

# Cabinet Agenda

**Monday, 7 December 2015 at 6.00 pm**

Committee Room 1, Town Hall, Queen's Square, Priory Meadow, Hastings TN34 1QR

For further information, please contact Michael Courts on 01424 451764 or email [mcourts@hastings.gov.uk](mailto:mcourts@hastings.gov.uk)

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**CONFIDENTIAL BUSINESS**

12. New Factory Unit 203 - 206  
(Peter Grace, Assistant Director, Financial Services and Revenues)  
(Cabinet Decision)

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2 NOVEMBER 2015

Present: Councillors Chowney (Chair), Forward, Cartwright, Hodges, Poole, Atkins, Cooke and Davies

## 17. MINUTES OF THE MEETING HELD ON 7 SEPTEMBER 2015

**RESOLVED** that the minutes of the meeting held on 7 September 2015 be approved and signed by the chair as a correct record

**RESOLVED** the chair called over the items on the agenda, under rule 13.3 the recommendations set out in minute numbers 19, 20 and 24 were agreed without being called for discussion

### MATTERS FOR CABINET DECISION

## 18. MANAGEMENT RESPONSE TO THE OVERVIEW AND SCRUTINY REVIEW OF THE COUNCIL'S ROLE IN RAISING EDUCATIONAL ACHIEVEMENT IN HASTINGS AND EDUCATIONAL OUTCOMES FOR THE TOWN'S CHILDREN AND YOUNG PEOPLE IN AN ACADEMISED CONTEXT

Councillor Batsford, as chair of the original Overview and Scrutiny review, presented the review team's findings at the meeting. The Director of Corporate Services and Governance then presented a management response to the review team's recommendations.

The Overview and Scrutiny review of the council's role in raising educational achievement in Hastings and educational outcomes for the town's children and young people in an academised context had been undertaken as part of the Overview and Scrutiny work programme for 2014/15.

Councillor Batsford explained that the review had arisen from member's longstanding interest in supporting improvements to educational performance in the town. The review had benefited from input from a variety of key stakeholders from local schools, the education futures trust and the local education authority to provide members with an overview of the current landscape in terms of educational performance. Members had also considered examples of good practice from other areas, to explore ways in which the council could support partnership working between education and non-educational partners to improve educational outcomes.

The review team had recommended the formation of a task and finish group to consider how best to support a creative local partnership between educational and non-educational partners. The Director of Corporate Services and Governance advised that the task and finish group had since met and identified an area of work in respect of the recruitment and retention of high quality staff, which was linked to the perception of Hastings as a place to live and work. Consideration had also been given to exploring funding opportunities to support a piece of work to improve the

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employability of local people. The Leader of the Council commented that the discussion at the task and finish group meeting had been encouraging and it would be necessary to monitor further outcomes as they develop.

Councillor Forward moved approval of the recommendations to the report, which was seconded by Councillor Hodges.

**RESOLVED (unanimously) that: -**

- 1) Cabinet thank the scrutiny review team for their report, and;**
- 2) Cabinet approve the recommendations of the scrutiny review team**

The reason for this decision was:

To acknowledge and respond to the recommendations arising from the work undertaken by the scrutiny review team.

### **19. EU FUNDING PROJECT APPROVAL - CLIMATE ACTIVE NEIGHBOURHOODS (CAN)**

The Assistant Director Housing and Built Environment submitted a report which sought approval for delegated authority to be given to the Director of Operational Services and the Deputy Leader of the Council and Housing, Communications and Equalities portfolio holder to enter into a sub-partnership agreement with Amicus Horizon to support the EU funded Climate Active Neighbourhoods (CAN) project.

The CAN project aimed to enable UK partners to meet the new carbon dioxide emission reduction targets by supporting the implementation of technologies to improve energy efficiency in the home, encourage behavioural change to reduce energy consumption and build community resilience to climate change.

Locally, AmicusHorizon will work with Energise Sussex Coast and the council to reduce energy consumption and alleviate fuel poverty in public and private sector housing in Ore, Baird and Tressell. AmicusHorizon will also use the funding to eco-uptlift 100 properties to Energy Performance Certificate C standard. The council will also take a strategic view of engaging the local community through existing structures.

**RESOLVED that delegated authority be given to the Director of Operational Services and Deputy leader of the Council, and Housing, Communications and Equalities Portfolio Holder, to sign a sub-partner agreement with Amicus Horizon to deliver the HBC associated activities and outcomes for the CAN (Climate Active Neighbourhoods) EU corporation project**

The reason for this decision was:

Hastings Borough Council has led on the development of the project locally which will see a provisional total investment of approximately £845K (Euro 1.183m) to the town. The funding will be used to support various capital and revenue projects in the Ore Valley area. It will help reduce carbon emissions from properties and improve the housing conditions of residents living in both social and private dwellings. The initiative will help alleviate fuel poverty.

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Amicus Horizon is the full partner for the project in Hastings, with Energise Sussex Coast and HBC identified as local sub partners.

### MATTERS FOR COUNCIL DECISION

#### **20. TREASURY MANAGEMENT - MID YEAR REPORT 2015/16**

The Assistant Director Financial Services and Revenues submitted a report to advise Cabinet of the treasury management activities and performance during the current year.

Treasury management relates to the authority's investments, cash flow, banking, money market and capital transactions. The report provided an update on the economic climate during the first nine months of 2015/16 as well as the council's current treasury position and strategies for borrowing and investment.

The council complied with the requirements of the Chartered Institute for Public Finance and Accountancy's Code of Practice for Treasury Management and carried out a mid-year review each year, to provide members with an opportunity to make recommendations to Full Council to address any issues which may have arisen since the original strategy was approved in February 2015.

Continued low interest rates created challenges in achieving the 0.7% return on investments, estimated in the budget. However, savings from the timing of new borrowing meant that the overall budget predictions for 2015/16 were still achievable.

#### **RESOLVED that: -**

- 1) Cabinet recommends to Council that the strategy remains unaltered, and;**
- 2) The report be accepted and it be noted that the investments made are in compliance with the investment strategy and the latest advice provided from the council's treasury management advisers**

#### The reason for this decision was:

The Code of Practice on Treasury Management requires, as a minimum a mid-year review of Treasury Management Strategy and performance. This is intended to highlight any areas of concern that have arisen since the original strategy was approved (February 2015). It is a requirement of the code of practice that the mid-year review is considered by Cabinet and Full Council.

#### **21. COUNCIL TAX SUPPORT SCHEME**

The Revenues and Benefits Service Manager presented a report which proposed changes to the council tax support scheme for Hastings, with effect for 2016/17.

All East Sussex local authorities had worked together to develop a county wide approach to council tax support, the original scheme has remain unchanged since it

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was first adopted in 2013. However, given the continued financial pressures facing the authorities, it was agreed that the present scheme should be reviewed.

Options to amend the present scheme included requiring people to pay a minimum amount of their council tax, a reduction in the capital limit from £16,000 to £6,000 or the assumption of a minimum level of income for anyone who has been self-employed for at least 12 months. Pensioners are still protected under the new scheme, so changes will only apply to working age customers. The potential options had been subject to a public consultation.

Following the public consultation, the four remaining East Sussex authorities intended to amend their support schemes by requiring householders to pay a minimum amount of their council tax. However, given the high levels of deprivation in the town, it was considered that this would not be an appropriate scheme for Hastings. Instead, the report recommended that the Council Tax Support Scheme for Hastings in 2016/17 assumed a minimum level of income for anyone who has been self-employed for at least 12 months. Also appended to the report was a draft exception hardship policy, which was intended to mitigate the impact of the changes to the scheme on vulnerable residents.

Cabinet agreed that it would not be appropriate to proceed with applying a requirement for people to pay a minimum amount of their council tax or amending the capital limit, but requested further time to consider how the assumed minimum level of incomes for anyone who has been self-employed for more than 12 months might be applied to ensure that the changes did not adversely affect vulnerable groups, before the recommendations were considered at the December meeting of Full Council.

Councillor Chowney amended the recommendations of the report, as set out in the resolution below, seconded by Councillor Cartwright, to allow Cabinet members more time to submit their comments on the draft scheme to the Assistant Director of Financial Services and Revenues.

**RESOLVED (unanimously) that:**

- 1) Cabinet agreed not to proceed with amending the council tax support scheme to include a requirement for householders to pay a minimum amount of their council tax**
- 2) the capital limit should remain at £16,000 and not be reduced to £6,000**
- 3) Cabinet members should submit their comments on the proposed draft scheme, including the proposed amendment to assume a minimum level of income for people who have been self-employed for longer than 12 months, to the Assistant Director Financial Services and Revenues by Friday, 13 November 2015, and;**
- 4) Delegated authority be given to the Assistant Director Financial Services and Revenues, in consultation with the Leader of the Council, to agree any revisions to the draft Hastings Council Tax Reduction Scheme 2015/16 and proposed Exceptional Hardship Policy, before the documents are submitted to Full Council for approval at its meeting on 16 December 2015**

The reason for this decision was:

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The local authority is required to approve a scheme for the provision of council tax support in respect of 2016/17, by 31 January 2016.

### MATTERS FOR CABINET DECISION

#### **22. MEDIUM TERM FINANCIAL STRATEGY**

The Assistant Director Financial Services and Revenues presented a report on the medium term financial strategy. The council forecasted its financial position over the medium term to ensure its resources were aligned with its priorities and objectives and to assist with the budget setting process for future years.

The report gave an overview of the council's income and expenditure, since the budget for 2015/16 was set in February. The Assistant Director for Financial Services and Revenues commented that further significant budget reductions were expected in the years ahead; he also acknowledged further uncertainty regarding business rate appeals, the social lettings agency, licensing, development control income and an outstanding claim in respect of the pier closure. Consequently, it was essential that the council continued to explore options for income generation and to optimise the efficiency of its services. Potential re-occurring savings identified in the medium term financial strategy would be investigated as part of the budget setting process for 2016/17.

It was currently anticipated that there would be a saving against the original budget for 2015/16 as a result of savings made during the year, primarily from the review of the council's senior management structure, which may result in the call on the transition reserve being less than previously expected.

Councillor Chowney moved approval of the recommendations to the report, which was seconded by Councillor Cartwright.

#### **RESOLVED (unanimously) that Cabinet approved the Medium Term Financial Strategy**

The reason for this decision was:

The council matched its available resources to its priorities across the medium term.

The report provides the opportunity to assess the council's resources to assist the review of corporate priorities given the continued reductions in funding and the need to continually ensure limited resources are properly aligned to targets.

#### **23. FORMER BATHING POOL SITE AT WEST MARINA**

The Assistant Director Financial Services and Revenues presented a report which sought Cabinet approval to market the former bathing pool site at West Marina.

The former bathing pool site has been vacant for the past 30 years, and has been a long-standing objective for the council to regenerate the site as part of broader plans to make this area an even more desirable place to live and visit, which would help make the local economy more sustainable.

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In 2014, the council had commissioned consultants to bring forward proposals for the development of the site. The site had also been allocated for a mixed residential and commercial use in the Development Management Plan. The findings of the consultant's report indicated that there was a good opportunity to begin marketing the site, provided due diligence and site surveys were carried out on the site beforehand to assist potential purchasers with forming their bids.

Given the significance of the former bathing pool site to the local community, it was important that the council retained control of how the site was developed and the timescale to bring forward proposals and complete the works. At this early stage, it was also necessary to keep an open mind on potential uses for the site, however, a full public consultation would be undertaken once a development proposal had been brought forward.

Councillor Chowney moved approval of the recommendations to the report, which was seconded by Councillor Poole.

**RESOLVED (unanimously) that:**

- 1) Cabinet agrees to add the site to the Land and Property Disposal Programme for disposal in 2017/18, and;**
- 2) Cabinet agrees to agents being appointed to market the site**

The reason for this decision was:

This is the last large vacant waterfront site in Hastings and it has long been an objective for the council to see it regenerated. The site is not included in the disposal programme, and would ultimately be disposed of in part or potentially as a whole. The timescale for any disposal is not yet clear but estimated to commence in 2017/18.

The report is simply looking for authority to market the site. Any disposal, and method of disposal i.e. in whole or in part, would ultimately be made by Cabinet.

#### **24. HASTINGS AND ROTHER COMMUNITY LED LOCAL DEVELOPMENT**

The Assistant Director for Regeneration and Culture submitted a report to brief members on a funding opportunity through the UK Community Led Local Development (CLLD) programme. The report also sought Cabinet approval to proceed with a multi-stage CLLD application process, for a project to target the most disadvantaged areas in Hastings and Bexhill.

The report provided background information to the CLLD programme, which provided an opportunity to secure funding to support deprived communities in accessing jobs, skills development and entrepreneurial activity. A working group of local authority, health and voluntary sector partners across Hastings and Rother had been formed to develop a bid and identify areas for targeted interventions which could be supported by CLLD funding.

The working group had identified the thematic areas of communities, skills and opportunities, cultural regeneration, digital by choice and brokerage of opportunities for further consideration.



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It was currently anticipated that preliminary expressions of interest would be assessed in January 2016, with the completion of funding agreements for the development phase in February 2016. Later stage bids are expected in autumn 2016 and if approved the programme is anticipated to start April 2017, to run for 5 years.

**RESOLVED that:**

- 1) **Authority be delegated to the Director of Operational Services, in consultation with the Lead Member for Regeneration, to:  
Agree final submission of stage 1 and stage 2 CLLD applications  
Enter into negotiations and agreements with funding bodies and delivery partners**
- 2) **The council serves as accountable body for the CLLD programme across the Hastings and Rother area, and;**
- 3) **Up to £20,000 of council staff resources be committed as in-kind matched funding to enable draw-down of CLLD grant to support the development of a second stage bid**

The reason for this decision was:

The CLLD programme provides an opportunity to secure funding for measures to link people in deprived communities to jobs, skills development and entrepreneurial activity. There is a very short timescale in which to submit a preliminary application which must include commitments that would then form part of later stage bids.

Based on the 2010 IMD results (on which CLLD is based) Hastings is the 20<sup>th</sup> most deprived town in the UK. Across Bexhill and Hastings, 24 wards are within the 20% most deprived in the UK. However there are areas of opportunity and business growth and CLLD funding could help ensure that people in the most deprived communities are linked to these opportunities.

**25. MINUTES OF THE CHARITY COMMITTEE MEETING HELD ON 28 SEPTEMBER 2015**

The minutes of the Charity Committee meeting held on 28 September 2015 were submitted.

**RESOLVED that the minutes of the Charity Committee meeting held on 28 September 2015 be received**

**26. MINUTES OF THE MUSEUMS COMMITTEE MEETING HELD ON 14 SEPTEMBER 2015**

The minutes of the Museums Committee meeting held on 14 September 2015 were submitted.

**RESOLVED that the minutes of the Museums Committee meeting held on 14 September 2015 be received**

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(The Chair declared the meeting closed at. 7.30 pm)

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16 NOVEMBER 2015

Present: Councillors Chowney (Chair), Forward, Cartwright, Hodges, Poole and Atkins

Apologies for absence were noted for Councillor Cooke

## **27. SECOND PHASE OF THE BOUNDARY REVIEW**

The Sustainability Policy Officer presented the report of the Director of Corporate Services and Governance on the second phase of the boundary review.

The Local Government Boundary Commission for England (LGBCE) had instigated an electoral review for East Sussex County Council and the boroughs and districts within the county. The review had been undertaken in two parts. The first part of the review related to council size. On 22 September 2015 the LGBCE confirmed that it had agreed to the proposed council size recommended by Full Council of 32 councillors for Hastings and 8 county councillors.

The second part of the review, which was still ongoing, considered ward numbers, boundaries and names. The purpose of the review was to ensure that the wards within the borough provided equality of representation, reflected community interests and identities and provided for convenient and effective local government. The LGBCE had invited the council to submit its comments on warding patterns as part of a consultation between 22 September 2015 and 30 November 2015.

Appended to the Director of Corporate Services and Governance's report was a map detailing the proposed amendments to be made to each ward in order to achieve electoral equality. The alternative options for specific ward changes proposed by Councillors were set out in the report. The Sustainability Policy Officer advised that a further representation had been received in respect of changes to Silverhill ward, the details of which would be circulated to all members for consideration.

Cabinet noted that alternative options had been presented for Hollington and Wishing Tree wards and West St Leonards and Maze Hill wards, however, members chose not to make any recommendations to Full Council as to which option should be submitted to the LGBCE. Instead, Cabinet agreed that all proposals, together with the alternative options, would be submitted to Full Council for consideration, before recommendations were submitted to the LGBCE.

Councillor Cartwright proposed approval of the recommendations to the report, which was seconded by Councillor Poole.

### **RESOLVED (unanimously) that:-**

- 1) Cabinet recommend to Full Council to approve the proposed changes to the ward boundaries to achieve greater electoral equality across the borough,**
- 2) No recommendations be made by Cabinet regarding the alternative options presented for Hollington and Wishing Tree wards and West St**

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**Leonards and Maze Hill wards but to let Full Council debate these options and come to a view about which option(s) to put forward to the LGBCE, and;**

- 3) The Director of Corporate Services and Governance be given delegated authority to finalise and submit the council's response to the LGBCE consultation on warding patterns**

The reason for this decision was:

Of the boroughs sixteen wards, seven have an electoral inequality of -16% to +24% the proposed changes to ward boundaries will help to ensure that we have greater electoral equality throughout the borough.

(The Chair declared the meeting closed at. 5.08 pm)

# Agenda Item 5



**Report to:** Cabinet

**Date of Meeting:** 7 December 2015

**Report Title:** Review of Gambling Act Statement of Principles

**Report By:** Mike Hepworth  
Assistant Director Environment and Place

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## Purpose of Report

1. To inform Cabinet of the results of the recent statutory review of the Council's amended Gambling Act Statement of Principles. The revised policy needs to be adopted by Full Council prior to publication on 26th January 2016.

2. To introduce a "No Casino" resolution for the Borough.

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## Recommendation(s)

- 1. That Cabinet agrees the updated Gambling Act Statement of Principles and recommends it to Full Council for adoption by the 26th January 2016.**
- 2. To recommend that Full Council should pass a No casino resolution.**

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## Reasons for Recommendations

There is a statutory requirement for local authorities to fully review their Gambling Statement of Principles at least every 3 years. Failure to do so could result in judicial review proceedings against the authority, and call in to doubt local decisions made under the Gambling Act 2005.

The Act gives powers to licensing authorities to introduce a No casino resolution for their areas, it is a full Council decision and must be revisited and endorsed every 3 years. The decision can be reversed by a full Council decision at anytime if considered appropriate.

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## Background

1. The Gambling Act 2005 made local authorities responsible for determining applications for local gambling premises licences, temporary occurrences, machine permits and lotteries.
2. This was implemented by local authorities in September 2007. However, it should be noted that the responsibilities are split between local authorities and the Gambling Commission.
3. The Act places a legal duty on both the Commission and licensing authorities to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives. The effect of this duty is that both the Commission and licensing authorities must approach their functions in a way that seeks to regulate gambling by using their powers. For example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.
4. The duties assigned to local authorities are somewhat restricted, and relate solely to licensing the actual premises, temporary occurrence notices, individual gaming machines and lotteries. They do not include any matters relating to the National Lottery, or internet based betting services. Such matters are solely the responsibility of the Gambling Commission, as is the licensing of all betting company operators and the determination of applications for personal licences.
5. The three licensing objectives, which guide the way that the Commission and licensing authorities perform their functions and the way that gambling businesses carry on their activities, 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.
6. One of the first duties for local authorities was to formulate and consult upon a policy called a "Gambling Act Statement of Principles".

## Gambling Act 2005 Statement of Principles

7. This statement of principles must be adopted by the Licensing Authority and kept under review. The policy must be fully reviewed and consulted upon at least every 3 years. The next date for a full review to have been completed and be adopted is the 26th January 2016.
8. The statement of principles has undergone two full reviews since the initial adoption in 2007. On each occasion amendments have been made to reflect changes to the legislation and guidance issued by the Gambling Commission.

9. On each occasion a full consultation has been undertaken with all the relevant persons identified in the Act. A list of consultees is provided in appendix B to the statement of gambling principles (page 54).
10. It has stood the test of time well, and has not been legally challenged. Earlier this year the Council reviewed several licences following test purchasing operations carried out with the Police and the Gambling Commission. The subsequent Committee hearings which involved a large national operator went very well, and didn't expose any flaws in the authority's statement of gambling principles.

## Consultation

11. An amended version of the statement of gambling principles has been subject to a 5 week public consultation. It contained very few changes, being mainly general housekeeping. However, a new national requirement to carry out risk assessments in relation to the 3 licensing objectives is also being introduced in April 2016 and is included in the new policy. See section 6.4.2 page 27.
12. There were 4 responses to the consultation and all are attached at appendix 2 to this report. Environmental Health and Trading Standards responded by indicating that they had no adverse comments to make about the amended policy.
13. Corals Bookmakers indicated that they were broadly supportive of the policy document. However, they raised one concern about the wording used in sections 3.5.8. and 3.5.9, about the location of premises licences in relation to establishments such as schools catering for children or vulnerable adults, and that it could be considered as being too prescriptive. They indicated that their research shows no link between betting shops and gambling by children, they do go on to accept that the policy indicates at 3.5.9 that all applications are judged on their merits. On balance we believe the original is fair and we have not changed the document in this respect.
14. Goschalks Solicitors responded acting for the Association of British Bookmakers (ABB). They thanked us for being given the opportunity to comment on the Statement of Principles and made a series of suggestions to clarify areas. The Licensing Manager has advised that he agrees with many of the suggestions they made, and has therefore made a number of amendments to reflect this. The main theme of their comments was that the existing document was a little too prescriptive, and was potentially introducing requirements that are outside the remit of the Statement of Gambling Principles, as set out through the Act and the statutory guidance.
15. Feedback from specialist solicitors acting on behalf of the trade is to be welcomed, and the resulting amendments should make it even less likely that Committee decisions based upon the updated Statement of Gambling Principles will be successfully challenged.

## No Casino Resolution

16. The Council has the power to pass a No Casino resolution for the Borough. This did not occur when the original statement of gambling principles was adopted or at the subsequent reviews, as it was decided to leave the option open should

circumstances warrant such a venture. Members have suggested that it is now considered appropriate to make a No Casino Resolution via the Statement of Gambling Principles.

17. The decision to pass such a resolution can only be made by full Council, and once passed it must be published in the Statement of Principles and reviewed every three years. Full Council can choose to reverse this decision at any time.

## **Policy Implications**

18. Equalities Impact Assessments carried out during previous reviews did not identify any scope for discrimination as a result of the statement of gambling principles. From a community cohesiveness perspective, the statement of principles enables the Council to regulate gambling premises whilst safeguarding people using them.
19. Crime and fear of crime are important considerations for the Council. Increased crime and fear of crime could have catastrophic consequences on the regeneration of the town, with entrepreneurs being put off from investing in Hastings. However, this policy helps to minimise the potential for crime and disorder associated with premises licensed for gambling.
20. The Human Rights Act is a relevant consideration for the Environment and Safety Committee when considering applications for gambling premises, and this statement of principles should assist them in balancing the human rights of all concerned.
21. Local people's views are another relevant consideration as they have the right to make formal representations against applications if they feel that the application will not promote 1 or more of the 3 licensing objectives. Again it is suggested that the updated draft policy will help the Licensing Committee to consider such representations objectively, and in a way that balances the rights of all concerned.
22. From an anti-poverty perspective the 3rd licensing objective to protect children and other vulnerable persons from being harmed or exploited by gambling means that there has to be protection for children and vulnerable adults from the effects of harmful gambling. Essentially this means that operating procedures need to be in place that will prevent children and young people from being given access to inappropriate or harmful gambling opportunities. This has been a primary focus for our recent successful enforcement work, and will continue to be so. This work has resulted in some significant improvements to the operating procedures of some gambling premises in Hastings.

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## **Wards Affected**

Ashdown, Baird, Braybrooke, Castle, Central St. Leonards, Conquest, Gensing, Hollington, Maze Hill, Old Hastings, Ore, Silverhill, St. Helens, Tressell, West St. Leonards, Wishing Tree

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## **Policy Implications**

Please identify if this report contains any implications for the following:

Report Template v28.0



Equalities and Community Cohesiveness	Yes
Crime and Fear of Crime (Section 17)	Yes
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	Yes
Organisational Consequences	No
Local People's Views	Yes
Anti-Poverty	Yes

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### **Additional Information**

Appendix One - Draft updated Statement of Gambling Principles

Appendix Two - Responses to the consultation

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### **Officer to Contact**

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# Gambling Act Statement of Principles

December 2015



## Document History

Revision	Date	Comment
Full review.	19.12.12.	Published 3.01.2013. effective 31.01.2013.
Full review	01.09.2015	Published on

## About This Document

Document Title: Gambling Act Statement of Principles 2015

Document Type: Approved policy

Sponsor: Assistant Director Environment and Place

Contact: Bob Brown

Contributors:

Plans:

Last Reviewed: for the consultation draft

Next Review: Following consultation exercise

Last Revised:

Current Version: Yes

Effective Date:

Approval Status:

Approval Date: .

In drafting this Policy, the Licensing Authority has relied upon the Act, Regulations, Gambling Commission Guidance and Codes of Practice as effective in September 2016.

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## **Foreword by Councillor Warren Davies, Portfolio holder for Environment and Place.**

In September 2007 Hastings Borough Council assumed responsibility for all premises in the borough which require permission to provide facilities for gambling under the Gambling Act 2005. There are currently 27 gambling premises licences held within the borough: 11 betting shops; 12 adult gaming centres, 1 licensed family entertainment centre and 3 bingo halls, as well as a range of other gambling authorisations, this is a reduction of 9 premises since the last policy review in 2012. Hastings Borough Council as the Licensing Authority has been guided by its Gambling Act Statement of Principles since it assumed these responsibilities and is responsible for reviewing it at least every three years.

Throughout summer and autumn 2015 it was subject to its third statutory review, and I am grateful to those that took part and provided valuable feedback.

Hastings has much to celebrate in its day and night time economies. Hastings Borough Council acknowledges the opportunities within the borough of investment, and its growing visitor economy. Whilst it encourages inward investment and opportunities for growth through a balance of day and night time uses in the town centre, it is mindful of the fact that it continues to be one of the most deprived local authorities in the country.

This latest edition of the statement has seen few substantive changes but reflects recent updates in gambling legislation. It continues to be a valuable guide to all concerned with the licensing of gambling within the borough, from Councillors to applicants to members of the public wishing to comment on applications. It sets out the factors that the Council feels should be taken into consideration within the confines of the Act and the Gambling Commission Codes of Practice and Guidance.

How to use this Gambling Act Statement of Principles:

- The Gambling Licensing Principles are shown in text boxes called GLPs. Each GLP is separately numbered and titled.
- The additional text , gives examples, background and reasons for the GLPs
- The appendices give additional information referred to within the document.
- A glossary of useful terms is set out at Appendix A.

It should be noted that premises licensed under the Gambling Act 2005 are subject to a wide range of robust mandatory and default conditions, and in the vast majority of cases these conditions do not need to be supplemented by further conditions added by this Licensing Authority.

The overriding principle in the Act is to permit the use of premises for gambling, our policy is written with this in mind, and our ability to impose additional conditions on such premises is only triggered in specific circumstances if evidence suggests this is necessary and appropriate.

## **1. Gambling Act Statement of Principles**

### **1.1 Background and introduction**

1.1.1 Hastings Borough Council which is the local authority for the Borough of Hastings Borough is a Licensing Authority under the Gambling Act 2005 (the Act). The Council's Licensing Committee is responsible for granting premises licences in Hastings for:

- adult gaming centres
- betting premises, including tracks
- bingo premises
- casino premises
- family entertainment centres.

1.1.2 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
- 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.

1.1.3 Under the Act, Hastings, like all licensing authorities, must publish a statement of principles which they propose to apply when carrying out their licensing functions. This statement must be published at least once every three years. The statement must also be reviewed from time to time and any amended parts re-consulted upon. The statement must then be republished.

1.1.4 This Statement of Principles is the result of several statutory reviews and is based on Gambling Commission Guidance (the Guidance) and the licensing objectives under the Act. Having been first adopted in January 2007, it continues to set out how the Licensing Authority will build on the licensing objectives to reflect local circumstances. Each time it has been reviewed it has been subject to consultation in accordance with the guidance. Responses to the consultation have been considered and the Gambling Act Statement of Principles amended as appropriate, prior to being reported to Cabinet and then the Full Council for adoption.

1.1.5 The Statement of Principles once adopted is available on the Council's website.

1.1.6 This latest edition of the Statement of Principles came into effect on 31 January 2016, following adoption by Full Council. This may be reviewed as necessary, and at least once every three years from this date.

### **1.2 The licensing objectives**

1.2.1 In exercising most of their functions under the Act, the Licensing Authority must have regard to the licensing objectives, which 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 carried out in a fair and open way and



- protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.2.2 This Licensing Authority is aware that, when exercising its functions in relation to premises licensing, it should aim to permit the use of the premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission (the “Codes of Practice”)
- in accordance with any relevant Guidance
- reasonably consistent with the licensing objectives (subject to the above) and
- in accordance with this Statement of Principles (subject to the above).

1.2.3 Applicants are encouraged to demonstrate how they have regard to the licensing objectives.

### **1.3 Scope of the Statement of Principles**

1.3.1 The Statement of Principles considers the needs of the borough and is concerned with upholding the licensing objectives set out in paragraph 1.2.1 above. It will guide the Licensing Authority in carrying out its various regulatory functions under the Act. These main functions are to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing premises licences
- issue provisional statements
- regulate members’ clubs that wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits
- issue club machine permits to commercial clubs
- grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- issue licensed premises gaming machine permits for premises licensed 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 (see section below on information exchange)
- maintain registers of the permits and licences that are issued under these functions
- enforce legislation in relation to premises.

1.3.2 This document sets out the principles that the Licensing Authority will apply when determining applications for:

- premises licences
- use notices
- permits as required under the Act
- registrations as required under the Act.

1.3.3 This Statement of Principles relates to all authorisations identified as falling within the provisions of the Act, namely:

- bingo premises
- betting premises
- casino
- tracks
- adult gaming centres (AGCs)
- family entertainment centres (FECs)
- club gaming permits
- prize gaming and prize gaming permits
- temporary and occasional use notices
- registration of small society lotteries.

1.3.4 For a list of gambling facilities that are exempt from requiring certain licences, please see Appendix D.

#### **1.4 Matters outside the scope of the Statement of Principles**

1.4.1 The Licensing Authority will not be involved in licensing remote gambling. This will fall to the Gambling Commission via operating licences. Spread betting is regulated by The Financial Services Authority. The National Lottery is regulated by The National Lottery Commission.

1.4.2 When determining an application, the Licensing Authority cannot take into account the following:

- the likelihood of the applicant obtaining planning permission or building regulations approval
- the expected demand for the facilities which are being proposed
- “irrelevant” matters such as those not related to gambling or the licensing objectives
- moral objections or matters of mere nuisance.

1.4.3 The Licensing Authority should avoid duplication with other local government functions when considering some authorisations. However, applicants are expected to comply with all other legislation and regulatory regimes relevant to the operation of their business. The Licensing Authority will as a matter of routine share information with other responsible authorities and the Gambling Commission particularly where there is evidence of non – compliance. Please also note paragraph 2.4 of the Statement of Principles which deals with the exchange of information.

#### **1.5 Geographical area covered**

1.5.1 This statement applies throughout the borough of Hastings, which includes St Leonards on Sea.

The population is approximately 90,000 but the number increases significantly in the summer months with an influx of tourists, day trippers and foreign students.

## 1.6 Integrating strategies

1.6.1 Hastings is one of the most deprived districts in the Country, with higher than average levels of unemployment. There is also a higher than average incidence of residents with mental health and/or substance misuse issues, and of vulnerable children and adults. The Sustainable Communities Strategy sets out how the Council is working with its partners to address these issues.

1.6.2 Local people continue to be concerned about the level of crime, although overall crime levels continue to fall.

1.6.3 The Council aim to integrate this statement of principles with the objectives set out in the Sustainable Community Strategy, so that it contributes to achieving the vision of the borough by allowing gambling to occur in a fair and open way, whilst minimizing any harm to children or vulnerable persons, or links to crime and disorder.

## 1.7 Consultation

1.7.1 The Licensing Authority recognises the important role that responsible authorities, the gambling trade and other stakeholders have to play in influencing this Statement of Principles, and is committed to appropriate consultation whenever the statement of principles is reviewed. However, anonymous feedback received will not be considered by the Licensing Authority.

1.7.2 In accordance with the Act, consultation on this Statement of Principles will take place with:

- the Chief Officer of Police for Hastings Borough.
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area and
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by or otherwise have an interest in the Statement of Principles. This includes but is not limited to:
  - responsible authorities such as the fire authority, child protection, the Gambling Commission
  - interested parties such as existing licensed premises trade representatives and associations.

1.7.3 A summary list of persons and groups this Licensing Authority will be consults with is set out in Appendix B.

1.7.4 The Licensing Authority will give due weight to the views of those consulted and amend the Statement of Principles accordingly following responses received. In determining what weight to give particular representations, the factors to be taken into account include:

- who is making the representation (what is their expertise or interest)
- what their motivation may be for their views
- how many other people have expressed the same or similar views
- how far representations relate to matters the Licensing Authority should include in its Statement of Principles.

1.7.5 The full list of consultees, and comments made is available on request from the Licensing Department or by email to [licensing@hastings.gov.uk](mailto:licensing@hastings.gov.uk).

1.7.6 When consulting upon the amended and updated Statement of Principles it is published via the Council's website, [www.hastings.gov.uk/licensing](http://www.hastings.gov.uk/licensing). Hard copies are made available upon request from the Licensing Department, Environment and Place, Aquila House, Breeds Place, Hastings, East Sussex. TN34 3UY

1.7.7 Should you have any comments regarding this Statement of Principles, please send them via email or letter to the following:

Licensing Department,  
Environment and Place,  
Aquila House,  
Breeds Place,  
Hastings,  
East Sussex.  
TN34 3UY

1.7.8 Nothing in this Statement of Principles will:

- undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits; or
- override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act, as each will be considered on its own merits and according to the statutory requirements of the Act.

## **1.8 Declaration**

1.8.1 In producing the Statement of Principles, this Licensing Authority declares that it has had regard to the licensing objectives of the Act, the Guidance, and any responses it has from those consulted on the Statement.

## **1.9 Casinos**

1.9.1 There are currently no casinos operating within the borough.

1.9.2 The Council has now passed a No Casino resolution for the Borough. It was passed by full Council at the meeting held on 16<sup>th</sup> December 2015

## **1.10 Responsible authorities**

1.10.1 This Licensing Authority designates the Local Safeguarding Children's Board as the body competent to advise the Authority about the protection of children from harm. The principles the Licensing Authority has applied in designating this Board are as follows:

- 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.

1.10.2 Applicants will therefore copy their applications to:

East Sussex County Council  
Head of Children Safeguards & Quality Assurance  
PO Box 5  
County Hall  
Lewes  
BN7 1SW

1.10.3 For a list of responsible authorities, please refer to the glossary of useful terms at Appendix A.

1.10.4 The contact details for all responsible authorities under the Act are available via the Council's website

### **1.11 Interested parties**

1.11.1 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, the person:

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

1.11.2 In determining whether a person or business is an interested party, the Licensing Authority will look at each case and decide it upon its merits. It may take into account the size of the premises and nature of activities taking place. This Authority will not apply a rigid rule to its decision making and will consider the Guidance on this.

1.11.3 When determining what "sufficiently close to the premises" means, the Licensing Authority may take into account:

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment) and
- the circumstances of the complainant. For example, it could be reasonable for the Authority to conclude that "sufficiently close to be likely to be affected" could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.

1.11.4 Interested parties will include trade associations, trade unions, and residents' and tenants' associations. The Licensing Authority may also request a membership list which will indicate the extent of the membership of that association to allow due weight to be given as appropriate.

1.11.5 Interested parties can be persons who are democratically elected such as Ward Councillors and MPs. Other than these persons, this Authority will generally require written evidence that a person or body (such as an advocate or relative) represents someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.

1.11.6 The Licensing Authority would usually expect Councillors and MPs to make representations only when requested to by ward constituents and/or residents from the area to which the application relates. If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact Democratic Services on 01424 451717.

1.11.7 In determining whether a person has a business interest which could be affected, the Licensing Authority will consider among other things:

- the size of the premises
- the catchment area of the premises, and
- whether the person making the representation has business interests in the catchment area that might be affected.

1.11.8 “Business interests” will be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

## **1.12 Relevant representations**

1.12.1 Representations relating to an application will be considered as admissible where they are made by an interested party or responsible authority. The Licensing Authority will then normally only consider that representations are relevant where they relate to the licensing objectives, the Guidance, the Codes of Practice or the Statement of Principles.

1.12.2 The Licensing Authority may determine an application without a hearing despite having received representations from interested parties or responsible authorities where it thinks the representations are vexatious, frivolous or will certainly not influence the authority’s determination of the application.

1.12.3 Anyone making representations on an application should note that their details will be made available to the applicant in the interest of fairness and to allow for negotiation. In the event of a hearing being held, representations will form part of a public document.

1.12.4 In addition to this Statement of Principles the Licensing Authority has published guidance for members of the Licensing Committee, Councillors and interested parties who wish to make representations.

## **2. Delegation and decision making**

### **2.1 Delegation of decision making responsibilities**

2.1.1 This Licensing Authority will ensure that the licensing functions contained within the Act are delegated to an appropriate level so as to ensure speedy, efficient and cost effective determination of licensing applications. Its licensing functions will be discharged as at Appendix C.

2.1.2 Those decisions which are not delegated will be determined by the Licensing Committee which has been established by the Licensing Authority to administer a range of licensing functions.

### **2.2 Decision making**

2.2.1 A Licensing Sub-Committee, drawn from members of the Licensing Committee, will normally sit in public to hear applications where representations have been received from interested parties and responsible authorities.

2.2.2 Ward Councillors will not sit on a Sub-Committee involving an application within their ward.

2.2.3 Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence or application in question.

2.2.4 Every decision of the Licensing Committee or Licensing Sub-Committee shall be accompanied by clear reasons. The decision will be sent to the applicant and those who have made representations as soon as is practicable.

2.2.5 The Licensing Authority's Licensing Officers will deal with licensing applications where no relevant representations have been received or where representations have been withdrawn. Even where there are no relevant representations, a hearing must occur where certain conditions to the licence are to be attached or excluded unless the applicant waives their right to a hearing.

2.2.6 Decisions as to whether representations are inadmissible, irrelevant, frivolous or vexatious will be made by licensing officers. Where representations are rejected, the person making that representation will be given written reasons for this. There is no right of appeal against a determination that representations are not admissible.

2.2.7 The Licensing Sub Committee will determine each case before it on its individual merits whilst taking into consideration the Codes of Practice, the Guidance, the licensing objectives and the terms of this statement of principles and may add conditions. (Please see paragraph 6.5 on Conditions).

2.2.8 In undertaking its licensing functions under the Act, the Licensing Authority is bound by other legislation, for example the Human Rights Act 1998.

## **2.3 Information exchange**

2.3.1 The Licensing Authority will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any relevant Guidance and regulations under the Act.

2.3.2 Should any protocols be established regarding information exchange with other bodies then they will be made available upon request.

2.3.3 In fulfilling its functions and obligations under the Act, the Licensing Authority will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information, the Licensing Authority will conform to the requirements of data protection and freedom of information legislation in accordance with the Council's existing policies.

2.3.4 Any matters of non-compliance with the Act will where appropriate be reported to the Gambling Commission.

2.3.5 The Licensing Authority will share information with other responsible authorities and the Gambling Commission where there is evidence of non-compliance with other legislation and regulatory regimes relevant to the operation of the applicant's business.

## **3 The licensing objectives**

### **3.1 Premises licences**

3.1.1 Licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Guidance and some comments are made below.

### **3.2 Prevention of crime and disorder**

3.2.1 The Gambling Commission plays a lead role in preventing gambling from being a source of crime or disorder.

3.2.2 The Licensing Authority places importance on the prevention of crime and disorder, and will fulfil its duty under section 17 of the Crime and Disorder Act 1998. This binds the Licensing Authority to exercise its licensing powers with due regard to the need to do all that it reasonably can to prevent crime and disorder in its area. A high standard of control is therefore expected to be exercised over licensed premises.

3.2.3 The Licensing Authority will pay attention to the proposed location of gambling premises in terms of this licensing objective and possible conditions. For example, where an area has known high levels of crime and disorder, this authority will consider carefully whether gambling premises are suitable to be located there at all, or whether conditions need to be attached such as for the provision of door supervisors or for specified measures to be in place to prevent crime and disorder on the premises.

3.2.4 The Licensing Authority will, when determining applications, consider whether the grant of a premises licence is likely to result in an increase in crime and disorder. This



Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see or hear it, so as to make that distinction. Issues of nuisance cannot be addressed via the provisions of the Act. The Gambling Commission has stated that licensing authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance.

3.2.5 Where the premises has been associated with drug dealing, or the possession of weapons on the premises, this may give rise to particular concerns as to whether it will be appropriate to allow the admission of children to the premises during some or all of its hours of operation. In such circumstances applicants may be required to demonstrate that these matters have been addressed.

3.2.6 Applicants are therefore required to demonstrate to the satisfaction of the Licensing Authority, in consultation with the police, how they intend to satisfy this licensing objective. Applicants are encouraged to discuss their crime prevention procedures with licensing officers and the police before making a formal application, addressing how at an operational and local level they will implement their measures to prevent crime and disorder on the premises.

3.2.7 Examples of the matters that are likely to be considered by the Licensing Authority when determining an application include, where appropriate;

- the design and layout of the premises
- physical security features installed in the premises; this may include matters such as the position of cash registers or the standard of CCTV that is installed
- training given to staff in crime prevention measures appropriate to the premises
- where premises are subject to age restrictions, the procedures in place to conduct age verification checks
- the likelihood of any violence, public disorder or policing problem if the licence is granted.

### **3.3 Door supervisors**

3.3.1 The Licensing Authority may consider whether there is a need for door supervisors and whether these should be Security Industry Authority (SIA) registered having regard to the licensing objectives.

3.3.2 Door supervisors at casino and bingo halls are exempt from being licensed by the SIA. The Licensing Authority may make specific requirements for door supervisors working at casinos or bingo premises to search individuals and deal with potentially aggressive persons to ensure that this licensing objective is met to the satisfaction of the authority.

3.3.3 For premises other than casinos and bingo halls, operators and the Licensing Authority may decide that supervision of entrances and/or machines is appropriate in particular cases.

## GLP1

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

1. Applicants are encouraged to demonstrate within their application measures to prevent crime and disorder on the premises by providing information on;
  - (a) use of door staff, details of SIA door supervisors and other appropriately trained staff including relevant qualifications or registrations, the number of staff, their location whilst working at the premises, and the times they will be on duty
  - (b) details of the training given to staff in crime prevention measures appropriate to those premises
  - (c) notices to be prominently displayed on the premises and visible to members of the public stating:
    - (i) CCTV is recording on the premises (where required by legislation)
    - (ii) drugs will not be tolerated and persons found possessing/dealing will be excluded from the premises
    - (iii) the age of persons allowed on the premises
    - (iv) drunkenness and those under the influence of drugs will not be tolerated on the premises
  - (d) an accurate plan of the premises confirming the design and layout of the premises, with particular attention to the ability of staff to survey entrances, exits and any dark or hidden areas. Plans should include:
    - (i) the location of lighting inside and outside the premises
    - (ii) the location of any physical security features for example CCTV equipment, its coverage of the interior and exterior of the premises
    - (iii) CCTV, which is to be recordable, kept for a minimum of 31 days and made available to the police and Licensing Authority on request. When details of security measures are provided, they will be kept out of the public domain.
  - (e) provision of adequate search facilities where applicable to the use of the premises
  - (f) measures to be taken to prevent the consumption of alcohol on the premises other than where it is legal and to ensure those under the influence of alcohol are not permitted to gamble
  - (g) measures to be taken to prevent the possession, supply or consumption of illegal drugs on the premises and to ensure that those under the influence of drugs are not permitted to gamble. Any drugs policy should cover the requirement to notify the Police
  - (h) measures to be taken to prevent the possession of offensive weapons on the premises
    - (i) details of any proof of age scheme
    - (j) details of the process to ensure that children do not have access to adult only gaming facilities
    - (k) measures aimed at discouraging anti-social behaviour
    - (l) measures aimed at preventing children and other vulnerable persons from being exposed to incidents of violence or disorder
  - (m) measures to address circumstances where there have been known instances of:
    - (i) harbouring drug dealing, or there is a known association with drug dealers
    - (ii) the possession of weapons on the premises, or where there is a known association with such activity

- (iii) offences against children or involving children, for example, allowing under 18s to participate in adult gambling.
  - (n) details of helplines and guidance for those who may have alcohol, drug or gambling problems.
- This information could be achieved by submission of the local risk assessment as required after 6<sup>th</sup> April 2016.

### 3.4 Ensuring that gambling is carried out in a fair and open way

3.4.1 Generally the Gambling Commission would not expect the Licensing Authority to ensure that gambling is conducted in a fair and open way. This will be a matter for either the management of the gambling business (and therefore relevant to the operating licence), or will be in relation to the suitability and actions of an individual (and therefore relevant to the personal licence). The Gambling Commission will be responsible for both of these matters and its expectations by way of measures are set out in its Codes of Practice.

3.4.2 There is more of a discretion for the Licensing Authority for authorisations which do not require an operating or personal licence and for tracks where practices may be added to ensure that the betting environment is suitable (see paragraph 6.10 on tracks). The Licensing Authority will expect these applicants to demonstrate how they will meet this objective.

3.4.3 If during the course of considering an application for a premises licence, permit or other notice or at any other time, the Licensing Authority receives information that causes it to question the suitability of the applicant or licence holder to hold an operating licence, or an individual to hold a personal licence the Licensing Authority will notify the Gambling Commission and/or other appropriate authorities without delay.

3.4.4 Because the Licensing Authority cannot attach conditions on an application for a permit, it may refuse the application where the above requirements and GLP2 are not met.

#### GLP2

##### Ensuring that gambling is carried out in a fair and open way

The Licensing Authority encourages applicants who do not fall within the jurisdiction of the Gambling Commission (see paragraph 3.4.2) to conform to the code of practice issued by the Gambling Commission and by the conditions of their operating licence. Failure to demonstrate this may result in the application being refused. In particular:

1. For applications which do not require an operating licence or personal licence, applicants are to demonstrate how information is to be provided about the rules and terms of gambling so that:
  - (a) customers can make an informed decision as to whether and how to participate in gambling
  - (b) customers know the contractual terms and conditions of gambling
  - (c) information is displayed in a clear, accessible and intelligible way.
 Information should be:
  - (i) bold, precise and clearly located on or near where the game or bet is placed (e.g. machines, track etc)

- (ii) where the customer base includes people whose first language is not English, notices should be in other languages as appropriate
- (d) the information displayed on the premises and on promotional information should include:
  - (i) rules of the game or bet
  - (ii) the odds of winning or losing in different scenarios
  - (iii) changes in the rules which must be bold, precise and communicated to the customer so they are fully aware of them
  - (iv) the average return to the player (the payout percentage)
  - (v) the minimum and maximum stakes
  - (vi) information about the machine characteristics (for example compensated/ random)
  - (vii) how quickly the winnings will be paid out and in what form
  - (viii) the dispute and complaints procedures
- (e) in addition:
  - (i) the operation of the games must be consistent and in line with the rules of the games
  - (ii) the layout of the premises must ensure that the games and bets can be conducted in a fair and open way
  - (iii) no advertising or other marketing tool inside or outside the premises or any part of the media which misleads the customer as to the rules of the game or encourages them not to read the rules.

### **3.5 Protection of children and other vulnerable persons**

3.5.1 As outlined in the borough profile from paragraph 1.6, Hastings population has a higher than average number of vulnerable persons. It is particularly important that the Statement of Principles has regard to these facts in seeking to address the consequences of inequality and deprivation.

3.5.2 The Licensing Authority will, when determining applications consider whether the grant of a premises licence is likely to result in children and other vulnerable persons being harmed or exploited by gambling. Applications are encouraged to demonstrate to the satisfaction of the Licensing Authority, in consultation with the local Safeguarding Children Board, how they intend to implement their measures at an operational and local level to promote this objective.

3.5.3 In relation to children, it should be noted that the Gambling Commission has stated that this objective is explicitly to protect them from being harmed or exploited by gambling. This means preventing them from taking part in gambling and having restrictions on advertising so that gambling products are not aimed at or are particularly attractive to children. The Licensing Authority will therefore judge the merits of each application before considering whether specific measures are required such as:

- restrictions on advertising and style of the premises where premises cater solely or mainly for adults so that gambling products are not aimed at children or advertised in such a way to make them particularly attractive to children
- restrictions on layout or on where certain machines may be in operation.

3.5.4 In addition, the Licensing Authority will seek to ensure the layout of the premises does not encourage gambling products to be aimed at children or in such a manner that makes them particularly attractive to children.

3.5.5 The Licensing Authority will expect those who operate or control gambling licensed premises or gambling events to have regard to child welfare. They should ensure that their policies and procedures take account of the structure and layout of their gambling premises to prevent access to gambling by children and young persons.

3.5.6 It should be noted that the definition “vulnerable persons” includes but is not limited to people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

3.5.7 With regard to the protection of vulnerable persons, the Licensing Authority will consider whether special considerations are required. These will need to be balanced against the authority’s aim, in the case of premises licensing, to permit the use of the premises for gambling.

3.5.8 When determining an application to grant a premises licence, regard will be given to the proximity of other establishments catering for children or vulnerable adults, or to places that are frequented by unaccompanied children and/or vulnerable adults or where children, young people or vulnerable persons are likely to congregate. These may include schools, vulnerable adult centres, addiction centres, day centres or services used by vulnerable adults or residential areas where there may be a high concentration of families with children. It may also include school routes and places that attract unaccompanied children for recreation and leisure. Such matters will only be considered in a review hearing if the location of those premises has a bearing on the need for the review called.

3.5.9 The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will be decided on its merits and may depend in part on the type of gambling proposed. Therefore, if an applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account.

### **3.6 Access to licensed premises**

3.6.1 With the exception of bingo halls, non-gambling areas of tracks on race days and licensed family entertainment centres, children will not be permitted to enter adult only licensed gambling premises.

3.6.2 The Licensing Authority will consult with the local Safeguarding Children Board on any application that indicates there may be concerns for children or vulnerable persons over access to gambling.

#### **GLP3**

The protection of children and other vulnerable persons from being harmed or exploited by gambling.

1. Applicants are expected to demonstrate within their application that:

- (a) the design and style of their premises and any external signage, advertising or promotional material is not aimed or marketed at attracting children to premises or areas which are reserved for adult gambling
- (b) children are not to be exposed to gambling which is legally restricted to adults
- (c) measures have been taken to prevent children from being in close proximity to types of gambling restricted to adults for example, gaming machines of class A,B or C
- (d) staff have been or will be appropriately trained to understand the following;
  - (i) which class of machine is restricted to adults only
  - (ii) any areas where children and young persons are not to be permitted.
  - (iii) child protection requirements
  - (iv) reporting concerns about the welfare of a child to the Duty and Assessment Team, the Council
  - (v) reporting concerns about the welfare of vulnerable persons to Safeguarding Vulnerable Adults, Adult Services, the Council.

2. The Licensing Authority may consider specific measures to protect under 18s and vulnerable persons on certain categories of premises. These measures include:

- (a) supervision of entrances
- (b) segregation of gambling from areas frequented by children
- (c) supervision of gaming machines in adult only gambling premises
- (d) separate and identifiable entrances and exits from parts of buildings with more than one licence.

3. Where category C or above machines are available in premises to which children are admitted applicants are encouraged to demonstrate that they have taken such measures to ensure that:

- (a) 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
- (b) only adults are admitted to the area where the machines are located
- (c) access to the area where the machines are located is supervised
- (d) 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
- (e) at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

4. For applications that do not require an operating licence or personal licence, the Licensing Authority will consider:

- (a) any convictions or cautions in relation to the admission of under 18 year olds
- (b) requirement for children under 14 to be accompanied by an adult
- (c) measures the applicant is taking to prevent children from being in close proximity to types of gambling restricted to adults (for example, category A, B or C gaming machines). Such measures may include "No Under 18s to Play" notices displayed on category A, B and C machine fronts in alcohol licensed premises, or the adoption of an effective proof of age scheme.

5. Where there have been convictions or cautions for serving alcohol to under 18s, or allowing under 18s to participate in adult gambling, applicants may be asked to

demonstrate these matters have been addressed. This may give rise to particular concerns as to whether it will be appropriate to permit the admission of children to the premises during some or all of its hours of operation.

6. Where limiting access to children or young persons is considered necessary, the Licensing Authority will consider the following options:
- (a) limiting or excluding when certain activities are taking place or at certain times
  - (b) a requirement for children under a certain age to be accompanied by an adult
  - (c) an age limitation for under 18s
  - (d) access may be limited to certain parts of the premises.

#### **4. Location of gambling premises and gaming machines**

4.1 When considering authorisations, including the need for conditions to be attached to licences, the Licensing Authority will primarily focus on the location, suitability and management of the premises and how this might directly impact upon the licensing objectives, whilst aiming to permit the use of the premises for gambling in line with the Act..

4.2 When determining an application to grant or review a premises licence regard will be given on a case by case basis to the location of the premises and its proximity to other establishments in terms of the licensing objectives which include the protection of children and vulnerable persons and issues of crime and disorder. From April 2016 this should be included within the new local area risk assessment..

4.4 In addition, where there are specific risks or problems associated with a particular locality or specific premises, or class of premises, conditions may be attached to reflect this on a case by case basis in a hearing following relevant representations, where permitted by law.

#### **GLP4**

##### **Location of gambling premises and gaming machines**

1. In considering the locations for a premises licence, permit or notice, the Licensing Authority will consider and will have expected the applicants to have considered:
  - (a) the proximity of other establishments catering to children or vulnerable adults, or to places that are frequented by unaccompanied children and/or vulnerable adults or where children, young people or vulnerable persons are likely to congregate
  - (b) the size and scope of the gambling premises concerned
  - (c) the type of gambling proposed on the premises.
2. In considering the locations for gaming machines, the Licensing Authority will consider:
  - (a) the size of the premises and 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 or by vulnerable people, when

considering the number/nature/circumstances of betting machines an operator wants to offer

(b) the size of the premises and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable people

(c) restricting the number and location of such machines in respect of applications for track betting premises licences

(d) the location of gaming machines at tracks

(e) the locations of gaming machines where the applicant holds a pool betting operating licence and wishes to apply for a track premises licence using their entitlement to four gaming machines. The applicant will need to demonstrate that these machines are located in areas from which children are excluded

(f) segregation of category C and D machines in family entertainment centres.

## **5. Hours of operation**

5.1 The Licensing Authority will have regard to the Guidance and default conditions relating to operating hours and will consider excluding and replacing default conditions as appropriate and on a case by case basis if there is clear evidence of a particular risk..

5.2 Where limiting access to children is considered necessary, the Licensing Authority will consider a limit on the hours when children may be present on the premises

## **6.Primary Gambling Activity**

6.1 The primary activity of each premises licence type is specified on the premises licence when issued by the Authority. Section 150 Gambling Act 2005 authorises the provision of Gambling facilities for the following types of premises licences; Casino premises, bingo premises, betting premises (including tracks), adult gaming centre premises and family entertainment centre premises.

6.2 In betting premises the primary activity will be betting, with gaming machines as an ancillary offer on the premises. The commission have provided information relating to the primary gambling activity in both the Local Authority Guidance and in Codes of practice. It should be noted that the Act does not permit a premises to be licensed for more than one gambling activity.

6.3. The Authority will take decisions in accordance with the Commissions guidance and codes of practice on primary gambling activity and will have regard to the advice which it issues from time to time, we will expect applicants to operate premises in line with the Commissions Guidance and conditions on their operators licence. Applicants for a new premises licence , or wishing to vary an existing licence, will be expected to be clear that the premises are intended to be used for the primary gambling activity proposed..



**GLP5****Hours of operation**

The Licensing Authority will have regard to the following:

- (a) Codes of Practice when determining the hours of operation
- (b) licensing hours fixed will always reflect the individual merits of the application, any relevant representations received and the requirement to uphold the licensing objectives
- (c) earlier hours may be set if the individual circumstances require it. Applicants are encouraged to demonstrate that there would be no breach of the licensing objectives if later hours are requested, especially if requests are made to go beyond midnight in residential areas
- (d) the Licensing Authority will consider the levels of crime and disorder in the area of the application and police resources available to address this late at night
- (e) applicants are encouraged to exclude children from premises or events where children are present by 9pm unless the applicant can demonstrate how they can operate beyond these hours without risking harm to children in these circumstances.

**6 Premises licences****6.1 General principles**

6.1.1 An application for a premises licence may only be made by persons over 18 years old, companies or partnerships.

6.1.2 The Licensing Authority can only consider a premises licence application where the applicant:

- has a right to occupy the premises at the time the application is made and can provide evidence of this if requested; and
- holds or has applied for an operating licence which allows the proposed activity to be carried out.

6.1.3 It should be noted that the premises licence may only be determined once the operating licence has been issued.

6.1.4 The Licensing Authority will expect the applicant for a premises licence to demonstrate that they have or have applied for the appropriate operating and/or personal licences from the Gambling Commission.

6.1.5 Where no application for an operating licence has been made, the premises licence application will be refused.

6.1.6 Premises licences will be subject to the requirements set out in the Act and regulations, which include mandatory and default conditions. Licensing authorities are able to exclude default conditions and also attach others where appropriate, if a specific risk is identified..

**6.2 Definition of “premises”**

6.2.1 Premises are defined in the Act as including “any place”. Different premises licences cannot apply in respect of single premises at different times. However, it is

possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This will always be a question of fact depending on the circumstances and the Guidance provides further detail on this. It should be noted that areas of a building that are artificially or temporarily separate cannot be properly regarded as different premises and the Licensing Authority would therefore normally expect genuine separation in this regard to be a permanent and substantial physical separation of the premises.

6.2.2 This Licensing Authority will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes on a case by case basis and with regard to the Act and the principles behind the Act, as explained in the Guidance which is to limit the number and type of machines in particular premises. Where the Licensing Authority is not satisfied that the premises are separate, it will be unable to issue further premises licences on that premises concluding that a premises licence already exists. The following factors will be taken into account in determining whether the premises is in fact a “premises” and therefore able to submit such application(s):

- whether entrances and exits which form parts of a building covered by one or more licences are properly and suitably separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area. In this context it is expected that the premises will be separated by a floor to ceiling division whereby each “premises” can be accessed without going through another licensed premises or premises with a permit particularly where this is required by the Act
- whether the premises have a separate registration for business rates
- whether the premises have different postal addresses
- whether the premises and its neighbouring premises is owned by the same person
- whether each of the premises can be accessed from the street or a public passageway
- whether the premises are accessible only from another gambling premises.

6.2.3 The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises. There will be specific issues to be considered before granting such applications, for example:

- whether children are not only prevented from taking part in gambling but also prevented from being in close proximity to gambling
- whether children are invited to participate in, can gain accidental access to or closely observe gambling where they are prohibited from participating
- compatibility of the two types of establishments
- whether taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would or should be prohibited under the Act. The applicant will need to show for example that direct access between the premises is prevented if the premises licence condition requires it
- whether customers can primarily participate in the gambling activity named on the premises licence.

6.2.4 Applicants will need to demonstrate that the primary purpose of the premises will be fulfilled and are encouraged to provide to the Licensing Authority the precise

arrangements for primary and ancillary gambling activities at the premises. The Licensing authority will have proper regard to the latest Gambling Commission Guidance on “Primary Use” of gambling premises.

### **6.3 Premises “ready for gambling”**

6.3.1 A licence to use a 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. The Guidance provides advice on this.

6.3.2 In deciding whether a premises licence can be granted where there is outstanding construction or alteration works at a premises, this Authority will determine applications on their merit, considered in a two stage process:

- firstly, whether as a matter of substance the premises ought to be permitted to be used for gambling and
- secondly, in deciding whether or not to grant the application, consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

6.3.3 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 may be a better option and applicants are encouraged to discuss which route is appropriate with the Licensing Authority. For example, where applications are received in respect of uncompleted premises which it appears are not going to be ready to be used for gambling for a considerable period of time, the Licensing Authority ought to consider whether, applying the two stage process, it should grant a licence or whether the circumstances are more appropriate for a provisional statement application. Please refer to paragraph 7 on provisional statements.

6.3.4 If a premises licence is to be sought before the premises is ready to be used for gambling the applicant should consider offering appropriate conditions and/or providing a future effective date for the licence to commence.

### **6.4 What will be considered**

6.4.1 All applicants for premises licences are encouraged to set out how they will have regard to the licensing objectives, as specified in paragraph 1.2.1 and what measures they intend to employ to ensure compliance with them. This will assist the Authority, responsible authorities and interested parties to consider whether the application accords with the licensing objectives and is therefore more likely to avoid unnecessary hearings. The applicant may ask the Licensing Authority for advice as to the scope of information to be provided which will be proportionate to the scale and nature of the application made.

6.4.2. With effect from 6<sup>th</sup> April 2016, the Licensing Authority will require all licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedure 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 licensing policy.

Licensees must review; update as necessary their local risk assessments;

1. To take account of significant changes in local circumstances, including those identified in the statement of licensing policy;
2. When there are significant changes at a licensee's premises that may affect their mitigation of local risks
3. When applying for a variation of a premises licence
4. In any case, undertake a local risk assessment when applying for a new premises licence.

Licensees are expected to share their risk assessment with the Authority when applying for a new licence or a variation to an existing licence or for any other reason on request.

## 6.5 Conditions

6.5.1 Licensing is about the control of gambling licensed premises within the terms of the Act. The starting point in determining applications will be to grant the application without attaching conditions.

6.5.2 Conditions may be attached to licences that will cover matters within the control of individual licensees. Conditions are attached to a premises licence in the following ways:

- automatically under the Act
- through regulations as mandatory and/or default conditions
- by the Licensing Authority.

6.5.3 For instance, there are mandatory conditions which attach to all licences or licences of a particular class. Specific conditions which attach to an individual licence will only be attached by the Licensing Authority following a hearing or where the applicant has agreed conditions with a responsible authority or interested party.

6.5.4 The Licensing Authority can exclude any default conditions from the premises licence. The Licensing Authority will where necessary impose conditions that are:

- in accordance with the Guidance
- in accordance with the Code of Practice
- in accordance with the Statement of Principles or
- in a way that is reasonably consistent with the licensing objectives.

6.5.5 Conditions imposed by the Licensing Authority will be proportionate to the circumstances and risks which they are seeking to address. In particular, the Licensing Authority will where appropriate apply conditions that are:

- 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.

6.5.6 The Licensing Authority does not propose to implement standard conditions on licences but may attach conditions as appropriate given the circumstances of each individual case. It will seek to avoid duplication with other systems so far as possible and will not attach conditions unless they are considered necessary having regard to existing regimes. For example, where applicants fail to adequately address the provisions of the

relevant GLPs to the satisfaction of the Licensing Authority, it may attach conditions to alleviate concerns triggered by the lack of information provided.

6.5.7 There will be a number of measures the Licensing Authority will consider utilising should there be a perceived requirement such as the use of supervisors, appropriate signage for adult only areas as set out in GLP1 - 6. There are specific comments made in this regard under some of the licence types below. The Licensing Authority will also expect the applicant to offer measures as to ways in which the licensing objectives can be met effectively.

6.5.8 The Licensing Authority will consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the proper segregation of primary gambling activities in addition to matters in GLP1-6. These matters are in accordance with the Guidance.

6.5.9 This Licensing Authority may contact the Gambling Commission or the applicant to obtain a copy of the operating licence to consider any conditions that may cover the way in which the Gambling Commission expect the objectives to be met. It will assess whether the corresponding premises licence requires any specific expansion on these measures by way of conditions based upon the application and information provided.

6.5.10 There are conditions which the Licensing Authority cannot attach to premises licences. These are any conditions:

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

#### GLP6

##### Premises licences

Applicants for a premises licence will need to have regard to GLP1 to GLP6 in all cases and will also need to identify what type of premises licence is being sought.

- (1) Nothing in this statement of principles will override the right of any person to make an application, make representations about an application, or apply for a review of a licence. Each case will be considered on its own merits and according to the statutory requirements contained within the Gambling Act 2005.
- (2) The Council understands that moral objections to gambling are not a valid reason to reject applications for a premise licence; and also that unmet demand is not a criterion for consideration by the Council with respect to the gambling legislation.
- (3) In addition, applicants for a premises licence are encouraged to demonstrate:
  - (i) that the appropriate operating and personal licences are in place from the Gambling Commission where relevant and
  - (ii) that they have a right to occupy the premises at the time of making the application

- (iii) how the applicant will promote the licensing objectives with regard to GLP1 to GLP6.
- (4) The Licensing Authority will exclude default conditions or attach conditions where appropriate.
- (5) The Licensing Authority may only consider the grant of a licence where it is going to be ready to be used for gambling in the reasonably near future and (where necessary) the Licensing Authority and/or responsible authorities have been allowed to inspect the premises.
- (6) For multiple licences for a building and those relating to a discrete part of a building used for other non-gambling purposes the Licensing Authority will in particular consider;
  - (i) the measures to prevent people “drifting” into a gambling area
  - (ii) the potential for children to gain access
  - (iii) the ability of two or more establishments to comply with the requirements of the Act.
- (7) Applications must, where appropriate be accompanied by detailed plans to the satisfaction of the Licensing Authority to include, where relevant, details of;
  - (i) entrances and exits
  - (ii) number and positions of counters,
  - (iii) number and positions of gaming machines
  - (iv) location of lighting inside and outside
  - (v) location of CCTV.

## 6.6 Adult gaming centres

6.6.1 The Licensing Authority will expect the applicant to provide sufficient measures to ensure that under 18 year olds do not have access to the premises.

### GLP7

#### Adult gaming centres

Applicants must have regard to GLP1 - GLP7 when making an application for an adult gaming centre.

Applicants should where appropriate offer their own measures to meet the licensing objectives such as:

- (a) proof of age schemes
- (b) CCTV
- (c) physical and/or remote supervision of entrances / machine areas
- (d) physical separation of areas.

The above suggested measures are neither mandatory nor exhaustive and may where relevant be imposed by the Licensing Authority as conditions.

## 6.7 Licensed family entertainment centres (FECs)

6.7.1 The Licensing Authority will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that those who are under 18 years old do not have access to the adult gaming machines. For example, this could be achieved through the physical segregation and supervision of these gaming machines.

**GLP8**

Licensed family entertainment centres

Applicants must have regard to GLP1 - GLP6 when making an application for an FEC.

Applicants should, where appropriate, offer their own measures to meet the licensing objectives such as:

- (a) CCTV
- (b) supervision of entrances / machine areas
- (c) physical separation of areas
- (d) location of entry
- (e) notices / signage
- (f) specific opening hours
- (g) self-barring schemes
- (h) provision of information leaflets / helpline numbers for organisations such as GamCare
- (i) measures / training for staff on how to deal with suspected truant school children on the premises
- (j) measures/training by way of a premises log book, covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

The above suggested measures are neither mandatory nor exhaustive and may where relevant be imposed by the Licensing Authority as conditions.

**6.8 Bingo premises**

6.8.1 Applicants are to have regard to GLP 1 - 6. If children are allowed to enter premises licensed for bingo, they are not to participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted, the Licensing Authority will expect the applicant to comply with GLP3.

6.8.2 It is noted that door supervisors at bingo premises are exempt from needing to be SIA registered. This is explained in more detail at paragraph 3.3.

6.8.3 Applicants will need to demonstrate that bingo can be played on the proposed bingo premises. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas. Paragraph 6.2 provides detail on the circumstances in which the splitting of a pre-existing premises into two adjacent premises may or may not be permitted.

**6.9 Betting premises**

6.9.1 Children and young people are not permitted to access betting premises.

6.9.2 For betting machines within a betting premises the Licensing Authority will take into account the following factors:

- the size of premises
- the number of counter positions available for person-to-person transactions

- ability of staff to monitor the use of the machines by children, young and vulnerable persons.

**GLP9****Betting premises**

Applicants must also have regard to GLP1 - GLP6 when making an application for a betting premises licence.

The Applicant should where appropriate, offer their own measures to meet the licensing objectives such as:

- (a) CCTV
- (b) supervision of entrances / machine areas
- (c) location of entry
- (d) notices / signage
- (e) specific opening hours
- (f) self-barring schemes
- (g) provision of information leaflets / helpline numbers for organisations such as GamCare.

The above suggested measures are neither mandatory nor exhaustive and may where relevant be imposed by the Licensing Authority as conditions.

**6.10 Tracks**

6.10.1 Applicants are to have regard to GLP 1-10 where relevant. This Licensing Authority is aware that tracks may be subject to one or more premises licences, provided each licence relates to a specified area of the track. The Licensing Authority will especially consider the impact upon the protection of children and vulnerable persons from being harmed or exploited by gambling and the need for applicants to demonstrate that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

6.10.2 It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

6.10.3 The Guidance sets out the considerations for where gaming machines may be located on tracks Applications for track premises licences will need to demonstrate that where the applicant holds a pool betting operating licence and is going to use their entitlement to four gaming machines, these machines are located in areas where children are excluded.

6.10.4 The Licensing Authority where appropriate will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed on the race-card or made available in leaflet form from the track office.

6.10.5 Separate Guidance has been produced which sets out the specific requirements for these types of applications. The Licensing Authority will expect applicants to provide detailed plans for the racetrack itself and the proposed gambling facilities.



6.10.6 It would be preferable for all self-contained premises operated by off-course betting operators on a track to be the subject of a separate premises licence, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator. For occasional permissions to carry out betting on tracks, please refer to paragraph 13 which deals with occasional use notices.

#### GLP10

##### Tracks

Applicants are also to have regard to GLP 1 – GLP 9 where relevant.

1. The applicant should where appropriate demonstrate the following measures have been addressed:

- (a) entrances to each type of premises are distinct
- (b) children are excluded from gambling areas where they are not permitted to enter
- (c) children do not have access to adult only gaming facilities
- (d) track operators 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
- (e) detailed plans are provided to the Licensing Authority for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (for dog tracks and horse racecourses, show fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities)
- (f) identify what authorisations are being sought under the track betting premises licence along with any other areas that may be subject to a separate application for a different type of premises licence
- (g) where category C or above machines are on offer in premises to which children are admitted, the relevant considerations in GLP3 should be addressed.

2. This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives such as:

- (a) proof of age schemes
- (b) CCTV
- (c) supervision of entrances / machine areas
- (d) physical separation of areas
- (e) location of entry
- (f) notices / signage
- (g) specific opening hours
- (h) self-barring schemes
- (i) provision of information leaflets / helpline numbers for organisations such as GamCare.

The above suggested measures are neither mandatory nor exhaustive and may where relevant be imposed by the Licensing Authority as conditions.

## 6.11 Travelling fairs

6.11.1 Travelling fairs do not require any permit to provide gaming machines but must comply with the legal requirements in how the machine operates in a fair and open way (please refer to GLP2 for more detail). They may provide an unlimited number of Category D gaming machines and the Licensing Authority will expect the applicant to

demonstrate that the gambling facilities amount to no more than an ancillary amusement at the fair.

6.11.2 The Licensing Authority will consider whether the statutory definition of a travelling fair applies. The 27 day statutory maximum (per calendar year) for the land being used as a fair applies to the land on which the fairs are held, regardless of whether the same or a different travelling fair occupies the land.

6.11.3 The Licensing Authority will work with neighbouring authorities to ensure that land that crosses shared boundaries is monitored so that the statutory limits are not exceeded.

## **7. Provisional statements**

7.1 An application for a provisional statement can be made where the applicant expects the premises to be constructed, to be altered or to acquire a right to occupy. Such an application is a separate and distinct process to the granting of planning permission or building control.

7.2 Following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account in the determination of a premises licence application, unless they concern matters which could not have been addressed at the provisional statement stage, or in the opinion of the Licensing Authority, they reflect a change in the applicant's circumstances.

GLP11

Provisional Statements

Applicants should have regard to GLP1 – GLP 10 where relevant.

Applications for provisional statements shall be dealt with in the same way as a premises licence.

## **8. Unlicensed family entertainment centres (unlicensed FECs) gaming machine permits: Statement of principles on permits**

8.1 Where category D gaming machines are only to be provided, applicants may apply to the Licensing Authority for an unlicensed FEC gaming machine permit. The applicant must show that the premises will be wholly or mainly used for making gambling available for use. An application for this permit cannot be made where a premises licence has effect on the same premises.

8.2 The Licensing Authority may only grant or reject an application for a permit and can not impose or attach any conditions.

8.3 The Gambling Commission will not be involved in this process as neither an operating licence nor a personal licence is required. It is therefore essential that the Licensing Authority satisfies itself as to the suitability of the applicant and to the operation being proposed.

8.4 The Licensing Authority must be satisfied that:

- a) the applicant has demonstrated that the premises will be used as an unlicensed FEC and
- b) Hastings Police have been consulted on the application.

8.5 The Licensing Authority will look at the suitability of an applicant for a permit. As unlicensed FECs will particularly appeal to children and young persons, the Licensing Authority will expect the applicant to demonstrate their suitability and the measures in place to protect children from harm as well as to prevent crime and disorder by providing the following:

- applicant and staff training/ understanding of the maximum stakes and prizes that is permissible in unlicensed FECs
- applicant's Disclosure and Barring service or equivalent, as agreed with the police. This may include a requirement to provide details of residential addresses over the last five years
- applicant's previous history and experience of running similar premises
- any policies and procedures in place
- a scaled plan of the premises
- a written operating schedule
- any supporting documentation as to the design and layout of the premises.

8.6 Harm in the context of protecting children is not limited to harm from gambling but includes wider child protection considerations. As such, any policies and procedures will each be considered on their overall merits.

8.7 The Licensing Authority will have regard to the statement of principles, the licensing objectives and any relevant Guidance or Code of Practice when considering a permit application. Applicants should in particular have regard to GLP1, GLP4, GLP6 and GLP12 when making an application, but need to also consider GLP2, GLP3 and GLP5 where these relate to children and young persons.

8.8 This statement of principles applies to initial applications only and not to renewals. 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 the pursuit of the licensing objectives.

8.9 Where there is such a refusal, the Licensing Authority will notify the applicant of its intention to refuse and the reasons for the refusal. The applicant will then have an opportunity to make representations orally, in writing or both and will have a right of appeal against any decision made.

8.10 Where the permit has been granted the Licensing Authority will issue the permit as soon as is reasonably practicable and in any event in line with Regulations. The permit will then remain in effect for 10 years unless surrendered or lapsed.

8.11 Details of applications for unlicensed FEC permits will be available on the Council's website or by contacting the Licensing Service.

8.12 Applicants for unlicensed FEC permits are expected to undertake that they will comply with BACTA's Code of Practice for Amusement with Prizes Machines in Family Entertainment Centres. This code of practice promotes awareness of social

responsibility and acknowledges that proactive specific and appropriate commitment will be given to educating children and young persons, thereby minimising the potential for harm.

#### GLP12

Statement of principles for unlicensed family entertainment centres (unlicensed FECs)  
Applicants for an unlicensed family entertainment centre permit are to have regard to GLP1 - GLP6 and GLP8 where relevant.

1. Applicants are required to demonstrate that;
  - (a) they have permission to occupy the premises at the time of making the application
  - (b) the premises will be used as an unlicensed FEC and
  - (c) the Chief Officer of Police for Hastings Borough has been consulted on the application.
2. Applications should normally be accompanied by an assessment of how the applicant will promote the licensing objectives with regard to GLP1 to GLP6 to demonstrate such matters as:
  - (a) numbers of staff employed and on duty at any given time
  - (b) details of opening hours
  - (c) details of Proof of Age schemes
  - (d) adoption of appropriate measures / training for staff as regards suspected truanting school children on the premises
  - (e) evidence of staff training by way of a Premises Log Book, covering how staff will deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises
  - (f) evidence that the applicant and staff are trained to have a full understanding of the maximum stake and prizes that are permissible.
3. The application must also be accompanied by detailed plans drawn up to the satisfaction of the Licensing Authority and which include:
  - (a) location of entrances and exits
  - (b) number and positions of Category D machines
  - (c) location of lighting inside and outside
  - (d) location of CCTV
  - (e) the amount of space around gaming machines to prevent jostling of players or intimidation
  - (f) location and supervision of Automated Teller Machines
  - (g) the location of appropriate clear and prominent notices and barriers, such notices to state:
    - (i) that no unaccompanied child will be permitted to remain on the premises if that person is required by law to attend school
    - (ii) no smoking on the premises
    - (iii) highlighting the need to play responsibly.
4. The application should normally also be accompanied by:
  - (a) evidence that the applicant and staff have no relevant convictions (those that are in Schedule 7 of the Act)
  - (b) insurance documents and any other such information the Licensing Authority will from time to time require.

## **9. Prize gaming permits: Statement of principles**

9.1 Prize gaming permits allow the provision of facilities for gaming with prizes on specified premises. Prize gaming refers to gaming where the nature and size of the prize is not determined by the number of people playing or the amount for or raised by the gambling. The Act makes no provision for single site gaming machine permits such as fish and chip shops, minicab offices and cafes.

9.2 In determining the suitability of the applicant for a permit this Licensing Authority will expect the applicant to set out the types of gaming to be offered demonstrating:

- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law
- that they meet the objective of carrying out gambling openly and fairly as set out at GLP2
- that the premises are mainly or wholly used for gambling purposes.

9.3 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 Guidance.

9.4 The Licensing Authority cannot attach conditions to a permit however; the permit holder must comply with the following statutory conditions:

- the limits on participation fees, as set out in Regulations
- 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 a non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

## **10. Alcohol licensed premises gaming machine permits**

10.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines of categories C and/or D. The premises merely notify the Licensing Authority of this automatic entitlement. The only exception to this entitlement is where alcohol is provided ancillary to a table meal.

10.2 Once notice has been acknowledged, 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 where the following conditions have not been met:
  - written notice has been provided to the Licensing Authority
  - the correct fee has been submitted and

- any relevant code of practice issued by the Gambling Commission about the location and operation of the gaming machine has been complied with
- the premises are mainly used for gaming or
- an offence under the Act has been committed on the premises.

10.3 The Licensing Authority shall, before removing this automatic entitlement, give the licence holder 21 days notice of its intention, consider any representations made by the licence holder and hold a hearing if requested.

10.4 If an alcohol licensed premises wishes to have 3 or more category C or D gaming machines, then it needs to apply for an alcohol licensed gaming machine permit specifying the premises in respect of which the permit is sought and the number and category of gaming machines. Where the application requirements are not met it will be deemed that the application has not been made correctly and will be returned to the applicant. The Licensing Authority must consider a valid application based upon the licensing objectives, any Guidance and Codes of Practice, comments from responsible authorities and “such matters as they think relevant.”

10.5 The Licensing Authority considers “such matters” on a case by case basis.

## **11 Club gaming and club machine permits**

11.1 Members clubs and miners’ welfare institutes may apply for a club gaming permit or a club machine permit.

11.2 Commercial clubs may only apply for a club machine permit.

11.3 The club gaming permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations.

11.4 A club machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

11.5 Members clubs and commercial clubs must:

- have at least 25 members
- be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations
- be permanent in nature.

11.6 Members clubs must, in addition to the above,

- not be established to make a commercial profit
- be controlled by its members equally.

11.7 Members clubs include bridge and whist clubs, working men’s clubs, branches of Royal British Legion and clubs with political affiliations.

11.8 Commercial clubs have the same characteristics as members clubs however, the key difference is that they are established with a view to making profit. An example of this would be a snooker club.

11.9 A Licensing Authority may only refuse an application on the grounds that:

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

11.10 There is also a 'fast-track' procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the police, and the grounds upon which an authority can refuse a permit are reduced. The grounds for refusal are:

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

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

## **12 Temporary use notices (TUNs)**

12.1 TUNs allow the holder of an operating licence to temporarily use a set of premises for gambling where there is no premises licence in place. Hotels, conference centres or sporting venues may typically utilise this permission. A set of premises can be subject to TUNs for up to 21 days in any 12 month period.

12.2 The notice must be lodged with the Licensing Authority no less than 3 months and one day from the event, and copies sent to the Gambling Commission, the police and HM Commissioner for Revenue and Customs.

12.3 There are a number of statutory limits regarding temporary use notices.

12.4 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" and applicants will note paragraphs 6.2 which set out the expectations in this regard. In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership, occupation and control of the premises. For example, an exhibition centre may cover one set of premises. This compares to a shopping centre which may cover different sets of premises as it may be occupied and controlled by different people.

12.5 This is a new permission and the Licensing Authority will be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

#### GLP13

##### Temporary use notices (TUNs)

The Licensing Authority will expect the licensee to demonstrate that measures have been taken to promote the licensing objectives having regard to GLP1 - GLP9 where relevant. The Licensing Authority, will require 3 months and one day written notice and copies sent to the Gambling Commission, the police and HM Commissioner for Revenue and Customs prior to the gambling event taking place.

### **13 Occasional use notices**

13.1 This notice allows for betting on a track without the need for a premises licence on 8 days or less in a calendar year. The Licensing Authority has very little discretion regarding these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Licensing Authority will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

### **14 Small society lotteries**

14.1 Under the Act, a lottery is unlawful unless it runs with an operating licence or is an exempt lottery. The Licensing Authority will register and administer small society lotteries (as defined). Promoting or facilitating a lottery will fall within 2 categories:

- licensed lotteries (requiring an operating licence from the Gambling Commission) and
- exempt lotteries (including small society lotteries registered by the Licensing Authority).

14.2 Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission.

14.3 Societies may organise lotteries if they are licensed by the Gambling Commission or fall within the exempt category. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. Guidance notes on all lotteries, limits placed on small society lotteries and information setting out financial limits is available by contacting the Licensing Service.

14.4 Applicants for registration of small society lotteries must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.

14.5 Lotteries will be regulated through a licensing and registration scheme, conditions imposed on licences by the Gambling Commission, Codes of Practice and any Guidance. In exercising its functions with regard to small society and exempt lotteries, the Licensing Authority will have due regard to the Guidance.

14.6 The Licensing Authority will keep a public register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the register is completed, the Licensing Authority will



notify the applicant of their registration. In addition, the Licensing Authority will make available for inspection by the public the financial statements or returns submitted by societies in the preceding 18 months and will monitor the cumulative totals for each society to ensure the annual monetary limit is not breached. If there is any doubt, the Licensing Authority will notify the Gambling Commission in writing, copying this to the Society concerned. The Licensing Authority will accept return information either manually but preferably electronically by emailing [licensing@hastings.gov.uk](mailto:licensing@hastings.gov.uk).

14.7 The Licensing Authority will refuse applications for registration if in the previous five years, either an operating licence held by the applicant for registration has been revoked, or an application for an operating licence made by the applicant for registration has been refused. Where the Licensing Authority is uncertain as to whether or not an application has been refused, it will contact the Gambling Commission to seek advice.

14.8 The Licensing Authority may refuse an application for registration if in their opinion:

- the applicant is not a non-commercial society
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence or
- information provided in or with the application for registration is false or misleading.

14.9 The Licensing Authority will ask applicants to complete an application form setting out the purposes for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may seek further information from the Society.

14.10 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion. In any event, the Licensing Authority will make available its procedures on how it handles representations.

14.11 The Licensing Authority may revoke the registered status of a society if it thinks that they would have had to, or would be entitled to refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration in the same manner it would be minded to refuse registration.

14.12 Where a Society employs an external lottery manager, they will need to satisfy themselves that they hold an operator's licence issued by the Gambling Commission and the Licensing Authority will expect this to be verified by the Society.

## **15 Enforcement and inspection**

15.1 The Licensing Authority will investigate complaints against licensed premises in relation to matters for which it has responsibility. The Licensing 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.

15.2 Where it is appropriate to follow an inspection and/or enforcement approach, the Licensing Authority's principles are that it will be guided by the Guidance and will endeavour to be:

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

15.3 This Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

15.4 The Licensing Authority applies a risk based inspection programme based on:

- the licensing objectives
- relevant Codes of Practice
- Guidance
- the Statement of Principles.

15.5 The main enforcement and compliance role for this Licensing Authority is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences, dealing also with concerns about manufacture, supply or repair of gaming machines.

15.7 Bearing in mind the principle of transparency, this Licensing Authority's general enforcement strategy is available upon request from the Licensing Department.

#### GLP14

##### Enforcement

The Licensing Authority will inspect premises that are the subject of a new premises licence application and reserves the right to inspect premises for which a permit or other permission has been sought from the Licensing Authority under the provisions of the Act.

- (a) Inspections will be undertaken by the Licensing Authority and/or a relevant responsible authority
- (b) Where the applicant has not allowed reasonable access permission will normally be refused.
- (c) The Licensing Authority and/or relevant responsible authority reserve the right to inspect premises at any time following the grant of a licence, permit or other permission, as permitted by the Act.

## 16 Licensing reviews

16.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. The Licensing Authority will then decide whether the review is to be carried out on the basis of whether the request for the review is relevant.

16.2 Due consideration will be given to all representations unless:

- a) The grounds are frivolous
- b) The grounds are vexatious
- c) The grounds are irrelevant
- d) The grounds will certainly not cause the Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence
- e) The grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or the grounds are substantially the same as representations made at the time the application for a premises licence was considered.

16.3 The authority will also consider whether the request for the review is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant Guidance
- reasonably consistent with the licensing objectives and
- in accordance with the Statement of Principles.

16.4 Where a valid application for a licence to be reviewed has been received, the Licensing Authority may initially arrange a conciliation meeting to address and clarify the issues of concern. This process will not override the right of any interested party to ask that the licensing committee consider their valid representations, or for any licence holder to decline to participate in a conciliation meeting.

16.5 The Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate or of its own volition.

16.6 Representations may include issues relating to the following:

The use of licensed premises for:

- the sale and distribution of class A drugs and/or the laundering of the proceeds of drugs crimes
- the sale and distribution of illegal firearms
- prostitution or the sale of unlawful pornography, sexual exploitation and trafficking
- organised crime activity
- the organisation of racist, homophobic or sexual abuse or attacks
- the sale of smuggled tobacco or goods or pirated DVDs
- the sale of stolen goods
- for the sale of items which require additional licences which are not in place, for example, for the sale of knives, alcohol and/or fireworks
- Children and/or vulnerable persons being put at risk.

16.7 This is not an exhaustive list and other matters may be considered.

## **17 Revocation and cancellation**

17.1 One of the possible outcomes of a review of premises licence is to revoke the licence where justified.

17.2 With regard to permits and registrations the Licensing Authority may seek to revoke these or cancel an annual renewal under certain circumstances. Generally this will be where the Licensing Authority thinks that they would have had to, or would be entitled to, refuse an application for a permit or registration if it were being made at that time.

17.3 However, no revocations or cancellations will take place unless the licensee or permit holders have been given the opportunity to make representations. The Licensing Authority will state reasons for why it is minded to revoke the authorisation and will provide an outline of the evidence on which it has reached that preliminary conclusion.

17.4 For FECs 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 the pursuit of the licensing objectives.

## **18 Appeals**

18.1 In relation to premises licences, club gaming permits, club machine permits, and alcohol licensed premises gaming machines, any party to a Licensing Authority decision who is aggrieved by that decision may lodge an appeal to the magistrates court within 21 days of receiving notice of the authority's decision.

18.2 In relation to decisions on FEC gaming machine permits and travelling fairs, the applicant can lodge an appeal against the authority's decision with the magistrates court within 21 days of receiving notice of the authority's decision.

18.3 A person giving notice of a TUN or those entitled to receive a copy of a TUN may lodge an appeal within 14 days from receipt of decision to the magistrate's court.

## **19 Further information**

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

Licensing Manager  
Environment and Place  
Aquila House  
Breeds Place  
Hastings  
East Sussex  
TN34 3UY

Tel: 01424 451042

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

19.2 Information is also available from:

Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP Tel:  
0121 230 6500 Fax: 0121 237 2236 [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

## Appendix A: Glossary of useful terms

Applications	Applications for licences and permits
Authorisations	As defined in paragraph 1.15 and 1.16.
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority's area.
Authorised Person	<p>A Licensing Officer and an officer of an authority other than a Licensing Authority, both of whom have been authorised for a purpose relating to premises in that authority's area. The following are considered authorised persons:</p> <ul style="list-style-type: none"> <li>• Inspectors appointed under the Fire Precautions Act 1971; • Inspectors appointed under the Health and Safety at Work, etc. Act 1974</li> <li>• Inspectors or Surveyors of ships appointed under the Merchant Shipping Act 1995;</li> <li>• A person in a class prescribed in regulations by the secretary of State.</li> </ul>
Automated Roulette Equipment	2 types: a) Linked to a live game of chance, e.g. Roulette b) Plays live automated game, i.e. operates without human intervention
Automatic Conditions	Conditions attached automatically to premises licences or authorisations. The Licensing Authority has no discretion not to include or modify them.
AWP machines	Amusement with Prizes Machines eg. certain fruit machines
BACTA	British Amusement Catering Trade Association
Betting Intermediary	Offers services via remote communication, such as the internet.
Betting Ring Betting Machines Bingo Casino	<p>An area that is used for temporary 'on course' betting facilities. A machine designed or adapted for use to bet on future real events (not a Gaming Machine) where a bet can be placed on the shop floor without the need to visit the counter. A game of equal chance. An arrangement whereby people are given an opportunity to participate in one or more casino games.</p>
Casino Games	Games of chance that are not equal chance gaming.

Casino Premises Licence Categories	a) Regional Casino Premises Licence b) Large Casino Premises Licence c) Small Casino Premises Licence d) Casinos permitted under transitional arrangements
Casino Resolution	Resolution not to issue Casino Premises
Child	Individual who is less than 16 years old.
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines (3 machines of Categories B, C or D)
Code of Practice	Means any relevant code of practice under section 24 of the Gambling Act 2005
Complex Lottery	<p>An arrangement where:</p> <ul style="list-style-type: none"> <li>• Persons are required to pay to participate in the arrangement;</li> <li>• In the course of the arrangement, one or more prizes are allocated to one or more members of a class;</li> <li>• The prizes are allocated by a series of processes; and</li> <li>• The first of those processes relies wholly on chance.</li> </ul>
Council	Hastings Borough Council
Customer Lotteries	Lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.
Default Conditions	Conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.
Domestic Computer	Definition in forthcoming Regulations. Exempt from a Gaming Machine Permit.
Disorder	No set interpretation, however, likely to be connected to the way gambling is being conducted. In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants
EBT	Electronic Bingo Ticket Minders. Electronic equipment operated by a Bingo Operators Licence for

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the purposes of playing bingo.

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Exempt Lotteries

Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are 4 types:

- Small Society Lottery (required to register with Licensing Authorities.
- Incidental Non Commercial Lotteries e.g. Raffle at a dance/church fair
- Private Lotteries e.g. Raffle at a student hall of residence
- Customer Lotteries e.g. Supermarket holding a hamper raffle

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External Lottery Manager	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.
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Fixed Odds Betting	General betting on tracks.
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Fixed Odds Betting Terminal	A category B2 gaming machine
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Game of chance	A game of chance can include an element of chance and an element of skill. This does not include a sport.
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Gaming	Playing a game of chance for a prize.
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Gaming Machine	Machine covering all types of gambling activity, including AWP machines and betting on virtual events
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Categories

Max. Stake	Max Prize
A Unlimited	
B1 £2	£4,000
B2 £100	£500
B3 £1	£500
B4 £1	£250
C 50p	£25
D 10p or 30p*	£5 or £8*

\*When non-monetary prize only

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Guidance	Guidance issued by the Gambling Commission dated May 2009.
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Human Rights Act 1998 Articles: 1, 6, 8 and 10	Article 1: Protocol 1 – the right to peaceful enjoyment of possessions Article 6: - the right to a fair hearing Article 8: - the right of respect for private and family
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life

Article 10: - the right to freedom of expression

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Incidental Non Commercial Lottery	A lottery promoted wholly for purposes other than private game, and which are incidental to non commercial events (commonly charity fund raising events, lottery held at a school fete or at a social event such as a dinner dance).
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Information Exchange	Exchanging of information with other regulatory bodies under the Gambling Act.
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Interested Party	Interested parties can make representations about licence applications, or apply for a review of an existing licence.
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A person who:

- Lives sufficiently close to the premises to be likely affected by the authorised activities
  - Has business interests that might be affected by the authorised activities
  - Represents persons in either of the above groups
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Irrelevant Representations	<ul style="list-style-type: none"> <li>• Where other legislation can cover the representation</li> <li>• Demand in premises licensing</li> </ul>
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Large Lottery	Where the total value of tickets in any one lottery exceeds £20,000 OR tickets in separate lotteries in one calendar year exceeds £250,000. This requires an Operating Licence.
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Licences	As defined in paragraph 1.16
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Licensed Lottery	Large society lotteries and lotteries run for the benefit of local authorities which will be regulated by the Gambling Commission. Operating Licences will be required.
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Licensing Authority	Hastings Borough Council
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Licensing Committee	A committee of 10 to 15 Councillors appointed by the Council to represent the Licensing Authority.
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Licensing Objectives	As defined in paragraph 1.10
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Licensing Sub Committee	A sub committee of members appointed from the licensing committee to whom the functions of the licensing committee can be delegated under the Act to determine applications.
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Live Gaming	Gambling on a live game as it happens.
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Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
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Lottery Tickets	<p>Tickets that must:</p> <ul style="list-style-type: none"> <li>• Identify the promoting society</li> <li>• State the price of the ticket, which must be the same for all tickets</li> <li>• State the name and address of the member of the Society who is designated as having responsibility at the Society for the promotion of the lottery, or, if there is one, the external lottery manager; and</li> <li>• State the date of the draw, or enable the date of the draw to be determined.</li> </ul>
Mandatory Conditions	Conditions that must be attached to a licence. This may apply to all Premises Licences, to a class of Premises Licence or licences for specified circumstances.
Members Club	<p>A club that must</p> <ul style="list-style-type: none"> <li>• have at least 25 members</li> <li>• be established and conducted 'wholly or mainly' for purposes other than gaming</li> <li>• be permanent in nature</li> <li>• not established to make commercial profit • controlled by its members equally.</li> </ul>
Notifications	Notifications of temporary and occasional use notices
Non Commercial Event	An event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not for private gain.
Non Commercial Society / Small Society Lotteries	<p>A society established and conducted:</p> <ul style="list-style-type: none"> <li>• for charitable purposes</li> <li>• for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or</li> <li>• for any other non commercial purpose other than that of private gain</li> </ul>
Occasional Use Notice	Betting may be permitted on a 'track' without the need for a full Premises Licence.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting – Tracks	Betting that takes place in self contained betting premises within the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operate only on race days.
On Course Betting - Tracks	Betting that takes place on a track while races are taking place

Operating Licences	Licence to permit individuals and companies to provide facilities for certain types of gambling. They may authorise remote or non remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. These cannot be held by companies.
Pool Betting – Tracks	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track
Premises	Defined 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.
Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres
Private Lotteries (For example, sweepstakes)	3 Types of Private Lotteries: <ul style="list-style-type: none"> <li>• Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society</li> <li>• Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises</li> <li>• Residents’ Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises;</li> </ul>
Prize Gaming	Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional Statement	Where an applicant can make an application to the Licensing Authority in respect of premises that he: <ul style="list-style-type: none"> <li>• Expects to be constructed</li> <li>• Expects to be altered</li> <li>• Expects to acquire a right to occupy.</li> </ul>
Racino	Casino located at a racecourse.
Regulations	Regulations made under the Gambling Act 2005

Relevant Representations	Representations that relate to the Licensing Objectives, or that raise issues under the Licensing Policy Statement or the Gambling Commission's Guidance or Codes of Practice.
Responsible Authorities	<p>Responsible authorities can make representations about licence applications, or apply for a review of an existing licence.</p> <p>For the purposes of this Act, the following are responsible authorities in relation to premises:</p> <ol style="list-style-type: none"> <li>1. The Council's Licensing Authority whose area the premises must wholly or mainly be situated;</li> <li>2. The Gambling Commission;</li> <li>3. Sussex Police;</li> <li>4. East Sussex Fire and Rescue Service;</li> <li>5. Planning Authority, Hastings Borough Council;</li> <li>6. Environmental Health Services, Hastings Borough Council;</li> <li>7. Local Safeguarding Children's Board ;</li> <li>8. HM Customs and Excise.</li> </ol> <p>N.B. In accordance with the Gambling Commission's guidance for local authorities this authority designates the Local Safeguarding Children's Board for this purpose. The contact details for all responsible authorities under the Gambling Act 2005 will be available via the Council's website at <a href="http://www.hastings.gov.uk/licensing">www.hastings.gov.uk/licensing</a></p>
SIA	Security Industry Authority
Simple Lottery	<p>An arrangement where:</p> <ul style="list-style-type: none"> <li>• Persons are required to pay to participate in the arrangement</li> <li>• In the course of the arrangement, one or more prizes are allocated to one or more members of a class; and</li> <li>• The prizes are allocated by a process which relies wholly on chance.</li> </ul> <p>For example, a raffle.</p>
Skills with Prizes	<p>A machine on which the winning of a prize is determined only by the player's skill and there is no element of chance, e.g. trivia game machine, Formula 1 simulators, shooting game. Skills Machines are unregulated.</p>

Small Lottery	Where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.
Small Society Lottery	A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.
Small Operations	Independent on course betting operators with only one or two employees or a bookmaker running just one shop.
Society	The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Statement of Principles	Matters taken into account when considering an applicant's suitability for applications for FEC Permits.
Temporary Use Notice	To 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.
Totalisator or Tote	Pool betting on tracks.
Touch Bet Roulette	Where a player gambles on a live game of chance without actually being seated.
Track	Sites where races or other sporting events take place e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Vehicles	Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted
Vessel	Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything, or part of any place, situated on or in water.
Vessel and Relevant Licensing Authority	The Licensing Authority for the area in which the vessel is usually moored or berthed.
Virtual Betting	Machine that takes bets on virtual races, i.e. images generated by computer to resemble races or other events.

Vulnerable Persons     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 due to mental impairment, alcohol or drugs. For example, this may include those persons who are under the influence of alcohol and/or are drunk.

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Young Person             An individual who is not a child but who is less than 18 years old.

**Appendix B: List of consultees**

Local Authorities are required by law to consult on their policies. Broadly, consultation included the following groups:

- The Chief Officer of Police
- East Sussex Safeguarding Children Board
- Hastings Borough Council Ward Councillors
- Trade associations and businesses who will be holding premises licences
- Responsible Authorities
- Community and faith organisations and those working with problem gamblers and young people;
- Salvation Army
- Citizen Advice Centre

The summary of comments made on the gambling policy and their consideration by Hastings Licensing Authority is available on request by contacting Hastings Licensing Department.

## Appendix C: Delegations of licensing functions

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Gambling decisions and functions may be taken or carried out by the Full Council of Hastings Borough Council or delegated to the licensing sub-committee or in appropriate cases to the officers of the Council. As many of the decisions will be purely administrative in nature, the principle of delegation to officers is adopted in the interests of speed, efficiency, and cost effectiveness. The terms of delegation of function are set out below.

Full Council will deal with the following matters:

- Three year licensing policy
- Policy not to permit casinos

Sub Committee will deal with the following matters:

- Review of premises licence
- Cancellation of club gaming/club machine permits
- Decision to give a counter notice to a temporary use notice.

Sub Committee will deal with the following matters if a representation is made:

- Application for a premises licence
- Application for a variation to a licence
- Application for a transfer of a licence
- Application for provisional statement
- Application for club gaming/club machine permits

Executive Director or his/her nominee will deal with the following matters:

- Fee setting (when appropriate)
- Applications for other permits
- Cancellation of licensed premises gaming machine permits
- Consideration of temporary use notice

Executive Director or his/her nominee will deal with the following matters if no representation is made:

- Application for premises licence
- Application for a variation to a licence
- Application for a transfer of a licence
- Application for provisional statement
- Application for club gaming/club machine permits.



## Appendix D: Table of exemptions

Exemptions from	Types of gambling and permissions
Operating Licence	<ul style="list-style-type: none"> <li>• Small society lotteries</li> <li>• Incidental non commercial lottery</li> <li>• Private lottery</li> <li>• Customer lottery</li> </ul>
Premises Licence	<ul style="list-style-type: none"> <li>• Occasional use notice</li> <li>• Football pools</li> <li>• Temporary use notice</li> </ul>
Operating Licence and Premises Licence	<ul style="list-style-type: none"> <li>• Family entertainment centre gaming machine permit</li> <li>• Club/miners' welfare institute: equal chance gaming</li> <li>• Club gaming permit</li> <li>• Club machine permit</li> <li>• Equal chance gaming, on –licensed premises</li> <li>• Gaming machines: automatic entitlement, on –licensed premises</li> <li>• Licensed premises gaming machine permit</li> <li>• Travelling fair gaming machine</li> <li>• Prize gaming permit</li> <li>• Other prize gaming</li> <li>• Ancillary equal chance gaming at travelling fairs</li> <li>• Private gaming and betting</li> <li>• Non commercial prize gaming</li> <li>• Non commercial equal chance gaming</li> </ul>

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## Bob Brown

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**From:** Ian Wheeler  
**Sent:** 04 September 2015 09:57  
**To:** Bob Brown  
**Cc:** Ian Wheeler  
**Subject:** RE: Consultation on Licensing Policy (Licensing Act 2003)

Hi Bob,

Thank you for attached amended policies which you sent as part of the Licensing consultation process.

I would have no adverse comment to make on behalf of the Environmental Health Team.

Kind Regards

Ian.

Ian Wheeler  
Environmental Health Manager  
Hastings Borough Council  
Aquila House  
Breeds Place  
Hastings  
East Sussex. TN34 3UY  
01424 783230

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**From:** Bob Brown  
**Sent:** 28 August 2015 13:46  
**To:** 'Jean.Irving@sussex.pnn.police.uk'; 'Paul.Phelps@sussex.pnn.police.uk'; 'hastings.firesafety@esfrs.org'; Christine Barkshire-Jones; Ian Wheeler; Mike Fagan; 'Dick Edwards'; 'Rob Woods'; 'douglas.sinclair@eastsussex.gov.uk'; 'trading.standards@eastsussex.gov.uk'; 'publichealth@eastsussex.gov.uk'; 'info@hastingschamber.co.uk'; Members; Pranesh Datta; 'chrismattconnelly@gmail.com'; Ray Crawford  
**Subject:** Consultation on Licensing Policy (Licensing Act 2003)

<< File: Questionnaire suggesting possible areas for feedback2015.doc >> << File: Licensing policy amended 2015.doc >> << File: Licensing Policy letter 2015.doc >> << File: Matrix for licensing policy.docx >> CONSULTATION ON HASTINGS LICENSING ACT 2003 POLICY.

Please find attached a copy of our amended policy (with tracked changes to show amendments) and associated papers for the Licensing Act 2003.

We are seeking your views in respect of the policy and the saturation zones contained within the policy, we have also attached a short questionnaire to assist you but do not feel constrained by it. We are only proposing to consult until the 30<sup>th</sup> September 2015 and would appreciate any comments you may have as soon as possible.

Further details will be available from our website [www.hastings.gov.uk](http://www.hastings.gov.uk) under the consultation link. Any responses should be forwarded to Bob Brown, Licensing Manager, Aquila House, Breeds Place Hastings, TN34 3UY. Or sent via e mail [bbrown@hastings.gov.uk](mailto:bbrown@hastings.gov.uk)

## Bob Brown

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**From:** Christine Barkshire-Jones  
**Sent:** 07 September 2015 16:48  
**To:** Bob Brown  
**Subject:** RE: Consultation on the amended Statement of Principles . Gambling Act 2005.

Bob all seems fine to me.

Chris

---

**From:** Bob Brown  
**Sent:** 28 August 2015 13:46  
**To:** Members; Mike Fagan; Christine Barkshire-Jones; Ray Crawford; 'Rob Woods'; 'Paul.Phelps@sussex.pnn.police.uk'; 'Dick Edwards'; 'info@salvationarmy.co.uk'; 'mail@abb.uk.com'; 'info@bacta.org.uk'; 'hastings.firesafety@esfrs.org'; 'harry@coastalamusements.co.uk'; 'stade.hastings@gmail.com'; 'Andrew Isaacs'; 'trading.standards@eastsussex.gov.uk'; 'douglas.sinclair@eastsussex.gov.uk'; 'publichealth@eastsussex.gov.uk'  
**Subject:** Consultation on the amended Statement of Principles . Gambling Act 2005.

### CONSULTATION ON OUR REVISED STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

Please find attached a letter and copy of our track changed statement of principles under the Gambling Act. We are seeking any views you may have in relation to this prior to the policy going before members for a full Council decision.

Further information and the policy will also be published on our website [www.hastings.gov.uk](http://www.hastings.gov.uk) under the consultation link.

Bob Brown  
Licensing Manager, Licensing Team  
Hastings Borough Council  
Aquila house  
Breeds Place  
Hastings  
East Sussex.  
TN34 3UY  
01424 451042  
[licensing@hastings.gov.uk](mailto:licensing@hastings.gov.uk)  
[http://www.hastings.gov.uk/environment\\_planning/licensing](http://www.hastings.gov.uk/environment_planning/licensing)

## Bob Brown

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**From:** Steve Johnson <Steve.Johnson@eastsussex.gov.uk>  
**Sent:** 21 September 2015 15:57  
**To:** Bob Brown  
**Subject:** RE: Consultation on the amended Statement of Principles . Gambling Act 2005.

Dear Bob,

With reference to the consultation on this revised document, this Service has no particular observations or comment for consideration. The due regard to proof of age schemes and smuggled or pirated goods is welcomed.

Regards

S P Johnson  
Senior Trading Standards Officer

Trading Standards Service  
Communities, Economy & Transport  
East Sussex County Council  
D Floor, West Block,  
County Hall,  
St Anne's Crescent,  
Lewes,  
East Sussex,  
BN7 1UE

Tel: 01323 463439/463420  
Fax: 01323 463422

Mobile: 07876 036884

**From:** Bob Brown [<mailto:BBrown@hastings.gov.uk>]  
**Sent:** 28 August 2015 13:46  
**To:** Members; ~Z Ext Safer Hastings Partnership; Christine Barkshire-Jones; Ray Crawford; 'Rob Woods'; 'Paul.Phelps@sussex.pnn.police.uk'; 'Dick Edwards'; 'info@salvationarmy.co.uk'; 'mail@abb.uk.com'; 'info@bacta.org.uk'; 'hastings.firesafety@esfrs.org'; 'harry@coastalamusements.co.uk'; 'stade.hastings@gmail.com'; 'Andrew Isaacs'; Trading Standards; Douglas Sinclair; Public Health  
**Subject:** Consultation on the amended Statement of Principles . Gambling Act 2005.

### CONSULTATION ON OUR REVISED STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

Please find attached a letter and copy of our track changed statement of principles under the Gambling Act. We are seeking any views you may have in relation to this prior to the policy going before members for a full Council decision.

Further information and the policy will also be published on our website [www.hastings.gov.uk](http://www.hastings.gov.uk) under the consultation link.

Bob Brown  
Licensing Manager, Licensing Team  
Hastings Borough Council  
Aquila house  
Breeds Place  
Hastings  
East Sussex.

Bob Brown  
Licensing Manager  
Hastings Borough Council  
Aquila House  
Breeds Place  
Hastings  
East Sussex  
TN34 3UY

24<sup>th</sup> September 2015

Dear Bob

**Consultation on Hasting Borough Council's Statement of Principles – Gambling Act 2005**

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

Coral Racing Limited are broadly supportive of the document. It again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives', additionally noting that it should not take into account of any moral objections to gambling.

Coral Racing Limited recognise the requirement to supply risk assessments with future applications & variations following the consultation completion (requirement is from 6<sup>th</sup> April 2016) and are pleased to see this detail included within the Draft Statement at section 6.4.2. The requirements and information you include is proportionate and sensible whilst being compliant with the new regulations. Coral's experience is that through all it does, it achieves an exemplary degree of compliance already, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. Your narrative summarises this well.

We do have one area of concern relating to section 3.5.8 which states:-

*When determining an application to grant or review a premises licence, regard will be given to the proximity of other establishments catering to children or vulnerable adults, or to places that are frequented by unaccompanied children and/or vulnerable adults or where children, young people or vulnerable persons are likely to congregate. These may include schools, vulnerable adult centres, addiction centres, day centres or services used by vulnerable adults or residential areas where there may be a high concentration of families with children. It may also include school routes and places that attract unaccompanied children for recreation and leisure.*

Whilst section 3.5.9 indicates that all applications are judged on their merits, it should not be inferred that



**Coral Racing Limited**  
One Stratford Place, Montfichet Road, London E20 1EJ  
Registered Office: New Castle House, Castle Boulevard, Nottingham NG7 1FT  
Registered in England No. 541600  
Tel: 020 3288 7000 Fax: 020 3288 7050

a  company



1700+ shops



mobile



coral.co.uk



0800 242 232

there is any link between the proximity of such premises listed above and causing harm to the licensing objectives.

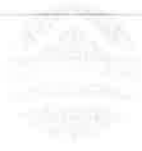
Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems. Additionally, throughout the country, there are many betting offices in residential areas (on shopping parades etc. alongside other high street operators) which operate responsibly upholding the licensing objectives.

If we can provide any further information, we would be pleased to do so.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Liddle', written over a horizontal line.

John Liddle  
Director of Development – Coral Retail



Hastings Borough Council  
Licensing Department  
Environmental Services  
Aquila House  
Breeds Place  
Hastings  
TN34 3UY

Please ask for: Richard Taylor  
Direct Tel: 01482 590216  
Email: rjt@gosschalks.co.uk  
Our ref: RJT / LHK / 097505.00004  
#CS386675  
Your ref:  
Date: 25 September 2015

Dear Sir/Madam,

**Re: Gambling Act 2005 Policy Statement Consultation**

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

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

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

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

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

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



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

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

### **Working in partnership with local authorities**

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

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

### **LGA – ABB Betting Partnership Framework**

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

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

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

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

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

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

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

Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth & Regulation, said: *"The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."*

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

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

### **Primary Authority Partnerships in place between the ABB and local authorities**

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

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

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

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

### **Local area risk assessments**

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

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

The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review

should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to uphold the three licensing objectives.

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

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

### **Local Area Profiles – Need for an evidence based approach**

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

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

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

We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

### **Concerns around increases in the regulatory burden on operators**

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

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put

into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

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

### **Employing additional licence conditions**

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

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

### **Specific Policy Comments**

On a number of occasions within the draft statement of principles, there is an indication that applications are to demonstrate how they are to “promote” the licensing objectives. Whilst applicants are required to promote the licensing objectives under Licensing Act 2003, there is no such requirement under Gambling Act 2005. The policy needs to be amended to reflect the fact that the licensing authority must “have regard” to the licensing objectives. Applicants are required to demonstrate how the operation of Gambling Act premises will be “reasonably consistent” with the licensing objectives and the only body upon whom the Gambling Act 2005 places a duty to promote the licensing objectives is the Gambling Commission.

At paragraph 1.4.2 there is a list of criteria that the licensing authority cannot take into account when determining an application. This list of criteria should be supplemented by recognising that issues of mere nuisance cannot be taken into account.

Paragraph 3.2.4 states that the licensing authority is aware of the distinction between disorder and nuisance but does not define it. The draft statement of principles would be assisted by a statement that nuisance cannot be considered and that the Gambling Commission has stated that “licensing authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance.”

Policy GLP1 requires that applicants demonstrate within their application measures that will be taken to prevent crime and disorder on the premises. The authority is reminded that there is no facility within the application process (unlike Licensing Act 2003 applications) for these measures to be included. Indeed, to include these additional measures produces an unnecessary additional burden. As from 6<sup>th</sup> April 2016, operators will be required to submit local risk assessments as part of the application process. If GLP1 is satisfied by the submission of the local risk assessment then the policy should make this clear.

The remainder of GLP1 is overly prescriptive. Betting operators have considerable experience with operating licensed premises and have policies and procedures to ensure that the operation of their premises is in accordance with the LCCP, in accordance with the Gambling Commission Guidance and is consistent with the licensing objectives.

One of these measures deals with the location of CCTV cameras. Many operators operate covert as well as overt cameras. Obviously the location of covert cameras is sensitive security information. This should not be shared within a public document.

Overall, we respectfully submit that policy GLP1 is too prescriptive.

Paragraph 3.58 indicates that when determining an application to grant or review a premises licence, regard will be given to the proximity of certain establishments. The proximity of establishments that are frequented by children cannot be an issue upon review unless there is evidence within that review that the operation of the Gambling Act premises is causing specific concerns to those premises. Whilst the proximity of certain premises may be an issue upon application where it will be dealt with the operator's local area risk assessment, it cannot follow that it is necessarily the case upon review.

Paragraph 3.6 and GLP3 deal with access to licensed premises and the protection of children and other vulnerable persons from being harmed or exploited by gambling. Once again, this policy requires applicants to demonstrate within the application certain measures which demonstrate compliance with the licensing objectives and our comments (above regarding GLP1) apply equally here. We respectfully submit that the design and external signage are issues of planning which cannot be taken into account under Gambling Act 2005. The regulation of advertising and promotional material is heavily regulated and is already covered by the Licence Conditions and Codes of Practice. Ordinary Code Provision 5.1.6 requires socially responsible advertising, compliance with CAP and BCAP codes of practice and the Gambling Industry Code for Socially Responsible advertising. The advertising of gambling premises is not therefore an issue for consideration by the Licensing Authority.

Paragraph 4.1 deals with the location of gambling premises and gambling machines. This indicates that the licensing authority will primarily focus on the location, suitability and management of the premises and how this might directly impact upon the licensing objectives. The authority is reminded that s153 requires the licensing authority to aim to permit the use of premises for gambling at all times. The focus must be upon whether or not the application is in accordance with the LCCP, in accordance with the Gambling Commission's Guidance and that the operation would be reasonably consistent with the licensing objectives.

Paragraph 4.2 indicates that regard will be given to the location of the premises and its proximity to other establishments. Once again, this is an issue that will be dealt with in the local area risk assessment.

Paragraph 4.3 causes the ABB significant concerns. Any policy that a specific area is an area where gambling premises should not be located may be unlawful. This paragraph appears to implement a



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

Yours faithfully,



**GOSSCHALKS**

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# Agenda Item 6



**Report to:** Cabinet

**Date of Meeting:** 7 December 2015

**Report Title:** Review of Licensing Policy

**Report By:** Mike Hepworth  
Assistant Director Environment and Place

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## Purpose of Report

To inform Cabinet of the results of the recent consultation carried out for the statutory review of the Council's Licensing Policy relating to the supply of alcohol, provision of regulated entertainment, and late night refreshments. The revised policy needs to be adopted by full Council prior to publication on 6th January 2016.

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## Recommendation(s)

- 1. Cabinet agree the updated Licensing Policy and recommend it to Full Council for adoption by the 6th January 2016**

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## Reasons for Recommendations

There is a statutory requirement for local authorities to fully review their licensing policy at least every 5 years. Failure to do so could result in judicial review proceedings against the Authority and call in to doubt local decisions made under the Licensing Act 2003.

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## Background

1. The Licensing Act 2003 passed all licensing responsibilities to local authorities for the licensing of premises, persons and temporary events in connection with the sale/supply of alcohol, regulated entertainment and late night refreshment.
2. This was implemented by local authorities in February 2005, the responsibilities having been transferred from the Magistrates Court and Police. One of the first duties placed on local authorities by the Act was the need to formulate and consult upon a Licensing Policy.
3. This policy had to be adopted by the Full Council of the Authority and kept under review. Initially the policy had to undergo a full review and consultation every 3 years. However, this has recently been increased by changes in legislation to a 5 year period. The next date for review is due and the revised policy needs to be adopted and published by the 6th January 2016.
4. The policy has undergone two full reviews since the initial adoption, both included consultation with all relevant parties specified in the statutory guidance, as well as some resident and special interest groups, and all Members. On each occasion amendments have been made to reflect changes to the legislation, Government guidance and identified issues in the Borough.
5. The updated draft policy is attached. The amendments mainly arise from changes to the legislation and statutory guidance. Some additional changes have been made as a result of the consultation exercise carried out, to which we received five responses.
6. In addition, data from our partner organisations was requested to inform consideration of the need to retain, remove, or amend the saturation zones referred to within the policy. This is discussed in more detail later in the report.
7. We are also proposing the inclusion of a new matrix approach to considering applications, which aims to promote a diverse range of licensed premises within the borough, whilst safeguarding the rights of local residents. This approach has been used successfully by some other licensing authorities, for example Brighton and Hove City Council. We have taken this emerging practice and adapted it to reflect the needs of Hastings.
8. The Matrix approach recognises that not all types of licensed premises are likely to be able to operate in accordance with the 4 licensing objectives in all types of area within the borough. For example live music venues and night clubs are likely to cause public nuisance if they are located in a predominantly residential area, rather than in a predominantly commercial area. Whereas a well managed restaurant closing at 23.00 hours is likely to have no negative impact, even within a residential area.
9. The matrix steers applicants towards the most appropriate type of area for the licensed venue they hope to operate. This approach should help reduce conflict between local residents and the operators of licensed premises, and promote a

diverse mix of venues in parts of the Borough. It is supported by Sussex Police, as they advise that it has operated very successfully in Brighton and Hove.

10. The new matrix is included within the policy document, and is designed to help inform applicants, the public and other key stakeholders of the Council's aspirations for the operation of licensed premises in different types of area throughout the borough.
11. It is suggested that the Matrix should be considered a live document and reviewed on a regular basis by the Council's Licensing Committee when emerging trends develop. In this way, when supported by evidence from key stakeholders, specified areas may be added and deleted, and suggested closing times and other parameters adapted, to reflect changing environments within the Borough.
12. The Council's Licensing Policy has stood the test of time well, it has not been legally challenged, and this latest version is largely the same with the addition of the new matrix approach.

## **Feedback from the consultation**

13. As discussed above the statutory consultation process resulted in five separate responses, these were from Sussex Police, the Council's Legal Department, the Council's Environmental Health Manager, two Councillors and the Hastings Old Town Residents Association (HOTRA).
14. Sussex Police supplied a breakdown of all crime in the Borough and linked it to the three current saturation zones. Depending upon which crime group is identified the data shows that the three zones account for between 40% and 60% of the whole borough crime. The figures also confirm that the peak time for public place violent crime is 23.00 hours to 04.00 hours Thursday to Sunday, which equates to the peak opening times of the late night venues in these zones.
15. In addition they have supplied data for alcohol related anti-social behaviour across the Borough, this shows an encouraging reduction in such crime over the past 2 years. This data is discussed in greater depth later in the report when looking at the saturation zones.
16. The Chair of the Council's Licensing Committee provided useful feedback on the matrix proposals and they have been amended accordingly.
17. HOTRA made several statements in their response. They are briefly discussed below. They comment on the concentration of licensed premises in the Old Town and say that they have been contacted by licensees in the area about anti-social behaviour arising from the concentration of pubs and clubs in George Street. However, they do not provide specific details, and in fact this is not supported by the recorded crime data provided for the area.
18. They also comment on the way that the Police and Environmental Health respond to complaints and deal with incidents in this area. However, this is not a matter for the Licensing Policy.
19. They request two main changes, which are the expansion of the Old Town saturation zone, and that all premises with outdoor tables and chairs be required to

close that space by 21.00 hours. The areas adjacent to the existing saturation zone in the Old Town have few if any licensed premises, and the crime data for the area does not suggest that the existing zone should be expanded. Table and chairs licences are actually granted under highways legislation not the Licensing Act. All such licences terminate at 23.00 hours, and to seek to terminate those in the Old Town 2 hours earlier would be inconsistent and likely to be vigorously challenged by licensees. As the licences are granted under highways legislation it is not considered appropriate to seek to restrict them through this policy. Indeed each licence application made under the highways legislation will need to be considered on the individual merits of that case.

20. The crime data analysis provided by Sussex Police doesn't indicate that the Old Town has a significant crime and disorder or anti-social behaviour problem, compared with other areas of the town. Levels of recorded crime that could be associated with licensed premises appear to be stable, and are less than in the other 2 areas with saturation zones. However, it should be noted that environmental health continues to receive some complaints of noise and disturbance associated with licensed premises in the Old Town. Therefore, on balance it is thought that the existing saturation zone is working reasonably well, and should remain in place for the time being. Further information is provided below.

## **Cumulative Impact Policy (Saturation Zones)**

21. The policy consultation process in 2008 identified a need for areas of cumulative impact to be adopted within the overall Licensing Policy, to control the cumulative impact on certain parts of the borough arising from the concentration of certain types of licensed premises. Three such areas were formed and have been retained following each review, with minor amendments being made to reflect changes to the character of these areas.
22. Cumulative Impact is not mentioned specifically in the 2003 Act. However, it is discussed at length in the Section 182 guidance under the Act issued by the Home Office. The guidance states "The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing Authority to consider in developing its licensing policy statement. Cumulative impact policies may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on and off the premises, and the provision of late night refreshment. This includes late night fast food outlets which are not licensed to sell alcohol."
23. Our three saturation zones have also been subject to separate reviews at a mid-point between full policy reviews, on each occasion Sussex Police and other interested parties have indicated their support for the Authority to keep them in place.
24. In the past it has been suggested that the saturation zones can be an unreasonable obstruction to businesses wanting to open new licensed premises within them. However, since their introduction in 2008 we have received 19 applications for new premises of different types in these areas, 18 of which have been issued and are trading. In addition, 6 applications have been received to vary premise licences for venues in the saturation zones and 5 were granted.

25. It is true to say that applicants applying for licences in the saturation zones need to submit carefully considered applications, making it clear how they will manage their premises to promote the 4 licensing objectives. We saw a good example of this in recent months, when the Licensing Sub Committee refused an application for a night club in the town centre. Following meetings with the Council and the Police, the applicant submitted a fresh application that was of a much higher standard, addressed the licensing objectives in far greater detail, and therefore didn't attract the same number of formal objections, and was approved.
26. Pre consultation data sought from our partners to indicate the levels of crime and other matters in the existing saturation zone areas has been supplied.
27. A précis of this data is as follows:-

**Trading standards - for example in relation to illicit alcohol and labelling offences**

Hastings Town Centre. - 3 prosecutions since 2011  
 St Leonards - 3 prosecutions since 2012.  
 Hastings Old Town - 0 prosecutions.

**Environmental protection - in relation to statutory noise nuisance offences**

Hastings Town Centre. - 1 premise with notice served, 1 premises on watch list.  
 Hastings Old Town. - 1 premise with notice served, 3 premises on watch list.  
 Central St Leonards - No current notices.

**Sussex Police**

28. Two sets of data have been released they are based on Wards not the exact areas of the saturation zones, one is general crime and the second is alcohol related disorder. Both are helpful in relation to considering this policy and are summarised below.
29. The general data shows that for the period July 2012 to June 2015, Castle ward accounted for 25.6% of all recorded crime in the borough, Central St Leonards accounted for 12.3% and Hastings Old Town 5.3%.
30. The data for Public Place Violent Crime (PPVC) shows that Castle Ward accounted for 32.9% of the total recorded in the Borough for the year ending June 2015, Old Hastings accounted for 5.3% and Central St Leonards 12.7%. The peak days of the week being Thursday to Sunday and the peak times 23.00 hours to 04.00 hours.
31. The alcohol related disorder data shows a reduction across the borough between October 2013 and September 2015, Castle ward had a 13.8% reduction in offences, Central St Leonards had a 40.9% reduction and Old Hastings had a 37.8% reduction, but these three areas remained among the highest in the borough in terms of alcohol offences, and as a result it is suggested that the 3 saturation Zones are retained, and continue to be regularly reviewed in the light of the new matrix proposals.
32. As mentioned above in relation to comments from HOTRA, based upon this data and discussions with local officers, although the crime data for the Old Town is low

in comparison to the other areas, we believe that the saturation zone should be retained.

## Policy Implications

33. Equalities Impact Assessments carried out during previous reviews of this policy did not identify any scope for discrimination as a result of the policy. From a community cohesiveness perspective, the proposed new matrix approach is a positive development that should help to promote a diversity of licensed premises throughout the borough whilst safeguarding residents.
34. Crime and fear of crime are important considerations for the Council. Increased crime and fear of crime could have catastrophic consequences on the regeneration of the town, with entrepreneurs being put off from investing in Hastings. However, this policy helps to minimise the potential for crime and disorder associated with licensed premises, whilst promoting a vibrant and diverse night time economy, which should be good for regeneration.
35. The environmental impact of licensed premises is clearly a matter that is addressed by this policy, as one of the 4 licensing objectives is the prevention of public nuisance. The policy encourages applicants and licensees to seek guidance from the Licensing Team and Environmental Health in order that they can operate in ways that minimise the potential for nuisance. As a result of this review we have also added reference to the "City of London Code of Good Practice for Licensed Premises", which contains useful practical guidance on how licensees can promote the 4 licensing objectives.
36. The Human Rights Act is a relevant consideration for the Licensing Sub Committee when considering licensing applications, and the addition of the matrix approach to this policy should assist them in balancing the human rights of residents and licensees.
37. Local people's views are another relevant consideration as they have the right to make formal representations against applications if they feel that the application will not promote 1 or more of the 4 licensing objectives. Again it is suggested that the updated draft policy will help the Licensing Sub-Committee to consider such representations objectively, and in a way that balances the rights of all concerned.

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## Wards Affected

Ashdown, Baird, Braybrooke, Castle, Central St. Leonards, Conquest, Gensing, Hollington, Maze Hill, Old Hastings, Ore, Silverhill, St. Helens, Tressell, West St. Leonards, Wishing Tree

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## Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	Yes
Crime and Fear of Crime (Section 17)	Yes
Risk Management	No

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Report Template v28.0

Environmental Issues	Yes
Economic/Financial Implications	No
Human Rights Act	Yes
Organisational Consequences	No
Local People's Views	Yes
Anti-Poverty	No

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**Additional Information**

Appendix One - Draft updated Licensing Policy

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**Officer to Contact**

Bob Brown - Licensing Manager or Mike Hepworth Assistant Director Environment & Place

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# Hastings Borough Council Licensing Policy

For Re-Adoption and Publication 16<sup>th</sup> December 2015

# Hastings Borough Council Licensing Policy

## For Re-Adoption and Publication 16<sup>th</sup> December 2015

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## **1.0 INTRODUCTION**

We recognise that this policy document is very long and detailed. This is because the law and Government guidance on what local authorities must include in their Licensing Statements of Policy is very prescriptive.

However, please be assured that our small Licensing Team is always happy to help you, whether you are:-

- A resident with concerns about some aspect of how a licensed premises is being operated near where you live; or
- A member of the business community wanting some guidance on how the local licensing system works.

The Licensing Team is also able to put you in touch with other Council services and partners that may be of interest in relation to licensed premises, for example our Environmental Protection Team in relation to noise, the Police in relation to crime and disorder, and the Fire and Rescue Service in relation to fire safety within licensed premises.

Here in Hastings all of these services work very closely together.

Also see appendices 6 and 7, which will be of help to residents and licensees/potential licensees respectively.

## **1.1 Statement of Policy**

Hastings Borough Council, in pursuance of its duties and powers under the Licensing Act 2003, hereby formally makes a statement as to its Policy in respect of the provisions of that Act.

The aim of the policy is to achieve a sustainable tourist, entertainment and cultural industry in Hastings, whilst securing the safety and amenity of our residential communities and promoting the licensing objectives set out in the Act.

## **1.2 Licensing Objectives**

Under the Act, the Licensing Objectives are:

1. Prevention of crime and disorder;
2. Public safety;
3. Prevention of public nuisance;
4. Protection of children from harm.

## **1.3 Statutory Consultees**

The Statutory Consultees are:

- The chief officer of police for the Licensing Authority area;
- The Fire and Rescue Authority for that area

- Such persons as the Licensing Authority consider to be representative of holders of premises licences issued by that Authority;
- Such persons as the Licensing Authority consider to be representative of holders of club premises certificates issued by the Authority;
- Such persons as the Licensing Authority consider to be representative of holders of personal licences issued by that Authority;
- Such persons as the Licensing Authority consider being representative of businesses and residents in its area.

## 1.4 Local Features

The population of Hastings and St Leonards is approximately 86,000, but this number increases significantly in the summer months with the influx of tourists, day-trippers and foreign students. The area has strong historic heritage, being at the centre of 1066 country and close to the original battle site. Hastings is one of the original Cinque Ports, and even today has Europe's largest beach launched fishing fleet.

The area has major challenges, it is the most deprived area in the South East England Region and the 20th most deprived district of the 354 English districts. The town has the fastest growing youth population in East Sussex. A faculty of Brighton University has been opened to increase the numbers of students from all over the country. The new multi million pound College development on the railway station complex has now been completed and as a result student numbers in the borough are increasing dramatically. The town has a lively evening/night time economy with a vibrant pub and club culture.

Although something of a simplification, from a licensing perspective the town can be divided into 3 areas.

1. Hastings Town Centre from the old town in the east to the pier in the west and inland to the Priory Meadow Shopping Centre,
2. The roads of George Street and High Street in the Old Town,
3. Central St Leonards consisting of London Road, Kings Road, Western Road and Norman Road. See Highways definitions

The Council recognise that a lot of violent crime is alcohol related and takes place where there is a high concentration of licensed pubs and clubs.

## 1.5 Other Legislation

In undertaking its licensing function, the Council is also bound by other legislation set out below. This list is not exhaustive

- Policing & Crime Act 2009
- Live Music Act 2012
- Health Act 2006
- Section 17 of the Crime and Disorder Act 1988 requires a local Authority to do all that it reasonably can to prevent crime and disorder in its locality.
- The European Convention on Human Rights, which is given effect by the Human Rights Act 1998 places a duty on public authorities to protect the rights of individuals in a variety of circumstances.
- Health and Safety at Work etc Act 1974; and the regulations made there under.
- Environmental Protection Act 1990.
- Race Relations Act 1976 as amended.
- Disability Discrimination 1995
- Sex Discrimination Act 1975
- Equalities Act 2006
- The Freedom of Information Act 2000
- Data Protection Act 1998
- Criminal Justice and Police Act 2001.
- The Anti-Social Behaviour Act 2003.
- The objectives of the Private Security Industry Authority
- The Violent Crime Reduction Act 2006 and any regulations made there under.

The Council in conjunction with other relevant agencies must make sure that this policy remains consistent with other local and national policies and strategies relating to the operation of licensed premises.

## 1.6 Other Policies

When considering licensing applications, the Council will also take account of the following. This list is not exhaustive

- 
- Hastings Evening Economy report;
- Alcohol Strategy for Hastings and St Leonards and Bexhill and Rother;
- Enforcement principles promoted by the Department for Business Innovation and Skills and the Local Better Regulation Office.
- Hastings Borough Council's Enforcement Policies
- Hastings and St Leonards Local Plan;
- Bar Watch ' Initiative;
- 'Pass card' or other Proof of Age Schemes;
- The Alcohol Harm Reduction Strategy for England.

This policy guides applicants, objectors and interested residents on the Council's approach to licensing. Although each licence application must be



considered on its individual merits, the Council will also often have to take into account wider considerations, such as ensuring that it supports, where possible the ongoing and important regeneration of the whole Borough..

## **1.7 Modification of This Policy**

Under the 2003 Licensing Act, the Council will modify this policy whenever necessary and review it every five years. Binding legal interpretations might appear that invalidate a part or parts of it. In such a case, the policy overall is deemed to continue in effect, following the deletion of the minimum amount of text necessary to restore compliance. If this happens, the Council's Head of Environment and Place in consultation with the Borough Chief Legal Officer will look at how the policy needs to be amended. The Council will then carry out a formal consultation to decide what the new policy wording should be.

## **1.8 Scope of The Policy**

The 2003 Licensing Act covers the licensing of individuals for the retail sale of alcohol (personal licences), the licensing of premises for the retail sale of alcohol, the provision of regulated entertainment or late night refreshment (premises licences), the supply of alcohol or the provision of regulated entertainment to certain clubs (club premises certificates) and the permitting of certain licensable activities on a temporary basis (temporary event notices). Unless otherwise stated, a reference in this policy to a premises licence is a reference to a premises licence and a club premises certificate.

Activities requiring a licence under the 2003 Licensing Act and covered by this policy are:

- Retail sale of alcohol for consumption both on and off the premises;
- Supply of hot food or drink from any premises for consumption both on and off the premises, between 23.00 hours and 05.00 hours the following morning;
- Supply of alcohol to club members;
- Provision of entertainment listed below (known as 'regulated entertainment') to the public or club members or with a view to profit under specific circumstances:
  1. Film exhibitions;
  2. Performances of a play;
  3. Indoor sporting events;
  4. Boxing or wrestling entertainment;
  5. Live music performances;
  6. Playing of recorded music;
  7. Dance performances;
  8. Provision of facilities for making music;
  9. Provision of dancing facilities.

The policy covers new applications, renewals, transfers and variations of licences including, where applicable, provisional statements and temporary premises licences. It also includes the review of a licence following representation.

## **1.9 Main Principles**

The main principles of the policy are as follows:

- To reduce crime and disorder;
- To ensure public Safety;
- To prevent public nuisance;
- To protect children from harm;
- To reduce alcohol misuse; and
- To encourage tourism.

The Council's Licensing Policy will encourage licensable activities but balance these with our ability (and that of the police) to maintain public safety. It sets out a general approach to licensing decision-making. It does not undermine the right of any individual to apply for a variety of permissions and to have each application considered on its individual merits.

Similarly, this policy does not override the right of any person to make representations on an application or seek a review of a licence or certificate, where the 2003 Licensing Act allows them to. Licensing is about the regulation of licensed premises, qualifying clubs and temporary events within the terms of the Act. The conditions, where attached to various permissions, will focus on matters that are within the control or influence of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.

The Council will focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or socialising in the area concerned. Licensing law is not a way of controlling anti-social behaviour outside the premises and, therefore, beyond the control of the individual, club or business holding the licence, certificate or authorisation concerned.

## **1.10 Meeting the needs of local communities and helping them to participate in the licensing process**

Licensed premises are an important part of our communities. They provide a place for people to get together, relax and enjoy themselves. However there can be problems if licensees do not take sufficient action to minimise any problems that may occur.

Clearly, all licensed premises must fully address the risks associated with the activities they provide through their operating procedures, and key details should be included in their operating schedule.

If local residents and businesses do experience problems, it is important that they inform the licensee and/or the Licensing Authority or Responsible Authorities such as the Police. Reporting the problem is the first step towards resolving the problem.

Where there are problems, residents and businesses may want to contact their Ward Councillor, Sussex Police, Environmental Health or Trading Standards. Residents, Ward Councillors and businesses can also ask for a review of a premises' licence at any time. It is important to understand that a review of a licence can be instigated against any premises licence or club

premise certificate including those only licensed for “off” sales, and not just those authorised for the “on” sale of alcohol.

Initially we would however advise them to also contact/write to the licensee, outlining the problems experienced and giving them the opportunity to address these concerns.

If residents, Ward Councillors or businesses feel the premises is still not adequately tackling problems associated with the activities they provide, and in their view there is therefore persistent failure to promote the licensing objectives, then there is the option of asking for a review of the licence. Representations cannot be made anonymously and must be clearly linked and evidenced in relation to 1 or more of the 4 licensing objectives. They must include the name and address of the individual or group e.g. residents’ group making the representation. This gives the applicant the opportunity to adequately address the substance of the representation.

In some exceptional and isolated circumstances interested parties may be reluctant to make representations because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant. Where we consider that the interested party has a genuine and well-founded fear of intimidation and may be deterred from making a representation because of this, we will look at alternative approaches e.g. advising the interested party to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified. We may also look at withholding some or all of the interested party’s personal details (where justified) from the applicant, giving only enough details (such as street name or general location within a street), which would allow an applicant to be satisfied that the interested party is within the vicinity of the premises.

Where we receive applications for new premises or changes to existing premises (variations), residents/businesses have 28 days to have their say. In the case of minor variations residents/businesses will have 10 days to make any representation. Details of these applications are available on the Council’s website in the licensing section, and the applicant must place a notice on the outside of their premises and in a local newspaper. In the case of minor variations there is no requirement for a newspaper notice.

The Council also supports and participates in a range of area based forums attended by Ward Councillors, service managers and members of the public active in their local communities. Whilst such groups do not have a decision making role in the local administration and enforcement of licensing legislation, they have a legitimate interest in the impact that licensed premises have on the local environment, and may discuss licensing issues from time to time, and forward concerns and/or suggestions which can clearly be linked to one or more of the Licensing Objectives to the Council’s Licensing Team for consideration.

The Council recognises that the town supports a diverse population, and that all these groups play an important role in developing a vibrant community. It also understands that some parts of the community may have additional difficulties in dealing with some of the application processes. Officers of the

Council will always be available by appointment to guide and assist those persons in any way they can, as we seek to ensure that everyone can take an active part in the process.

## **1.11 Local Impact**

The need for an additional licensable premises is not covered by this policy and will remain a planning and market issue. However, the cumulative impact of licensed premises on an area does fall under this policy. Therefore, the Council might impose restrictions where it feels there will be an impact on the four licensing objectives:

1. Prevention of crime and disorder;
2. Public safety;
3. Prevention of public nuisance; or
4. Protection of children from harm.

When considering applications or variations to licences, the Council will listen to representations based on “cumulative impact”. Such representations must be supported by evidence that the granting of the application will have the cumulative impact claimed.

Issues of cumulative impact will also be addressed via the following mechanisms:

- Planning Controls;
- The provision of CCTV surveillance in Town Centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- 
- Positive measures to create a safe and clean environment in partnership with local businesses, transport operations and other departments of the Council and other local authorities;
- Application of the powers of the Council to designate parts of the area as places where alcohol may not be consumed publicly;
- Police enforcement of the law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices;
- The prosecution of any personal licence holder or member of staff at a licensed premise, which is selling alcohol to people who are drunk;
- The confiscation of alcohol particularly in designated areas;
- Application of police powers to require immediate closure for up to 24 hours of any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder, or excessive noise emanating from the premises;
- Application of powers of the police, other responsible authorities, local residents, Councillors or businesses to seek a review of the licence or certificate in question.
- Other local initiatives that similarly address these problems

## **Special Saturation (Cumulative Impact) Policy**

The Council, as the Licensing Authority, has a duty to comply with its obligations under section 17 of the Crime and Disorder Act 1998 and to promote the 4 licensing objectives stated in the Licensing Act 2003.

The Council is mindful of the problems that can be created when large numbers of premises providing licensable activities are located in close proximity or where premises densities are out of character with the remaining social infrastructures of the locality.

As part of the Council's consultation carried out for the purpose of reviewing its existing Licensing Policy, Sussex Police asked the Council to consider adopting a specific saturation policy on 3 separate areas within the Borough. The police presented substantial evidence on public place violent crime to support the adoption of this policy in the 3 areas nominated and following this consultation the policy was applied to the following areas:

### **1: Hastings Town Centre**

Robertson Street (UC 3162G) for its entire length.

Claremont (UC 3162E) for its entire length

Trinity Street (UC 3162F) for its entire length

Trinity Passage (DPROW 177) for its entire length

Havelock Road (A21) for its entire length

Harold Place (A2101) for its entire length

Cambridge Road (UC 30021) from its junction with Priory Street to its junction with Robertson Street.

### **2: Old Town**

George Street (UC 3206A) for its entire length

High Street (UC 3208A) for its entire length

### **3: Central St Leonards**

London Road (A2102) from its junction with Grand Parade (A259) to its junction with Silchester Road (UC 3140F)

Kings Road (UC 3145A) from its junction with London Rd (A2102) to its junction with Western Road (UC 3144C)

Western Road (UC 3144C) for its entire length

Norman Road (UC 3141A) from its junction with Gensing Road (UC 3141A) to its junction with London Road (A2102)

Norman Road (A2102) from its junction with London Road (A2102) to its junction with Warrior Square (A2102)

These areas have been specified because the licensing authority believes that the cumulative impact of the number and concentration of licensed premises in these areas is adversely affecting the promotion of the following licensing objectives: Prevention of Crime and Disorder and Prevention of Public Nuisance.

Hastings Borough Council therefore adopted a special policy of refusing new licences whenever it receives relevant representations about the cumulative impact on the Licensing Objectives which it concludes after hearing those representations should lead to refusal.

## **Effects of the Special Saturation (Cumulative Impact) Policy**

This policy relates to applications for the grant and/or variation of premise licences, club premises certificates or the issue of provisional statements. Each application will be considered on its own merit. Where no representations are received any application will be granted in terms consistent with the operating schedule. Where relevant representations are received in relation to applications for the grant of a new premise licence, club premise certificate or provisional statement; there will be a presumption against the grant of such licence or certificate unless the applicant can rebut the presumption that the granting of such a licence or certificate would undermine the licensing objectives.

Where relevant representations are received and the variation would undermine the licensing objectives in relation to an application for the variation of a premises licence or club premises certificate resulting in the extension of hours, change of style of operation or increased capacity; there will be a presumption to refuse such applications, unless the applicant can rebut the presumption that the granting of such a variation would undermine the licensing objectives.

### **Review**

The Council intends to review the operation of this special saturation policy every 30 months considering evidence to assess whether it needs variation or extension. It is important to note that this special policy does not seek to refuse all licensed premises applications but to consider each application on its own merits.

Appendix 5 contains maps of the existing saturation areas in the borough.

### **Matrix approach to help inform licensing decisions**

The licensing authority supports the need for a diverse mix of different types of licensed premises. Such a mix attracts a diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption and regulated entertainment. It offers the potential to positively change the ambience of parts of the borough, which in turn can reduce the public fear of crime and boost the number of evening visitors to the town centre. Too many similar licensed premises in a confined area, with their customers leaving at around the same time, can lead to crime and disorder. In an effort to support a diverse mix of licensed venues, a 'matrix approach' is set out below. In certain circumstances variation from the Council's preferred matrix approach may be considered, such as to accommodate special events like carnival week.

The matrix is considered a 'live', part of the policy and can be amended following consideration of emerging evidence supplied by other key stakeholders. This will be the responsibility of the Council's Licensing Committee.

It should be noted that any applicant considering the provision of live music, must carefully assess the potential for causing noise nuisance to nearby premises, and their operating schedule should reflect this assessment by specifying measures to mitigate against nuisance.

<b>MATRIX APPROACH TO HELP INFORM LICENSING DECISIONS</b>				
Likelihood that a particular type of premises may be operated in accordance with the 4 licensing objectives in the type of area specified				
<b>PREMISES TYPE</b>	<b>SPECIFIC AREA OR TYPE OF AREA</b>			
	<b>Cumulative Impact Area</b>	<b>Queens Road Hastings</b>	<b>Mixed commercial and residential areas</b>	<b>Predominantly residential area</b>
<b>Restaurant</b>	Yes (midnight)	Yes (midnight)	Yes (11.30pm)	Yes (11pm)
<b>Late night takeaways</b>	No	Yes (midnight)	Yes (midnight)	No
<b>Night Club</b>	Yes (2am)	No	Yes (midnight)	No
<b>Pub</b>	Yes (midnight)	Yes(midnight)	Yes (midnight) 11pm if live music required.	Yes (11pm, midnight Friday and Saturday) 11pm if live music required.
<b>Non-Alcohol Lead. (Theatre/film etc)</b>	Yes	Yes	Yes	Yes
<b>Off Licence</b>	No	No	Yes (10pm)	Yes (8pm)
<b>Members club</b>	Yes	Yes	Yes (midnight)	Yes (11pm, midnight Friday and Saturday)

## **1.12 Enforcement**

The enforcement of licensing law and the inspection of licensed premises is detailed in the Protocols between the Council, Sussex Police and East Sussex Fire and Rescue Service.

In partnership with these agencies, the Council will target problem and high-risk premises as identified in the protocol. Inspections of premises will be on a risk-assessed basis and intelligence lead.

## **1.13 Consumption of Alcohol in the Street.**

The entire Borough of Hastings is currently (2015/6) subject to a Designated Public Place Order which gives the police specific powers to control street drinking. This order will expire in 2017 as a result of legislative changes (when new legislation will be implemented as appropriate) .This does not confer powers on Council Officers, but may become a matter for consideration by the Council when considering the conduct of licensed premises; particularly those with an “off sales” authorisation.

For example, if evidence is submitted to the licensing authority suggesting a link between the supply of alcohol to persons later found to be in breach of the street drinking provisions this could result in formal action being considered in relation to the premises licence.

## **1.14. Reduce the Strength.**

The Council acknowledges that it cannot require applicants for “off sales” authorisations to restrict their stock of cheap, high strength alcoholic products. It does however, seek licence applicants to cooperate with the Authority in restricting the supply of lagers, beers and cider with an ABV above 6.5% and the sale of such products in single cans..

These products have become the drink of choice for street drinkers who in turn have caused disproportional problems to parts of the borough.

The Council hopes that by restricting the supply of such products, it will be easier for “outreach” services to engage with those affected.

## **1.15. Smokefree Legislation (Health Act 2006)**

The Council acknowledges the difficulties faced by licence holders in the implementation of the Smokefree legislation. Many premises are ‘land locked’ and have no available outside area for smokers and therefore to comply with the legislation they must make use of the public domain. This can cause both noise and litter problems for the surrounding residents .Operators of late night venues should consider supervision for such areas to ensure no conflict occurs with any queuing system in place. We expect licence holders to give serious consideration to these matters and strive to work with their customers to minimise the impact on the local community. Further help and guidance on these matters can be obtained from Council officers,



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

The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with them.

Further, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications, including for example, those licences and certificates where no representations have been made, has been delegated to Officers.

All such matters dealt with by Officers will be reported for information and comment only to the next Committee meeting.

The table in Appendix 1 sets out the agreed delegation of decisions and functions to Sub-Committees and Officers.

This form of delegations is without prejudice to Officers referring an application to a Sub-Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any particular case.

## **2.0 THE POLICIES**

### **2.1 General Information**

The Council's Licensing Policies are set out in bold type, with the explanation and justification for each area of policy in normal type. They will apply whenever we consider any application made under the 2003 Licensing Act. Each policy will be applied to the premises as it exists at the time the application is determined, irrespective of its state at the time of application.

### **2.2 Main Policies.**

**Licensing Policy 1- Each application will be determined on its individual merits.**

**Licensing Policy 2 - This policy shall avoid duplication with other regulatory regimes wherever possible.**

**Licensing Policy 3 - Any conditions attached to licences following relevant representation shall be tailored to the individual styles and characteristics of the premises and events concerned.**

### **2.3 Live Music, Dancing & Theatre**

**Licensing Policy 4 - Whilst the Authority will encourage live music, dancing and theatre for their wider cultural benefits throughout the town, the potential for public nuisance will always be carefully balanced with these wider benefits.**

Historically the Borough has held a good reputation for live regulated entertainment, however this has brought challenges in balancing the right of the public to have a quiet home life. The Licensing Committee represents the general interests of a community. Conditions should only be attached to

licences as a matter of necessity for the promotion of the licensing objectives and not to deter live music, dancing and theatre.

## **2.4 Licensing Hours**

**Licensing Policy 5 - The Authority has due regard to government recommendations over the relaxation of licensing hours. It recognises that longer & different licensing hours for the sale of alcohol are important to avoid concentrations of customers leaving premises simultaneously.**

Fixed and artificially early closing times may promote, in the case of sales of alcohol, rapid binge drinking close to closing times; and are a key cause of disorder and disturbance when large numbers of customers are required to leave premises simultaneously. This in turn produces friction, particularly between young men, and gives rise to disorder and peaks of noise and other nuisance behaviour particularly in and around late night fast food outlets, taxi ranks and other modes of transport.

The Authority will encourage an ordered dispersal of people from licensed premises through longer opening times. It will try to avoid conditions that undermine this principle unless they're necessary for the promotion of the four licensing objectives.

**Licensing Policy 6 - The Authority recognises the need for people to disperse quickly and safely from the town centre to avoid concentrations, which may produce disorder and disturbance, and will work with other parties in an effort to improve the overall facilities for this to occur.**

The Authority also wants to minimise disturbance and strain on transport systems. However, it recognises that encouraging people to disperse at later hours (because of longer opening times) may be to the detriment of our third licensing objective (prevention of public nuisance).

## **2.5 Transport**

The Authority will arrange for protocols with Sussex Police to achieve the swift and safe dispersal of people from the town centre to avoid disorder and disturbance.

The Authority wants to encourage taxi, private hire and bus services to work at night in our area, to help with the safe and timely transportation of people away from the town centre. It will also encourage licence holders to provide transport home for their customers.

## **2.6 Planning**

It's very important to note that there are fundamental differences between the planning and licensing regimes. In general, planning permissions authorise a type of land use, whereas licences issued under the Licensing Act 2003 relate to a particular premises and operator, and may only cover a part of the premises. Furthermore, planning takes no account of the suitability or otherwise of the applicant to operate a particular type of business, and licensable activities may therefore change without the need for a new planning permission.

Applicants therefore need to understand that because Planning, Building Control and Licensing are separate regimes with their own considerations, the granting by the licensing committee of any licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.

Also, applicants must observe the planning conditions of any terminal hours of use where these hours are earlier than the licensing hours applied for. Consequently, applications for licences should normally be made after the relevant planning permission has been granted.

Applicants are encouraged to demonstrate that the premises for which a licence is sought is suitable for the proposed use and that the operation will not undermine the licensing objectives. Applicants should note that by having the relevant planning permissions in place, this will help to demonstrate the suitability of the premises.

When considering the suitability of an area for any licensable activity, consideration should be given to the established use of surrounding buildings. For example, operating a venue that sells alcohol near a mosque, synagogue, church or other religious centre may be felt inappropriate by that community leading to substantial planning and licensing objections. However, each case will be determined on its own merits with regard to planning policy and the licensing objectives.

Other locations including hospitals, schools, and residential homes for older people may also be considered sensitive, and could potentially undermine one or more of the licensing objectives. This is not an exhaustive list, nor is it intended as an outright ban for any licensed activity; all applications will be considered on their merits.

As outlined above each regime is different and Officers will seek to assist applicants in achieving a clear understanding of this, so as to avoid duplication and confusion regarding what is a planning matter versus what is a licensing matter. However, it is ultimately the applicant's responsibility to ensure that the correct applications are lodged with both departments where necessary. The planning department can be contacted on 01424 451090

**Licensing Policy 7 - Generally the Authority will not consider any premises application unless the applicant can demonstrate that the premises have either an appropriate planning consent (in terms of the activity and hours sought), or an appropriate certificate of lawful use or development. The Authority will only make exceptions where the applicant can offer compelling reasons as to why the application should be considered (even where the planning status of the premises has not been finalised).**

This means the Authority will avoid unnecessary duplication and thus comply with Government guidance. The Licensing Committee and Planning Board will

advise each other of their actions to ensure that a licensing application does not duplicate a planning application or undermine decisions taken by the Planning Board.

Nothing in this policy will stop applicants from applying for a 'Provisional Statement' where premises are being or are about to be constructed, extended or otherwise altered for the purpose of being used for one or more licensable activities. It is recognised that this is sometimes necessary to secure the required investment. Such a statement does not have a limited duration but with the potential for material change over time, the longer the delay before the premises licence is applied for, the greater chance of representation being made.

## **2.7 Personal Licences**

**Licensing Policy 8 - The Authority will consider whether the grant of a personal licence will be in the interests of the licensing objectives. It will take account of the seriousness of relevant convictions, the period that has elapsed since the relevant offence(s) were committed and any mitigating circumstances.**

**Prevention of crime is both an objective of the Act and an important responsibility of the Council under the Crime and Disorder Act 1998.**

The Authority recognises that it has very little discretion regarding the granting of these licences, and if an applicant has an approved qualification and does not have certain relevant criminal convictions the application must be granted. However, if an applicant has an 'unspent' relevant conviction or where an objection has been lodged, a hearing must be held.

## **2.8 Premises Licences and Club Premises Certificates**

**Licensing Policy 9 - The Authority expects premises to be constructed and operated to an appropriate standard of safety.**

**In keeping with its second licensing objective (public safety), the Authority wants anyone visiting or working at a licensed venue to do so knowing the building has been constructed to safe standards and is properly maintained.**

## **2.9 Public Safety/Crime and Disorder**

**Licensing Policy 10 - Applicants must show the steps they propose to take to promote the licensing objectives in their operational schedule and show how they will help the Authority achieve each of them, namely:-**

1. Prevention of crime and disorder;
2. Public safety;
3. Prevention of public nuisance; and
4. Protection of children from harm.

## **2.10 Designated Premises Supervisors**

**Licensing Policy 11 - Applicants must specify the Premises Supervisor in their operating plan. The supervisor should be responsible for the “day to day” running of the premises.**

The Authority recognises that Designated Premises Supervisors do not have to be constantly on the premises when it is trading. However the Authority will expect such identified persons to be on site under normal circumstances, but fully accepts that occasions of sickness, leave and emergencies may take them away from the premises for short periods, and they are expected to operate suitable management systems to cover such absences.

## **2.11 Shops, Stores, Supermarkets and Garages with “off sales” licenses**

**Licensing Policy 12 - Shops, stores and supermarkets should be free to sell alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours.**

If the law permits the shop to open for 24 hours or limits such opening, for example, on Sundays, the Authority will generally permit the sale of alcohol during those hours. However, good reasons may exist for imposing a limitation, for example, following police representations in the case of shops known to be a focus of disorder, disturbance or anti-social behaviour, including pressurising shop staff to make unlawful sales of alcohol.

The sale or supply of alcohol at premises used primarily as a garage or forming part of premises, which are primarily used as a garage, is restricted by the 2003 Licensing Act.

## **2.12 Tables and Chairs outside Premises**

**Licensing Policy 13 - Applicants must indicate in their operating plan the adequacy of measures proposed to deal with the potential for public nuisance and/or crime and disorder arising from the use of tables and chairs or other such furniture by their patrons in the open air. The**

**provision of tables and chairs outside the premises either on the highway or on private land can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture. However, late at night these same tables and chairs can contribute to nuisance (unless within a self-contained beer garden). This is because they can encourage patrons and passers-by to loiter rather than disperse.**

Where necessary, applicants must have the appropriate permissions for the placing and use of the tables and chairs in the open air. Such permissions are now handled by Hastings Borough Council under an agreement with East Sussex County Council.

This policy is designed to strike a fair balance between the needs of those wishing to enjoy refreshment in the open air and the need to prevent safety and nuisance problems.

## **2.13 Temporary Event Notices**

**Licensing Policy 14 - The Authority recognises that permitted temporary activities do not require authorisation, and are only subject to an official notice. However we seek cooperation from applicants in giving as much notice as is possible of such events.**

It should also be noted that the giving of such a notice does not relieve the premises users from any requirements under planning law and other legislation.

## **2.14 Sex Related Activities**

**Licensing Policy 15 - The Authority recognises the need for applicants wishing to operate a Sexual Entertainment Venue (SEV) to hold a separate licence, The Authority also recognises that premises can operate up to 11 (eleven) such events on their premises in a calendar year without the need for a special SEV licence. Generally the Authority will not grant SEV licences to premises near schools, churches, hospitals, youth clubs or other premises where significant numbers of children are likely to attend. Where such licences are granted, the Authority will impose tailored conditions in keeping with the first licensing objective (prevention of crime and disorder) and the fourth licensing objective (protection of children from harm) and as indicated in the Authority Sex establishment Policy.**

## **2.15 Drugs**

**Licensing Policy 16 - The Authority requires licensees to take all reasonable steps to prevent the entry of drugs into their premises, to take appropriate steps to prevent drugs changing hands within their premises and to take practical measures to deter drug use.**

The purpose of this policy is to further crime and disorder and public safety objectives, and to reduce the tragic social consequences of drug abuse. Licensees should consider additional training in this area, and follow the recommendations of the book 'Safer Nightlife' issued by the London Drugs Policy Forum and endorsed by the Home Office.

Licensees should rigidly follow these recommendations as failure to do so could lead to the licence being reviewed with the possibility of revocation, or in appropriate cases, the imposition of conditions.

## **2.16 Children**

**Licensing Policy 17 - The Authority will take vigorous measures to protect children from harm. Where alcohol is to be sold, all applicants must outline their plans for control of underage drinkers. This should include use of an ID card scheme recognised by the Council, such as the Proof of Age Standards Scheme (PASS) as promoted by the Home Office.**

Nothing in this policy limits the access of children to licensed premises unless it is necessary for the prevention of harm to children. Examples of premises where the introduction of additional controls are likely to be necessary are:-

- Where there have been convictions for serving alcohol to minors or with a reputation for under-age drinking;
- With a known association with drug taking or dealing;
- Where there is a strong element of gambling on the Premises;
- Where entertainment of an adult or sexual nature is provided.

In such circumstances the Authority may impose a complete prohibition on entry of children, or condition the licence, if satisfied that problems would be adequately controlled by so doing.

No statement of policy can properly anticipate every issue of concern that could arise in respect of children with regard to individual premises and as such, general rules will be avoided. Consideration of the individual merits of each application remains the best mechanism for judging such matters. Generally the Authority will not impose conditions restricting the admission of children to any premises. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club.

Where childcare facilities are made available on premises we would expect particular attention to be given to their location. They should be located on the same level as the parents or on the route to the final exit. This avoids parents travelling against the normal direction of escape when any alarm is raised.

Where matters relating to potential harm to children at licensed premises are raised with the Council we will discuss those issues with the appropriate authorities, either the Police or the Safeguarding Children Team at East Sussex County Council to ensure that the matter is properly investigated.

### **2.16.1 Children and cinemas**

**Licensing Policy 18 - Where the exhibition of films is permitted, the age restrictions of the British Board of Film Classification (BBFC) in respect of the films to be exhibited will be complied with. Only in exceptional cases will variations of this policy be granted by the Authority and then only with appropriate safeguards.**

### **2.16.2 Children and public entertainments**

**Licensing Policy 19 - Where there is a likelihood of children attending regulated entertainment, licensees must ensure that their operating schedule addresses the specific problems of child safety. Where there is provision of entertainment specifically for children (e.g. a children's disco or a large outdoor play area) the Authority will require the presence of sufficient adults to control the access and egress of the children and assure their safety. Where this is the case, all staff employed to supervise children should first satisfy an enhanced Disclosure and Barring Service(DBS) check. No staff should be employed with a history of child abuse or sex offences.**

## **2.17 Discounting and Sales Promotions**

Where there is a clear causal link between sales discounting and levels of crime and disorder on or in the vicinity of a premises, then it will be appropriate for the licensing authority to consider the imposition of a condition

prohibiting the discounting of prices of alcohol following a review of the premises licence.

The new mandatory conditions on irresponsible sales promotions introduced by Government in 2010 have been adopted and added to all premises licenses.

The Authority expects any discounted drinks and sales promotions to be properly managed and take into account the 'Good Practice Guide on Point of Sale Promotions' issued by the British Beer and Pub Association.

The Authority supports measures to promote sensible drinking including a commitment not to participate in drink promotions / happy hours etc, which encourage binge drinking. Premises licences are likely to be subject to review where they lead to any of the licensing objectives being undermined. Licence holders should not only consider the price of the alcohol sold on the premises but also in the manner in which it is promoted.

The Authority expects applicants to include in their operating schedules any proposals for discounting or sales promotions of alcohol and to provide the Authority with written procedures detailing how such promotions will be managed in order to further the licensing objectives, and not breach the new mandatory conditions, giving particular attention to any increased supervision that may be required.

## **3.0 INTEGRATION OF STRATEGIES**

### **3.1 Integration**

The Authority will secure the proper integration of this policy with national and local strategies and initiatives supporting the licensing objectives, and will seek regular feedback from the appropriate agencies in respect of their local effectiveness. Such strategies, initiatives and agencies will include: This list is not exhaustive

- 
- The Local Plan;
- Local Crime and Disorder Reduction Strategy;
- Hastings Evening Economy Report;
- Safer Streets Initiative;
- Alcohol Harm Reduction Strategy for England;
- East Sussex Drug and Alcohol Reduction Team;
- 'Citizen Card';
- Proof of Age Standards Scheme (PASS);
- Arts, Culture and Tourism development strategies'
- Equalities Policy including race equality scheme under Race Relations (Amendment) Act 2000.
- Operation Support. Sussex Police Late Night policing operation.
- Challenge 25

### **3.2 Other Regulatory Regimes**

The Authority will seek to avoid duplication with other regulatory regimes as far as possible. However, if other regulations do not adequately cover the unique circumstances that arise in connection with a particular venue or type



of entertainment, or if more prescriptive requirements are required following a review of a licence, then additional controls will be imposed in support of the licensing objectives.

The following notes are made for information with regard to specific regulatory regimes.

### **Health and Safety**

All businesses have general and specific legal duties under the 'Health and Safety at Work etc Act 1974' and regulations made there under. These duties are placed on employers, employees and the self-employed and any person involved in the business activity.

The inspection of premises, together with any subsequent enforcement, will be undertaken by the Council's Environmental Health Department or by the Health and Safety Executive (HSE). Whilst not exclusive, the following regulations are appropriate:

- Management of Health and Safety at Work Regulations 1999;
- Workplace (Health Safety and Welfare) Regulations 1992;
- Noise at Work Regulations 1989;
- Electricity at Work Regulations 1989;
- Manual Handling Operations Regulations 1992;
- Control of Substances Hazardous to Health Regulations 2002;
- Lifting Operations and Lifting Equipment Regulations 1998.

### **Fire Safety**

The Regulatory Reform (Fire Safety) Order 2005 places an obligation on a responsible person for a premises to carry out a risk assessment and subsequently ensure that any protective and preventative measures identified are taken. The aim of this is to lower the risk from fire within a premises in order to ensure the safety of any relevant persons.

This legislation applies inside and outside of the workplace. It applies to any place where a relevant person could be expected to visit. A relevant person being any person who is legally on any premises, other than a single private dwelling.

### **Food Hygiene**

Premises selling alcohol and/or premises engaged in a food business must be registered and will be subject to risk-based food hygiene inspections by the Council's Environmental Health staff, at regular intervals, under the Food Safety Act 1990.

### **Noise**

Statutory and Public nuisances are dealt with by the Council's Environmental Health staff under the Environmental Protection Act 1990 and associated legislation. Noise from commercial premises may often fall under this regime.

## **Door Supervisors**

Anybody on security or door supervisory activities in licensed premises when they are open to the public must be registered. The Security Industry Authority issues these registrations under the 'Private Security Industry Act 2001'

## Appendix 1

### TABLE OF DELEGATION

#### Delegation of Functions

Matter to be dealt with	Licensing Sub Committee	Assistant Director Environment and Place or his/her nominee	Full Licensing committee	Full Council
Application for personal license	If a police objection	If no objection made		
Application for personal license with unspent convictions	All cases			
Application for premises license/club premises certificate	If a relevant representation made	If no relevant representation made		
Application for provisional statement	If a relevant representation made	If no relevant representation made		
Application to vary premises license/club premises certificate	If a relevant representation made	If no relevant representation made		
Application for minor variation to premises license/club premises certificate		In all cases if no relevant representation made.		
Application to vary designated premises supervisor	If a police objection	All other cases		
Request to be removed as designated premises supervisor		All cases		
Application for transfer of premises license	If a police objection	All other cases		

Applications for interim authorities	If a police objection	All other cases		
Application to review premises license/club premises certificate	All cases			
Decision on whether a complaint is irrelevant frivolous vexatious etc		All cases, with advice from Council Chief legal officer or his/her nominee		
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases			
Determination of a police objection to a temporary notice	All cases			
Amendment to Matrix	.		All cases	
Licensing policy review.				All cases

## **Appendix 2**

### **Advice on Matters for Consideration by Applicants**

It is for applicants to put forward steps to promote the licensing objectives as they are best placed to understand their own premises.

When applicants for premises licences or club premises certificates are preparing their operating schedules, required under section 17 (3a) of the Licensing Act 2003, and when the Authority is considering such applications, the following measures should be considered to meet the four licensing objectives.

#### **Licensing Objective 1 - Prevention of Crime and Disorder**

##### **Complying With Designing Out Crime Principles**

The applicant must be able to show that they have incorporated sensible security measures during the building or refurbishment of a licensed premise that will actively contribute to the safety of customers, staff and local residents through the reduction of crime and disorder. The nature and extent of designing out crime will be largely determined by the location of the premises, type of entertainment involved, duration of proposed licence, proposed hours of operation, capacity of premises and audience profile. However, matters to consider when designing out crime could include:-

- Approach and access to premises;
- Doorways and emergency exits;
- Layout and capacity of premises;
- Lighting in and around premises particularly on the street.

##### **Communication Systems**

Radio, text pagers or other means of rapid two way communication, connecting premises licence holders, designated premises supervisors, managers of premises to the local Police can provide for rapid response by the Police to situations of disorder which may be endangering the customers or staff on the premises. Such two-way communication will enable licence holders, managers, designated premises supervisors and clubs to report incidents to the Police, and enable the Police to warn a large number of other premises of potential disorder or individuals suspected of criminal behaviour who are about in a particular area. Internally, such systems can be used to warn staff of potential and developing problems within the premises. Where appropriate participation in the Barwatch Scheme will be seen as a positive step towards preventing crime and disorder, membership gives licencees the use of a monitored Radio Scheme and access to circulations of known trouble makers..

## **Door Supervisors**

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- Preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- Keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- Searching, including the use of metal detectors, and excluding those suspected of carrying illegal drugs, or carrying offensive weapons;
- The use of 'amnesty boxes' for drugs and objects that could be considered potential offensive weapons;
- Maintaining orderly queuing outside of venues.
- Supervision of Smoking areas

Where door supervisors conducting security activities are to be a condition of a licence, it means that they will have to be registered with the Security Industry Authority. Conditions may also be needed such as supervisors, displaying badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female door supervisor should be available to deal with problems involving female customers.

Door supervisors also have an important role to play in ensuring public safety.

## **Bottle Bans**

Bottles may be used as weapons inflicting serious harm during incidents of disorder. One option can be to prevent sales of drinks in their bottles for consumption on the premises. However, some women consider drinking from bottles to be safer than drinking from a glass as it is easier for them to prevent the spiking of drinks with drugs in bottles, the openings of which may be readily covered. These issues, therefore, need to be carefully balanced.

## **Plastic Containers and Toughened Glass**

Glasses containing drinks may be used as weapons during incidents of disorder and can cause very serious injuries. Consideration should therefore be given to conditions requiring either the use of plastic containers or toughened glass, which inflicts less severe injuries. The location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of outdoor sports grounds may obviously be of concern, but similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition. In addition such measures may be necessary during large scale Town events such as Carnival week, bonfire night etc.

When used such glasses and containers should be weights and measures stamped.

It should also be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures to promote public safety, and will be considered as a possible condition in circumstances when a premises licence is subject to a review on crime and disorder grounds.

## **CCTV**

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Operating schedules should state the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

Advice is available from the Sussex Police under 'designing out crime' initiatives, for applicants preparing operating schedules, with advice on the use of CCTV to prevent crime. The main criteria required being;

1. The system will incorporate a recording facility and any recording shall be retained and stored in a secure manner for a minimum of 28 days and made available, subject to compliance with data Protection legislation, to the Police upon request.
2. The system will display on any recording, the correct time and date of the recording.
3. The system will be of sufficient quality to allow facial recognition.
4. The system will be maintained and be fully operational throughout the hours that the premises are open.
5. Train adequate members of suitable staff to use the CCTV system to its full potential thus ensuring that a member of staff is always available to replay footage and download material following an incident.

## **Open Containers not to be taken from the Premises**

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption "off" the premises that would be entirely lawful. However, consideration should be given to preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises. .

## **Restrictions on Drinking Areas**

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Operating Schedules should not only specify these areas, but also indicate the circumstances in which the ban would apply and times at which it would be enforced.

## **Occupancy Limits**

Operating Schedules may set occupancy limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary,

consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled. However the need for such limits is a matter controlled by the Regulatory Reform (Fire Safety) Order 2005 and should be included within the Risk Assessment sent to the Fire and Rescue Service.

### **Proof of Age Cards**

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it will be necessary to require a policy to be applied at licensed premises requiring the production of 'proof of age' documentation before such sales are made. This should not be limited to recognised "proof of age" cards, but their use should be encouraged as other types of proof, such as photo-driving licences, and passports can be expensive to replace if lost and pose a potential security risk.

### **Crime Prevention Notices**

It may be necessary for notices to be displayed, which warn customers of the prevalence of certain types of crime, which they may be vulnerable to. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which advise customers about the need to be vigilant of unattended bags because of concerns about terrorism.

### **Signage**

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place, to be displayed on or immediately outside the premises, so that it is clear if breaches of the terms of the licence or certificate are taking place. Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises along with signs encouraging patrons to leave in a quiet and orderly manner in respect of the neighbours. So that the consequences of breaches of these conditions would also be clear, and to deter those who might seek admission in breach of those conditions.

### **Licensing Objective 2 - Public Safety**

Matters of public safety should be properly addressed by the requirements of the Health and Safety at Work etc Act 1974 and associated regulations, and the Regulatory Reform (Fire Safety) Order 2005, and any successors to these regulations. Whether or not any risk assessment shows any additional measures to be necessary will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should be recognised that special issues may arise in connection with outdoor and large-scale events.

In addition, to considering the points made in this section, those preparing premises operating schedules or club operating schedules, should consider:



- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance isbn 1 904031 11 0 (Entertainment Technology Press - abtt Publications);
- The Event Safety Guide - A guide to health, safety and welfare at music and similar events (hse 1999) ("The Purple Book") ISBN 0 7176 2453 6;
- Managing Crowds Safely (hse 2000) isbn 0 7176 1834 X; 4 Steps to Risk Assessment: Case Studies (hse 1998) isbn 07176 15804;
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) ("The Green Guide") isbn 0 11 300095 2;
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies may be obtained through;
- <http://www.streetartsnetwork.org/pages/publications>.

### **People with Disabilities**

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- When people with disabilities are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and people with disabilities on the premises are made aware of those arrangements.
- Applicants are advised to discuss potential areas of concern with the Council's access officer who is located within the Council's Building Control service.

### **Escape Routes**

It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exits. These might demand that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed. In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given in the Operating Schedule to ensure that:

- All exits doors are easily operable without the use of a key, card, code or similar means;
- Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
- Any security fastenings are removed prior to the premises being open to the public;
- All fire doors are maintained effectively self-closing and shall not be held open;
- Fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut;
- The edges of the treads of steps and stairways are maintained so as to be conspicuous.

## **Safety Checks**

In premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given in the Operating Schedule that ensure that:

- Safety checks are carried out before the admission of the public; and
- Details of such checks are kept in a logbook.

## **Curtains, Hangings, Decorations and Upholstery**

Consideration must also be given in the Operating Schedule to ensuring that:

- Hangings, curtains and temporary decorations are maintained in a flame-retardant condition;
- Any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1, and crib ignition source 5, when tested in accordance with Part 5 of BS 5852:1990;
- Curtains, hangings and temporary decorations are arranged so as not to come in contact with a heat source or obstruct exits, fire safety signs or fire-fighting equipment;

A suitable risk assessment should be undertaken in all such cases.

## **High Volume Vertical Drinking Establishments**

To meet the Authority's first licensing objective (prevention of crime and disorder) conditions may be attached to premises licences demanding:

- An appropriate ratio of tables and chairs based on capacity;
- The presence of Security Industry Authority registered security teams to control entry numbers in line with set limits and deny entry to persons who appear drunk and/or disorderly.

## **Fire Action Notices**

Consideration might also be given to conditions that ensure that:

- Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration;
- The local East Sussex Fire and Rescue Service are notified as soon as possible of any problems associated with the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation;
- The recording of all relevant information in a Fire Log-book in order that any short-term access problems are notified to the emergency services.

## **First Aid**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- An adequate and appropriate supply of first aid equipment and materials is available on the premises;
- At least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider is present their respective duties are clearly defined.

### **Lighting**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions to ensure that:

- In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present;
- Fire safety signs are adequately illuminated;
- Emergency lighting is not to be altered without our consent;
- Emergency lighting batteries are fully charged before the admission of the public, members or guests;
- In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of an hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes, unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours the appropriate period by the end of which the public should have left the premises is one hour.

### **Temporary Electrical Installations**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Temporary electrical wiring and distribution systems are not provided without notification to the Licensing Authority at least ten days before commencement of the work;
- Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909;
- Temporary electrical wiring and distribution systems are inspected and certified by a competent qualified person before they are put to use.

### **Ventilation**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that the premises are effectively ventilated:

- Where the ventilation system is designed to maintain positive air pressure within part of the premises, that pressure is maintained whenever the public, member or guests are present in that part of the premises;
- Ventilation ducting is kept clean;
- Air filters are periodically cleaned and replaced to maintain a satisfactory air supply.

## **Indoor Sports Entertainments**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- If necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature;
- Where a ring is involved, it is constructed and supported to the Licensing Authority's satisfaction and any material used to form the skirt around the ring is flame-retardant;
- At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring;
- At water sports entertainments, staff adequately trained in rescue and life saving procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

## **Theatres and Cinemas (Promotion of Public Safety)**

There are particular public safety and fire safety matters that should be considered in connection with theatres and cinemas. The principle remains that conditions may be necessary and should be established through risk assessment.

## **Premises used for Closely Seated Audiences**

### **Attendants**

(a) The number of attendants on each floor in a closely seated auditorium should be as set out in the table below:

Number of members of the audience Present on a floor	Minimum number of attendants required to be present on that floor
--	---

1-101	One
-------	-----

101-250	Two
---------	-----

251-500	Three
---------	-------

501-750	Four
---------	------

751-1000	Five
----------	------

And one additional attendant for each additional 250 persons (or part thereof)

(b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty;

(c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform);

(d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request;

(e) No article shall be attached to the back of any seat, which would reduce the clear width between rows or cause a tripping hazard or obstruction;

(f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

### **Standing and Sitting in Gangways etc**

- (a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.
- (b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- (c) In no circumstances shall anyone be permitted to -
- (i) sit in any gangway
  - (ii) stand or sit in front of any exit; or
  - (iii) stand or sit on any staircase including any landings.

### **Drinks**

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

### **Balcony Fronts**

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

### **Special Effects**

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff. Advance warning of any special effects should be made, and will require a risk assessment as demanded by health and safety legislation.

Special effects include:

- Dry ice machines and cryogenic fog;
- Smoke machines and fog generators;
- Pyrotechnics, including fireworks;
- Real flame;
- Firearms;
- Motor vehicles;
- Strobe lighting;
- Lasers (see hse Guide The Radiation Safety of lasers used for display purposes [hs(G)95] and bs en 60825: Safety of laser products);
- Explosives and highly flammable substances

In certain circumstances, it may be necessary to require that certain special effects are only used with the Licensing Authority's prior consent.

### **Scenery**

Any scenery should be maintained flame-retardant.

### **Safety curtain**

Where a safety curtain is necessary, it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.

Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be

heavyweight and be made of non-combustible material or inherently or durably treated flame-retarded fabric.

### **Ceilings**

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person every five years and a structural safety certificate concerning the condition of the ceilings forwarded to the Licensing Authority.

### **Seating**

Where a potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

### **Premises used for Film Exhibitions**

Attendants – premises without a staff alerting system:

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	1-250
Minimum number of attendants required to be on duty	2

And one additional attendant for each additional 250 members of the audience present (or part thereof).

Where there are more than 150 members of an audience in any auditorium or on any floor.

At least one attendant shall be present in any auditorium or on any floor.

Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	1-500
Minimum number of attendants required to be on duty	2
Minimum number of staff on the premises who are available to assist in the event of an emergency	1
Number of members of the audience present on the premises	501-1000
Minimum number of attendants required to be on duty	3
Minimum number of staff on the premises who are available to assist in the event of an emergency	2
Number of members of the audience present on the premises	1001-1500
Minimum number of attendants required to be on duty	4
Minimum number of staff on the premises who are available to assist in the event of an emergency	4
Number of members of the audience present on the premises	1501 or more

Minimum number of attendants required to be on duty 5 plus  
one for every 500 (or part thereof) persons over 2000 on the premises  
Minimum number of staff on the premises who are available to assist in the  
event of an emergency 5 plus  
one for every 500 (or part thereof) persons over 2000 on the premises

Staff shall be considered as being available to assist in the event of an emergency if they are:

- the holder of the premises license or the manager on duty at the premises: or
- a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation: or
- a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.

Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.

The staff alerting system shall be maintained in working order.

### **Minimum Lighting**

The level of lighting in the auditorium should be appropriate and consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

### **Flammable Films**

No flammable films should be allowed on the premises without the Licensing Authority's consent.

### **Licensing Objective 3 - The Prevention of Public Nuisance**

It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. Part 6 of the Anti-social Behaviour Act 2003 allows the Council to issue a closure order in relation to licensed premises or premises operating under a temporary event notice which are causing a public noise nuisance. Under normal circumstances a premises that has been a subject of a closure by the Police or the Licensing Authority will then be subjected to the review procedure.

## **Matters to be considered by Applicants**

Applicants should have regard to the following matters when writing their operating schedules and are advised to consult the Environmental Health Officer (Pollution) at the Council before submitting their application. If the Licensing Authority receive a representation, at the Hearing that determines the application, additional conditions may be imposed.

## **Hours**

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. This must be balanced by the potential impact on disorder, which results from artificially early fixed closing times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in a garden area of the premises after a certain time.

## **Noise and vibration**

In certain premises where legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to the occupants of nearby properties, this might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment;
- Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- Prohibit certain rooms from being used;
- The use of explosives, pyrotechnics and fireworks of a similar nature, which could cause disturbance in the surrounding area are restricted;
- The placing of refuse - such as bottles - into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.
- Noise from designated smoking areas or customers gathering to smoke outside of venues should be managed by staff to minimise impact on local residents.



## **Noxious Smells**

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

## **Light Pollution**

Flashing or particularly bright lights on or outside licensed premises should not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

## **Licensing Objective 4 - Protection of Children**

### **Matters to be Considered by the Applicants**

Applicants should have regard to the following matters when writing their operating schedules and are advised to consult the Head of Children's Safeguards and Quality Assurance, PO Box 5, County Hall, Lewes, East Sussex, BN7 1SW. If the Licensing Authority receives a representation at the Hearing that determines the application, additional conditions may be imposed.

It should be noted that it is unlawful under the 2003 Licensing Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licences, club premises certificates or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In between midnight and 5 a.m. at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore unnecessary.

### **Access for Children to Licensed Premises - in general**

Restrictions on the access of children under 18 to premises where licensable activities are taking place should be made where it is necessary to protect children from harm. Precise policy and detail will be a matter for the licensing authority. Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible Authority's and interested parties who have made representations but only where the Licensing Authority considers it necessary to protect children from harm.

Whilst applications in relation to premises licences and club premises certificates must be judged by the Licensing Authority on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that for any premises with known associations (having been presented with evidence at a hearing) with underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or

sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years.

Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should explain their reasons; and outline in detail the steps that they intend to take to protect children from harm on such premises.

For any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 10.00 p.m. in the evening, there should be a presumption against the presence of children unaccompanied by adults under the age of 12 after that time. Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should explain their reasons, and outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case, subject to the premises licence holders' or club's discretion, the expectation would be for unrestricted access for children of any age to the premises. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there was no need to include in the schedule steps the applicant proposes to take to promote the protection of children from harm.

### **Age Restrictions – Specific**

Under the 2003 Licensing Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place the Licensing Authority, following relevant representations made by responsible Authority's and interested parties, will need to consider a range of conditions that are to be tailored to the particular premises and their activities where these are necessary. The Licensing Authority will consider:

- The times of day during when age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 20:00 hrs does not mean that it would be necessary to impose age restrictions for earlier parts of the day.
- Types of event or activity in respect of which no age restrictions may be needed, for example:
  1. Family entertainment; or
  2. Non-alcoholic events for young age groups such as under 18s dances.
- Types of event or activity that give rise to a more acute need for age restrictions than normal, for example during Happy Hours or on drinks promotion nights.

## **Age restrictions – Cinemas**

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of Part 20, requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under Part 4 of the Video Recordings Act 1984 or by the Licensing Authority, conditions restricting the admission of children to film exhibitions should include:

A condition that where the Licensing Authority make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the Authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the Authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;

A condition that when films are classified, by either the film classification body as specified in the licence or the Licensing Authority, they should be classified in the following way:

- U- Universal. Suitable for audiences aged four years and over
- PG - Parental Guidance. Some scenes may be unsuitable for young children.
- 12 - Passed only for viewing by persons aged 12 years or older.
- 12A - Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
- 15 - Passed only for viewing by persons aged 15 years and over.
- 18 - Passed only for viewing by persons aged 18 years and over.
- A condition specifying that, immediately before each exhibition at the premises of a film passed by the British Board of Film Classification, there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium, a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.
- A condition that when a Licensing Authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer.

Such a condition might be expressed in the following terms:

“Where a programme includes a film recommended by the Licensing Authority as falling into the 12, 12A, 15 or 18 category no person appearing to be under the age of 12, under 12 and unaccompanied, 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position at each entrance to the premises a notice in the following terms:

Persons under the age of [insert appropriate age] cannot be admitted to any part of the programme

Where films of different categories form part of the same programme, the notice shall refer to the youngest age restriction.

This condition does not apply to members of staff under the relevant age provided that the prior written consent of the person's parents or legal guardian has first been obtained.”

## **Theatres**

The admission of children to theatres, as with other licensed premises, is not normally expected to be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to be left, normally, to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

A condition should be attached to a premises licence, which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of children present on the premises during any emergency.

## **Performances Especially for Children**

Where performances are presented especially for children in theatres and cinemas, conditions are anticipated to be needed which require an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof, whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

## **Children in Performances**

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show. However, if it is necessary to consider imposing conditions for the promotion of the protection of children from harm then the Licensing Authority will consider the matters outlined below:

- Venue - the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- Fire safety - all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- Special effects - it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- Care of children - theatres, concerts halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important

that the children can be accounted for at all times in case of an evacuation or emergency.

## **Appendix 3**

### **Definition of Terms**

In some cases these definitions are an abbreviation or interpretation of the Licensing Act 2003. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

#### **‘Appeals’**

Appeals against decisions of the Licensing Authority are to the magistrates’ court for the area in which the premises are situated. The appeal must be lodged within 21 days of being notified of the Licensing Authority’s decision. On appeal a magistrates’ court may, dismiss the appeal; substitute its own decision; remit the case to the Licensing Authority with directions; and make an order for costs.

#### **‘Authorised Persons’**

“Authorised Persons” are specified people who have statutory duties in relation to the inspection of premises, e.g. licensing officers, police, fire, health & safety, environmental health.

#### **‘Children’**

Unless stated otherwise all references to children contained within this policy mean a person under the age of 16yrs.

#### **‘Closure Order’**

New powers for the police and courts to close premises. The 2003 Licensing Act significantly extends the existing powers of the police to seek court orders in a geographical area that is experiencing or likely to experience disorder or to close down instantly individual licensed premises that are disorderly, likely to become disorderly or are causing noise nuisance.

#### **‘Club Premises Certificate’**

A certificate that licences a qualifying club for the sale/supply of alcohol. It can be granted to members clubs which comply with specific conditions e.g. membership rules, run by club committees, profits go to members not an owner etc. club premises certificates replace registration under the Licensing Act 1964. The law for members clubs has changed relatively little under the 2003 Licensing Act. There is no limit on the duration of the certificate but it may be withdrawn, surrendered or suspended.

#### **‘Conditions’**

A premises licence may be granted subject to different conditions, and these may be in respect of different parts of the premises and different licensable activities. There is no power to impose conditions on a personal licence. Secretary of State’s guidance provides “The only conditions which should be imposed on the premises licence or club premises certificate are those which

are necessary for the promotion of the licensing objectives. Accordingly, if the existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence holder". Conditions must be proportional and tailored to size, style, characteristics and activities taking place at the premises concerned.

#### **'Designated Premises Supervisor'**

The person in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder themselves (who must also be a Personal Licence holder).

#### **'Interested Parties'**

"Interested Parties" are any other persons or a body representing them including all Ward Councillors of the authority.

#### **'Interim Authority Notices'**

Where a premises licence lapses due to death, incapacity or insolvency etc. of the holder, specified persons can within 7 days serve an interim Authority notice on the Licensing Authority. This revives the licence, subject to police objection, for a period of up to 2 months so the premises can continue trading. This is the equivalent to "interim Authority's" and "protection orders" under the Licensing Act 1964.

#### **'Late Night Refreshment'**

The supply of hot food and/or drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00p.m. and 5.00a.m.

#### **'Licensable Activities'**

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club, or to the order of a member of the club
- The provision of Regulated Entertainment
- The provision of Late Night Refreshment

#### **'Licensing Objectives'**

The Council's four Licensing Objectives (based on the 2003 Licensing Act) are:

- 1.Prevention of crime and disorder
- 2.Public safety
- 3.Prevention of public nuisance
- 4.Protection of children from harm

The Licensing Authority must carry out its function under the Act with a view to promoting the licensing objectives.

### **‘Licensed Premises’**

Includes club premises and events unless the context otherwise requires.

### **‘Mandatory Conditions’**

Conditions that the 2003 Licensing Act requires are imposed on the premises licence, club premises certificate or personal licence.

### **‘Minor variation’**

A simplified process to allow minor changes to the structure, layout of a premise or small adjustments to licensing hours and the addition of certain licensable activities. Cannot be used to extend the hours for the sale or supply of alcohol between 23.00 hours & 07.00 hours.

### **‘Objection Notice’**

A procedure whereby the police can object to the grant of a personal licence on the grounds that where having regard to convictions of the applicant for relevant offences, the grant would undermine the crime prevention objective.

### **‘Operating Schedule’**

A document containing a statement of the following matters (and any others that may be prescribed):

- Steps taken by the Licence holder to meet the four licensing objectives.
- The Licensable Activities to be conducted on the premises.
- The times during which the Licensable Activities are to take place and any other times when premises are open to the public.
- Where the Licence is required only for a limited period, that period.
- Where the Licensable Activities include the supply of alcohol, the name and address of the individual to be specified as the Designated Premises Supervisor.

### **‘Personal Licence’**

A licence granted to an individual authorising that person to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. The licence lasts for ever and only ceases to have effect when revoked, forfeited, surrendered or suspended. A personal licence holder is not required where the premise concerned does not supply alcohol as one of its licensable activities. A personal licence holder is also not required for the supply of alcohol in a club, which has a club premises certificate. Only the police can object to the grant of a personal licence (there is no equivalent to relevant representations as for premises licences).

### **‘Premises Licence’**

A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities, has effect until revoked, surrendered or on the death, insolvency etc of the holder. The local authority licensing committee in the area where the premises are situated deals with applications.



### **‘Provisional Statement’**

A procedure by which the Licensing Authority can give a statement approving for licensing purposes proposals for a premises being built or in the course of being constructed. Equivalent to a “provisional grant” under the Licensing Act 1964. Where a provisional statement is made, subject to limited exceptions, the full licence must normally be granted once the premises are completed.

### **‘Qualifying Club’**

Club Premises Certificates will be issued to Qualifying Clubs formerly Registered Members Clubs. To be eligible for a Club Premises Certificate the club/organisation members must have joined together for a particular social, sporting or political purpose and then have combined to purchase alcohol in bulk as members of the organisation for supply to members and their guests. Qualifying conditions are specified in Section 61 of the Act and the Council must be satisfied that these conditions have been met, including evidence to support that the club is non-profit making and that there is a minimum of 48 hours delay between application and acceptance of new members. The club must be established and conducted in ‘good faith’ (this involves consideration of details such as club finances).

### **‘Regulated Entertainment’**

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance
- Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.
- (or entertainment of a similar description falling within the last three of the categories listed above), where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

### **‘Relevant Representations’**

The 2003 Act does not use the term “objections”. Instead authorised persons, interested parties and responsible Authority’s may be able to make relevant representations about an application for a licence. Representations must relate to the licensing objectives and where made by an interested party must not be frivolous or vexatious. When considering an application from an interested party or Responsible Authority we need only consider relevant representations. The making of relevant representations engages the licensing Authority’s discretion to take “steps” consistent with the licensing objectives when considering the application.

### **‘Review of Licence’**

Where a premises licence is in force an interested party or Responsible Authority may apply to the Licensing Authority for it to be reviewed. The Licensing Authority must hold a hearing to review the licence and as a result must take any necessary steps to promote the licensing objectives, such as modification of conditions; exclusion of licensable activities; removal of the premises supervisor; suspension of the licence for up to three months; or the revocation of the licence.

### **‘Responsible Authority’**

- The Chief Officer of Police in the area where the premises are situated.
- The Fire Authority in the area where the premises area situated.
- The enforcing Authority for Health and Safety at Work.
- The Licensing Authority
- Public health
- The local Planning Authority
- The local Authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health.
- The body representing matters relating to the protection of children from harm.
- In relation to a vessel, a navigating Authority, the Environment Agency, or the British Waterways Board.

Only these groups can make representation about an application for a Premises Licence.

### **‘Statement of Licensing Policy’**

The Licensing Authority must every five years determine and publish a statement of licensing policy. There is a requirement to consult on the policy and keep it under review. Additionally, the Council will review the Special Saturation (Cumulative Impact) Policy, every 30months.

### **‘Supervisor’**

Responsible for supervision of the premises e.g. the day-to-day manager. Any premises where alcohol is supplied as a licensable activity must have a designated premises supervisor.

### **‘Temporary Event Notice’**

- A permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations:
- Duration- they are limited to events lasting for up to 7 days.
- Scale- they cannot involve the presence of more than 499 people at any one time.
- Use of the same premises- the same premises cannot be used on more than 15 occasions in a calendar year, but are subject to the overall aggregate of 21 days irrespective of the number of occasions on which they have been used.

- The number of notices given by one individual within a given period of time- a Personal Licence holder is limited to 50 notices in one year, and any other person to five notices in a similar period.
- A provision for a “late” ten now exists and can be used in exceptional circumstances where the normal 10 working days notification cannot be given.

(If these conditions are not fulfilled, the Temporary Event would require a Premises Licence if it were currently unlicensed for the activity involved).

### **‘Transfer’**

A procedure where an application can be made to transfer the premise licence into a new name e.g. if a premises licence holder sells his premises an application may be made to transfer the premises licence to the new owner.

## Appendix 4

### Responsible Authorities – Local Contacts

The following contacts are given to assist applicants. It is recognised that in many cases applicants will not have local knowledge and this information may help speed the application process:-

The Chief Officer of Police, Bexhill Police Station, Terminus Road, Bexhill on Sea, TN39 3NR. Tel 101

The Chief Fire Officer, Fire Station, Bohemia Road, Hastings Tel 01323 462133

The Borough Planning Officer, Hastings Borough Council, Aquila House, Breeds Place, Hastings, TN34 3UY. Tel 01424 783336,  
Email: [DCEnquiries@hastings.gov.uk](mailto:DCEnquiries@hastings.gov.uk)

The  
Assistant Director Environment and Place, Hastings Borough Council, Aquila House, Breeds Place, Hastings, TN34 3UY.  
Email: [licensing@hastings.gov.uk](mailto:licensing@hastings.gov.uk)

East Sussex County Council, Head of Children Safeguards and Quality Assurance, St Marks House, 14 Upperton Road, Eastbourne, BN21 1EP Tel 01323 463471

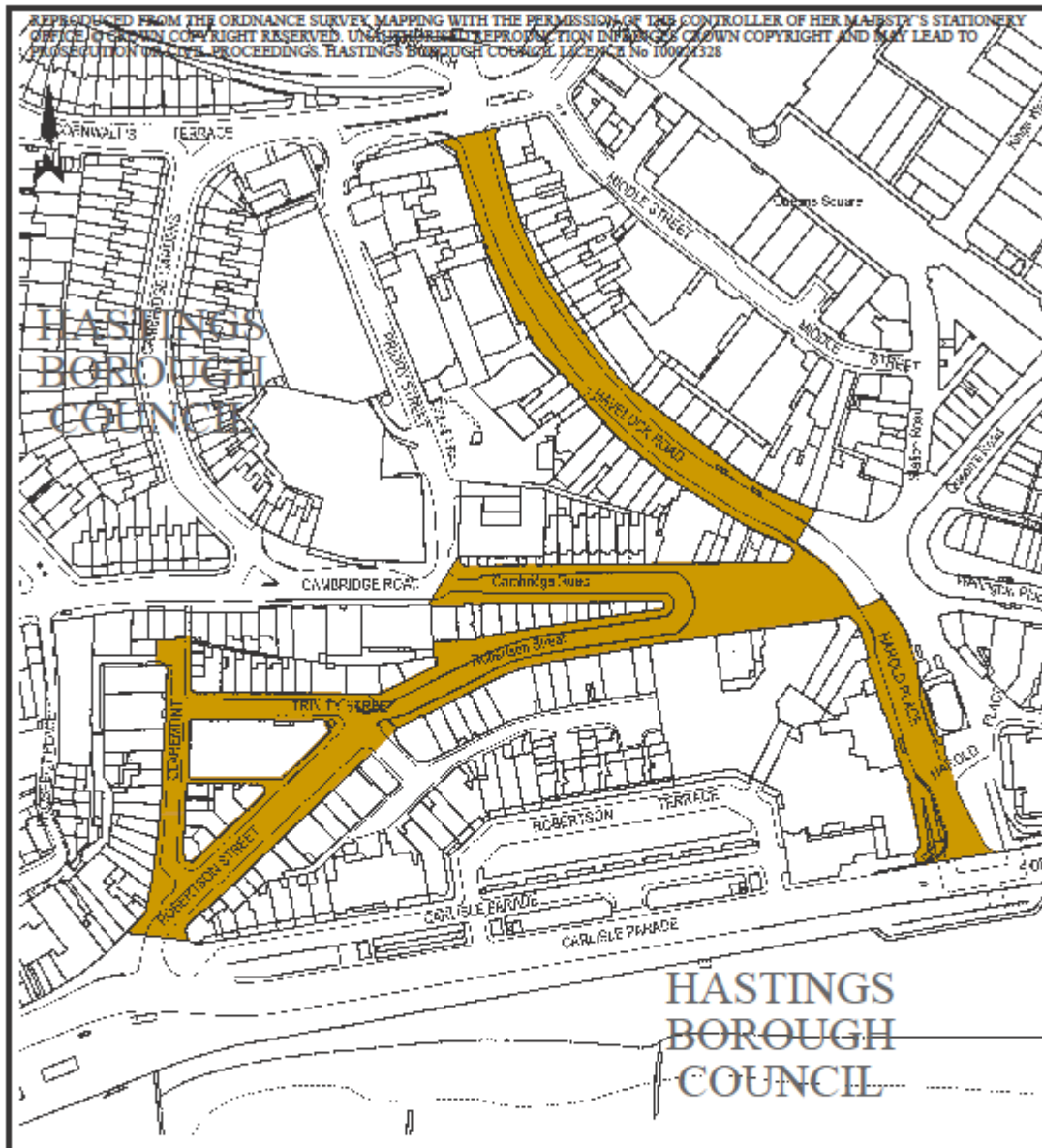
Only required for educational establishments.  
Health & Safety Executive, The Council Offices, Station Road East, Oxted, Surrey, RH8 0BT

Head of Trading Standards, East Sussex County Council, County hall, Lewes, BN7 1UE. Tel 0345 60 80 197  
Email: [trading.standards@eastsussex.gov.uk](mailto:trading.standards@eastsussex.gov.uk)

Public Health Network & Business Manager, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1SW. Tel 01273 335012.  
Email: [publichealth@eastsussex.gov.uk](mailto:publichealth@eastsussex.gov.uk)

# Appendix 5

## Saturation Policy – Area 1, Hastings Town Centre



Saturation Policy - Licensing Act 2003  
Area 1  
Hastings Town Centre



ENVIRONMENT SERVICES  
DIRECTORATE

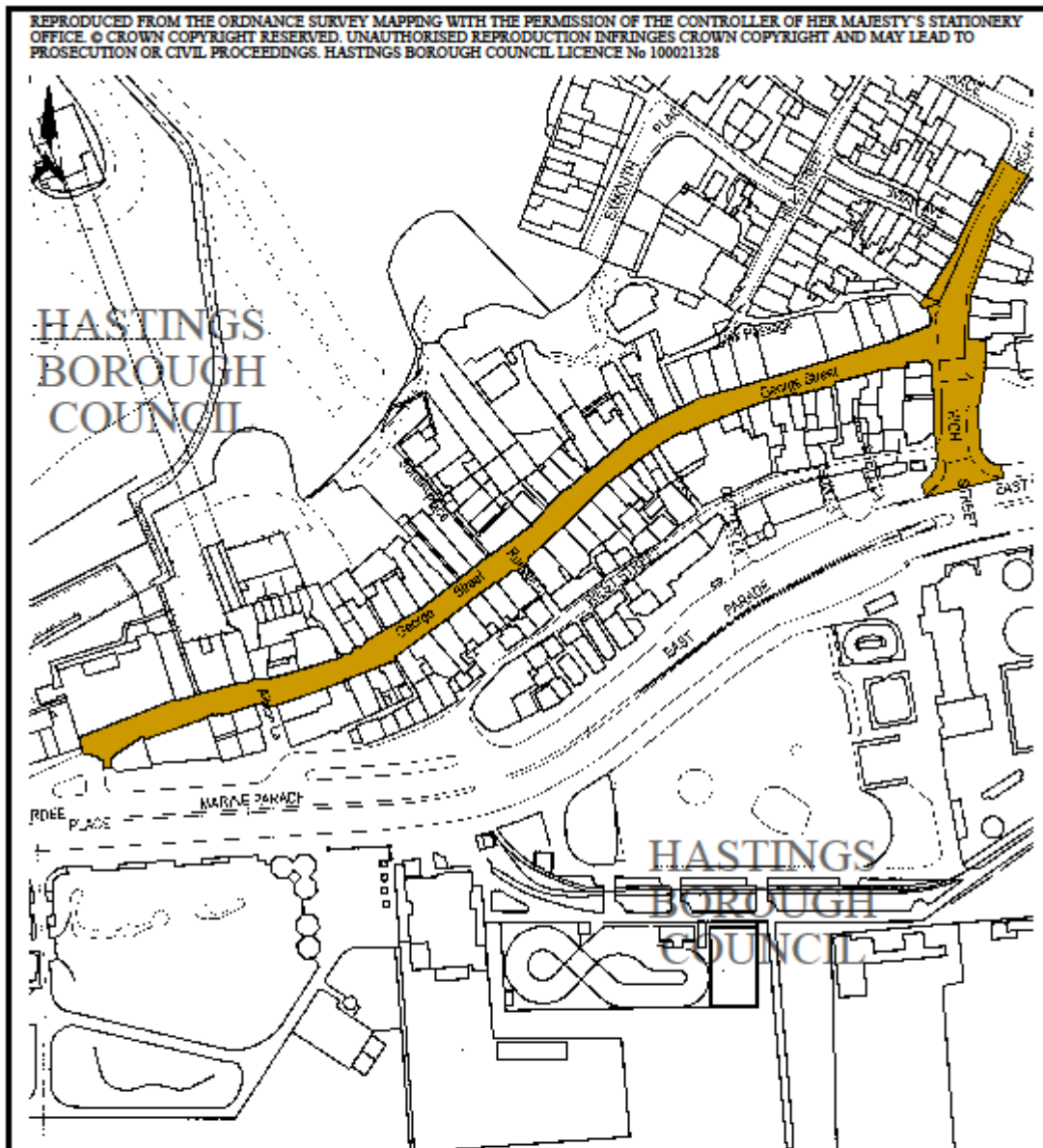
Head of Environmental Health:  
**Mike Hepworth**  
Aquila House, Breeds Place,  
HASTINGS, East Sussex. TN34 3UY  
Tel: 01424 783300  
Fax: 01424 783305

Date: September 2009

Scale: 1:2000

Area 1

# Saturation Policy – Area 2a, Hastings Old Town (George Street & part of High Street)



**Saturation Policy - Licensing Act 2003**  
**Area 2**  
**Hastings Old Town (George Street & part of High Street)**



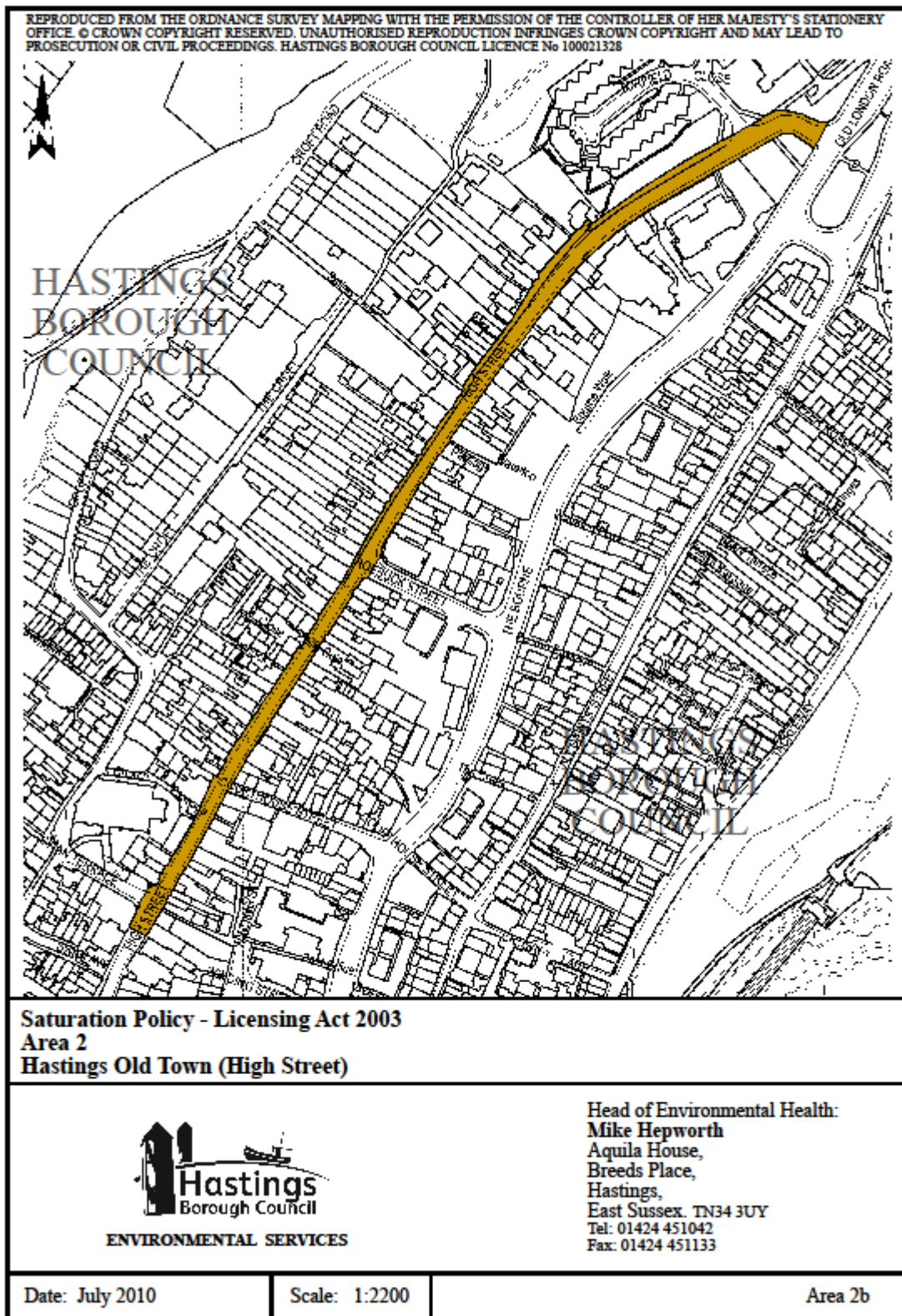
**Head of Environmental Health:**  
**Mike Hepworth**  
 Aquila House,  
 Breeds Place,  
 Hastings,  
 East Sussex. TN34 3UY  
 Tel: 01424 451042  
 Fax: 01424 451133

Date: July 2010

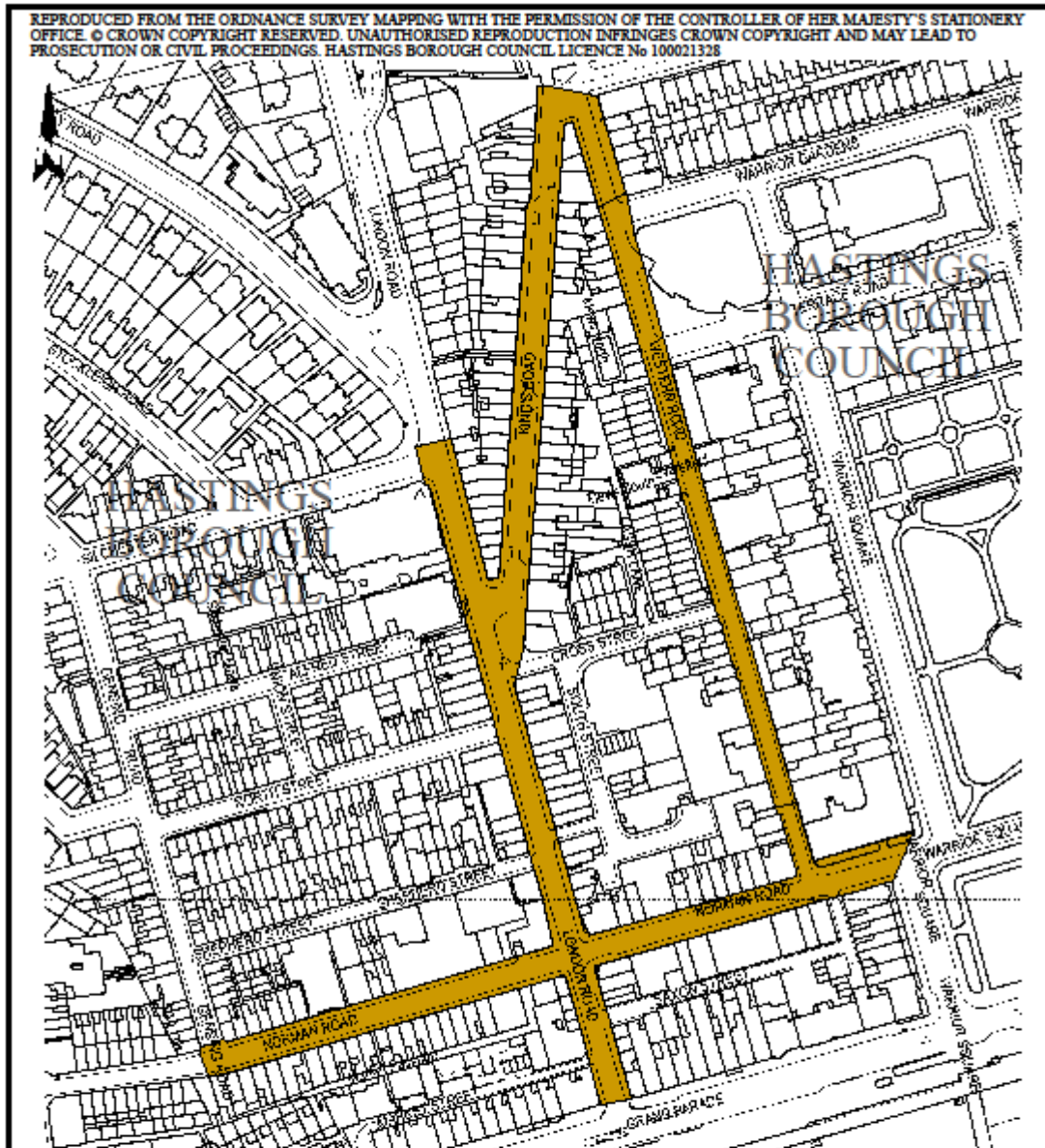
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Area 2a

## Saturation Policy – Area 2b, Hastings Old Town (High Street)



## Saturation Policy – Area 3, Central St Leonards



**Saturation Policy - Licensing Act 2003**  
**Area 3**  
**Central St.Leonards-on-Sea**



**ENVIRONMENTAL SERVICES**

Head of Environmental Health:  
**Mike Hepworth**  
 Aquila House,  
 Breeds Place,  
 Hastings,  
 East Sussex. TN34 3UY  
 Tel: 01424 451042  
 Fax: 01424 451133

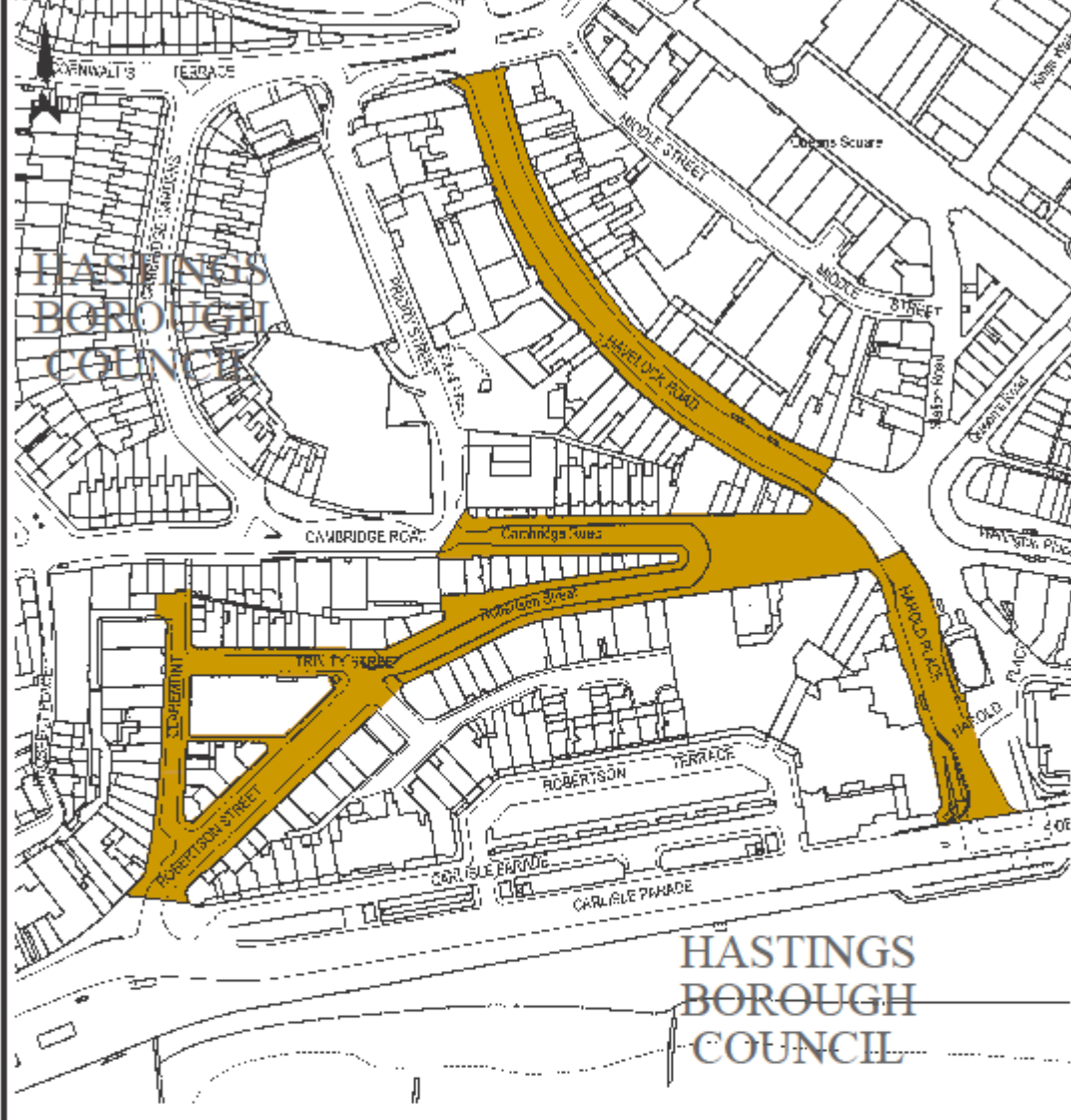
Date: July 2010

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Area 3



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**Saturation Policy - Licensing Act 2003**  
**Area 1**  
**Hastings Town Centre**



**ENVIRONMENT SERVICES**  
**DIRECTORATE**

**Head of Environmental Health:**  
**Mike Hepworth**  
Aquila House, Breeds Place,  
HASTINGS, East Sussex. TN34 3UY  
Tel: 01424 783300  
Fax: 01424 783305

Date: September 2009

Scale: 1:2000

Area 1

## Appendix 6

### Advice for Residents

It is not uncommon for residents to have concerns about some aspects of how an existing licensed premises is being operated near to where they live, or to be concerned about proposals for a new licensed premises. Our small Licensing Team are well placed to be able to advise you on such matters, or to put you in touch with a more relevant service depending upon the nature of your enquiry.

If you have a complaint in respect of the operation of a licensed premises, in the first instance it is often beneficial to make contact with the licence holder yourself to discuss your concerns and give them an opportunity to rectify the problem. However, if you feel unable to do this or have tried this before and the problem has not been resolved to your satisfaction please keep a written record of the incident(s) that are the basis for your complaint and contact the Licensing Team on tel. 01424 451042 during office hours, or email them on [licensing@hastings.gov.uk](mailto:licensing@hastings.gov.uk).

If the complaint is related to noise from the premises or its immediate surroundings, the most appropriate service to contact is the Council's Environmental Protection Team. Ring 01424 451079 during office hours or email [envprotection@hastings.gov.uk](mailto:envprotection@hastings.gov.uk) If this team is able to put together a body of evidence indicating a serious problem, and if the licensee responsible for that premises doesn't co-operate to remedy the problem, this team can apply to have the licence for that premises formally reviewed by the Council's Licensing Committee. It is also possible that the Environmental Protection Team may serve the person responsible for the noise with a Noise Abatement Notice.

If your complaint relates to anti-social behaviour, crime and disorder or a serious disturbance in the street you should contact the police. To contact the Police either call 101 for none emergencies, or 999 if a serious incident is taking place at the time.

It is also possible for a resident or a Hastings Borough Council Ward Councillor to apply for a premises licence to be formally reviewed by the Council's Licensing Committee.

If you are considering applying for a review or want to bring problems at a licensed premises to the attention of your local Ward Councillor, we would recommend that you first discuss your concerns with the Licensing Team on 01424 451042 as the review process can be complicated. However, there is also guidance available on the Council's website at [www.hastings.gov.uk](http://www.hastings.gov.uk) under Licensing

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Our Licensing Team can also advise you on who your local Councillor is and how to contact them. These details are also available on the Council's website at <http://www.hastings.gov.uk/representation/councillors.aspx>

## Appendix 7

### Advice for Applicants and Licensees

Whether you are an existing licensee seeking some guidance in relation to licensing requirements, or a member of the business community considering applying for a licence, our small Licensing Team are well placed to be able to advise you on such matters, or to put you in touch with a more relevant service depending upon the nature of your enquiry.

Licensees may find the City of London “Code of Good Practice for Licensed Premises” a useful reference guide when making an application, it can be viewed at [www.cityoflondon.gov.uk](http://www.cityoflondon.gov.uk)

Whether English isn't your first language, or you're just not sure which form you need to fill in, our staff can discuss your proposals and help you to understand what you need to do. To contact us to make an appointment to come in and see us, either ring on 01424 451042 during office hours or email to [licensing@hastings.gov.uk](mailto:licensing@hastings.gov.uk)

All application forms are available from our office at Aquila House, Breeds Place, Hastings and on our website [www.hastings.gov.uk](http://www.hastings.gov.uk) under licensing or Microsoft WORD copies of the forms are available on the DCMS website [http://www.culture.gov.uk/what\\_we\\_do/beer\\_and\\_entertainment/3189.aspx](http://www.culture.gov.uk/what_we_do/beer_and_entertainment/3189.aspx)

We will also assist applicants by putting them in touch with officers from other Council services, such as Planning, or with other agencies such as the Police, and Fire and Rescue

# Agenda Item 7



**Report to:** Cabinet

**Date of Meeting:** 7 December 2015

**Report Title:** Hastings Local Plan – Retention of Employment Land and Premises Supplementary Planning Document

**Report By:** Monica Adams Acton  
Assistant Director – Regeneration and Culture

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## **Purpose of Report**

To adopt the Retention of Employment Land and Premises Supplementary Planning Document following formal public consultation

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## **Recommendation(s)**

**1. That the draft Supplementary Planning Document is formally adopted**

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## **Reasons for Recommendations**

To conform to Regulation 14 of the Town & Country Planning (Local Planning) (England) Regulations 2012, and enable the Supplementary Planning Document to hold full weight as a material consideration in the determination of planning applications.

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## Introduction

1. The retention of employment land and premises is a key priority for the Council. This Supplementary Planning Document (SPD) supports adopted Policy E1 of the Hastings Planning Strategy, which seeks to ensure that existing employment sites are retained as far as possible, unless there is no reasonable prospect of continued use for employment purposes, or continued employment use would cause serious harm to local amenities. The SPD sets out the evidence that needs to be submitted to support planning applications for changes of use away from employment uses.
2. SPDs expand and provide detail as to how planning policies will be implemented. They carry weight in the planning system and are a material consideration in the determination of planning applications.
3. An earlier version of the Retention of Employment Land and Premises SPD (entitled Employment Land Retention) was adopted in March 2010 to support Policy E4 of the Hastings Local Plan 2004. The Hastings Local Plan 2004 has now been superseded in its entirety by the Hastings Planning Strategy (adopted 2014) and the Development Management Plan (adopted 2015), which provides an opportunity to re-assess the contents of the SPD, to make sure it is fit for purpose, and to formally link it to the most up to date Local Plan policy. Once adopted, this SPD will be a material consideration in the determination of planning applications and will hold significant weight in the planning process.

## Consultation

4. The Town & Country Planning (Local Planning) (England) Regulations 2012 require Local Planning Authorities to undertake 2 distinct stages of consultation in preparing SPDs – Informal stakeholder engagement, followed by formal public consultation.
5. Given the very specialist nature of this SPD, early informal stakeholder engagement was limited to those with an interest in the business sector, and those who had been involved in the SPD before. Those contacted were invited to attend an informal focus group, or to submit any comments or queries in writing. A consultation statement setting out who was consulted, the main issues raised, and how they were addressed in the drafting of the SPD was published alongside the consultation draft, and will be updated and published alongside the final SPD at the time of adoption.
6. The second stage of consultation involved a formal 4 week period where the wider public were invited to submit formal representations under Regulation 13 of the Town & Country Planning (Local Planning) (England) Regulations 2012. This consultation took place between 5 October and 2 November 2015. The consultation was advertised through our Local Plan newsletter (circulated to nearly 4,000 people and organisations on our Local Plan database), with statutory consultees and those involved in the process already being written to directly.
7. 1 supporting representation was received as a result of this formal consultation. The comments submitted however, related more to the protection of the historic

environment when changes of use are submitted. These issues are not intended to be directly addressed by the SPD, but will be considered through the wider planning application/decision making process. Therefore, no change to the SPD is proposed.

## What has changed?

8. Only minor amendments were made to the SPD as a result of both stages of consultation. This included factual updates, as well as the re-organisation of the document to make it as concise and easy to read as possible. Two appendices were also removed from what was in the previously adopted SPD as these related to the planning policy background and the local economic context for the policy, which is already addressed in the Planning Strategy. As such, it was not considered necessary to repeat this information within the revised SPD itself.

## Policy Implications

9. This revised SPD is an update of an earlier document and is necessary to bring the SPD in to line with and support newly adopted Local Plan policy. The wider policy implications in terms of for example, equalities and community cohesiveness and environmental issues, have already been examined through the development and adoption of the new Local Plan.

## Conclusion

10. It is important that this SPD is adopted as a supporting Local Development Document for the new Local Plan, in order for it to carry sufficient weight in the planning application process. All elements of the Town & Country Planning (Local Planning) (England) Regulations 2012 have been followed and complied in so far as they relate to the production of Supplementary Planning Documents, and the views of the community have been addressed as far as possible. It is therefore recommended that this document is taken forward to Cabinet and Full Council for adoption.

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## Wards Affected

All wards – applies Borough wide

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## Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	Yes
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	Yes
Economic/Financial Implications	Yes
Human Rights Act	No
Organisational Consequences	No
Local People's Views	Yes
Anti-Poverty	No

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## **Additional Information**

Appendix A – Retention of Employment Land and Premises Supplementary Planning Document

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## **Officer to Contact**

Stephanie Roots  
sroots@hastings.gov.uk  
01424 783329



# Retention of Employment Land and Premises Supplementary Planning Document -

Adopted 16 December 2015

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## **1.0 Introduction**

- 1.1 The Council seeks to safeguard all employment land within the built up area. This Supplementary Planning Document (SPD) provides clarity on the circumstances where change of use or redevelopment to alternative uses may be appropriate, and the criteria that should be satisfied in order to obtain planning permission for a change of use. Effective delivery of this SPD will therefore help to ensure that loss of any existing employment land or premises is not at the expense of the local economy.
- 1.2 This SPD adopts a sequential approach towards proposals for the redevelopment of employment land:
  1. To retain suitable and viable sites in employment uses as the first preference in all cases;
  2. Where a site is not deemed suitable and/or viable against the tests in this SPD, then the preference is for other employment-generating uses on the site (subject to other material planning considerations) and/or a mixed use development which can be used to cross-subsidise the delivery of new employment uses as part of the site.
  3. To consider alternative employment generating uses outside of the 'B' use classes.

### **Development Plan background**

- 1.3 The Hastings Local Plan currently comprises two key documents that provide the statutory framework for land use and development in Hastings up to 2028 - the Hastings Planning Strategy (2014) and the Development Management Plan (2015). Both these documents are available from the Council's website at [http://www.hastings.gov.uk/environment\\_planning/planning/localplan/](http://www.hastings.gov.uk/environment_planning/planning/localplan/).
- 1.4 Policy E1 of the Hastings Planning Strategy delivers the Council's priorities for existing employment land and premises. This states:

## **POLICY E1: Existing Employment Land and Premises**

**Effective use of employment land and premises will be secured by the following:**

- a) land and premises currently, or last used for employment purposes – including B1, B2 & B8 or any of a use of a similar character not falling within a specified use class, will be retained in such use unless it is demonstrated that there is no reasonable prospect of its continued use for employment purposes or it would cause serious harm to local amenities;**
- b) where continued employment use of a site/premises is demonstrated to be unviable permitting a mixed use enabling development which incorporates employment space will be considered first; if a mixed use scheme is not viable the extent to which any proposed new use generates new employment will be taken into account.**
- c) permitting intensification, conversion, redevelopment and/or extension having regard to other policies of the Plan;**

**The Employment Land Retention Supplementary Planning Document gives further details of how parts a) and b) of the policy will be implemented. Proposals for development of live/work units will be supported subject to normal planning considerations.**

- 1.5 The information that follows in this SPD provides additional guidance and support for parts a) and b) of Policy E1 above, and constitutes a material consideration in the determination of planning applications.

## **2.0 Purpose and objectives**

2.1 The purpose of the Retention of Employment Land and Premises SPD is to secure the proper implementation of Policy E1 of the Hastings Planning Strategy 2014, by:

- a) ensuring an adequate supply of employment land in Hastings, including:
  - the provision of suitable locations which are available for industrial and commercial developments, and;
  - provision for a broad range of business types from small start-up businesses, through to small, medium and large enterprises
- b) protecting existing and allocated employment sites/premises for industrial and commercial use where there is a good prospect of employment use and to also consider the upgrading or improvement of existing sites.
- c) helping to maintain and support the creation of employment opportunities within the town.

2.2 This SPD is necessary to provide certainty and detail for potential applicants in terms of the evidence the Council requires to be submitted in support of any planning applications for the change of use away from employment B uses. Providing the correct information at the outset will also help to avoid delay in processing such applications.

### **3.0 Which types of land and premises are included?**

- 3.1 The Retention of Employment Land and Premises SPD relates only to cases where a planning application is being submitted to change existing 'B' Use Classes as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)<sup>1</sup> or any of a use of a similar character not falling within a specified use class.
- 3.2 The B use classes comprise the following:
- B1 Business - Offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area.
  - B2 General industrial - Use for industrial process other than one falling within class B1 (excluding incineration purposes, chemical treatment or landfill or hazardous waste).
  - B8 Storage or distribution - This class includes open air storage.
- 3.3 The SPD applies to employment land and premises across the town as a whole, and not just on established employment estates. The requirements also apply regardless of size or location of premises.
- 3.4 Each application is, however considered on a case by case basis, and on its own merits. If you are in any doubt as to whether the SPD applies to your land or premises, you are advised to contact the Council's Development Management team using the contact details at the end of this document.

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<sup>1</sup> Please note that where changes of use constitute permitted development as defined by the 2015 Use Classes Amendment Order, this SPD will not apply. For more information, please see <http://www.planningportal.gov.uk/permission/commonprojects/changeofuse/>.

## 4.0 The marketing campaign

- 4.1 The Council's starting point is to retain all employment sites within the built-up area that are considered suitable, in land use terms, for continued employment use. Consideration will only be given to alternative uses where an applicant can clearly demonstrate there is no demand for the site and that it is unviable to retain in employment use. This includes taking into account the potential to refurbish existing premises or the redevelopment of the site for new employment uses. By "suitable, in land use terms" this means having regard to material planning considerations such as traffic impact, or impact on amenity.
- 4.2 In all cases, the applicant will firstly be expected to have undertaken a marketing campaign to determine the demand for the site from business occupiers. Until this has been undertaken, change of use will not be considered. The campaign should be up to date and relevant to the current owner of the property not partially carried out by a previous owner or out of date.
- 4.3 There are two stages to this marketing process which applicants should follow:
- 1) Marketing the re-use of the site;
  - 2) Marketing the redevelopment of the site for employment purposes.
- 4.4 The Council expects employment land and premises to be actively marketed for at least 12 months before an application for redevelopment or a change to an alternative use can be considered. It may also be necessary to review the effectiveness and quality of the marketing campaign every 6 months.
- 4.5 Existing employment land or premises that are currently not in use are not, by definition, genuinely redundant and will need to be marketed for employment use. A lesser financial return on investment relative to other development or re-use options is not sufficient to justify the site not continuing to be available for employment use.
- 4.6 A simple statement, such as "the site has been on our books for 12 months and no interest has been expressed", will not demonstrate genuine redundancy. The Council requires greater detail on which to make a judgment. Typically this will include a breakdown of the marketing strategy which should be prepared by a suitably qualified professional, such as a Chartered Surveyor who is active within, and familiar with, the Hastings employment land and commercial property market. The marketing strategy should bring the availability of the site to the notice of the local business community, and should include:
- a) The market price and an indication of this price relative to those prevailing for similar premises in the local market, including details of an independent valuation;
  - b) Any reductions in market price made during the course of marketing;
  - c) The marketed use of the site (the Council will expect employment sites to be marketed in a way that identifies all the options available in retaining the site in employment use. This will include, where appropriate, the potential for refurbishment, redevelopment for new employment uses, sub-division, amalgamation or selective demolition (in order to improve the format, layout and access arrangements);

- d) Details of the site particulars, which should include the following information as a minimum:
- Good quality internal and external photographs
  - A description of the site/premises
  - The current permitted use and potential employment uses, subject to planning permission
  - Dimensions of:
    - the building,
    - internal rooms,
    - eaves height and door widths if relevant,
    - gross internal area,
    - size of the total site including any land.
  - Services e.g. electricity, gas, water – any other relevant information
  - Asking price (see 'Price' section below)
  - Any restrictions, conditions and covenants
  - Known costs, such as service charges, rateable value
  - Any other known items included in sale (note – the price expected for these should be disclosed to the Council).
  - Terms/conditions associated with the sale & the sites tenure – leasehold, freehold etc (see also 'Tenure' section below)
  - Extent of site, shown on a site plan
  - Site location including map – the map extract should show the property in relation to the road network
  - Contact details for viewing and more information
  - Any residential element to the property should be removed or subordinate to the commercial particulars
  - Parking availability and access/distances to public transport
- e) A monthly breakdown detailing contact details of interested parties in the property; all expressions of interest/offers received including rental interest, progress and negotiations undertaken including any offers made and reasons for these being rejected. Where possible the applicant should obtain from interested parties reasons/explanations as to why they were not able/willing to proceed. It is not sufficient evidence to just quote number of viewings and generalise on the feedback.
- f) Any variations in the marketed use introduced in the course of marketing;
- g) Where and how often the site was advertised;
- h) Copies of advertisements placed. The dates and publication should also be noted.
- i) Types of client advised of its availability with contact details for them;
- j) Any variations in terms/conditions on which the site is made available;
- k) Whether the site availability was referred to relevant support agencies: Hastings Borough Council's Regeneration Team; Hastings Area Chamber of Commerce (1066 Enterprise) and Sussex Enterprise.



- l) The applicant must inform Locate East Sussex (or any successor body) of the sites availability at the start of the marketing campaign, in order that the enquiry can be logged for this purpose. Contact details are at the end of this document.
- 4.7 In all cases, the marketing campaign should satisfy the parameters set above. It is essential that any deviation from the campaign is agreed in writing with Development Management team from the outset, as this will save time and costs in the future. If a 'non-agreed' campaign is undertaken or has been undertaken where the council is not satisfied that it is in accordance with what would be expected, it will result in a further period of marketing being requested at the planning application stage or could result in a refusal of permission.
- 4.8 The Council reserves the right to contact any party who has expressed an interest and to send details of the land/property to any party which it feels may be interested in purchasing/occupying the premises for occupation, investment or redevelopment purposes.
- 4.9 All of the above evidence should be appended to any planning application. A marketing campaign checklist is set out in Appendix A to help with this process.

### **Price**

- 4.10 It is important the price of the property reflects the current market value of such a property based on its current condition and use status. If the building or site requires extensive conversion/repairs, the price should be based on the unconverted state unless the works are to be undertaken prior to completion.
- 4.11 The price should not include any potential residential or other non-employment use value. You should seek a minimum of one independent valuation obtaining both freehold and leasehold prices for the building in its current condition/state. The basis of the lease should be appropriate to the nature of the use of the building.
- 4.12 It is recommended you obtain an independent valuation of the property, from an established commercial source familiar with the local area and with properties of the type to be marketed. Estate agents usually provide such a valuation service, although other sources may be considered if their credentials can be established. The cost of the independent valuation(s) will be borne by the applicant. This should also be backed by evidence. The valuation(s) should be submitted as part of the evidence accompanying the planning application and the Council may ask for justification of the price.

### **Tenure**

- 4.13 You should be prepared to offer the property or site on both a leasehold and freehold basis in order to widen appeal and help ascertain the level of interest. Flexible terms, such as short leases, monthly licences and regular break clauses are encouraged. Again, any lease price should take into account the current condition and use of the building.

### **Advertisements**

- 4.14 Advertisements for the marketing campaign should include:

- a) An advertisement should be featured at least once a month within the Commercial Section of appropriate newspapers, and at least through regional and local publications. Larger sites (1000m<sup>2</sup> and above) should also be advertised in national publications. Examples of appropriate newspapers include The Argus, Estates Gazette and Property Week. (Please note, this list is not exhaustive). There may be some publications that are inappropriate for the advertisement of commercial sites/premises. In all instances therefore, it is advised that you seek advice regarding your advertisement intentions from the Council's Development Management team. In cases where the property is part commercial/part residential, it is not appropriate for an advert to be placed solely in the residential section of the newspaper.
  - b) Trade magazines specific to commercial property or to specific industries may instead be used if more relevant to the industry. The intervals of advertisement would depend on the regularity and circulation of publications.
  - c) Continuous inclusion on the agent's website, own papers and lists of commercial/business premises;
  - d) The continuous display of a 'for sale/lease' board must be displayed on site on each site frontage to the highway throughout the marketing campaign, unless otherwise agreed.
  - e) Referral to the local business community, including the Hastings Area Chamber of Commerce for consideration of the site's/premises potential for reuse or redevelopment for employment use.
- 4.15 Applicants should note that the Council will not lightly make a decision that the marketing strategy is inadequate where applicants have adequately addressed the issues identified in this supplementary planning guidance. However it may secure independent advice on difficult, more complicated sites.
- 4.16 In instances where the Council considers that the marketing strategy employed has been inadequate, the applicant will be advised that the planning application cannot be recommended for approval. The applicant will be given the following options:
- a) To withdraw the application and further market the site addressing the concerns identified by the Council;
  - b) To withdraw the application and submit the marketing strategy to independent arbitration by a suitably qualified commercial agent agreed by both parties (in the absence of such an agreement to be nominated by the President of the Royal Institute of Chartered Surveyors) with the cost to be borne by the applicant;
  - c) To continue in the knowledge that the application will potentially be refused.

## 5.0 Changing to alternative uses

- 5.1 The diagram below shows the approach the Council will take in determining whether an alternative use to that existing can be considered, once contact with the Council and a marketing campaign has been undertaken.
- 5.2 The following tests should be examined concurrently through your marketing campaign.

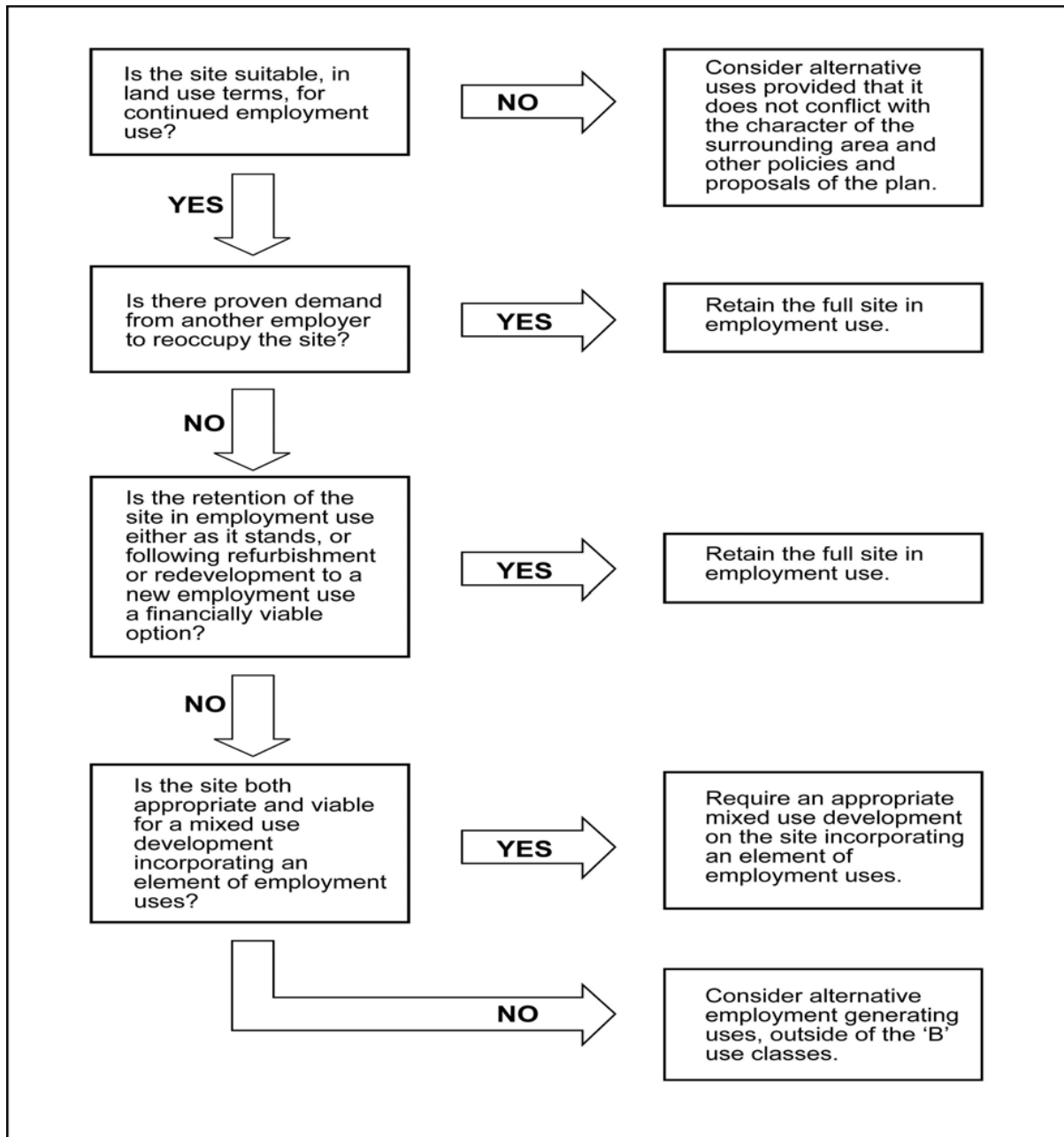


Figure 1: The Council's approach towards proposals that involve the loss of employment land and premises to other uses.

### Test 1 – Is the site suitable in land use terms for continued employment use?

- 5.3 Where an applicant is seeking to demonstrate that an existing employment site is not suitable, in land use terms, for continued employment use, the Council will expect a

planning application to be accompanied by a detailed supporting statement to support this case.

- 5.4 In determining a site's/premises suitability in land use terms, the Council will take into account the fact that there are considerable differences between employment uses. Although one use may, at present, cause amenity issues, this does not necessarily rule out the ability of the site/premises to accommodate a less disturbing employment use.
- 5.5 Where consideration is being given to alternative uses of employment land or premises, any such proposals must ensure that the proposed use does not conflict with the character of the surrounding area and other policies and proposals within the Plan, or any other material considerations.

**Test 2 – is there proven demand from another employer to reoccupy the site?**

- 5.6 Is there a proven demand for other employment uses to occupy the premises/site in its present condition?

**Test 3 - Is the retention of the site in employment use either as it stands or following refurbishment or redevelopment to a new employment use a financially viable option?**

- 5.7 There may be instances where an applicant can demonstrate that there is no demand for an employment site in its present condition and that the site's buildings are of a state that they would be unsuitable for continued employment use. In such cases, it is important to recognise that the value offered by such sites does not arise solely from the existing buildings but from the potential the site offers as a suitable location for future employment uses. The Council will therefore, expect an applicant to provide evidence showing careful consideration of how the site could be refurbished or redeveloped for employment purposes; and that they have marketed it accordingly.
- 5.8 Furthermore, although the retention of the site in employment use may not be viable at a particular moment in time, the economics of development may change over time and refurbishment/redevelopment for employment uses could potentially become a viable proposition in the future. In this respect, such sites are still considered to have value as an employment resource.
- 5.9 In view of this, applicants will be expected to clearly demonstrate in a supporting statement accompanying the planning application, why they consider that new employment development cannot be achieved on site for reasons of financial viability. The Council will give full consideration to the evidence submitted. It may need to take independent advice on the information provided and the applicant will be expected to pay the Council's expenses for this.
- 5.10 There are two stages to establishing that a site is in such a poor condition that it is uneconomic to either refurbish or redevelop it for employment purposes:
- 1) Establish from marketing that prospective occupants are not proceeding with the purchase because of the condition of the premises;
  - 2) Establish that the costs involved in refurbishing or redeveloping the site for employment use are greater than the return that could be anticipated.

- 5.11 The Council is unlikely to concede that the site is in poor condition unless this conclusion can be drawn from site marketing evidence (this evidence must be provided in line with section 4 of this SPD – the marketing campaign). In considering marketing evidence, the Council will pay particular attention to the market price at which the site has been offered. It will expect the price to reflect the current state of the property.
- 5.12 The following evidence will be required to demonstrate a case that the costs of refurbishment/redevelopment exceed the likely returns from the site:
- a) A full structural survey of the existing premises highlighting the matters that require refurbishment or which are incapable of refurbishment. This survey should be prepared by a suitably qualified professional consultant;
  - b) A survey of the site from an operational point of view indicating any exceptional or site specific costs. These costs to be prepared by a suitably qualified professional consultant;
  - c) A detailed cost breakdown of the works required to refurbish/redevelop the site. These costs to be prepared by a suitably qualified professional consultant;
  - d) Written evidence from 3 recognised separate financial institutions of the likely cost of borrowing over a fifteen year period to fund these costs;
  - e) Written evidence from 3 recognised separate financial institutions that they would not be prepared to advance finance for refurbishment/redevelopment, with the applicant to bear any costs involved in obtaining this information;
  - f) An indication (in the case of a prospective landlord) that the anticipated rate of return from the premises would not cover the costs of refurbishment/redevelopment;
  - g) An indication (in the case of a prospective owner occupier) that the level of income needed to cover both the costs of refurbishment/redevelopment and other necessary overheads would be unsustainable.
- 5.13 The Council will seek to verify any such information submitted under these criteria. It is recognised that some of this information is of a confidential nature and the Council will take steps to ensure that it is not made publicly available or used for purposes other than those set out in this SPD.
- 5.14 Where it can be demonstrated that redevelopment for employment purposes alone cannot be achieved on financial grounds, the Council expects applicants to consider:
- a) Approaching support agencies to see whether additional funding may be available to assist the redevelopment; and
  - b) Preparing alternative schemes which can deliver some employment floorspace on the site.

**Test 4 - Is the site both appropriate and viable for a mixed use development incorporating an element of employment uses?**

- 5.15 There may be instances where a site's sole use for employment purposes is no longer viable. In such cases the Council will expect applicants to have examined the

possibility of developing either mixed use schemes, including live/work units, or other elements including some residential to cross fund development. In such cases, and where this is demonstrated by the applicant/agent, the Council will adopt a more flexible approach and, will seek to secure a mix of land uses.

- 5.16 In assessing such proposals the Council will normally expect, at least, the equivalent amount of employment floorspace to be delivered on site as exists under the present use. Where this cannot be achieved the Council will expect that the other elements of the scheme should be the minimum necessary to support a viable employment development on the site. Applicants will be required to submit a reasoned justification as to why the employment floorspace cannot be replaced in full.
- 5.17 When determining the proportion of the overall site to be developed for employment uses, the Council will assess the individual merits of each case, but in doing so will take account of the employment resource being lost and the potential level of employment that can be achieved within the mixed use development.
- 5.18 If a mixed use scheme is pursued, then any planning permission granted, subject to other material considerations and those items detailed in this SPD, will be conditional on the delivery of the employment uses on the site which is linked to the higher value use/s. It will normally be expected that the employment element will be required to be constructed in advance of the higher value uses.
- 5.19 Where an applicant has demonstrated the continued use of a site/premises either for solely employment use or a mixed use scheme is not viable, then in accordance with our sequential approach, other employment generating uses not within the 'B uses' of the Town & Country Planning (Use Class Order) 1987 (as amended) will be preferred.
- 5.20 If an applicant/agent considers that an employment scheme can only be made viable by incorporating a residential element to the scheme, then it should be demonstrated why a non-residential mixed-use development, including employment floorspace, is not feasible on a particular site. The evidence required should include relevant cost information as detailed in the viability section of this SPD. Where this is satisfactorily demonstrated residential development proposals will need to demonstrate that the resulting residential amenity conditions are satisfactory and that there would be no unacceptable impact on the operating conditions of existing and potential businesses allowable at a location by virtue of its potential use classification.
- 5.21 Any outline approval granted for residential development on an existing employment site will normally be conditioned to ensure that any subsequent reserved matters conform with the agreed approach, whether that be in relation to a mixed use proposal or through the conversion for other employment generating uses.

#### **What will be done with the evidence?**

- 5.23 Evidence will largely be assessed in house. However, in exceptional circumstances the Council may seek external advice and verification of the evidence submitted.

## **6.0 Further Information**

### **Status of this Supplementary Planning Document (SPD)**

- 6.1 This SPD is a material consideration to be taken into account in determining planning applications. Planning Inspectors will also have regard to it in deciding appeals against refusals of planning permission.

### **Contact details**

#### **Hastings Borough Council Development Management team**

- 6.2 For further information regarding the implementation of this SPD, or clarification of any of the information requirements required, please contact the Council's Development Management team using the following details:

Telephone: 01424 451090

Email: [dcenquiries@hastings.gov.uk](mailto:dcenquiries@hastings.gov.uk)

By post:  
Aquila House  
Breeds Place  
Hastings  
East Sussex  
TN34 3UY

This SPD is available to view or download from our website at [www.hastings.gov.uk/spd](http://www.hastings.gov.uk/spd)

#### **Locate East Sussex**

- 6.3 To inform Locate East Sussex about site availability as part of the marketing campaign, please contact the Locations Services Manager using the following details

Telephone: 0844 4159255

Email: [enquiries@locateeastsex.org.uk](mailto:enquiries@locateeastsex.org.uk)

## Appendix A – Marketing Campaign Checklist

		Yes	No	Date
1	Contact made with the Council's Planning Department			
2	Advice received from the Planning Department in relation to your proposal.			
3	Did the advice request a marketing campaign to be undertaken?  If yes – please continue to steps below  If no – An application can be submitted without following the steps below			
4	Written details of the required scheme received from Hastings Borough Council Development Management team			
5	Submission of details forwarded to the Council's Development Management case officer for consideration.  (The following must form part of your submission)  Site Particulars:  a) Are the following included? <ul style="list-style-type: none"> <li>• external photo(s); description of the site/premises;</li> <li>• current permitted use and potential uses subject to planning; price and tenure; dimensions of: <ul style="list-style-type: none"> <li>- building</li> <li>- internal rooms</li> <li>- gross internal area</li> <li>- size of the total site including any land</li> <li>- services;</li> </ul> </li> <li>• restrictions and covenants that may affect the site;</li> <li>• location map extract; contact details for viewings (other relevant information to attract potential commercial investors should also be detailed)</li> </ul> b) Advertisement details: <ul style="list-style-type: none"> <li>• A draft advert indicating the size and format together with confirmation of where the advert will be placed and its regularity.</li> <li>• Confirmation of how the property will be advertised including online advertising</li> </ul> c) For sale/to let board: <ul style="list-style-type: none"> <li>• Confirmation that a for sale/to let board will be erected on site</li> </ul> d) Evidence based information: <ul style="list-style-type: none"> <li>• Details of negotiations, independent valuation and sales particulars prior to start of campaign.</li> <li>• The method and format of reporting progress of</li> </ul>			



		Yes	No	Date
	<p>interested parties, copies of advertisements placed the date and publication</p> <ul style="list-style-type: none"> <li>The methods and format of reporting the final marketing campaign and its results</li> </ul>			
6	Have the above details been formally agreed by the Council and written acceptance been received?			
7	Has the start date and length of campaign been confirmed in writing?			
8	<p>Evidence based information:</p> <ul style="list-style-type: none"> <li>Submission reports (at agreed intervals) to the Council's Development Control Case Officer including copies of advertisements placed, the date and publication</li> </ul>			
9	<p>Evidence based information:</p> <ul style="list-style-type: none"> <li>Submission of final summary of marketing campaign to the Council's Development Control Case Officer for consideration</li> </ul>			
10	<p>Written confirmation received from the Council that the campaign has been undertaken in a manner that satisfies the requirements of Policy E1.</p> <ul style="list-style-type: none"> <li>If yes please append all of the above evidence to any future planning application</li> <li>If no further negotiations will be required before submitting a planning application</li> </ul>			

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# Agenda Item 8



**Report to:** Cabinet

**Date of Meeting:** 7 December 2015

**Report Title:** Hastings Local Plan - Visitor Accommodation Supplementary Planning Document

**Report By:** Monica Adams Acton  
Assistant Director – Regeneration and Culture

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## **Purpose of Report**

To adopt the Visitor Accommodation Supplementary Planning Document following formal public consultation

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## **Recommendation(s)**

**1. That the draft Supplementary Planning Document is formally adopted**

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## **Reasons for Recommendations**

To conform to Regulation 14 of the Town & Country Planning (Local Planning) (England) Regulations 2012, and enable the Supplementary Planning Document to hold full weight as a material consideration in the determination of planning applications.

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## Introduction

1. Visitor Accommodation is an important part of the tourist offer in Hastings. Statistics show that staying visitors spend much more in the town than day visitors. In order to support jobs growth and promote visitor spend, visitor accommodation will be protected wherever it is viable. Under Policy E4 of the adopted Hastings Planning Strategy, any proposed change away from visitor accommodation requires compelling evidence to be submitted to demonstrate that the premises is no longer viable as visitor accommodation. The details of what evidence required is set out in the Visitor Accommodation Supplementary Planning Document (SPD).
2. SPDs provide additional details as to how planning policies will be implemented. They carry weight in the planning system and are a material consideration in the determination of planning applications.
3. An earlier version of the Visitor Accommodation SPD was adopted in March 2011 to support Policy T4 of the Hastings Local Plan 2004. The Hastings Local Plan 2004 has now been superseded in its entirety by the Hastings Planning Strategy (adopted 2014) and the Development Management Plan (adopted 2015), which provides an opportunity to re-asses the contents of the SPD, to make sure it is fit for purpose, and to formally link it to the most up to date Local Plan policy.
4. A copy of the SPD is contained in Appendix A.

## Consultation

5. The Town & Country Planning (Local Planning) (England) Regulations 2012 require Local Planning Authorities to undertake 2 distinct stages of consultation in preparing SPDs – Informal stakeholder engagement, followed by formal public consultation.
6. Given the very specialist nature of this SPD, early informal stakeholder engagement was limited to those with an interest in the tourism industry only, and those who had been involved in the SPD before. Those contacted were invited to attend an informal focus group, or to submit any comments or queries in writing. A consultation statement setting out who was consulted, the main issues raised, and how they were addressed in the drafting of the SPD was published alongside the consultation draft, and will be updated and published alongside the final SPD at the time of adoption.
7. The second stage of consultation involved a formal 4 week period where the wider public were invited to submit formal representations under Regulation 13 of the Town & Country Planning (Local Planning) (England) Regulations 2012. This consultation took place between 5 October and 2 November 2015. The consultation was advertised through our Local Plan newsletter (circulated to nearly 4,000 people and organisations on our Local Plan database), with statutory consultees and those involved in the process already being written to directly. The word was also spread by writing to the Tourism Association directly, asking them to disseminate the information to their contacts.

8. No representations were received as a result of this formal consultation.

## What has changed?

9. Only minor amendments were made to the SPD as a result of both stages of consultation. This included factual updates, as well as the re-organisation of the document to make it as concise and easy to read as possible. The information requirements in relation to profit and loss accounts (7a and 7b of Appendix A) has been rationalised as this was previously very detailed and deemed unnecessary. Other amendments relate to updating of statistics and the planning policy background.

## Policy implications

10. This revised SPD is an update of an earlier document and is necessary to bring the SPD in to line with and support newly adopted Local Plan policy. The wider policy implications in terms of for example, equalities & community cohesiveness and environmental issues, have already been examined through the development and adoption of the new Local Plan.

## Conclusion

11. It is important that this SPD is adopted as a supporting Local Development Document for the new Local Plan, in order for it to carry sufficient weight in the planning application process. All elements of the Town & Country Planning (Local Planning) (England) Regulations 2012 have been followed and complied in so far as they relate to the production of Supplementary Planning Documents, and the views of the community have been addressed as far as possible. It is therefore recommended that this document is taken forward to Cabinet and Full Council for adoption.

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## Wards Affected

All wards – applies Borough wide

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## Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	Yes
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	Yes
Economic/Financial Implications	Yes
Human Rights Act	No
Organisational Consequences	No
Local People's Views	Yes
Anti-Poverty	No

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**Additional Information**

Appendix A – Visitor Accommodation Supplementary Planning Document

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**Officer to Contact**

Stephanie Roots  
sroots@hastings.gov.uk  
01424 783329

Appendix A

# Retention of Visitor Accommodation - Supplementary Planning Document

Adopted 16 December 2015

## Contents

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## **1.0 Introduction**

- 1.1 The tourism industry is an important contributor to the local economy in Hastings. 6.8% of people were employed in the accommodation and food service sector in 2009, rising from 6% in 2007. Tourism contributes £253 million to the local economy and supports an estimated 5,280 jobs, equating to 3,911 Full Time Equivalents (source: Tourism South East, 2013).
- 1.2 Staying visitors are particularly important to the local economy. In 2013, an estimated 427,000 staying trips were spent in the Borough, up 1.3% compared to 2012. These overnight visitors spent just under £91.5 million on their trip, compared to 3.2 million day visitors spending just £82.4 million, giving a spend of £180 per head for staying visitors compared to £30 per head for day visitors (Source : Tourism South East).
- 1.3 Whilst there has been some improvement in recent years in the numbers of visitors to the area and the money being spent in the town, the lack of quality visitor accommodation is still a significant issue, and the Council are working hard to improve the contribution tourism makes to the economy as a whole.
- 1.4 The town currently has around 1000 serviced visitor bed spaces, not all of a good quality, compared with a total of around 8,000 in 1951. This represents a low base compared with many of Hastings' competitors, such as Eastbourne with around 7,000, Brighton with 13 000, and Bournemouth with around 23,000. Visitor accommodation continues to be lost, although some very good quality boutique hotels have opened in the area in recent years.
- 1.5 The provision of new visitor accommodation, the maintenance and, where necessary, the improvement of existing accommodation are therefore of key importance to the town. Our main aim is to encourage more all year round short stay visitors with a higher spending power, leading to the provision of permanent jobs in the tourist sector and contributing to the regeneration of the town. Our events programme, concentrated on the 'shoulder'/low season, helps in this respect, as does our positioning of Hastings as a great base from which to visit the whole of 1066 Country. We also particularly target overseas visitors, who traditionally spend more than domestic visitors (many of whom stay with friends and relatives).

### **Development Plan Background**

- 1.6 The Hastings Local Plan currently comprises two key documents that provide the statutory framework for land use and development in Hastings up to 2028. These documents include the Hastings Planning Strategy 2014 and the Development Management Plan 2015.
- 1.7 Policy E4 of the Hastings Planning Strategy seeks to deliver the Council's priorities for Tourism, particularly focusing on visitor attractions, visitor accommodation and language schools. This is set out below.

#### **Policy E4: Tourism and Visitors**

**The Council will work to promote and secure sustainable tourism development in the town. A more diverse and high quality tourism offer will be encouraged that seeks to lengthen the tourism season, increase the number of visitors, provide job opportunities and sustain the tourism economy.**

##### **Visitor Attractions:**

**New visitor attractions will be encouraged and those that already exist will be protected, unless it can be demonstrated they are no longer economically viable either in existing or adapted form. The upgrading of provision will be encouraged where it increases the range and/or quality of tourist facilities.**

**Proposals for new visitor attractions will be considered sympathetically anywhere within the Borough subject to other policies. The seafront is seen as the core resort area and particular support will be given to measures and proposals which are well related to the seafront.**

##### **Visitor Accommodation:**

**New visitor accommodation will be directed to the Seafront, the main arterial routes, and close to other generators of demand. Extension to existing visitor accommodation will also be supported, subject to design and location policies.**

**The priority areas for retention of serviced visitor accommodation are the Seafront (including Warrior Square), the Old Town and the Town Centre. In these areas, there will be a presumption against a change of use away from existing facilities unless the facility is no longer viable or is incapable of improvement to a good standard. Outside these areas, change of use away from visitor accommodation (including camping, caravan and chalet sites) will be resisted, unless the criteria of the Visitor Accommodation Supplementary Planning Document (SPD) are adhered to, and the unviable nature of the business can be demonstrated. The SPD contains guidance in support of this policy approach.**

##### **Language Schools:**

**In recognition of their importance to the local economy, the Council will also support proposals that improve, protect or make new provision for language schools in suitable locations. Proposals for changes of use of language schools to other uses will be resisted unless it can be demonstrated that the use is no longer economically viable.**

- 1.8 This Supplementary Planning Document (SPD) provides additional guidance and support for the Visitor Accommodation element of Policy E4 above, and constitutes a material consideration in the determination of planning applications.

## **2.0 Purpose and objectives**

- 2.1 The overarching objective of the Retention of Visitor Accommodation SPD is to secure the proper implementation of Policy E4 of the Hastings Planning Strategy 2014. This is supported by two further objectives:
- a) To ensure an adequate supply of visitor accommodation (including caravan, camping and chalet sites) in Hastings Borough.
  - b) To protect existing visitor accommodation premises where there is a good prospect of the use continuing.
- 2.2 This SPD is necessary to provide certainty and detail for potential applicants in terms of the evidence the Council requires to be submitted in support of any planning applications for the change of use away from visitor accommodation. Providing the correct information at the outset will also help to avoid delay in processing such applications.

## **3.0 Information requirements**

### **Which establishments are included?**

- 3.1 This SPD relates only to cases where a planning application is being submitted to change existing visitor accommodation such as a hotel, guest house, caravan, camping or chalet site, to an alternative use. It may also apply in certain situations where a partial change of use is proposed.
- 3.2 The SPD does not apply to dwelling houses where one or two rooms are being used for guests and they share facilities with the family. This type of establishment is classed as residential accommodation and is therefore not covered by Policy E4 of the Planning Strategy.
- 3.3 Each application is, however considered on a case by case basis, and on its own merits. If you are in any doubt as to whether the SPD applies to your property, you are advised to contact the Council's Development Management team using the contact details at the end of this document.

### **What evidence is required?**

- 3.4 Appendix A provides a checklist of the evidence required to be submitted with any planning application to change the use of existing visitor accommodation to an alternative use.
- 3.5 The requirements in appendix A apply to the town as a whole, and not just identified priority areas. The Council does however recognise that the information required may be onerous for smaller establishments to provide. Therefore, visitor accommodation with 3 or fewer guest bedrooms will only be required to provide the evidence required in Appendix B.

### **When is the evidence required?**

- 3.6 Planning applications for changes of use of visitor accommodation that has 4 or more guest bedrooms should be accompanied by the evidence required in Appendix A.
- 3.7 Planning applications for changes of use of visitor accommodation with 3 or fewer guest bedrooms should be accompanied by the evidence required in Appendix B.
- 3.8 Applicants should attempt to respond to all items listed in the relevant appendix. If an applicant is not able to provide evidence on a particular item or does not consider it relevant to the application, they should provide reasons for this in writing at the time of submitting the application. If an applicant considers that there are special circumstances that should be taken into account they should include an explanation of these with their application. The Council will be better able to process applications in a timely manner if they are accompanied by reasonable levels of evidence/explanation as set out above.

### **What will be done with the evidence?**

- 3.9 The Council's lead officer for Tourism will be consulted and will provide advice to the planning officer dealing with the application in the form of a written report. This will inform the planning officer's final report. In exceptional circumstances the Council may seek external advice and verification of the evidence submitted.

## **4.0 Further information**

### **Status of this Supplementary Planning Document (SPD)**

- 4.1 This SPD is a material consideration to be taken into account in determining planning applications. Planning Inspectors will also have regard to it in deciding appeals against refusals of planning permission.

### **Contact details**

#### **Hastings Borough Council Development Management team**

- 4.2 For further information regarding the implementation of this SPD, or clarification of any of the information requirements required, please contact the Council's Development Management team using the following details:

Telephone: 01424 451090

Email: [dcenquiries@hastings.gov.uk](mailto:dcenquiries@hastings.gov.uk)

By post:  
Aquila House  
Breeds Place  
Hastings  
East Sussex  
TN34 3UY

This SPD is available to view or download from our website at [www.hastings.gov.uk/spd](http://www.hastings.gov.uk/spd)

## **Appendix A - Evidence Checklist (4 or more guest bedrooms)**

Information required in support of a planning application for the change of use of a hotel or guest house with 4 or more guest bedrooms.

1. Location – evidence that the character of the area has changed to such an extent in recent years that it is no longer suitable for a tourism use. For example, if the area has become industrialised and is no longer an attractive location for staying visitors.
2. Evidence that the property has been marketed for sale for at least 2 years at a market price which reflects the existing use as a hotel or guest house, and the condition of the building. Evidence of marketing of the property should be submitted. This should include details of agents used, copies of brochures and advertisements with dates, records of response, interest shown and offers received with reasons for being rejected, if appropriate.
3. Evidence of business planning and performance against targets. This would normally take the form of an annual Business Plan. Where no such plan exists applicants should provide a reasoned justification as to why it has not been prepared.
4. Evidence of marketing of the building as a tourist facility over the last three years or number of years trading if less. This would include brochures, advertisements, web-sites, entries in Accommodation Guides etc.
5. Evidence of any capital upgrading of the premises by the present owner.
6. Evidence of the management experience of the present owner/manager.
7. Profit and loss account.
8. Evidence of the physical condition of the building, including surveyor's reports, which should include an estimate of cost, if significant repair is required. Evidence should also be provided of the impact of this on future viability of the business.
9. Evidence of the scope for refurbishment of the building to upgrade facilities. A surveyor's report, to include an estimate of cost, will be required, together with evidence of the impact of this on future viability of the business.
10. Evidence of the market value of the premises: (a) in their present condition, (b) after repairs, if required, and (c) after refurbishment, if required.
11. Evidence of whether the premises could be converted to other tourist accommodation e.g. language school

## **Appendix B - Evidence Checklist (3 or fewer guest bedrooms)**

Information required in support of planning applications for the change of use of hotels and guest houses with 3 or fewer guest bedrooms:

1. Location – evidence that the character of the area has changed to such an extent in recent years that it is no longer suitable for a tourism use.
2. Evidence that the property has been marketed for sale for at least 1 year at a market price which reflects the existing use as a hotel or guest house, and the condition of the building. Evidence of marketing of the property should be submitted. This should include details of agents used, copies of brochures and advertisements with dates, records of response, interest shown and offers received with reasons for being rejected, if appropriate.
3. Profit and loss account

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# Agenda Item 9



**Report to:** Cabinet

**Date of Meeting:** 7 December 2015

**Report Title:** East Sussex County Council Waste and Minerals Sites Plan - Proposed Submission Draft

**Report By:** Monica Adams-Acton  
Assistant Director – Regeneration and Culture

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## Purpose of Report

To gain Cabinet approval to submit formal representations on the Submission version of the County-wide Waste and Minerals Sites Plan, for consideration at Independent Examination

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## Recommendation(s)

- 1. That the Council submit an objection to the emerging Waste and Minerals Sites Plan as a whole, in view of its significant conflict with the policies in the adopted Hastings Development Management Plan 2015.**
- 2. That the Council specifically objects to the identification of 3 'Areas of Search' sites and 1 'Area of Opportunity' site within the Hastings borough boundary for the purposes of waste disposal/waste management. These are considered to be in direct conflict with Policies in the recently adopted Development Management Plan and will significantly prejudice delivery of employment opportunities within the Borough.**
- 3. The Council would reaffirm its previous objection to the inclusion of the site at Whitworth Road as an area of search and in light of Hastings' previously expressed concerns is disappointed that this appears in the Proposed Submission version of the Plan.**
- 4. Urge East Sussex County Council to consider preparing a Revised Proposed Submission draft of the Waste and Minerals Sites Plan in light of this Council's concerns.**
- 5. The Council reserves the right to appear at future Hearing Sessions as part of the Waste and Minerals Site Plan Examination in Public in order to support its objection.**

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## Reasons for Recommendations

To enable the Council's strong concerns to be made known to the County Council as part of the preparation of its Waste and Minerals Sites Plan, and to allow them to be addressed in a final version of the Plan.

To enable the Council's views to be considered as part of the Examination in Public of the Waste and Minerals Sites Plan by an independent Planning Inspector.

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## Introduction

1. East Sussex County Council has published the final version (The Proposed Submission version) of its Waste and Minerals Sites Plan for formal consultation, prior to its submission and consideration by an independent Planning Inspector at Examination in Public.
2. Essentially the Waste and Minerals Sites Plan identifies sites for new waste management facilities, whilst protecting those existing. Its purpose is to identify enough new waste management facilities across the County to provide for the additional recovery and recycling capacity required to meet overall targets for diverting waste from landfill, and for East Sussex to be self-sufficient overall in waste management capacity. The proposed timescale of the Plan covers the period to 2026.
3. Notwithstanding the county wide coverage of the Plan in seeking to ensure that there is appropriate capacity for meeting this important function, this report focuses upon those elements of the Plan with particular relevance and concern to Hastings. The Waste and Minerals Sites Plan identifies 4 locations as being either areas of search for, or areas of opportunity for, waste related development within Hastings Borough. It is of particular concern that these locations are made up of 5 of the sites specifically allocated for employment purposes in the Council's very recently adopted Development Management Plan (DMP). These 4 locations are:
  - Ivyhouse Lane Extension
  - Burgess Road
  - Whitworth Road
  - Land west of Queensway (2 allocated sites in the DMP)
4. These sites are all formally allocated for employment (as a mix of B Use Classes) use in the recently adopted Hastings Development Management Plan. Such uses, under the Council's now adopted Policies, would not include waste recovery or waste related uses.
5. Representations made at this stage will be forwarded to the appointed Planning Inspector for consideration during the Examination process of this Waste and Minerals Sites Plan. Representations made must be based on the "Tests of Soundness" and "Legal Compliance" as required by the National Planning Policy Framework (see paragraph 21 below).

## Previous consultations

6. Hastings Borough Council previously submitted comments in August 2014 on the emerging draft Waste and Minerals Sites Plan. In summary, the Borough Council's response was to:

- a) Support the draft Plan providing that possible future waste management facility uses will be in conformity with policies in the Hastings Planning Strategy and Development Management Plan, and will not impact on the amenity of nearby residents
  - b) Object to the inclusion of the site at Whitworth Road due to the potential impact on marketing, promotion, development and regenerative impact of the site, in light of the intended business gateway.
  - c) Include existing concrete batching plant at Hanson Quarry on Sedlescombe Road North in relevant policy, in order to safeguard its continued use.
7. The County Council noted recommendation a), but did not accept recommendation b). They argue that modern waste management facilities are a source of secure long-term employment, and that investment in modern facilities can benefit the local economy. The version of the Plan now being consulted upon has been amended to take account of recommendation c).

## Timetable

8. Representations on the County's Plan must be formally submitted by Wednesday 23 December 2015.

## Consideration

9. The Waste and Minerals Sites Plan is intended to be a guide to the suitability of potential waste sites, and the County Council indicates in its proposed submission Plan that not all proposals will need to be developed by the waste industry to meet their overall targets for recycling and recovery. The final number of waste development sites required depends largely on the size and capacity of the new facilities that do come forward. As the scale of what might be needed or proposed is not clear at this stage this does give some additional cause for concern in respect of potential impact upon allocated sites within the DMP.
10. Despite only a proportion of sites being likely to be required, the inclusion of sites in a Local Plan document such as this will establish the principle of such development, should the Waste and Minerals Sites Plan be adopted in its current form. In particular the establishment of such principle with regards to a number of the prime employment sites identified within the DMP could impact significantly upon the Council's employment strategy. It is therefore important that this Council register any objections at this stage, and seek to change what is not considered to be in Hastings' best interest.

### **Allocation of sites for waste development – conflict with adopted Local Planning Policy**

11. The Hastings Development Management Plan was formally adopted by Full Council on 23 September 2015, following detailed consideration at Examination in Public, and approval from the Secretary of State. There are 5 individual employment (mix of B use classes) allocations in the Development Management Plan that make up the 4 identified "Areas of Opportunity" and "Areas of Search" in the Waste and Minerals Sites Plan. The identification of these areas/sites for waste development purposes which are classified as a "sui-generis" use class, as opposed to our own employment (ie namely a mix of "B" use class) uses is

therefore clearly a departure from the Development Management Plan allocations, and as such, is contrary to adopted Local Plan policy.

12. It should be emphasised that a critical part of this Council's previous consultation response to the then emerging Waste and Minerals Plan was to support the draft Plan **“providing that possible future waste management facility uses will be in conformity with policies in the Hastings Planning Strategy and Development Management Plan, and will not impact on the amenity of nearby residents”**.
13. It is worrying that the Site Screening Document, which forms part of the submission documents that accompany the Waste and Minerals Sites Plan, does not acknowledge incompatibility or conflict with the employment allocations in the adopted Development Management Plan for any of the sites proposed, which is undoubtedly the case. This is a matter which was clearly a proviso set down in Hastings earlier supportive response to the then emerging Plan. It is further considered that the development of these sites for waste management/waste recovery purposes, including the as yet unknown scale of any waste facilities required, is also likely to impact upon nearby residents – an additional and important caveat set out in our earlier comments to the County's emerging Plan.

#### **Evidence and deliverability**

14. The employment allocations for a mix of B class uses in this Council's Development Management Plan are based on extensive evidence gathering and widespread consultation with landowners, businesses and residents in order to be able to demonstrate deliverability at Examination in Public. It is uncertain whether at this stage whether the County has approached relevant landowners in respect of their proposed “Areas of Search” and any willingness for the land to be used for this purpose. Land uses for such waste purposes might well attract significantly less value than those for other employment uses; and thus prove undeliverable on this basis. Certainly the Council's previous objection to the identification of the site at Whitworth Road in particular (and which is Council owned) demonstrates that without the landowner's agreement, there is little or no prospect of delivery, and therefore should not be allocated in the Waste and Minerals Sites Plan if it is to be considered “sound”.

#### **Impact on job creation and demand**

15. There is a compelling need within Hastings to ensure that the Council makes maximum use of our allocated employment space due to the continuing low job density rate in Hastings, together with the constrained/lack of available employment space. This is needed for a variety of reasons; but especially to ensure that increased job opportunities exist to support the existing population, reduce unemployment, and to provide for needs that will occur as part of the growth of “at least 3,400 new homes” proposed within the Council's adopted Hastings Planning Strategy (2014). The Planning Strategy also sets an overall target for employment floorspace development, based on a sound and robust evidence base, that takes account of future job requirements, regeneration activity and need for economic growth, substantiated at its own Examination in Public. Whilst it is acknowledged that waste development opportunities will provide some element of job creation, this will be at a significantly lower density than would be achieved by our existing

DMP allocations and would be especially damaging in respect of a number of the prime employment allocations now allocated in the adopted DMP.

16. All sites identified in the Development Management Plan are required to be retained for employment uses in order to meet the targets set in the adopted Planning Strategy; and to provide the number of jobs needed to meet existing demand, as well as the new demand created by the provision of new homes. Their loss would potentially undermine the employment strategy set and agreed for Hastings, and would impact significantly and negatively, not only on the local economy, but also in sustainability terms due to the subsequent increased need for residents to be forced to travel outside of the Borough for work.

### **Comments upon the County's Proposed Submission document**

17. The Waste and Minerals Sites Plan identifies Burgess Road, Ivyhouse and Whitworth Road as "Areas of Search for New Mixed Use Development within and as a location that is proposed by a Borough or District". The Plan states that these sites form part of a wider mixed use development, and that waste development will be brought forward for development as part of the growth or expansion of a major urban area. It continues by suggesting that the deliverability of these locations will be dependent on when the major expansion is brought forward and what phasing of housing and employment land is undertaken.
18. Whilst the County document is somewhat unclear as to what it means by referring to these areas of "mixed use" development none of the sites proposed as part of the "Area of Search" are allocated for mixed use development within the DMP in terms of their being allocated for a general mix of employment purposes. They are located on established employment estates with clear objectives for bringing forward the DMP allocations and specifically relate, in a Policy sense, to B use classes only (under the Town and Country Planning Use Classes Order). These are unlikely to include uses such as those proposed in the proposed Waste and Minerals Plan, which are likely to be defined as "sui-generis".

### **Existing employment estates**

19. Policy SP5 of the Waste and Minerals Sites Plan is a broad criteria based policy that supports waste management development on identified existing industrial estates in principle, subject to certain criteria. In response to this Policy, it is questioned whether the broad assumption that such facilities can always be acceptable on established estates, particularly in instances where there is existing successful development and/or development opportunities centred on the B use classes. Depending upon the scale, nature and location of waste facilities required, it is accepted that it might be possible to accommodate some facility on some existing industrial sites. However the Council would maintain strong objection to such approach being promoted on the prime employment locations within the DMP and consider this would undermine its employment strategy.

### **Material change in status of the Hastings Local Plan**

20. There has been a significant material change in the status of the Development Management Plan since representations were previously submitted to the County Council on its then emerging Waste and Minerals Plan in August 2014. At that

time, the Development Management Plan had not been formally adopted, nor indeed had its examination in public even begun. The DMP therefore did not carry full weight in the decision making process. Hastings Borough Council now has a full, sound and legally compliant statutory development plan, which has undergone its own thorough examination process and should retain primacy in the decision making process and in providing for the future needs of Hastings.

## Tests of Soundness and Legal Compliance

21. With regards the examination of the Waste and Minerals Plan there are 4 tests of soundness as required by National Planning Policy Framework (NPPF) that are used in the Examination of development plans. The Plan in question must be:
1. Positively prepared – a strategy that seeks to meet objectively assessed development and infrastructure requirements
  2. Justified – be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence
  3. Effective – be deliverable and based on effective joint working
  4. Consistent with national planning policy
22. The Plan should also be legally compliant and consistent with all relevant legislation and guidance. All representations must be made in accordance with these tests.

## Conclusion and Recommendations

23. Taking account of the issues discussed in the main body of this report, it is recommended that Hastings Borough Council submit formal representations as objections on the Waste and Minerals Sites Plan as recommended within this report. In respect of more detailed matters and those which would be further explored at examination these would be based, but not exclusively, upon the Plan's failure to meet the Tests of Soundness "Justified" and "Effective". These representations would include:
- The lack of acknowledgement of incompatibility with a recently adopted Development Management Plan, and the potential to undermine its delivery, particularly of jobs and associated regeneration and economic benefits as well as overall integrity of the DMP.
  - What evidence is there of reasonable alternatives to the Areas of Search/Opportunity within Hastings having been considered (including across County)?
  - Concern and disappointment at previous objections not being taken on board.
  - The lack of evidence presented to support the Waste and Minerals Sites Plan that demonstrates its ability to be deliverable and effective, particularly in terms of discussions with land owners and the availability of the land for the purposes proposed
  - Lack of evidence of assessment of impacts upon neighbouring properties

- The significant impact on Hastings' employment strategy in terms of the potential loss of some of our largest and most viable employment allocations
- The significant impact on job creation and thus sustainability and demand should allocated employment sites be developed for alternative uses.
- Potential negative impact on existing estates
- The sites that make up the "Areas of Search" within the Hastings Borough boundary do not form part of a wider mixed use development as stated in the Submission Plan but have been specifically allocated for a mix of B class uses.

24. In light of the strength of these concerns the Council should reserve the right to appear at the relevant Hearing Sessions at the formal Examination in Public of the Waste and Minerals Plan to present its case in support of these objections.

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### **Wards Affected**

Ashdown, Baird, Braybrooke, Castle, Central St. Leonards, Conquest, Gensing, Hollington, Maze Hill, Old Hastings, Ore, Silverhill, St. Helens, Tressell, West St. Leonards, Wishing Tree

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### **Policy Implications**

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	Yes
Economic/Financial Implications	Yes
Human Rights Act	No
Organisational Consequences	No
Local People's Views	Yes
Anti-Poverty	No

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### **Additional Information**

Waste and Minerals Sites Plan:

<http://consult.eastsussex.gov.uk/portal/wmsp/submission/>

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### **Officer to Contact**

Stephanie Roots  
 sroots@hastings.gov.uk  
 01424 783329

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# Agenda Item 10



**Report to:** Cabinet

**Date of Meeting:** 7 December 2015

**Report Title:** New Factory Unit

**Report By:** Peter Grace  
Assistant Director Financial Services & Revenues

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## **Purpose of Report**

To seek approval to progress with proposals to build a new factory unit for BD Foods an existing tenant on the Castleham Industrial Estate

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## **Recommendation(s)**

- 1. To accept the most economically advantageous tender and progress with building the new factory unit**

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## **Reasons for Recommendations**

To assist a local business to expand and create additional jobs and income for the Council.

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## Introduction

1. At Cabinet on 1 September 2014 it was agreed to undertake a feasibility study (including costs) of constructing a new factory unit and that subject to the capital costs not exceeding £700,000 delegation was given to complete arrangements to deliver the new factory unit.

## Feasibility Study

2. Planning consent was granted on 13 October 2015 (with 19 conditions).
3. Tenders for construction of the unit were sought through the East Sussex Procurement Hub with a closing date of 17 November.

## Tenders

4. As at the closing date six tenders were received but two did not qualify. The four valid tenders were as follows:
  - a. Tender 1 £1,189,793
  - b. Tender 2 £1,245,092
  - c. Tender 3 £1,488,216.52
  - d. Tender 4 £1,792,911.19
5. These are being evaluated and the two lowest tenderers are to be interviewed on 3 December. A verbal update on the outcome will be given at Cabinet.

## Financial Implications

6. While the costs of construction are considerably higher than the previously budgeted amount this is mainly attributable to building cost inflation, additional requirements to satisfy East Sussex County Council Highways and the need to provide a substation, which will benefit the estate and the Council for many years.
7. The estimated total cost of the project, which includes all pre-construction work and surveys and new substation has been revised to £1.4m.

## Conclusion

8. If the Council decided not to proceed with building the unit it would prevent BD Foods from realising their expansion proposals, the new space would help them to create 20 new full time jobs, and they may have to consider relocating. The company currently occupy seven units, which provides a significant income for the Council.

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## Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	No
Risk Management	Yes
Environmental Issues	No
Economic/Financial Implications	Yes
Human Rights Act	No
Organisational Consequences	No
Local People's Views	No
Anti-Poverty	No

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## Additional Information

Part 1 & Part 2 Reports to Cabinet 1 September 2014.

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## Officer to Contact

Amy Terry  
aterry@hastings.gov.uk  
01424 451640

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# Agenda Item 12

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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