Administrative matters

- 19.11 Notifications and applications for fewer than five machines shall be dealt with by the licensing authority's officers. Applications for five or more machines will be referred to a licensing sub-committee of councillors.

## **20. Prize Gaming Permits**

- 20.1 The licensing authority may prepare a statement of principles which they propose to apply in exercising their functions which may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit.
- 20.2 Prize gaming may be provided in bingo premises as a consequence of their bingo operating licence. Any type of prize gaming may be provided in adult gaming centres and licensed family entertainment centres. Unlicensed family entertainment centres may offer equal chance prize gaming under a gaming machine permit. Prize gaming without a permit may be provided by travelling fairs, providing that none of the gambling facilities at the fair amount to more than an ancillary amusement. Children and young people may participate in equal chance gaming only.
- 20.3 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

Applicants should set out the types of gaming they are intending to offer and should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations
  - and that the gaming offered is within the law.
- 20.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- 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.
- 20.5 Applications may only be made by people who occupy or plan to occupy the premises, are aged 18 or over (if an individual), and no premises licence or club gaming permit under the Gambling Act 2005 may be in force.

### Statement of principles

- 20.6 This licensing authority considers that such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under-18 year olds do not have access to unequal chances prize gaming. The authority will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.
- 20.7 A plan must accompany applications indicating where, and what type, of prize gaming is to be provided.

## **21. Club Gaming and Club Machines Permits**

- 21.1 Members' clubs (but not commercial clubs) may apply for a club gaming permit or a clubs gaming machines permit.
- 21.2 The licensing authority notes paragraphs 25.44 – 25.49 of the Commission's Guidance as to matters to take into account when determining that a club meets the statutory qualifying requirements. These include the club's constitution; the frequency of gaming; and ensuring that there are more than 25 members. The club must be conducted "wholly or mainly" for purposes other than gaming, unless the gaming is in bridge and whist clubs covered by regulations made by the Secretary of State.
- 21.3 The Commission advises that licensing authorities may only refuse applications on the grounds that:
- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
  - the applicant's premises are used wholly or mainly by children and/or young persons
  - an offence under the Act or a breach of the permit has been committed by the applicant whilst providing gaming facilities
  - a permit held by the applicant has been cancelled in the previous ten years; or
  - an objection has been raised by the Commission or by the police.

### Club gaming permit

- 21.4 A club gaming permit allows the premises to provide
- up to three machines of categories B, C or D
  - equal chance gaming and
  - games of chance as set out in regulations.

### Club gaming machine permit

- 21.5 A club gaming machine permit will enable the premises to provide up to three machines of categories B, C or D.
- 21.6 The licensing authority will wish to be satisfied that applicants for these permits meet the statutory criteria for members' clubs contained in sections 266 and 267 of the Act. Clubs which hold a club premises certificate under the Licensing Act 2003 are entitled to benefit from a fast-track application procedure.

## **22. Temporary Use Notices**

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

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

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that temporary use notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. There can, however, be more than one competition with a single winner held at the individual event covered by a specific temporary use notice. The facilities may not be provided in circumstances where any person participating in the gaming does so by means of a gaming machine. Equal chance gaming is gaming which does not involve playing or staking against a bank and gives equally favourable chances to all participants. Examples of equal chance gaming include games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of “premises” in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities and at paragraph 14.10 of the Guidance. As with “premises”, the definition of a “set of premises” will be a question of fact in the particular circumstances of each notice that is given. In the Act “premises” is defined as including “any place”. In considering whether a place falls with the definition of a “set of premises”, the licensing authority need to look at, amongst other things, the ownership/occupation and control of the premises.

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in place that could be described as one set of premises, as recommended in the Gambling Commission’s Guidance to Licensing Authorities.

## **23. Occasional Use Notices**

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

## **24. Small Society Lotteries**

24.1 The licensing authority will adopt a risk-based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exhaustive, could affect the risk status of an operator:

- submission of late returns (returns must be submitted within three months of the date that a lottery was drawn)
- submission of incomplete or incorrect forms
- breaches of the limits for small society lotteries.



Should you have any comments as regards this document please send them via e-mail or letter to:

Austen Young  
Licensing Team  
Community & Customer Services  
Watford Borough Council  
Town Hall  
Watford  
Hertfordshire  
WD17 3EX

Email: [licensing@watford.gov.uk](mailto:licensing@watford.gov.uk)



**WATFORD  
BOROUGH  
COUNCIL**

GAMBLING ACT 2005

STATEMENT OF PRINCIPLES - draft

JANUARY 2019

Comments are invited on this document to:

Environmental Health and Licensing Section  
Community & Environmental Services  
Watford Borough Council  
Town Hall  
Watford  
Hertfordshire  
WD17 3EX

Tel: 01923 278476  
Fax: 01923 278627  
Email: [licensing@watford.gov.uk](mailto:licensing@watford.gov.uk)

# STATEMENT OF PRINCIPLES

## Gambling Act 2005

(Published 6<sup>th</sup> January 2019)

### 1. Preface

1.1 Under the Gambling Act 2005, a new regime for regulating gambling and betting was introduced throughout the United Kingdom from 1 September 2007. Apart from spread betting, gambling and betting (including the National Lottery) are regulated by the Gambling Commission, whose duties include licensing the operators and individuals involved in providing gambling and betting facilities.

1.2 Watford Borough Council, along with other local licensing authorities, has a duty under the Act to license premises where gambling takes place, and to license certain other activities (such as registering small society lotteries). This document sets out how we intend to approach this task.

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

One or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority's area. The authority has therefore consulted:

The holders of premises licences issued under the Gambling Act 2005 in the Borough of Watford.

One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

1.4 Our consultation took place between 27<sup>th</sup> July 2018 and 31<sup>st</sup> August 2018, and we followed the guidance on Consultation principles issued by the Cabinet Office (last updated March 2018), which is available at <https://www.gov.uk/government/publications/consultation-principles-guidance>.

1.5 In drawing up the policy, we have consulted with:

- Local residents and their representatives
- Holders of various licences for premises in the Borough who will be affected by it
- Hertfordshire Constabulary
- Hertfordshire Fire & Rescue Service
- Hertfordshire Local Safeguarding Childrens' Board
- Hertfordshire Director of Public Health
- Watford Business Improvement District
- the Gambling Commission
- the local planning authority
- Environmental Health
- HM Revenue and Customs

- 1.6 We placed details on our website and a public advertisement, and issued a press release which was published in the Watford Observer on 27<sup>th</sup> July 2018.

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## PART A

### 2. Introduction

- 2.1 This Statement of Principles was approved at a meeting of the council's Licensing Committee on 26<sup>th</sup> September 2018 and adopted at a meeting of full council on 16<sup>th</sup> October 2018. It is effective from 6<sup>th</sup> January 2019 and expires on 6<sup>th</sup> January 2022.
- 2.2 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

#### Authorised activities

- 2.3 'Gambling' is defined in the Act as either gaming, betting or taking part in a lottery:
- 'gaming' means playing a game of chance for a prize
  - '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
  - 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.
- 2.4 Private gaming 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. Domestic betting between inhabitants of the same premises or between employees of the same employer is also exempt.
- 2.5 Non-commercial gaming and betting (where no parts of the proceeds are for private gain) may be subject to certain exemptions. Further advice should be sought from the council's licensing team where appropriate.

#### Licensing Objectives

- 2.6 In exercising most of their functions under the Gambling Act 2005, licensing authorities 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 Gambling Commission states: "The

requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

### Statement of Principles

2.7 This Statement of Principles is intended to meet the council’s obligations under section 349 of the Act. In carrying out its’ functions in relation to premises licences and temporary use notices, the council will generally aim to permit the use of premises for gambling as long as it is considered to be:

- in accordance with any relevant Codes of Practice issued by the Gambling Commission
- in accordance with any Guidance issued by the Gambling Commission. All references to the guidance refer to the Gambling Commission’s Guidance to Licensing Authorities, 5th Edition, (published September 2015 and updated in September 2016)
- reasonably consistent with the licensing objectives
- in accordance with this Statement of Principles.

### Types of Licences and Permissions

2.8 Under the Act, the Gambling Commission is responsible for issuing operating licences and personal licences. The council in its’ capacity as a licensing authority will:

- be responsible for the licensing of premises where gambling activities are to take place by issuing premises licences
- issue provisional statements
- regulate members’ clubs and miners’ welfare institutes who wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits
- Issue club machine permits to commercial clubs
- grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines
- grant licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- register small society lotteries below prescribed thresholds
- issue prize gaming permits

- receive and endorse temporary use notices
- receive occasional use notices
- provide information to the Gambling Commission regarding details of licences issued
- maintain registers of the permits and licences that are issued under these functions
- exercise its powers of compliance and enforcement under the Act in partnership with the Gambling Commission and other relevant responsible authorities.

### The Gambling Commission

2.9 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted in a fair and open way; and by protecting children and vulnerable people. The Commission provides independent advice to the government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally.

2.10 The Commission has issued guidance under section 25 of the Act about the manner in which licensing authorities exercise their licensing functions under the Act and, in particular, the principles to be applied.

2.11 The Commission will also issue Codes of Practice under section 24 about the way in which facilities for gambling are provided, which may also include provisions about the advertising of gambling facilities.

2.12 The Gambling Commission can be contacted at:

Gambling Commission  
 Fourth Floor  
 Victoria Square House  
 Victoria Square  
 Birmingham  
 B2 4BP

Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

### **3. General Statement of Principles**

- 3.1 The council recognises the wide variety of premises which will require a licence or a permit. These include casinos, betting shops, bingo halls, pubs, clubs and amusement arcades.
- 3.2 In carrying out its licensing functions the council will have regard to any guidance issued by the Gambling Commission from time to time.
- 3.3 The council will not seek to use the Act to resolve matters more readily dealt with under other legislation.
- 3.4 To ensure the licensing objectives are met the council will establish a close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities.
- 3.5 Where children, young persons and other vulnerable people are allowed access to premises where gambling takes place, the council may take whatever steps are considered necessary to either limit access generally or by introducing measures to prevent under-age gambling where it believes it is right to do so for the prevention of their physical, moral or psychological harm from gambling, especially where it receives representations to that effect.
- 3.6 Applicants seeking premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.
- 3.7 However, the overriding principle is that all applications and the circumstances prevailing at each premises will be considered on their own individual merits. When applying these principles the licensing authority will consider, in the light of relevant representations, whether exceptions should be made in any particular case. As with the Gambling Commission, the licensing authority will regulate gambling in the public interest.

#### Preventing gambling from being a source of crime and disorder

- 3.8 The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.
- 3.9 Anyone applying to the council for a premises licence will have to hold an operating licence from the Commission before a licence can be issued. Therefore, the council will not generally be concerned with the suitability of an applicant and where concerns about a person's suitability arise the council will bring those concerns to the attention of the Commission.
- 3.10 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the council will, in consultation with the police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime.
- 3.11 There are already powers in existing anti-social behaviour and licensing legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once



people have left a building. The council does not intend to (and indeed, cannot) use the Act to deal with general nuisance issues, for example, parking problems, which can easily be dealt with using other powers.

- 3.12 Issues of disorder should only be dealt with under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance *and it can be shown that gambling is the source of that disorder*. A disturbance might be serious enough to constitute disorder if police assistance was required to deal with it. Another factor which could be taken into account is how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.
- 3.13 When making decisions in this regard the council will give due weight to any comments made by the police.

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

- 3.14 The Gambling Commission does not generally expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues will be addressed by the Commission through the operating and personal licensing regime.
- 3.15 Because betting track operators do not need an operating licence from the Commission the council may, in certain circumstances, require conditions on a licence relating to the suitability of the environment in which betting takes place.

#### Protecting children and other vulnerable people from gambling

- 3.16 Apart from one or two limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult-only' environments.
- 3.17 In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to, gambling especially with regard to premises situated in areas where there may be a high rate of reported truancy. There may also be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children. In relation to casinos only, the Gambling Commission will be issuing a code of practice about access to casino premises for children and young persons.
- 3.18 When considering whether to grant a premises licence or permit the council will consider whether any measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc.
- 3.19 In seeking to protect vulnerable people the council will include people who gamble more than they want to, people who gamble beyond their means, and

people who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs.

3.20 Children (defined in the Act as under 16s) and young persons (16-17s) may take part in private and non-commercial betting and gaming but the Act contains a number of restrictions on the circumstances in which they may participate in gambling or be on premises where gambling is taking place. An adult is defined as 18 and over. In summary:

- betting shops cannot admit anyone under 18
- bingo clubs may admit those under 18 but must have policies to ensure they do not gamble, except on category D machines
- Adult Entertainment Centres cannot admit those under 18
- Family Entertainment Centres and premises with an alcohol premises licence such as pubs) can admit under-18s, but they may not play category C machines which are restricted to those over 18
- clubs with a Club Premises Certificate can admit under-18s, but they must have policies to ensure those under 18 do not play machines other than category D machines
- tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.

3.21 The council will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.

3.22 In January 2018 Public Health England, the Local Government Association and the Gambling Commission wrote to Directors of Public Health in England outlining the links between Public Health and gambling; specifically that problem gambling can have an impact on physical, mental and emotional health and wellbeing. The letter suggests that local Public Health teams have a critical role to play in developing licensing authorities' Statement of Principles as they have a good understanding of health issues within a local authority area.

3.23 The council will work with the local Director of public health to develop a Local Area Profile for applicants to refer to when putting together their local risk assessments. The Local Area Profile shall be published on the council's website. Officers will update the statistics and metrics of the Local Area Profile.

3.24 Also, whilst Local Public Health Departments are not Responsible Authorities the licensing authority will seek advice from the local Public Health team in order to assess the application. This approach will be taken to assist the licensing authority in exercising its own functions as a responsible authority.

#### **4. The Borough of Watford**

- 4.1 Watford Borough Council is situated in the county of Hertfordshire, which contains ten district councils in total. The council area has a population of now 96,600 (mid-year estimate 2016) making it one of the smallest in the county in terms of population and one of the most densely populated in the country.
- 4.2 Watford Borough was granted a Royal Charter in 1922. Traditionally a market town, it has developed into an attractive sub-regional shopping centre and important centre for cultural and recreational facilities. Watford has a catchment area population of approximately 500,000 within a travel time of 20 minutes from the town centre (CACI Ltd 2001).
- 4.3 Situated in the south west of Hertfordshire, Watford has several locational advantages due to its excellent communication links. The M1 motorway, with direct links to the town centre, and the London to Glasgow railway pass through the Borough. London Euston can be reached in 20 minutes, while the nearby M25 motorway has enhanced road access to the major airports at Heathrow, Gatwick, Stansted and Luton.
- 4.4 Watford has major A-road links to adjoining areas and is also connected to the underground rail network with the Metropolitan Line terminus adjacent to Cassiobury Park. A branch line railway serves St. Albans Abbey.
- 4.5 Watford Borough covers an area of 2,142 hectares (8.3 sq. miles). Watford is a major town in the region. It is a sub-regional shopping destination, centered around the Intu Shopping Centre in the town centre, and has one of the most vibrant night-time economies in Hertfordshire. The Intu centre is currently being extended with work due to be finished in autumn 2018, along with associated High Street improvement works. Upgrading works to the Pond and surrounding area were completed in 2014. It was traditionally a centre for the printing industry and now boasts the headquarters of a number of nationally known firms. Unemployment figures are well below Great Britain's average. However there are pockets of deprivation, characterised by a high concentration of minority ethnic groups, single parent families, low income households and a high incidence of long term health problems.
- 4.6 Potential operators should however refer to the District Plan and the emerging Local Development Framework (through our Development Control Team or on our website at [www.watford.gov.uk](http://www.watford.gov.uk)) for details about the local planning authority's approach to granting planning permission for developments where such activities may take place.
- 4.7 Further information about the Borough is contained in the Watford Local Plan 2006-2031 Part 1 Core Strategy which can be obtained from the Council's offices or at:  
  
[https://www.watford.gov.uk/info/20012/planning\\_and\\_building\\_control/135/planning\\_policy](https://www.watford.gov.uk/info/20012/planning_and_building_control/135/planning_policy)
- 4.8 In September 2008 we launched a 24-hour strategy for the town centre (available on request), to take us to 2012. Following public consultation, we began to tackle some key issues which are now being addressed. In January 2009 we launched our Cultural Study to remodel the town centre – particularly

The Parade – to act as a stimulating focal point for culture and heritage within the borough. The Cultural Plan saw physical improvements to the Pond and the Parade area and the creation of an events space.

- 4.9 The events space has seen events such as the Big Beach, the Big Screen and the Big Skate, and the Town Centre as a whole has hosted an 'Imagine Watford' Arts festival on a number of occasions. The council's Community Section is working on a new 5 – 7 year Cultural Plan which is due to be launched in the autumn on 2018. The council is also working on a Town Centre Vision, which will build on the extension to the INTU centre and the associated improvement works underway to the High Street between Clarendon Road and Market Street. This Statement of Licensing Policy will be used to help deliver the Town Centre Vision and accordingly may need to be reviewed before its expiry in 2023 as the Vision develops.
- 4.10 This approach and initiatives above led to us being awarded Purple Flag accreditation for our management with our partners of our town centre night-time economy in September 2012. The Purple Flag accreditation was last renewed in 2018.
- 4.11 As of 6 April 2016, it is a mandatory condition for holders of operating licences to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of principles and reference the authority's Local Area Profile where there is one.
- 4.12 It is not a requirement for licensing authorities to complete a Local Area Profile. However it is acknowledged that such profiles are a valuable tool in helping premises licence holders and applicants develop their local risk assessments. The council will work with the local Director of Public Health and the police to develop a Local Area Profile based on health data and other evidence. Whilst this is being developed we encourage operators to contact the licensing authority to consider and identify potential areas of mutual concern affecting their business in a way that aims to permit gambling without presenting risks to the licensing objectives, as required by the Gambling Act.
- 4.13 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they proposed to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from 'time to time' and any amended parts re-consulted upon. The statement must be then re-published.

## **5. Responsible Authorities**

- 5.1 These are generally public bodies that must be notified of all applications and who are entitled to make representations to the council if they are relevant to the licensing objectives.

Section 157 of the Act defines those authorities as:

- the Gambling Commission

- the Police
- the Fire Service
- a competent body to advise the authority about the protection of children from harm
- the local planning authority
- Environmental Health
- HM Revenue and Customs
- A licensing authority in whose area the premises is situated (that is, the council itself and also any adjoining council where premises straddle the boundaries between the two).

5.2 Also, whilst Local Public Health Departments are not Responsible Authorities the licensing authority will seek advice from the local Public Health team in order to assess the application. This approach will be taken to assist the licensing authority in exercising its own functions as a responsible authority.

5.3 Any concerns expressed by a responsible authority in relation to their own functions cannot be taken into account unless they are relevant to the application itself and the licensing objectives. In this regard the council will not generally take into account representations which are deemed to be irrelevant, such as:

- there are too many gambling premises in the locality (because need for gambling facilities cannot be taken into account)
- the premises are likely to be a fire risk (because public safety is not a licensing objective)
- the location of the premises is likely to lead to traffic congestion (because this does not relate to the licensing objectives)
- the premises will cause crowds to congregate in one area causing noise and nuisance (because other powers are generally available to deal with these issues. It should be noted that, unlike the Licensing Act 2003, the Gambling Act does not include as a specific licensing objective the prevention of public nuisance. Any nuisance associated with gambling premises should be tackled under other relevant laws).

Each representation will, however, be considered on its own individual merits.

#### 5.4 Child protection

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

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

5.5 The contact details of all the responsible authorities under the Gambling Act 2005 are available via the council's website at [www.watford.gov.uk](http://www.watford.gov.uk).

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## 6. Interested parties

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

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

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

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

- each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. In the case of doubt, the benefit will be given to the party making the representation until the contrary can be shown.
- interested parties can include trade associations, and residents'/tenants' associations, providing that they can show they represent someone who would be classed as an interested party in their own right. Councillors and MPs may also be interested parties. Elected councillors may represent interested parties, providing they do not also sit on the Licensing sub-committee determining the application in question.
- In determining whether someone lives sufficiently close to a particular premises as to likely to be affected by the authorised activities, or has business interests likely to be affected, the council may take account of:
  - the size of the premises
  - the nature of the premises
  - the nature of the authorised activities being proposed
  - the distance of the premises from the person making the representation
  - the characteristics of the complainant (including any special interests or knowledge relating to the application in question)
  - the potential impact of the premises

6.3 The licensing authority will not consider representations that are frivolous or vexatious, or which relate to demand or need for gambling facilities. Decisions on whether representations are frivolous or vexatious will be made objectively and not on the basis of any political judgement. Where representations are rejected, the person making that representation will be given a written reason. A report will be made to the licensing sub-committee

determining the application (if appropriate), indicating the general grounds of the representation and the reason it was rejected.

- 6.4 A vexatious representation is generally taken to be one which is repetitive, without foundation or made for some other reason such as malice. A frivolous representation is generally taken to be one that is lacking in seriousness, or is unrelated to the licensing objectives, guidance issued by the Gambling Commission or this statement of licensing policy.
- 6.5 Interested parties should appreciate that moral objections to gambling, or the need for gambling premises, are not valid reasons to reject applications for premises licences.
- 6.6 Representations should ideally:
- be made in writing (preferably in duplicate, unless submitted electronically)
  - be in black ink on single sides of A4 paper
  - indicate the name and address of the person or organisation making the representation
  - indicate the premises to which the representation relates
  - indicate the proximity of the premises to the person making the representation. A sketch map or plan may be helpful to show this
  - clearly set out the reasons for making the representation, and which objective it refers to.



## **7. Exchange of Information**

- 7.1 Licensing authorities are required to include in their policy statement the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 7.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the General Data Protection Regulations will not be contravened. The licensing authority will also have regard to Guidance issued by the Gambling Commission to Local Authorities, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 7.3 The authority may from time to time exercise its' powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with the police and other partners to fulfil its' statutory objective of reducing crime in the area.
- 7.4 Details of applications and representations which are referred to a Licensing sub-Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the licensing authority is asked to do so.

## **8. Compliance and Enforcement**

- 8.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 8.2 This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance for local authorities and it will endeavour to be:
- proportionate: it will only intervene when necessary, remedies will be appropriate to the risk posed, and costs identified and minimised
  - accountable: with decisions being justifiable, and be subject to public scrutiny
  - consistent: rules and standards will be joined up and implemented fairly
  - transparent and open: licence conditions will be kept simple and user friendly; and
  - targeted: regulation should be focused on the problem, and minimise side effects.
- 8.3 The licensing authority will avoid duplication with other regulatory regimes. Where matters come to light which are properly the role of other statutory agencies however, the licensing authority may bring those matters to the attention of those other agencies where appropriate.
- 8.4 The licensing authority notes the Commission's risk-based inspection programme, based on:
- the licensing objectives
  - relevant codes of practice issued by the Gambling Commission
  - guidance issued by the Gambling Commission, in particular at Part 36 of the Guidance to Local Authorities
  - the principles set out in this statement of licensing policy.
- 8.5 The licensing authority has an established working partnership with the Gambling Commission, and undertakes risk-based inspections and compliance visits.
- 8.6 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which is authorises. Enforcement involves taking formal action where either those requirements are not met or illegal activities take place.
- 8.7 The Gambling Commission will be the enforcement body for operator and personal licences. It is also worth noting that concerns about manufacture,

supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

- 8.8 We have a long-established licensing enforcement policy based around the principles of consistency, transparency and proportionality set out in the Government's statutory Regulators' Compliance Code, which also takes into account the Attorney-General's Guidelines to Crown Prosecutors for bringing prosecutions.
- 8.9 Our Environmental Services enforcement policy proposes that a graduated response is taken where offences against licensing legislation are found or where licence conditions have been contravened. An isolated and minor offence may be dealt with purely by way of a written warning whilst more serious offences which have either been committed over a period of time or which jeopardise public safety may result in a referral for prosecution.
- 8.10 We continue to work actively with other responsible authorities in enforcing licensing legislation. We share information about licence-holders and licensed premises under the Crime and Disorder Act 1998, and expect to be closely consulted when any enforcement action may be required.
- 8.11 As a council we have also signed up to the Hertfordshire Better Business for All Partnership Charter which is a voluntary undertaking between Hertfordshire Regulatory Services and all local businesses, irrespective of size or resources. It aims to support a relationship between businesses and regulators built upon trust, understanding and a desire to improve together in terms of compliance with regulation and support of business growth.
- 8.12 The authority's approach to the carrying out of premises licence reviews is set out in chapter 17.

## **PART B PREMISES LICENCES**

### **9. Definition of premises licences**

- 9.1 Premises are defined in the Act as “any place”. It is for the licensing authority to decide whether different parts of a building can be properly regarded as being separate premises and it will always be a question of fact in the circumstances. The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 9.2 In considering applications for multiple licences for a building or those for a specific part of the building to be licensed, entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.
- 9.3 This licensing authority will also pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).
- 9.4 The licensing authority takes particular note of the Commission’s guidance to be aware of the following:
- the third licensing objective seeks to protect children from being harmed by gambling, which means not only preventing them from being harmed by gambling and also from being in close proximity to gambling. Premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating
  - entrance to and exits from parts of buildings covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not ‘drift’ into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit
  - customers should be able to participate in the activity named on the premises licence.
- 9.5 The licensing authority will take account of the following factors when considering whether premises are separate:
- do the premises have a separate registration for business rates?
  - is the premises neighbouring premises owned by the same person or by someone else?
  - can each of the premises be accessed from the street or a public passageway?

- can the premises only be accessed from any other gambling premises?
- 9.6 The location of the premises and the suitability of the division (including the nature of any partitions etc) will be a matter for discussion in each case between the applicant and the licensing authority's officers.
- 9.7 The licensing authority notes the Commission's guidance at paragraphs 7.19 – 7.23. Where more than one premises licence is permitted within a building the gaming machine entitlement for the separately licensed premises may not be aggregated and no more than the permitted number and category of machines for the relevant type of premises may be placed in any one of the individual sets of premises within the building. Section 152, when properly applied, means that different premises licences cannot apply in respect of single premises at different times. There is no temporal element to a premises licence. Therefore, premises cannot, for example, be licensed as a bingo club on weekdays and a betting shop at weekends.

### Provisional Statements

- 9.8 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional licence stage; or
  - which in the authority's opinion reflect a change in the operator's circumstances.
- 9.9 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead. In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:
- first whether the premises ought to be permitted to be used for gambling
  - second, whether appropriate conditions can be in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

- 9.10 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence. More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.58 – 7.65 of the Guidance to Licensing Authorities.

#### Location

- 9.11 The licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 9.12 Should any specific policy be decided upon as regards areas where gambling premises should not be located, this policy statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how the concerns can be overcome. Reference should also be made to the local area risk assessment prepared by the operator.

#### Duplication with other regulatory regimes

- 9.13 This authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. This authority will though listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 9.14 Under section 210 of the Act the licensing authority is not entitled to have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building. The licensing authority will however consider relevant representations from the local planning authority about the effect of the grant of a premises licence on an extant planning permission where this relates to the licensing objectives, a Commission code of practice, or this statement of principles.

#### Licensing objectives

- 9.15 The grant of a Premises licences must be reasonably consistent with the licensing objectives.

#### Conditions

- 9.16 Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility
  - directly related to the premises and the type of licence applied for

- fairly and reasonably related to the scale and type of premises: and
  - reasonable in all other respects.
- 9.17 Decisions upon individual conditions will be made on a case-by-case basis, although there will be a number of control measures this licensing authority may utilise should the authority consider it necessary for the promotion of the licensing objectives, such as the use of machine and door supervisors, supervision of adult gaming machines, appropriate signage for adult-only areas, staff training etc. There are specific comments made in this regard under each of the licence types below. This licensing authority will also expect the licence applicant to offer their own suggestions as to ways in which the licensing objectives can be met effectively.
- 9.18 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.
- 9.19 It is noted that there are conditions which the licensing authority cannot attach to premises licences:
- 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, winning or prizes.

#### Door Supervisors

- 9.20 The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.
- 9.21 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The licensing authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

9.22 It is noted though that the Gambling Act 2005 has amended the Security Industry Act 2001 and that in-house door supervisors at casinos or bingo premises need not be licensed by the Security Industry Authority. However, the licensing authority strongly recommends that any door supervisors or security staff who are employed should be licensed by the SIA.

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## **10. Adult Gaming Centres**

10.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover issues such as:

- proof of age schemes
- CCTV
- supervision of entrances/ machine areas
- physical separation of areas
- location of entry
- notices/signage
- specific opening hours
- staff training
- change machines
- advertising sources of help and other means of help for problem gamblers

This list is not mandatory or exhaustive, and is merely indicative of example measures.

10.2 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.

10.3 As regards the protection of vulnerable persons, this licensing authority will consider measures such as the use of self-barring schemes, provision of information leaflets or helpline numbers for organisations such as GamCare.

## **11. Licensed Family Entertainment Centres**

11.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

- proof of age schemes
- CCTV
- door supervisors
- supervision of entrances and/or machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- staff training

This list is not exhaustive.

11.2 Measures such as the use of self-barring schemes, provision of information leaflets or helpline numbers for organisations such as GamCare will be considered in order to protect children and vulnerable persons.

11.3 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.

## **12. Casinos**

- 12.1 The licensing authority has passed a “no casino” resolution under section 166 of the Act on \* October 2018, to be in effect from 6 January 2019, on the basis that the town has a thriving and diverse night-time economy, presently centred around The Parade and primarily characterised by alcohol and food-led premises. Strategies are in place to reinvigorate The Parade through our Cultural Plan to end the dominance of alcohol-led premises and re-develop Charter Place to incorporate a multi-screen cinema and restaurants.

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### **13. Bingo premises**

- 13.1 Bingo is a class of equal chance gaming and will be permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold, otherwise it will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission.
- 13.2 The holder of a bingo operating licence will be able to provide any type of bingo game including cash and prize bingo.
- 13.3 Commercial bingo halls will require a bingo premises licence from the licensing authority.
- 13.4 Amusement arcades providing prize bingo will require a prize gaming permit from the council.
- 13.5 In each of the above cases it is important that where children are allowed to enter premises licensed for bingo, in whatever form, they are not allowed to participate in any bingo game, other than on category D machines. When considering applications of this type the council will therefore take into account, among other things, the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.
- 13.6 A limited number of gaming machines may also be made available at bingo licensed premises. Where category C or above machines are available in premises to which children are admitted, the licensing authority will seek to ensure that:
- all such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
  - only adults are admitted to the area where these machines are located
  - 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.
- 13.7 The licensing authority notes that the Gambling Commission's Guidance states:
- 18.5 Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo

premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.

- 18.7 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed. Social Responsibility (SR) code 3.2.5(3) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling.
- 18.9 The gaming machines must remain within the licensed area covered by the premises licence. In the unusual circumstance that an existing bingo premises covered by one premises licence applies to vary the licence and acquire additional bingo premises licences (so that the area that was the subject of a single licence will become divided between a number of separate licensed premises) it is not permissible for all of the gaming machines to which each of the licences brings an entitlement to be grouped together within one of the licensed premises.
- 18.10 Equipment operated by a bingo operating licence for the purpose of playing bingo, for example what are currently known as mechanised cash bingo, electronic bingo terminal (EBTs) and video bingo terminals (VBTs), will be exempt from controls on gaming machines provided they comply with any conditions set by the Commission and, in the case of EBTs, do not hold gaming machine content.
- 18.11 An EBT that offers gaming machine content in addition to bingo content is considered to be a gaming machine and would count towards the total number of gaming machines or towards the offering of bingo. Any EBTs that do not offer gaming machine content would not count towards the number of gaming machines.
- 13.8 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.
- 13.9 Operators' attention is also drawn to paragraph 18.24 – 18.26 concerning primary gambling activity.

#### Members' clubs and commercial clubs

- 13.10 Bingo may be provided at clubs and institutes either in accordance with a permit or providing that the limits in section 275 of the Act are complied with. These restrictions limit the aggregate stake or prizes within any seven days to £2000, and require the Commission to be notified as soon as is reasonably practicable if that limit is breached. Stakes or prizes above that limit will require a bingo operators licence and the corresponding personal and premises licences.

## **14. Betting premises**

- 14.1 Anyone wishing to operate a betting office will require a betting premises licence from the licensing authority. Children and young persons will not be able to enter premises with a betting premises licence.
- 14.2 The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.
- 14.3 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The Authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.
- 14.4 Betting premises will be able to provide a limited number of gaming machines and some betting machines.
- 14.5 The licensing authority has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available. We will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people. It will not generally exercise this power though unless there are good reasons to do so taking into account, among other things, the size of the premises and the level of management and supervision especially where vulnerable people are concerned.
- 14.6 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.
- 14.7 Each application will be considered on its own individual merits.

### Primary Gambling Activity

- 14.8 Operating licences issued by the Commission provides that gaming machines may be made available for use in licensed betting premises only at times where there are also sufficient facilities for betting available.
- 14.9 In this respect, such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn the outcome and collect any winnings. Where betting facilities are

provided only by betting machines the number of betting machines must exceed the number of gaming machines made available for use.

- 14.10 The Licence Conditions and Codes of Practice (LCCP) sets out the full requirements on operators. To assist operators of betting premises the Commission has published a document setting out the indicators that are used to assess as to whether the requirements for betting being the primary gambling activity in any particular premises are being met.
- 14.11 Should the licensing authority receive an application to vary a premises licence for bingo or betting in order to extend the opening hours, the authority will satisfy itself that the reason for the application is in line with the requirements on primary gambling activity. (i.e. the need for operating licence holders to ensure that there are still sufficient facilities available to participate in the gambling activity appropriate to the licence type ('the primary activity' or 'the principal activity') at those premises and not replaced by the making available of gaming machines). Therefore, the applicant should be able to demonstrate that the extension of the opening hours is not designed solely to benefit from the machine entitlement and activity which is ancillary to the primary activity of the premises, namely betting or bingo.

## 15. Tracks

- 15.1 Only one premises licence can be issued for any particular premises at any time unless the premises is a 'track'. A track is a site where races or other sporting events take place.
- 15.2 Track operators are not required to hold an 'operators licence' granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the council are likely to contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Indeed, track operators will have an important role to play, for example in ensuring that betting areas are properly administered and supervised.
- 15.3 Although there will, primarily be a betting premises licence for the track there may be a number of subsidiary licences authorising other gambling activities to take place. Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.
- 15.4 When considering whether to exercise its power to restrict the number of betting machines at a track the licensing authority will consider the circumstances of each individual application and, among other things will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines, especially if they are scattered around the site, and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.
- 15.5 This licensing authority is aware that the Gambling Commission may provide further specific guidance as regards tracks. We have taken note of the Guidance from the Gambling Commission which highlights that tracks are different from other premises in that there may be more than one premises licence in effect and that the track operator may not be required to hold an operator licence as there may be several premises licence holders at the track which will need to hold their own operator licences.
- 15.6 There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and this authority would expect the premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 15.7 Appropriate licence conditions may be:
- proof of age schemes
  - CCTV
  - supervision of entrances/machine areas
  - physical separation of areas



- location of entry
- notices/signage
- specific opening hours
- the location of gaming machines

This list is not mandatory or exhaustive, and is merely indicative of example measures.

- 15.8 Measures such as the use of self-barring schemes, provision of information leaflets and helpline numbers for organisations such as GamCare will be considered suitable in relation to the protection of children and vulnerable people.
- 15.9 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.
- 15.10 This licensing authority notes the Commission's view, that it would be preferable for all self-contained premises operated by off-course betting operators on tracks to be the subject of separate premises licences. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

#### Betting machines at tracks

- 15.11 Licensing authorities have a power under the Gambling Act 2005 to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence.

#### Condition on rules being displayed

- 15.12 In line with guidance from the Gambling Commission the licensing authority 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, such as being could printed in the race-card or made available in leaflet form from the track office.

## **16. Travelling Fairs**

- 16.1 It will fall to the licensing authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 16.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

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## **17. Review of Premises Licences**

17.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities.

17.2 However, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is

- relevant to the matters listed below
- frivolous
- vexatious
- will certainly not cause this authority to alter, revoke or suspend the licence or
- whether it is substantially the same as previous representations or requests for review
- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of licensing policy

17.3 Licensing authority officers may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution before a full review is conducted. The licensing authority may review premises licences of its own volition. This may be on the grounds that a premises licence holder has not provided facilities for gambling at the premises. A referral to a Licensing sub-Committee of a set of premises for a review will be first approved by the Head of Community and Customer Services.

17.4 The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

17.5 This can extend to a review of a class of licences where it considers particular issues have arisen. Reviews of a class of premises will be first agreed to by the Head of Community and Customer Services in consultation with the Chair of the Licensing (Licensing Act 2003) Committee.

17.6 The purpose of a review is to determine whether the licensing authority should take any action in relation to the licence. If action is justified the licensing authority may:

- add, remove or amend a licence condition (other than a mandatory condition)

- exclude or amend a default condition imposed by regulations
  - suspend the premises licence for a period not exceeding three months
  - revoke the premises licence.
- 17.7 In determining the appropriate course of action the licensing authority must have regard to the principles set out in section 153 of the Act as well as any relevant representations.
- 17.8 The Gambling Commission will be a responsible authority in premises licence reviews.

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**PART C**  
**Permits, Temporary and Occasional Use Notices**

**18. Unlicensed Family Entertainment Centre gaming machine permits**

- 18.1 Where a premises does not hold a premises licence but wishes to provide category D machines only gaming machines, it may apply to the licensing authority for this permit. It should be noted that under section 238 the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use. If they are also used for other purposes the application is likely to be refused.
- 18.2 The Act states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit. In preparing that statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25 of the Act.
- 18.3 Accordingly this licensing authority will also have regard to the licensing objectives when considering applications relating to unlicensed FEC permits.
- 18.4 An FEC gaming machine permit cannot be granted unless the chief officer of police has been consulted, and no conditions may be imposed upon the grant of a permit. Therefore the licensing authority will wish to be satisfied as to the applicant's suitability before granting a permit. Unlicensed FECs, by definition, will not be subject to scrutiny by the Gambling Commission as no operating (or other) licences will be applied for and issued.

Statement of principles

- 18.5 Applicants will be expected to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include background checks on staff, training for staff in dealing with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises.
- 18.6 Applicants will be expected to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs
  - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)
  - that staff are trained to have a full understanding of the maximum stakes and prizes; and
  - an awareness of local school holiday times and how to identify to the local education authority should truants be identified.
- 18.7 Compliance with any relevant industry Code of Practice for FECs issued by BACTA or other trade associations may be taken by the licensing authority as

evidence that (apart from the criteria relating to criminal convictions) the applicant has met the above.

- 18.8 Applicants must submit with their application two copies of plans of the premises, to a scale of 1:100, showing the exits/entrances to the premises, location of gaming machines, and the location of safety equipment such as fire extinguishers.
- 18.9 The licensing authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

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## **19. (Alcohol) Licensed premises gaming machine permits**

- 19.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.
- 19.2 Under section 284 the licensing authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
  - gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (ie, that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
  - the premises are mainly used for gaming; or
  - an offence under the Gambling Act has been committed on the premises.
- 19.3 Should it be necessary to issue a section 284 order, the licence-holder will be given at least twenty-one days' notice of the intention to make the order, and consider any representations which might be made. The authority will hold a hearing if the licensee requests.
- 19.4 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "such matters as they think relevant."

### Statement of principles

- 19.5 This licensing authority considers that such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under-18 year olds do not use the adult-only gaming machines. The authority will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.
- 19.6 Measures which will satisfy the authority that there will be no access may include the adult machines being in site of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

- 19.7 A plan must accompany applications indicating where, and what type, of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the premises licence issued under the Licensing Act 2003.
- 19.8 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 as an adult entertainment centre premises licence.
- 19.9 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 19.10 It should also be noted that the holder of a permit to must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

Administrative matters

- 19.11 Notifications and applications for fewer than five machines shall be dealt with by the licensing authority's officers.
- 19.12 Applications for five or more machines will be referred to a licensing sub-committee of councillors, unless there are no representations and officers are satisfied that the licensing objectives will be promoted. In these situations notifications and applications will be dealt with by the licensing authority's officers.



## **20. Prize Gaming Permits**

- 20.1 The licensing authority may prepare a statement of principles which they propose to apply in exercising their functions which may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit.
- 20.2 Prize gaming may be provided in bingo premises as a consequence of their bingo operating licence. Any type of prize gaming may be provided in adult gaming centres and licensed family entertainment centres. Unlicensed family entertainment centres may offer equal chance prize gaming under a gaming machine permit. Prize gaming without a permit may be provided by travelling fairs, providing that none of the gambling facilities at the fair amount to more than an ancillary amusement. Children and young people may participate in equal chance gaming only.
- 20.3 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

Applicants should set out the types of gaming they are intending to offer and should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations
  - and that the gaming offered is within the law.
- 20.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- 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.
- 20.5 Applications may only be made by people who occupy or plan to occupy the premises, are aged 18 or over (if an individual), and no premises licence or club gaming permit under the Gambling Act 2005 may be in force.

### Statement of principles

- 20.6 This licensing authority considers that such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under-18 year olds do not have access to unequal chances prize gaming. The authority will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.
- 20.7 A plan must accompany applications indicating where, and what type, of prize gaming is to be provided.

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## **21. Club Gaming and Club Machines Permits**

- 21.1 Members' clubs (but not commercial clubs) may apply for a club gaming permit or a clubs gaming machines permit.
- 21.2 The licensing authority notes paragraphs 25.44 – 25.49 of the Commission's Guidance as to matters to take into account when determining that a club meets the statutory qualifying requirements. These include the club's constitution; the frequency of gaming; and ensuring that there are more than 25 members. The club must be conducted "wholly or mainly" for purposes other than gaming, unless the gaming is in bridge and whist clubs covered by regulations made by the Secretary of State.
- 21.3 The Commission advises that licensing authorities may only refuse applications on the grounds that:
- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
  - the applicant's premises are used wholly or mainly by children and/or young persons
  - an offence under the Act or a breach of the permit has been committed by the applicant whilst providing gaming facilities
  - a permit held by the applicant has been cancelled in the previous ten years; or
  - an objection has been raised by the Commission or by the police.

### Club gaming permit

- 21.4 A club gaming permit allows the premises to provide
- up to three machines of categories B, C or D
  - equal chance gaming and
  - games of chance as set out in regulations.

### Club gaming machine permit

- 21.5 A club gaming machine permit will enable the premises to provide up to three machines of categories B, C or D.
- 21.6 The licensing authority will wish to be satisfied that applicants for these permits meet the statutory criteria for members' clubs contained in sections 266 and 267 of the Act. Clubs which hold a club premises certificate under the Licensing Act 2003 are entitled to benefit from a fast-track application procedure.

## **22. Temporary Use Notices**

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

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

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that temporary use notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. There can, however, be more than one competition with a single winner held at the individual event covered by a specific temporary use notice. The facilities may not be provided in circumstances where any person participating in the gaming does so by means of a gaming machine. Equal chance gaming is gaming which does not involve playing or staking against a bank and gives equally favourable chances to all participants. Examples of equal chance gaming include games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities and at paragraph 14.10 of the Guidance. As with "premises", the definition of a "set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of a "set of premises", the licensing authority need to look at, amongst other things, the ownership/occupation and control of the premises.

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

## **23. Occasional Use Notices**

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

## **24. Small Society Lotteries**

24.1 The licensing authority will adopt a risk-based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exhaustive, could affect the risk status of an operator:

- submission of late returns (returns must be submitted within three months of the date that a lottery was drawn)
- submission of incomplete or incorrect forms
- breaches of the limits for small society lotteries.

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Should you have any comments as regards this document please send them via e-mail or letter to:

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## **Gambling Act 2005 – Statement of Principles 2019-2022**

### **Consultation questions**

#### **First page**

**Under the above legislation, the council's Statement of Principles (SOP) lays out the way it will promote the three licensing objectives:**

1. Preventing gambling from being a source of crime and disorder
2. Ensuring gambling is conducted in a fair and open way
3. Protecting children and other vulnerable people from gambling

#### **Section 3 of the SOP outlines the council's General Statement of Principles**

Local Public Health teams are well placed to understand the physical, mental and emotional health and wellbeing impact that problem gambling can have on individuals and their families. They can therefore contribute to promoting the licensing objective relating to the protection of children and other vulnerable people from gambling

The council wishes to strengthen links with the local Director of Public Health as proposed in sections 3.22 to 3.24 of the draft Statement of Principles.

Q.1 Do you agree with the proposals to strengthen links between the council as licensing authority and the local Director of Public Health, in order to further promote the licensing objective relating to the protection of children and other vulnerable people from gambling?

Yes

No

Not sure

#### **Section 4 of the SOP outlines the characteristics of the Borough**

It is designed to assist premises licence holders and applicants with their local risk assessment. The local risk assessment details the measures premises licence holders will take to promote the licensing objectives.

As laid out in sections 4.11 and 4.12 of the SOP, the council proposes to work with the local Director of Public Health, the police and other partners and agencies to develop a Local Area Profile, using health data and other data.

Q.2 Do you agree with the proposal to develop a Local Area Profile?

Yes

No

Not sure

#### **Section 5 deals with Responsible Authorities**

Responsible Authorities must be notified of all applications and are defined in the Gambling Act 2005 as:

- the Gambling Commission
- the Police
- the Fire Service
- a competent body to advise the authority about the protection of children from harm (typically the local safeguarding Board)
- the local planning authority
- Environmental Health
- HM Revenue and Customs
- The licensing authority in whose area the premises is situated

Whilst the Local Director of Public Health is not a Responsible Authority the council believes involving the local Public Health will help promote the licensing objectives and proposes to consult the Director of Public Health on premises licences applications.

Q.3 Do you agree with the proposal to consult the Director of Public Health on premises licences applications?

Yes  
No  
Not sure

**Section 6 of the SOP outlines the approach that the council takes when dealing with Interested Parties and representations.**

It is not proposed to change this section as part of the review.

Q.4 Do you agree with the proposal NOT to change the way the council deals with Interested Parties and representations?

Yes  
No  
Not sure

**Section 7 of the SOP outlines the approach that the council takes when exchanging information with the Gambling Commission, the police and other partners.**

It is not proposed to change this section as part of the review.

Q.5 Do you agree with the proposal NOT to change the way the council exchanges information?

Yes  
No  
Not sure

**Section 8 of the SOP outlines the approach that the council takes to enforcement.**

It is not proposed to change this section as part of the review.



Q.6 Do you agree with the proposal NOT to change the approach that the council takes to enforcement?

Yes  
No  
Not sure

**Section 9 of the SOP outlines how the council deals with premises licences.**

It is not proposed to change this section as part of the review.

Q.7 Do you agree with the proposal NOT to change the way that the council deals with premises licences?

Yes  
No  
Not sure

**Section 10 of the SOP outlines how the council deals with Adult Gaming Centres.**

It is not proposed to change this section as part of the review.

Q.8 Do you agree with the proposal NOT to change the way that the council deals with Adult Gaming Centres?

Yes  
No  
Not sure

**Section 11 of the SOP outlines how the council deals with Licensed Family Entertainment Centres.**

It is not proposed to change this section as part of the review.

Q.9 Do you agree with the proposal NOT to change the way that the council deals with Licensed Family Entertainment Centres?

Yes  
No  
Not sure

**Section 12 of the SOP outlines the council's approach to casinos.**

It is not proposed to change this approach as part of the review.

Q.10 Do you agree with the proposal NOT to change the council's approach to casinos?

Yes  
No  
Not sure

**Section 13 of the SOP outlines how the council deals with bingo premises.**

It is not proposed to change this approach as part of the review.

Q.11 Do you agree with the proposal NOT to change the council's approach to bingo premises?

Yes  
No  
Not sure

**Section 14 of the SOP outlines how the council deals with betting premises.**

It is not proposed to change this approach as part of the review.

Q.12 Do you agree with the proposal NOT to change the council's approach to betting premises?

Yes  
No  
Not sure

**Section 15 of the SOP outlines how the council deals with tracks.**

It is not proposed to change this approach as part of the review.

Q.13 Do you agree with the proposal NOT to change the council's approach to tracks?

Yes  
No  
Not sure

**Section 16 of the SOP outlines how the council deals with travelling fairs.**

It is not proposed to change this approach as part of the review.

Q.14 Do you agree with the proposal NOT to change the council's approach to travelling fairs?

Yes  
No  
Not sure

**Section 17 of the SOP outlines how the council deals with premises licence reviews.**

It is not proposed to change this approach as part of the review.

Q.15 Do you agree with the proposal NOT to change the council's approach to premises licence reviews?

Yes  
No  
Not sure

**Section 18 of the SOP outlines how the council deals with Unlicensed Family Entertainment Centre gaming machine permits.**

It is not proposed to change this approach as part of the review.

Q.16 Do you agree with the proposal NOT to change the council's approach to Unlicensed Family Entertainment Centre gaming machine permits?

Yes  
No  
Not sure

**Section 19 of the SOP outlines how the council deals with gaming machine permits in (Alcohol) Licensed premises.**

Currently, notifications and applications for fewer than five machines are dealt with by the licensing authority's officers, and applications for five or more machines are referred to a licensing sub-committee of councillors.

It is officers' experience that some applications for five or more gaming machine permits in (alcohol) licensed premises contain sufficient controls and proposed conditions to promote the licensing objectives. The current policy means that in these situations, even if no representations are received and all parties agree, a licensing sub-committee must be convened to determine the application.

It is proposed to replace the current 19.11 of the policy with the following sections:

19.11 Notifications and applications for fewer than five machines shall be dealt with by the licensing authority's officers.

19.12 Applications for five or more machines will be referred to a licensing sub-committee of councillors, unless there are no representations and officers are satisfied that the licensing objectives will be promoted. In these situations notifications and applications will be dealt with by the licensing authority's officers.

Q.17 Do you agree with the proposal to Change the council's approach to gaming machine permits in (alcohol) licensed premises?

Yes  
No  
Not sure

**Section 20 of the SOP outlines how the council deals with Prize Gaming Permits.**

It is not proposed to change this approach as part of the review.

Q.18 Do you agree with the proposal NOT to change the council's approach to Gaming Permits?

Yes  
No  
Not sure

**Section 21 of the SOP outlines how the council deals with Club Gaming and Club Machine Permits.**

It is not proposed to change this approach as part of the review.

Q.19 Do you agree with the proposal NOT to change the council's approach to Club Gaming and Club Machine Permits?

Yes  
No  
Not sure

**Section 22 of the SOP outlines how the council deals with Temporary Use Notices.**

It is not proposed to change this approach as part of the review.

Q.20 Do you agree with the proposal NOT to change the council's approach to Temporary Use Notices?

Yes  
No  
Not sure

**Section 23 of the SOP outlines how the council deals with Occasional Use Notices.**

It is not proposed to change this approach as part of the review.

Q.21 Do you agree with the proposal NOT to change the council's approach to Occasional Use Notices?

Yes  
No  
Not sure

**Section 23 of the SOP outlines how the council deals with Small Society Lotteries.**

It is not proposed to change this approach as part of the review.

Q.22 Do you agree with the proposal NOT to change the council's approach to Small Society Lotteries?

Yes  
No  
Not sure



Public Health  
England



GAMBLING  
COMMISSION

To: Directors of Public Health  
English local authorities

January 2018

Dear Director of Public Health

### **Public Health and gambling**

We are writing to ensure you are aware that local licensing authorities are required to review their Statement of Gambling Policy soon, and to encourage you to support them in this process.

The statement is a key tool that licensing authorities can use to seek to protect their residents from the negative impacts associated with problem gambling. These are wide ranging and can impact on individuals and their families and carer's physical, mental and emotional health and wellbeing, as well as having a wider impact on society through crime and disorder, debt, domestic violence and lost productivity.

Licensing authorities should be consulting on their statements in 2018 with a view to revised versions being published by the deadline of January 2019. Whilst, unlike the Licensing Act 2003, Public Health is not a responsible authority under the Gambling Act 2005, this does not prevent Public Health's engagement. We believe that Public Health can play a critical role in this strategic review and assist licensing authorities in developing a Statement which maximises the protections available to citizens as well as the broader wellbeing of the community.

Additionally, it is worthwhile noting that one of the licensing objectives in the Act is the protection of the young and vulnerable from (gambling) harm. The list of responsible authorities on the face of the Act includes an agency who has functions in respect of minimising or preventing 'harm to human health' (which is a very wide definition of their areas of responsibility). Another responsible authority, one concerned with the 'protection of children from harm', is normally the Safeguarding Board.

Public Health teams are likely to have a better understanding of the range of health issues within an LA and how they interrelate and where they are concentrated, which can help licensing authorities:

- Identify and interpret health data and evidence to inform the review of the Statement and develop locally tailored local area profiles.
- Make decisions that benefit and protect the health and wellbeing of local communities.



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- Be clear on issues which they can have regard to when deciding on licenses for a wide range of gambling activities.
- Identify and interpret health data and evidence to inform the review of the Statement;
- Conduct a health-impact assessment of gambling in the local area or assess any existing information.

Importantly it is not being suggested that public health devote resources to the treatment of problem gamblers. Rather they are able, through frontline services, to ensure staff are aware of the issue, recognise the overlaps with individuals they are already coming into contact with and have the systems in place to offer referral to existing accredited providers.

More broadly, the Gambling Commission, LGA, WLGA and PHE are keen to support Public Health teams in this wider engagement on problem gambling, disseminating good practice and discussing how best to develop a dialogue for the future.

We hope that you will be able to support your local licensing authorities in this work.

Yours sincerely

Tim Miller  
Executive Director  
Gambling Commission

Cllr Izzy Seccombe  
Chairman  
LGA Community and  
Wellbeing Board

Rosanna O'Connor  
Director – Alcohol, Drugs and  
Tobacco  
Public Health England



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England



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### Background information

Problem gambling is less visible than other addictions such as alcohol and drugs but it is:

- associated with a range of other addictions and health related issues<sup>1</sup>. It is important that a gambling related problem is diagnosed and treated at the same time as other issues.
- also likely to affect not just the individuals concerns but those around them, whether that's the family who find themselves without enough money for the week's essentials or the partner who suffers abuse

Evidence indicates that particular groups are more vulnerable to gambling related harm than others. Examples include those with mental health issues, homeless people, those with other addictive behaviours, those in areas of multiple deprivation and immigrants.<sup>2</sup> (This is not a comprehensive list.)

Research in Leeds<sup>3</sup> discovered the following:

- At least 13 relevant Leeds services able to provide some advice and guidance on problem gambling including generic services (e.g. Citizens Advice) , targeted support groups, specialist addictions and recovery services
- But there was a lack of join-up on 'gambling related support' which contrasts with strong integration of support/referrals networks across other vulnerable group needs in Leeds.
- Support services see clients affected by gambling related harm –often 'co-morbid' with other challenges (e.g. alcohol or drug addiction) and recovery support
- Universally lack any screening or assessment tools for gambling-related harm. Rare for clients to self-declare.

In Brighton and Hove<sup>4</sup> Public Health contributed significantly in the development of a Local Area Profile, or heat map, to identify social groups and geographic locations where gambling risk/vulnerability is greatest.

In Tower Hamlets<sup>5</sup> the Public Health team intervened in the previous consultation on their Statement, recognising the following as a part of their submission:

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<sup>1</sup> <http://www.nhs.uk/Livewell/addiction/Pages/gamblingaddiction.aspx>

<sup>2</sup> <https://www.geofutures.com/research/gambling/>

<sup>3</sup> <http://www.leeds.gov.uk/docs/Problem%20Gambling.pdf>

<sup>4</sup> See case studies page - <http://www.gamblingcommission.gov.uk/PDF/LA-bulletin/Licensing-authority-bulletin-March-2017.pdf>

<sup>5</sup> [http://www.towerhamlets.gov.uk/Documents/Public-Health/JSNA/Gambling\\_fact\\_sheet\\_2016.pdf](http://www.towerhamlets.gov.uk/Documents/Public-Health/JSNA/Gambling_fact_sheet_2016.pdf)



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'For health and social care professionals, and even the family and friends of at risk or problem gamblers, the challenge of problem gambling is that it is not easily detectable. It is often described as the 'hidden addiction'. Problem gamblers are far more likely to present with financial, health and relationship issues before an addiction to problem gambling is recognized.'

In Doncaster<sup>6</sup> the Public Health team intervened over plans to open a new betting shop stating:

Problem gambling not only has a detrimental impact on the health of the individual involved but also on family and friends and is likely to increase the demand for (health) services.

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<sup>6</sup> <http://planning.doncaster.gov.uk/online-applications/applicationDetails.do?previousCaseType=Appeal&previousKeyVal=OQX9GTFX0B200&activeTab=summary&previousCaseNumber=17%2F00014%2FREF&keyVal=OH6YQMF0A200>



## Hertfordshire Chief Executives' Co-Ordinating Group

# Developing a proportionate shared approach to reducing harm from problem gambling: for discussion

Jim McManus, Director of Public Health  
28<sup>th</sup> March 2018

### 1. Purpose of paper and summary

- 1.1 To outline for discussion a proportionate approach to preventing problem gambling and its impact on local authority, health and other services.
- 1.2 Thanks are due to colleagues from the Money Advice Unit and County Community Safety Unit for their help in developing this paper.
- 1.3 There is an opportunity to take some action on reducing and preventing problem gambling at little or no cost. Anecdotal evidence suggests problem gambling is adding to the burden of service demand and any action will seek to establish whether and to what extent this is the case.

### 2. Decisions required

- 2.1 To note contents, discuss approach and agree next steps

### 3. Background

- 3.1 The impact of problem gambling is distributed across a range of services, as are the responsibilities for addressing it. The harms are various including debt, mental ill-health and crime. There is little concrete evidence for the size and shape of Hertfordshire's problem but evidence of some need.
- 3.2 While it is likely there is preventable demand on public services as a result of problem gambling, and some support from data for this, it is important to avoid creating a need for a service where none exists.
- 3.3 A report for the Gambling Commission developed by the National Centre for Social and Economic Research<sup>1</sup> analysed available data and concluded that more than 2 million people in the UK are either problem gamblers or at risk of addiction, according to the industry regulator, which warned that the government and industry were not doing enough to tackle the problem.
- 3.4 Based on these national estimates, 25,300 people in Hertfordshire are at risk of problems with gambling, and 6000 currently experience problems which impact on their lives and potentially public services. Younger people are at higher likelihood of being at-risk or problem gamblers.

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<sup>1</sup> <http://www.gamblingcommission.gov.uk/PDF/survey-data/Gambling-behaviour-in-Great-Britain-2015.pdf>

### ***At-risk gambling***

3.5 At-risk gambling was measured using the Problem Gambling Severity Index (PGSI). This identifies people who are at risk of problems related to their gambling behaviour but who are not classified as problem gamblers. Overall, 3.9% of adults had a PGSI score which categorised them as at-risk gamblers, or around 25,300 adults aged 16 or over in Hertfordshire.

### ***Problem gambling***

3.6 Problem gambling is gambling to a degree that compromises, disrupts or damages family, personal or recreational pursuits. Estimates of problem gambling are provided according to two different measurement instruments, the Diagnostic and Statistical Manual of Mental Disorders IV (DSM-IV) and the PGSI.

3.7 Problem gambling prevalence measured by either the DSM-IV or the PGSI was 0.8%, with men being more likely than women to be classified as problem gamblers (1.5% and 0.2% respectively). This is around 6000 people in Hertfordshire.

3.7.1 The highest rates of problem gambling were among those who had participated in spread betting (20.1%), betting via a betting exchange (16.2%), playing poker in pubs or clubs (15.9%), betting offline on events other than sports or horse or dog racing (15.5%) and playing machines in bookmakers (11.5%).

3.8 The report estimated that the number of British over-16s deemed to be problem gamblers had grown by a third in the three years to 2015. It also found evidence of an increase in addiction among those playing fixed-odds betting terminals (FOBTs).

## **4. Policy framework and opportunities for action**

4.1 There is an opportunity to take some proportionate action by licensing authorities (District and Borough Councils) with Public Health and others to revise their statements of gambling policy in line with emerging good practice, and take actions and positions which, at no cost, can prevent harm from gambling while still allowing gambling for those who wish to enjoy it.

4.2 The Gambling Commission wrote to Directors of Public Health in January 2018<sup>2</sup> asking them to work with Authorities for the purposes of the Gambling Act 2005 (District and Borough Councils) to consider what can be done when authorities revise the Statement of Gambling Policy. A public health and safeguarding "toolkit" was released by the Commission in February to support authorities working together<sup>3</sup>.

4.3 The Gambling Act 2005 makes District Councils responsible for such policy statements in respect of their functions as licensing authorities. Licensing authorities (i.e. Districts) will be required to review their Statement of Gambling Policy (the Statement), scheduled for consultation in 2018 with a view to a revised version being published in January 2019.

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<sup>2</sup> <http://www.gamblingcommission.gov.uk/PDF/public-health-and-gambling-joint-letter-jan-2018.pdf>

<sup>3</sup> <http://www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-toolkit/Public-health-and-Safeguarding-toolkit.aspx>

- 4.4 There is a list of actions from the Gambling Commission and other bodies being compiled currently which can be taken to reduce gambling harm by authorities including restrictions on fixed term betting machines. In March 2018 the Gambling Commission provided formal advice to support the Department for Digital, Culture, Media and Sport (DCMS) with its current review of gaming machines and social responsibility measures<sup>4</sup>.
- 4.52. At the heart of our thinking is an aim to reduce the risks that consumers, especially those that are vulnerable, face from gambling. We think that action – from government, the Gambling Commission and operators – is needed to achieve that aim.
- 4.6 Public Health Authorities (i.e. the County Council ) are not responsible authorities under the Gambling Act 2005 though they are under the Licensing Act 2003. The Gambling Commission is asking Public Health Directors to engage with responsible authorities for Gambling to reduce the burden of Problem gambling.
- 4.7 One of the licensing objectives in the Gambling Act is the protection of young and vulnerable people from (gambling) harm. The list of responsible authorities for the Act includes any agency who has functions in respect of minimising or preventing 'harm to human health' (which is a very wide definition of their areas of responsibility). There are links to the Safeguarding Boards in addition to District Councils.
- 4.8 The network of response services to Gambling in Hertfordshire is not as co-ordinated as it might be. There is some County Council service commissioning and some NHS psychiatric provision, and voluntary provision. There are various services doing various pieces of work. It would be useful to explore whether
- 4.8.1 some controls and licensing actions could be taken by District Councils at little or no cost.
  - 4.8.2 some controls and actions could be taken by other partners like the County Council at little or no cost.
- 4.9 The Gambling Commission, in their January 2018 letter to all local authorities, say that Public Health teams are likely to have a good understanding of the range of health issues within an LA and how they interrelate and where they are concentrated, which can help the licensing authorities:
- 1) make decisions that benefit and protect the health and wellbeing of local communities;
  - 2) Be clear on issues which they can have regard to when deciding on licenses for a wide range of gambling activities
  - 3) Identify and interpret health data and evidence to inform the review of the Statement;
  - 4) conduct a health-impact assessment of gambling in the local area or assess any existing information.

4.4 It is proposed by the Gambling Commission that working through frontline services, staff across agencies are aware of the issue and have the

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<sup>4</sup> <http://www.gamblingcommission.gov.uk/PDF/Review-of-gaming-machines-and-social-responsibility-measures---formal-advice.pdf>

systems in place to offer referral to existing accredited providers.  
(Gamcare and BeGamble Aware being the first point of contact.)

4.5 The advantages of having a clear, proportionate, co-ordinated approach in Hertfordshire based on clear understanding of each actor's responsibilities are that we can prevent some people getting into difficulties, develop a co-ordinated approach making best use of existing resources and prevent the County Council facing further commissioning demands.

4.6 Members of CECG are asked to consider what would be desirable in any action going forward, in order to develop a shared approach to preventing and addressing problem gambling.

## **5. Outcome(s) to be achieved**

5.1 It is important to avoid creating a demand for services where none exists, or creating a workstream where it isn't needed. Equally, there are some things which can be achieved at no cost which will have a preventive impact.

5.2 The benefits to be derived from this work are

- a shared understanding of what actions can and should proportionately be taken to identify reduce harm to people, and cost to the public purse.
- A shared understanding of what we can do in our policies to reduce and prevent harm from gambling

## **6. Financial Implications**

6.1 It is intended to achieve this through existing resources

### **Appendix: a headline briefing on problem gambling impact**

Available information, mostly anecdotal, from services suggests that the impact of problem gambling is causing mental health services, childrens' services and adult social care preventable demand as well as impacting adversely on peoples' health.

- Problem gambling is associated with a range of other addictions and health related issues<sup>5</sup>. It is important that a gambling related problem is diagnosed and treated at the same time as other issues.
- Problem gambling affects not just the individuals concerns but those around them, whether that's the family who find themselves without enough money for the week's essentials or the partner who suffers abuse
- Evidence indicates that particular groups are much more vulnerable to gambling related harm than others. Examples include those with mental health issues, homeless people, those with other addictive behaviours, those in areas of multiple deprivation and immigrants.<sup>6</sup> (This is not a comprehensive list.)

Evidence of a widespread and numerically large problem at population level in Hertfordshire is largely due to lack of consistent collection of data and a picture. But while a picture is being developed, there are some actions which can be taken at no cost to prevent or reduce current harm, and which can be mapped. Data from national epidemiological surveys showed that 62.2% of people gambled in 2015 and 0.9% of people in England identified as problem gamblers whereas 3.9% of people in England were at moderate risk of developing problems with their gambling.

Anecdotal evidence from health professionals, Citizens' Advice Bureaux and Money Advice Unit suggests this is a significant issue but there is little data to support this because it is rarely collected in a way which flags gambling.

What intelligence does exist shows gambling is a potentially reducible or preventable demand on public services. While there is limited data, there are indications that Hertfordshire has a demand for services for gambling. Citizens' Advice Bureaux report anecdotally a significant increase in debt where gambling is an issue. Figures are currently awaited.

The County Council, with Public Health leading, are co-commissioning (with Mental Health and Community Wellbeing) a service in Hertfordshire provided by The Living Room which offers a peer led abstinence based structured programme to work with behavioural addictions which includes Gambling. The service began in October 2016. Currently 21 people are in treatment for gambling addiction with this service, making up 15% of the 140 people in treatment for behavioural addictions with this provider. This is likely to be a significant underestimate of need.

Anecdotal evidence suggests that crime and anti-social behaviour around betting shops is problematic. However, an analysis of crime and anti social

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<sup>5</sup> <http://www.nhs.uk/Livewell/addiction/Pages/gamblingaddiction.aspx>

<sup>6</sup> <https://www.geofutures.com/research/gambling/>



To: Directors of Public Health  
English local authorities

January 2018

Dear Director of Public Health

### **Public Health and gambling**

We are writing to ensure you are aware that local licensing authorities are required to review their Statement of Gambling Policy soon, and to encourage you to support them in this process.

The statement is a key tool that licensing authorities can use to seek to protect their residents from the negative impacts associated with problem gambling. These are wide ranging and can impact on individuals and their families and carer's physical, mental and emotional health and wellbeing, as well as having a wider impact on society through crime and disorder, debt, domestic violence and lost productivity.

Licensing authorities should be consulting on their statements in 2018 with a view to revised versions being published by the deadline of January 2019. Whilst, unlike the Licensing Act 2003, Public Health is not a responsible authority under the Gambling Act 2005, this does not prevent Public Health's engagement. We believe that Public Health can play a critical role in this strategic review and assist licensing authorities in developing a Statement which maximises the protections available to citizens as well as the broader wellbeing of the community.

Additionally, it is worthwhile noting that one of the licensing objectives in the Act is the protection of the young and vulnerable from (gambling) harm. The list of responsible authorities on the face of the Act includes an agency who has functions in respect of minimising or preventing 'harm to human health' (which is a very wide definition of their areas of responsibility). Another responsible authority, one concerned with the 'protection of children from harm', is normally the Safeguarding Board.

Public Health teams are likely to have a better understanding of the range of health issues within an LA and how they interrelate and where they are concentrated, which can help licensing authorities:

- Identify and interpret health data and evidence to inform the review of the Statement and develop locally tailored local area profiles.
- Make decisions that benefit and protect the health and wellbeing of local communities.

# Gambling Statement of Policy 2019-2022

# When and how

- Review and publish 3 years irrespective of interim changes (s349)
- Publish 3 January 2019 at latest. In force by 31 Jan 2019
- Recently updated your policy – shorter consultation?
  - Cabinet Office consultation principles guidance  
<https://www.gov.uk/government/publications/consultation-principles-guidance>
- **NB** :TRACK CHANGES



# Why does it matter

- s153 – one of the 4 matters to consider for licensing, compliance and enforcement
- Sets out your expectation of operators – you can refer back to it in the event of issues arising
- It makes matters clear for responsible authorities and citizens
- It can encourage improved engagement with agencies who have a vested interest in the young and vulnerable

# Issues to consider - LRAs

- Less than half LAs included information about local risk assessments (LRA) in their 2016-2019 SOP
- Lose your local power of redress if don't set out your LRA expectations
- Risk - future not just current risk
- Don't need to have an area profile to set expectations
- Don't reinvent the wheel

**NB** LRA to be kept on the premises and ask to see it when visit

# LRA expectations (1)

*The council will expect the local risk assessment to consider as a minimum:*

- *the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;*
- *the demographics of the area in relation to vulnerable groups;*
- *whether the premises is in an area subject to high levels of crime and/or disorder.*
- *Local risk assessments should show how vulnerable people, including people with gambling dependencies are protected.”*

# LRA expectations (2)

- *Information held by the licensee regarding self-exclusions and incidences of underage gambling,*
- *Gaming trends that may reflect benefit payments*
- *Arrangement for localised exchange of information regarding self-exclusions and gaming trends.*
- *Urban setting such as proximity to schools, commercial environment, factors affecting footfall,*
- *Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities*
- *Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.*

## Matters relating to vulnerable adults, including;

- *Information held by the licensee regarding self-exclusions and incidences of underage gambling,*
- *Gaming trends that may mirror days for financial payments such as pay days or benefit payments*
- *Arrangement for localised exchange of information regarding self-exclusions and gaming trends.*
- *Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.*

- *Matters relating to children and young persons, including;*
- *Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc.*
- *Any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted,*
- *Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.*
- *Recorded incidents of attempted underage gambling.*

## Other issues that may be considered could include:

- *Matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship.*

# Issues to consider – Local Area Profiles

- Optional
- Proportionate
- Use existing council reports/data
- Data from other bodies eg <https://about.gambleaware.org/>
- Stand alone document

# LAP - Map approach

- local education facilities
- addiction centres
- drug/alcohol/gambling treatment centres
- community centres
- vulnerable groups
- gambling premises
- crime hot spots
- ethnic groups
- supported accommodation/hostels
- doctors' surgeries
- places of worship
- areas of multiple deprivation
- ASB figures
- play areas
- those seeking job seekers allowance

# LAP – More detailed profiles

- **Leeds** – interactive profile maps

<https://leedscs.maps.arcgis.com/apps/MapTools/index.html?appid=569aab2acaac411ba9f8a6868f71ac1f>

- **Great Yarmouth** detailed area profile

<https://www.great-yarmouth.gov.uk/CHttpHandler.ashx?id=1633&p=0>

- **Manchester** - Detailed Geofutures mapping tool

[http://www.manchester.gov.uk/info/200063/licences\\_and\\_permissions/1532/gambling\\_premise\\_licences/6](http://www.manchester.gov.uk/info/200063/licences_and_permissions/1532/gambling_premise_licences/6)

- **Warrington** – detailed spatial analysis (adapting Geofutures model)

[https://www.warrington.gov.uk/download/downloads/id/10861/gambling\\_local\\_area\\_profile\\_project.pdf](https://www.warrington.gov.uk/download/downloads/id/10861/gambling_local_area_profile_project.pdf)

- **Brighton & Hove** – Excel profile and tool, linking in with public health

<https://www.brighton-hove.gov.uk/content/business-and-trade/licensing-and-gambling>

# Issues to consider – Public Health

- Public health not a responsible authority BUT.....
  - “*The LA will consult Director of PH on all premises licences applications*” (Knowsley gambling SOP)
- Letter to Directors of Public Health (early 2018)
- Information note about public health
- Start conversations with your PH teams
- Look at what other LAs have done



# Issues to consider – Safeguarding

- Examples :
  - Sheffield – LBO report re 2 young girls
  - Blackpool – grooming report AGC
  - Yorkshire yp and LBO
- Sheffield – safeguarding toolkit
- **Shropshire** - appendix regarding child sexual exploitation  
<https://www.shropshire.gov.uk/licensing/licensing-news/gambling-act-policy-statement-2016-19>
- **Royal Borough Kensington & Chelsea** – page 10 re CSE  
<https://www.rbkc.gov.uk/sites/default/files/atoms/files/Gambling%20Policy%202016-2019%20%20final%20%28V2%29.pdf>
- **Scarborough** – page 28 re truanting and uFECs  
<https://democracy.scarborough.gov.uk/ecSDDisplay.aspx?NAME=Gambling%20Licensing%20Policy%202016-2019&ID=1334&RPID=5504086&sch=doc&cat=12950&path=551%2C12950>

# Issues to consider – Police engagement

- Letter to police licensing officers

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-toolkit/Statement-of-principles/Statement-of-principles-for-licensing-authorities.aspx>

- Data to inform SOPs /LAPs

- Eg West Yorkshire [https://www.police.uk/west-yorkshire/BDT\\_CI/crime/](https://www.police.uk/west-yorkshire/BDT_CI/crime/)

- Cheshire pilot – problem gambling in criminal justice system

[http://www.gamcare.org.uk/sites/default/files/file\\_attach/HOWARD%20LEAGUE%20WINNER%20CRIMINAL%20JUSTICE%20BROCHURE.pdf](http://www.gamcare.org.uk/sites/default/files/file_attach/HOWARD%20LEAGUE%20WINNER%20CRIMINAL%20JUSTICE%20BROCHURE.pdf)

- Police powers of inspection information note and Money laundering information note

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-toolkit/Crime-and-joint-working.aspx>

- Betwatch toolkit – available in early part 2018

# Issues to consider – uFECs

- **Examples in statements of principles**

- Staff supervision and training
- Detailed plan
- Social responsibility policies
- Staff easily identifiable
- Clear signage

## **Reminder**

- uFEC 10 year permits up for renewal from 2017 onwards
- uFEC - premises which are 'wholly or mainly' used for making gaming machines available (not shopping centres/airports)
- No direct access from uFEC to AGC

# Issues to consider – enforcement

- “*We don’t get any complaints so why does it matter*”?
- The problem gambler, the U18, the illegal card club player unlikely to phone and complain!
- Regulation **starts** when you issue the premises licence, you then need to ensure the operator is compliant
- Only through inspection and compliance do you find out if licence conditions are being met and protections are in place
- Fees – income v expenditure
- Penalises compliant operators
- *Could you produce a report for your Licensing Committee on the level of gambling compliance in your area?*

# LA annual returns 2016-17

- **131 out of 380** LAs didn't conduct any visits during the year (down from 133 LAs the previous year)
- **5,334** inspections /visits to gambling premises by LAs (-5% from March 2016). This includes proactive and reactive visits, follow up inspections and test purchasing exercises
- LA returns report

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-returns.aspx>

# Other issues to strengthen

- **Machines /gaming in pubs**

- Code of Practice for gaming machines in alcohol licensed premises
- Code of Practice for equal chance gaming in alcohol licensed premises

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-toolkit/Pubs-and-clubs/Pubs-and-clubs-toolkit.aspx>

- **Plans** - reminder about plan requirements in Nov LA bulletin

<http://www.gamblingcommission.gov.uk/PDF/LA-bulletin/Licensing-authority-bulletin-November-2017.pdf>

- **Direct access** - reminder about access rules in Sept 17 LA bulletin

<http://www.gamblingcommission.gov.uk/PDF/LA-bulletin/Licensing-authority-bulletin-September-2017.pdf>

# DCMS review

- Published Oct 2017
  - review of machine stakes and prizes
  - allocation of machines
  - raft of social responsibility measures to minimise risk of gambling related harm – including advertising, online gambling, education, research and treatment
- **NB** changing only the B2s S&P will just divert concerns about problem gambling elsewhere. Don't let it go off your radar!
- Let us know if you get any unusual premises applications
- Timescales for response /implementation changes unknown
- **NB:** don't include table of stakes/prizes in SOP

# Next steps

- Review of SOP in workplan for 2018/19 and secure full council slot pre Jan 2019
- Gather data for some form of local area profile - consider your expectations for local risk assessments as minimum
- Engage with local police
- Engage with public health/safeguarding teams
- Consider working with neighbouring LAs



# SOP Resources

- GLA (part 6)

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>

- Quick guide for councillors on SOP (please give to your committee members)

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-toolkit/Statement-of-principles/Statement-of-principles-for-licensing-authorities.aspx>

- SOP Bulletin January 2018

<http://www.gamblingcommission.gov.uk/PDF/LA-bulletin/Licensing-authority-bulletin-January-2018.pdf>

No complaints October 2017 bulletin

<http://www.gamblingcommission.gov.uk/PDF/LA-bulletin/Licensing-authority-bulletin-October-2017.pdf>

# Other resources

- Range of toolkits, template letters and information notes on LA section of website

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/for-licensing-authorities.aspx>

- LA inspection powers info document

<http://www.gamblingcommission.gov.uk/PDF/Statutory-powers-of-inspection-under-the-Gambling-Act-2005.pdf>

- LLEP inspection guidance and checklists

<http://www.llepbizgateway.co.uk/gambling-act-2005/>

- GC/IOL e-learning modules (gaming machines)

<https://instituteoflicensing.org/ELearning.aspx>

making gambling  
fairer and safer all

[www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)



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## Appendix 7 Consultation Responses

1. *This is to acknowledge your message and to say that I have reviewed the draft document on behalf of the \*\*\*\* Residents' Association; I do not have any comment to make on the draft.*  
**[Local Residents Association]**
2. *I agree that there should be a stronger working relationship with the Director of Public Health especially in relation to protecting children and other vulnerable people from gambling.* **[WBC Councillor]**



**WATFORD  
BOROUGH  
COUNCIL**

# Equality Impact Analysis

<b>Title of policy, function or service</b>	Gambling Act 2005 Statement of Principles 2019 - 2022
<b>Lead officer</b>	Richard Brown
<b>Person completing the EIA</b>	Richard Brown
<b>Type of policy, function or service:</b>	Existing (reviewed) <input checked="" type="checkbox"/> New/Proposed <input type="checkbox"/>
<b>Version &amp; Date</b>	Version 1, 13 <sup>th</sup> September 2018

## **1. Background**

The council is the local licensing authority under the Gambling Act 2005 and is required to review, consult upon and publish a policy document every three years. The current policy expires on 6th January 2019 and sets out how the council exercises its various responsibilities in terms of issuing premises licences, liaising with the Gambling Commission (a national co-regulator), carrying out its enforcement functions and issuing permits for small-scale gambling such as machines in alcohol-licensed premises and registering small society lotteries.

In preparing the statement the licensing authority must have regard to the three licensing objectives of the Gambling Act, namely:

- 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 Gambling Commission states: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

The existing statement of principles was adopted by the council on 23rd November 2015 and is due to expire on 6th January 2019 and the report being taken to committee on 26th September seeks approval to approve a revised policy that will expire in January 2022.

Officers have received no complaints about the operation of the policy and believe it to be working well, so only minor changes were proposed to the policy.

These were agreed by Licensing Committee in June 2018 and relate to:

- 1) Strengthening the links between the council and the local Director of Public Health, in order to further promote the licensing objective relating to the protection of children and other vulnerable people from gambling.
- 2) Changing the way in which notifications and applications for five or more gaming machines permits are currently dealt if there no representations and officers are satisfied that the licensing objectives will be promoted.

## **2. Focus of the Equality Impact Analysis**

This EIA, therefore, considers the potential equality related impacts, both positive and negative of the Gambling Act 2005 Statement of Principles on the people in the groups or with the characteristics protected in the Equalities Act 2010.

These are:

1. Age

2. Disability
3. Gender Reassignment
4. Pregnancy and maternity
5. Race
6. Religion or belief
7. Sex (gender)
8. Sexual Orientation
9. Marriage and Civil Partnership.

### **3. Engagement and consultation**

A public consultation exercise was carried out between 27<sup>th</sup> July and 31<sup>st</sup> August 2018. The following organisations were written to:

- (a) Holders of premises licences, permits and gaming machine notices issued under the Act
- (b) Trading Standards (Hertfordshire County Council)
- (c) Residents of the Borough (residents' associations)
- (d) Hertfordshire Constabulary
- (e) Gambling Commission
- (f) Hertfordshire Fire & Rescue Service
- (g) Hertfordshire Safeguarding Children's Board (Hertfordshire County Council)
- (h) Development Management (Watford Borough Council)
- (i) Environmental Health (Watford Borough Council)
- (j) Her Majesty's Revenue & Customs
- (k) Watford Borough Councillors
- (l) Hertfordshire County Council Director of Public Health

Details of the consultation were placed on the council website and a public notice was placed in the Watford Observer on 27<sup>th</sup> July 2018.

Only two responses to the consultation were received, neither of which were via the online survey which included a number of equality and diversity questions, so it has not been possible to obtain any information about the characteristics of the responders.

None of the responses suggested that any of the protected characteristics would be adversely impacted by the proposed revisions to the policy, or that the policy as a whole would adversely affect a particular sector of the community. It is also worth noting that no complaints relating to equalities have been received in the duration of operation of the previous Policy.

### **4. What we know about the Watford population**

The current population of Watford is 96,800 (mid 2017 estimate) and is estimated to grow by 16% by 2026. Population growth estimates stated that they expected Watford to reach 100,000 by the end of 2017. In terms of gender breakdown, there are estimated to be fractionally more female than male residents but the difference is not significant.

The 2011 Census shows the following breakdown in terms of ethnicity: White British (61.9%), White other (7.7%), Pakistani (6.7%), British Indian (5.5%) and British other Asian 4.4%).

Census information is now nearly 10 years old and it is likely that the ethnic profile of the borough has changed during this time to reflect more recent EU arrivals to the borough (EU2 countries – Romania and Bulgaria, who were given residency rights in 2014).

## 5. How will the council ensure equality is promoted through the Gambling Act 2005 Statement of Principles 2019-2022?

Under the Equality Act 2010, three areas need to be considered when analysing the equality impact of the Gambling Act 2005 Statement of Principles 2019-2022:

1. **eliminate** discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
2. **advance** equality of opportunity between people who share a relevant protected characteristic and people who do not share it
3. **foster** good relations between people who share a relevant protected characteristic and people who do not

Gambling Act 2005 applications and notifications are not assessed based on the characteristics of the applicant. Instead they are issued in accordance with the law and depend on the application being correctly submitted.

The information people will need to know about the legislation, as well as the application process is accessed via the council's webpages and this feature provides additional support and help to those with a range of equalities related issues such as those for whom English is not the first language, those with visual impairment or learning difficulties.

The council's website features 'browsealoud' which allows people to:

- translate pages into a range of different languages
- enlarge web pages
- activate voice over for web pages
- simplify web page content

Should an applicant's characteristics make it difficult to use this channel then face to face and telephone contact is still possible.



## **A. Positive impacts**

The council has not identified any positive effects from the analysis of consultation responses, the makeup of the Borough and the way that applications are processed and consents issued.

The strengthening of protection of children and other vulnerable people from gambling within the revised policy clearly has a benefit relating to these groups. For most gambling activity you have to be 18 (16 for some activities), and so the statement of principles protects those of this age.

By ensuring Watford is a borough where gambling is well regulated the principles also ensure that it is a place where communities can live safely and peacefully together, thus fostering the good relations that are also part of the council's equality duty.

## **B. Negative impacts**

The council has not identified any negative effects from the analysis of consultation responses, the makeup of the Borough and the way that applications are processed and consents issued.

Whilst the consultation itself has not identified any positive or negatives from the responses themselves, there are some other impacts that are relevant to the policy and should be noted:

	Positive	Negative	None	Reasons for Decision
All groups in society	x			<p>Positive:</p> <p>Within society there are vulnerable people who may develop addictions to gambling. Whilst the law requires licensed gambling premises to monitor those who gamble regularly and also to have self-exclusion schemes, historically this has been a difficult problem to deal with as Adult Safeguarding departments are not responsible authorities.</p> <p>The 2019-2022 policy aims to deal with / mitigate this by strengthening the links between the council and the local Director of Public Health.</p> <p>It is hoped that this will further promote the licensing objective relating to the protection of children and other vulnerable people from gambling.</p> <p>Specifically, we propose to develop a Local Area Profile, using health statistics and other data, that will assist premises licence holders and applicants with their local risk assessments.</p> <p>Also whilst the Local Director of Public Health is not a Responsible Authority the council believes involving the local Public Health team will help promote the licensing objectives, so we are proposing to provide information on premises licences applications to the Director of Public Health for their comment.</p>
Age	x			The law excludes under 18's from most activities regulated by the legislation to which this policy applies so having a strong and detailed policy which officers believe this is will have a positive impact on this group.
Disability			x	
Gender Reassignment			x	
Pregnancy and			x	

maternity				
Race			x	
Religion or belief			x	
Sex (gender)			x	
Sexual Orientation			x	
Marriage and Civil Partnership.			x	

## 6. Overall conclusion

In applying this Policy, no particular group is given priority over another in relation to implementation of the Policy and how any applicant is dealt with. Applications are assessed on their individual merits, so all groups will be treated fairly by the council under its public sector equality duty.

Accordingly the Council is not in a position where it can proactively affect the profile of licence holders, but the Policy ensures that the process of obtaining a licence is fair and free of discrimination and there are no barriers to anyone making an application.

On consideration, the overall conclusion of the EIA is that there is no negative impact on any characteristic or group as a result of this Policy, and that the strengthening of links with the local Public Health Team will have a positive impact on all groups in society.

This EIA has been approved by:



... ..

Justine Hoy, Head of Environmental Health & Licensing

Date: 17<sup>th</sup> September 2018

# Agenda Item 13

## Report to Council – 16 October 2018

### Report of Licensing Committee (Licensing Act 2003)

Licensing Committee (Licensing Act 2003) met on 26 September 2018. The minutes are published on the Council's website.

The following Members were present at the meeting:

Present: Councillor Fahmy (Chair)  
Councillor Dychton (Vice Chair)  
Councillors Barton, Bolton (minute numbers 9 and 10), Grimston (minute number 10), Hastrick, Jeffree, Mauthoor, Mills, Parker, Scudder (minute number 10), Smith and Walford

The following was a recommendation to Council:

#### 10. **Proposed Licensing Act 2003 Statement of Licensing Policy 2018 - 2023**

The Committee received a report of the Head of Community and Environmental Services. It set out the consultation and the associated responses in relation to the review of the Statement of Licensing Policy - and asked the committee to finalise the policy and recommend that it be adopted by the council.

The Senior Licensing Officer introduced the report. He discussed how the Committee had previously agreed, at its meeting on 25 June 2018, the process by which officers would carry out the review and he read the recommendation as outlined on Page 148 of the report.

He discussed the role of the council as the licensing authority under the Licensing Act 2003 and how it was required to prepare, consult and keep under review a Statement of Licensing Policy. He explained how the review had taken account of the Cultural Plan recently approved and the vision for the town centre that was currently under development.

The Senior Licensing Officer described the consultation process that had taken place between 6 July 2018 and 17 August 2018, and summarised the responses received in the various policy areas (as described in paragraphs 5.0 to 5.13 in the report). He advised members how comments containing allegations were progressed.

In response to questions from the committee, the Senior Licensing Officer:

- Confirmed that some consultation responses had included complaints in relation to Whippendell Road.
- Explained how a Licensing Sub-Committee would determine whether a particular premises fell within a 'leisure' or 'residential' location (as defined).
- Outlined what was meant by the term 'Sensitive Licensing Area' and the range of tactics that could be deployed when licensing problems occurred in other areas.
- Advised that there was one licensed premises in Cassiobury Park.

The Chair thanked the officers for their detailed work in the preparation of the committee reports.

Resolved –

1. That the Licensing Committee recommended to Council, acting as the Licensing Authority for the Borough of Watford, it adopts the amended Statement of Licensing Policy for 2018-2023 as attached at Appendix 1 at its meeting on 16th October 2018.

\*PART A

**Report to:** Licensing Committee (Licensing Act 2003)  
**Date of meeting:** 26th September 2018  
**Report of:** Head of Community and Environmental Services  
**Title:** Proposed Licensing Act 2003 Statement of Licensing Policy 2018-2023

**1.0 Summary**

1.1 At its meeting in June 2018, the Licensing Committee agreed the process by which officers would consult on a review to the Statement of Licensing Policy (SLP) under the Licensing Act 2003.

1.2 Although it was agreed that the consultation was to be a light touch consultation, a number of questions were proposed for the consultation, to focus on specific areas of the policy. The questions asked revolved around:

- If the definitions of different types premises in the policy should be kept
- If we should keep the approach to dealing with different types of premises licence applications
- If we should change the approach to licensing petrol stations and garages
- If the revised policy regarding circuses was appropriate
- If Policy LP3 (Creating a Family Friendly Town Centre) should be retained
- If the geographical area covered by Policy LP3 should be changed
- If the Sensitive Licensing Areas should be retained
- If there were any other locations that could be considered for a Sensitive Licensing Area
- If the current link between the licensing and planning regimes should be changed
- If the conditions laid out in our policy are sufficient to promote the four licensing objectives
- If the approach to certifying films that do not have a BBFA rating should be changed
- If the approach to dealing with representations should be changed
- If the current approach to complaints and enforcement regarding licensed premises should be retained
- If the current approach to dealing with requests to review a licence should be changed

1.3 The consultation has now finished, and the responses have been collated. The Committee is now asked to finalise the policy and recommend that is adopted by the Council.

2.0 **Risks**

2.1

<b>Nature of Risk</b>	<b>Consequence</b>	<b>Suggested Control Measures</b>	<b>Response</b> <i>(Treat, tolerate, terminate, transfer)</i>	<b>Risk Rating</b> (the combination of severity and likelihood)
Legal challenge from failure to properly adopt the policy	Failure to meet requirements under the Licensing Act	Ensure that a policy is adopted before 19 November 2018	Treat	2
Legal challenge from failure to properly consult	Negative perception of council and its licensing functions, and challenge through the Courts	Carry out consultation in accordance with legal requirements under the Licensing Act 2003 and in accordance with the Government's published principles of consultation	Treat	2
Policy is unreasonable, irrational, discriminatory etc.	Legal challenge through the Courts	Ensure that the results of the public consultation are taken into account in the final Statement of Policy	Treat	2
Further legislation or	Policy may be outdated as	Monitor situation and,	Treat	2

reported cases arising during course of consultation and adopting policy	soon as it is published	if necessary, take amendments to September Committee		
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### 3.0 Recommendations

- 3.1 That the Licensing Committee recommends to Council, acting as the Licensing Authority for the Borough of Watford, that it adopts the amended Statement of Licensing Policy for 2018-2023 as attached at Appendix 1 at its meeting on 16th October 2018.

**Contact Officer:**

For further information on this report please contact: Austen Young, Senior Licensing Officer on telephone extension: 8474 and email: [austen.young@watford.gov.uk](mailto:austen.young@watford.gov.uk)

**Report approved by:** Alan Gough, Head of Community and Environmental Services

### 4.0 Detailed proposal

- 4.1 The Council is the licensing authority under the Licensing Act 2003 for alcohol, regulated entertainment and late-night refreshment within the Borough. It is required to prepare, consult and keep under review a statement of licensing policy (SLP) that sets out how it approaches its responsibilities under the Act, so that applicants, other statutory bodies and local bodies can ascertain its general approach to particular situations.
- 4.2 In preparing the SLP, the authority must have regard to the statutory guidance published under the Act by the Secretary of State and approved by Parliament. This is known as the s.182 Guidance and was most recently updated in April 2018
- 4.3 On 25th June 2018, the Committee agreed that a light touch consultation on reviewing the SLP was appropriate. This enabled the SLP to remain current and valid, to reflect minor policy changes already identified as recommended and to enable a broader and more considered and coordinated review to take place in line with other corporate timelines.
- 4.4 In particular, the broader review will take account of the Cultural Plan recently approved and the vision for the Town Centre that is currently under development. The SLP is a tool to deliver these and other similar policies and plans, therefore it must be developed after their approval. It was proposed that the SLP be reviewed again either when the Town Centre Vision has been completed, or by June 2020;



whichever is sooner. The full rationale behind the consultation can be found in the report for the Committee on 25 June and in the minutes for that meeting.

#### 4.5 **Consultation on the proposed policy**

The consultation on the SLP took place between 6 July 2018 and 17 August 2018, during which time we consulted:

- the statutory responsible authorities
- 469 residential properties within the town centre
- 1037 residential properties within the Sensitive Licensing Areas
- 14 residents' associations
- all 36 local ward councillors
- 329 licensed premises
- 5 council departments (Culture & Events, Legal & Democratic Services, Transport & Infrastructure, Place Shaping & Corporate Performance, and Corporate Strategy & Communications)
- Watford BID

4.6 The consultation was advertised on our website during this time, with people invited to participate in a survey on the proposed changes, and was also advertised in the Watford Observer on 6 July 2018.

4.7 Overall, 31 responses were received to the consultation. The breakdown of the respondents is as follows:

Residents – 9  
Responsible authorities – 4  
Councillors – 1  
Licence holders – 3  
Council officers – 2  
Residents' associations – 2  
Local business – 1  
Uncategorised – 9

4.8 The comments received during the consultation, and the officers' responses to these comments, is attached to this report at appendix 2. Not every question has the same number of comments as people sometimes skipped questions, or only commented on specific issues. Some comments did contain allegations against specific premises, and for the sake of fairness the names of premises have been sanitised. The full original responses are available upon request from officers. Officers are investigating these allegations where appropriate.

## 5.0 **Response to the consultation**

- 5.1 As stated earlier, the responses to the consultation are attached to this report at appendix 2. Broadly speaking, the responses were in favour of the policy and supportive of the revised policy.
- 5.2 As mentioned some responses did include complaints about specific premises, or about specific locations. While the comments have been sanitised for this report so that premises are not directly named, officers can advise that the comments have been passed to officers, other council departments, or outside agencies, as appropriate. Exact details can be found in the officers' comments on the appendix. The complaints have been passed as anonymous complaints, without sharing the personal data of those who made the complaints.
- 5.3 A number of comments asked for the policy to be changed in a manner which is incompatible with the legislation or the statutory guidance. Examples of such comments included a request for a cap on the issuing of licences; that owners of premises should hold a licence and not the operators of the business; or that petrol stations should not be able to sell alcohol at all. Officers have responded against the relevant comments on the appendix where a request was incompatible and the reasons why such a change cannot be made.
- 5.4 The following aspects of the consultation were supported by the majority of respondents:
- the premises definitions (Policy LP1)
  - the approach to licensing petrol stations and garages (LP2A)
  - the revised policy regarding circuses (LP2B)
  - Creating a Family Friendly Town Centre (LP3)
  - the geographic area covered by Policy LP3
  - retain the Sensitive Licensing Areas (LP4)
  - the link between planning and licensing regimes (LP5)
  - the steps to protect children from harm (LP9)
  - officers certifying films for exhibition where there is no BBFA rating
  - dealing with representations against applications (LP11)
  - the approach to dealing with complaints about licensed premises (LP12)
  - dealing with requests to review a licence (LP13)
  - the approach to enforcement
- 5.5 While there was not a majority of respondents in support of retaining Policy LP2, regarding the location and operation of premises, some of the comments received against this question were held to not be relevant to the question asked as part of the consultation. One comment was received requesting that Woodside Leisure Park be 'rezoned' to a residential area. As a result of this comment, officers have added a

clarifying statement to the policy regarding that the officers' comments are a recommendation of what location the premises falls within, but it is for the sub-committee to confirm if they agree with this or not. This confirms that the sub-committee may advise that, based on the application in front of them, they consider that the premises falls within a different location, and may therefore be treated differently.

- 5.6 No specific comments were received suggesting that a different approach to Policy LP2 was required. In the absence of such comments, officers therefore recommend that the Committee adopts the policy as laid out in the draft policy attached as appendix 1.
- 5.7 While the overwhelming majority of responses were in support of retaining the policy of Sensitive Licensing Areas, there was a slim majority of respondents in support of additional areas being covered by this policy. Cassiobury Park and Vicarage Road were specifically named as areas where respondents would like to see a Sensitive Licensing Area, although the number of comments received nominating areas were fewer than the number of respondents who indicated they would support more areas.
- 5.8 There is no significant evidence available to council officers that Cassiobury Park suffers specific problems from the supply of alcohol to street drinkers, that premises licensed for alcohol and/or late night refreshment have significantly different times from other premises in the area, or that there is a concentration of late night takeaways contributing to litter and other nuisances. These are the criteria which the council have set in order to justify highlighting an area as a Sensitive Licensing Area, and the issues which council officers have highlighted as requiring extra controls through conditions. The Police and the council's Community Safety Co-Ordinator did not provide any evidence to suggest that the licensing authority need to take such an approach in the park. For this reason, officers have not recommended the park for a Sensitive Licensing Area. Officers do recognise the importance of the park as a place where events wish to be held, and also recognise that the park is surrounded by residential houses. These are matters which have been taken into account by the responsible authorities when applications have historically been submitted for the park, and officers can see no reason as to why this approach would change.
- 5.9 With regards to Vicarage Road, officers have not received any evidence from the police or the council's Community Safety Co-Ordinator to suggest that there are any specific concerns in this location which can be addressed via a change in policy. Officers have also considered the area against the criteria set aside for Sensitive Licensing Areas, as highlighted in para 4.8, and there is no evidence to suggest that these are issues in this area that require a change in policy in order to be addressed. For this reason, officers have not recommended Vicarage Road for a Sensitive Licensing Area. Officers meet with the Police licensing unit on a regular basis and will monitor the situation in this area.

- 5.10 Officers wish to clarify that by not recommending a location for a Sensitive Licensing Area, this does not mean that there are no issues in the area. Any issues with specific licensed premises should still be reported to the licensing team for investigation. It may also be more appropriate to deal with problems from specific, existing, premises, rather than creating a new policy.
- 5.11 Although there was no majority in support of maintaining the approach as laid out in Policy LP6, regarding the promotion of the licensing objective of the prevention of crime and disorder, there were few comments received for consideration. One comment was received regarding the need for a greater Police presence, which is ultimately a matter for the Police to decide. Another comment was received regarding how this statement was too political and that current laws could be applied. Officers would advise that the statutory guidance does state that applicants should demonstrate a knowledge of the area in relation to an application, and the approach taken in this policy, and the other policies regarding the promotion of the licensing objectives, do lay out the approach that applicants should be taking, and matters which they should be considering. It also highlights areas that will be taken into consideration during a hearing. While the policy does state that specific measures, it does not limit the sub-committee to these measures, allowing the application to be considered on its own merits. In lieu of any suggestions as to how this section could be improved or changed, and considering that the policy does allow for other matters to be considered on a case-by-case basis, officers would recommend that the Committee adopts the policy as laid out in the draft policy attached as appendix 1.
- 5.12 There was also no majority in support of maintaining the approach to the promotion of public safety, as laid out in Policy LP7. Again, similar comments were made against this policy as were made against Policy LP6. The Fire Service did provide some documentation to be made available for would-be applicants, and we will make this information available through our website. This approach allows the documents to be visible, and also for them to be updated more easily than if they were physically attached to the SLP. In lieu of any further suggestions as to how this section could be improved or changed, and considering that the policy does allow for other matters to be considered on a case-by-case basis, officers would recommend that this policy remains as it was proposed.
- 5.13 There was also no majority in support of maintaining the approach to the promotion of prevention of public nuisance. One comment was submitted which asked for the definition of 'nuisance' to be defined. However, the statutory guidance does advise that 'nuisance' has the broad definition retained at common law, which is also stated within the SLP. Factors to be considered in determining when an issue could be considered to be a nuisance are also given in the SLP as examples. While not being able to give a clearer definition, officers do advise that the current approach is sufficient. A suggestion was made by the Environmental Health team to clarify the

issues of odour and light regarding nuisance, which officers did consider to be valid suggestions, and so the policy has been updated to reflect this input. In lieu of any further suggestions as to how this section could be improved or changed, officers would recommend that this policy is approved with the aforementioned changes.

## 6.0 **Implications**

### 6.1 **Financial**

6.1.1 The Shared Director of Finance comments that it is expected that there will be no change in income or workflow cost from the proposals, although this can only be confirmed or amended as necessary after the consultation. The income is a statutory fee and any Watford 2020 implications will be dealt with separately to this report.

### 6.2 **Legal Issues** (Monitoring Officer)

6.2.1 The Head of Democracy and Governance comments that the legal implications are contained within the body of the report. The policy will need to be agreed by Council and the report asks for the Committee to recommend that the policy is agreed by full Council.

### 6.3 **Equalities/Human Rights**

6.3.1 An Equalities Impact Assessment of the proposed policy was undertaken and is attached at appendix 3. The assessment did not identify any negative impacts associated with the policy so no amendments have been made to it.

### 6.4 **Staffing**

6.4.1 There are no staffing issues associated with this report

### 6.5 **Accommodation**

6.5.1 There are no accommodation issues associated with this report

### 6.6 **Community Safety/Crime and Disorder**

6.6.1 The Statement of Licensing Policy aims to promote the four licensing objectives, one of which is the prevention of crime and disorder.

### 6.7 **Sustainability**

6.7.1 There are no sustainability issues associated with this report

## **Appendices**

- Appendix 1 Draft Licensing Act 2003 Statement of Principles 2018 – 2023
- Appendix 2 Consultation Responses
- Appendix 3 Equalities Impact Assessment

## **Background Papers**

Consultation responses – available upon request.

## **File Reference**

Licensing Act 2003 Statement of Licensing Policy

**APPENDIX 1**



**LICENSING ACT 2003**

**STATEMENT OF LICENSING POLICY - *draft***

NOVEMBER 2018

Comments are invited on this document to:

Environmental Health and Licensing  
Watford Borough Council  
Town Hall  
Watford  
Hertfordshire  
WD17 3EX

Tel: 01923 278476  
Fax: 01923 230765  
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## CONTENTS

Prologue	3
The Borough of Watford	4
Introduction	5
General Considerations	8
Pre-application Considerations	9
Main policies	
<i>Policy LP1 – Premises Definitions</i>	11
<i>Policy LP2 – Location and Operation of Premises</i>	12
<i>Policy LP2A – Petrol Stations</i>	14
<i>Policy LP2B – Circuses</i>	15
<i>Policy LP3 – Creating a Family Friendly Town Centre</i>	16
<i>Policy LP4 – Sensitive Licensing Areas</i>	20
<i>Policy LP5 - Planning Permission</i>	21
Licensing and Other Legislation	22
Temporary Events	23
Designated Premises Supervisors	25
The Licensing Objectives	
<i>Policy LP6 - Prevention of Crime and Disorder</i>	26
<i>Policy LP7 - Public Safety</i>	28
<i>Policy LP 8 - Prevention of Public Nuisance</i>	30
<i>Policy LP9 - Protection of Children From Harm</i>	32
Policy LP11- Representations Against Application	34
Policy LP12 - Complaints Against Licensed Premises	36
Policy LP13 - Licence Reviews	37
Policy LP14 - Enforcement and Compliance Policy	39
The Licensing Committee	40
Relationship to Other Policies and Legislation	42
Appendix 1 - Licence Review Guidelines	43



## PROLOGUE

Watford Borough Council is the licensing authority under the Licensing Act 2003, and are required to publish and keep under review a policy setting out our approach to our responsibilities under the Act.

It is intended that this policy will be used by a wide range of people within the Borough – from organisations who need authorisations under the Act; residents and others who may be affected by their activities, and by the statutory bodies with responsibilities under the Act.

This policy is in force from 20<sup>th</sup> November 2018 until 19<sup>th</sup> November 2023, unless revised beforehand. We hope that organisations and individuals will use it before making licence applications, and that residents and statutory bodies will use it when responding to licensing applications or existing licensed activities.

In drawing up the policy, we have consulted with:

- Local residents and their representatives
- Local community, cultural and entertainment organisations
- Holders of various licences for premises in the Borough who will be affected by it
- Hertfordshire Constabulary
- Hertfordshire Fire & Rescue Service
- Hertfordshire Trading Standards
- Hertfordshire Local Safeguarding Children Board
- Watford Community Safety Partnership
- The Home Office
- Watford Business Improvement District
- One Watford

Our consultation was conducted between 10<sup>th</sup> July 2018 and 17<sup>th</sup> August 2018, during which time we wrote to:

- 20 residents' associations;
- 329 licensed premises;
- over 450 residents within the town centre;
- over 1000 residents within the Sensitive Licensing Areas;
- all 36 local ward councillors; and
- the statutory responsible authorities.

We placed details on our website and a public advertisement, and issued a press release which was published in the Watford Observer on 6<sup>th</sup> July 2018.

It was approved by the full Council – the Licensing Authority – on 16<sup>th</sup> October 2018.

Our licensing committee will consider each Spring how the policy has operated, and whether any changes to it are needed.

## **The Borough of Watford**

Watford Borough Council is situated in the county of Hertfordshire, which contains ten district councils in total. The council area has a population of now 96,600 (mid-year estimate (2016) making it one of the smallest in the county in terms of population and one of the most densely populated in the country.

Watford Borough was granted a Royal Charter in 1922. Traditionally a market town, it has developed into an attractive sub-regional shopping centre and important centre for cultural and recreational facilities. Watford has a catchment area population of approximately 500,000 within a travel time of 20 minutes from the town centre (CACI Ltd 2001).

Situated in the south west of Hertfordshire, Watford has several locational advantages due to its excellent communication links. The M1 motorway, with direct links to the town centre, and the London to Glasgow railway pass through the Borough. London Euston can be reached in 20 minutes, while the nearby M25 motorway provides road access to the major airports at Heathrow, Gatwick, Stansted and Luton.

Watford has major A-road links to adjoining areas and is also connected to the underground rail network with the Metropolitan Line terminus adjacent to Cassiobury Park. A branch line railway serves St. Albans Abbey.

Watford Borough covers an area of 2,142 hectares (8.3 sq. miles). Watford is a major town in the region. It is a sub-regional shopping destination, centred around the Intu Shopping Centre in the town centre, and has one of the most vibrant night-time economies in Hertfordshire. The Intu centre is currently being extended with work due to be finished in autumn 2018, along with associated High Street improvement works. Upgrading works to the pond and surrounding area were completed in 2014. It was traditionally a centre for the printing industry and now boasts the headquarters of a number of nationally known firms. Unemployment figures are well below Great Britain's average. However there are pockets of deprivation, characterised by a high concentration of minority ethnic groups, single parent families, low income households and a high incidence of long term health problems.

Potential operators should however refer to the District Plan and the emerging Local Development Framework (through our Development Control Team or on our website at [www.watford.gov.uk](http://www.watford.gov.uk)) for details about the local planning authority's approach to granting planning permission for developments where such activities may take place.

Further information about the Borough is contained in the Watford Local Plan 2006-2031 Part 1 Core Strategy which can be obtained from the Council's offices or at:

[https://www.watford.gov.uk/info/20012/planning\\_and\\_building\\_control/135/planning\\_policy](https://www.watford.gov.uk/info/20012/planning_and_building_control/135/planning_policy)

## INTRODUCTION

We recognise that the four objectives of the Licensing Act – prevention of crime and disorder; public safety; prevention of nuisance; and child protection – are paramount.

Our vision is to create a safe and family-friendly environment within the Borough, particularly within the town centre. Whilst we recognise that each application must be considered on its individual merits and must be granted in the absence of any relevant representations, policies will be implemented to achieve our overall aims.

In September 2008 we launched a 24-hour strategy for the town centre (available on request), to take us to 2012. Following public consultation, we began to tackle some key issues which are now being addressed. In January 2009 we launched our Cultural Study to remodel the town centre – particularly The Parade – to act as a stimulating focal point for culture and heritage within the borough. The Cultural Plan saw physical improvements to the Pond and the Parade area and the creation of an events space.

The events space has seen events such as the Big Beach, the Big Screen and the Big Skate, and the Town Centre as a whole has hosted an 'Imagine Watford' Arts festival on a number of occasions. The council's Community Section is working on a new 5 – 7 year Cultural Plan which is due to be launched in the autumn on 2018. The council is also working on a Town Centre Vision, which will build on the extension to the INTU centre and the associated improvement works underway to the High Street between Clarendon Road and Market Street. This Statement of Licensing Policy will be used to help deliver the Town Centre Vision and accordingly may need to be reviewed before its expiry in 2023 as the Vision develops.

This approach and initiatives above led to us being awarded Purple Flag accreditation for our management with our partners of our town centre night-time economy in September 2012. The Purple Flag accreditation was renewed in 2016, and again in 2018.

Where we have discretion because relevant representations have been made about licensing applications, we may also take into account the following factors to fulfil our vision:

- (1) what contribution the application can make to creating a family-friendly town centre, specifically in terms of offer to a wide-range of customers; family-friendly policies and facilities; operating hours; and pricing;
- (2) entertainment aimed at over-25 year olds;
- (3) links with other activities in the town, to encourage day-time users to stay in the evening;
- (4) provision of a full food menu and not only alcohol;
- (5) the controlled and safe sale of alcohol;
- (6) transport/dispersal provision, particularly during periods when public transport is unavailable;

- (7) style and type of venue. The licensing authority wants to attract only high-quality operators who can provide a family-friendly environment, characterised by a range of activities and offers that would appeal to families of all backgrounds. A family-friendly environment may (but need not) be characterised by:
- a range of alcoholic and soft drinks suitable for all ages;
  - a food menu catering for different tastes and needs, available throughout the duration of the premises' operating times;
  - facilities suitable for assisting customers with young children, such as high-chairs and baby-changing facilities, and facilities for family groups such as suitably laid-out seating/table areas;
  - a range of activities or entertainment that appeals to a range of age groups, whether provided at the same time or at separate times.
- (8) involvement in local community events and organisations.
- (9) commitment to involvement in community safety partnership initiatives.
- (10) use of street pavement licences for outdoor table areas.

### **Promoting and celebrating Watford's diverse cultures**

We are keen to promote the artistic and cultural life of the town, and licensing will be approached with a view to encouraging new and innovative forms of public entertainment that are consistent with the licensing objectives and this aim.

We encourage greater live music, dance, theatre and other forms of entertainment for the wider cultural benefit of the community. We note that the Live Music Act 2012 already exempts live and recorded music from the need for a licence in specific circumstances and that certain elements of "regulated entertainment" defined in schedule 1 to the Licensing Act has also been deregulated<sup>1</sup>.

For those activities that will still require licensing, we will seek to strike a balance between the potential for limited neighbourhood disturbance and the benefits of cultural activities and we will not allow the views of vocal minorities to predominate over the general interests of the community.

We will as far as possible avoid measures that deter live music, dance, theatre and entertainment, for example by imposing conditions that have indirect costs of a disproportionate nature.

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<sup>1</sup> [The Licensing Act 2003 \(Descriptions of Entertainment\) \(Amendment\) Order 2013](#)

We are aware of the community value of a broad range of cultural entertainments, particularly live music, theatre and dancing. We want to encourage them for the benefit of all. We have issued a premises licence for the town centre for the use of community and other groups, and enquiries should be addressed to our events team at [events@watford.gov.uk](mailto:events@watford.gov.uk).

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## GENERAL CONSIDERATIONS

Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licence-holder. However, as a matter of policy, we expect every holder of a licence, certificate or permission to be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the immediate vicinity of their premises and will require licence holders to demonstrate that they have taken appropriate action.

We will consider every application, on its own merits. We will have regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act (available from <https://www.gov.uk/business-and-industry/alcohol-sales>). Where it is necessary to depart from the guidance – either in this policy or at any other time – we will give clear and cogent reasons for doing so.

We will consult with relevant stakeholders on the operation of this policy where appropriate, in advance of an annual report each Spring to our Licensing Committee on the operation of the Act. We will also take advantage of other forum, such as Pubwatch and Police Licensing Unit liaison meetings.

## PRE-APPLICATION CONSIDERATIONS

Our experience in administering the licensing regime since 2005 shows us that many disputes start from poor communication – for example, the Act doesn't always allow applicants to fully explain their proposals, leading residents to misunderstand what is being proposed. In that case, formal representations are made and licensing hearings held to simply clarify what is being proposed.

We would strongly encourage applicants to hold pre-application discussions with us, other relevant statutory bodies and local residents or businesses before submitting all but the most straightforward applications.

Applicants should note that all applications are detailed on a weekly email bulletin, which is published on our website. Applications for the grant and variation of premises licences and club premises certificates are also circulated by letter to the fifteen nearest properties to the premises affected by the application, to ensure those potentially affected are aware of the application. Applicants are requested to submit a copy of their public notice to our officers after it has been published in a local newspaper.

Licensing is about the regulation of licensed premises, qualifying members' clubs and temporary events. We may only impose conditions on premises licences and club premises certificates in one of two circumstances:

- (1) where the applicant volunteers them as part of their operating schedule; or
- (2) on receipt of relevant representations from potentially affected parties, or from responsible authorities .

We have produced a separate document containing pools of model conditions for premises licences and club premises certificates. Applicants are under no compulsion to use these when preparing their operating schedules, but doing so may reduce the likelihood of representations being made about the application. Should relevant representations be received, we will (unless policy LP2 is involved) use those pools of conditions to address the concerns raised before we consider whether to refuse an application.

Terms and conditions attached to premises licences or club premises certificates in these circumstances will be reasonable, proportionate, and relevant and will be focused on matters within the control of the individual licence-holders and others granted relevant permissions. Conditions will be tailored to the style and characteristics of the individual premises. These matters will centre on the premises and places being used for licensable activities and in the vicinity of those premises or places.

Our officers will draft appropriate conditions for premises licence and club registration certificates from the information supplied in operating schedules accompanying premises licence and club premises certificate applications.

We recognise that we have no statutory power to place conditions where a temporary event notice has been given and no objections have been received from the police or Environmental Health, but urge premises users to take note of the guidance in this policy in appropriate circumstances.

Where no representations have been received, we must grant the authorisation in the terms sought.



**POLICY LP1  
PREMISES DEFINITIONS**

For the purposes of policy LP2 and LP3, we define licensed premises as set out below:

<b>Premises</b>	<b>Use</b>
<b>Restaurants</b>	The sale of food and drink for consumption on the premises with full waiter service and/or full food menu throughout the trading period, and which typically has only incidental background music. Alcohol sales are not predominant over other activities. It may occasionally include the provision of other licensable activities such as recorded or amplified music and limited facilities for the provision of dancing.
<b>Public houses, wine bars or other drinking establishments</b>	Primarily for the sale of alcohol and food for consumption on the premises, and which may include the provision of other licensable activities. Will include a “drinking up period” between the last sale of alcohol and the closing time of the premises.
<b>Café-bars</b>	The sale of food and or light refreshments, and where alcohol sales are not a predominant feature of the premises
<b>Hotel bars</b>	The sale of alcohol and/or food, either to hotel residents or to non-residents
<b>Night-clubs</b>	Primarily for the provision of licensable activities at night (typically including music and dancing), where alcohol sales are a strong feature
<b>Off-licences</b>	The sale of alcohol for consumption away from the premises
<b>Pavement licences</b>	The sale of alcohol and/or food on the highway outside of other premises licensed for such activities
<b>Qualifying clubs</b>	Qualify for a club premises certificate under the Licensing Act 2003
<b>Take-aways</b>	The provision of late night refreshment (hot food and drink) between 11 pm and 5 am for consumption away from the premises
<b>Other entertainment venues</b>	The sale of alcohol and provision of late night refreshment (hot food and drink) is either absent or only ancillary to other licensable activities

**POLICY LP2  
LOCATION AND OPERATION OF PREMISES**

1. The table below sets out our approach to licensing premises when we have received relevant representations to a licensing application, notwithstanding that each application will be considered on its merits:

<b>Premises type</b>	<b>Town centre (see also policy LP3)</b>	<b>Leisure or shopping area</b>	<b>Residential area</b>
<b>Café-bars</b>	Will generally be granted according to the application		
<b>Hotel bars</b>	Will generally be allowed alcohol sales and late night refreshment to residents 24-hours a day and to non-residents on the same basis as restaurants (see below)		
<b>Night-clubs (including lap-dancing clubs*)</b>	Will generally be allowed licensable activities to 1 am only and until 10.30 pm on Sunday (other than for special occasions)	Will generally be allowed licensable activities to 1 am only (other than for special occasions)	Will generally be allowed licensable activities to midnight only (other than for special occasions)
<b>Off-licences</b>	Will generally be allowed alcohol sales to 8 pm only	Will generally be allowed alcohol sales in accordance with the normal opening hours of the shop	Will generally be allowed alcohol sales in accordance with the normal opening hours of the shop
<b>Other entertainment venues not listed</b>	Will generally be granted for the hours and activities requested		May be limited to midnight
<b>Pavement licences*</b>	Will generally be allowed alcohol sales to 10 pm only	Will generally be granted according to the application	Will not generally be granted for alcohol sales in residential areas outside pubs, but will if outside restaurants and café-bars
<b>Public houses, wine bars and other drinking establishments</b>	Will generally be allowed alcohol sales to midnight only, and until	Will be allowed alcohol sales to midnight only (other than for special occasions).	

\* We have published separate policies about pavement and about sex entertainment venue licences, which are available on our website and from our licensing team.

	10.30 pm on Sunday (other than for special occasions).		
<b>Qualifying clubs</b>	Will generally be granted for the hours and activities requested		
<b>Restaurants</b>	Will generally be allowed licensable activities to 2 am only (other than for special occasions)		Will generally be allowed alcohol sales to midnight only (other than for special occasions)
<b>Take-aways</b>	Will generally be allowed late-night refreshment sales to 1 am only (other than for special occasions)	Will generally be allowed late-night refreshment sales to 1 am only	Will generally be allowed late-night refreshment sales to midnight only (other than for special occasions)

2. Officers will make a recommendation of the type of operation and location of the business, using the preceding tables. However, it will be for the sub-committee to determine if they agree with the recommendation when considering the application before them, and they may decide to depart from the recommendation. Departure from the recommendation should be explained with detailed reasons.
3. Where alcohol is sold for consumption on the premises, our policy will be to generally grant an additional 60 minutes between the end of any sales of alcohol and the closing time of the premises (which we refer to as the “terminal hour”).
4. Where we have considered representations for licences that do not involve alcohol sales, we reserve the right to set a final hour for licensable activities and for the closing time of the premises (the “terminal hour”).

### Justification for LP2

We recognise that flexible licensing hours for alcohol sales can help to reduce concentrations of customers from leaving premises simultaneously, and to reduce conflict at late-night take-aways and taxi ranks. At the same time, we recognise that taxis/private hire vehicles (and private vehicles) are effectively the only form of post-midnight transport in the Borough.

We are adopting this policy with the Government’s recommendations at paragraph 14.51 of the statutory guidance in mind. This states that the Government acknowledges different licensing approaches may be appropriate for promoting the licensing objectives in different areas, and licensing authorities – in consultation with others – are best placed to make those decisions subject to the overriding principle that opening hours must be not pre-determined without giving individual consideration to the merits of each application.

This justifies a more restrictive approach in residential areas when relevant representations have been made. A more restrictive approach for take-aways within the

LP3 area is justified to reduce conflict late at night, and for off-licences to reduce the availability of alcohol being drunk on the streets (“pre-loading”) during the evening.

### **PETROL FILLING STATIONS**

Section 176 of the Licensing Act prohibits alcohol sales from premises that are used primarily as, or are part of premises that are primarily used, as garages for one or more of the retailing of petrol or derv; or the sale and maintenance of vehicles.

If premises that are primarily used as a garage are granted a licence, that licence is “of no effect” and alcohol may not be lawfully sold.

It follows that we must be satisfied whether or not any premises are used primarily as a garage before we grant a licence for it. This is not to restrict the granting of a licence in such cases but for all parties to be clear as to whether the licence is an effective one or not. This policy is intended to be applied flexibly, as we are aware many pubs and restaurants have car parks attached where customers may drink alcohol and then drive away, and that customers will also drive to supermarkets for example to buy alcohol, many of which also have car parks.

### **Policy LP2A**

1. In determining applications for garages, we require applicants to demonstrate that their premises are not primarily used as a garage. Such evidence must be based on sales and footfall data over the previous two years to show that petrol and derv sales, and vehicle maintenance and sales, are not the premises’ main feature to show the intensity of use. Where such information is not available (because for example the premises have only just started trading), we will consider imposing a condition requiring this information to be provided to the licensing authority on a regular basis for the following two years to ensure the premises are not primarily a garage.
2. Where insufficient evidence exists to establish primary use, we will decide whether or not grant a licence and deal with any subsequent issues using our enforcement powers in conjunction with other responsible authorities.
2. Where relevant representations have been made and a premises licence is granted in these circumstances, we shall treat it as an off-licence for the purposes of policy LP2 and grant hours accordingly.

### **Justification for LP2A**

Paragraph 5.22 of the statutory guidance issued under the Act makes it clear that we must decide whether or not any premises is used primarily as a garage. We are aware that different licensing authorities take a number of different approaches to this question. This approach allows us to obtain the necessary information for us to reach that decision.

## **CIRCUSES**

It is clear that authority is needed under the Licensing Act should a circus sell alcohol or provide late night refreshment.

In addition, The Legislative Reform (Entertainment Licensing) Order 2014 deregulated entertainment in travelling circuses provided that the following qualifying conditions are met:

- the entertainment is not an exhibition of a film or a boxing or wrestling entertainment;
- the entertainment takes place between 08.00 and 23.00 on the same day;
- the entertainment takes place wholly within a moveable structure and the audience present is accommodated wholly inside that moveable structure; and
- the travelling circus has not been located on the same site for more than 28 consecutive days.

The position is less clear in terms of regulated entertainment, and we are aware of extremes in approaches by licensing authorities across the country. The incidental music to a circus performance is not licensable, clowns may not necessarily be playing a dramatic role qualifying as a theatrical performance, trapeze artistes are not engaged in indoor sports and film performances are rarely included.

### **Policy LP2B**

1. It is our policy that entertainment in circuses is exempt in the following circumstances:
  - the entertainment is not an exhibition of a film or a boxing or wrestling entertainment;
  - the entertainment takes place between 08.00 and 23.00 on the same day;
  - the entertainment takes place wholly within a moveable structure and the audience present is accommodated wholly inside that moveable structure; and
  - the travelling circus has not been located on the same site for more than 28 consecutive days.
2. On other occasions will be need to be decided on a case-by-case basis

### **Justification for LP2B**

It is our experience that circuses are low risk, pose no significant risk to the licensing objectives, add value to the cultural activities of the town, and are regulated by other means including compliance with the Health and Safety at Work etc Act 1974.

**POLICY LP3  
CREATING A FAMILY FRIENDLY TOWN CENTRE**

This policy applies in these parts of the town centre:

- Albert Road South
- Church Street
- Clarendon Road, between The Parade and Beechen Grove
- George Street
- High Street (between The Parade and Beechen Grove)
- King Street, between High Street and Exchange Road
- Market Street, between High Street and Exchange Road
- New Street
- Wellstones
- Queens Road, between High Street and Beechen Grove
- The Parade

Our starting point is to seek a reduction in crime and disorder, consistent with our statutory duty under the Licensing Act and under section 17 of the Crime and Disorder Act 1998 (as amended), and an improvement in local amenity through the reduction in alcohol-related anti-social behaviour.

We have adopted a special policy for this part of the town centre, which is intended to be strictly applied. We want to encourage more restaurants, cafes, food establishments and venues offering entertainment licensable activities and would positively encourage applications for those type of premises whilst discouraging alcohol-led premises. Whether there is a need or not for further premises of a particular type, in accordance with the Secretary of State's guidance at paragraph 14.19, will not be a consideration. This type of Policy is known as a Cumulative Impact Policy (CIP).

The Policing and Crime Act 2017 placed CIPs on a statutory footing, meaning that they become a formal part of the licensing process, and will assist in strengthening controls and addressing the problems caused through a saturation of any particular type of premises.

Prior to the publication of the 2013 – 2018 Statement of Policy, joint working with the town centre Pubwatch scheme on its action plan, the Purple Flag initiative and Best Bar None had seen a reduction in violent crime and theft from the person and we look forward to continuing this successful partnership working. This joint working has continued with regular liaison between the council's Licensing Officers and the local Police Licensing unit as well as ongoing attendance at the town centre Pubwatch scheme.

In addition a Business Improvement District (BID) was set up in the Town Centre in 2016 with the aim of enhancing the look and feel of the town and by organising events and promotions. The BID have taken over the running of Best Bar One initiative and have relaunched them as the Watford Food and Drink Awards, which include a wider range of events. They have also taken over responsibility for the Purple Flag accreditation. The Town Centre was last awarded the Purple Flag in 2018.

It is felt that the above approach and initiatives continue to be effective in reducing crime and that policy LP3 needs to be retained. [this section will be expanded following the public consultation and the receipt and analysis of crime figures and complaints]

### **Policy LP3**

1. When we have received relevant representations about an application for a pub, night-club or bar (as defined in policy LP1) in this part of the town centre, our starting point will be to refuse the application.
2. Where relevant representations about an application for a restaurant, café-bar, other entertainment venue, café or premises providing other non-alcohol licensable activities (as defined in policy LP1) are received, our starting point will be to grant the application subject to conditions to address those representations.
3. Where exceptions can be shown and we have received relevant representations, variations to extend the hours of alcohol-led premises will not generally be allowed until the premises have been operating for at least 12 months without having an adverse impact on the licensing objectives.
4. Where relevant representations have been received, we will consider granting applications which limit the hours of operation to those set out in policy LP2 unless the exceptions to LP3 can be shown.
5. Where relevant representations have been received and exceptions can be shown for applications for public houses and night-clubs, we will consider whether to require waiter/table service for alcohol sales between 9 pm and the final time for the sale of alcohol.
6. Where relevant representations have been received against the sale of alcohol after 10 pm and exceptions can be shown, we will consider whether premises shall be required to demonstrate they have an effective dispersal management plan in place; to install a closed-circuit television system that meets the reasonable requirements of Hertfordshire Constabulary; to install an electronic identification entry system; and to have use of a Pubwatch radio.
7. Where relevant representations have been received in relation to applications for late-night refreshment premises that provide a delivery service, we shall consider imposing a condition that those deliveries are only made to a fixed physical address.

### **Exceptions to LP3**

1. Exceptions will not be made on the grounds that:
  - (1) the building design is of a high standard; we would expect all applicants will want to ensure the highest design standards possible;
  - (2) that the applicant is of good character. It is a legal requirement that premises

selling alcohol must be under the management of a designated premises supervisor, who must themselves hold a personal licence to sell alcohol;

(3) the premises are small. Even small premises can contribute to crime, disorder and nuisance.

2. We will consider whether to grant an application, even when relevant representations have been received, if the application:

(1) contributes to the family-friendly development of the town centre; or

(2) effects a real reduction in capacity of alcohol sales; or

(3) replaces vertical drinking establishments with seated consumption and waiter service.

3. In any case where an applicant wishes an exception to be considered, the responsibility is with them to show why it should be considered and not on our licensing committee to show why an exception should be made.

### **Justification for LP3**

Tackling violent crime continues to be a strategic priority across Hertfordshire and for Safer Watford, our local community safety partnership.

[this section will be expanded following the public consultation and the receipt and analysis of crime figures and complaints]

With our partners we have introduced a number of measures to help prevent more people becoming victims of crime:

- Additional policing resources at times of peak volumes (with an impact on policing at other times of the week)
- Town centre CCTV and requiring town centre premises to install CCTV
- Employing Council and police licensing enforcement officers
- Establishing door supervisor liaison arrangements
- Playing an active part in the town centre Pubwatch scheme (which includes a radio network linked to the CCTV control)
- Establishing a night-time economy focus group
- Implementing a late-night taxi marshal scheme
- Encouraging the installation of electronic identification checking systems at the entrances to licensed premises

This has included positive and significant measures with the licensed trade and others including:

- Achieving and maintaining Purple Flag status for the LP3 area and aspirations to develop that further



- Improving The Parade during 2013 – 2014 allowing an ambitious programme of cultural events such as the Big Beach, the Big Screen, the Big Skate and Imagine Watford to take place since mid-2014
- Organising Best Bar None / the Watford Food and Drink Awards in partnership with the Business Improvement District for a number of years

We recognise that the correct approach is to work with and not to penalise good operators and to review the licences of poor operators. We have granted applications when it has been right to do so.

We are satisfied, on receipt of numerous representations from the police and the Watford Town Centre Residents' Association, that the level of violent crime, anti-social behaviour and nuisance caused by people visiting pubs and bars in the area defined in policy LP3 undermines the crime prevention, public safety and prevention of nuisance objectives. This policy accords with the section 14 of the Secretary of State's guidance to consider the contribution to cumulative impact made by different types of premises within the area.

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## **POLICY LP4 SENSITIVE LICENSING AREAS**

We have identified four Sensitive Licensing Areas within the Borough. These are areas where we are particularly likely to make representations ourselves suggesting additional conditions to reduce any impact on the licensing objectives to address concerns about:

- (1) availability of stronger-strength alcohol to street drinkers leading to anti-social behaviour in the immediate vicinity of the premises
- (2) alcohol and/or late-night refreshment being available at times that are significantly different from other premises in that area likely to have an adverse impact on the licensing objectives
- (3) litter and other nuisances from a concentration of late-night take-aways

The Sensitive Licensing Areas are:

- (1) Whippendell Road, between its junction with Cassio Road and Hagden Lane
- (2) Queens Road, between Derby Road and Loates Lane
- (3) Market Street, between Exchange Road and Merton Road/Cassio Road; and
- (4) St Albans Road, between the A41 and Leavesden Road.

We may add to these areas where evidence of the problems identified above exist. We may consider the introduction of a cumulative impact policy within those areas should any of the licensing objectives begin to be adversely affected.

We believe that this policy has been effective in dealing with the issues mentioned above and that policy LP4 should be retained.

### **Policy LP4**

1. Where an application for alcohol sales or late-night refreshment has been received in a Sensitive Licensing Area, the licensing authority will consider making representations and will strictly apply policies LP6, LP7, L8 and LP9 in relation to those premises.
2. Where additional representations have been made by other parties, our strict starting point in these areas will be to consider whether conditions will be appropriate to address those concerns or whether a refusal is justified on the basis that the licensing objectives would be undermined.

### **Justification for LP4**

The Sensitive Licensing Areas are a mix of commercial and residential properties in densely built-up areas. Each has a relatively high number of licensed premises (7 in Whippendell Road; 9 in Queens Road; and 9 in Market Street and 30 in St Albans Road – eight restaurants; five late-night take-aways; four pubs; and seventeen off-licences with several more on roads directly connecting to St Albans Road). Although the concentration of premises has caused considerable concern in terms of the three issues identified above leading to licence reviews or significant levels of representations against

licence applications, levels of recorded crime, disorder, anti-social behaviour and nuisance are not significantly different from other parts of the Borough.

We believe that the approach outlined in Policy LP4 has been effective in dealing with the issues listed above and that it needs to be retained.

Crime figures have been provided from the Police, which have shown an overall increase in offences of violence against the person and anti-social behaviour in the Sensitive Licensing Areas between 2013, when the policy was first introduced, and March 2018 (the latest figures available upon the writing of this policy). It is acknowledged that making comparisons based upon the figures alone do not give the true picture because the way that crimes are recorded has changed over the years. However, the council's Community Safety Co-ordinator confirms that there are continuing problems within these areas, and, along with the Police, supports the retention of these areas as they are a recognised tool in the management of alcohol related anti-social behaviour.

### **PLANNING PERMISSION**

The use of any licensed premises or places is subject to planning controls. There are several differences between licensing and planning control. The most significant is that planning is concerned with how land is used and its impact on the surrounding amenity, whilst licensing concentrates on protecting public safety in its widest sense.

New occupiers are not normally required to obtain planning permission unless there is a material difference in the use of the premises, before use of it begins. Material changes by existing operators may also require additional planning permission, and advice should be sought from the planning authority.

To avoid the risk of the planning authority raising representations against a proposed licensing application, applicants are advised to ensure they have the correct planning consents in place before making a licensing application.

#### **Policy LP5**

1. Where representations have been made by the Local Planning Authority on grounds that the application will undermine the licensing objectives unless planning permission has been obtained, and we resolve to grant a premises licence or club premises certificate, it shall be subject to a condition that it will be of no effect until the appropriate planning permission has been granted by the Local Planning Authority.

#### **Exceptions to LP5**

1. Exceptions to this policy may be considered where, for example, the applicant has simultaneously applied for a licence and planning permission.

### **Justification for LP5**

The Secretary of State's guidance in paragraph 14.64 and 14.65 reinforces the view that planning and licensing are separate regulatory regimes and that licence applications may be made before a planning application. However, in the light of experience, whilst wishing to ensure the independence of the two regimes we also wish to see consistency between the two.

### **LICENSING AND OTHER LEGISLATION**

Operators of licensed premises will have to comply with planning, environmental health, health and safety at work, fire safety and building control legislation when opening or adapting premises licences.

We will seek to avoid confusion or duplication by not imposing licensing conditions that are required under other legislation, except where they can be exceptionally justified to promote the licensing objectives.

## TEMPORARY EVENTS

Most temporary events will not present any problems – for example, a temporary event notice may be needed to allow a special occasion in a pub or restaurant to be celebrated, or for wine to be sold at a parent-teacher association dinner.

In other circumstances, there may be slightly more risks involved. In these cases, we recommend that organisers consider the following points.

It would be helpful for organisers to give at least three months' notice to hold all but the smallest events, to allow us to help plan their events safely. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed and haphazard. The law states that at least ten working days' notice must be given (or five working days in the case of "late" notices) but the less time that is given will increase the likelihood of the police objecting.

Our Safety Advisory Group, consisting of the emergency services and other statutory agencies such as the highways authority, advise and co-ordinate planning for public events in the borough, whether or not a premises licence or a temporary event notice is needed. Event organisers are encouraged to use the Safety Advisory Group as part of their event planning process and may find it useful to refer to the Watford Event Guide. Contact can be made through our Events team by email to [events@watford.gov.uk](mailto:events@watford.gov.uk).

Conditions may be added to a temporary event notice for existing licensed premises if representations have been made by the police or Environmental Health. Event organisers should be aware that an event cannot take place if an objection is made to a "late" temporary event notice, whereas objections to "standard" temporary event notices will usually result in the notice being considered by a licensing sub-committee.

Temporary event notices within the LP3 policy area that are objected to by the police or Environmental Health will be considered on their own merits by a licensing sub-committee, unless all parties agree a hearing is not necessary.

When organising any small-scale event (whether or not requiring a temporary event notice), organisers are recommended to consider:

- the fire alarm in the premises – how does it work? Has it been tested and maintained? Are all staff aware of how to raise the alarm in an emergency?
- fire extinguishers – are the correct number and type available? Have they been serviced within the last year?
- is emergency lighting needed and is it suitable for the purpose? Has it been tested and maintained?
- have any crime prevention measures been considered – for example, are steps taken to regularly bank large amounts of cash during the event, or to keep it in a secure location? Are there a suitable number of stewards or door supervisors available?

- have nearby occupiers been considered – have you notified neighbours of the event and provided a contact telephone number?
- have you considered noise reduction measures (such as keeping windows and doors shut or turning noise down late at night)? Have you considered how visitors will arrive and leave the event?
- have you considered whether you need to make any provision for First Aid should anyone need it, and the means for calling the emergency services?

Organisers of temporary events should be aware that although a licence or authorisation may not be needed under the Licensing Act, other legislation might apply. This can include:

- Health and Safety at Work etc Act 1974
- Fire Precautions Act 1971
- Environmental Protection Act 1990.
- Anti-Social Behaviour Act 2003.

The licensing authority's licensing enforcement officer and the police have powers to enter premises where temporary event notices are in force to ensure the crime prevention objective is not being undermined.

Organisers of large, occasional events that do require a premises licence (as opposed to the temporary event notice provisions) are advised to have regard to documents such as:

- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”)

[http://www.qub.ac.uk/safety-reps/sr\\_webpages/safety\\_downloads/event\\_safety\\_guide.pdf](http://www.qub.ac.uk/safety-reps/sr_webpages/safety_downloads/event_safety_guide.pdf)

- Managing Crowds Safely (HSE 2000)

<http://www.hse.gov.uk/pubns/books/hsg154.htm>

- 5 Steps to Risk Assessment:

<http://www.hse.gov.uk/risk/controlling-risks.htm>

- The Guide to Safety at Sports Grounds

<http://www.safetyatsportsgrounds.org.uk/publications/green-guide>

## **DESIGNATED PREMISES SUPERVISORS**

We strongly believe in the value of working in partnership with the police, other agencies and designated premises supervisors to promote the licensing objectives that may be associated with licensed premises.

Designated premises supervisors (and the holders of premises licences or club premises certificates) for any other premises may be invited to a meeting where the police or licensing authority feel it is appropriate – for example, where there has been a prior history of the premises being run badly, or following a licence review or enforcement action.

We do not expect the premises supervisor to be physically present at the premises at all times it is open. However, we expect the premises supervisor to be able to exercise sufficient management control over the premises and for the responsible authorities to be able to contact them easily in the event of problems at the premises. We would also expect premises supervisors to give specific written authorisation to their staff who are authorised to sell alcohol on their behalf in accordance with paragraphs 10.29 – 10.35 of the Secretary of State's guidance.

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## **THE LICENSING OBJECTIVES PREVENTION OF CRIME AND DISORDER**

We strongly recommend that before submitting applications involving premises licences or club registration certificates, you should discuss crime prevention procedures with the police, and consider inviting a police crime reduction officer or a licensing authority officer to conduct a crime prevention audit.

Not only does this demonstrate your commitment to reducing crime and disorder within Watford, but would also reduce the likelihood of the police making representations on those grounds.

We strongly encourage all premises licence holders to play an active role in local schemes such as Pubwatch, in order to share information and exchange best practise with other venues and the responsible authorities under the Act. Not adopting this co-operative approach could lead to adverse representations being made to licensing applications from the responsible authorities.

### **Policy LP6**

1. Where relevant representations have been made, we shall either consider the report of a crime prevention assessment where voluntarily produced as part of the operating schedule, or consider whether to require one to be conducted and the recommendations implemented as conditional on the grant of a licence or certificate.
2. Where relevant representations have been made, we will particularly consider the following:
  - (1) the ability of the person in charge of the premises to monitor the premises at all times it is open for licensable activities, particularly the sale of alcohol for consumption on the premises;
  - (2) the training given to staff in crime prevention measures and licensing law appropriate to those premises;
  - (3) physical security features installed in the premises. This may include matters such as the position of cash registers, where alcohol is stored in 'off-licences', the standard of CCTV that is installed, the use of toughened drinking glasses in pubs and clubs and secure storage of waste materials; or the use of electronic scanning equipment on entry;
  - (4) the employment of licensed door supervisors. We recommend that at least one male and one female door supervisor is employed where the venue has a policy of searching customers; and consideration given to industry standards in terms of ratio of doorstaff;
  - (5) management attitudes and practices, such as the willingness to stagger trading hours with nearby competing businesses to avoid all of their patrons subsequently competing for the limited public transport late at night, their willingness to limit sales



of bottled alcohol for immediate consumption, and the use of responsible pricing promotions;

(6) any other such measures as may be appropriate, such as participation in a local Pubwatch or Shopwatch scheme, 'music wind—down policies', restrictions on 'happy hours';

(7) use of plastic or polycarbonate glasses either as a matter of routine or during particular times of high risk;

(8) the measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies;

(9) where premises are subject to age restrictions, the procedures in place to conduct age verification checks;

(10) the likelihood of any anti-social behaviour, violence, public order or policing problem if the licence is granted.

#### **Justification for LP6**

We are under a statutory duty under the Licensing Act to promote the prevention of crime and disorder, and have a duty under the Crime and Disorder Act 1998 to seek a reduction in crime and disorder throughout the Borough.

## **PUBLIC SAFETY**

We are aware that applicants are legally responsible for complying with a range of legislation relating to public safety, such as the Health and Safety at Work Act 1974, the Regulatory Reform (Fire Safety) Order 2005 and conducting suitable and sufficient risk assessments of their activities under both.

A failure to comply with these provisions could lead to representations being submitted by the statutory responsible authorities, particularly the Health and Safety at Work enforcing authority or Hertfordshire Fire & Rescue Service.

Applicants are advised to seek appropriate advice on public safety matters either before opening or making variations to licensed premises.

We want to ensure the safety of everyone on licensed premises. In some cases, setting an occupancy limit for premises may be an important factor in promoting public safety where other legislation, such as the Regulatory Reform (Fire Safety) Order, is not sufficient.

### **Policy LP7**

1. Where a relevant representation relating to occupancy limits and its impact on public safety is received, we will consider setting an occupancy limit for nightclubs and other premises where regulated entertainment is to be provided. In doing so we will consider:
  - (1) advice from Hertfordshire Fire & Rescue Service to ensure any occupancy limit we set does not exceed that which would be considered acceptable for fire safety purposes;
  - (2) the design and layout of the premises;
  - (3) the nature of the premises, event or licensable activities being provided, including known busy times, special events or promotions;
  - (4) the provision or removal of temporary structures such as staging or furniture;
  - (5) the number of staff available to supervise customers both ordinarily and in emergencies, and the training they are to be given;
  - (6) the customer profile;
  - (7) the applicant's crowd management strategies and policies.
2. We will not consider imposing conditions that duplicate, enhance or 'gold-plate' existing health and safety requirements except in the following circumstances:
  - (1) where relevant representations have been received that a specific hazard has not been addressed by a suitable and sufficient risk assessment;

(2) where relevant representations have been received, to require equipment of a particular standard to be provided, and maintained and checked on the premises at specified intervals. We would not however require possession or production of specific certificates relating to such equipment where this is already covered by other legislation.

3. Other relevant factors we may take into account and which may not be adequately addressed by other legislation could include:

- (1) access by emergency services;
- (2) facilities for disabled people, particularly in an emergency;
- (3) prior notification to the emergency services of special events;
- (4) lighting levels;
- (5) staffing levels, including the numbers of licensed door supervisors;
- (6) seating arrangements;
- (7) special effects such as pyrotechnics, imitation firearms, lasers, real flame, strobe lighting, etc;
- (8) temporary electrical installations;
- (9) safety checks (before, during and after regulated entertainment);
- (10) First Aid facilities for members of the public.

### **Justification for LP7**

Applicants are under a duty to comply with Health and Safety at Work and associated legislation. In some cases, where other legislation does not adequately address risks posed from licensable activities, we shall address those risks through the premises licence or club premises certificate.

## PREVENTION OF PUBLIC NUISANCE

We are determined to protect the amenity of residents and businesses in the vicinity of licensed premises. For these purposes 'vicinity' is taken to mean the immediate area around licensed premises where the individual's residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on those premises or immediately outside.

The statutory guidance issued by the Secretary of State makes clear that 'nuisance' has the broad definition retained at common law. When deciding whether something is a nuisance, consideration must be given to the following:

- it is a person's basic right to peacefully enjoy their property, but there is no right to total silence
- trivia cannot be taken into account when determining nuisance
- isolated acts, unless extreme, cannot be considered a nuisance. The problem must normally be continuous and regularly occurring
- the person complained of needs to substantially affect the enjoyment of comfortable living, that is it must interfere with a person's use, enjoyment or rights connected with their land. In the case of noise complaints the loss of a good night's sleep would be sufficient to meet these criteria. There would however have to be consideration for
  - the time the noise occurs
  - the area and
  - any precautions taken to minimise the disturbance.
- nuisance can only be established in law if there is material interference with comfort from normal standards. It does not give protection to abnormally sensitive people. The problems of noise or smell must therefore be considerable.
- neighbourhood character needs to be taken into account. What might be a nuisance in a residential area may not be so in the town centre and vice-versa.

### POLICY LP8

1. In considering all licence applications where appropriate representations have been received, we will consider any necessary measures to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application including

(1) the steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music; noise from ventilation equipment, and human voices. Such measures may include the installation of

soundproofing, air conditioning, acoustic lobbies, keeping external windows and doors closed and sound limitation devices;

(2) the steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises. This will be of greater importance between 10 pm and 7 am than at other times of the day;

(3) the steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction;

(4) the steps taken or proposed to be taken by the applicant to ensure staff leave the premises quietly;

(5) the steps taken to identify food and drink packaging from the premises in question and the steps to reduce litter as far as is reasonably practicable (particularly from off-licences and late night refreshment establishments);

(6) the arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents;

(7) whether there is sufficient provision for public transport (including taxis and private hire vehicles) for patrons;

(8) whether licensed taxis or private hire vehicles are likely to disturb local residents;

(9) the installation of any special measures where licensed premises are or are proposed to be located near sensitive premises such as nursing homes, hospitals, hospices or places of worship;

(10) the use of gardens and other open-air areas, including those used for smoking;

(11) delivery and collection areas and times;

(12) the siting of internal and external lighting, including security lighting that is installed inappropriately;

(13) whether the premises would lead to increased refuse storage or disposal problems, or additional litter (including flyposters, smoking materials or illegal placards) in the vicinity of the premises;

(14) the steps taken or proposed to be taken by the applicant to limit or prevent the impact of odour from the operation of the premises upon neighbouring premises. Such measures may include limits on the operation of extract units from kitchens, maintaining such units, and keeping external windows and doors closed.

(15) the history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licence-holders.

## PROTECTION OF CHILDREN FROM HARM

Other than the sale of alcohol, we wish to encourage licensable activities that are suitable for people of all ages, including children.

We strongly encourage applicants to give full details of proposed adult entertainment on their application forms to allow the responsible authorities to assess the merits of the proposal. Policy LP9 is intended to be strictly applied.

### Alcohol sales to those under 18

We expect applicants for the sale of alcohol to adopt an acceptable age verification scheme in order to comply with the The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014. We would expect applicants to adopt as a minimum a "Challenge 21" scheme, and that the only accepted identification to be a passport, driving licence or Proof of Age Scheme (PASS) card. We would expect premises licence holders and/or designated premises supervisors to have an appropriate training scheme in place for their staff.

### Remote alcohol sales

Where alcohol is sold remotely such as via the internet or telephone ordering, age verification should take place both when the sale takes place (that is, when it is ordered), and when it is delivered to ensure both the buyer and the recipient are over the age of 18.

## Policy LP9

1. Where we receive relevant representations, we may impose conditions to restrict entry by children under 18:
  - (1) to all or part of the licensed premises;
  - (2) at certain times of the day;
  - (3) when certain licensable activities are taking place; or
  - (4) by children under specific ages unless accompanied by an adult.
2. Where we receive relevant representations we may impose conditions relating to the advertising or external display of licensable activities that may be harmful to children.
3. We will particularly take into account where:
  - (1) significant authorised gambling is taking place such as gaming machines or poker games (taking note that under-18s and alcohol are generally prohibited from most licensed gambling premises anyway)
  - (2) there is a history or likelihood of under-age sales or consumption of alcohol

- (3) activities or entertainment (whether licensed under the 2003 Act or not) of a clearly adult or sexual nature
  - (4) criminality at the premises likely to harm children
  - (5) licensable activities are taking place during times when children under 16 may be expected to attending compulsory full-time education
  - (6) other hazards to children that are not sufficiently controlled
  - (7) events or activities are specifically targeted at those under 18 without appropriate safeguarding measures being proposed (eg running youth discos without a sufficient dispersal plan to ensure young people can leave the premises and get home safely)
4. Where we receive representations that an application does not appear to have sufficient safeguards to prevent the sale and/or delivery of alcohol to people under 18, we will impose appropriate conditions (modified if necessary) from our pool of model conditions.

### **Film exhibitions**

We would expect operating schedules for the display of films to include a stipulation that children will be restricted from viewing age-restricted films certified by the British Board of Film Classification (BBFC) in line with the mandatory condition under the Licensing Act for showing films to children under 18.

Where it is proposed to show films that are not classified by the BBFC (such as at amateur film festivals), our officers will determine the classifications in accordance with the current guidelines published by the BBFC.

### **Policy LP10**

1. We will only consider substituting a classification by the BBFC for one of our determination in the light of exceptionally strong representations that the BBFC classification provides insufficient protection for children. Those making representations in this respect will be expected to provide compelling reasons as to which other classification should be substituted in place of the BBFC's.
2. We will determine the classifications of films that have not been classified by the BBFC, in line with the BBFC's current guidelines.

### **Justification for LP10**

The BBFC are the acknowledged experts with the experience and expertise who have been entrusted by the Government to classify films for viewing by all sections of society. As such, we should not lightly overturn its decisions, and we have not had previous cause to do so under either the Licensing Act or its predecessor Cinemas Act 1985.

## REPRESENTATIONS ABOUT APPLICATIONS

Representations may be made by people who live, or are involved in a business, within the Borough of Watford about an application for a new licence/certificate, a variation to an existing licence/certificate or when a licence/certificate is reviewed. Representations may be positively in support of an application, or may oppose an application.

Representations may also be made by organisations representing such bodies, such as residents' associations or chambers of commerce. Organisations such as churches, schools or hospitals may also make representations.

Ward councillors may represent 'interested parties' in their role as a representative of the community, make representations either in their own right, or may make representations as a member of the licensing authority about any relevant application, but may not sit on the committee dealing with that particular application.

We shall not generally make representations ourselves where other responsible authorities have done so. We shall generally only make representations where we have evidence that is not in the possession of anyone else; where an application conflicts with our statement of licensing policy; or in order to improve upon conditions that might be offered in an operating schedule and which has not been resolved through negotiation.

We recommend that representations should:

- (1) be made in writing (a legal requirement)
- (2) indicate the name and address of the person or organisation making the representation
- (3) indicate the premises to which the representation relates
- (4) indicate the proximity of the premises to the person making the representation
- (5) clearly set out the ground for making the representation.

Representations can only be considered if they are concerned with one of the four licensing objectives:

- (1) crime prevention;
- (2) public safety;
- (3) prevention of nuisance;
- (4) prevention of harm to children.



In accordance with statutory regulations, we will forward copies of representations to the applicants in order that they may respond. Representations which have not been previously withdrawn are included in reports that are considered by councillors at hearings and are published on our website.

In some exceptional and isolated cases, we may consider that an interested party has a genuine and well-founded fear of intimidation from divulging their name and/or address to the applicant. We will consider an alternative approach in these circumstances providing we are satisfied that the circumstances justify such an action and the representations or concerns are not frivolous or vexatious.

### **Policy LP11**

1. Where a person has made a valid representations or a valid application for a licence to be reviewed, we will where practicable attempt to arrange a voluntary mediation meeting to address, clarify and try to resolve issues of concern.
3. We may reject representations if it appears the representations are frivolous (lacking in seriousness) or vexatious (made repeatedly on the same or similar grounds). Where a representation is not accepted because it is frivolous or vexatious, we will give reasons why that is the case in writing. In such cases, our officers will make the determination, giving interested parties the benefit of the doubt where appropriate.
3. Decisions as to whether representations are irrelevant, frivolous or vexatious must be made objectively and not on the basis of any political judgement. Accordingly, our officers will make the decisions on whether representations or applications for licence reviews should be referred to the licensing committee or sub-committees, giving the maker of the representation the benefit of the doubt. Where representations are rejected, the person making that representation will be given a written reason as to why that is the case. A report will be made to the licensing committee indicating only the general grounds of the representation and the reason it was rejected.

## **COMPLAINTS AGAINST LICENSED PREMISES**

We will investigate complaints against any licensed premises, including in conjunction with other responsible authorities where appropriate. In the first instance, we encourage complaints to be raised directly with the licence-holder or business concerned.

### **Policy LP12**

1. Where a person has made a valid representation or a valid application for a licence to be reviewed, we will where practicable attempt to arrange a voluntary mediation meeting to address, clarify and try to resolve issues of concern.
2. This process will not override the right of any person to ask that the licensing committee consider their valid representations or an application for a licence review, or for any licence holder to decline to participate in a mediation meeting.

## LICENCE REVIEWS

It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, local residents or businesses and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. Responsible authorities are encouraged to give an early warning of concerns about problems identified at the premises concerned and of the need for improvement although it is recognised this is not always practicable or desirable. It is expected that a failure to respond to such warnings would lead to a decision to request a review.

### Policy LP13

1. We can only review a licence where it is alleged that the licensing objectives are not being kept. An application for a licence review is an acknowledgment that existing systems have broken down. We view particularly seriously applications for the review of any premises licence where it involves the:
  - (1) use of licensed premises for the sale or distribution of illegal drugs and the laundering of the proceeds of drugs crimes;
  - (2) use of licensed premises for the sale or distribution of illegal firearms;
  - (3) evasion of copyright in respect of pirated films and music;
  - (4) underage purchase or consumption of alcohol;
  - (5) use of licensed premises for prostitution or the sale of unlawful pornography;
  - (6) use of licensed premises for unlawful gaming;
  - (7) use of licensed premises as a base for organised criminal activity;
  - (8) use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
  - (9) use of licensed premises for the sale of smuggled tobacco or goods;
  - (10) the use of licensed premises for the sale of stolen goods;
  - (11) where the police are frequently called to attend to incidents of disorder;
  - (12) prolonged and/or repeated instances of public nuisance and/or anti-social behaviour;
  - (13) where serious risks to public safety have been identified and the management is unable or unwilling to correct those;

- (14) where serious risks to children have been identified;
  - (15) continuous breaches or contraventions of licence conditions;
  - (16) not operating the premises according to the agreed operating schedule.
2. Representations made by another department which is a responsible authority will be treated by the licensing authority in precisely the same way that they would treat representations made by any other body or individual. In every case, an evidentiary basis for the allegations made will need to be laid before the licensing authority.
  3. We would not expect a responsible authority which is also alleging criminal conduct on the part of a licence holder, (such as allowing underage sales of alcohol), to first exhaust the relevant legal powers at their disposal before making an application for a review.
  4. Where a review follows convictions or the failure of a prosecution in the criminal courts, it is not for the licensing committee to attempt to go behind the finding of the courts, which it will treat as a matter of undisputed evidence before it.
  5. It is envisaged that the responsible authorities will use the review procedures effectively to deter unlawful activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance - could be seriously considered.
  6. We will expect that any party making an application for a licence to be reviewed will prove the facts that they are relying on to support their allegations on the balance of probabilities, that is, that it is more likely than not that the circumstances being complained of did actually occur. Because of the potentially serious consequences to a licence holder following a licence review, mere anecdotal or hearsay evidence will not be sufficient.
  7. In considering our response to an application for a review, we will adopt the approach set out at appendix 1.

## **ENFORCEMENT AND COMPLIANCE POLICY**

We no longer conduct regular pre-programmed premises inspections. We will instead conduct inspections where there are concerns about the ability of the designated premises supervisor or premises licence holder to promote the licensing objectives or to meet the conditions on their permission.

### **Enforcement**

We have a long-established licensing enforcement policy based around the principles of consistency, transparency and proportionality set out in the Government's statutory Regulators' Compliance Code, which also takes into account the Attorney-General's Guidelines to Crown Prosecutors for bringing prosecutions.

Our Environmental Services enforcement policy proposes that a graduated response is taken where offences against licensing legislation are found or where licence conditions have been contravened. An isolated and minor offence may be dealt with purely by way of a written warning whilst more serious offences which have either been committed over a period of time or which jeopardise public safety may result in a referral for prosecution.

We continue to work actively with other responsible authorities in enforcing licensing legislation. We share information about licence-holders and licensed premises under the Crime and Disorder Act 1998, and expect to be closely consulted when any enforcement action may be required.

As a council we have also signed up to the Hertfordshire Better Business for All Partnership Charter which is a voluntary undertaking between Hertfordshire Regulatory Services and all local businesses, irrespective of size or resources. It aims to support a relationship between businesses and regulators built upon trust, understanding and a desire to improve together in terms of compliance with regulation and support of business growth.

## **THE LICENSING COMMITTEE**

Our Licensing Committee will consist of fifteen Councillors that will sit at least once annually.

The chair of the Licensing Committee shall be elected at the annual meeting of the Licensing Authority in May. The chairs of the licensing sub-committees shall be elected at the meeting of the sub-committee.

We will ensure that members and officers are appropriately trained to carry out their duties under the Licensing Act. In accordance with the Council's Constitution, no councillor shall sit on any licensing committee unless they have received appropriate training.

### **Scheme of delegation**

Sub-committees of three councillors will sit to consider applications where valid representations have been received. Where a sub-committee does not have all three members present, it may only meet with the approval of the chair of the licensing committee in consultation with the Head of Democracy and Governance

Applications referred to sub-committees will be accompanied with a report prepared by our officers. This will include recommendations relating to the operating schedule, representations, the Licensing Act and other legislation, statutory guidance, national and local policy, good practice, or recommended conditions that could be considered to alleviate any concerns raised in the representations.

The Licensing Committee will also sit to determine general licensing policies not associated with the Licensing Act 2003, such as those policies under taxi and private hire vehicle legislation.

The Licensing Committee and its sub-committees will also sit to determine matters arising under the Gambling Act 2005.

The full Licensing Committee will hear and consider any representations relating to a proposed Early Morning Restriction Order, and will make its recommendation to the Council acting as the Licensing Authority. A specific protocol will be approved and published for this purpose in advance of the committee hearing should this be necessary.

Our licensing officers will deal with all other licence applications where either no representations have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary. Officers will also

1. make representations on its behalf in appropriate cases. It will normally be clear that there is a separation of roles between officers who make representations and those who process the application
2. review and certify unclassified films in accordance with policy LP10, with the power to refer applications to a licensing sub-committee in cases of doubt.

3. consult with the responsible authorities they think are relevant to application for minor variations to premises licences and club premises certificates. They will also consult with the chair of the Licensing Committee before deciding whether to allow or refuse the application
4. suspend a premises licence or club premises certificate under sections 55A(1) or 92A(1) of the Act for non-payment of annual fees, and to specify the date (with at least two working days' notice) on which this takes effect
5. impose existing conditions from a premises licence or club premises certificate on a temporary event notice where all parties agree under section 106A of the Act that a hearing is not necessary.

### **Role of councillors**

Local councillors play an important role in their local communities. They can act on behalf of people who might be affected by licence applications. Local councillors with a prejudicial interest in an application may attend sub-committee or committee meetings to make representations, answer questions or give evidence (providing other parties may also do so). Councillors must however withdraw from the meeting immediately afterwards and on no account play a part in the decision-making process.

The licensing sub-committee will also refer to the Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

This does not apply to applications made by the Council itself for licences or permissions under the Act. In those circumstances, it is unlikely that councillors would have a prejudicial interest in the matter before them, as defined in the Model Code of Conduct for Councillors issued under the Local Government Act 2000.

### **Committee decisions**

The Licensing Committee will refer to the licensing authority any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

Every determination of a licensing decision by the Licensing Committee or a licensing sub-committee shall be accompanied with clear, cogent reasons for the decision. A summary of the decision shall be posted on the licensing authority's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the licensing authority.

## RELATIONSHIP TO OTHER POLICIES AND LEGISLATION

1. Although the four objectives are the only matters that the licensing authority may take into account when making licensing decisions, as a public body the licensing authority is also required:
  - (1) Under the Crime and Disorder Act 1998 to have due regard of the crime and disorder implications of any of its decisions, including the adoption of this policy;
  - (2) To implement the Licensing Act in a manner consistent with the Human Rights Act 1998 by giving due consideration to the rights contained in the European Convention on Human Rights and Fundamental Freedoms;
  - (3) To implement the Licensing Policy in a manner consistent with its equality scheme under the Race Relations (Amendment) Act 2000).
  
2. This policy will also integrate with other Council policies and strategies such as:
  - (1) Watford Borough Council's Corporate Plan to 2020
  - (2) Watford Local Plan 2006-2031 Part 1 Core Strategy
  - (3) Protecting Our Communities & Managing Crime 2018
  - (4) Cultural Plan 2018 TBC
  - (5) Town Centre Vision 2018 TBC



## APPENDIX 1

**Licence review guidelines**

The Licensing Committee and sub-committees when holding licence review guidelines to maintain a degree of consistency and transparency in decision-making will apply the guidelines below. The Committee reserves the right to amend and republish these guidelines in the light of operational experience.

	<b>Aggravating factors</b>	<b>Mitigating factors</b>
<b>Prevention of crime and disorder</b>	<ul style="list-style-type: none"> <li>• Failure to heed police advice</li> <li>• Encouraging or inciting criminal behaviour associated with licensed premises</li> <li>• Serious injury results</li> <li>• Previous track record</li> </ul>	<ul style="list-style-type: none"> <li>• Minor breach of condition not justifying a prosecution</li> <li>• Confidence in management ability to rectify defects</li> <li>• Previous track record</li> <li>• Voluntary proposal/acceptance of additional condition</li> </ul>
<b>Prevention of public nuisance</b>	<ul style="list-style-type: none"> <li>• Noise late at night in breach of condition</li> <li>• Previous warnings ignored</li> <li>• Long and prolonged disturbance</li> <li>• Excessive nuisance during unsocial hours (relating to locality and activity concerned)</li> </ul>	<ul style="list-style-type: none"> <li>• Noise limiting device installed</li> <li>• Licence-holder apologised to those disturbed by nuisance</li> <li>• Hotline complaints telephone available</li> <li>• Short-term disturbance</li> <li>• Undertaking/commitment not to repeat activity leading to disturbance</li> <li>• Willingness to attend mediation</li> <li>• Voluntary acceptance/proposal of additional conditions</li> </ul>
<b>Public safety</b>	<ul style="list-style-type: none"> <li>• Death or serious injury occurred</li> <li>• Substantial risk in view of a responsible authority to public safety involved</li> <li>• Previous warnings ignored</li> <li>• Review arose out of wilful/deliberate disregard of licence conditions</li> </ul>	<ul style="list-style-type: none"> <li>• Minor or technical breach of licence condition</li> <li>• Confidence in management to rectify defects</li> <li>• Confidence in management to avoid repetition of incident</li> <li>• Voluntary acceptance/proposal of additional condition</li> </ul>

	<b>Aggravating factors</b>	<b>Mitigating factors</b>
<b>Protection of children from harm</b>	<ul style="list-style-type: none"> <li>• Age of children</li> <li>• Previous warnings ignored</li> <li>• Children exposed to physical harm/danger as opposed to other threats</li> <li>• Activity arose during normal school hours</li> <li>• Deliberate or wilful exploitation of children</li> <li>• Large number of children affected</li> <li>• Children not allowed on premises as part of operating schedule</li> </ul>	<ul style="list-style-type: none"> <li>• Conduct occurred with consent of person with parental responsibility for child</li> <li>• Short duration of event</li> <li>• No physical harm</li> <li>• Short-term disturbance</li> <li>• Undertaking/commitment not to repeat activity</li> <li>• Voluntary acceptance/proposal of additional conditions</li> <li>• Children permitted on the premises as part of operating schedule</li> <li>• Not involving under-age exposure to alcohol</li> </ul>
<b>Following enforcement action by responsible authorities</b>	<ul style="list-style-type: none"> <li>• Penalty imposed by court</li> <li>• Previous warnings ignored</li> <li>• Offender previously convicted or cautioned for same or similar offence</li> <li>• Offences over prolonged periods of time</li> <li>• Offences resulted in significant danger or nuisance</li> <li>• Offences as a result of deliberate actions or reckless disregard of licensing requirements</li> <li>• Offence likely to be repeated</li> </ul>	<ul style="list-style-type: none"> <li>• Compensation paid by offender or agreement towards mediation</li> <li>• Voluntary acceptance/proposal of additional conditions</li> <li>• Offence disposed of by way of simple caution or penalty notice for disorder (“fixed penalty notice”)</li> <li>• First offence or warning</li> <li>• Single offence</li> <li>• No danger to the public or nuisance</li> <li>• Offences merely administrative in nature</li> <li>• Offence unlikely to be repeated</li> </ul>
<b>POSSIBLE OUTCOMES</b>		
<ol style="list-style-type: none"> <li>(1) To take no action</li> <li>(2) To issue a written warning</li> <li>(3) To modify the conditions of a premises licence or club premises certificate, including the addition of new conditions or deletion of old conditions</li> <li>(4) To exclude a licensable activity or qualifying club activity from the scope of the premises licence or club premises certificate</li> <li>(5) To remove the designated premises supervisor from the licence</li> <li>(6) To suspend the licence for a period not exceeding three months</li> <li>(7) To revoke the premises licence or withdraw the club premises certificate</li> </ol>		

**Responses to the consultation on proposed Statement of Licensing Principles**

Please see below for comments of note which came in as a result of the consultation.

**Question 1: Do you agree with the proposal NOT to change the current premise definitions?**

Yes = 14 respondents

No = 3 respondents

Not sure = 4 respondents

Respondents' comments	Officers' comments
Watford has a drink issue, that makes the town a no go area after 8	Some of the reasons behind these concerns are reflected in the fact that the town has a cumulative impact policy in order to address this issue. The council continues to work very closely with the Police and other agencies, including the premises themselves, to achieve and maintain high standards in the town centre and address problem premises. The results of this work have seen the town awarded the Purple Flag for a safe and diverse night-time economy, and the Purple Flag was successfully awarded again following inspection in 2018. This policy does not seek to change this approach.
Watford is not somewhere I would take my child, it is bad enough in the day with all the drunks especially down the bottom of town but night time is dangerous with so many drunken idiots roaming around	As above
Agree this is a comprehensive list and meets the objective of capturing all instances where alcohol may be sold and/or consumed in a specific location.	
The policy does not appear to include the town's parks in its scope. The Cassiobury Triangle Residents' Association believes that parks deserve to be treated as sensitive areas and specifically its members would propose that Cassiobury Park be treated as such since it is closely bordered by residential houses. Recently, an application was made for a licence to sell alcohol in the park; this resulted in many objections from local residents	The current SLP does recognise that residential areas should be treated as different to the town centre and leisure parks, and it is not proposed that this is to change. There is no power for the council to prohibit licence applications in a specific location. Specific concerns can be raised on a case-by-case basis, as they were in respect of the application referenced in the comment, which can then be considered and, if

who feared that disturbance and harm would result in a number of forms including late night noise, litter thrown into gardens, broken glass in the paddling pools and anti-social behaviour.	necessary, result in a hearing to determine the application.
Resources need to be spent on policing and investing in the four targeted sensitive L.A.s not wasting money on this bureaucratic exercise in futility!	The review of the SLP is a statutory requirement, and it is appropriate to target specific areas of the policy for review in order to focus attention, but also to try and keep the policy relevant for an ever changing Watford. It is also noted that the council are not responsible for resourcing the Police, and this is matter for the Police and the Government.
Worded clearly, see no reason to redefine	

**Question 2: Do you agree with the proposal NOT to change the approach to dealing with different types of premises licence applications?**

Yes = 10 respondents

No = 9 respondents

Not sure = 1 respondent

<b>Respondents' comments</b>	<b>Officers' comments</b>
Late licencing for sale of food should be held by owner and not establishment. This should be reviewed when a new owner takes over.	There is no legal requirement that the owner of a premises has to apply for, or hold, a premises licence. Therefore, the council cannot make this a policy requirement. There is a process to transfer a licence from the existing licence holder to another person or company. Such transfer applications go to the Police and, in some cases, to the Home Office for consultation, during which time any concerns over the applicant may be raised. Any such representations which are not withdrawn will result in a hearing to determine the application.
As question 1 [ <i>Watford has a drink issue, that makes the town a no go area after 8</i> ]	See response to the original respondent's comment
You need to tighten up the application process & should take this opportunity to do so	Unfortunately, this comment does not make any recommendations. However, officers would advise keeping some aspects of the policy as broad and not too restrictive, which does not restrict the options available, and does allow each application to be considered on its own

	merits. This may also in turn prevent a burden on smaller businesses and known responsible operators, while requiring extra investigation of factors for more complex applications
Policy LP2 P12 of draft. We feel that an end time for pavement licences in residential areas should be set at 20.00hrs. We feel that this is necessary to prevent public nuisance.	While this comment is noted, it is more appropriate for the review of the pavement licensing policy, which has been pencilled in for 2019 or 2020, and is tied to the Cultural Plan and the Town Centre Vision.
No evidence to indicate this approach has not worked in the past.	
The approach to dealing with temporary events does not include temporary events within Cassiobury Park. Such events can be large, with far reaching effect on a large number of people, and should therefore be included within this policy.	Temporary event notices (TENs) are limited by the legislation to a maximum occupancy of 499 people at any one time, with the occupancy including attendees, staff and performers. There are also legal limits on how many TENs can be obtained for a particular premises, how many TENs can be given by a person, as well as legal requirements on how much notice must be given when submitting a TEN. We include a section on temporary events within the policy, which covers many points for premises users to consider, and is suitable for both small scale events within a premises, or larger events held outdoors, and the broad approach is held to be sufficient for dealing with any type of TEN. It should also be noted that TENs are subject to consultation with Environmental Health and the Police only, who can object should they have concerns. Should the comment refer to temporary events which are held under a temporary premises licence, because the audience is proposed to be more than 500 people, then these applications are subject to a full public consultation, Such applications are assessed on their own merits, and the residential nature of the area is something that is considered. The current policy is sufficient for this purpose.
Resources from the Town Centre need to be transferred to these areas	If this comment is referring to Police resources, then ultimately this is a matter for the Police, although of course the council do liaise with the Police on issues involving anti-social behaviour and street drinkers. The comment does appear to be more relevant to Sensitive Licensing Areas (LP4), and not the location and operation of premises (LP2). The Sensitive Licensing Areas were introduced due to concerns raised in those areas, and comments on these areas will be reviewed in the appropriate

	section.
Focus away from alcohol led is progressive	
Again, seems to be working	
<p>In the past I've been concerned in regards to how the Woodside Leisure Complex is "zoned" in our Licensing Policy.... if I remember correctly it is "zoned" differently that allows greater activities to occur particularly into the early hours of the morning (i.e. as a Leisure area to 2am). Fortunately when applications have come in for alcohol to be sold after midnight then a compromise has been achieved, or in fact after a hearing the panel has fortunately decided to kerb the request to midnight, but yes when this does arise then I've always thought that when the next licensing review takes place we need to amend/address this matter (i.e. removing it as a leisure area or putting an addendum that the Woodside Leisure Complex due to its close proximity to residential properties that sale of alcohol will be limited to 12 midnight).</p> <p>The Woodside Leisure Complex is set in a residential area surrounded by residential homes - I often received complaints from Stanborough residents of users of the Woodside Leisure Complex leaving the complex in the early hours of the morning and making a noise. There is of course the fear that allowing easier licensing in the complex (as is) would allow the establishment of a nightclub or suchlike. Woodside/Stanborough is residential area of Watford and is not a suitable location for the night time economy that stretches into the early hours of the morning.</p>	<p>We will amend the policy to be clearer and to state that officers will make a recommendation on whether the application relates to a premises within the town centre, a residential area, or a leisure or shopping area, but that the sub-committee will ultimately have final say on the location of the premises.</p>

**Question 3: Do you agree with the proposal NOT to change the approach to dealing with license issues relating to petrol stations and garages?**

Yes = 14 respondents

No = 3 respondents

Not sure = 1 respondent

<b>Respondents' comments</b>	<b>Officers' response</b>
Petrol stations should not be selling alcohol	The council must respect that it is legal for some petrol stations to sell alcohol, provided that they are not primarily used as a garage. Where a licence has been granted to a premises in the past, and that premises is now deemed to be primarily used as a garage, that licence will be of no effect. We consider that our broad approach, including the option of requesting sales data as evidence to establish use, is appropriate.
Petrol stations should not be licensed. Temptation to consume alcohol whilst/before driving.	As above. It also should also be noted that a ban on petrol stations selling alcohol would need to be introduced by national legislation.
No evidence to suggest this has not worked in the past.	
These businesses are poor quality and often exploitative employers and provide no benefit to the community they should not be rewarded with alcohol licenses!	It is acknowledged that this comment is a sweeping generalisation, although officers would point out that we can only consider licensing applications with regards to the four licensing objectives, and nothing else. It is also noted that employees are protected by specific legislation outside of the scope of licensing, regarding health and safety at work, minimum wage, and protections including holiday pay and sick pay.

**Question 4: Do you agree with the revised wording of this policy [regarding circuses]?**

Yes = 10 respondents

No = 3 respondents

Not sure = 4 respondents

<b>Respondents' comments</b>	<b>Officers' comments</b>
The current policy would allow for a circus trading at a single location for a maximum of 28 days. The hours of operation would be from 08.00hrs until 23.00hrs. We feel that the end time of 23.00hrs is excessive, especially considering that they could be onsite for 4 weeks. An end time of 22.00hrs is felt to be more appropriate as it would allow for the dispersal of people from the area after the finish of the performance. We feel that this change is required to minimise the potential for public	The qualifying conditions that circuses do not need licensing in the circumstances detailed in the policy were set by the Legislative Reform (Entertainment Licensing) Order 2014. As these limits are set in legislation, the council has no discretion to change the length of time that a circus can be in place, nor can we set different hours for the operation of the circus.

nuisance.	
Circuses are cruel and belong to another era. Time to phase them out. Non animal circuses such as appear in Cassiobury Park at Bank Holidays are disruptive to regular users of the Park, overly noisy and leave too much rubbish.	As explained previously, the provision of a circus does not require licensing in specific circumstances, and so there are no controls that the licensing authority can put in place through licensing policy. However, the comment refers specifically to events in Cassiobury Park, which is council controlled land. There is a separate process for event organisers to apply for, and obtain, permission to hold events on council land. This comment has been passed to the Parks, Open Spaces & Projects team for review. Should a non-animal circus require a licence, then such an application would be subject to a full public consultation.

**Question 5: Do you agree with the approach to dealing with licensing applications in the town centre?**

Yes = 11 respondents

No = 4 respondents

Not sure = 2 respondents

<b>Respondents' comments</b>	<b>Officers' comments</b>
Definitely not, it seems if they're happy to pay , they can do what they like	The current policy sets out the licensing authority's expectations of applicants with regards to the town centre. While it is acknowledged that the policy can only be strictly enforced should an application go to a hearing, officers do always work to promote the policy and the intention behind the policy. This often results in applications being amended, or specific conditions being adopted to a licence. It is not always obvious that such conversations have taken place, but it is not the case that applicants do not have their applications scrutinised. Officers wish to clarify that all applications are subject to a public consultation, as required by the legislation, during which time residents, businesses, and the local authorities can lodge representations. After a premises has been licensed, the licensing team do investigate complaints made against premises, and, where appropriate, start enforcement action as



	prescribed by our enforcement policy. We also work closely with the responsible authorities, and they are also able to instigate reviews of a licence should a premises be undermining the licensing objectives. The most recent example of this is a review lodged by the Police against a town centre premises in 2017
See previous explanation <i>[You need to tighten up the application process &amp; should take this opportunity to do so]</i>	As with the previous comment from this respondent, unfortunately, this comment does not make any recommendations. This policy is a Cumulative Impact Policy, which means that the council can consider refusing a licence application should it be appropriate, and if granting the application would add to the existing cumulative impact. However, the council cannot make a decision to refuse every application, and it must allow applicants the opportunity to put an argument as to why they should be granted a licence. We explain in our policy what factors will not be considered as grounds for an argument to grant a licence, but do not prescribe what grounds will be considered, so that applicants have to put together their own case and their own argument.
Agree that reducing alcohol related anti-social behaviour should be a key objective and that initiatives to reduce binge drinking and regular high consumption of alcohol by individuals should be encouraged. Reducing the number of places selling alcohol in a small area is welcome, as is encouraging premises that either do not sell alcohol or do so as part of a wider offer of food and/entertainment.	
Too many resources have been devoted to this area for far too long. Lack of responsible licensee sales have allowed sales to the intoxicated.	It is acknowledged that the town centre does attract a lot of resources, both from the council and the Police, but this is understandable given the nature of the area. This is an area with high footfall, a high number of commercial units, some of which are licensed, and is designed to accommodate a diverse crowd of customers, with a range of premises, and provision for travel in bus stops, car parks, and taxi ranks. We will investigate any complaints of licensees selling alcohol to people who are already intoxicated.
Each application should be considered on its merit. Would want to see the crime statistics first before commenting	The council are legally required to consider each application on its own merits.

**Question 6: Do you think that the area to which policy LP3 (Creating a Family Friendly Town Centre) applies is right?**

Yes = 10 respondents

No = 3 respondents

Not sure = 5 respondents

<b>Respondents' comments</b>	<b>Officers' comments</b>
As mentioned above, Cassiobury Park should be included.	Now that cumulative impact areas have been placed on a statutory footing, there is not the evidence available to justify the implementation of such a policy for Cassiobury Park. It should also be noted that there is actually only one current licensed premises within Cassiobury Park, which is the bowls club.
Too political a statement that is meaningless and open to misinterpretation	There is little information as to what parts exactly are open to misinterpretation and, unfortunately, no suggestions have been made as to how to make the policy clearer.
Don't know Watford well enough I'm afraid	
I've reviewed the Statement of Licensing Policy and consultation questions and don't have any comments to make. I did notice on page 16 a reference to Charter Place which no longer exists, except for Charter Place bus lane, so reference should be removed.	The reference to Charter Place has been removed, but the area is still covered by the policy because it is located on the High Street.

**Question 7: Do you think that the above Sensitive Licensing Areas should be retained?**

Yes = 19 respondents

No = 1 respondent

Not sure = 1 respondent

<b>Respondents' comments</b>	<b>Officers' comments</b>
Agree that decisions on sensitive licensing areas should be led by local	The licensing authority are always reviewing contact between ourselves

<p>information and subject to regular review. Street drinkers are a vulnerable group and many have alcohol misuse related health problems - reducing availability to e.g. high-strength alcohol, single take-away cans, and miniature spirit bottles is helpful in reducing drinking at harmful levels and supports any alcohol treatment they may be accessing. Where available Public Health and NHS data (e.g. hospital attendances related to alcohol) should be taken into account when assessing the need for a sensitive licensing area.</p>	<p>and the responsible authorities, of which Public Health are one, in order to improve our working relationship. The policy does not specifically limit what factors have to be taken into account when considering a sensitive licensing area, and it may be that evidence from Public Health is sought in addition to input from the Police and the council's Community Safety Co-Ordinator. Since the proposed policy allows this interaction, it is not thought that this element of the policy needs amending.</p>
<p>Modified</p>	<p>This refers to how the areas should be modified.</p>
<p>I live in the Whippendell Rd zone. Noise, litter, speeding, inconsiderate, dangerous (and illegal) parking and cycling on pavements are all on the rise. As a dog owner and animal lover in particular the increase in the dropping of food remnants and broken glass causes daily concern and anxiety. Chicken bones are very dangerous due to the risk of splintering. This all seems to have increased in the last couple of years and most of it occurs overnight, presumably related to individuals returning drunk from town centre and/or using the local facilities. There is also an increase in illegal and dangerous, inconsiderate parking due to a lack of allowable parking for non-residents. E.g. a chicken shop causes people to park illegally on Whippendell near the traffic lights and at the end of Park Avenue on the double yellow lines which causes mayhem during rush hours. Can they not be monitored by cctv? Speeding on the section of Whippendell between Cassio and Harwoods is a real problem, both at night and in the daytime, some sort of control measures are necessary. Cycle lanes would definitely help too and get the bikes off the pavements. We have already lost our local post box due to having syringes posted so there is evidence here for an effort to clean up this part of town. Bottom line certainly no more take aways/bars and better enforcement of what we already have plus infra investment in litter collection, cycle lanes and speed controls please.</p>	<p>This comment raises a number of issues which both the council and the licensing authority have limited control over, if any, such as speeding. It also raises concerns over the behaviour of individuals by littering, and the statutory guidance does state that away from premises, individuals are responsible for their own behaviour. The comments about parking, littering, and cycle lanes, have been passed to other council departments for information. The comment refers to no more take-aways or bars, but the licensing authority is not able to put a blanket ban on such applications.</p>
<p>As before, don't know the area well</p>	

I am a resident of Market Street identified as a Sensitive Licensing Area and prior to responding to the full draft document which is out for consultation, I would like to raise a couple of issues we experience which we are happy for you to include.

I think there is real potential for Market street area to become family friendly however it is at times more akin to a no go zone and most people in the area are well aware of what occurs in and on this street.

There a couple of factors when combined do not provide a foundation for a family friendly ethos. Firstly, there is the local brothel which attracts an interesting mix of people to the street coupled with the corner shop opening hours (7am - 1am) we endure many late nights of loud customers, street drinkers, loud car music and engines running, people knocking at our flat door.

I am all for neighbours earning a living even having fun, but I have seen a rapid decline in the liveability of this end of the street. The huge camera is seen as a joke by most people I speak to and certainly does not deter what may be considered as suspicious activity.

One solution maybe to redress the opening hours of these premises with a reasonable (say 11.30pm) cut-off point. There is a premises which sells cheaper out of date beers which also attract drinkers.

I understand the complexity of street management and licensing and also links to the displacement of the homeless further out from the city centre to areas such as Market street, especially where alcohol and substances are widely available.

The road network is also a factor with market street been a 'rat run' especially for 'boy racers'.

This comment raises some issues which the licensing authority are not able to deal with, such as the report of a brothel. These comments have been passed to the Police for information. The comment calls for the opening hours of premises to be cut. This would only be possible through a review of the existing licence, or through a variation submitted voluntarily by the premises. The policy cannot be used to reduce the existing hours of premises without the right to reply. The comments also mentions the actions of people being loud, even with cars and engines running. The statutory guidance states that away from premises, people are responsible for their own actions, and it may not be the case that all of these people have visited, or are visiting, licensed premises in the area.

That there has been a significant development, which continues, so as to rejuvenate the town centre and bring back more life to what had become a rather shabby city centre is only to be welcomed and encouraged. A diverse commercially viable exciting and enthusiastic city centre is to everybody's mutual benefit.

If, as we anticipate the Licensing Policy first introduced sought to move the city centre away from high volume vertical drinking establishments and entertainment premises trading particularly late at night, then it appears to us that that has been successful. The Intu development appears to encourage and promote a significant food and casual dining premises as well as an appropriate volume of alcohol and/or alcohol led venues. The investment has in and of itself created a lot of work for skilled tradesmen who have themselves frequented the businesses (including our own) in the city centre. Whilst there have been a few issues with regards to through traffic (pavements and roads being closed etc) this seems to be a small inconvenience for what our client believes will significantly boost Watford's appeal.

But that there are to be sensitive areas designated as meriting additional consideration is not we respectfully suggest inappropriate. It appears to us to be incumbent upon the Licensing Authority to ensure that the premises that have the opportunity to trade in these areas must do so respectfully and appropriately. Our client firmly believes, and engagement and dialogues with officers appears to confirm, that our premises (does just that).

We note the policy was particularly introduced following three specific concerns. We turn to those below.

First of all the availability of stronger strength alcohol to street drinkers leading to anti-social behaviour in the immediate vicinity of the premises. In regard to our operation this is not a point on which we can particularly comment. We don't for a moment doubt the legitimacy of

the evidence that was before the Licensing Committee in 2013 but our premises charge a high entrance fee, do not discount any drinks on any nights and works on a model, which may be categorised as quality rather than quantity. These premises have far less patrons than other alcohol or food less patrons might generally be expected to visit. This can fairly be demonstrated by the lack of incidents that occur on or in the immediate vicinity of the premises.

The second policy rationale, alcohol and/or late night refreshment being available at times that are significantly different from other premises in that area likely to have an adverse impact on the Licensing objectives also seems a perfectly proper consideration. Those premises that cannot support and/or promote the Licensing objectives couldn't and/or shouldn't be supported by the Licensing Authority but because a premises trades late is not in and of itself an issue or a problem. One must consider, particularly, the second element of the consideration namely does the operation "have an adverse impact on the Licensing objectives". It's not our view nor our understanding that it is anybody else's view, that our late night premises causes concerns that could fairly be said to fall within this category.

Finally, litter and other nuisances from a concentration of late night takeaways appears to be perfectly legitimate consideration but it is fair to say that there are not many takeaways on Market Street. Our client tells us that in the past three years he has found litter to be minimal on Market Street. This might (we're not privy to the evidence over and above the causal observations that our client has made), suggests that the designation of Market Street as one of the sensitive licensing areas is indeed working. If the lack of late night refreshment premises is reflective of the policy adoption in 2013 and, as seems to be the case, that is followed by a lack of litter then the two seem fairly to support one another.

<p>I live on Whippendell Road, and feel that the addition of more restaurants, food establishments and other venues offering entertainment licensing activities would only serve as to lessen the overall quality of living in a safe neighbourhood. Aside the negative externalities associated with the current number of fast-food outlets nearby, e.g. rubbish and unpleasant smells, the nearby Haven Trust (which serves to help the homeless and those afflicted by addictions) is the frequent cause of many disputes requiring police intervention and I fear that the addition of alcohol based establishments will only serve to pose problems for the residents of the Haven Trust as well as me.</p>	
<p>It is nice to hear that the council is encouraging family friendly policy and reviewing LP4. However I suggest next time the council consider limiting the number of licences given, section 637 has so many licences. I believe currently in this stretch there are 7 shops which sell alcohol and 2 which serve alcohol. The licensing times are also being increased in residential areas, which is not logical. This is a stretch which could be covered in just over 5 minutes. Also within this stretch there is a shelter which is attempting to help people recover from things like alcoholism. It seems like poor planning and something the council needs to really reflect on as this is something that could have been avoided.</p>	<p>The licensing authority is not able to limit the number of licences. The question of whether another licence is 'needed' in an area is one for market forces to determine, not licensing authorities, as stated in the statutory guidance. It is not legal to cap the number of licences that a licensing authority can grant. While the cumulative impact of licences within a given area can be considered, and can be used to formulate a Cumulative Impact Policy, there is not the evidence at this time to suggest that one is needed in Whippendell Road. In setting up the Sensitive Licensing Areas, it was recognised that these areas did have concerns, but did not justify the creation of a Cumulative Impact Policy. Officers advise that this reasoning still remains valid to this day.</p>
<p>I agree with all of these areas keeping their status. In terms of non-empiric information each of these locations continues to generate complaints in relation to ASB all are the target of current complaints and investigations.</p> <p>1 Whippendell Road is a historical area of complaint for misuse of alcohol street drinking ASB in the street. Thus links very closely to the sales to street drinkers and remains the only are to which a license was repeatedly declined. It should be noted Cllrs have reported community tensions linked to premises here and the actions of customers</p> <p>2. Queens Road currently has extensive Police resources involved in the investigation of the misuse of drugs crime and disorder, police attend en</p>	

masse in this area as part of the reassurance the public have been looking for, the area is trying to re-model itself on more boutique shops and rent and to some degree is attaining this however there remain hot spots for ASB drugs

3 Market Street is a historical hotspot for street drinking.

4. St Albans Road current complaints against alleged sales to the local street drinker cohort although not illegal as the area is outside the PSPO the area is currently reporting drugs ASB and lewd acts.

**Question 8: Are there any other areas that you feel should be designated a Sensitive Licensing Area?**

Yes = 7 respondents

No = 3 respondents

Not sure = 6 respondents

**Question 9: Which other areas do you think should be designated a Sensitive Licensing Area? Please write in below.**

Respondents' comments	Officers' comments
Vicarage Road	We have sought further evidence from the Police on this issue. However, the council's Community Safety Co-Ordinator does not currently have any specific concerns regarding this location which can be addressed through licensing. This does not mean that there are not issues in these areas, but there are other measures available in order to address those issues.
Areas close to residents, and shops on estates.	Specific comments were made regarding allegations that a particular premises were encouraging alcohol sales to street drinkers, which have been passed to our Business Compliance Officer and Police for information, and in such cases it is appropriate to deal with the problem premises directly instead of by changing a policy for a whole area. Under Policy LP2, we already do highlight that residential areas may warrant



	different approaches for certain applications. In terms of off-licences, it is recommended that off-licences will generally be allowed alcohol sales in accordance with the normal opening hours of the premises, as recommended in the government guidance. However, we must stress that each application will be assessed on its own merits. It would not be appropriate to make every residential area a sensitive licensing area, because not every residential area is the same.
Vicarage Rd Tolpits Lane areas	We have sought further evidence from the Police on this issue. However, the council's Community Safety Co-Ordinator does not currently have any specific concerns regarding this location which can be addressed through licensing. This does not mean that there are not issues in these areas, but there are other measures available in order to address those issues.
Vicarage Road Parade (that is the pedestrianized section)	We have sought further evidence from the Police on this issue. However, the council's Community Safety Co-Ordinator does not currently have any specific concerns regarding this location which can be addressed through licensing. This does not mean that there are not issues in these areas, but there are other measures available in order to address those issues.
Cassiobury Park	There is not the evidence available to justify such a change in policy
None	

**Question 10: Do you agree with the proposal NOT to change the current link between the licensing and planning regimes?**

Yes = 11 respondents

No = 2 respondents

Not sure = 2 respondents

<b>Respondents' comments</b>	<b>Officers' comments</b>
Agree it is appropriate to link licensing and planning.	
The major problem is with takeaways and the negative impacts on the	The licensing authority is not able to ban a particular type of premises

community and associations to crime in general. No further chicken shops should be allowed	from applying for a licence. It should also be noted that such premises would only require licensing should they sell alcohol, or are open after 11pm. If a premises only trades between 5am and 11pm, it only requires planning permission in order to open and not licensing.
There is a direct impact on locals	This comments appear to be in support of keeping the link, because this respondent answered 'yes' to keeping the link between licensing and planning

**Question 11: Do you believe that the conditions laid out in policy LP6 are sufficient to promote the licensing objective relating to crime and disorder?**

Yes = 7 respondents

No = 3 respondents

Not sure = 4 respondents

<b>Respondents' comments</b>	<b>Officers' comments</b>
Greater visible police presence is needed	This is a matter for the Police to consider.
Appears to be comprehensive	
Too political. Current laws allow for sufficient control but these have not been applied	This comment does not give particular details for further investigation. However, officers would advise that the approach as laid out in the policy does go beyond the basic standards required by the legislation, in order to promote and encourage higher standards, such as the employment of door supervisors, engagement with Pubwatch, the consideration of plastic or polycarbonate glasses for certain events or during certain hours, even considering the attitude of management towards Police and council officers and much more. It should also be noted that this list of factors which may be considered is not exhaustive, and that other concerns on a particular matter specific to the location or type of business can still be raised either during the application process or the operation of the business.

**Question 12: Do you believe that the conditions laid out in policy LP6 are sufficient to promote the licensing objective relating to public safety?**

Yes = 6 respondents

No = 5 respondents

Not sure = 2 respondents

<b>Respondents' comments</b>	<b>Officers' comments</b>
Greater visible police presence is needed	This is a matter for the Police to consider.
Appears to be comprehensive	
Too political. Current laws allow for sufficient control but these have not been applied	This respondent has made similar comments before. Please see the response to the original respondent's comment
We are consulted by yourselves on the licensing objective 'public safety' and have attached two advice documents that we would ask that applicants can be signposted to on your website dealing with licensing applications. It may be that they are already on your website so would ask that they remain once the policy has been agreed.	Steps shall be put in place to make these documents available through our website for advice, rather than in the policy, where they can be updated easily.

**Question 13: Do you believe that the conditions laid out in policy LP6 are sufficient to promote the licensing objective relating to public nuisance?**

Yes = 3 respondents

No = 5 respondents

Not sure = 4 respondents

<b>Respondents' comments</b>	<b>Officers' comments</b>
In the list that starts on P30 headed LP8 we feel that odour controls should be included in the list of considerations. Point 12 which covers external lighting. We felt that this could be slightly extended to include internal lights that are externally facing.	While the existing policy did acknowledge smell as a nuisance, we have taken these points on board in an attempt to clarify the policy.
Appears to be comprehensive	
Too political. Current laws allow for sufficient control but these have not	This respondent has made similar comments before. Please see the

been applied	response to the original respondent's comment
Please see comments about LP4 [ <i>the resident who lives in Whippendell Road</i> ]	
Useful to have the definition of "nuisance" as it is often open to misinterpretation	The statutory guidance clearly states that the term 'public nuisance' is not defined in the Licensing Act 2003, and it retains its broad common law meaning. It is therefore not for the licensing authority to give a clear definition. However, we have given examples of what must be considered when deciding if something is public nuisance. The licensing authority may also choose to draw upon the experience of the Environmental Health team to assist in such a decision.

**Question 14: Do you believe that the conditions laid out in policy LP6 are sufficient to promote the licensing objective relating to the protection of children from harm?**

Yes = 6 respondents  
 No = 1 respondent  
 Not sure = 3 respondents

<b>Respondents' comments</b>	<b>Officers' comments</b>
Appears to be comprehensive	
Too political. Current laws allow for sufficient control but these have not been applied	This respondent has made similar comments before. Please see the response to the original respondent's comment

**Question 15: Do you agree with the proposal NOT to change the current approach to films that need to be certified by the council's Licensing Officers?**

Yes = 9 respondents  
 No = 2 respondents  
 Not sure = 0

Respondents' comments	Officers' comments
There are obvious businesses that the procedure should be relaxed for and made cheaper as they have low sales volumes and will never create public welfare issues	It is not clear if this comment was intended for this question or another. There is no charge for certifying films.

**Question 16: Do you agree with the proposal NOT to change the current approach to representations against applications?**

Yes = 8 respondents

No = 1 respondent

Not sure = 2 respondents

Respondents' comments	Officers' comments
Licensing should be more restricted than it is now. The fact that so many applications get passed suggests that insufficient regard is paid to local opposition	Where an application does not make it to a hearing, it is either because there were no objections made against an application, or that objections were made but then subsequently withdrawn. The current policy states that, where practicable, we will arrange voluntary mediation meetings between objectors and applicants in order to resolve issues of concern, which usually take the form of amending the application in some way, by changing licensable activities, hours, or by agreeing conditions. This pays high regard to objections by discussing how the concerns can be addressed, and the outcome does require agreement from both sides. Where an application does make it to a hearing, it is for the sub-committee of councillors to make a decision on an application, based upon the policy, the statutory guidance, the legislation, and the application before them. The sub-committee should publish detailed reasons for their decision in order to highlight why that decision was made. It should also be noted that any party to an application which is determined at a hearing has the right to appeal a decision if they so wish.

**Question 17: Do you agree with the proposal NOT to change the current approach to complaints that are made about licensed premises?**

Yes = 6 respondents

No = 5 respondents

Not sure = 0

<b>Respondents' comments</b>	<b>Officers' comments</b>
Tougher response by council	The licensing authority's approach to enforcement is covered by the Environmental Health and Licensing Services' Compliance Policy, the current version of which is dated 2016-2021. This sets out the broad approach to enforcement by the service, ranging from informal resolution through to prosecution and licence reviews, and what factors are to be considered before taking action. As licensing offences are criminal offences, before any decision can be made, officers are required to determine whether or not it is in the public interest to pursue, and also to hold the evidence available to the highest burden of proof, that of 'beyond reasonable doubt', which is the standard applied to criminal prosecutions. It is not always the case that there is sufficient evidence to pursue a case through to prosecution or licence review, and there may be alternative methods to addressing the problem at a more informal level, such as requiring licence holders to vary their licences, or to adopt voluntary standards.
Complaints are not taken seriously enough and there are few consequences for breach of conditions	This is similar to the above comment. Officers would also add that in 2017 there was one premises licence holder prosecuted for breaching their licence, and earlier in 2018 there was another licence holder prosecuted, also for breaching their licence. Both prosecutions occurred after officers had been working with the premises and had already been given warnings, as per the enforcement policy, but had failed to show improvement. We continue to receive relatively few complaints regarding licensed premises. While every complaint is logged, and kept on file for future reference, not every complaint contains sufficient detail for investigation, or there is not enough evidence to prove, beyond reasonable doubt, that a breach or offence occurred, which does affect

the potential outcomes since it would be disproportionate and against natural justice to take severe enforcement action without sufficient evidence.

**Question 18: Do you agree with the proposal NOT to change the current way we deal with requests to review a licence?**

Yes = 8 respondents

No = 2 respondents

Not sure = 1 respondent

Respondents' comments	Officers' comments
Appears to be a comprehensive list	

**Question 19: Do you agree with the proposal NOT to change the current approach to enforcement?**

Yes = 7 respondents

No = 4 respondents

Not sure = 2 respondents

Respondents' comments	Officers' response
There is little enforcement and targeted in wrong areas	Unfortunately, there is no information given as to how enforcement is targeted in the wrong areas, and what steps we should take instead. As mentioned before, we do carry out enforcement and investigate complaints, which has resulted in licence holders being prosecuted, and have had their licences reviewed.
See comments at LR4 [ <i>resident who lives in Whippendell Road</i> ]	This respondent has this comment before. Please see the response to the original respondent's comment
I am writing in regards to a letter I received asking for residents views. I have made numerous complaints in regards to the stretch of Whippendell road from Southsea Avenue to Tesco Express. All these	Officers can confirm that this respondent has made complaints about a specific premises before, but these were closed due to changes in ownership. There are currently no open complaints logged about this

seem to have been ignored as no action, or no action has been seen to take place.

The pavement is constantly congested, in particular outside the certain premises. You can have 8-10 individuals smoking outside causing the pavement to be congested. Last time I was walking with my daughter we had a cigarette end flicked in our direction, since this incident we simply no longer use this section. The evidence of the smoking is clear as you will find lots of cigarette ends on the pavement in the mornings.

With the football World Cup, these issues were only added too, especially with BBQ outside the premises and late finishes at night.

There was supposed to be a clear section for the cafe customers to use when smoking outside and this was to be limited, but with over a year with these conditions they have still not been adhered too and the council has not followed up on these. Which is not acceptable. Why were these conditions added if there was no intention of ensuring they were followed?

The level of street drinking is increasing; you constantly find broken beer/spirit bottles broken on the corner of Southsea Avenue and Park Avenue.

specific premises by this individual. The comments have been passed to our Business Compliance Officer.





**WATFORD  
BOROUGH  
COUNCIL**

# Equality Impact Analysis

<b>Title of policy, function or service</b>	Licensing Act 2003 Statement of Licensing Policy 2018-2023
<b>Lead officer</b>	Austen Young
<b>Person completing the EIA</b>	Austen Young
<b>Type of policy, function or service:</b>	Existing (reviewed) <input checked="" type="checkbox"/> New/Proposed <input type="checkbox"/>
<b>Version &amp; Date</b>	V1 September 2018

## **1. Background**

### **Statement of Licensing Policy under the Licensing Act 2003**

Under the Licensing Act 2003, Watford Borough Council, in its role as licensing authority, is required to determine and publish a Statement of Licensing Policy (“policy”) every 5 years. The current policy, which was approved in 2013, is due to expiry on 19 November 2018. The policy sets out the council’s approach to processing and determining applications submitted under the Licensing Act 2003.

The purpose of the policy is to ensure that all licence applications received are treated fairly and in a consistent manner, provide advice and information for all about how the council will enforce, administer and make decisions under the Licensing Act 2003 and support licensable activities for the wider benefit of the community. The council must have regard to the licensing objectives as set out in the Licensing Act 2003, 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

The Licensing Act 2003 requires that each application is considered on its own merits. It does not permit certain groups or applicants to be treated differently, and all applications are to be processed in the same manner. Licence applications can be submitted by individuals aged 18 or older, statutory bodies, non-commercial organisations and commercial companies. Objections against licence applications can be made submitted by any person or one or more of the prescribed responsible authorities.

The draft policy specifically mentions, on page 43, that the licensing authority must implement the policy in a manner which is consistent with equalities legislation.

A draft policy was sent out for consultation between 6 July 2018 and 17 August 2018. The Licensing Act 2003 prescribes the groups who need to be consulted.

## **2. Focus of the Equality Impact Analysis**

The policy determines the council’s approach to processing and determining applications made under the Licensing Act 2003. This EIA, therefore, considers the potential equality related impacts, both positive and negative of the policy on the people in the groups or with the characteristics protected in the Equalities Act 2010.

These are:

1. Age
2. Disability
3. Gender Reassignment
4. Pregnancy and maternity
5. Race
6. Religion or belief
7. Sex (gender)
8. Sexual Orientation
9. Marriage and Civil Partnership.

### **3. Engagement and consultation**

The consultation on the policy took place between 6 July 2018 and 17 August 2018, during which time we consulted:

- the statutory responsible authorities
- 469 residential properties within the town centre
- 1037 residential properties within the Sensitive Licensing Areas
- 14 residents' associations
- all 36 local ward councillors
- 329 licensed premises
- 5 council departments (Culture & Events, Legal & Democratic Services, Transport & Infrastructure, Place Shaping & Corporate Performance, and Corporate Strategy & Communications)
- Watford BID

The consultation was advertised on our website during this time, with people invited to participate in a survey on the proposed changes, and was also advertised in the Watford Observer on 6 July 2018.

The survey asked 19 questions on the proposed policy, and this approach was agreed by the Licensing Committee on 25 June 2018. The questions are detailed in the report for this Committee. The report and minutes from this meeting are available to the public through the council's website. The consultation also allowed parties to submit add and submit their own comments.

Overall, 31 responses were received to the consultation. The breakdown of the respondents is as follows:

Residents – 9  
Responsible authorities – 4  
Councillors – 1  
Licence holders – 3  
Council officers – 2  
Residents' associations – 2  
Local business – 1  
Uncategorised – 9

### **4. What we know about the Watford population**

#### **Population**

The current population of Watford is 96,800 (mid 2017 estimate) and is estimated to grow by 16% by 2026. Population growth estimates stated that they expected Watford to reach 100,000 by the end of 2017. In terms of gender breakdown, there are estimated to be fractionally more female than male residents but the difference is not significant.

The population density for Watford is circa 4,500 people per square kilometre. This makes it the most densely populated district area in England and Wales. However, in comparison with some metropolitan boroughs, particularly those in and around the outskirts of London, the density is relatively low.

#### **Households**

The ONS data, based on the census, says that there were 36,681 households in Watford at the time of the Census; as of 31 January 2017 the figure was 39,052. The average household size is currently 2.45, which is average for the region.

From the 2014 projections, one person households see the biggest increase in household growth in Watford, representing 44% of the total household growth.

However, households with dependent children see the next biggest rise, with 35% of household growth; couples with other adults make up 9%; other (multi-person adult) households make up 7% and couple households (without children or other adults) make up the remaining 6% of all estimated growth.

### **Ethnicity**

Watford has a very diverse population, more so than the rest of Hertfordshire. For Watford, the Census 2011 shows the following breakdown in terms of ethnicity: White British (61.9%), White other (7.7%), Pakistani (6.7%), British Indian (5.5%) and British other Asian 4.4%).

It is acknowledged that the Census data is now nearly 10 years old and it is likely that the ethnic profile of the borough has changed during this time. For example, it would not have captured the more recent EU arrivals to the borough (EU2 countries – Romania and Bulgaria, who were given residency rights in 2014). We know from other data such as National Insurance Registration that Watford has experienced a relatively high increase in nationals from the EU2 countries applying for National Insurance registrations as Watford residents. This follows a period of a high number from EU8 countries (including Poland, Latvia, Lithuania) who were given freedom of movement to the UK from 2004. Throughout the period the arrival of new residents from south Asia (e.g. Pakistan / India) has remained relatively constant.

Other data sources, including a school language survey on the languages spoken by Watford school children at home, endorse the National Insurance findings with English still the predominant language (at around 60%) followed by (in order of selection): Urdu, Polish, Tamil, Pahari, Gujarati, Portuguese, Romanian and Hindi.

From our assessment of our 74,522 electorate (i.e. those aged over 18 and registered to vote) the following main ethnicity groups have been identified.

- British – 61,399
- Polish – 1,791
- Romanian – 1,612
- Rep of Ireland – 1,389
- Indian – 1,079
- Portuguese – 758
- Italian – 747

### **Age**

The largest populations by age band in Watford are:

- 25-44 (31,700)
- 45-59 (18,100)

The numbers in each successive age-band fall progressively until there are estimated to be 6,000 who are 75+. We know that around 74,000 residents are of voting age in Watford and that the borough has a younger profile than the rest of England and Wales.

### **Disability/Health**

Around 85% of the population of Watford state that they have 'good health' and just under 14% record a disability. We do not have details as to what these disabilities are but they will include a

wide range of physical and mental health disabilities or impairment. The 2016 NHS Health Profile's summary conclusion is that the health of people in Watford is 'varied' compared with the England average. About 14% (2,700) of children live in low income families. Life expectancy for both men and women is similar to the England average (which is an improvement on previous years when men's was lower).

The profile also shows that physically active adults has remained stable since 2016 at 54.4%, compared to the England average of 57%. There has been a very small increase from 58.9% to 60% in the percentage of adults classified as overweight or obese in Watford, although significantly better than the England average of 64.8%. Also remaining consistent is the percentage of obese children in Year 6 (aged 10-11) at 16%, significantly better than the England average, which is 19.8%.

### **Religion/Belief**

The religious breakdown in the Census 2011 of the main religions in Watford was: Christian (54.1%), Muslim (9.8%), Hindu (4.8%), with no religion stated at 21.4%.

### **Sexual orientation / Transgender**

Watford has no specific data on the transgender community within the borough

### **Education and skills**

A skilled workforce supports the economic development and employment aspirations for Watford. There has been a mostly increasing trend in Watford over the last few years. Watford's working age population has the third highest percentage (43.7%) in Hertfordshire of those with qualifications at NVQ 4 and above (St. Albans is the highest with 62% and East Herts second highest with 44.2%); this is also higher than both the 40.4% average in Hertfordshire and the England average of 34.2%.

There are fewer people with no qualifications and significantly more people with Level 4/5 qualifications (degree level).

63.6% of Watford young people achieved 5 A\*-C including English & Maths at the end of key stage 4. This is the better than the England average of 57.8%.

### **Homelessness**

Whilst this is not a protected characteristic under the Equality Act 2010, the council recognises that the particular circumstances of people without their own home might be a factor in their taking an active role in our community. We currently have 24 statutory homeless (December 2017) and 188 households in temporary accommodation (December 2017).

### **Deprivation**

The English Indices of Deprivation 2015 was published by the Government in September 2015, and updates the previous 2010 Indices, published in March 2011.

The Indices of Multiple Deprivation (IMD) 2015 uses 37 separate indicators, grouped into seven domains (three of which contain sub-domains); the domains are Income; Employment; Health and Disability; Education, Skills and Training; Crime; Barriers to Housing and Services; and Living Environment. In addition to the domains and their sub-domains there are two supplementary income deprivation Indices: Income Deprivation Affecting Children Index (IDACI) and Income Deprivation Affecting Older People Index (IDAOPi).

In the IMD 2015, Watford is ranked 189 out of 326 authorities, putting it in the 6<sup>th</sup> decile nationally. This means that, overall, Watford is less deprived than half the authorities in England.

Watford is the third most deprived authority in Hertfordshire. (Stevenage and Broxbourne are the most deprived.) However, three Hertfordshire authorities are among the 10% least deprived authorities in England (Three Rivers, East Herts and St Albans).

Overall, Watford is not an area with significant deprivation issues and the majority of the LSOAs within the town are in the bottom 50% of LSOAs nationally for deprivation; the borough's position has improved relative to that of 2010.

The combined deprivation index, which weights income and employment more heavily than the other domains, obscures the more deprived areas in Watford, which are affected by crime, living environment deprivation and education, skills and training deprivation in particular. This is, at least in part, because income and employment deprivation are less of an issue for Watford.

## 5. How will the council ensure equality is promoted through the Statement of Licensing Policy

Under the Equality Act 2010, three areas need to be considered when analysing the equality impact of the Statement of Licensing Policy:

1. **eliminate** discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
2. **advance** equality of opportunity between people who share a relevant protected characteristic and people who do not share it
3. **foster** good relations between people who share a relevant protected characteristic and people who do not

The council is not in a position where it can proactively affect the profile of licence holders, or objectors against licence applications, but the policy ensures that the process of obtaining a licence is fair and free of discrimination. The policy informs prospective applicants what is expected of them and what specific areas a licensing sub-committee will take into account when determining an application. The policy also informs objectors how their objections will be considered, and again these must be considered in a fair manner, against legal requirements, and free of discrimination.

There are no local barriers to anyone making an application.

It must be noted that the sub-committee may depart from policy when determining an application, although such departures should be explained with detailed reasons upon the conclusion of a hearing.

Information people will need to know about the application process, and the legislation, can be accessed via the council's webpage and this feature provides additional support and help to those with a range of equalities related issues such as those for whom English is not the first language, those with visual impairment or learning difficulties.

The council's website features 'browsealoud' which allows people to:

- translate pages into a range of different languages
- enlarge web pages
- activate voice over for web pages
- simplify web page content

Should an applicant's characteristics make it difficult to use this channel then face-to-face and telephone contact is still possible.

## **A. Positive impacts**

The council has not identified any positive effects from the analysis of the consultation responses, the makeup of the Borough, and the way that applications are processed and licences issued.

By ensuring that Watford is a borough where alcohol licensing is well regulated the principles also ensure that it is a place where communities can live safely and peacefully together, thus fostering the good relations that are also part of the council's equality duty.

## **B. Negative impacts**

The council has not identified any negative impacts from the analysis of the consultation responses, the makeup of the Borough and the way that applications are processed and licences issued.

Whilst the consultation itself has not identified any substantial positive or negative impacts from the responses themselves, there are some other impacts that are relevant to the policy and which should be noted:

	Positive	Negative	None	Reasons for Decision
All groups in society	x			Positive:  The aim of the licensing policy is to encourage the effective regulation of alcohol, regulated entertainment and late night refreshment. Through this it will help create a safe and attractive environment across the borough for all communities to enjoy. This, therefore, promotes an active and vibrant community which helps meet the council's duty to foster good relations between people who share a protected characteristic and those who do not.
Age			x	The council's policy on the protection of children from harm was broadly supported by the responses to the consultation, and there is no proposal to change this approach.
Disability			x	
Gender Reassignment			x	
Pregnancy and maternity			x	
Race			x	
Religion or belief			x	
Sex (gender)			x	
Sexual Orientation			x	
Marriage & Civil Partnership.			x	

## 6. Overall conclusion

On consideration, the overall conclusion of the EIA is that there is no negative impact on any specific characteristic or group as a result of this Policy.

In the policy, no particular group is given priority over another in relation to implementation of the policy and how any applicant is dealt with. The Act requires that each application is to be assessed on its individual merits, so all groups should be treated equally. All applicants are required to comply with all of the relevant legislation.



In general, it is felt that the policy has a positive effect on all people who live, work or socialise in Watford.

**This EIA has been approved by:**

.....**J Hoy**..... **Date 20.9.18**.....  
**Head of Environmental Health & Licensing**

# Agenda Item 14

## **Report to Council – 16 October 2018**

## **Report of Cabinet 10 September 2018**

Cabinet met on 10 September 2018. The minutes are published on the Council's website.

The following Members were present at the meeting:

Present: Mayor Taylor (Chair)  
Councillor Collett (Deputy Mayor and Portfolio Holder for Community)  
Councillor Williams (Portfolio Holder for Client Services)  
Councillor Johnson (Portfolio Holder for Property and Housing)  
Councillor Sharpe (Portfolio Holder for Regeneration and Development)  
Councillor Watkin (Portfolio Holder for Resources and Customer Service)  
Councillor Bolton (Cabinet member without portfolio)

Non Cabinet Members: Councillor Rabi Martins

There was one recommendation to Council:

### **22. Opportunity to increase the provision of social rented housing**

A report of the Deputy Managing Director was circulated. The Mayor had agreed the report could be received as an urgent item and the Chair of Overview and Scrutiny Committee had also agreed the urgent decision. There was an appendix to the report which was Part B as it contained information relating to the financial and business affairs of the Council. A Part B Equalities Impact Assessment was also presented at the meeting by the Head of Corporate Strategy and Communications and considered by Cabinet.

The Mayor introduced the item and explained that it was part of his manifesto commitment to build social housing and it was good that, working together with Watford Community Housing, Hart Homes was now starting to see some tangible projects coming forward. The Mayor explained that the report had come as an urgent item to Cabinet as funding from Central Government had become available.

Councillor Johnson introduced the report and explained that Homes England had given an opportunity to bid for a grant for social housing. There were certain projects which the council wanted to bring forward and there could be a grant of up to £60,000 per unit. It would mean that the council could provide a commitment to 50+ social housing units. It was a very positive opportunity to contribute in conjunction with Watford Community Housing.

The Deputy Managing Director explained that responses had been given to questions from Homes England and that Watford Community Housing was also considering the report today.

The Managing Director commented that there may be a possibility of grant funding from the Local Enterprise Partnership towards social housing which would also add value to future social housing projects. Also, that following staff consultation, there would be joint communications with Watford Community Housing on the project.

The Head of Corporate Strategy and Communication drew members' attention to the tabled Equality Impact Assessment (EIA) and asked Cabinet to be mindful of the Public Sector Equality Duty under the Equality Act 2010. The EIA set out the positives and negatives of the decision and highlighted ways to mitigate any negative impacts.

Councillor Johnson confirmed that he had read and understood the EIA and the Mayor thanked the Head of Corporate Strategy and Communication for her work.

**RESOLVED:**

That Cabinet:

1. Approves a joint proposal by Watford Borough Council (WBC) and Watford Community Housing (WCH) to provide 50+ socially rented properties in the Borough to be delivered over a 3 year period by WCH subject to agreeable nomination rights and subsidy being received from WCH on an equal basis with WBC and,
2. Subject to the approval of (5) below confirmation from an independent valuer that the Council is achieving best consideration the transfer of land as identified in 4.6 in the report from WBC to WCH at nil consideration and,
3. Approves the commencement of consultation on redevelopment of the

WBC sites where required (as identified in the Part B appendix to the report) followed by the submission of a planning application this financial year and,

4. Agrees that any amendments on the sites to be brought forward for socially rented homes including the scheme design (relating to overall numbers and mix of units) is delegated to the Deputy Managing Director in consultation with the Portfolio Holder for Property and Housing.

And to recommend to Council:

5. That £2.65 million from the funds currently earmarked for the provision of new temporary accommodation are reallocated to support this project, the money being split between 2018/19 and 2019/20 financial years.

## Part A

**Report to:** Cabinet

**Date of meeting:** 10 September 2018

**Report author:** Deputy Managing Director - Place Shaping & Performance

**Title:** Opportunity to increase the provision of social rented housing

### 1.0 Summary

- 1.1 The Mayor has agreed to consider this report as an urgent item as a decision is expected from Homes England (HE) before the date of the next Cabinet meeting.
- 1.2 Watford Borough Council (WBC) and Watford Community Housing (WCH) have been considering how to increase the supply of new socially rented housing through Hart Homes.
- 1.3 The Mayor has committed to the provision of 16-18 new social housing units per year over the next three years which is now embedded into the Council's Corporate Plan.
- 1.4 WBC and WCH have been in active dialogue for over twelve months to consider how joint investment might increase the supply of social rented housing and a number of sites have been identified.
- 1.5 Opportunity has arisen to seek grant funding from Homes England (HE) to achieve this joint objective. HE recently announced in June 2018 a programme of grants for 12,500 socially rented homes, targeted at high value areas outside London; regionally HE accepts that Watford qualifies. In Watford, we have a real opportunity to deliver socially rented homes within what might be a limited window, which should be exploited whilst possible.
- 1.6 The programme will be funded by equal cash and subsidy from WBC and WCH either in the region of £1 million or £2.65 million each depending on the success of the Homes England grant. The WBC cash contribution can be funded through a reallocation of part of the funding earmarked for temporary accommodation currently forming part of the Medium Term Finance Plan.

## 2.0 Risks

### 2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
Subsidy from WCH or WBC not agreed	Opportunity for the proposal not secured and social rented housing remains a significant issue. Corporate plan priority not delivered.	Agreed costs equalised between each organisation.	Treat	Unlikely (2) x High (2) = rating of 4
Grant not received from Homes England	WBC and WCH will have to reconsider the proposal and the way forward based on the revised costs	This is a unique opportunity to bid for a higher grant level than usual under the affordable rented programme which will make the proposal more feasible and therefore achievable	Treat	Unlikely (3) x High (3) = rating of 9
Sites not being available for development	Delay in the programme and/or risk of not being able to draw down on Homes England grant funding if achieved.	Sites identified have been selected for deliverability (subject to planning permission in most cases). They are essentially within established residential areas so in principle there is minimal risk.	Treat	Unlikely (2) x High (2) = rating of 4
Development costs increase	The amount of subsidy will increase and WBC and WCH will have to reconsider the proposal and the way forward based on the revised costs	Development costs will be closely monitored during the project and where possible cost increases will be considered and absorbed within the scheme.	Treat	Unlikely (3) X High (3) = rating of 9

## 3.0 Recommendations

### 3.1 Cabinet is asked to:

- (i) approve a joint proposal by Watford Borough Council and Watford Community Housing (WCH) to provide 50+ socially rented properties in the Borough to be delivered over a 3 year period by WCH subject to agreeable nomination rights and subsidy being received from WCH on an equal basis with WBC and,

- (ii) subject to the approval of Council to (v) below confirmation from an independent valuer that the Council is achieving best consideration the transfer of land as identified in 4.6 below from WBC to WCH at nil consideration and,
- (iii) approve the commencement of consultation on redevelopment of the WBC sites where required (as identified in the Part B appendix) followed by the submission of a planning application this financial year and,
- (iv) agree that any amendments on the sites to be brought forward for socially rented homes including the scheme design (relating to overall numbers and mix of units) is delegated to the Deputy Managing Director in consultation with the Portfolio Holder for Property and Housing.

And to recommend to Council:

- (v) that £2.65 million from the funds currently earmarked for the provision of new temporary accommodation are reallocated to support this project, the money being split between 2018/19 and 2019/20 financial years.

**Contact Officer:**

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**Report approved by:** Manny Lewis – Managing Director

#### 4.0 Detailed proposal

##### 4.1 Background

4.2 Watford Borough Council and Watford Community Housing have been considering, through a joint delivery vehicle (Hart Homes), a number of sites that can potentially be developed to provide more affordable homes in the Borough.

4.3 The first scheme, as part of a Hart Homes development for a 40 bed temporary accommodation unit, is due to open late September 2018 as part of the first phase of Croxley View development which will also comprise 36, one and two bed apartments in two further blocks.

4.4 Although there are number of socially rented homes being delivered through the planning system as planning applications are granted, the supply is not as the council would like. In the majority of cases a developer has been able to demonstrate there are viability issues which are a material planning consideration

that has to be taken into account and therefore it is the socially rented housing that often suffers. In addition the mix of dwelling unit size and overall bedroom numbers intended to be provided by developers has not always matched the current needs within the Borough. The demand is predominantly for two, three and four bedroom properties, suitable for families.

- 4.5 A unique and possibly limited opportunity has arisen through a wider national review of social housing post-Grenfell. Homes England has recently introduced a programme to fund the provision of social rent in areas of high rental value. HE funds have been set aside to create opportunities to provide in the region of 12,500 new socially rented homes. Presently, affordable rent attracts up to £35k grant per dwelling but the social rent upper limit, so far untested, is predicted to be up to double this figure.
- 4.6 WBC and WCH have sought to make a bid for this grant to deliver the aspiration to increase the supply of socially rented homes. A number of sites have been examined which are capable of being developed in the next 3 years. WCH have put forward 7 potential sites and WBC have put forward 2 sites as follows:

<b>Site</b>	<b>2 Bed Flats</b>	<b>3 Bed Flats</b>	<b>2 Bed Houses</b>	<b>3 Bed Houses</b>	<b>Total</b>
<b>WCH. 9 Sites</b>	7	3	3	16	<b>29</b>
<b>WBC. 2 Sites</b>	21	5			<b>26</b>
<b>Total</b>	<b>28</b>	<b>8</b>	<b>3</b>	<b>16</b>	<b>55</b>

- 4.7 One of the two WBC sites is generally ready to be developed and the site has been cleared, whereas the other will require a planning consent following an appropriate and proportionate consultation with the local community. (See Part B appendix.) The WCH sites will also require planning consents.
- 4.8 HE grant is only available to Registered Providers (RP), and although for-profit businesses can achieve this status, by registering, Hart Homes (HH) would be subject as a whole to oversight by the Regulator of Social Housing, rent control and the potential of Right-to-Buy. When establishing HH it was agreed that registration would not be sought, to ensure maximum operational flexibility and there is no compelling reason to change that view now. As a result WCH is the applicant for grant and would be the delivery body working jointly with the Council.



4.9 The financial model is predicated on:

- All projects being developed through Watford Community Housing (WCH)
- WBC sites being transferred to WCH at nil value
- Similarly WCH sites being valued at nil value
- All dwellings to be developed for Social Rent

4.10 The balance of contribution required for this programme of 55 dwellings to be shared equally between WBC and WCH (see Part B appendix for details)

## 5.0 **Implications**

### 5.1 **Financial**

5.1.1 The Shared Director of Finance comments that there is sufficient available budget in the Temporary Accommodation capital budget to reallocate £2.65m to this project given that the demand for Temporary Accommodation is currently being managed within existing provision. A decision to reallocate the budget must be made by Council.

### 5.2 **Legal Issues** (Monitoring Officer)

5.2.1 The Head of Democracy and Governance comments that the Council will need to be satisfied that providing the land at nil consideration is necessary as the Council is under a duty to get best consideration on any land disposal. It will also need to enter into an agreement with WCH to ensure it gets full nomination rights to any units built and that in any subsequent sale the money is used to reprovide further social rented units. In addition it will require a restrictive covenant to prevent the land being used for anything other than housing. State Aid needs to be considered in respect of the provision of the £2.65 million subsidy. The Council has previously taken counsels advice and the provision of subsidy to support social housing is permitted under the State Aid regime.

### 5.3 **Equalities, Human Rights and Data Protection**

5.3.1 Consultation with stakeholders and the wider community will be undertaken as required. As part of the development proposal the individual schemes will be (or have been) subject to planning consent and is therefore subject to a statutory consultation process. However, it is proposed to augment this by undertaking a separate consultation with the

local community where necessary. An equalities impact analysis will also be undertaken

#### 5.4 **Staffing**

5.4.1 Refer to Appendix Part B

#### 5.5 **Accommodation**

5.5.1 There are no impacts

#### 5.6 **Community Safety/Crime and Disorder**

5.6.1 Suitable design and the opportunity for crime and disorder mitigation measures form part of the planning process. An analysis of the crime and disorder implications will also be undertaken.

#### 5.7 **Sustainability**

5.7.1 Any construction at the site will look to mitigate its impact on the environment by use of energy efficient energy generation measures, such as the use of solar PVs on roofs and electric vehicle charging points, dependent on the scale of the development.

### **Appendices**

Appendix 1: PART B – Social Rent

#### **Background papers**

No papers were used in the preparation of this report.